



LOWESTOFT SHARED ACCOMMODATION PROGRAMME JOINT COMMITTEE

Simplified Terms of Reference 19 August 2013

WDC and SCC have agreed to work together in partnership to jointly procure the design, construction, occupation and management of a office complex at Riverside Road Lowestoft and the public access facility at the Marina Centre Lowestoft.

A Joint Committee, with delegated authority to make decisions on behalf of each local authority, has been established to oversee the activities of the programme and comprises of representatives nominated by both councils. As such a Constitutional Agreement has been put in place to formalise the roles and responsibilities of each partner and as requested by the Committee the following provides a summary of the key content.

Summary of Key Content

- The membership of the Joint Committee is four. Two members from each authority, one of whom from each has to be an Executive Member and it is this person who has the entitlement to vote. The co-opted non-Executive Member is not be able to vote. Therefore any substitute for the Executive Committee Member must also be an Executive Member in order to be able to vote if needed.
- The quorum of a valid meeting is two, who must be Executive Members of each Authority.
- A minimum of four meetings are to be held in every municipal year.
- The meetings of the Joint Committee will be held at the Town Hall High Street Lowestoft Suffolk until completion of the Riverside Road Offices, although an alternative location can be utilised if agreed by both Authorities.
- The Chairman and Vice Chairman positions will be alternated between both authorities each year. (Note: For practical purposes relating to voting rights, only the voting members of the Committee should be elected as Chairman and Vice Chairman).
- Where the best interest of both authorities require that action should be taken, or an urgent decision made, on a matter that would normally fall to the Joint Committee but where those best interests would be compromised by waiting until the next meeting, then in such cases the Chief Executives of both authorities are authorised to take such action or decision jointly, in consultation with the Cabinet Members. Any such action taken or decision made shall be reported to the next meeting of the Joint Committee.
- Scrutiny and call in shall be dealt with in accordance with the arrangements to each of the Parties in accordance with their respective constitutions.
- Committee Members have the same responsibilities and liabilities as those which apply when sitting on other committees and bodies as appointed representative of their respective Authority.

- Neither Authority has the right to impose any decision of their Authority on the other Authority
- Each Authority is jointly and severally liable with the other for payment of project costs both pre and post construction. The level of funding for the running costs of the offices will be detailed within an annual business plan that will be produced and agreed by the Committee.
- In the unlikely event of any dispute cannot be resolved by the Joint Committee then it shall, in the first instance, be referred to the Authorities' Chief Executives and if resolution is still not achievable the matter will be referred to a suitably qualified independent third party and their decision will be conclusive and binding.

Functions of the Joint Committee (Terms of Reference)

The core functions are summarised as the management of the procurement, construction and occupation of the buildings and then to oversee and monitor the subsequent operation of them post occupation. Further details are provided below.

As allowable within the agreement the delegation of the following functions is with the Joint Management Group which is made up of Senior Officers from both authorities and the Programme Director.

Procurement and Construction

- (a) Manage and oversee the procurement -and construction of the Offices;
- (b) Project manage and monitor the construction of the Offices (including risk management, value engineering and approval of significant contract variations);
- (c) Commission use of consultants;
- (d) Procure the joint facilities management and fitting out of the Offices ;

Finance and Business Planning

- (a) Ensure the construction and engineering costs of the Project are within the budgeted Capital Costs;
- (b) Review and approve finance protocols and joint funding arrangements;
- (c) Prior to the first year the Offices are occupied by the Parties to prepare a Business Plan and thereafter to prepare an annual Business Plan for approval by the Parties.
- (d) Monitor compliance with the Business Plan (including achievement of outline business case / final business case objectives and outcomes);
- (e) Prepare an annual capital and revenue budget for the Project including management of building maintenance and capital programme reserves for approval by the Parties;
- (f) Exercise both revenue and capital budgetary monitoring and control over the duration of the Project and management of the Offices and the facilities therein thereafter

- (g) Delegate any of its functions that it may lawfully do so to the Joint Management Group the Programme Director or to any officer of either of the Parties or to a third party or parties.

Partnerships and Joint Working

- (a) Review and advise the Parties on any proposal for partnership and joint working opportunities and arrangements within the Project
- (b) Approve new tenant arrangements, licences and leases;
- (c) Advise the Parties on the implications for the occupation of the Offices arising from any future development plans/opportunities for the Site in general and the Project in particular;

Occupation and use of the Offices

- (a) Oversee the arrangement for commissioning and occupation of the Offices;
- (b) Annually review and approve the Operating Agreement –including joint facilities management arrangements, joint ICT arrangements, service delivery and accessibility issues;
- (c) Review and approve annual maintenance and capital works programmes -,
- (d) Review and approve performance of trading activities and marketing opportunities;
- (e) Review and approve performance management and review performance indicators;
- (f) Review and approve sustainability and environmental performance;

Personnel Management relating to the management and operation of the Project

- (a) Review and approve personnel management policies and procedures for jointly employed staff engaged in management and operation of the Project – including arrangements for contracted and agency staff-,
- (b) Review and approve staff facilities; -
- (c) Review and approve joint working arrangements/initiatives that have been approved in principle by the Authorities and that have an impact on management and operation of the Project;
- (d) Review and approve equality and accessibility matters that relate to management and operation of the Project.

Communications

- (a) Review and approve communications strategy/plans – during construction, commissioning and operational phases.

NOTE: The above purely provides a summary of the key points of the terms of reference and governance arrangement of the Joint Committee. For further clarity on any of the points listed, or for detail not included above, reference should be made to the full Joint Governance Agreement.