

**Report from the Association of South Essex Local Authorities (ASELA)  
Good Governance and Accountability – Proposals for Establishment of a Formal  
Joint Committee**

## **Introduction**

- 1.0 The purpose of this report is to set out proposals for the future governance arrangements for the Association of South Essex Local Authorities (ASELA) and to seek agreement of constituent authorities to now form a Statutory Joint Committee.
- 1.1 The ASELA Board is currently operating to provide growth and strategic place leadership across the whole of the South Essex region and comprises the local authorities of Basildon, Brentwood, Castle Point, Rochford, Southend and Thurrock. Its governance is based on a collaborative Memorandum of Understanding (MOU) that was agreed by all Councils in January 2018. The MOU recognises that the decision making and accountability arrangements for ASELA will need regular review to ensure that they are fit for purpose.
- 1.2 South Essex has received an initial tranche of funding from Government, and is currently in negotiation with Government and the Private Sector for new investment to support economic growth. This will require a formal governance model to provide accountability to investors and good governance and transparency in the local management and use of any funds received.
- 1.3 In addition, the ASELA Board has served and is likely to continue to need to provide the aligned functions of:
  - a. Strategic direction, monitoring, delivery and co-ordination of current and future Growth strategy, programmes and implementation of any Growth funding
  - b. Governance body that secures strategic collaboration and delivery across the councils and with the federated body of Local Enterprise Partnership (LEP) on place, economic performance and infrastructure matters
  - c. Acts as the place leadership body for South Essex that provides a single voice to Government, also identifies, promotes, lobbies for South Essex's interests and for funding
  - d. Oversight, accountability for and prioritisation of any South Essex investment fund

## **Recommendations**

1. **That constituent local authorities formally agree to become a members of the Association of South Essex Local Authorities (ASELA) Joint Committee in accordance with governing documents set out in Appendix 1, and**
2. **Appoint the Leader of the Council as their representative on the Joint Committee, and a substitute member as set out in the governing documents.**

## Background

### The ASELA Board and its current programmes

2.0 The ASELA Partners have invested significant capital in the work that has been undertaken on the Growth programmes so far, through the dedication of political, officer and financial resources. The arrangements are tailored to meet the collective requirements of South Essex and the progress that it has made is important. The programmes that have been developed and the outcomes that are being sought in place and economic terms will deliver significant benefits to South Essex residents and businesses.

2.1 Since the submission of the ASELA Growth and Recovery Prospectus there has been substantial progress in delivering the core programmes as set out in the report from ASELA to constituent authorities in December 2020, and especially in certain programmes. This includes:

- Creative Industries – work has been commissioned to produce a sector designed set of investable infrastructure projects that will focus on key creative clusters across South Essex and the specific maker space and skills support needed to enable them to flourish;
- New Generation University – a specialist team have been appointed to develop a feasibility study, which will report to ASELA Leaders in March 21; working to a plan to have the first graduate apprenticeships commence in September 2023;
- Digital Network – roll out of the local full fibre network remains on track and work with the Thames Estuary Growth Board on a single network and data centres/services is due to be launched;
- Infrastructure and Housing – as well as the pipeline of shovel ready schemes, strategic engagement with Housing Associations is underway, and a summit meeting with Small Medium Sized Enterprises took place in January;
- South Essex Estuary Park – an award winner of blue and green infrastructure design, and work is now pressing ahead to build the detailed master planning and infrastructure investment proposals needed to deliver a pathfinder implementation project across the Central Thames Marshlands area;
- Stimulating Economic Recovery – the Economic Recovery Taskforce with Opportunity South Essex has been established for over two months: additional resources have been made available to support the Growth Hubs, which has seen unprecedented demand; and there is a clear action plan in place to support jobs.

There have also been a number of discussions with investors and Homes England have now confirmed £265k capacity funding for 2020/21 to support work on infrastructure and housing. It is clear, that if South Essex is to secure the level of investment that is required to achieve its full potential, the area needs to represent its collective scale; a pipeline of projects that deliver long term returns; unity and joint commitment.

2.2 The ASELA Board is focused solely on economic growth and recovery activity that can only be achieved collectively and on programmes that cross local authority boundaries. It is not concerned with any matter that it is the preserve of a constituent council. Its focus also keeps it separate from other questions about the future delivery of public services in South Essex.

### Establishing a formal model of Governance for ASELA

3.0 ASELA recognised in its report to constituent local authorities in July 2020 the importance of ensuring that its governance and operational arrangements are fit for purpose. The Association committed to bring forward proposals for more formal interim governance arrangements for ASELA which this report now does.

