

Corporate Scrutiny Committee

Agenda

Date:	Friday, 12th June, 2009
Time:	10.30 am
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

2. **Notes of Previous Meeting** (Pages 1 - 2)

To confirm as a correct record the notes of the Informal meeting held on 5 May 2009.

3. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for members to declare the existence of a party whip in relation to any item on the agenda.

4. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a total period of 10 minutes is allocated for members of the public to address the Committee on any matter relevant to the work of the Committee.

Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.

Note: In order for officers to undertake any background research it would be helpful if questions were submitted at least one working day before the meeting.

For any apologies or requests for further information, or to give notice of a question to be asked by a member of the public

Contact: Mark Nedderman

Tel: 01270 529640

E-Mail: mark.nedderman@cheshireeast.gov.uk

5. **Public Speaking/Questions** (Pages 3 - 12)

To consider a report from the Democratic Services Manager.

6. **Work Programme Progress Report** (Pages 13 - 18)

To consider the draft Work Programme and to formally approve the setting up of task and finish groups to deal with the following matters :-

- IT for Members
- Role, Performance and funding of Voluntary Organisations
- Budget

7. **Performance Management**

The Chairman to update the Committee on future arrangements to monitor Key Performance Indicators.

8. **Forward Plan - Extracts** (Pages 19 - 22)

To note the current forward plan, identify any new items, and to determine whether any further examination of new issues is appropriate.

9. **Consultations from Cabinet**

To note any consultations referred to the Committee from Cabinet and to determine whether any further action is appropriate.

CHESHIRE EAST COUNCIL

Minutes of an informal meeting of the **Corporate Scrutiny Committee**
held on Tuesday, 5th May, 2009 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor A Thwaite (Chairman)
Councillor J Narraway (Vice-Chairman)

Councillors A Arnold, G Barton, G Baxendale, D Bebbington, S Conquest,
J Crockatt, M Davies, A Richardson, D Stockton, D Topping and S Wilkinson

1 DECLARATIONS OF INTEREST/ PARTY WHIP

There were no declarations of interest, or imposition of a party whip.

2 SCRUTINY UNCOVERED

The committee watched a DVD explaining the role of Select Committees in Parliament. The DVD featured members of both houses, reflected on their experiences, and the experiences of clerks and members of the public called to give evidence. The DVD highlighted the role that Select Committees played in the scrutiny of Government.

3 REMIT OF OVERVIEW AND SCRUTINY COMMITTEES

The Committee considered a paper relating to the remit of Scrutiny Committees based upon recommendations made by Scrutiny members at the training day held on 27 April 2009. The paper allocated Portfolio responsibilities to appropriate Scrutiny Committees. A small number of issues remained to be allocated from the wellbeing section of the Health and Wellbeing Portfolio. Members acknowledged that there was unlikely to be a perfect match of Scrutiny and Cabinet responsibilities and in some instances, where responsibilities were cross cutting in nature, that there may be duplicated interests in topics. The Chairman informed the committee that where clarity was needed in future, particularly in relation to cross cutting issues, the informal Chairman's Group would play a leading role.

RESOLVED – That subject to the following amendments, and subject to consultation with the other 4 Overview and Scrutiny Committees, the draft remit be approved as the basis for discussions with Portfolio holders and senior officers on Work Plan issues :-

- Contaminated Land – delete from Sustainable Communities, but retain in Environment and Prosperity
- Environmental Health – Move from Sustainable to Environment
- Air Pollution Control and Monitoring - Move from Sustainable to Environment
- Environmental Enforcement - Move from Sustainable to Environment
- Museums – Move from Corporate to Sustainable

4 DRAFT WORK PROGRAMME

The Committee considered a draft work programme which was based upon matters referred to this committee by the Shadow Scrutiny Committee and extracts from the current Forward Plan. The list of items within the work programme had been discussed by Members at a training session held on 27 April 2009, at which, an initial attempt had been made to prioritise items.

Members acknowledged that the list of matters within the work programme was not exhaustive and that a more comprehensive list would be submitted to the first formal meeting of the Committee following discussions between the Chair and vice Chairman, relevant Portfolio holders and senior officers over the next few days.

RESOLVED – That the Work Programme be received and noted.

5 PUBLIC AND MEMBER QUESTIONS AT MEETINGS

Councillor D Topping declared a personal interest in this matter on the grounds that he was a member of the Governance and Constitution Committee. Council Topping remained in the meeting but took no part in the discussion.

