

STAFFORDSHIRE COUNTY COUNCIL

and

STOKE-ON-TRENT CITY COUNCIL

STAFFORDSHIRE AND STOKE ON TRENT

JOINT ENTERPRISE DELIVERY COMMITTEE AGREEMENT

1. Background

1.1. The Authorities to this Agreement are:

- (1) STAFFORDSHIRE COUNTY COUNCIL of 1 Staffordshire Place Stafford Staffordshire ST16 2DH (**SCC**)
- (2) STOKE-ON-TRENT CITY COUNCIL of The Civic Centre, Glebe St, Stoke-on-Trent ST4 1HH (**SOTCC**)

2. Purpose

- 2.1. To establish a Joint Committee on behalf of SCC and SOTCC to take all decisions within the budget and policy frameworks for both councils arising from the winding down and cessation of the Staffordshire and Stoke on Trent Local Enterprise Partnership (LEP).

3. Governance

- 3.1. The Authorities have agreed to nominate the Lead Authority as the Relevant Authority (defined below) and to establish and to participate in a joint committee known as the Joint Enterprise Delivery Committee (hereinafter the "**Joint Committee**") to jointly discharge their respective executive functions as set out in this Agreement.

- 3.2. The Authorities have entered into this Agreement in reliance on the exclusive rights given to local authorities to undertake administrative arrangements of this nature in Section 101, 102, 112 of the 1972 Act and the regulations made under the 1972 Act and Section 9EB of the Local Government Act 2000 (the **2000 Act**).
- 3.3. The Joint Committee will comprise Staffordshire County Council and Stoke on Trent City Council ("the constituent authorities").
- 3.4. The Joint Committee will be a legally constituted body with powers delegated to it by the constituent authorities in the following areas:
- 3.4.1. To agree and lead the exit strategy for each of the existing LEP initiatives.
- 3.4.2. In the interim to take all decisions on the Growth Hub delivering a collaborative approach to business support across the Staffordshire sub-region, prior to consideration being given to the best vehicle to take on this function in the medium term most likely the Leaders Board. SCC has agreed to be the accountable body for this function until such a time as the successor arrangements for the leadership of the Growth Board have been developed and executed.
- 3.4.3. In the interim to take all decisions on the Careers Hub (including decisions regarding the transfer), prior to this function being transferred to SCC by September 2024. Nb. The Committee can only make Executive decisions as specified under the LGA 2000, all non-executive decisions e.g. staffing and TUPE will need to be made under each Councils non-executive arrangements).
- 3.4.4. To lead the strategic transition of tourism from the LEP prior to consideration being given to the best vehicle to take on this function in the medium term most likely the Leaders Board. It is intended that the Local Visitor Economy Partnership would operate as an internal body, hosted by and with SCC as accountable body.
- 3.4.5. To provide a clearing house for all returns and reporting to central government for all legacy programmes and funds including Local Growth Fund (SCC accountable body), Getting Building Fund (SCC accountable body), City Deal (SoTCC accountable body), Ceramic Valley Enterprise Zone / i54 (local

EZ governance to continue, with any remaining required governance to be provided by the Joint Committee) and Growing Places (SCC accountable body and will collect all remaining revolving funds).

3.4.6. To make decisions using any remaining LEP funds (including Growing Places, LEP Core Team budget, LEP Admin reserve, and LEP project reserves) to fund the transition and provide contingency and to agree the distribution between SCC/SoTCC of any remaining LEP funds to fund economic growth activity.

3.4.7. To provide a single point of executive liaison between the SCC, SOTCC and central government on the cessation and winding down of the LEP and to act as an interim management vehicle for all delivery matters arising from this process until they end or are amalgamated into each local authority.

3.4.8. To delegate to officers as appropriate. "in line with delegation protocols adopted in each Council"

3.5. Should the Joint Committee necessitate a change in the delegated powers and terms of reference of the Joint Committee, any such change would require the approval of both the constituent authorities.

3.6. These terms of reference will be reviewed on a biennial basis or sooner if necessary.

4. Membership

4.1. The Joint Committee will comprise two Executive members from each constituent authority.

4.2. Each constituent authority to have two named substitute members who must be an executive member.

4.3. In the event of any voting member of the Joint Committee ceasing to be a member of the constituent authority which appointed them, the relevant constituent authority shall as soon as reasonably practicable appoint another voting member in their place.

4.4. Each constituent authority may remove its member(s) or substitute member(s) and appoint a different member or substitute as per that authority's rules of substitution, and by providing twenty-four hours' notice to the Chairperson or the Secretary.

- 4.5. The Joint Committee may from time to time, following a majority vote of those present and voting, co-opt additional non-voting members ("co-opted members") at its discretion but such co-opted members will not be members or officers of the constituent authorities.

