

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Governance & Constitution Committee**  
held on Monday, 3rd November, 2008 at The Capesthorne Room - Town Hall,  
Macclesfield SK10 1DX

### **PRESENT**

Councillor A Ranfield (Chairman)  
Councillor D Topping (Vice-Chairman)

Councillors M Asquith, C Beard, Mrs S Bentley, D Cannon, R Cartlidge,  
Mrs S Jones, A Kolker, Mrs G Merry, A Moran, R Walker and P Whiteley

In attendance: Councillors Mrs L Smetham and A Thwaite

### **Officers present**

Mike Flynn – Governance Lead Officer  
Andy Kent – School Liaison Manger  
Julie Openshaw – Interim Monitoring Officer  
Brian Reed – LGR Governance Group

### **38 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **39 DECLARATIONS OF INTEREST**

There were no declarations of interest,

### **40 MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting held on 6 October 2008 were approved as a correct record.

### **41 PUBLIC SPEAKING TIME/OPEN SESSION**

There were no questions from the public.

### **42 LOCAL AUTHORITY SCHOOL GOVERNOR APPOINTMENT PROCESS**

The Committee considered a report on the process for appointing Local Authority Governors to School Governing Bodies, consideration of which had been deferred at the last meeting. The report advised Cheshire East Members of their statutory duties in relation to these appointments, and included background information in respect of the current position.

Agreement was sought as to the principles and process the new Authority should adopt with regard to the appointment of new LA Governors from 1 April 2009, with a view to introducing clarity, transparency and effectiveness to the process.

Confirmation was also requested regarding the particular arrangements for the appointment of additional Governors in cases where the LA exercised its powers under Section 64 of the Education and Inspections Act 2006. It was requested that agreement should be given for these arrangements to also apply where there were LA Governor vacancies in schools within the LA's Schools Causing Concern (SCC) programme (these being schools in the Ofsted categories of 'special measures' or 'notice to improve', and schools identified by the Authority as being 'at risk').

A full explanation of the position was given and it was reported that the decision being requested in the report had been amended in order to clarify the role of the local Member; a copy of amended decision was circulated. In considering the decision now requested the Committee did not agree to the recommendation that before taking up appointment all LA Governor appointees should be subject to Criminal Records Bureau clearance with the cost being met by the Authority. Members considered that this was the responsibility of the Head Teacher of the School, and that provision for it was already made at various other stages in the existing process.

#### RESOLVED

1. the process for appointing Local Authority School Governors, as set out in the report, be agreed.
2. in order to ensure that the needs of schools are met through appointments made on the basis of the skills and experience required, and the ability to make a time commitment to governor duties and training, the following documents are approved for the purposes of the appointments process:
  - Model Role Description (page 12)
  - Code of Conduct for Local Authority School Governors (page 13)
  - Criteria for Appointment (page 14)
  - Terms of Reference of Appointment Panel and Appointment Procedure (page 15), subject to:
    - paragraph 5 of "Procedure" being amended to read: "Where there is more than one application for a vacancy, an officer recommendation will be made in line with the agreed criteria, with a local Member's nomination having priority under the criteria"; and
    - the Panel having a membership proportionality of 5:1:1, including the Portfolio Holder for Children and Young People's Services (or nominee), and an officer from Governor Services (acting in an advisory capacity only)
3. the Committee notes the application form and statutory criteria for disqualification as a school governor as set out in pages 16 and 17 of the report.

4. the Committee agrees that, for schools in the SCC category, or for schools where the local authority proposes to use its statutory powers for intervention, or where the appointment is deemed by the Chair of the appointment panel to be urgent, the nominations may be agreed by the Strategic Director People's nominee in consultation with the Chair or his/her nominee.

#### **43 DELEGATION OF INDIVIDUAL MEMBER DECISIONS**

Consideration was given to a report giving further information on the powers contained in the Constitution which allowed urgent decisions to be made. The present process as set out in the Constitution of the Council was explained, and the legal position whereby powers to delegate functions of the full Council were derived from Section 101 of the Local Government Act 1972.

The Committee was keen for urgent decision making to rest with elected Members, whilst still reflecting the need to respond in an urgent manner, and asked for a further report to be prepared for consideration at the next meeting of the Committee,

RESOLVED

That a further report be considered at the next meeting of the Committee.

#### **44 APPOINTMENT OF STATUTORY CO-OPTED MEMBERS TO SCRUTINY COMMITTEES - ELECTED PARENT GOVERNORS AND NOMINATED CHURCH REPRESENTATIVES**

Consideration was given to a report advising the Committee of the recommendations of the Scrutiny Committee in respect of statutory appointments to the Scrutiny Committee(s) which deal with education matters. It was requested that it be recommended to Council that the decisions of the Committee be incorporated in the Council's Constitution.

RESOLVED

1. to recommend to Council that the following decisions of the Committee be incorporated in the Council's Constitution:
  - that two parent governor representatives should be appointed to the Scrutiny Committee for the purposes of dealing with education matters; one being drawn from the primary education sector, and the other being drawn from the secondary education sector.
  - that the period of office of the parent governor representatives should be 2 years with effect from 1<sup>st</sup> April 2009.
  - that one nominated representative of the Church of England Diocese and one nominated representative of the Roman Catholic Diocese should be co-opted to the Scrutiny Committee for the purposes of dealing with education matters.

2. that Council be recommended to authorise the Interim Monitoring Officer to make such consequential additions and changes to the Constitution as she considers necessary to give effect to the decision of Council.

The meeting commenced at 2.00 pm and concluded at 3.35 pm

Councillor A Ranfield (Chairman)