The Chairman referred to the report to Governance and Constitution Committee dated 16 April 2009 which had been referred to Scrutiny Committees for comment in relation to Public and Member questions at meetings. All members of Scrutiny committees had been asked to forward comments on the document to the Corporate Scrutiny Committee. It was intended that this Committee would collate all comments submitted to it and prepare a formal response to the report at its first formal meeting. To date, comments had been received from two members.

The meeting commenced at 10.30 am and concluded at 12.00 pm

Councillor A Thwaite (Chairman)

CHESHIRE EAST COUNCIL

CORPORATE SCRUTINY COMMITTEE

Date of meeting: 12th June 2009

Report of: Democratic Services Manager

Title: Public and Member Questions and Statements at Meetings

1.0 Purpose of Report

- 1.1 To review the arrangements for public and Member questions and speaking at Meetings.
- .

2.0 Financial Implications 2009/10 and beyond

- 2.1 There are no identifiable financial implications 2009/10 and beyond.

3.0 Legal Implications

- 3.1 The existing public and Member speaking and questions provisions are contained in the Council's Constitution. Any changes to these provisions must be agreed by the Council following a recommendation of the Governance and Constitution Committee.

4.0 Risk Assessment

- 4.1 Providing that the above requirements are adhered to, there are no risks associated with the consideration of the public and member speaking and questions provisions.

5.0 Information

- 5.1 On 16th April, the Governance and Constitution Committee considered the report which is reproduced as the Appendix to this report.
- 5.2 The Committee resolved that the views of the Corporate Scrutiny Committee should be sought upon the issues raised, including those relating to the Licensing, Planning and Scrutiny Committees. The Corporate Scrutiny Committee's views are now sought before a report is made to Cabinet. The views of the Corporate Scrutiny Committee and those of the Cabinet will then be reported back to the Governance and Constitution Committee.

- 5.3 For completeness, the Committee should be aware that, at its meeting on 21st May, the Governance and Constitution Committee considered a further report upon Member speaking rights at the Planning Board and Planning Committee meetings. It agreed to recommend to Council that the Constitution should be changed to reflect the provisions of the Planning Protocol, which gives Members speaking rights at those meetings, subject to certain requirements.
- 5.4 The Committee is now asked to consider the existing Constitutional provisions relating to public and Member questions and speaking. It may have a view, which it would wish to be conveyed to the Governance and Constitution Committee upon whether the existing provisions suffice, both from the perspective of the Council's overview and scrutiny responsibilities, and from the non-executive side of the authority's business.
- 5.5 As indicated at paragraph 7.4 of the appended report, the Shadow Council's Scrutiny and Health and Adult Social Care Scrutiny Committees expressed the view that public speaking provisions should not apply to overview and scrutiny committee meetings, since these were not "decision-making" meetings of the authority. The Committee may have further views on these points.

6.0 Conclusion

- 6.1 The views of the Committee will be reported-on to Cabinet which, itself, will make recommendations to the Governance and Constitution Committee. If that Committee considers that Constitutional change should take place, it will make appropriate recommendations to Council.

For further information:

*Officer: Brian Reed
Tel No: 01270 529670
Email: brian.reed@cheshireeast.gov.uk*

Background Documents: Cheshire East Borough Council's Constitution

Documents are available for inspection at:

*The offices of Cheshire east Borough Council
Westfields
Middlewich Road
Sandbach
CW11 1HZ*

Appendix

CHESHIRE EAST COUNCIL

Governance and Constitution Committee

Date of meeting: 16 April 2009
Report of: Borough Solicitor
Title: Public and Member Questions at Meetings

1.0 Purpose of Report

- 2.1 To review the arrangements for public and Member questions at Meetings.

2.0 Recommendations

- 2.1 That consideration be given to the Council's current arrangements for public and Member questions and statements at meetings and whether the views of the Cabinet and appropriate scrutiny committee should be sought before formal recommendations are made to Council.

3.0 Financial Implications for Transition Costs

- 3.1 None

4.0 Financial Implications 2009/10 and beyond

- 4.1 None

5.0 Legal Implications

- 5.1 The public and Member speaking and questions provisions are contained in the Council's Constitution. Any changes to the provisions must be agreed by the Council following a recommendation of the Governance and Constitution Committee.

