

PLLACE (Pennine Lancashire Leaders) Constitution - Introduction

On the 12th January 2009 Pennine Lancashire partner authorities and Government signed a Multi Area Agreement (MAA) which for ease of reference is annexed to this Constitution. This signalled a new commitment by all Pennine Lancashire councils to work together to transform the area. In signing to the agreement Government were also approving new governance structures to help us deliver our ambitious actions. This Constitution sets out a framework, which will allow us to drive home this opportunity and begin an exciting new era of cross boundary collaboration.

Our MAA identifies a number of key themes relating to the sustainable economic development of the area, and seeks to put in place the building blocks for a modern economy. Higher education, transport, housing, employment and skills all feature prominently, and through working together greater benefits can be felt across the area. To achieve this Government has committed to work with us to devolve more funding. A PLLACE Joint Committee will be formed pursuant to sections 101 and 102 of the Local Government Act 1972 to fill the gap and provide the area with a conduit to receive greater levels of investment and a vehicle to deliver the MAA.

Our vision for Pennine Lancashire is, “to provide a confident, dynamic and growing economy, characterised by a thriving higher value business base, supported by a responsive education and training system; an area with fast and reliable transport links to employment opportunities underpinned by a revitalised housing market and cohesive communities.”

The MAA and Sub National Review of Regeneration and Economic Development has provided a policy context which requires us to look at how we work together, and in doing so to formalise years of effective partnership work. This Constitution sets out the role of PLLACE and how it will turn our vision into reality in these challenging times.

Statement of Intent

In forming the Joint Committee (PLLACE), it is the intention of the partner authorities to work together for the benefit of Pennine Lancashire. The primary role of PLLACE will be to take forward the MAA and to take decisions on matters that are delegated to Pennine Lancashire from Government and Regional Agencies. PLLACE will also oversee the development of strategies that operate on a Pennine Lancashire footprint, as opposed to strategies that each individual authority prepares and implements within its area.

It is the express intention of all the partner authorities, that PLLACE should operate in accordance with clearly defined terms of reference. All partners are committed to ensuring that PLLACE does not diminish the role of the

constituent councils and that it does not seek to expand its remit into areas which are currently subject to the self-determination of the partner authorities.

CONSTITUTION OF PLLACE

1. The Pennine Lancashire authorities ("the authorities") are the following local authorities within the meaning of the Local Government Acts 1972 and 2000 for their respective administrative areas:
 - a. Blackburn with Darwen Borough Council;
 - b. Burnley Borough Council;
 - c. Hyndburn Borough Council;
 - d. Lancashire County Council;
 - e. The Borough Council of Pendle;
 - f. Ribble Valley Borough Council; and
 - g. Rossendale Borough Council.
2. The authorities are signatories to a Multi-Area Agreement (MAA) with the United Kingdom government to promote the economic prosperity of the area for which they are jointly responsible (this area being "Pennine Lancashire").
3. In order to further the purposes of the MAA the authorities have each determined to form a Joint Committee which is to be known as PLLACE.

Membership of PLLACE

4. Each of the authorities will appoint for each municipal year one elected member to the joint committee who should normally be the Leader. Each of the authorities will inform the PLLACE Strategy Unit in writing of these annual appointments.
5. Each of the authorities will also appoint for each municipal year one or more named substitutes, who may attend in place of the person appointed at paragraph four above and who will also be executive members where applicable. Each of the authorities will inform the PLLACE Strategy Unit in writing of these annual appointments.

6. When a substitute proposes to attend a meeting of PLLACE prior notification will be provided to the PLLACE Strategy Unit.
7. Each authority will have one vote only on PLLACE.

