



**Joint Cabinet/Executive Committee  
Constitution**

**February 2021**

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## **Joint Cabinet/Executive Committee of Stratford-on-Avon and Warwick District Councils**

### **1 Terms of Reference**

The Joint Cabinet/ Executive Committee of Stratford-on-Avon and Warwick District Councils has been created under sections 101 and 102 of the Local Government Act 1972, section 9EB of the Local Government Act 2000 and all other relevant legal powers, following decisions taken by the respective Cabinet and Executive of each council in February 2021. The purpose of the Joint Committee at present is to enable the two Council's to work more closely in developing a combined Local Development Plan for South Warwickshire and ensuring that decisions are taken collectively and in a timely manner.

The Joint Committee will not at present undertake any other function than those defined within the terms of reference below and, as defined by law, and as such the adoption of the South Warwickshire Local Development Plan Document / Local Plan will remain with the individual Council's for final approval.

The Constitution for the Joint Committee includes a set of standing orders that takes precedence over the respective constitutional documents of each of the two councils. However, where the Constitution for the Joint Committee is silent on an issue, the Constitution of each respective Council will take precedence.

There will be a review by both authorities towards the end of the first 12 months of the operation of the Joint Committee in order to determine if any changes are necessary.

#### **Terms of reference:**

The purpose and functions of the Joint Cabinet/Executive Committee are to:

- Endorse technical studies and background reports to inform the preparation of South Warwickshire Local Development Documents, as appropriate
- Approve or recommend to Council (as appropriate) South Warwickshire Local Development Documents for public consultation
- Recommend to Council adoption of accompanying South Warwickshire Local Development Documents e.g. Local Development Scheme, Statement of Community Involvement
- Recommend to Council approval of the South Warwickshire Development Plan Document / Local Plan for submission to the Secretary of State for examination
- Recommend to Council adoption of the South Warwickshire Development Plan Document / Local Plan

## **2 Membership**

- 2.1 The work of the Joint Cabinet / Executive Committee is that of an Executive function. Therefore, under legislation, its membership can only be drawn from the membership of the Stratford on Avon District Council (SDC) Cabinet and Warwick District Council (WDC) Executive.
- 2.2 The Joint Committee will comprise six members in total, with three Councillors from each of the SDC Cabinet and WDC Executive.
- 2.3 These Councillors will be appointed by the Leader of the respective Council, who will notify their respective Council of their decisions. This will normally take place at the Annual Council meeting of SDC and WDC, but the Leaders are entitled to revise appointments at any time.
- 2.4 Any member who ceases to be a member of the respective Council's Cabinet/Executive will automatically cease to be a member of the Joint Committee and a vacancy will be created for that Council on the Joint Committee until such time as the Leader of the respective Council appoints a replacement.
- 2.5 The Leader of each Council may appoint up to three members, drawn from their respective Cabinet/Executive, as substitutes to attend meetings of the Joint Committee in the absence for any reason of a member selected under paragraph 2.2., who shall be treated in all respects as if they had been appointed under paragraph 2.2.
- 2.6 The Chairmen of the Overview and Scrutiny Committees from both authorities and a member from each political Group not represented on either the SDC Cabinet or WDC Executive may attend meetings as observers.
- 2.7 Any other SDC or WDC Councillor may attend meetings.

## **3 Appointment of Chairman**

- 3.1 The Joint Committee shall appoint a Chairman at the start of each meeting, from amongst the members of the Council that is hosting the meeting.
- 3.2 The Chairman appointed under paragraph 3.1 shall hold the role until the start of the next meeting.

## **4 Quorum**

- 4.1 The quorum to conduct business is four voting members, with no be fewer than two members from each of SDC and WDC.
- 4.2 The Chairman will adjourn the meeting if there is not a quorum present.

## **5 Management of Meetings**

- 5.1 The Proper officers for the meeting will be the Chief Executives of both SDC and WDC, who will normally both (or their nominated deputy) attend the meeting.
- 5.2 The Monitoring Officers for both SDC and WDC (or their nominated deputy) will attend to provide advice to their respective Councillors.
- 5.3 Democratic Services Support will alternate for each meeting between SDC and WDC, depending on which council is hosting the meeting
- 5.4 The date, time, place, agendas, reports and minutes of the meetings of the Joint Committee will be published through both the SDC and WDC websites and the shared Local Plan website.