3.1 There are several benefits for moving to a new model of decision making and accountability. These include:

- enhanced openness and accountability to constituent authorities; the joint committee will operate in accordance with the same legislative provisions as other local authority committees.
- providing a more formal governance model to provide accountability to Government and Private Sector investors;
- providing greater local control over direct investment and related financial considerations e.g. s106
- good governance and transparency in the local management and use of any funds received; and
- giving unity and joint commitment to ASELA and delivery of the programme developed.

3.1 Continuing with the existing informal governance arrangements does not support securing large scale investment from Government and the Private sector. Nor does it provide transparency of decision making or accountability for delivery. The recommendation therefore, is that each ASELA Council should use its powers and agree to form part of a Joint Committee.

### The main features of an ASELA Joint Committee

4.0 Proposed governing documents for the joint committee which each constituent authority is asked to adopt is set out in Appendix 1.

4.1 A summary of the main features is set out below:

- The Joint Committee of the Association of South Essex Local Authorities will be formally established in accordance with Section 101 of the Local Government Act 1972. The Joint Committee will comprise those authorities who formally agree to being a member and become effective from ...TBC.
- Each Council will have a seat at the Committee and appoint a member to the joint committee who shall have voting rights – it is intended that this will be the Leader of the Council. Another elected member will as a substitute member to act in the absence of the member appointed.

- A Chair and Vice-Chair shall be appointed at the first meeting of the Joint Committee. Appointment of a new Chair and Vice-Chair shall take place by the end of June each year, following the annual meetings of all constituent councils. The Chair or, in his or her absence, the Vice-Chair shall chair all meetings of the joint committee when present. No business of the joint committee shall be transacted unless at least half of constituent council Members or substitute members appointed are present.
- Any matters that are to be decided by the joint committee will be decided by a majority of the members present and voting on that question. Such a majority will include substitute members, acting in place of members.
- Each member, or a substitute member acting in that member's place, will have one vote and no member or substitute member is to have a casting vote. If a vote is tied on any matter it shall be deemed not to have been carried.
- No decision can be taken by the Joint Committee which relates to any matter that is in the preserve of a specific constituent authority unless that authority indicates its agreement with the proposal. Thereby maintaining the principle of subsidiarity
- An 'accountable body' in relation to the functions and resources of ASELA shall be agreed by the Joint Committee
- A local authority will be designated to provide secretariat to the joint committee
- Principals of good governance require that there should be some form of scrutiny of the decision-making process within the Joint Committee. It is considered that the most efficient and effective arrangement at the present time, would be for this to be provided for via each of the partner councils' individual Overview & Scrutiny process.
- The governing documents and arrangements set out therein shall be subject to review by the joint committee on an annual basis.

- 4.1 If a Council determines that it does not want to join the joint committee, it is proposed that it may become a co-opted member. Councils that are co-opted members of the joint committee will be able to speak on all matters in front of the committee, but will not have a vote. If a Council is not a member of a joint committee and it will have not agreed to jointly discharge their functions with the other members of the committee, then the joint committee would not cover that Council area.
- 4.2 The joint committee shall have the ability to appoint other appropriate co-opted members who would not have voting rights. It is anticipated that this is likely to include The Federated Board of the Local Enterprise Partnership and the Thames Estuary Growth Board.

**Association of South Essex Local Authorities (ASELA)**  
**Joint Committee Agreement and Constitution**

## 1. Introduction

- 1.1 The core purpose of the Joint Committee is to provide place leadership for South Essex. Recognising that through a collaborative approach, the constituent authorities will be best placed to develop and deliver a vision for South Essex up to 2050, promoting healthy growth for communities.
- 1.2 The Joint Committee will focus on the strategic opportunities, regardless of individual local authority boundaries for the South Essex economic corridor to influence and secure the strategic infrastructure that will help individual areas to flourish and realise their full economic and social potential.
- 1.3 This agreement sets out how the ASELA Joint Committee shall operate in seeking to deliver its overarching purpose, what powers and functions it holds, how decisions are made and the procedures that are followed to ensure that it operates efficiently, effectively and is both transparent and accountable.
- 1.4 The Joint Committee shall come into effect from ...TBC.
- 1.5 The Association shall operate and discharge its functions through a Joint Committee between all local authorities formally established in accordance with Section 101 of the Local Government Act 1972 and who have agreed to form part of the Joint Committee and made the agreed financial contribution to support the work of the joint committee. It has \* members, being
  - a councillor (elected member) appointed by each of the 'Constituent Councils' which includes -
    - o \*

*(to be updated to reflect the authorities who have agreed to form the joint committee)*
- 1.6 The Joint Committee shall have the ability to agree to additional local authorities, who it is considered are able to contribute to the aims of the Joint Committee, to join the committee as a 'constituent council'. Any such authorities will need to have formally agreed, in accordance with Section 101 of the Local Government Act 1972 to form part of the Joint Committee and made the agreed financial contribution to support the work of the Joint Committee.
- 1.7 The Joint Committee is subject to overview and scrutiny through constituent authorities' own scrutiny arrangements.

