

# Constitution Committee

## Agenda

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**Date:** Thursday, 24th March, 2011  
**Time:** 2.00 pm  
**Venue:** Committee Suite 1, 2 & 3, Westfields, Middlewich Road,  
Sandbach CW11 1HZ

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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. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda

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

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the meeting. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

4. **Minutes of Previous meeting** (Pages 1 - 6)

To approve the minutes of the meeting held on 27<sup>th</sup> January 2011.

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**Contact:** Paul Mountford, Democratic Services  
**Tel:** 01270 686472  
**E-Mail:** paul.mountford@cheshireeast.gov.uk

5. **Councillor Call For Action (CCfA) Protocol** (Pages 7 - 10)

To commend the Constitution Committee to make a recommendation to Council to amend the Councillor Call for Action Protocol, to allow the Scrutiny Chairmen's Group to take the lead in determining which of the Council's five Overview and Scrutiny Committees should deal with cross-cutting issues raised under CCfA.

6. **Local Authority Appointments to Governing Bodies** (Pages 11 - 22)

To consider revisions to the procedure for the appointment of Authority Governors to educational establishments.

7. **Outside Organisations - Various Matters** (Pages 23 - 38)

To consider a number of proposals in respect of outside organisations.

8. **Member Development: Chairman's End of Year Report** (Pages 39 - 46)

To consider a report summarising the member training and development events held in 2010/2011 and outlining planned activities for 2011/2012.

9. **Mid-Year Review of Scheme of Members' Allowances** (Pages 47 - 64)

To consider an addendum to the report of the Independent Remuneration Panel submitted to the Constitution Committee on 27<sup>th</sup> January 2011, following a meeting between the Panel and the Council's Political Group Leaders on 2<sup>nd</sup> March 2011.

**(There are no Part 2 items)**

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Constitution Committee**  
held on Thursday, 27th January, 2011 at The Capesthorne Room - Town Hall,  
Macclesfield SK10 1DX

**PRESENT**

Councillor J P Findlow (Chairman)  
Councillor D Brickhill (Vice-Chairman)

Councillors C Beard, D J Cannon, R Cartlidge, S Jones, W Livesley, A Moran,  
D Topping, R West, P Whiteley and J Wray

**In attendance**

Councillor D Flude

**Officers**

Brian Reed, Democratic Services Manager  
Julie Openshaw, Regulatory Team Manager, Legal Services  
Paul Jones, Democratic Services Team Manager  
Paul Mountford, Democratic Services  
Diane Moulson, Democratic Services  
Kate Khan, Legal Services

**Apologies**

Councillor M Asquith

**40 DECLARATIONS OF INTEREST**

Councillors D Cannon, R Cartlidge and J Wray declared personal, non-prejudicial interests in an item on the agenda concerning public speaking rights at the Public Rights of Way Committee, of which they were all members.

**41 PUBLIC SPEAKING TIME/OPEN SESSION**

There were no members of the public present.

**42 MINUTES OF PREVIOUS MEETING****RESOLVED**

That the minutes of the meeting held on 15<sup>th</sup> December 2010 be approved as a correct record

**43 LICENSING COMMITTEE TERMS OF REFERENCE AND DELEGATIONS**

The Committee considered proposed changes to the Licensing Committee terms of reference and licensing delegations within the Constitution.

On 10<sup>th</sup> January 2011 the Licensing Committee considered a report in relation to the amendment of the licensing delegations which referred to the need to clarify those functions which stand referred to the General Licensing Sub-Committee and those which stand referred to the Licensing Act Sub-Committee. The Committee resolved to recommend to the Constitution Committee the amendments to the Constitution set out within paragraph 10.2 of the report to the Constitution Committee.

The Licensing Committee also considered a report in relation to the licensing of 'sexual entertainment venues.' Having considered the report, the Licensing Committee resolved, subject to the decision of Council on the principle of adoption of the relevant legislation, to recommend to the Constitution Committee the amendments to the Constitution set out within parts 1B and 2B of Appendix A to the report.

