

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Governance & Constitution Committee**
held on Monday, 12th January, 2009 at Committee Suite 1 & 2, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor A Ranfield (Chairman)
Councillor (none)

Councillors M Asquith, Mrs S Bentley, D Cannon, R Cartlidge, Mrs S Jones,
A Kolker, Mrs G Merry, A Moran, R Walker and R West

Apologies

Councillors D Topping

55 OFFICERS PRESENT

Mike Flynn, Governance Lead Officer
Julie Openshaw, Interim Monitoring Officer
Chris Chapman, Borough Solicitor
Brian Reed, LGR Governance Group
Carol Jones, Crewe and Nantwich Borough Council

56 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor D Topping.

57 DECLARATIONS OF INTEREST

There were no declarations of interest made.

58 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

59 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on the 1st December 2008 were approved as a correct record.

60 CHESHIRE EAST WORK PLAN

The Borough Solicitor submitted an updated work plan detailing the current proposals in respect of reports to be brought to the Committee and the current status of each work area.

Members were informed that subject to the date not clashing with other dates within the Cheshire East diary an additional meeting of the Committee had been proposed to take place on 27th January 2009.

RESOLVED – That the Committee note the current details of the work plan as referred to at the meeting and that officers liaise with Members in order to establish whether there might be any conflicting meetings which would prevent the proposed meeting taking place on 27 January 2009.

61 PROGRESS REPORT - APPOINTMENTS TO OUTSIDE BODIES

Consideration was given to a report outlining the progress to date made in respect of the arrangements to make appointments to outside bodies in Cheshire East.

The Task Group set up to undertake this work had met on five occasions and was expected to hold another three meetings. Following those meetings the task group was expected to make recommendations to the Governance and Constitution Committee in respect of the following :-

(a) A procedure for making appointments to outside organisations with effect from 1st April 2009 which would include

- Recommendations as to Cabinet appointments
- Recommendations as to appointments to be made by the Governance and Constitution Committee
- Terms of office
- Basis of making appointments
- Means of monitoring effectiveness of representation
- A Protocol for dealing with casual vacancies

(b) Recommended named appointments to category 2 organisations

RESOLVED – That the report be noted.

62 MEMBER/OFFICER RELATIONS PROTOCOL

The Borough Solicitor submitted a report containing a draft Member/Officer Relations Protocol the aim of which was to guide Members and officers of Cheshire East Council in their relations.

The Protocol would help build good working relationships between members and officers as they work together to build the new Authority.

The Member/Officer Relations Protocol had been prepared in conjunction with other codes and protocols contained elsewhere within the Cheshire East Constitution.

RESOLVED –

- (a) That the proposed Member/Officer Relations Protocol be endorsed;
- (b) That Council be recommended to adopt the draft Member/Officer Relations Protocol as contained in the appendix to the report into the Constitution.

63 SCRUTINY PROCEDURE RULES

Consideration was given to a report of the Monitoring Officer relating to draft Scrutiny Procedure Rules which would apply with effect from 1st April 2009.

At its meeting on the 15th December 2008, the Council's Scrutiny Committee had considered the draft rules and recommended that they should take effect in the form appended to the report, with effect from 1st April 2009.

RESOLVED –

- (a) That Council be recommended to adopt the draft Scrutiny Procedure Rules contained in appendix B to the report, to take effect on 1st April 2009 subject to the following change :-

Rule 3.2 – Co-option. The rule be amended to clarify that statutory co-optees will be voting Members only in respect of education matters as defined in relevant guidance

- (b) That Council be recommended to authorise the Monitoring Officer to make such consequential changes to the Constitution as he considers are necessary in order to give effect to its intentions.

64 LOCAL CHOICE FUNCTIONS

Consideration was given to a report of the Monitoring Officer on the allocation of Local Choice Functions within the decision making framework from 1st April 2009.

On 6th January 2009, the Cabinet had considered a report which now formed the appendix to the report of the Monitoring Officer, recommending that the Governance and Constitution Committee make recommendations to Council.

RESOLVED –

That Council be recommended that

(i) With effect from Vesting Day, the allocation of local choice functions between Cabinet and the Council, and the further delegations to Committees and officers, be as set out in the appendices to the report, subject to the Borough Solicitor being responsible for arrangements for questions at Council on Police Authority Functions

(ii) the Monitoring Officer be authorised to determine the remaining detail of the allocation of local choice functions in consultation with the Leader and

appropriate Cabinet Members and to make such amendments to the Council's emerging Constitution as he considers are necessary to give effect to the decision of Council.