## **2. Principles**

- 2.1 This agreement and the terms of reference provide a basis for the work of ASELA. A review of this document shall be undertaken by the Joint Committee at the end of the 2021/22 municipal year and annually thereafter
- 2.2 There shall be no transfer of powers currently held by any constituent authority to the Joint Committee and this document makes no provision for such.
- 2.3 No decision can be taken by the Joint Committee which relates to any matter that is in the preserve of a specific constituent borough/district authority unless that authority indicates its agreement with the proposal.
- 2.4 An 'accountable body' in relation to the functions and resources of ASELA shall be agreed by the Joint Committee
- 2.5 A local authority will be designated to provide secretariat to the Joint Committee which shall be agreed by the Joint Committee

# RESPONSIBILITY FOR FUNCTIONS

## A. JOINT COMMITTEE

### 1. Overview

1.1 The Joint Committee has been formally established by all constituent councils in accordance with Section 101 of the Local Government Act 1972 to discharge the functions of ASELA as set out in this Constitution.

### 2. Membership

#### 2.1 Appointment.

Membership of the Joint Committee shall consist of the Constituent Council Members who comprise the Joint Committee, whereby each shall appoint –

- (i) one of its elected members as a member of the joint committee, preferably to be the Leader of the Council; and
- (ii) another elected member as a substitute member to act in the absence of the member appointed under (i) above

The joint committee shall have the ability to appoint co-opted members (without voting rights) to the Joint Committee as they see fit.

#### 2.2 Term of Membership

- (a) Members or substitute members cease to be a member or substitute member of the joint committee –
  - (i) if they cease to be a member of the constituent council that appointed them; or
  - (ii) A person may resign as a member or substitute member of the joint committee by written notice served on the proper officer of the council of the constituent council that appointed them; or
- (b) Where a member or substitute member's appointment ceases the constituent council that made the appointment must, as soon as practicable, give written notice of that fact to the Association's Secretariat and appoint another of its elected members in that person's place;
- (c) A constituent council may at any time terminate the appointment of a member or substitute member appointed by it to the Association and appoint another of its elected members in that person's place.

- (d) Where a constituent council exercises its power under subparagraph (c), it must give written notice of the new appointment and the termination of the previous appointment to the Association's Secretariat and the new appointment shall take effect and the previous appointment terminate with immediate effect.

2.3 **Chair** – A Chair and Vice-Chair shall be appointed at the first meeting of the joint committee. Appointment of a new Chair and Vice-Chair shall take place by the end of June each year, following the annual meetings of all constituent councils. The Chair or, in his or her absence, the Vice-Chair shall chair all meetings of the joint committee when present.

2.4 **Quorum.** No business of the joint committee shall be transacted unless at least half of the Constituent Council Members or substitute members appointed are present.

### 3. **Meetings and Procedure**

#### 3.1 **Voting**

- (a) Subject to those matters at paragraph (d) below, any matters that are to be decided by the joint committee are to be decided by a majority of the members present and voting on that question at a meeting of the joint committee, such majority to include substitute members, acting in place of members.
- (b) Each member, or a substitute member acting in that member's place, is in post is to have one vote and no member or substitute member is to have a casting vote.
- (c) If a vote is tied on any matter it shall be deemed not to have been carried. There shall be no casting vote.
- (d) A decision on a question relating to a matter that is in the preserve of a specific local authority shall require the support and agreement of that specific authority.

#### 3.2 **Procedure**

- (a) The joint committee will conduct business in accordance with the meeting standing orders set out in these terms of reference.
- (b) The proceedings of the joint committee are not invalidated by any vacancy among its members or substitute members or by any defect in the appointment or qualifications of any member or substitute member

#### **4. Sub-Committees and advisory bodies**

##### 4.1 The joint committee -

- (a) may establish such other sub-committees, which may include the co-option of any non-voting members, as it sees fit; and
- (b) may establish such advisory panels and ad-hoc working groups as it considers may be expedient to assist it.