- 5.5 The meetings will all be broadcast live on a dedicated joint Cabinet/Executive YouTube channel.
- 5.6 Prior to any report being included on the agenda, both Chief Executives, must have approved it for publication, having consulted with relevant members and officers

## **6 Meetings**

- 6.1 There shall be a minimum of four meetings of the Joint Committee each year on dates as determined by the Chairman and published on both Councils' websites.
- 6.2 Meetings will be held on such days and at such times as determined by the Chairman.
- 6.3 The meetings will take place at either: the Town Hall, Royal Leamington Spa; Elizabeth House Stratford Upon Avon; or in a remote online setting for such time as allowed by legislation, or such other venue as agreed by the Chairman.
- 6.4 The Chairman may call additional meetings of the Joint Committee to consider a matter that falls within its remit but cannot await the next scheduled meeting, provided at least five clear working days' notice in writing is given.
- 6.5 Formal meetings of the Joint Committee shall be held in public except when exempt or confidential information is being considered and the press and public are excluded in accordance with the Local Government Act 1972 (as amended).
- 6.6 The agenda and reports will be published and notice sent to Members of the Joint Committee no less than five clear working days before the date of the meeting.
- 6.7 Only the business on the agenda will be discussed at a meeting of the Joint Committee except for urgent matters raised in accordance with the provisions in Section 100B(4)(b) of the Local Government Act 1972.
- 6.8 The decisions from the meeting shall be published on the SDC and WDC websites, with a link from the joint local plan website, within two clear working days of the date on which the Joint Committee met.
- 6.9 The draft minutes of a meeting shall be published on SDC and WDC websites, with relevant links from the joint local plan website, as soon as is reasonably practicable.

## **7 Delegated Powers**

- 7.1 The delegated powers mean those powers to be discharged by the Joint Committee as set out in its terms of reference.
- 7.2 The Joint Committee shall discharge the delegated powers within the respective budgetary and policy frameworks set by SDC and WDC.
- 7.3 When discharging the delegated powers, the Joint Committee shall take decisions only after taking account of advice received in writing or orally from relevant officers of SDC and/or WDC as appropriate, including legal, financial and policy advice.
- 7.4 Prior to making a Key Executive decision the Joint Committee must be satisfied that legal requirements for prior notification of that decision have been complied with.

## **8 Overview & Scrutiny**

- 8.1 Executive decisions made by the Joint Committee are subject to scrutiny by either of the relevant Overview and Scrutiny Committee at SDC or WDC,

including an Overview and Scrutiny Committee's right to recommend that an Executive Decision made but not implemented should be reconsidered by the decision-taker (often referred to as 'call-in').

- 8.2 The processes and procedures for the exercise by the relevant Overview and Scrutiny Committee of its 'call-in' function shall be exercised in accordance with the relevant Constitutions of SDC or WDC, with any final decision being referred back to the Joint Committee for decision.
- 8.3 On receipt of a recommendation from an Overview and Scrutiny Committee following consideration of a call-in, the Joint Committee may accept, reject or amend the decision originally taken. The decision taken by the Joint Committee, following the review of its original decision, will be reported back to the next meeting of each respective Council for information.
- 8.4 If the initial decision is amended in any way, it is subject to a further call-in period.

## **9 Minutes**

- 9.1 At the meeting, the Chairman will move the formal motion "That the minutes of the last meeting be confirmed and signed by the Chairman" and there may only be discussion if there is disagreement about their accuracy.

## **10 Confidentiality**

- 10.1 All Members must respect the confidentiality of any papers marked as such that are made available to them for the purpose of meetings of the Joint Committee or otherwise for so long as those papers remain confidential.
- 10.2 All Members must respect the confidentiality of any meetings or parts of meetings of the Joint Committee for so long as the information considered in those parts remains confidential.
- 10.3 Failure to adhere to the requirements of 9.1 to 9.2 is likely to be considered as a breach of the Member Code of Conduct of the respective Council.

## **11 Questions to the Joint Committee**

- 11.1 Any Member of either Council may, with the Chairman's consent, ask one or more questions on matters within the terms of reference of the Joint Committee.

## **12 Petitions & Notices of Motion**

- 12.1 The Committee will only consider petitions referred to them by the respective Council, under that Council's Petitions Scheme or its procedure rules for Notices of Motion.

## **13 Public Speaking**

- 13.1 Members of the public may address the meeting. An allocation of a maximum of 30 minutes public speaking time at each meeting will be permitted, with a maximum five minutes per person. A member of the public wishing to speak at the meeting must register to do so by 10am the working day before the meeting.

## **14 Debate at Meetings**

- 14.1 The Chairman of the meeting will manage the debate for each item on the agenda as they consider reasonable.

