

(VOLUNTARY) JOINT COMMITTEE DRAFT TERMS OF REFERENCE

1. Introduction

Boston Borough Council, East Lindsey District Council, Lincolnshire County Council, North Kesteven District Council, South Holland District Council, South Kesteven District Council and West Lindsey District Council (the participating authorities) have resolved to establish a (Voluntary) Joint Committee for the Lincolnshire Council ('JC'). The JC is established pursuant to section s101 and 102 Local Government Act 1972 and the section 9EB Local Government Act 2000 and Part IV of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 and 2012. The JC will be constituted from the date the SCO is laid. The JC shall be dissolved on the day following that on which the Shadow Authority for Lincolnshire Council (name to be determined) holds its first meeting. The JC is constituted by resolution of each of the participating authorities on a voluntary basis but is also intended to satisfy the requirements of any Structural Change Order when such legislation may come into force. The JC must have regard to any information supplied to it by the Secretary of State and is set up further to the encouragement of the Secretary of State, as set out in his letter dated 16 July 2026 to all Lincolnshire authorities.

2. Purpose

The purpose of the JC is to bring together local authority partners expected to comprise the unitary authority currently referred to as Lincolnshire Council (name to be determined) in a formally constituted arrangement to facilitate the discharge of functions relating to preparatory and transition arrangements to that authority to include the functions referenced in any Structural Change Order when such legislation may come into force.

3. Membership

The JC membership numbers, shall be as determined by the MHCLG and appointments will be made in accordance with the relevant legislation and each participating authority's governance arrangements.

4. Quorum

For a meeting to be quorate there must be at least 4 members present and at least two members present must be from Lincolnshire County Council and at least 2 members present from the other participating authorities.

Note - For the Lincoln Council: For a meeting to be quorate there must be at least 3 Members present and at least 1 Member present must be from Lincolnshire County Council, at least 1 Member present from City of Lincoln Council and at least 1 Member present from the other participating authorities.

5. Functions

5.1 The role of the JC shall be limited to preparing proposals and facilitating transitional arrangements to the Lincolnshire Council unitary authority as set out in a Structural Change Order mainly:

5.1.1 Considering reports from the Implementation Team (see below), made up of officers of the participating authorities and chaired by the Senior Responsible Officer, such

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Implementation Team to remain in place until the day after the Shadow Authority holds its first meeting.

5.1.2 To prepare, keep under review and revise as necessary: -

- An Implementation Plan prepared by the Implementation Team at a strategic level for the new unitary authorities.
- Such plans and timetables as are, in the opinion of the JC necessary to secure the effective, efficient and timely discharge of preparing for and facilitating the economic, effective, efficient and timely transfer to the new Lincolnshire Council unitary authority of the constituent council's functions, property, rights and liabilities.
- Such budgets and plans as it considers necessary or desirable to facilitate the economic, effective, efficient and timely discharge, on or after 1 April 2028, of the functions that, before that date, are functions of the participating authorities.
- Proposals for the code of conduct to be recommended for adoption by the Shadow Authority for the Lincolnshire Council unitary authority at its inaugural meeting. In formulating such proposals, the JC shall have regard to section 27 of the 2011 Localism Act which provides a duty to promote and maintain high standards of conduct and section 28 of that Act.
- All preliminary steps to enable the JC to be able to recommend to the first meeting of the Shadow Authority designation of an interim Head of Paid Service, Chief Finance Officer and Monitoring Officer in accordance with sections 4 and 5 of the Local Government and Housing Act 1989.

6. Scope of the (Voluntary) Joint Committee

6.1 In addition to the functions set out in para.5 above the JC will have the following scope and role to undertake:

6.1.1 Prepare, facilitate and subsequently formulate proposals for a Members' Allowance Scheme in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 for the Shadow Authority, to be recommended for adoption to the Shadow Authority at its inaugural meeting.