**RESOLVED**

That

- (1) Council be recommended to approve the following amendments to the Constitution in relation to licensing delegations:
  - (a) references to the Licensing Sub-Committee within paragraph 25.3 of the Officer Management Arrangements within Part III of the Constitution be amended to "the General Licensing Sub-Committee";
  - (b) references to the Licensing Sub-Committee within paragraph 25.4 of the Officer Management Arrangements within Part III of the Constitution be amended to "the Licensing Act Sub-Committee";
  - (c) references to the Licensing Sub-Committee within sub-paragraphs (i) to (iii), (v) and (vi) in relation to the General Licensing Functions at pages 160 and 161 of the Constitution be amended to "the General Licensing Sub-Committee";
  - (d) references to the Licensing Sub-Committee within sub-paragraphs (ii) to (xi) in relation to licensing functions under the Licensing Act 2003 and Gambling Act 2005 at page 161 of the Constitution be amended to "the Licensing Act Sub-Committee"; and
- (2) subject to the decision of Council in relation to the adoption of the amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 made by section 27 of the Policing and Crime Act 2009, Council be recommended to approve the amendments to the

Constitution in relation to the Licensing Committee's terms of reference and officer delegations as set out within parts 1B and 2B of Appendix A to the report (relating to the exercise of functions in relation to the licensing of sexual entertainment venues).

#### **44 PUBLIC SPEAKING AT PUBLIC RIGHTS OF WAY COMMITTEE**

The Committee considered proposed changes to the public speaking arrangements for the Public Rights of Way Committee.

Public speaking at the Public Rights of Way Committee was currently in accordance with Procedure Rule No. 35, which allowed a total period of 10 minutes for members of the public to address the Committee on any matter relevant to the work of the Committee. On the Agenda, the Public Speaking Time/Open Session was held before any of the applications were considered by the Committee.

In practice, public speaking at meetings of the Public Rights of Way Committee tended to deal with the specific applications on the agenda rather than more generally with the work of the Committee. It was therefore proposed that Procedure Rule No. 35 be disapplied in respect of the Public Rights of Way Committee and that an alternative Procedure, as outlined in Appendix 1 to the report, be adopted which would enable members of the public to address the Public Rights of Way Committee when the relevant application was being considered. The proposed change would bring the Public Rights of Way Committee in line with the Council's other regulatory committees.

While the Constitution Committee supported the proposals, Members felt that Procedure Rule 35 should be retained alongside the new provisions so that members of the public could continue to speak and ask questions on more general matters within the purview of the Public Rights of Way Committee.

In considering the matter, Members made a number of comments about how the public speaking arrangements at meetings of the planning committees currently operated and asked that this be reviewed.

#### **RESOLVED**

That

(1) Council be recommended to agree that

- (a) the proposed public speaking arrangements set out in Appendix 1 to the report be adopted for the Public Rights of Way Committee in relation to applications on the agenda;
- (b) Procedure Rule 35 continue to apply in order to facilitate public participation not relating to specific applications;

- (c) the Constitution be amended accordingly; and
- (2) the Planning Protocol Sub-Committee be asked to review the arrangements for public speaking at meetings of the Council's planning committees and the Sub-Committee's terms of reference be extended accordingly.

#### **45 QUEEN'S DIAMOND JUBILEE**

The Committee considered an extension to the terms of reference of the Civic Sub-Committee to include all matters relating to the Queen's Diamond Jubilee and other nationally significant events.

To mark 60 years of the Queen's reign, the Diamond Jubilee would take place in 2012. The celebrations would centre on an extended weekend in 2012 on 2nd, 3rd, 4th and 5th June.

Local communities were being encouraged to organise and celebrate the Diamond Jubilee in their own way. The Department of Communities and Local Government would be working with local authorities on producing guidance to help communities to organise locally-run events in their area. Local authorities in conjunction with their Lord Lieutenant would be expected to provide details of any planned activities in each area.

Cheshire East would need to consider its activities and a local programme of events and the Civic Sub-Committee could fulfill this role, subject to its terms of reference being expanded.

#### **RESOLVED**

That

- (1) the Civic Sub-Committee's terms of reference be extended to include the following function:
  - "To determine all matters relating to the Queen's Diamond Jubilee and other nationally significant events, including the celebrations scheduled for the first week in June 2012, except for those matters which the Sub-Committee considers it appropriate to refer to the Constitution Committee for determination."
- (2) the Democratic Services Manager be requested to invite the Lord Lieutenant to the next meeting of the Civic Sub-Committee to consider the matter further; and
- (3) the Officers ensure that town and parish councils throughout Cheshire East are aware of the proposed Diamond Jubilee celebrations.

**46 EXECUTIVE MEMBERS SERVING ON THE COMMITTEES WITH RESPONSIBILITY FOR PLANNING FUNCTIONS**

The Committee considered a report on matters arising from executive Members Serving on Committees with responsibility for Planning Functions.

At a meeting of the Planning Protocol Sub-Committee held on 6<sup>th</sup> January 2011 the Sub-Committee resolved that a report be submitted to the Constitution Committee on executive Members being appointed to Committees with responsibility for Planning Functions.

