

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Governance & Constitution Committee**
held on Thursday, 21st May, 2009 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor A Ranfield (Chairman)
Councillor A Kolker (Vice-Chairman)

Councillors M Asquith, D Cannon, R Cartlidge, S Jones, R Menlove, A Moran,
R West and P Whiteley

In attendance

Councillors D Bebbington, A Thwaite and J Weatherill

Apologies

Councillors S Bentley, G Merry and D Topping

Officers present

Brian Reed, Democratic Services Manager
Andrew Leadbetter, Legal Services Manager
Vivienne Quayle, Internal Audit Manager
Paul Mountford, Democratic Services
Bill Howie, Democratic Services
Carol Jones, Democratic Services
Diane Moulson, Democratic Services

101 **DECLARATIONS OF INTEREST**

Councillors D Cannon and R Cartlidge declared personal interests
in relation to the Community Governance Review – Crewe Petition,
as signatories to the petition (Minute 104).

102 **PUBLIC SPEAKING TIME/OPEN SESSION**

There were no questions from members of the public.

103 **MINUTES OF PREVIOUS MEETING**

That the minutes of the previous meeting held on 16 April 2009 be
approved as a correct record.

COMMUNITY GOVERNANCE REVIEW – CREWE PETITION

Members considered the receipt of a Petition calling for a Community Governance review in respect of the unparished areas of Crewe Town.

The Petition called for a Community Governance Review and identified three recommendations arising from a Review:

1. That a new parish be constituted under Section 87 of the Local Government and Public Involvement in Health Act 2007.
2. That the new parish should have a council to be known as Crewe Town Council.
3. That the area to which the review was to relate was the whole of the Electoral Wards of Coppenhall, Delamere, Grosvenor, Maw Green, St Johns, Valley and Waldron; and those parts of the following Electoral Wards which did not already fall into an existing parish: Alexandra, Leighton, St Barnabas, Wistaston Green.

In order for a Community Governance Review to be initiated, the petition had to be signed by at least 10% of local government electors in the area (3,507). The petition had been checked and verified and found to contain 3,734 valid signatures. Accordingly, Cheshire East Council was required to carry out a Community Governance Review.

The Review had to be completed within 12 months of receiving the petition (i.e. by 30 March 2010). Any electoral arrangements required to give effect to the Review recommendations would be by means of elections in 2011. A rigorous consultation process was central to the Review.

Further details of the process of the review were set out in the report.

RESOLVED

That

- (1) the Officers' validation of the petition for the purposes of Section 80 of the Local Government and Public Involvement in Health Act 2007 be noted;
- (2) notice of the receipt of a valid petition be given to the petition organisers;

- (3) a Community Governance Review be carried out in respect of the whole of the Electoral Wards of Coppenhall, Delamere, Grosvenor, Maw Green, St Johns, Valley and Waldron; and those parts of the following Electoral Wards which do not already fall into an existing parish: Alexandra, Leighton, St Barnabas, Wistaston Green, the Review to be completed by 30 March 2010; and
- (4) a non-decision-making Working Party be established to oversee the Review and to make appropriate recommendations to the Governance and Constitution Committee. The Working Party comprise six members (4:1:1:0), names to be submitted to the Democratic Services Manager.

Note: Councillors D Cannon and R Cartlidge declared personal interests as signatories to the petition.

105

PROCEDURAL MATTERS

The Conservative Group had notified the following proposed changes to committee places:

Licensing Committee

Replace Councillor Parker with Councillor Hardy

Governance and Constitution Committee

Replace Councillor Bentley with Councillor Livesley

Public Rights of Way Committee

Replace Councillor Rhoda Bailey with Councillor Wray

RESOLVED

That Council be recommended to approve the proposed changes to Committee places.

106

NORTH WEST CHARTER ON ELECTED MEMBER DEVELOPMENT

The Committee considered a proposed application by Cheshire East Council for the North West Charter on Elected Member Development (Level One).

The North West Charter on Elected Member Development was a regionally recognised standard for Member Development and was the minimum level to which a high performing Council, such as Cheshire East Council, should seek to achieve. By signing up to the principles of the Charter, the Council would be setting a high standard which could be built upon in subsequent years.

RESOLVED

That

- (1) Cheshire East Council sign the Declaration of Commitment to the principles of the North West Charter on Elected Member Development; and
- (2) a signing ceremony be arranged; invitations to attend to be extended to the Leader of the Council, Chief Executive and Group Leaders.

107

MEMBER ATTENDANCE AT ANNUAL CONFERENCES AND SEMINARS

The Committee considered a proposed policy on Member attendance at conferences and seminars.

RESOLVED

That

- (1) the proposed policy on Member attendance at conferences and seminars as set out at Appendix B to the report be adopted; and
- (2) where possible and appropriate, Members attending conferences and seminars provide feedback to the appropriate body; and
- (3) the arrangements be reviewed in a year's time.

