

Cheshire + Warrington Joint Committee

Cheshire and Warrington Joint Committee

26th July 2024

Cheshire & Warrington Joint Committee – Membership and Other Matters

Report of: Peter Skates, Acting Executive Director - Place, Cheshire East Council, Gemma Davies, Director Economy and Housing, Cheshire West and Chester Council and Steve Park, Director of Growth, Warrington Borough Council

Report Reference: CWJC/02/24-25

Ward(s) Affected: N/A

Significant/Key Decision?	Yes/No	Definition (to be deleted once completed)
Cheshire West and Chester	No	Constitution Page 115.
Warrington	No	Constitution page 41
Cheshire East	No	Constitution Page 78

Purpose of Report

- 1 To report the appointment of Members to the Cheshire and Warrington Joint Committee by the three Councils in Cheshire and to highlight some key operational and administrative requirements relating to the way in which the Committee will work in future.

Executive Summary

- 2 To report the appointment of Members to the Joint Committee and to highlight some key requirements relating to the way in which the Committee will operate going forward.

RECOMMENDATIONS

The Joint Committee is recommended to:

1. Note the appointment of Members to the Joint Committee by constituent Councils.
2. Note the resignation of Councillor Sam Corcoran from his role as Leader of Cheshire East Council and that his replacement is Councillor Nick Mannion as newly appointed Leader.
3. Note the position relating to the appointment of the Chair of the Business Advisory Board.
4. Note the Terms of Reference for the Joint Committee, approved by Constituent Councils.
5. Note the operational and administrative arrangements for the Joint Committee.
6. Note the proposed agenda items for the meeting of the Joint Committee in September 2024.

Background

- 3 In February 2024, Cheshire East Council, Cheshire West and Chester Council and Warrington Borough Council (the Council's) agreed to establish a Joint Committee under the provisions of the Local Government Acts 1972 and 2000, to oversee the activities of Enterprise Cheshire and Warrington and to act as a strategic body for economic development across Cheshire & Warrington.
- 4 In accordance with the Terms of Reference for the Committee agreed by the Councils, each Council is required to appoint two Members to the Committee. One to act as a voting Member for the shareholder business for Enterprise Cheshire and Warrington, and a second voting Member for the other functions of the Committee.

Cheshire & Warrington Joint Committee – Membership 2024/25

- 5 At their various relevant Council/Committee meetings in March to May 2024, the Councils appointed the following Members to the Cheshire and Warrington Joint Committee.

- (a) Councillor Louise Gittins – Leader of Cheshire West & Chester Council (Chair of the Joint Committee)
 - (b) Councillor Karen Shore – Deputy Leader of Cheshire West and Chester Council.
 - (c) Councillor Sam Corcoran – Leader of Cheshire East Council (Vice-Chair of the Joint Committee)
 - (d) Councillor Michael Gorman – Deputy Leader of Cheshire East Council.
 - (e) Councillor Hans Mundry – Leader of Warrington Borough Council
 - (f) Councillor Jean Flaherty – Deputy Leader of Warrington Borough Council.
- 6 Following the resignation of Councillor Sam Corcoran from his role as Leader of Cheshire East Council on 17 July 2024, he will now be replaced by the new Leader Councillor Nick Mannion, who will also act as Vice-Chair of the Joint Committee.
- 7 The Terms of Reference for the Joint Committee refer to the Chair of the Business Advisory Board as an ex-officio member of the Committee. Enterprise Cheshire and Warrington is currently going through the recruitment process for the Business Advisory Board and the name of the Chair will be confirmed in due course (see separate agenda item).
- 8 The Terms of Reference also refer to the appointment of substitute members to act in the absence of either of the two substantive Members and that such appointments will be made in accordance with their own Constitutional requirements. Whilst the practice of appointing substitutes differs slightly between the Councils, there is a requirement to provide some notice prior to a meeting of the Joint Committee. Cheshire East Council have named their Substitute Members.

Cheshire & Warrington Joint Committee - Terms of Reference

- 9 The Terms of Reference for the Cheshire and Warrington Joint Committee were approved by respective Councils in February 2024 and are attached as Appendix 1 for information. They were approved by the Joint Committee at its first meeting in April 2024.

Calendar of Meetings 2024/25

- 10 Following consultation with Chief Executives and the Chair of the Joint Committee, Councillor Louise Gittins, it has been agreed that future meetings of the Joint Committee will be aligned with existing sub-regional meetings already in the diary. This makes for more effective use of peoples' time, diary and business management at no additional cost.