Under existing legislation, there was nothing to prevent executive Members being appointed to committees with responsibility for planning functions. Indeed, this was a common practice amongst local authorities. At Cheshire East, Executive Members had been appointed to committees with responsibility for planning functions.

CLG guidance to local authorities on new council constitutions (2006) was noted.

Any Cabinet Member who was on the authority's planning committee would need to consider whether they had a personal and/or prejudicial interest on items on the agenda of planning committee meetings, or whether there may be any issues of perceived pre-determination.

The issues were not clear cut, and would depend on the circumstances of a particular case. A judgement would need to be made in each case, based upon the circumstances. Legal advice may also need to be taken.

**RESOLVED**

That the views of the Cabinet be sought on the issues raised in the report and the matter be considered further at the Committee's next meeting.

**47 REPORT OF THE INDEPENDENT REMUNERATION PANEL: MID YEAR REVIEW OF SCHEME OF MEMBERS' ALLOWANCES**

The Committee considered a report on the outcome of the Independent Remuneration Panel's 2010 review of Cheshire East Council's Scheme of Members' Allowances.

To inform its review, the Panel had commissioned an online survey of Councillors which was conducted throughout November 2010. The Panel had also been provided with data from 17 Member Allowances Schemes from North West and comparator authorities.

During its review, the Panel had been requested to consider a proposal that there should be one flat-rate mileage allowance of 40p per mile payable to Council Members whilst undertaking Council business. The

Panel had considered the request but had concluded that no recommendations on mileage allowances should be made separately from the Panel's review of the Scheme as a whole. This was noted by the Committee at its meeting on 15<sup>th</sup> December 2010.

The report before the Committee set out the Panel's conclusions and recommendations on all aspects of the Council's Member Allowances Scheme.

Having discussed the report with the Officers and following clarification on a number of issues relating to travel allowances, special responsibility allowances for vice-chairmen and a proposed attendance allowance for School Appeals Panel members, the Committee felt that there would be merit in the Panel being invited to meet the Council's political leaders and Group Whips with a view to discussing further the Panel's recommendations.

### **RESOLVED**

That the Independent Remuneration Panel be thanked for its report which is noted, and the Panel be invited to meet the Council's political leaders and Group Whips to discuss the recommendations in the report.

The meeting commenced at 2.00 pm and concluded at 3.15 pm

Councillor J P Findlow (Chairman)



## **CHESHIRE EAST COUNCIL**

### **Constitution Committee**

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**Date of Meeting:** 24<sup>th</sup> March 2011  
**Report of:** Borough Solicitor  
**Subject/Title:** Councillor Call For Action (CCfA) Protocol

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#### **1.0 Report Summary**

- 1.1 To commend the Constitution Committee to make a recommendation to Council to amend the Councillor Call for Action Protocol, to allow the Scrutiny Chairmen's Group to take the lead in determining which of the Council's 5 Overview and Scrutiny Committees should deal with cross cutting issues raised under CCfA.

#### **2.0 Recommendations**

- 2.1 That the role of the Scrutiny Chairmen's Group in determining which of the 5 Overview and Scrutiny Committees should deal with cross-cutting issues raised under Councillor Call for Action be recognised and Council be recommended to authorise the Borough Solicitor to make appropriate reference to the role of the Scrutiny Chairmen's Group in the CCfA protocol by amending section 7 of the protocol.

#### **3.0 Reasons for Recommendations**

- 3.1 Currently, the Councillor Call for action protocol provides advice for Members and Officers on the steps necessary to refer to an Overview and Scrutiny Committee, any matter raised under the protocol. However, the protocol does not have a mechanism for determining requests under CCfA involving cross cutting issues.

#### **4.0 Wards Affected**

- 4.1 N/A

#### **5.0 Local Ward Members**

- 5.1 Not applicable.

#### **6.0 Policy Implications including - Climate change - Health**

- 6.1 Not known at this stage.