108

OUTSIDE ORGANISATIONS

The Committee considered the re-appointment of the Task Group on Appointments to Outside Organisations.

The Committee had set up the Task Group at its meeting on 14 July 2008, *"To devise a work programme and develop recommendations to deal with appointments to outside organisations and implement best practice."*

Following completion of this work, the Task Group's recommendations were submitted to the Committee on 9 March 2009. The nominations to outside organisations were accepted, and the Committee also adopted the recommended procedure for making such appointments.

All outside organisations had now been notified of the appointments made. As a consequence of those notifications, a number of

matters had emerged which it would be appropriate for the Task Group to consider.

RESOLVED

That the Task Group (Appointments to Outside Organisations) be re-constituted on the following basis to serve for the remainder of the Municipal Year:

- to meet on an *ad hoc* basis;
- to comprise five Members on a cross-party basis (3 Conservative, 1 Liberal Democrat and 1 Labour) to be nominated at the meeting;
- to address the issues emerging in respect of appointments to outside organisations;
- to give initial consideration to the development of a method for individual Members to report back on the effectiveness, or otherwise, of representation; and
- to report back to the Governance and Constitution Committee as and when it considers appropriate within the Municipal Year.

109

MEMBER SPEAKING AT PLANNING COMMITTEES

Members considered an amendment to the Constitution to apply a Planning Public Speaking Protocol to Members' general speaking rights at Planning Board and Planning Committee meetings.

Procedure Rule 38 in the Constitution provided that any Member may attend Committees to which they had not been appointed. The Member had no right to vote, but could speak with the consent of the chairman.

The Council had delegated authority to the Strategic Planning Board to adopt its own working protocols. The Board had now adopted a Protocol which gave enhanced speaking rights to a wide range of speakers who could address the Board and Committees. It was therefore necessary to amend the existing provisions within the Constitution relating to Member and public speaking.

The Committee had previously resolved to review Member and public speaking provisions in consultation with the Cabinet and Corporate Scrutiny Committee. This particular provision, however, had been approved by the Strategic Planning Board under its delegated powers and was now in operation. It was therefore necessary to reflect this in the Constitution.

RESOLVED

That Council be recommended that

- (1) Procedure Rule 38 of the Constitution be amended to add a new paragraph 38.4: "At meetings of the Strategic Planning Board and Planning Committees, Members' speaking rights are subject to the protocol on public speaking entitled 'Public Speaking Rights at Strategic Planning Board and Planning Committees' (contained in Part 5 of the Constitution)";
- (2) the public speaking protocol set out as an Appendix to the report be added to the Constitution; and
- (3) where practicable, Members be given priority when speaking on planning matters at meetings in order to avoid their having to wait.

110

ANTI-FRAUD AND CORRUPTION STRATEGY

Members considered a draft Anti-fraud and Corruption Strategy

The aim of the Strategy was to respond to national and local concerns about fraud, particularly public sector fraud, by the introduction of clear guidelines for the detection, prevention and reporting of fraud.

RESOLVED

That

- (1) the draft of the Anti-fraud and Corruption Strategy be approved; and
- (2) Internal Audit be nominated as the main body for dealing with and co-ordinating any enquiries in response to allegations of fraud and corruption.

111

ANTI MONEY LAUNDERING POLICY

Members considered a draft Anti-Money Laundering Policy.

Local authorities were required to have procedures in place for the detection and disclosure of incidents of suspected money laundering and terrorism financing.

The Policy aimed to establish prudent and responsible anti-money laundering controls and reporting arrangements designed to detect and avoid involvement in the offences described in Regulations.

RESOLVED

That Cabinet be recommended to

- (1) adopt the Anti-Money Laundering Policy set out as an Appendix to the report;
- (2) nominate the Borough Treasurer and Head of Assets as Money Laundering Reporting Officer;
- (3) prohibit the receipt of payments in cash for the purchase of land and property;
- (4) set a maximum amount (to be determined in consultation with the Borough Treasurer) above which cash will not be accepted for other transactions; and
- (5) require the Money Laundering Reporting Officer to arrange for appropriate briefing material and training to be provided.

112

INTERNAL AUDIT UPDATE REPORT

Members considered a report on the work of the Internal Audit Service and key findings to date.

Internal Audit was a function required under Section 151 of the Local Governance Act 1972 and the Accounts and Audit Regulations 2003. It was an integral part of the governance framework of the Council and supported continuous improvement and the maximising of efficiency.

The Appendix to the report gave a summary of the current position and any issues arising.

RESOLVED

That the approach to internal audit planning as outlined in the report be approved and the internal audit findings to date be noted.

The meeting commenced at 2.00 pm and concluded at 3.50 pm

Councillor A Ranfield (Chairman)