

Terms of Reference for Area Action Partnerships (AAPs)

Introduction

Area Action Partnerships (AAPs) have been established for 14 geographic areas within County Durham defined by the boundaries of town and parish councils and informed by extensive public consultation. They were a key facet of the original bid for unitary status and are the bridge between the unitary council and the diverse needs of the County's communities.

1. Purpose

The AAP is the mechanism through which the Council works with local communities and partner organisations to make sure those local services meet local needs and that the voice of the community is heard within the service development process. The AAP is non political and enables councillors, residents and partners to come together to influence priorities and take decisions in the light of local needs and circumstances. It focuses on local actions to help the Council and its partners to tackle inequalities and narrow the gap between different areas and it also delivers locally agreed improvements that are important to communities within its area.

2. Principles

Members of the AAP agree to work together to achieve the aims of the AAP on the basis of the following principles:

- Mutual trust and respect
- Openness and transparency
- Effective communication and accountability
- Removal of barriers to equality of access and opportunity
- Effective performance management
- The AAP is non political

3. Boundaries

An AAP cannot alter its own boundary but must request permission from Durham County Council to vary any boundary.

4. Function

i. Engagement

AAPs will provide a means:

- For the Council and partner organisations to engage in a meaningful, dialogue with people in their local communities.
- To build and shape local identity in order that communities can speak with a clear and strong voice.
- To promote community cohesion and support debate, ensuring that all voices are heard.
- To encourage local people to engage with the local democratic process and to be involved in shaping their communities.
- To recognise, celebrate and support the role and contribution of individuals in improving their communities.
- To streamline and focus cross-public sector consultation with local people.

ii. Empowerment

AAPs will provide a means:

- To clearly communicate local issues and priorities to public sector partners, based on an analysis of local data and opinions, and to develop a shared vision for the AAP area.
- To involve local people in the way local services are planned and delivered and to assist partners to meet their duty to involve people in decisions, policies and services that may affect them or be of interest to them.
- To assist partners to effectively combine their efforts in a local area to improve local outcomes, narrow gaps between different areas of the County and improve quality of life.

iii. Local Action

AAPs will provide a means:

- To resolve local issues through either:
 - Direct action through use of its own development funding or by means of engendering voluntary community action.
 - By dialogue with the County Council service departments and County Councillors with regard to influencing use of their delegated budgets.
 - Negotiation with the AAP's and Council's partners.
- To develop a focussed Annual Report for an area, targeting the key issues that the AAP has focussed on in that particular financial year.
- To develop an AAP Action Plan to progress the priorities of the AAP and its work locally.

iv. Performance

AAPs will provide a means:

- To facilitate access to quality performance data to enable local people and service users to understand performance as it applies to their area.
- To support the impact of the County Durham Partnership and its thematic groups in achieving its priority outcomes.
- To comment on public sector performance in the AAP area.

5. Equalities and Inclusion

- a. The AAP will actively value the benefits of diversity and ensure that it operates in ways that ensure and promote fair treatment and equality of opportunity.
- b. At least one Board member of the AAP will take on the role of championing Equality & Diversity issues.

6. Accountability

The AAP will manage its affairs in ways that are clear and transparent and demonstrate proper accountability to the County Council, partner organisations, stakeholders and the wider community through clear reporting and effective communications of its performance, actions and decisions.

7. Performance Management and Review

- a. The AAP will develop arrangements to manage its own performance in achieving its agreed priorities and actions, focussing on up to five key priorities in a financial year. These arrangements will be mindful of the priorities of the County Durham Partnership and the annual voting of Forum members especially as they relate to the AAP, whilst recognising the need to balance them with local issues as evidenced by robust local engagement mechanisms and local performance data.
- b. Performance and project management information should be reported by project sponsors and deliverers on a quarterly basis to enable AAP Boards to assess progress against targets for agreed projects.
- c. To reflect the partnership nature of AAPs, a joint review arrangement will be put in place between partner organisations represented on the AAP Boards and the County Council's Overview and Scrutiny Committee to monitor their effectiveness.

