

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Governance & Constitution Committee**
held on Thursday, 19th November, 2009 at Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor H Davenport (Chairman)
Councillor A Kolker (Vice-Chairman)

Councillors C Andrew (substitute for Councillor Asquith), D Cannon,
R Cartlidge, S Jones, W Livesley, R Menlove, G Merry, A Moran, L Smetham
(substitute for Councillor Parker), D Topping, R West and P Whiteley

Apologies

Councillors M Asquith and R Parker

Officers present

Brian Reed, Democratic Services Manager
Andrew Leadbetter, Legal Services Manager
Paul Mountford, Democratic Services
Vivienne Quayle, Internal Audit Manager
Joanne Wilcox, Corporate Finance

Mr Tim Lesley of the Standards Board for England attended as an
observer and was welcomed to the meeting.

144 **DECLARATIONS OF INTEREST**

Councillors Rod Menlove and Lesley Smetham declared a personal, non-
prejudicial interest in Item 7 as Cabinet Support Members (Minute 149
below).

145 **PUBLIC SPEAKING TIME/OPEN SESSION**

There were no members of the public present wishing to speak or ask a
question.

146 **MINUTES OF PREVIOUS MEETING**

RESOLVED

That subject to the recording of Councillor Davenport's attendance as a
substitute member, the minutes of the meeting held on 15 October 2009
be approved as a correct record.

APPOINTMENTS TO OUTSIDE ORGANISATIONS

Members considered an appointment to an outside organisation, a change in the membership of the Task Group (Outside Organisations) and a progress report on the work of the Task Group.

Councillor W Livesley had resigned as the Council's representative on the Governing Body of the King's School, Macclesfield. In accordance with the protocol for dealing with casual vacancies on outside organisations, the Conservative Group Whip had nominated Councillor Chris Beard as Councillor Livesley's replacement.

Councillor A Ranfield, having resigned from the Governance and Constitution Committee, was in consequence no longer a member of the Task Group (Outside Bodies) and it was therefore proposed that Councillor H Davenport be appointed to fill the vacancy.

Members noted that in the coming months, the Task Group would be considering a means of monitoring the effectiveness of the Council's representation on outside organisations with the aim of recommending a method of evaluation to ensure that such representation remained appropriate.

RESOLVED

That

- (1) Councillor C Beard be appointed to the King's School, Macclesfield, to replace Councillor W Livesley;
- (2) Councillor H Davenport be appointed to the Task Group (Outside Organisations) to fill the vacancy arising from the resignation of Councillor A Ranfield; and
- (3) the progress with the work of the Task Group (Outside Organisations) be noted.

POLICE AUTHORITY REPRESENTATION ON THE SUSTAINABLE COMMUNITIES SCRUTINY COMMITTEE

Members considered proposals for Police Authority representation on the Sustainable Communities Scrutiny Committee.

The Council had designated the Sustainable Communities Scrutiny Committee as the committee to discharge the Council's responsibilities for crime and disorder functions in accordance with Section 19 of the Police and Justice Act 2006. The Home Office had issued guidance in connection with Sections 19 and 20 of the Act which stated that 'Local Authorities should, in all cases, presume that the Police Authority should play an

active part at committee when community safety matters are being discussed – and particularly when the police are to be present’.

The guidance contained three options for ensuring Police Authority involvement in community safety matters. Members considered the merits of each in relation to the circumstances of Cheshire East Council and its representation on the Police Authority. Option 2, which involved issuing the Police Authority with a standing invitation to attend the Sustainable Communities Scrutiny Committee as an ‘expert adviser’, appeared to give the Police Authority flexibility to send different representatives to individual meetings of the Scrutiny Committee depending on the subject matter before the Committee.

The guidance also recommended developing a protocol between partners.

RESOLVED

That Council be recommended that

- (1) Cheshire Police Authority be informed that the Council supports the appointment of a Police Authority representative to the Sustainable Communities Scrutiny Committee in accordance with option 2 as contained in the Home Office Guidance on Sections 19 and 20 of the Police and Justice Act 2006;
- (2) the Borough Solicitor be authorised to make such changes to the Council’s Constitution as he considers necessary to give effect to the wishes of Council to recognise that Cheshire Police Authority receives a standing invitation to attend meetings of the Sustainable Communities Scrutiny Committee, in order for the Police Authority representative to act as an ‘expert adviser’ in respect of Community Safety matters; and
- (3) the Sustainable Communities Scrutiny Committee be requested to develop a Protocol which sets out the mutual expectations of Scrutiny Members and partners in connection with the involvement of the Committee in the Community Safety Scrutiny Process.

149 CABINET SUPPORT MEMBERS

The Committee considered proposed changes to the arrangements for Cabinet Support Members in relation to scrutiny committees.

All four Cabinet Support Members had been appointed as members of overview and scrutiny committees.

It was felt, for reasons set out in the report, that there was potential for conflict between the role of the four Cabinet Support Members and their membership of overview and scrutiny committees, due to the executive

nature of their role, albeit without direct responsibility for executive decision-making.

RESOLVED

That

- (1) Council be recommended to agree that Cabinet Support Members should not be permitted to be members of overview and scrutiny committees and accordingly, the following Members should not take their place(s) on overview and scrutiny committees:

Children and Families	- Councillors Rhoda Bailey, Olivia Hunter, Lesley Smetham
Health and Adult Social Care	- Councillor Olivia Hunter
Environment and Prosperity	- Councillors Rod Menlove, Lesley Smetham

- (2) nominations be sought from the Conservative Group to fill the vacancies on each of the above overview and scrutiny committees; and
- (3) Council be recommended to authorise the Borough Solicitor to make such changes to the Constitution as he considers necessary to give effect to the wishes of Council.