6.0 Risk Assessment

- 6.1 Providing that the above requirements are adhered to, there are no risks associated with the consideration of the public and member speaking and questions provisions.

7.0 Background/Context

- 7.1 Over the last few months, Members have raised questions about the Council's arrangements for public and Member questions and statements at Council and other meetings. This report seeks to summarise the background and context and the Constitutional provisions that currently apply.
- 7.2 At its meeting on 9 February 2009 the Governance and Constitution Committee considered a report relating to public questions/speaking at Licensing and Scrutiny Committee meetings.
- 7.3 The Licensing Committee on 14 January 2009 had requested that the provision for members of the public to ask questions/speak at the commencement of meetings of the Licensing Committee be waived.
- 7.4 The Scrutiny Committee on 21 January 2009 had requested that Governance and Constitution Committee remove the public speaking/open session from the rules of procedure for the Scrutiny Committee. The Health and Adult Social Care Scrutiny Committee made a similar resolution at its meeting on 20 January. In making these resolutions Members questioned whether it was appropriate to include public speaking/questions within the agenda of a Committee which is not itself a decision-making body.
- 7.5 On 12 January 2009, the Governance and Constitution Committee gave preliminary consideration to Member entitlement to speak and ask questions at Cabinet meetings but at its subsequent meeting on 9 February the Committee resolved that
- (a) it be recommended to Council that the public speaking rule (Rule 35 of the Council Procedure Rules) be disappplied in respect of meetings of the Licensing Committee where it is meeting in a quasi-judicial capacity, either by itself or by Sub-Committee; and
 - (b) the issue of questions and statements by Members and the public be further considered in conjunction with a report by the Borough Solicitor to include the emerging Government guidance relating to Councillor Call for Action and Petitions under the Local Government and Public Involvement in Health Act 2007.
- 7.6 The Council at its meeting on 24 February 2009 approved the adoption of the new Constitution to take effect from Vesting Day. In doing so, it resolved:
- "That the issue of questions and statements by Members and the public be further considered in accordance with the recommendation at Item 10 of the Governance and Constitution Committee meeting on 9 February but that, in the interim, and in this respect, only the currently

appended Cabinet Procedure Rules 7 and 8 should apply, which provide for:

- (a) Chairmen and Spokespersons of Scrutiny Committees to attend and speak at meetings of the Cabinet on agenda items;
- (b) other Members to speak with the permission of the Leader; and
- (c) questions to be submitted by members of the public, providing 3 working days' notice is given."

7.7 A report on Councillor Call for Action and Petitions is included elsewhere on this agenda. This report addresses the issue of public questions at meetings.

8.0 Constitutional Provisions Relating to Public and Member Questions and Statements

8.1 The provisions relating to public questions at meetings of the Council, its committees and sub-committees and Cabinet may be found in Council Procedure Rules 11 and 35 and Appendix 7 to those Rules and in Cabinet Procedure Rule 8. These are summarised in the Appendix to this report.

9.0 Licensing, Planning and Scrutiny – Reasons Behind Their Requests

9.1 The Licensing Committee on 14 January 2009 asked that the provision for members of the public to ask questions/speak at the commencement of meetings of the Licensing Committee be waived. The Licensing Committee noted that when considering applications it was acting in a quasi-judicial nature and as such appropriate provision was already made within its own procedure rules adopted in accordance with the provisions of the relevant legislation. The procedure adopted by the Licensing Committee is summarised in the Appendix.

9.2 The Scrutiny Committee on 21 January 2009 asked for the removal of public speaking/open session from the rules of procedure for the Scrutiny Committee. The Health and Adult Social Care Scrutiny Committee made a similar resolution at its meeting on 20 January. In making these resolutions Members questioned whether it was appropriate to include public speaking/questions

within the agenda of a Committee which is not itself a decision-making body.

- 9.3 Since consideration of these proposals, the Strategic Planning Board has now requested a similar exemption from the main public question provisions for the Board and Planning Committees on the following grounds:

Council gave the Strategic Planning Board power to adopt working protocols governing the Planning function. This specifically included a protocol regarding public speaking rights. On 4 March 2009 the Board resolved

- (i) to adopt a Public Speaking Protocol for Board and Planning Committee meetings; and
- (ii) to request Governance and Constitution Committee to consider an amendment to Procedure Rule 35 in order to waive the general provision for speaking rights at the commencement of those meetings.