8. Membership and terms of office

a. Forum

The membership of the Forum will be open to all who live in, work in, volunteer in or represent any area within the AAP boundary.

Forum membership is open to anyone aged 11 years and over.

b. Board

The membership of an AAP Board will be open to three categories

- i. Members of the public
- ii. Partner Organisations
- iii. Elected Members

The three categories will each represent one third of the Board's total voting membership of twenty-one (21). Board members must be a minimum of 16 years of age.

c. Elected Members

- i. Of the seven places available for Elected Members, six will be made available to Unitary councillors and one to a representative from the Town/Parish Councils within the AAP area (where they exist, where they do not, Unitary Councillors will take up the seventh place).
- ii. If there are fewer than six Unitary Councillors willing to take up positions on a Board, the remaining places will be made available to Town/Parish Councils.
- iii. Where a Unitary Councillor's electoral division straddles more than one AAP boundary they can only sit on one AAP Board at any one time. They can be an alternate for another Unitary member to a Board in another AAP covered by their ward boundary and if called upon to attend as the alternate will have full voting rights.
- iv. If there are more than six Unitary Councillors within the AAP area, selection of the positions will be made to reflect the electoral balance of the AAP area. This does not apply to the Town and Parish Councils.

- v. v. Where there are more Unitary Councillors than places available on a Board, Unitary Councillor Board Members will agree an alternate deputy from those Councillors in an AAP area without a position on the Board.
- vi. vi. Town/Parish Council Board members will be selected by local town or parish council. They will also select an alternate Town/Parish Councillor.
- vii. vii. Where there are more Elected Members than positions on the AAP Board, they will serve no more than 24 months (two years) before requiring reappointment.

d. Partner Organisations

- i. These shall be represented by one senior officer from the following organisations: Durham County Council Head of Service; Durham Constabulary; the relevant Clinical Commissioning Group (or one of its constituent GP practices); Co Durham and Darlington Fire and Rescue; the Registered Social Landlord or managing agent covering the most rented properties within the AAP.
- ii. One further representative will be provided for by the lead Voluntary and Community Sector infrastructure organisation covering the AAP area.
- iii. A final person will represent the interests of the local business sector or recognised business network.
- iv. Partner organisations are expected to send an alternate if their main representative is unable to attend.
- v. Partner organisations are expected to promote the work of the AAP within their organisations where appropriate.
- vi. Partner organisations have a standing place at the AAP Board.

e. Members of the Public

- i. Members of the public must live in, work in, study in or volunteer in the AAP area. Work will include unpaid work. However, they cannot belong to more than one AAP Board even if where they live and work may qualify them for membership of two different forums. (See notes re: removal of this sentence)
- ii. Members of the public wishing to stand for the AAP Board must be a member of the AAP Forum.
- iii. Members of the public will be selected to serve for up to four years on the AAP Board from the date of their appointment.
- iv. A process agreed by Durham County Council will select this category of AAP member.
- v. Unitary councillors cannot take up the position of a public representative on the Board.

f. Cessation of Membership of AAP Board

- i. If anybody fails to attend for three consecutive Board meetings, even with apologies, then the Board may proceed upon the basis that the person has resigned and seek a replacement, unless that individual has received dispensation from the Board to be absent (e.g. for reasons of ill health or maternity).
- ii. Any request for dispensation should be submitted to the co-ordinator. This request would be discussed at the next available board meeting unless the request for dispensation is confidential in which case the final decision will rest with the AAP Chair and Co-ordinator.
- iii. Any resignation must be in writing to the Chair of the AAP and copied to the AAP Coordinator.

g. Board Vacancies

- i. Partner organisations Council, Police etc... must be informed as soon as possible to enable them to arrange alternative representation.
- ii. When a public representative resigns or is unable to continue duties the AAP Board will select from a list of reserves to provide a replacement. If a list of reserves is not available then the AAP Co-ordinator will carry out a public recruitment process.
- iii. This list of reserves will be drawn up from the most recent appointment process.

h. Non-voting co-optees

- i. Some AAPs may feel the need to engage some expertise outside of the Board membership so they will be allowed to co-opt up to three people to support the Board.
- ii. Co-optees can be co-opted for a period of up to 12 months.