**7.0 Financial Implications**

7.1 Not known at this stage.

**8.0 Legal Implications**

8.1 None.

**9.0 Risk Management**

9.1 There are no identifiable risks.

**10.0 Background and Options**

- 10.1 On 30 September 2009, the Governance and Constitution Committee recommended for approval to Council, a Councillor Call for Action (CCfA) protocol. The protocol was subsequently approved by Council on 15 October 2009.
- 10.2 The CCfA protocol was intended to strengthen Member involvement at Ward level through the provision of timely, relevant information on local issues in line with the principles outlined in the Local Government and Public Involvement in Health Act which emphasised the importance of the role of Ward Members as community leaders and advocated their empowerment to deal with local issues.
- 10.3 To date, there has only been one request received to invoke the CCfA procedure. Notwithstanding the fact that in that particular case, the Member concerned did not provide evidence that all available options to resolve the matters raised in the CCfA had been explored, the range of problems raised by the Member, did highlight the fact that there was a gap in the protocol in how cross cutting issues should be handled.
- 10.4 In the absence of any formal advice, on this occasion, the Scrutiny Chairmen's Group (SCG) was consulted informally. This gave Chairmen and Vice-Chairmen of the 5 Overview and Scrutiny Committees an opportunity to explore at an early stage, the written evidence supplied by the Member concerned, in support of the CCfA. Additionally, Members concluded that the SCG was the most appropriate place for requests for CCfA to be considered, where the subject matter affected more than one Committee.
- 10.5 The Scrutiny Chairmen's Group has therefore recommended that the protocol be amended to give the SCG a role in determining which of the 5 Overview and Scrutiny Committees should deal with cross cutting issues. This addition to the protocol is in line with the constitutional changes commended by the Constitution Committee on 24 June 2010 in relation to the role of SCG in resolving cross-cutting issues and reviewing work programmes and workloads.

**11    *Access to Information***

The background papers relating to this report can be inspected by contacting the report writer:

Name: Mark Nedderman

Designation: Senior Scrutiny Officer

Tel No: 01270 686459

Email: [mark.nedderman@cheshireeast.gov.uk](mailto:mark.nedderman@cheshireeast.gov.uk)

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## CHESHIRE EAST COUNCIL

### Constitution Committee

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<b>Date of Meeting:</b>	24 <sup>th</sup> March 2011
<b>Report of:</b>	Lorraine Butcher, Head of Children and Family Services
<b>Subject/Title:</b>	Local Authority Appointments to Governing Bodies

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#### 1.0 Report Summary

- 1.1 The report asks Members to consider revisions to the procedure for the appointment of Authority Governors to educational establishments. Officers have drafted a revised procedure which has been amended by the members of the Local Authority Governor Appointments Panel at its meeting on 1<sup>st</sup> December 2010.
- 1.2 The revised procedure is recommended to the Constitution Committee with the unanimous agreement of the Local Authority Appointments Panel.

#### 2.0 Recommendation

- 2.1 That the Committee consider and approve the revised procedure enclosed at Annexe A and amend the Local Authority's Constitution to reflect this revised procedure.

#### 3.0 Reasons for Recommendations

- 3.1 The requirement to make Authority Governor appointments is a statutory obligation on all Local Authorities. Cheshire East's Authority Governor vacancy level was very high when the Council was established. Over the last eighteen months, through the application of the approved process, this level has reduced from being one of the worst in the country at 26% of positions vacant, to 8.9% vacancies, which is below the 2010 national average of 10.1%.
- 3.3 Large numbers of vacancies lead to a risk of weaker Governing Bodies and Headteachers being unsupported or insufficiently challenged in their role.
- 3.4 The revised procedure will make the process more robust and also more transparent, particularly in relation to the appointment of governors in schools in the Authority's Improving Outcomes Programme (IOP), (formerly 'Schools Causing Concern').
- 3.5 The need for transparency and effectiveness in this process has been increased by the publication of the recent Education Bill. The Bill, if enacted unamended, will remove the requirement for schools to have an Authority Governor position. It is anticipated that regulations will follow for implementation in September 2012, which

will not require Governing Bodies to reconstitute, but will enable them to do so if they wish. The legislation will reduce the minimum size of Governing Bodies (currently nine) and remove the current proportionality requirements, retaining as the only mandatory positions a minimum of two elected parent governor positions and the Headteacher governor position. If the Local Authority wishes to retain a representation on school Governing Bodies at this point it is essential that schools are satisfied that the appointment process is transparent and effective, and is supplying them with valuable governors.

#### **4.0 Wards affected**

4.1 All.

#### **5.0 Local Ward Members**

5.1 Local Ward Members are made aware of the vacancy situation in their ward on a termly basis and are invited to make nominations to the positions.

#### **6.0 Policy Implications (including climate change and health)**

6.1 There are no implications for climate change. Evidence suggests that strong governance is linked to improved outcomes for children and young people which may include improved health outcomes.

#### **7.0 Financial Implications**

7.1 There are no financial implications.

#### **8.0 Legal Implications**

8.1 Cheshire East Council has a statutory obligation to appoint Authority Governors to school Governing Bodies and the Borough Solicitor has approved the revised process, supplied in Annexe A.