- 11 The Joint Committee will therefore meet on the following dates, all of which are in members diaries. The 27th September 2024, 31st January 2025 and 31st March 2025.
- 12 One important feature of working arrangements in support of the new Joint Committee is how best to brief Members ahead of each meeting of the Committee on items on the forthcoming agenda. The Chair has asked for informal meetings to be programmed into the Calendar and arrangements are being made for this. Going forward, the informal Joint Committee meetings will be built into the Annual Calendar of meetings. It may also be the case that as the Joint Committee evolves, particularly around the development of portfolios, that respective Members may also wish to have individual briefings with respective officers.
- 13 The Joint Committee will also maintain a Forward Plan, in much the same way as the Councils do, which provides prior notice of the business that is likely to be submitted to the Joint Committee at future meetings. The Joint Committee's Forward Plan will be in addition to any forward plan arrangements and/or requirements of each of the Council's, as it is recognised that some of the decisions of the Joint Committee may amount to key or significant decisions and the requirements of each of the Council's Constitution will need to be adhered to.
- 14 The Joint Committees Forward Plan is a 'live' documents which will be updated and amended regularly to reflect emerging or developing business. The Forward Plan for the Joint Committee is currently being worked up based on current understanding of the likely business in the pipeline and a full version will be submitted to the Committee in September 2024. The known business for the September meeting is included in Appendix 2.

Operational arrangements

- 15 The Joint Committee is a formal local authority committee and like all others must adhere to certain procedural rules and requirements relating to, for example, the publication of agenda papers five working days before meetings, access to information relating to reports, public access to meetings, and on occasions when, relating to private or confidential information, excluding the press and public. All these matters have been built into the support arrangements for the Joint Committee but in the case of any doubt Cheshire East Council's (as the host of the Joint Committee) procedural rules will be applied, in accordance with the Terms of Reference. There are one or two operational points around urgent business and exclusion which are currently being clarified.
- 16 Although council decision-making arrangements operate within the same legal framework, they do have different ways of working. The most obvious example is the Cabinet model in Cheshire West and Chester and Warrington, and the Committee system used by Cheshire East Council. This is not expected to have a significant impact on the Joint Committee but worthy of note as some Joint Committee business may need to be agreed firstly by constituent Councils.

- 17 Another example of different ways of working which may impact on the Joint Committee relates to the live streaming of meetings. Councils tend to live stream main meetings but not all or provide live audio of meetings. In the circumstances, in future it is expected that the house-style of the Council hosting the meeting will be applied should the Committee wish to stream a meeting.

Reasons for Recommendations

- 18 The reason for the recommendation is to inform all Members of the Committee about the Membership, Terms of Reference, and the ways in which it will be required to operate going forward as a formal Committee.

Other Options Considered

- 19 Not applicable. The report simply reports the appointments made in compliance with the Terms of Reference and ways in which the Committee is required to operate.

Implications and Comments

Monitoring Officer/Legal

- 20 The Council's have power to appoint members to the Joint Committee and this has been exercised.
- 21 The appointments made by Cheshire East Council were role related and not personal appointments and the newly elected Leader is therefore correctly appointed to the Joint Committee.
- 22 The legal implications as to decision making and the requirements for access to agendas, reports and minutes together with the issues as to a forward plan, are set out in the report.

Section 151 Officer/Finance

- 23 There are no direct financial implications relating to the report.

Policy

- 24 There are no direct policy implications in this report.

Equality, Diversity and Inclusion

- 25 There are no implications in this report.

Human Resources

- 26 There are no Human Resource implications in this report.

Risk Management

27 There are no risk management implications in this report.

Rural Communities

28 There are no implications for rural communities in this report.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

29 There are no implications.

Public Health

There are no implications.

Climate Change

30 There are no climate change implications in this report.

Access to Information	
Contact Officer:	Peter Jones, Programme Director, Cheshire & Warrington Sub-regional Programme Office. Peter.jones@warrington.gov.uk
Appendices:	Appendix 1 – Terms of Reference for the Cheshire & Warrington Joint Committee. Appendix 2 – Forward Plan for the September meeting of the Joint Committee
Background Papers:	Cheshire West and Chester Council - Cabinet report February 2024 on LEP Transitional Arrangements Cheshire East Council – Corporate Policy Committee report – February 2024 on LEP Transition arrangements.

	Warrington Borough Council – Cabinet report February 2024 on LEP Transitional arrangements.
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Appendix 1

CHESHIRE AND WARRINGTON JOINT COMMITTEE TERMS OF REFERENCE

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 to 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 Councils own financial and other constitutional requirements

Appendix A – Terms of Reference

Part One - Shareholder Functions of the Committee

1. To approve the business plan and budget of LEPCo/Enterprise Cheshire and Warrington (ECW)¹ 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.
4. To act as a strategic body; setting and reviewing objectives for strategic economic development across Cheshire and Warrington, including;
 - a. Providing a coherent single position on major strategic issues;
 - b. agreeing major economic priorities across Cheshire and Warrington;

¹ Name subject to Member approval

- c. consider recommendations made by any Sub Committee, the Business Advisory Board or Growth Directors (management) Group;
- d. agreeing Lead and/or Accountable Body status for LEPCo/ECW and any projects undertaken;
- e. influence and align government investment in order to boost economic growth across Cheshire & Warrington;
- f. have regard to the duty to cooperate and the Joint Committee's overall function as set out above;
- g. to ensure alignment between decision making on areas of policy such as land use, transportation, economic development and wider regeneration;
- h. co-ordinate and align decision making on transport across Cheshire and Warrington ensuring that business views are taken on board and that the Councils' adopted plans are reflected in strategic priorities;
- i. deciding on capital expenditure programmes which are delivered across Cheshire & Warrington and ensuring policy and programmes are delivered effectively through LEPCo/ECW