- 14.2 A Member of the Joint Committee may speak on any business on the published agenda of the committee. Matters not relevant to the business on the agenda will not be permitted.
- 14.3 Every Member who speaks must direct their speech strictly to the matter under discussion.
- 14.4 The Chairmen of the Overview and Scrutiny Committees from both authorities, those members appointed from each political Group not represented on either the SDC Cabinet or WDC Executive and any other SDC or WDC Councillor may, at discretion of the Chairman, address the meeting.
- 14.5 In the event that members of the Joint Committee from one council have opposing views to members of the Joint Committee from the other council in relation to an agenda item, the Chairman shall remit the issue back to officers in order to find an acceptable solution

## **15 Disorderly Conduct**

- 15.1 If a member of the public interrupts the proceedings at a meeting, the Chairman may ask them not to interrupt.
- 15.2 If the interruption continues, the Chairman may order their removal from the meeting.
- 15.3 If there is general disturbance in from the public generally, the Chairman may order that those parties be removed.
- 15.4 If misconduct continues, the Chairman may adjourn or suspend the meeting for as long as they consider appropriate.

## **16 Code of Conduct**

- 16.1 Members are bound by the Code of Conduct of the authority which appointed them to the Joint Committee and they should particularly observe the provisions of their respective Codes concerning the declaration of interests when attending meetings of the Joint Committee.

## **17 Declarations of Interest**

- 17.1. At any meeting where a Member becomes aware that a matter under consideration relates to:
  - (a) one of their interests, they must disclose the interest and the nature of the interest in accordance with their respective Council's Code of Conduct if not already entered on the relevant Council's register and/or
  - (b) the donor of any gift and/or hospitality that they have accepted and not yet entered on the relevant Council's public register, the Member must disclose the interest to the meeting and, within 28 days, notify this to either SDC's Monitoring Officer or WDC's Monitoring Officer.

## **18 Participation in relation to Disclosable Pecuniary Interests**

- 18.1. A Member with a disclosable pecuniary interest in any matter must:
  - (a) not participate in any discussion or vote relating to the matter;
  - (b) withdraw from the room or chamber when it becomes apparent that the matter is being considered at that meeting;
  - (c) not exercise functions in relation to that matter; and
  - (d) not take any steps in relation to the matter (except for the purposes of enabling the matter to be dealt with otherwise than by them) unless they

have obtained a dispensation from SDC's Monitoring Officer for SDC Councillors or WDC's Standards Committee for WDC Councillors.

## **19 Attendance at Meetings**

Every member of the Councils attending a meeting of the Joint Committee must sign their name in the attendance book or sheet provided for that purpose. (Suspended until 7 May 2021).

## **20 Exclusion of the Press and Public**

The Joint Committee may, by resolution, exclude the press and public from a meeting during an item of business wherever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure of information as defined by the Local Government Act 1972 and/or the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

## **21 Sub-Committees and Working Groups**

The Joint Committee shall seek approval from the respective Cabinet and or Executive prior to appointing a Sub-Committees or a working group.

## **22 Conduct at meetings & Interpretation of the Constitution**

The conduct of meetings and the interpretation of this Constitution are at all times a matter for the Chairman, whose ruling is final.

## **23 Maladministration or Financial Malpractice**

23.1. When, in the opinion of the Monitoring Officer of either Council, the Committee is guilty of acts or omissions made or about to be made which are unlawful or amount to maladministration, they shall produce a report which shall be circulated to all members of their Council and the process followed in respective of the appropriate Council's Constitution.

23.2. Where in the opinion of the Chief Financial Officer the Committee

- (i) takes or is about to take a decision which if pursued to its conclusion would involve the Council incurring unlawful expenditure or
- (ii) takes or is about to take a course of action which if pursued to its conclusion could be unlawful and likely to cause the Council loss or deficiency or
- (iii) is about to enter an item of account which is unlawful,

they shall produce a report, in consultation with the Chief Executive and Monitoring Officer, which they shall circulate to all members of the respective Council, and the Council's External auditor and follow the procedure as set out in the respective Council's Constitution.

## **24 Withdrawal from the Joint Committee**

24.1. At any time, either the Cabinet or Executive of each Council may give six months' notice in writing to the other Council of its intention to withdraw from the Joint Committee. Once the Joint Committee ceases to exist, the functions delegated to it will each revert back to the relevant delegating authority. The Leader of either Council can at any time withdraw the delegated Executive powers from the Joint Committee.