#### **9.0 Risk Management**

9.1 High numbers of vacancies limit the capacity of Governing Bodies and leave schools vulnerable to criticism by Ofsted.

9.2 On-going consideration is being given to ways of recruiting governors for Cheshire East schools.

#### **10.0 Background and Options**

10.1 The current Appointment Process was approved by the Governance and Constitution Committee at its meeting on 3<sup>rd</sup> November 2008.

10.2 The process has now been operating for five school terms and during that time the level of vacant Authority Governor positions in Cheshire East has reduced

significantly.

- 10.3 The proposed amendments to the process make two main changes:
- The process for making urgent appointments to critical vacancies has been clarified;
  - Where there are two competing nominations for a vacancy the Local Ward Member's nomination will no longer have automatic priority, but all applications will be considered equally against the agreed criteria.
- 10.4 The amendments have the unanimous support of the members of the Local Authority Governor Appointments Panel.
- 10.5 Under the revised process, the appointments panel would be renamed the Authority Governor Appointment Panel. A recent change in the law has redesignated LEA governors 'Authority Governors'.

## **11.0 Access to Information**

- 11.1 All relevant completed application forms and signed codes of conduct will be attached as an appendix to the report.

### ***For further information:***

*Officer:* Andy Kent, Liaison Manager, Schools Settings and Services

*Tel:* 01625 374244

*E-mail:* [andrew.kent@cheshireeast.go.uk](mailto:andrew.kent@cheshireeast.go.uk)

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**ANNEXE A:**  
**Draft Procedure for the Appointment of Authority Governors**  
**Cheshire East Council**

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**Appointment Panel Membership:**

The panel will consist of seven elected members (5 Conservative, 1 Labour and 1 Liberal Democrat) including the Portfolio Holder for Children and Young People's Services or nominee, and an officer, or officers, from The Governance and Liaison Service (acting in an advisory capacity only). The proportionality of the panel is as agreed by the Council for membership of its committees and may be amended from time to time. The members of the panel will be as agreed annually by the full Council.

**Meetings:**

To be held at least once every school term or additionally as agreed by the panel or by the Chair.

**Terms of Reference:**

1. To consider and determine the selection of Authority Governors to all educational establishments, where governors are appointed by Cheshire East Council, including maintained schools, colleges, academies and free schools in order that appointments can be made in accordance with the agreed criteria.
2. To monitor vacancy rates of Authority Governors, based on information provided by the Governance and Liaison Service, with a view to ensuring that vacancies are filled within one school term.
3. To note the appointment of additional governors and any urgent appointment to schools in the Cheshire East Improving Outcomes Programme (IOP) (formerly the 'Schools Causing Concern' programme).
4. To consider and, where appropriate, agree, terminating appointments of Authority Governors where the governor has clearly breached confidentiality or brought the school/college or the Local Authority into disrepute, or otherwise failed to fulfil the role according to the code of conduct. This is in addition to situations where governors are automatically disqualified under Schedule 6 of the School Governance (Constitution) (England) Regulations 2007 (see below).

**Appointment Procedure for vacancies in establishments not identified as part of Cheshire East's Improving Outcomes Programme (IOP) or otherwise agreed to be urgent by the Chair of the Panel and the Portfolio Holder:**

1. The Governor Services Officer (GSO) will contact the clerk to governors to request any specific information that may assist the appointment process and any nomination the governing body wishes to make to the next meeting of the panel.
2. The GSO will inform the local members and supply any relevant information, with a copy of the Authority Governor application form, enabling them to make a nomination to the next meeting of the panel.
3. Authority Governors reaching the end of their terms of office will be approached as to whether they wish to be considered for reappointment.
4. All applicants must complete the Authority Governor application form and agree to comply with the code of conduct (enclosed). Electronic applications will be accepted with accompanying emails accepted in lieu of a signature.

5. The GSO will provide the panel with details of applications received for appointment as Authority Governors and details of Authority Governors nearing the end of their term of office who have indicated a wish to be re-appointed, together with recommendations for appointments to posts at specified establishments. This information will be provided prior to the meeting, but the panel may agree to accept late applications, up to and including those tabled at the meeting.
6. Where there is more than one application for a vacancy, all applications will be given equal consideration by the panel and a decision will be made in line with agreed procedure.
7. At the meeting the Panel will select individuals for appointment in line with the Criteria for the Appointment of Authority Governors in effect for Cheshire East Council at the time.
8. Where the termination of a governor's appointment is being considered a report will be made by the GSO. This report will be made available to the individual in advance of the meeting and the individual will have the opportunity to make a response in writing for the Panel to consider, but the Panel's decision would be final.
9. Where a governor is automatically disqualified from being a governor under the statutory criteria, members of the Panel will be informed.
10. The GSO will send appointment letters with copies to the Headteacher, Chair of Governors and Clerk to the Governing Body.
11. The GSO will retain a record of the meeting.