65 DELEGATION OF EXECUTIVE FUNCTIONS

Consideration was given to a report of the Monitoring Officer on options for delegating and recording the delegation of Executive functions from 1st April 2009.

On 6th January 2009, the Cabinet had considered a report which now formed the appendix to the report of the Monitoring Officer, recommending the Governance and Constitution Committee to make recommendations to Council.

RESOLVED –

That Council be recommended that

- (i) With effect from Vesting Day, the approach set out in the appendix to the report be adopted as part of Cheshire East's Executive arrangements and that this be reflected in the Council's Constitution
- (ii) That the Monitoring Officer be authorised to determine the remaining detail of the appendix in consultation with the Leader and appropriate Cabinet Members and to make such amendments to the Council's emerging Constitution as he considers are necessary to give effect to the decision of Council.

66 CABINET DECISION MAKING ARRANGEMENTS

Consideration was given to a report of the Monitoring Officer on options for Cabinet decision making arrangements for the Council from 1st April 2009.

On 6th January 2009, the Cabinet had considered a report which now formed the appendix to the report of the Monitoring Officer, recommending the Governance and Constitution Committee to make recommendations to Council.

RESOLVED –

(a) That Council be recommended that with effect from Vesting Day :-

(1) The Council shall have a Leader and Cabinet form of Executive Arrangements, these to include the "Strong Leader" model, in respect of which and amongst other things the Leader :

- a. is elected by Council;
- b. is empowered to appoint Members of the Council to and remove Members of the Council from the Cabinet, subsequent notification being given to Council;
- c. is empowered to determine the extent of the decision-making powers of Cabinet Members and other executive decision-making bodies.

(2) The Council's Executive arrangements shall comprise those arrangements set out in appendices A and B to the report, subject to the following changes :-

a. reference to Deputy Leader to be removed from the Adult Services Portfolio and that the role of the Deputy Leader be defined;

b. the following functions listed within the Children and Family Services Portfolio to apply, as appropriate, to the Portfolio Holders for Adult Services, Children and Family Services and Health and Wellbeing :-

(i) Liaison with NHS Trusts and Health Authorities;

(ii) Mental Health and Disability;

(iii) Health Promotion;

(iv) Development of integrated services with health partners.

c. The references within the Children and Family Services Portfolio to :-

(i) Mental Health and Disability, to be made specific to Children and Young People; and

(ii) Connexions to be removed.

d. In respect of the Health and Wellbeing Portfolio :-

(i) Public Rights of Way to be added beneath Countryside;

(ii) Tourism to become a dependency rather than being a prime responsibility.

e. That in respect of the Environmental Services Portfolio :-

(i) Health and Safety enforcement to become a dependency rather than being a prime responsibility;

(ii) Public Rights of Way maintenance to be deleted and moved to Health and Wellbeing, as Public Rights of Way

f. That the Prosperity Portfolio shall include Building Control;

g. That the Safer and Stronger Communities Portfolio shall include Health and Safety enforcement in the list of prime responsibilities;

h. That Performance and Capacity Portfolio shall include Twinning in the list of prime responsibilities.

(b) That further consideration be given to the definition of a key decision, to potentially include a financial threshold of £1 million, beyond which an Executive decision shall be a key decision; and that a report be made to Members on the implications;

(c) That Council be recommended that the Monitoring Officer be authorised to make such changes to the Council's emerging Constitution as he considers are necessary to give effect to the wishes of Council.

67 CABINET PROCEDURE RULES

Consideration was given to a report of the Monitoring Officer on the Cabinet Procedure Rules which would apply with effect from 1st April 2009.

On 6th January 2009, the Cabinet had considered a report which now formed the appendix to the report of the Monitoring Officer recommending the Governance and Constitution Committee to make recommendations to Council.

RESOLVED –

(a) That Council be recommended that :-

1. The Cabinet Procedure Rules appended to the report be adopted by Council with effect from Vesting Day;
2. The issues identified in appendix A to the report be noted and that the Council shall have a Leader and Cabinet form of Executive arrangements, these to include the “Strong Leader” model;
3. Subject to Access to Information provisions, any Member of the Council will be entitled to attend, speak at, and ask questions and supplementary questions at meetings of the Cabinet provided that 3 working days notice has been given of any question which is proposed to be asked;
4. A 3 working day notice period be required in respect of any question which is to be asked at Cabinet by a member of the public.

(b) That a further report be made to Members upon the practical arrangements for individual Cabinet Member decision-making.

The meeting commenced at 2.00 pm and concluded at 3.58 pm

Councillor A Ranfield (Chairman)