Functions of PLLACE

8. The authorities have each agreed that PLLACE will fulfil the following functions:
 - a. monitoring the implementation of the MAA;
 - b. providing strategic oversight of the Pennine Lancashire Development Company and other MAA delivery partners;
 - c. determining the allocation of resources made available to the authorities jointly;
 - d. developing, agreeing and managing the following strategies for Pennine Lancashire:
 - i. Economic;
 - ii. Housing;
 - iii. Transport;
 - iv. Spatial;
 - v. Integrated delivery plans; and
 - vi. Investment frameworks;
 - e. Commissioning and publishing research to support its functions;
 - f. Responding to government consultations which affect the whole area of Pennine Lancashire;
9. PLLACE may also exercise any other functions which the authorities unanimously determine it should assume responsibility for. e.g. addressing health inequalities; and
10. PLLACE may discuss and make recommendations to the authorities in relation to any other matter which concerns the economic prosperity of Pennine Lancashire.

Meetings

11. PLLACE will hold at least four meetings each year.

12. Meetings will be held in public other than in the circumstances set out in paragraph 21.
13. At its first meeting and annually thereafter, the following will be determined for the ensuing year:
 - a. The appointment of a Chair and Vice-Chair; and
 - b. A timetable of meetings.
14. The Chair and Vice-Chair shall, unless s/he resigns the office or ceases to be a member of PLLACE continue in office until a successor is appointed in accordance with paragraph 13 above.
15. In the absence of the Chair, the Vice-Chair shall preside at the meeting. In the absence of both, the members present shall, as the first item of business, appoint one of their number to be Chair of the meeting.
16. The Chair or in his/her absence the Vice-Chair may call a special meeting to consider a matter that falls within the remit of PLLACE but cannot await the next scheduled meeting provided at least 10 clear working days notice in writing is given to the PLLACE Strategy Unit.
17. In this Constitution the phrase ‘clear working days’ means that the relevant number of days is calculated excluding the day that notice is given (or other instigating event) and the day of the meeting. Week-ends and bank holidays are excluded from the calculation.
18. No business shall be transacted at a meeting unless at least five of the authorities are represented by a member or substitute member of PLLACE.
19. Decisions of PLLACE will be by a qualified majority save that:
 - a. any decision to recommend the authorities to agree an alteration to the terms of this Constitution must be unanimous; and
 - b. any decision which requires action to be taken or resources to be provided by any one or more of the authorities will require the agreement of such authority or authorities.
 - c. for the purposes of this Constitution the term “Qualified Majority” shall mean the affirmative vote of no less than 5 members of PLLACE with no more than two members voting against the resolution in question.
20. Voting shall be by way of show of hands.

21. PLLACE may by resolution exclude the press and public from a meeting during an item of business wherever it is likely in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure of exempt or confidential information as defined by the Local Government Act 1972 and, where applicable the Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2000.
22. Non-voting advisers/observers will be invited to attend meetings of PLLACE for example representatives of the Chamber of Commerce, the PCT, Lancashire Economic Partnership Limited and Elevate, and may participate in the debate, but where they have an interest on the item in discussion they should declare this interest..

Delegation

23. Subject to the unanimous agreement of its members, PLLACE will have available to it full power to delegate its powers to a sub-committee of PLLACE or officer of one of the authorities.
24. It is anticipated that PLLACE will put in place a working group comprising the chief executives of the authorities or their representatives who will make recommendations to PLLACE in relation to the functions of PLLACE and which will provide a report to PLLACE at each of its meetings.

Ethical Standards

25. Members of PLLACE will continue to be bound by the code of conduct which applies to them as members of the authority to which they have been elected, when they are conducting the business of PLLACE.
26. It is agreed by the authorities that the rules about confidential information in the relevant code of conduct will apply to the confidential information of PLLACE.

Committee administration

27. As a statutory Joint Committee, PLLACE is subject to the provisions of the Local Government Act 1972 in relation to access to information and committee administration for PLLACE will be provided by Blackburn with Darwen Borough Council's Democratic Services, whose address is Blackburn Town Hall, King William Street, Blackburn, BB1 7DY, and who will be responsible for preparing and circulating agendas for meetings, and for producing the minutes. All agendas will be agreed by the Chair before they are sent out.