6.1.2 Agree the process for an independent review of a scheme of Members' Allowances for the Shadow Authority, including preparation for the setting up of an Independent Remuneration Panel.

6.1.3 Establish and propose a Calendar of Meetings for the Shadow Authority for adoption at its inaugural meeting.

6.1.4 Agree proposals for a Shadow Authority Constitution, to be recommended to the Shadow Authority, to include responsibility for executive/local choice functions, the establishment and terms of reference of various committees including a scrutiny committee and staffing committee, relevant standing orders to include council and executive procedure rules, and a scheme of delegation to be recommended for adoption at the inaugural meeting of the Shadow Authority.

6.1.5 To oversee the preparation for the smooth transition of all matters civic and ceremonial.

6.1.6 Take all preparatory steps to support the Returning Officer for the unitary authority in Lincolnshire in calling the first meeting of the Shadow Authorities.

Only from the date of the Lincolnshire (Structural Changes) Order 2027

coming into force until the first meeting of the Shadow Authority within 14

days after the ordinary day of election of councillors in 2027:

6.2 The JC may, by written notice to the proper officer of each of the participating authorities, require the council referred to in the notice, to take such action relevant to the function of preparing for and facilitating the economic, effective, efficient and timely transfer to the Lincolnshire Council unitary of its functions, property, rights and liabilities, such functions to be discharged via the JC.

7. Implementation Team

7.1 As soon as practicable after the establishment of the JC, it will, with the other joint committees established in Lincolnshire, confirm the establishment of an Implementation Team (currently established on a voluntary basis) for the purpose of assisting the JC in the discharge of its functions, and upon the dissolution of the JC, the Shadow Authority.

7.2 The Implementation Team shall include the Chief Executives of each of the Lincolnshire authorities and such other Senior Officers as required.

7.3 The Leader of the Implementation Team (to be known as 'Senior Responsible Officer' or 'SRO') is the Chief Executive of Lincolnshire County Council.

7.4 The Chief Executives of South Kesteven District Council and City of Lincoln Council will deputise for the Leader of the Implementation Team and will report to the JC.

8. Procedures at meetings

8.1 Meetings of the JC shall be conducted in accordance with the Terms of Procedure.

(VOLUNTARY) JOINT COMMITTEE DRAFT RULES OF PROCEDURE

1. Appointments

1.1 Appointments to the membership of the JC will be made by each of the participating authorities in accordance with the membership criteria determined by the Secretary of State.

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1.2 If any member of the JC ceases to be a member of the council that has nominated them, they shall, with immediate effect, cease to be a member of the JC, and the nominating council shall, as soon as is reasonably practicable, make a further nomination with the seat remaining vacant until such time as it is filled.

1.3 Each of the participating authorities may remove its member(s) and appoint different member(s) as per that authority's Standing Orders and by providing at least 24 hours' notice to the Leader of the Implementation Team (to be known as 'Senior Responsible Officer' or 'SRO').

2. Chair and Vice Chair

2.1 The JC shall appoint its own Chair and Vice Chair at its first meeting from amongst its membership.

2.2 The Chair shall chair meetings of the JC, or in their absence, the Vice Chair shall preside at any meeting of the JC.

2.3 In the absence of both the Chair and the Vice Chair, the JC will elect one of its members present to preside at the meeting.

3. Quorum

3.1 The quorum for the meeting shall be determined once the MHCLG has confirmed the membership criteria and the Terms of Reference will be updated accordingly after the SCO has been laid.

3.2 No business will be transacted at a meeting unless or until a quorum exists at that meeting. If at the beginning of the meeting the person presiding declares that a quorum is not present, they shall adjourn the meeting for 15 minutes and if there is still no quorum, the meeting shall stand adjourned.

4. Voting

4.1 The JC's decision making will operate on the basis of mutual co-operation and consent. A question to be decided by the JC is to be decided by the majority of those members present and voting at the meeting at which the question is put. Each member shall have one vote.