**Appointment Procedure for Establishments identified as part of Cheshire East's IOP, or otherwise agreed to be Urgent by the Chair of the Panel and the Portfolio Holder**

1. Nominations may be put by officers from the Governance and Liaison Service to the Chair of the Panel and the Portfolio Holder, between meetings of the panel, where the appointments are to establishments identified as part of the Improving Outcomes Programme or otherwise deemed to be urgent;
2. All potential appointees must have completed the Authority Governor application form and signed the code of conduct (enclosed);
3. Where such appointments are agreed by both the Chair of the Panel and the Portfolio Holder (or by either the Chair or the Portfolio Holder where the other is unavailable) these appointments will be confirmed with immediate effect and then reported to the next meeting of the panel.
4. Where the Chair of the Panel and the Portfolio Holder are not in agreement in relation to an urgent appointment an additional, urgent meeting of the panel will be called.

## Role Description

### Cheshire East Authority Governor

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#### ***Purpose of Post***

The role of a governor is to contribute to the work of the Governing Body in raising standards and maximising outcomes for all pupils. This involves providing a strategic view for the establishment, acting as a critical friend and ensuring accountability.

The individual governor has a responsibility, working alongside other members of the Governing Body, to the staff and pupils/students of the establishment and the wider community. Authority Governors are appointed by the Local Authority (LA) and are expected to discharge their duties giving due consideration to relevant LA's policies, however they are not mandated by the LA.

#### **Responsibilities include:**

- developing the strategic plan for the establishment;
- determining aims, policies and priorities of the establishment;
- setting statutory and non statutory targets;
- monitoring and evaluating the work of the establishment;
- appointment of staff and ensuring the implementation of a range of personnel procedures;
- management of the budget;
- securing high levels of attendance and good standards of pupil behaviour;
- ensuring that all children in the establishments have access to a broad and balanced curriculum which is suitable to age, aptitude and ability, which prepares them for adult life;
- ensuring the health and safety of pupils and staff.

#### **Tasks include:**

- to get to know the establishment: its needs, strengths and areas for development;
- to attend meetings (full governing body, committees and working groups);
- to work as a member of a team;
- to speak, act and vote in the best interests of the establishment;
- to respect all Governing Body decisions and to support them in public;
- to act within the framework of the policies of the Governing Body and legal requirements;
- to commit to training and development opportunities;

## Criteria for the Appointment of Authority Governors

### Cheshire East Council

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Authority Governors will be appointed to establishments within Cheshire East by the Authority Governor Appointments Panel, in accordance with the following criteria, as evidenced in the Authority Governor application form:

Criteria	Essential / Desirable
<ul style="list-style-type: none"> <li>• Displaying support for the main strategic aims of the Service for Children and Families in Cheshire East with regard to achieving the best outcomes for children.</li> <li>• Displaying an interest and/or involvement in children's education.</li> <li>• Willingness to attend/undertake training and governor briefing sessions.</li> <li>• A commitment to attending meetings and contributing to the work of the governing body, including membership of a committee.</li> <li>• Involvement in the establishment's community through local groups such as voluntary groups, churches or work in the community.</li> <li>• Connection with local business/Council partners.</li> <li>• Interest in and/or links with the establishment such as ex-parent, voluntary helper, ex-employee at the establishment.</li> </ul>	<p>E</p> <p>E E E</p> <p>D</p> <p>D D</p>
<p><b>Disqualification Criteria</b></p> <ul style="list-style-type: none"> <li>• Any Authority Governor who has been disqualified through non-attendance will not normally be re-appointed;</li> <li>• Anyone who is disqualified by virtue of Regulation 21 (Schedule 6) of the School Governance (Constitution) (England) Regulations 2007 cannot be appointed as a governor in any school (see below);</li> <li>• A person is disqualified from appointment as an Authority Governor if s/he is eligible to be a Staff Governor of the school.</li> </ul>	