#### **5. Delegation**

##### 5.1 The exercise of the joint committee's functions may be delegated to:

- (a) a sub-committee; or
- (b) an officer.

A record of such delegations shall be maintained

#### **6. Core Purpose, Aims and Functions**

##### **Core Purpose and aims**

6.1 The core purpose of the Joint Committee is to provide place leadership for South Essex. Recognising that through a collaborative approach, the constituent authorities will be best placed to develop and deliver a vision for South Essex up to 2050, promoting healthy growth for communities.

6.2 The Joint Committee will focus on the strategic opportunities, regardless of individual local authority boundaries for the South Essex economic corridor to influence and secure the strategic infrastructure that will help individual areas to flourish and realise their full economic and social potential.

6.3 The primary aims of Joint Committee will be to:

- Provide place leadership;
- Open up spaces for housing, business and leisure development by developing a spatial strategy;
- Transform transport connectivity;
- Support the sectors of industrial opportunity;
- Shape local labour & skill markets;
- Create a fully digitally-enabled place;
- Secure a sustainable energy supply;
- Influence and secure funding for necessary strategic infrastructure; and
- Work with and provide a voice for South Essex working with the Thames Estuary Growth Board.

## **Principles of collaboration**

6.4 Collaboration will be focused on three key areas:

- Tackling problems we can't solve individually
- Creating collective scale and impact
- Providing the place leadership to promote and sell the 'South Essex' proposition

## **Specific Functions**

6.5 The functions of the joint committee are as follows:

- a. Provide oversight and direction of programmes of work aligned to the core purpose and aims of the joint committee set out above.
- b. Commissioning and co-ordination of delivery of programmes, projects and development of policy against in accordance with the core purpose and aims of the joint committee and allocate resources accordingly
- c. Submission of bids for funding to Central Government and other bodies as considered appropriate to deliver the vision and objectives, subject to the advice and approval of the Chief Financial (S151) Officer of the accountable body.
- d. Provide oversight and direction associated with the Joint Strategic Plan and approve any strategic planning framework proposals for consideration by individual local authorities
- e. Management and oversight of expenditure and activity associated with funding received from Government and other sources
- f. Agree the level of financial contributions required from each local authority as a member of the joint committee to support its work.
- g. Ensure effective relationships and collaboration as necessary to achieve ASELA's vision, with Central Government and other regional and national bodies including the South East Local Enterprise Partnership and Opportunity South Essex.

## **MEETINGS STANDING ORDERS**

### **1. Interpretation, Suspension and Chair's Ruling**

- 1.1 These Standing Orders apply to meetings of the joint committee, and where appropriate, to meetings of any sub-committees. Any reference to committee in these Standing Orders also refers to sub-committees.
- 1.5 The ruling of the Chair on the interpretation of these Standing Orders in relation to all questions of order and matters arising in debate shall be final.

### **2. Revisions to Standing Orders**

- 2.1 Standing Orders may be changed by the joint committee, which will be subject to a unanimous vote, either at the Annual Meeting or by a motion on notice made at a meeting of the joint committee.

### **3. Chairing of Meetings**

- 3.1 The Chair shall chair all meetings of the joint committee whenever he or she is present.
- 3.2 In the absence of the Chair and Vice-Chair, the meeting shall appoint another member to chair the meeting.
- 3.3 The Chair (or the Vice Chair or any other Member presiding in the absence of the Chair or Vice Chair) shall not have a casting vote on any issue.

### **4. Meetings**

- 4.1 The Annual Meeting of the joint committee shall be held annually in June on a date and at a time following the annual meetings of all 'Constituent Councils'
- 4.2 Ordinary meetings of committee for the transaction of general business shall be held on such dates and at such times as the committee shall determine.
- 4.3 All meetings of the committee shall be open to the public (including the press) except to the extent that they are excluded whether during the whole or part of the proceedings either:
  - (a) In accordance with Section 100A(2) of the Local Government Act 1972; or

- (b) By resolution passed to exclude the public on the grounds that it is likely, in view of the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information as defined in Section 101 of the Local Government Act 1972. Any such Resolution shall identify the proceedings or the part of the proceedings to which it applies and state the description, in terms of Schedule 12A to the Local Government Act 1972 of the exempt information giving rise to the exclusion of the public.

