

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Governance & Constitution Committee**
held on Friday, 19th February, 2010 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

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

Councillors M Asquith, D Cannon, R Cartlidge, S Jones, W Livesley, G Merry,
A Moran, R Parker, D Topping, R West, P Whiteley and J Wray (for Cllr
Menlove)

Apologies

Councillor R Menlove

Officers

Brian Reed, Democratic Services Manager
Kate Khan, Solicitor
Paul Mountford, Legal and Democratic Services

168 **DECLARATIONS OF INTEREST**

Councillor Roger West declared a personal and prejudicial interest in Item 6 (Election of Mayor and Deputy Mayor) as a potential candidate for Deputy Mayor and announced his intention to leave the meeting during the consideration of that item.

169 **PUBLIC SPEAKING TIME/OPEN SESSION**

There were no members of the public present.

170 **MINUTES OF PREVIOUS MEETING**

RESOLVED

That the minutes of the meeting held on 21st January 2010 be approved as a correct record.

171 **DELEGATION OF LICENSING FUNCTIONS (MINOR VARIATIONS)**

The Committee considered a report on a delegation of functions in relation to 'minor variations' under the Licensing Act 2003 by the Licensing Committee to the Head of Safer and Stronger Communities.

The scheme of delegation as set out within the Council's Constitution currently delegated licensing functions under the Licensing Act 2003 to the Head of Safer and Stronger Communities, subject to certain exceptions, including circumstances where relevant representations had been received and not withdrawn. In accordance with the Secretary of State's Guidance to licensing authorities, the Licensing Committee on 18th January 2010 had resolved to delegate decisions in relation to 'minor variations' to licensing officers.

A number of changes to the Constitution were required to reflect the Licensing Committee's decision, details of which were set out in Appendix 2 to the report.

The Committee noted the delegation of functions in relation to minor variations under sections 41A-C and 86A-C of the Licensing Act 2003 by the Licensing Committee to the Head of Safer and Stronger Communities and recommended to Council as follows.

RESOLVED

That Council be recommended to authorise the Borough Solicitor to make such changes to the Constitution as he considers necessary in order to give effect to the wishes of the Council in this regard, including those changes set out within Appendix 2 to the report.

172 ELECTION OF MAYOR AND DEPUTY MAYOR

The Committee considered the recommendations of the Civic Sub-Committee in relation to the election of the Mayor and appointment of the Deputy Mayor.

Members had before them the report considered by the Civic Sub-Committee on 9th February 2010, which detailed a number of alternative approaches to the selection process and gave examples of practice among other North-Western and the former Cheshire Districts.

In the case of many local authorities, the current year's Deputy Mayor automatically became the Mayor for the following year. This was often regarded as an ideal way in which the incoming Deputy Mayor could gain experience of the office of Mayor prior to election.

Members concurred with the view of the Sub-Committee that seniority was not the best approach but that any candidate for the post should have a minimum of one full term's experience as a councillor. They also agreed on the need for all political groups to have an opportunity to be involved in the selection process.

Members also considered a draft Mayoral Code of Practice which could be adopted by the Council. This had been updated to take on board the comments of the Sub-Committee. Further amendments to the Code were agreed by the Committee.

RESOLVED

That Council be recommended to agree that

- (1) each year, the Deputy Mayor will normally succeed to the Mayoralty in the following year;
- (2) each year, the Deputy Mayor will be chosen by full Council at the recommendation of the political group which has the majority of Council Members, provided that in making such choice, another political group or groups may be invited to put forward a nomination for consideration by the majority group;
- (3) this approach be adopted in respect of the election of Mayor and appointment of Deputy Mayor for the 2010/2011 Civic Year and beyond; and
- (4) the draft Mayoralty Code of (Mayor and Deputy Mayor) Practice, as amended, be adopted by the Council and incorporated into the Council's Constitution with such consequential amendments as the Borough Solicitor considers necessary to give effect to the wishes of Council.

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SUPPLEMENTARY QUESTIONS AT COUNCIL MEETINGS

The Chairman was of the opinion that this matter constituted urgent business and could be dealt with at the Governance and Constitution Committee's meeting in accordance with Committee Procedure Rule 37 and Section 100B(4)(b) of the Local Government Act 1972. The reason for urgency was as follows:

"In order to implement the result of discussions between the Leader of the Council and group leaders in time for the next full Council meeting."

On 17th December 2009, after a recommendation from the Committee, Council resolved to remove from the Constitution the provision giving the right to Members to ask supplementary questions. At the time, the Leader had indicated that he would give the issue further thought, which he had now done. During the last few days, discussions had taken place with other group leaders which had resulted in agreement on the inclusion in the Constitution of a supplementary questions provision, in an appropriately modified form. As a consequence, the Chairman wished to move a recommendation to Council the following Thursday.

RESOLVED

That Council be recommended to agree that

- (1) the following provision, enabling Members to ask supplementary questions at Council meetings, be added to the Constitution, at Rule 11.6 of the Council Procedure Rules:

“11.6 Following the answer to each question, the questioner may ask a concise and focussed supplementary question, which relates to the subject matter of the initial question and answer. The Mayor may choose to disallow a supplementary question if, in his opinion, it is inappropriate or unduly lengthy. The Member answering the supplementary question will decide whether or not to reply.”

- (2) the Borough Solicitor be authorised to make such consequential changes to the Constitution as he considers are necessary to give effect to the wishes of Council.

The meeting commenced at 2.00 pm and concluded at 3.30 pm

Councillor H Davenport (Chairman)