9. Roles and Responsibilities

a. Chair and Vice Chairs

- i. By the first meeting of the AAP Board after April 1st each of the Elected Member, Partner Organisation and Members of the Public sectors will have agreed a Vice Chair for each of their categories.
- ii. It is expected that the Vice Chair from each Category will hold the Chair for one year out of every three. In exceptional circumstances the Board may deem it appropriate to continue with their current Chair for a maximum of a two year period.
- iii. The Vice Chairs will stand down at the first Board meeting after April. Each category will then select a Vice Chair. Previous Vice Chairs will be eligible to stand. Any Vice Chair that needs replacing during the year must be replaced by the relevant category within the next two Board meetings following the vacancy occurring. If they fail to appoint the Chair will appoint and they will remain in place until the first meeting after April.
- iv. The Board can remove the Chair by exercising a vote of 'no confidence' that must be proposed and seconded before it is put to a vote. On a vote of 'no confidence' a Chair must resign and return to being a member of the Board. The Category of membership holding the Chair for that year will propose another Chair from their category.

b. The duties of the Chair will include;

- i. Chairing meetings of the AAP Board and Forum ensuring that the meeting is able to conduct its business in an orderly and timely fashion, but on the other hand the Chair must ensure that all those entitled to do so may express their views and that the decisions taken by the meeting adequately reflect the views of the meeting as a whole.
- ii. Chair's attendance at the Chairing Meetings training session will be required if no relevant training has been undertaken in the last three years.
- iii. Act as the focus for the AAP and represent the AAP at key events in accordance with the Code of Conduct;
- iv. Work closely with the AAP Coordinator to agree agendas and minutes for issue to the Board and Forum;
- v. Discuss reports and the direction of the AAP with the Co-ordinator and other relevant partners.

- vi. Consider any criticisms or concerns raised about the role or functioning of the AAP, bringing them forward for discussion at a meeting of the AAP if it is not possible to resolve them in any other way.
 - vii. If a vote is called for, then following the vote (in which the Chair can vote), the Chair will exercise a 'casting vote' in the event of a tie. If an emergency decision is called for that does not allow time for a meeting to be called, the Chair will take the decision after consultation with the two Vice Chairs. This decision will be communicated to the rest of the Board as soon as it is taken.
 - viii. Attend the County Durham Partnership Forum as set out in the County Durham Partnership's governance arrangements or arrange for an alternate to attend.
- c. Roles and Responsibilities for Board Members:
- i. Board members will be encouraged to participate in Task & Finish Group meetings and will be expected to abide by the Code of Conduct.

10. Meetings (see also Appendix 1)

- a. The **Forum** will meet up to twice per year and will be open to the public. One of these meetings must focus on a priority voting exercise the results of which will be used as a steer for the Board when agreeing the priorities, as well as providing an opportunity for the Council to consult on the development of their budgets. Fifteen working days (Mon –Fri) notice will be given to invitees.
- b. The **Board** will meet at least six times per annum and five working days notice should be given of the details and business of the meeting. The Board meeting will be open to the public.
 - i. The Annual General Meeting of the AAP Board will be the first meeting after every April 1st.
 - ii. The public may be excluded, in whole or in part, if it is likely that in their presence information may be disclosed that has been requested to remain confidential or should remain so if they fall within the list under Schedule 12A of the Local Government Act 1972.
 - iii. Forum members will be invited to attend as observers. The Forum members are not eligible to take part in any decision making associated with the Board, but can at the discretion of the Chair contribute to discussions where deemed appropriate.
 - iv. Quorum - No business can be formally agreed at a Board meeting of the AAP unless a quorum of at least three members from each membership category are present i.e. a minimum of nine Board members. If a quorum is not achieved at the meeting then AAP co-ordinators will seek consensus for any decisions taken in principle at the meeting from absent board members either by email or by calling a special meeting in order that the work of the board can progress.
 - v. If the Chair is not present then the meeting will appoint one of the Vice Chairs. If neither Chair nor the Vice Chairs are present at a meeting then those in attendance should agree a chair by nominating and seconding an individual who must agree (if more than one nominee then there should be a quick show of hands to appoint a chair for the meeting). If the meeting cannot agree to appoint a Chair then the meeting will be reconvened in seven days.
 - vi. The format for Board meetings should be as follows -Apologies, Minutes and Matters Arising followed by the relevant agenda to include Local

Neighbourhood Issues, Priority Updates and Partners will have an opportunity to raise issues relevant to their service area.