## **5. Notice of Meetings**

- 5.1 At least five clear working days before a meeting of a committee:
  - (a) notice of the time and place of the intended meeting shall be published;
  - (b) a summons to attend the meeting, specifying an agenda for the meeting, shall be sent to all Members of the joint committee by electronic mail.
- 5.2 Lack of service on a member of the committee of the summons shall not affect the validity of a meeting of the committee.
- 5.3 Each constituent authority shall ensure a link from their own website to information regarding meetings of ASELA and copies of agendas and minutes.

## **6. Meeting Agendas**

- 6.1 The Chair of the Joint Committee will decide upon the agenda for the meetings. The Chair may put on the agenda of any meeting any matter which the Chair wishes.
- 6.2 Any Member of the committee may require that an item is placed on the agenda of the next available meeting of the committee for consideration.
- 6.3 Any item proposed to be included on the agenda for any meeting of the committee in accordance with sub-paragraph 6.2 above, which is not submitted in writing before 7 working days of the meeting, shall not be included on the agenda for that meeting unless it is agreed by the Chair. In this case the amended agenda for the meeting will state the reason for the late acceptance of any such item.

- 6.4 The agenda for each meeting of the committee shall set out the items of business requested by Members (if any) in the order in which they have been received, unless the Member concerned has given notice prior to the issue of the agenda, for it to be withdrawn. If the Member concerned is not present at the meeting when an item of which they have given notice comes up for discussion, this item shall, unless the committee decides otherwise, be treated as withdrawn.

## **7. Access to Information**

- 7.1 Access to agenda, reports and associated documents in respect of a meeting of the committee are as determined by Part VA of the Local Government Act 1972 (Access to Meetings and Documents of Certain Authorities, Committees and Sub-Committees).

## **8. Quorum**

- 8.1 No business shall be transacted at any meeting of a committee unless at least half of the Members or substitute members appointed by the constituent councils are present.
- 8.2 If at the time for which a meeting is called, and for 15 minutes thereafter, a quorum is not present, then no meeting shall take place.
- 8.3 If during any meeting of the committee the Chair, after counting the number of Members present, declares that there is not a quorum present, the meeting shall stand adjourned to a time fixed by the Chair. If there is no quorum and the Chair does not fix a time for the reconvened meeting, the meeting shall stand adjourned to the next ordinary meeting of the committee.

## **9. Order of Business**

- 9.1 At every meeting of the committee the order of business shall be to select a person to preside if the Chair or Vice-Chair are absent and thereafter shall be in accordance with the order specified in the agenda for the meeting, except that such order may be varied -
- (a) by the Chair at his/her discretion; or
  - (b) on a request agreed by the committee
- 9.2 The Chair may bring before the committee at their discretion any matter that they consider appropriate to bring before the committee as a matter of urgency.

## **10. Standing Orders of Debate**

- 10.1 The Chair shall decide all questions of order and any ruling by the Chair upon such questions and the interpretation of these Standing Orders of Procedure and upon matters rising in debate shall be final and shall not be open to discussion.

## **11. Voting**

- 11.1 Subject to sub-paragraph 11.6, any matters that are to be decided by the committee are to be decided by a majority of the members present and voting on that matter at a meeting of the committee, such majority to include substitute members, acting in place of members.
- 11.2 Each member appointed according to the provisions in paragraph 1, or a substitute member acting in that member's place, and the Chair, or the Vice-Chair acting in his or her place is to have one vote and no member or substitute member is to have a casting vote.
- 11.3 If a vote is tied on any matter it shall be deemed not to have been carried.
- 11.4 Whenever a vote is taken at meetings it shall be by a show of hands. On the requisition of any member, supported by one other Member who signifies their support, and before the vote is taken, the voting on any question shall be recorded so as to show whether each Member present gave their vote for or against that question or abstained from voting.
- 11.5 A Member, or Substitute Member acting in that Member's place may demand that his/her vote be recorded in the Minutes of the meeting.
- 11.6 A decision on a question relating to a matter that is in the preserve of a specific local authority shall require the support and agreement of that specific authority.

## **12. Conduct**

- 12.2 In the event of general disturbance, which in the opinion of the Chair, renders the due and orderly dispatch of business impossible the Chair, in addition to any other power vested in the Chair may, without question put, adjourn the meeting of the committee for such period as the Chair considers expedient.

**10. Disturbance by Members of the Public**

13.1 If a member of the public interrupts the proceedings at any meeting of the committee the Chair shall warn him or her. If they continue the interruption the Chair shall order his or her removal from the room. In the case of general disturbance in any part of the room open to the public the Chair shall order that part to be cleared.

**11. Notification and Declaration of Interests**

Members of the committee shall comply with their respective councils Code of Conduct for Members.