5. Quorum

- 5.1. The quorum shall be 2 members (1 from each constituent authority). No business will be transacted at a meeting unless a quorum exists at the beginning of a meeting. If at the beginning of any meeting, the Chairperson or Secretary after counting the members present declares that a quorum is not present, the meeting shall stand adjourned.

6. Chairperson and Vice Chairperson

- 6.1. The Chairperson and Vice-Chairperson are appointed on a rotational basis at the annual meeting i.e. Year 1 Chairperson SCC, Vice-Chairperson person SoTCC and vice-versa for Year 2 etc.
- 6.2. The Chairperson or in their absence the Vice Chairperson or in their absence the member of the Joint Committee elected for this purpose, shall preside at any meeting of the Joint Committee.
- 6.3. Appointments will be made in May of each year unless following an election where appointments may not be made until June.
- 6.4. Where, at any meeting or part of a meeting of the Joint Committee both the Chairperson and Vice Chairperson are either absent or unable to act as Chairperson or Vice Chairperson, the Joint Committee shall elect one of the members of the Joint Committee present at the meeting to preside for the balance of that meeting or part of the meeting, as appropriate. For the avoidance of doubt, the role of Chairperson and Vice Chairperson vests in the member concerned and in their absence the role of Chairperson or Vice Chairperson will not automatically fall to the relevant constituent authority's substitute member.

7. Voting

- 7.1. One member, one vote for each constituent authority.
- 7.2. All questions shall be decided by a majority of the votes of the members present, the Chairperson having the casting vote in addition to their vote as a member of the Committee. Voting at meetings shall be by show of hands.

- 7.3. On the requisition of any two Members, made before the vote is taken, the voting on any matter shall be recorded by the Secretary so as to show how each Member voted and there shall also be recorded the name of any Member present who abstained from voting.

8. Advisory Groups

- 8.1. The Joint Committee may set up advisory groups as required to enable it to execute its responsibilities effectively and may delegate tasks as it sees fit to these bodies, which may be formed of officers or members of the constituent authorities or such third parties as the Joint Committee considers appropriate.

9. Hosting and Administration

- 9.1. SCC will be the host authority, and a member of staff from that authority shall be Secretary to the Committee ("the Secretary").
- 9.2. The Joint Committee will at their first meeting decide which of the constituent authorities will provide the S151 Officer role.
- 9.3. The Joint Committee will at their first meeting decide which of the constituent authorities will provide the Monitoring Officer & Legal Adviser to the Joint Committee.
- 9.4. The administrative costs of supporting the committee will be met by SCC.
- 9.5. The functions of the Secretary shall be:
- 9.5.1. to maintain a record of membership of the Joint Committee and any sub-committees or advisory groups appointed;
 - 9.5.2. to publish and notify the proper officers of each constituent authority of any anticipated "key decisions" to be taken by the Joint Committee to enable the requirements as to formal notice of key decisions as given under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 to be met;
 - 9.5.3. to carry out such notification to and consultation with members of any appointing constituent authority as may be necessary to enable the Joint Committee to take urgent "key decisions" in accordance with the requirements of the Local Authorities

(Executive Arrangements) (Meetings and Access to Information)
(England) Regulations 2012;

9.5.4.to summon meetings of the Joint Committee or any sub-committees or advisory groups;

9.5.5.to prepare and send out the agenda for meetings of the Joint Committee or any sub-committees or advisory groups; in consultation with the Chairperson and the Vice Chairperson of the Committee (or sub-committee/ advisory group);

9.5.6.to keep a record of the proceedings of the Joint Committee or any sub-committees or advisory groups, including those in attendance, declarations of interests, and to publish the minutes;

9.5.7.to take such administrative action as may be necessary to give effect to decisions of the Joint Committee or any sub-committees or advisory groups;

9.5.8.to perform such other functions as may be determined by the Joint Committee from time to time.

10. Meetings

10.1. The Joint Committee will meet no less than every six months and meetings will be aligned where necessary with deadlines for decisions on resources and investment plans.

10.2. Meetings will be held at such times, dates and places as may be notified to the members of the Joint Committee by the Secretary, being such time, place and location as the Joint Committee shall from time-to-time resolve.

10.3. Meeting papers will be circulated five clear working days in advance of any meeting. The Chairperson may choose to accept or reject urgent items that are tabled at any meeting.

10.4. Additional ad hoc meetings may be called by the Secretary, in consultation, where practicable, with the Chairperson and Vice Chairperson of the Committee, in response to receipt of a request in writing, which request sets out an urgent item of business within the functions of the Joint Committee, addressed to the Secretary:

10.4.1. from and signed by two members of the Joint Committee, or from the Monitoring Officer of any of the constituent authorities.