The Planning Public Speaking Protocol tailors and significantly expands the general speaking rights in Procedure Rule 35, in accordance with good practice guidance issued by the Planning Officers Society. It provides for

- a wide range of eligible speakers
- minutes per group (supporters, objectors, Members, applicants and others) before the debate begins regarding each application on the agenda
- questions for clarification purposes
- overriding discretion for the Chair to extend time a clear procedure

In these circumstances, the Board felt that the existing provision for 10 minutes public speaking no longer added value to a Planning meeting and that business would be despatched more expeditiously if the tailored Protocol replaced rather than supplemented the general rule.

The Board therefore proposed that this Committee recommend to Council that the Strategic Planning Board and Planning Committees be excluded from the general arrangements for public speaking set out in Procedure Rule 35 of the Constitution in order for them to allow enhanced public speaking rights which are set out in full in a separate Planning Public Speaking Protocol.

10.0 Conclusions

10.1 This report sets out the provisions within the Constitution governing public and Member speaking and questions provisions at meetings. It also contains proposals for excluding those provisions from three sets of bodies, together with the rationale for those exclusions. Given the significance of these amendments, Members may wish to consider seeking the views of the Cabinet and relevant scrutiny committee before taking a final view on the matter. The views of the Licensing Committee and Strategic Planning Board have been provided on the specific issues relating to their business.

For further information:

Officer: Paul Mountford

Tel No: 01270 529749

Email: paul.mountford@cheshireeast.gov.uk

Background Documents: Constitution and reports to and minutes of committees referred to in the report.

APPENDIX

BRIEF SUMMARY OF PUBLIC AND MEMBER SPEAKING/QUESTION PROVISIONS

Council Meetings – Questions by Members

1. Members may ask questions of the Mayor, Cabinet Members, Committee Chairmen, Fire/Police Authority representatives PROVIDED THAT 3 clear working days' written notice is given.
2. The Mayor may agree to take urgent questions.
3. Reasonable endeavours must be used, when responses are given, to address the matter raised.
4. Questioners may ask supplementary questions.

Council Meetings – relating to the Minutes

1. The accuracy of the minutes of the last meeting of Council may be questioned by a motion which must be proposed, seconded and voted upon.
2. The accuracy of the record of minutes of committees and decisions of the Cabinet may be questioned at Council. Any questions must be considered and determined by the committee or Cabinet at their next meeting.

All Meetings – Public Speaking and Public Questions

1. 15 minutes is allocated for public speaking at Council meetings. 10 minutes is allocated at committees, etc.
2. 5 minutes is allocated to each public speaker.
3. Members of the public may use this time to ask questions of the appropriate Cabinet Member or Chairman.

Cabinet Meetings – Public Questions

Where a member of the public wishes to ask questions of a Cabinet Member at a Cabinet meeting, 3 working days' notice must be given.

Cabinet Meetings – Member Participation

1. The chairmen and spokespersons of scrutiny committees are entitled to attend and speak on agenda items of any formal Cabinet meeting.
2. Other Members may speak with the permission of the Leader.

Licensing Committee Hearings

The Licensing Committee has adopted its own procedures for dealing with applications which include facilities for representations to be made and questions to be asked by all parties and residents.

Planning Committee Hearings

A protocol has been adopted which includes provision for Members of the Council and members of the public to speak.

This page is intentionally left blank

CHESHIRE EAST COUNCIL

CORPORATE COMMITTEE

Date of meeting: 12 June 2009
Report of: Borough Solicitor
Title: Work Programme update

1.0 Purpose of Report

- 1.1 To brief the Committee on the current position regarding the Work Programme.

2.0 Financial Implications 2009/10 and beyond

- 2.1 None identified at the moment.

3.0 Legal Implications

- 3.1 None.

4.0 Risk Assessment

- 4.1 There are no identifiable risks.

5.0 Information

- 5.1 At the Scrutiny briefing session on 27 April, Members considered a list of potential items for the Work Programme and ordered them according to priority. That list is now attached.

- 5.2 A number of additional items have since been identified by Members:

- IT services for members;
- Project Management;

- 5.3 Meetings have been held between the Chairman, Vice Chairman, and the Resources and Health and Wellbeing Portfolio Holders and meetings are planned to be held with relevant Senior Officers to discuss potential items for the Work Programme.

6.0 Overview of Year One and Term One Issues

- 6.1 It is good practice to have a Work Programme for the Committee to consider and prioritise on a regular basis.