28. Items of business may not be considered at a meeting of PLLACE unless a copy of the item has been open to inspection by members of the public and the authorities for at least 5 clear working days before the meeting (or where the meeting is convened at shorter notice, from the time the meeting is convened.) However an item that has not been open to inspection may be considered where, by reason of special circumstances which shall be specified in the minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

Cessation of Membership

29. Any authority may withdraw from membership of PLLACE by giving a minimum of twelve months notice (or such shorter period of time agreed by the members) in writing to the PLLACE Strategy Unit.
30. In the event of an authority withdrawing from membership of PLLACE as provided for in paragraph 29 above, then the following provisions for withdrawal in this Constitution shall apply and in respect of any contractual obligations or other financial commitments entered into or costs reasonably incurred on behalf of PLLACE whilst that authority was a member, that authority shall:
- a. continue to meet its share of the financial commitment and costs or meet its contractual obligations as required until the conclusion of the commitment or obligation as provided for in the documentation setting out the commitment or obligation; and
 - b. continue to be responsible for its part of any other liabilities relating to those contractual obligations or financial commitments until the conclusion of the obligations or commitments, as the case may be.

Scrutiny Arrangements

31. Provisions 32 to 36 below shall, in relation to Ribble Valley Borough Council, be read with the substitution of the word “policy” for the word “executive”. Ribble Valley Borough Council’s “call-in procedure for decisions made by policy committees” will apply to all such policy decisions made by PLLACE.
32. Executive decisions made by PLLACE insofar as they relate to the exercise of the functions of PLLACE shall be subject to the scrutiny arrangements of each authority.
33. All such executive decisions of PLLACE shall be notified to all those to whom papers are to be despatched to the authorities in

accordance with paragraph 27 above within two (2) clear working days of the decision being made.

34. Each authority and their officers shall co-operate fully with the relevant scrutiny committee of each of the other authorities.
35. Any executive decision of PLLACE called in for scrutiny before it is implemented shall not be implemented until the outcome of scrutiny arrangements of the member whose membership has called in the decision.
36. A call in of an executive decision can only be made if the executive decision concerned directly affects the authority whose membership wishes to call in the executive decision.

Dispute Resolution

37. Any dispute under this Constitution shall in the first instance be referred to the Chief Executives of the authorities who shall meet to consider the dispute and use all reasonable endeavours to resolve matters as soon as reasonably practicable.
38. The authorities shall use all reasonable endeavours to reach a negotiated resolution through the above dispute resolution procedure. The specific format for such resolution shall be left to the reasonable discretion of the authorities but may include preparation and submission of statements of fact or of position.
39. If the dispute is not resolved at this meeting and only if each authority agrees at such a meeting or within fifteen (15) clear working days of its conclusion the authorities may request that the dispute be referred to a mediator to be agreed between them.

Confidential Information

40. Except as authorised by PLLACE and except for information that is in the public domain, already in the lawful possession of the authorities, or is required by law to be disclosed, the authorities shall keep secret and shall not use or disclose, but shall use their best endeavours to prevent the use or disclosure of, any information provided in documentary form or electronically, which includes but is not limited to information relating to PLLACE, its transactions, processes, specifications, methods, or other of its activities or affairs or those concerning its staff and/or suppliers and any other information of a confidential, secret or proprietary nature.
41. The authorities must note their obligations under the Data Protection Act 1998, Freedom of Information Act 2000, Human Rights Act 1998 and any codes of practice and best guidance

notes issued by the government and appropriate enforcement agencies. Each authority must comply with this legislation in so far as it places obligations on it and to facilitate compliance by any member. In particular each member must note that PLLACE or any relevant accountable body may be required to provide information relating to this Constitution or the business of PLLACE to a person in order to comply with its obligations under such legislation.

Amendments to the Constitution

42. The terms of this Constitution shall be kept under periodic review.
43. Any amendments to this Constitution to be proposed to PLLACE must first be approved by each of the authorities (including but not limited to the addition of a new member authority).
44. The amendment once approved by the authorities shall be subject to the unanimous approval of PLLACE.