

Constitution Committee

Date of Meeting: 28 June 2018

Report Title: Chairmanship and Vice-Chairmanship of Overview and Scrutiny Committees

Senior Officer: Dan Dickinson, Acting Director of Legal Services

1. Report Summary

- 1.1. This report enables the Committee to consider an issue raised by Members during the recent review of the Council's Constitution.

2. Recommendations

- 2.1. That the Committee consider the matter and decide whether or not there should be any change to the existing arrangements.

3. Background

- 3.1. In 2017, the Council undertook a major review of its Constitution. A new Constitution was adopted in December 2017, which took effect on 1st January 2018.
- 3.2. Throughout the lengthy process leading to the adoption of the new Constitution, members raised a number of issues, in respect of which it was agreed that the Committee would be given opportunity to further consider them.
- 3.3. One of these issues was the question as to whether or not chairmanship or vice chairmanship of the Council's overview and scrutiny committees should be allocated to the Council's opposition groups.
- 3.4. Whilst some of these offices currently rest with the opposition groups, this is not a requirement of legislation. The allocation of these offices currently rests with Council, and takes place at the Council's Annual General Meeting.

- 3.5. Unless specifically stated in the Constitution, the allocation of chairmanships and vice chairmanships would always rest with elected members, exercised at the Council or Committee meeting in question.
- 3.6. In practice, prior to chairmanships and vice chairmanships being allocated, there is opportunity for discussion amongst the Council's political group leaders. In the past this has resulted in agreement that one or more of these offices be allocated to opposition group(s).
- 3.7. Whilst there will be alternative perspectives on this issue, one view is that the current arrangements should continue to be followed, and that there should be no constitutional compulsion as to how to allocate chairmanships and vice chairmanships. This allows flexibility for discussion between the Council's political groups, but ultimately relies upon the democratic vote being the final determinant.

4. Implications of the Recommendations

4.1. Legal Implications

- 4.1.1. The Council's current arrangements, which result in the chairmanships and vice chairmanships of overview and scrutiny committees being allocated at the Council's Annual General Meeting, comply with the law. Any other arrangement would need to be the subject of further legal advice.

4.2. Finance Implications

- 4.2.1. Whilst chairmanships of committees qualify for Special Responsibility Allowances, there are no net financial implications, whatever decision might be made by the Committee.

4.3. Policy Implications

- 4.3.1. Any change to the Council's existing arrangements would necessitate a change to the Council's Constitution.

4.4. Equality Implications

- 4.4.1. No equality implications arise from the options contained in this report.

4.5. Human Resources Implications

- 4.5.1. No human resources implications arise from the options contained in this report.

4.6. Risk Management Implications

4.6.1. No risk management implications arise from the options contained in this report.

4.7. Rural Communities Implications

4.7.1. There are no direct implications for rural communities.

4.8. Implications for Children & Young People

4.8.1. There are no direct implications for children and young people.

4.9. Public Health Implications

4.9.1. There are no direct implications for public health.

5. Ward Members Affected

5.1. This report relates to all Council members.

6. Access to Information

6.1. No background documents have been used in the preparation of this report.

7. Contact Information

7.1. Any questions relating to this report should be directed to the following officer:

Name:	Brian Reed
Job Title:	Head of Democratic Services and Governance
Email:	brian.reed@cheshireeast.gov.uk