- c. Special meetings of an AAP Board can be called by a motion to the Chair signed by at least a minimum of 9 Board members (which must be made up by three from each category).

11. Decision making

- a. It is expected that the decisions of the AAP will be reached by consensus.
- b. If there is not a clear consensus, then a vote may be called for by the Chair on a show of hands or a secret ballot. In this case a simple majority will prevail
- c. Minutes of the AAP Board will be made publicly available once they have been agreed as a true record
- d. AAP board members who believe they may have a prejudicial interest must declare it and its nature as soon as it becomes an issue. (Definition - if a member of the public (with knowledge of the relevant facts) might perceive that an AAP Board member's judgement on a matter for decision could be prejudiced i.e. the topic under consideration directly affects a board member (to their benefit or detriment)). The Coordinator will be the final arbiter in determining if such an interest exists and be guided by the maxim 'even if in doubt then they declare an act accordingly'. Once an interest is declared the board member must leave the room whilst the item is discussed and a decision reached before they return, except in (i).
 - (i). Whilst it is usual practice for a board member to leave the room after declaring such an interest, they may be allowed to answer questions from board members on the subject for which they have declared an interest if the Chair deems it necessary for them to clarify certain points to enable the Board to make an informed decision. Once any points are clarified the individual(s) will then be required to leave whilst the decision is taken.
 - (ii) In the event that a Board meeting is not quorate further to a Board member declaring an interest and leaving the room, the Chair may give a dispensation to the Board member to entitle them to participate (take part in discussions and any subsequent vote). Any dispensation granted at the meeting should be formally recorded in the meeting minutes.

12. Finance

[All finance will require a comprehensive set of criteria to be developed in consultation with the Council's Section 151 Officer]

1. Each AAP will have an Area Budget to further the purpose of the Partnership and address the priorities set by the AAP Board. The amount allocated in the Area Budget will be set annually by the County Council and recommendations for spend will be made by the AAP Board to the Assistant Chief Executive.
2. In addition to the Area Budgets, the AAP Board may make recommendations to Unitary Councillors for use of Neighbourhood Budgets. Proposals for use of Neighbourhood Budgets will be made to AAP Boards at the next available Board meeting, or via email if the NB is for information only,

with the aim of ensuring impact is maximised against the priorities set by the AAP Board or by emerging community issues. Final recommendations for spend will be made by the Unitary Councillors to the Assistant Chief Executive unless the Councillor(s) has declared a personal or prejudicial interest in the application, in which case the AAP board will make the final recommendation.

- 3 The financial year of the Partnership shall commence on 1st April in each year and shall end on 31st March of the next calendar year.

13. Representation to External bodies

- a. The AAP will determine who should represent them on external bodies
- b. Any appointee by the AAP to an external body who fails to attend two consecutive meetings of a particular body may be replaced by the AAP

14. Sub groups of the AAP

- a. The AAP will have the power to set up task and finish groups to support its own work and to agree who should populate and Chair the task group.
- b. It may be required to set up other arrangements to link in with countywide strategic arrangements as required by the County Durham Partnership.
- c. Each task and finish group will have a Terms of Reference to ensure that their activity is conducted appropriately.