For further information:

Officer: Mark Nedderman

Tel No: 01270 529640

Email: marknedderman@cheshireeast.gov.uk

Background Documents: None

Corporate Scrutiny Committee Work Programme 2009/2010

Issue	Priority	Comments
<u>Grants to Voluntary organisations</u> To review the role, performance and funding for voluntary organisations.	High	Originally raised by the Performance and Capacity Portfolio Holder -to be progressed through task and Finish Group – 6 Members
<u>Budget</u> To give consideration to the proposed budget	High	Following discussions with the Resources Portfolio Holder and Borough Treasurer, the Budget consultation to begin in July 2009 and end December 2009
<u>Support to Members</u> The County Council reviewed the nature and resourcing of the support facilities provided to Members. Several recommendations were made which had yet to be implemented.	Low	To be deleted
<u>Risk Management</u> The County Council gave consideration to the Council's Strategic approach to risk management and how the technique is used to support decision-making and review, at both officer and member level. Several of the recommendations made had not been implemented.	Low	The indicative rating of this item to be reassessed when advice is received from the Head of Policy and Performance
<u>Website Development for Parking Fines</u> Proposals for the above issue were considered by Macclesfield Borough Council's	Low	To be referred to the Environment and Prosperity Scrutiny Committee as part of its deliberations

Community and Resources Policy Development Committee. It was resolved to refer this issue to Cheshire East Council with a view to adopting the proposals.		in respect of Car Parking Strategy
<u>County Record Office</u> The County Council considered the adequacy of the County Record Office accommodation. The Director of Community Services was requested to evaluate and cost several options, none of which had been taken further.	Low	To be deleted
New Items – June 2009		
Review of IT provision and Support for members	High	Agreed as an urgent item at the Chairs/Vice Chairs meeting held on 27 May 2009, to be pursued through a Task and Finish Group
Project Management	To be determined by Committee	This item has been brought forward by the Chairman
Portfolio Holder Priorities May 2009		
Resources Portfolio		
Budget – the aim is to give more detail to the budget this year, so that on a section by section basis it is clear what the authority intends to provide	High	See reference to Budget above
Culture of the Organisation	Low	Recognised need to move away from the existing cultures based upon former authorities and develop a new East Cheshire culture – acknowledged that this is largely down to officers to deliver
ICT systems – Harmonisation	High	See reference to

and Improvement		ICT for members above
Health and Wellbeing		
Sport – 2012 Olympics	Medium	It is possible that some of the Oceanic teams could be located in Cheshire East during the games possibly at MMU and the Portfolio Holder would welcome an input from O&S on draft proposals.
Leisure Centre Management	Medium	The committee to be consulted on proposals for future governance and management during the summer of 2009.
Events	Low	An officer group is rationalising the list of current events which range from Cheshire show, Tatton show , Party in the Park to small agricultural shows.The Committee is likely to be consulted.

This page is intentionally left blank

CHESHIRE EAST COUNCIL

CORPORATE COMMITTEE

Date of meeting: 12 June 2009
Report of: Borough Solicitor
Title: Forward Plan

1.0 Purpose of Report

- 1.1 To consider the current Forward Plan in relation to the remit of this Committee.

2.0 Financial Implications 2009/10 and beyond

- 2.1 None.

3.0 Legal Implications

- 3.1 None.

4.0 Risk Assessment

- 4.1 There are no identifiable risks.

5.0 Information

- 5.1 Relevant extracts from the Forward Plan are attached for the Committee to note, consider any new items and determine whether any further examination of new issues is appropriate.

6.0 Overview of Year One and Term One Issues

- 6.1 None.

For further information:

Officer: Mark Nedderman
Tel No: 01270 529640
Email: mar.nedderman@cheshireeast.gov.uk

Background Documents: None

This page is intentionally left blank

Extracts from Forward Plan 1 June 2009 to 30 September 2009

Key Decision	Decisions to be Taken	Decision Maker	Expected Date of Decision	Proposed Consultation	How to make representation to the decision made
CE09/10-04 Capital Strategy 2009/10	To approve the Capital Strategy 2009/10, recommendation from Cabinet to Council	Cabinet, Council	Before 23 Jul 2009	Members, partners and other key stakeholders	Lisa Quinn, Borough Treasurer and Head of Assets (Section 151 Officer)

This page is intentionally left blank