## **Grounds for Disqualification from Membership of a Governing Body**

**(Schedule 6 of the School Governance (Constitution) (England) Regulations 2007)**

**You may not serve as a School Governor if you:**

- Are aged under 18 years at the time of appointment;
- Already hold a governor position at the same establishment;
- Are detained under the Mental Health Act 1983;
- Fail to attend the governing body meetings for six months continuously, beginning with the date of the first meeting you fail to attend, without the consent of the governing body. This provision does not apply to the ex-officio governors;
- Have been disqualified for failure to attend meetings as a governor in any school during the previous twelve months;
- Are bankrupt, i.e. your estate has been sequestrated and the sequestration has not been discharged, annulled or reduced or you are the subject of a bankruptcy restrictions order or interim order;
- Are subject to a disqualification order under the Company Directors Disqualification Act 1986 or to an order made under section 429 (2) of the Insolvency Act 1986 (failure to pay under county court administration);
- Have been removed from the office of charity trustee or trustee for a charity by the Charity Commissioners or High Court on grounds of any misconduct or mismanagement, or under section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 from being concerned in the management or control of any body;
- Are included in the Independent Safeguarding Authority's list of teachers or workers prohibited from working with children or young people;
- Are disqualified from working with children;
- Are disqualified from being an independent school proprietor, teacher or employee by the Secretary of State;
- Have been sentenced to 3 months or more in prison (without the option of a fine) in the 5 years before applying to become governor;
- Have been sentenced to two and a half years or more in prison in the 20 years before applying to become governor (paragraph 10(3) of Schedule 6);
- Have at any time received a prison sentence of 5 years or more;
- Have been fined for causing a nuisance or disturbance on school premises during the 5 years prior or since applying to become a governor or being appointed as a governor;
- Have refused to an application being made to the Criminal Records Bureau for a criminal record certificate, or refuse such a request at any point.

# AUTHORITY GOVERNOR APPLICATION FORM FOR CHESHIRE EAST COUNCIL



NAME OF ESTABLISHMENT APPLIED FOR: \_\_\_\_\_

OR

I AM WILLING TO BE APPOINTED TO ANY ESTABLISHMENT: ☐ (PLEASE TICK)

Please indicate the source of this nomination / how you found out about being a governor in Cheshire East.		Elected Member (please include name)	
School Governors' One Stop Shop (SGOSS)		Cheshire East Website	
School/College (please specify)		Other (please include brief details)	
Title:	Surname:	Other names:	
Date of birth:	Occupation:	Male	Female
Home address:		Work address:	
Tel:		Tel:	
Email:		Email:	
Mobile:		Can we contact you at work? YES/NO	
Have you been a governor before or are you currently a governor? If yes, please give details:			

Please outline your reasons for showing an interest in becoming a governor – including details of personal qualities, experience or skills (attach an additional sheet if required):

If you are not applying to a specific establishment please indicate any area you would prefer or the distance you are prepared to travel:

If you are not applying to a specific establishment please indicate whether you have a preference for establishments with a particular religious ethos

Catholic Schools ☐ Church of England Schools ☐

Other (please specify) \_\_\_\_\_

Please give details of any particular provision you would require eg wheelchair access:

## **Code of Conduct Cheshire East Authority Governors**

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### **Authority Governors should:**

- Act in the best interests of the pupils/students at the establishment having considered the views and advice of the Local Authority. Governors may need to balance long and short term issues, establishment and community issues.
- Work as a member of a team at all times and be loyal to collective decisions made by the governing body.
- Recognise that all governors have the same rights and responsibilities unless particular responsibilities are conferred on them by the full governing body.
- Understand that no governor can act alone except in exceptional circumstances prescribed in the regulations – the power of the governing body rests in it acting as a single body.

### **All governors must:**

- Respect confidentiality.
- Listen to and respect the views of others.
- Express their own views clearly and succinctly.
- Take their fair share of work/positions of responsibility.
- Know, understand and work within the prescribed regulatory framework.
- Report any evidence of fraud, corruption or misconduct to an appropriate person or authority.
- Respect any code of conduct agreed by the governing body.

### **In addition Authority Governors are expected to:**

- Prepare for meetings by reading papers beforehand.
- Take responsibility for their own learning and development as a governor, including attending training.
- Attend meetings promptly, regularly, and for the full time.
- Read any briefings specifically for Local Authority governors.
- Familiarise themselves with Local Authority policy and guidance and, where necessary, be able to explain this to other governors on the governing body.

### **Cheshire East Authority Governor Declaration**

I confirm that I am not disqualified by any of the above regulations and therefore I am eligible to serve on governing bodies within Cheshire East Council. I have read the code of conduct and I am willing to abide by it. I also give my permission for Cheshire East Council to make arrangements with me to make a Criminal Records Bureau (CRB) check, and to check my details against the Independent Safeguarding Authority's Barred List or any such list that replaces this in the future.

