

Appendix C

CHESHIRE AND WARRINGTON JOINT COMMITTEE

TERMS OF REFERENCE (AS AMENDED)

1. Cheshire East Council, Cheshire West and Chester Council and Warrington Council have established an Executive Joint Committee known as the Cheshire and Warrington Joint Committee ('the Committee') for the purpose of discharging the functions mentioned in Annex A. The Councils are enabled to set up Joint Committees under Part VI of the Local Government Act 1972 and Part I Chapter 2 of the Local Government Act 2000.

2. Each Council is entitled to appoint one voting member in respect of the business to be carried out in Part One of Appendix A (Subscriber Members), and one further voting member in respect of the business to be carried out in Part Two of Appendix A (Joint Committee Members). In the event of a voting member of the Committee ceasing to be a member of the Council which appointed him/her, the Council shall forthwith appoint another voting member in his/her place. Only a voting member is entitled to be elected as Chair or Vice-Chair of the Committee.

3. Each Council may appoint members as substitute for the members appointed under (i) above to attend meetings of the Committee in the absence for any reason of the members appointed under (i) above, in accordance with their own constitutional requirements. The substitute members shall be treated in all respects if they were appointed under (i) above.

4. The Chair of the Business Advisory Board ('BAB') shall be an ex officio member of the Committee and may speak at meetings of the Committee but not vote. The Chair of the Business Advisory Board may present reports to the Committee from the BAB.

5. The Committee shall maintain a two-year rolling Chair and Vice-Chair from among the Subscriber Members. The Chair will rotate every two years in the following order CWaC (until May 2025), CEC (until May 2027) WBC (until May 2029) and shall continue in that rotation. The Vice-Chair shall be from CEC (until May 2025) and shall rotate in the same order as the chairmanship every two years.

6. Three voting members of the Committee shall constitute a quorum for the business set out in Part One of Appendix A. Four voting members shall constitute a quorum for the business set out in Part Two of Appendix A. Except as otherwise provided by statute, all questions shall be decided by a majority of the votes of the voting members present, the Chair having the casting vote in addition to his/her vote as a member of the Committee.

7. The Committee shall meet as agreed at its AGM and at least three times each year. However, a meeting of the Committee may be convened at any time by the Committee Clerk in consultation with the Chair. A meeting of the Committee must also be convened by the Chair within 28 days of the receipt of a requisition of any two Subscriber Members of the Committee addressed to the Committee Clerk. The Chair of the Board may request a meeting of the Committee by notice in writing addressed to the Committee Clerk, but may not requisition one. All requisitions shall be in writing and no business other than that specified in the requisition shall be transacted at such a meeting.

8. The Committee shall adopt the standing orders of Cheshire East Council but it may agree to vary these and from time to time make such standing orders for the carrying on of the business of the Committee as the Committee shall deem necessary and or desirable.

9. For the avoidance of doubt and subject to there being no changes to the law on this issue, where a Council is operating executive arrangements pursuant to the Local Government Act 2000 (and any regulations made under it), it will be a matter for the Executive of the Council to appoint any voting member, or substitute member of the Committee as long as that member is a member of the appointing Councils Cabinet. Where a Council is operating committee system arrangements pursuant to the Local Government Act 2000, it will be a matter for the Council to appoint any voting member and substitute member to the Joint Committee.

10. The Committee shall from time to time appoint such sub-committees to consider and deal with any of the functions of the Committee as may be thought desirable.

11. The Committee Clerk and such other officers as may be deemed necessary for the due conduct of the business of the Committee shall be provided by Cheshire East Council and the costs of this shall be met by the Council-owned company (Enterprise Cheshire and Warrington – NB: name subject to Member approval).

12. The first meeting of the Committee shall be held at Cheshire East Council and the venue shall then rotate between the Councils in alphabetical order, unless otherwise directed by the Committee.

13. As and when required by an Overview and Scrutiny Committee or other Committee or an Audit Committee of any of the Councils, the Subscriber Member for the Council whose Overview and Scrutiny Committee or Committee or Audit Committee has instigated an investigation shall take the lead responsibility for accounting for the activities of the Committee to the Overview and Scrutiny Committee or Committee or Audit Committee and shall attend such meetings of those committees of its Council as necessary, and no other member of the Committee shall be required to attend.

14. The Committee Clerk shall:

a. Be responsible for preparing the agenda and submitting reports prepared by either the Councils or other bodies to the Committee and minutes of the Committee.

b. Be responsible for making arrangements for publishing in accordance with Access to Information requirements all meetings, agenda, agenda items and minutes as appropriate.

15. The relevant Standing Orders for the Committee are those of Cheshire East Council.

16. In the event that an urgent decision is needed for the discharge of any of the functions of this Committee, other than those functions which by law can be discharged only by the Councils or a specific Committee, then the Growth Director of each Council is entitled to act on behalf of the Committee. A decision will be urgent where any delay would seriously prejudice the legal or financial position of the Councils or the interests of residents. This delegation is subject to the conditions that any urgent action:-

(a) should be reported to the Committee

(b) shall take the advice of the Monitoring Officer and S151 officer of each Council

(c) shall be exercised in consultation with the three Subscriber members of the Committee

(d) shall be exercised within each Council's own financial and other constitutional requirement

Part One - Shareholder Functions of the Committee

1. To approve the business plan and budget of LEPCo/Enterprise Cheshire and Warrington (ECW) and any required variations

2. Ensuring that LEPCo/ ECW deliver against their business plan and budget, holding them to account for such delivery and directing the LEPCO/ECW Board to take remedial action where necessary;

3. To appoint directors to the LEPCo/ECW Board

4. To approve any capital expenditure to be made in excess of £100k unless agreed under the business plan
5. To approve the entering into of any lease or licence for the occupation of land or premises
6. To approve the appointment of members of LEPCo/ECW management team
7. To approve the entering into of any contract in excess of £100k unless agreed under the Business Plan
8. To approve the entering into or giving of any loan, guarantee, surety or indemnity by LEPCo/ECW other than the giving of grant by LEPCo/ECW as part of its business plan
9. To approve the opening or closing of any bank account by the Company
10. To approve any changes to the Articles of Association of the Company
11. To approve any staffing or other material policy changes or new policies to be implemented

Part Two - Other Functions of the Committee

1. To receive reports from the Business Advisory Board, any Sub Committee of the Joint Committee and the Growth Directors (management) Group.
2. Any time review and agree proposed changes to the Functions of the Committee and seek approval of the same from the three Councils.
3. To agree and approve any proposed governance and or reporting structure that the Committee sees fit.