4.2 In the case of an equality of votes, the person presiding at the meeting, whether or not the chair of the committee, has a casting vote, in addition to any other vote the person may have.

4.3 Voting at meetings shall be by show of hands or by an electronic system of voting where available.

4.4 Where immediately before a vote is taken, if at least 2 members request it, there shall be a recorded vote taken and the minutes of the proceedings of that meeting shall record whether each member present cast their vote for or against the matter or whether they abstained from voting.

5. Meetings

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5.1 The JC shall meet as required, with a schedule of meetings being agreed at its first meeting.

5.2 Additional meetings may be arranged with at least 5 clear working days' notice, at the request of either the Chair, any 4 members of the JC or the SRO.

5.3 Meetings shall be held at such time and location as may be notified to the members of the JC by the SRO.

5.4 Agendas and reports for meetings of the JC shall be circulated at least five clear working days in advance of any meeting.

5.5 The agenda for any meeting shall be agreed by the Chair of the JC and the SRO. Meetings of the JC shall be held in public unless the public are excluded by resolution of the Committee under s100(B) Local Government Act 1972.

5.6 The JC shall, unless the person presiding at the meeting, or the JC determines otherwise in respect of a meeting, conduct its business in accordance with these procedure rules.

6. Substitutes

6.1 Nominated substitutes will be allowed on the JC and each Council when making an appointment to their seats on the JC may also appoint the same number of substitute member(s) as appointed member(s). For Councils with more than one substitute, any appointed substitute may act in place of any appointed member from that Council. It is for the absent member of the JC to make arrangements for the substitute to attend.

7. Public Engagement

7.1 The JC shall not have provision for public questions nor statements, nor shall it accept petitions from the public.

8. Access to Information

8.1 Meetings of the JC will be held in public except where confidential or exempt information, as defined in the Local Government Act 1972, is being discussed. Only members of the JC and relevant advising officers from the constituent authorities and any person so invited by the Chair, shall be permitted to be present for such items.

8.2 These rules do not affect any more specific rights to information contained elsewhere under the law.

8.3 Any information requests under the Freedom of Information Act 2000, Environmental Information Regulations 2004 or Data Protection Act 2018 received by the JC should be directed to the relevant constituent authority for that authority to deal with in the usual way, taking account of the relevant legislation. Where the request relates to information held by two or more constituent authorities, they will liaise with each other before replying to the request.

9. Order of Business

The order of business at each meeting of the JC will be as follows, unless varied by the person presiding:

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9.1.1 Apologies for absence

9.1.2 Declarations of interests and substitute members

9.1.3 Approval of the minutes of the last meeting

9.1.4 Matters set out in the agenda for the meeting

9.1.5 Matters set out in the agenda for the meeting which, in the opinion of the SRO, are likely to be considered in the absence of the press and public

10. Discharge of Functions

The JC may arrange for the discharge of their functions by the SRO (who can nominate and authorise to an officer of the Implementation Team) and in doing so will set out clearly any limits upon such delegation.

11. Code of Conduct and Interests

Members of JC are governed by the provisions of their own Council's Codes and Protocols including the code of conduct for members and the provisions regarding interests.

12. Minutes

12.1 There shall be no discussion made in respect of the minutes, except as to their accuracy. If no such question is raised or if it is raised then as soon as it has been disposed of, the Chair shall sign the minutes of the previous meeting.

13. Role of the Chair

13.1 A member wishing to speak shall address the Chair and direct their comments to the agenda item being discussed. The Chair shall decide the order in which to take representations from members wishing to speak and shall decide all questions of order. Their ruling upon all such questions or upon matters arising in debate shall be final and shall not be open to discussion.

13.2 The Chair shall have the discretion to regulate the behaviour of all individuals present at the meeting in the interests of the efficient conduct of the meeting, including excluding members of the press and public in the event of a disturbance.

14. Amendment of these Procedure Rules

14.1 These procedure rules may only be amended by majority resolution of the members of the JC present and voting, following consideration of the SRO's advice.