150 **ELECTION OF MAYOR AND DEPUTY MAYOR**

The Committee considered a report outlining a number of alternative approaches to the election of the Mayor and Deputy Mayor, and the development of a Mayoral Protocol.

The Council was required to elect a Mayor and Deputy Mayor each year. There were clear benefits in having an agreed mechanism to assist in this task. A number of approaches employed by local authorities in the North-West and the former Cheshire authorities were outlined in the report. Members felt that a sub-committee should be established to consider the approaches in greater detail with a view to recommending a suitable mechanism for adoption by Cheshire East Council.

Members also considered a draft Mayoral Code of Practice which could inform the work of the proposed sub-committee.

The sub-committee would report back to the Governance and Constitution Committee in due course with a view to recommendations being submitted to Council.

RESOLVED

That

(1) a Mayoral Sub-Committee be appointed with powers to:

- decide upon and adopt an approach to be used in respect of the election of the Mayor and Deputy Mayor
- utilise the adopted approach in order to present recommendations in respect of the proposed election of a Mayor and Deputy Mayor for the municipal year 2010/2011
- make recommendations upon the adoption of a Mayoral Code of Practice

(2) the Sub-Committee comprise eight Members (5C:1LD:1L:1I).

151 QUESTIONS AT COUNCIL

At the Chairman's request, the Committee reviewed the current arrangements with regard to questions by Members at Council meetings.

After nearly eight months of operation of the Council Procedure Rules relating to Members' questions at Council meetings, and three meetings of Council during which these Rules had been put into practice, there was an opportunity for the Committee to consider whether the Rules were working effectively or were in need of change.

The current Rules provided for Members to ask questions at Council of the Mayor, the appropriate Cabinet Member, or the Chairman of a Committee, about a matter for which the Council, the Cabinet or the Committee had powers, duties or responsibilities (Council Procedure Rule 11.1). Questions must be provided in writing at least three clear working days before the meeting (Council Procedure Rule 11.3).

The Rules provided for the questioner to ask a supplementary question which related to the initial answer.

RESOLVED

That Council be recommended to agree that the provision giving Members the right to ask supplementary questions at Council meetings be removed from the Constitution.

Note: in accordance with Paragraph 31.4 of the Committee Procedure Rules, Councillors R Cartlidge and S Jones asked that the minutes of the meeting record their having voted against the motion.

152 **IMPLEMENTATION OF INTERNATIONAL FINANCIAL REPORTING STANDARDS (IFRS)**

Members considered a report advising on the implications of implementing International Financial Reporting Standards (IFRS).

Local Authorities were required to adopt International Financial Reporting Standards (IFRS) by 2010-11. This would require a transition from current financial reporting standards and would have a significant impact on the Authority.

The report set out the timetable and implications of adopting the Standards, and identified a number of key issues relating to lease arrangements, employee benefits, the reclassification and revaluation of assets, and changes to accounting policies and disclosures.

A Project Team had been set up within the Finance Service to manage the transition to IFRS. A proposed project plan was set out in Appendix 1 to the report. Members would receive regular updates on progress against the project plan. Appropriate training would also be arranged for Members.

RESOLVED

That

- (1) the potential implications of the introduction of International Financial Reporting Standards for Local Government be noted; and
- (2) the proposed project plan, set out in Appendix 1 to the report, be approved.

153 **CODE OF CORPORATE GOVERNANCE**

Members considered a report setting out a proposed Code of Corporate Governance for Cheshire East.

Each local authority operated through a governance framework. This was an interrelated system that brought together an underlying set of legislative requirements, governance principles and management processes.

In 2007, CIPFA/SOLACE had produced a framework document "Delivering Good Governance in Local Authorities". This was intended to be used as best practice for developing and maintaining a locally-adopted code of governance.

The report set out a suggested Code of Corporate Governance for Cheshire East which had been developed by the Corporate Governance Group and was based on the six principles of Good Governance.

RESOLVED

That the Code of Corporate Governance attached to the report be adopted by the authority and used as a basis for self-assessment, continuous improvement and as a contributor to producing the Annual Corporate Governance Statement.

154 UPDATE ON RISK MANAGEMENT

Members received an update on the implementation of the Risk Management Strategy which had been approved by Cabinet on 14 July, 2009.

The main points of progress were:

- The Corporate Risk Management Group had met on two occasions since July 2009 and had developed an initial Strategic Risk Register, which was set out in Appendix 2 to the report. The risks included in the register had been prioritised using a scoring mechanism. Discussions were currently taking place to develop the current Risk Register further, and to ensure that all Strategic Risks were captured and mitigating actions identified.
- A Risk Manager had recently been appointed within Internal Audit, and was working in conjunction with the two Audit Managers to support Services in the development of their Service Risk Registers. Discussions were also underway with the Audit Commission to assist in the embedding of risk and ensure that the process was robust and effective.
- As part of the Council's commitment to risk management, all audit staff had recently been on a risk-based auditing course.
- A great deal of work had been put into assisting services to establish their risks, include risks in their service delivery plans and link their performance measures and targets to their risk management plans.
- Over the past few months, significant effort had been made in all services to develop business continuity plans to ensure that critical functions could continue to be delivered in an emergency.
- In order to embed risk management, a series of training sessions were currently being planned, and further work to link the risk management process to the performance management system was being developed, as the business planning framework was being reviewed and enhanced.

RESOLVED

That the progress towards the implementation of the Risk Management Framework be noted.

The meeting commenced at 2.00 pm and concluded at 3.30 pm.

Councillor H Davenport (Chairman)