10.5. The Secretary shall settle the agenda for any meeting of the Joint Committee after consulting, where practicable, the Chairperson or in their absence the Vice Chairperson; and shall incorporate in the agenda any items of business and any reports submitted by:

- the Monitoring Officer of any of the constituent authorities;
- the Section 151 to any of the constituent authorities;
- the Monitoring Officer to any of the constituent authorities; or
- any two Members of the Joint Committee.

10.6. The Joint Committee shall, unless the person presiding at the meeting or the Joint Committee determines otherwise in respect of that meeting, conduct its business in accordance with the procedure rules set out in Procedure Rules below.

11. Access to Information

11.1. Meetings of the Joint Committee will be held in public except where confidential or exempt information, as defined in the Local Government Act 1972, is being discussed.

11.2. These rules do not affect any more specific rights to information contained elsewhere under the law.

11.3. The Secretary will ensure that the relevant legislation relating to access to information is complied with. Each constituent authority is to co-operate with the Secretary in fulfilling any requirements.

11.4. Any Freedom of Information or Subject Access Requests received by the Joint Committee should be directed to the relevant constituent authority(s) for that authority to deal with in the usual way, taking account of the relevant legislation. Where the request relates to information held by two or more constituent authorities, they will liaise with each other before replying to the request.

12. Attendance at meetings

12.1. The Chairperson may invite any person, whether a member or officer of one of the constituent authorities or a third party, to attend the meeting and speak on any matter before the Joint Committee.

12.2. Third parties may be invited to attend the Joint Committee on a standing basis following a majority vote of those present and voting.

12.3. Where agenda items require independent experts or speakers, the Officer or authority proposing the agenda item should indicate this to the Secretary and provide the Secretary with details of who is required to attend and in what capacity. The participation of independent experts or speakers in Joint Committee meetings will be subject to the discretion of the Chairperson.

13. Procedure Rules

13.1. Attendance

13.1.1. At every meeting, it shall be the responsibility of each member to enter their name on an attendance record provided by the Secretary from which attendance at the meeting will be recorded.

13.2. Order of Business

13.2.1. Subject to paragraph 13.2.2, the order of business at each meeting of the Joint Committee will be:

- Apologies for absence;
- Declarations of interests;
- Approve as a correct record and sign the minutes of the last meeting;
- Matters set out in the agenda for the meeting which will clearly indicate which are key decisions and which are not; and
- Matters on the agenda for the meeting which, in the opinion of the Secretary are likely to be considered in the absence of the press and public.

13.2.2. The person presiding at the meeting may vary the order of business at the meeting.

14. Disclosable Pecuniary Interests

14.1. If a member is aware that they have a disclosable pecuniary interest in any matter to be considered at the meeting, the Member must withdraw from the room where the meeting considering the business is being held:

- a) in the case where 14.2 applies, immediately after making representations, answering questions or giving evidence;

- b) in any other case, wherever it becomes apparent that the business is being considered at that meeting;
- c) unless the Member has obtained a dispensation from their own authority's Standards Committee or Monitoring Officer. Such dispensation to be notified to the Secretary prior to the commencement of the meeting.

14.2. Where a member has a disclosable pecuniary interest in any business of the Joint Committee, the Member may attend the meeting (or a sub-committee or advisory group of the committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

15. Minutes

15.1. There will be no discussion or motion made in respect of the minutes other than except as to their accuracy. If no such question is raised or if it is raised then as soon as it has been disposed of, the Chairperson shall sign the minutes.

16. Rules of Debate

16.1. A Member wishing to speak shall address the Chairperson and direct their comments to the question being discussed. The Chairperson shall decide the order in which to take representations from members wishing to speak and shall decide all questions of order. Their ruling upon all such questions or upon matters arising in debate shall be final and shall not be open to discussion.

16.2. A motion or amendment shall not be discussed unless it has been proposed and seconded. When a motion is under debate no other motion shall be moved except the following:

- a) To amend the motion;
- b) To adjourn the meeting;
- c) To adjourn the debate or consideration of the item;
- d) To proceed to the next business;
- e) That the question now be put;
- f) That a member be not further heard or do leave the meeting; and
- g) To exclude the press and public under Section 100A of the Local Government Act 1972.

17. Conduct of Members

17.1. Members of the Joint Committee will be subject to their own authority's Code of Conduct.

18. Application to Sub-Committees

18.1. The procedure rules and also the Access to Information provisions set out at paragraph 11 shall apply to meetings of any sub-committees of the Joint Committee.

19. Scrutiny of decisions

19.1. Each constituent authority which operates executive arrangements will be able to scrutinise the decisions of the Joint Committee in accordance with that constituent authority's overview and scrutiny arrangements.

20. Winding up of the Joint Committee

20.1. The Joint Committee may be wound up immediately if either constituent member withdraws or by a unanimous vote of all constituent authorities.

21. Amendment of this Constitution

21.1. This Constitution can only be amended by resolution of each of the constituent authorities which must be made at each council.