15. Engaging with neighbourhoods and communities of interest.

- e. Effective engagement with neighbourhoods and communities of interest is a key role of AAPs. Each AAP will determine its own mechanism to engage with its neighbourhoods that best reflects local circumstances.
- f. In engaging with neighbourhoods the AAP will recognise the important role of town and parish councils and local community and voluntary groups.
- g. The AAP will ensure that it engages with and considers the needs and priorities of communities of interest such as, although not limited to, disabled people, black and minority ethnic communities including Gypsy and Traveller communities, young and older people, lesbian, gay and bisexual people, transgender people, faith groups and those representing other beliefs such as Humanists.

16. Complaints

- a. If any individual AAP Board member or member of the AAP Forum wishes to submit a complaint they should do so in writing to the AAP Co-ordinator who will investigate the matter.
- b. If a complaint is made an acknowledgement will be made within five working days from receipt of complaint either:
 - i. Outlining the procedure to be followed
 - ii. Or an explanation as to why the complaint will not be dealt with by the AAP Board.
- c. If a complaint either
 - i. Concerns the Chair or the AAP Coordinator; or

- ii. You believe your complaint was not dealt with properly by the AAP;

then the matter should be referred to:

Head of Partnerships & Community Engagement
Assistant Chief Executive's Office
Durham County Council
County Hall
Durham
DH1 5UL

The complaints procedure of Durham County Council will then prevail and you will be notified accordingly of its procedure.

17. Staff

- a. The AAP will be supported by staff employed by Durham County Council and all staff management issues will be dealt with by Durham County Council. This does not preclude other organisations locating staff within the AAP team but they will act under the direction of the AAP Coordinator.
- b. The AAP Coordinator will also represent the AAP at other meetings and is bound to ensure that where practicable they discuss such issues with the Board or the Chair but must give feedback at a Board meeting as to activities they have been involved with in the name of the AAP.

18. Review and alteration to the Partnership Agreement

If an AAP identifies a need to alter the Terms of Reference they must submit such a request to the County Council's relevant Cabinet Portfolio Holder. If the request is deemed to be one that is minor and only affects an individual AAP then that request may be decided upon by the relevant Portfolio Holder. If the request is deemed to be major or could potentially affect other AAPs then it must be submitted to Cabinet for a decision by the relevant Portfolio Holder.

19. Dissolution

The AAP can only be dissolved by Durham County Council.

Appendix 1

Standing Orders for meetings of the AAP Board

Duration

- Meetings of the AAP Board should aim to last no longer than two hours. An intervening break can be scheduled into this 2 hours at the request of board members.

Agenda

- The AAP Co-ordinator in collaboration with the Chair, finalise the agenda beyond the set items but all have the opportunity to request items to be put on the agenda before it is sent out.
- Wherever possible tabling of agendas on the day of the meeting should be avoided unless there are exceptional circumstances. Good practice will be to give members at least 5 days notice of business of the meeting.

Protocol for All Meetings

- Code of conduct will appear on the reverse on each board agenda to remind attendees of processes to be followed.
- All attending are expected to abide by reasonable standards of behaviour. No shouting, swearing, threatening, accusing or other abusive behaviour will be tolerated.
- Everyone's viewpoint is to be respected.
- If an attendee oversteps the mark the Chair is entitled to ask for an apology and if an apology is not forthcoming has the right to insist that the person shall leave the meeting.
- All board members have the right to speak during all sections of the board agendas by indicating to the Chair his or her intent (usually by raising a hand). In most cases discussion should flow naturally but the Chair must ensure that all are given the opportunity to contribute and not the vociferous minority.
- The Chair does have the right to refuse any further discussion when a topic is either exhausted or reached a stalemate or the Chair has decided to move progress.
- All forum member observers at board meetings, at a minimum, should be invited to comment under the neighbourhood issues section of the agenda. It is at the discretion of the chair if they are to be invited to participate in discussion in any other sections of the agenda.
- It is the Chair's prerogative to call for a vote on any particular issue and he/she may seek a mandate from the meeting as to whether it will be a show of hands or a secret ballot.
- Agreement is usually reached by consensus unless there appears to be no consensus then a vote will be taken. All are expected to abide by a decision outside of the meeting and must not use another forum to undermine a decision taken at the AAP.
- Conflicts of interest need recording and the process should be followed as outline in section 11d.