Signed: \_\_\_\_\_

Print name: \_\_\_\_\_

Date: \_\_\_\_\_

**If you are appointed to an Authority Governor position, your appointment will be for four years.**



## **CHESHIRE EAST COUNCIL**

### **Constitution Committee**

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Date of Meeting:	24 <sup>th</sup> March 2011
Report of:	Democratic Services Manager
Subject/Title:	Outside Organisations – Various Matters

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#### **1.0 Report Summary**

- 1.1 The Outside Organisations Sub-Committee, which met on 2<sup>nd</sup> March 2011, recommends the Committee to approve a number of proposals in respect of outside organisations. The minutes of the Sub-Committee's meeting are attached.

#### **2.0 Recommendations**

2.1 That

- (a) the appointment of representatives to the Adoption Panel, Cheshire Admissions Forum and the Fostering Panel be referred to Annual Council;
- (b) no action be taken in respect of the appointment to the Crewe and Nantwich Twinning Association in the current Municipal Year;
- (c) Councillor S Wilkinson be appointed to the Standing Advisory Council for Religious Education (SACRE) to serve for the remainder of the Municipal Year;
- (d) no action be taken to appoint to Dial-a-Ride and Community Transport at the present time, pending the outcome of the Portfolio Holder's review of the arrangements for appointments to this organisation;
- (e) the revised Casual Vacancies Procedure be adopted for use in respect of Category 2 organisations and be commended to Cabinet for application to all Category 1 organisations;
- (f) the Sub-Committee be authorised to refer Category 1 organisations direct to Cabinet;
- (g) the proposed procedure for dealing with new requests for representation on outside organisations be adopted;
- (h) Holmes Chapel Partnership be added as a Category 2 outside organisation and that a Member be appointed to it;

- (i) it be noted that the Guide for Members Appointed to Outside Organisations has been finalised and issued to all Members; and
- (j) the procedure for making appointments in 2011-2012 be noted.

### **3.0 Reasons for Recommendation**

- 3.1 It is important for the Council to appoint to outside organisations to ensure that it continues to represent the interests of both the Authority and the wider community.
- 3.2 The revision to the Casual Vacancies Procedure has been designed to give maximum efficiency when casual vacancies occur between annual appointments. The procedure is in line with the practice adopted when casual vacancies occur on Council Committees.
- 3.3 The recently revised legal guidance will ensure that Members are made fully aware of their legal responsibilities and liabilities when taking up an appointment to an outside organisation.
- 3.4 The introduction of a procedure for adding to the list of outside organisations will provide transparency to the process.

### **4.0 Wards Affected**

- 4.1 Not applicable.

### **5.0 Local Ward Members**

- 5.1 Not applicable.

### **6.0 Policy Implications**

- 6.1 None identified.

### **7.0 Financial Implications**

- 7.1 None identified.

### **8.0 Legal Implications**

- 8.1 Whilst membership of outside bodies carries with it the potential for personal liability for elected Members undertaking such roles as ancillary to their status as a Councillor, particularly in respect of trusteeships, Cheshire East Borough Council has already resolved to put in place for elected Members the maximum indemnity which is allowed by law.

## **9.0 Risk Management**

- 9.1 None identified other than in respect of Dial-a-Ride and Community Transport (Paragraph 10.5 below).

Each of these organisations has requested that two Members be appointed. At present, Councillors Cannon and Thwaite are carrying the burden of four Councillors as the only two representatives, pending the outcome of a review by the Portfolio Holder for Prosperity. The additional workload may become too onerous and one or both Members may choose to resign from these two organisations.

## **10.0 Background and Options**

- 10.1 An Officer review of the schedule of outside organisations has been undertaken. As a consequence of that review, three organisations have been identified as not falling within the category of “outside organisation” and it would be more appropriate for Council to make appointments to these as part of the annual Committee appointments process. The organisations are as follows and each is managed/administered by Children’s Services. For this reason, they ought not to be regarded as outside organisations:

- Adoption Panel
- Cheshire Admissions Forum
- Fostering Panel

### **10.2 Adoption Panel**

The Adoption Panel considers in detail all aspects of a plan for a “Looked After” child to be adopted and makes a recommendation as to whether or not the child should be adopted. In addition, the Panel considers the suitability of any families who apply to become adopters, and whether or not to recommend that they are suitable to adopt; and finally, it considers the placement of any child with a particular adopter. The elected Member is a full member of the Panel. Under the performance objectives of the Panel, each member is asked to attend 75% of the meetings, which are held monthly, and in addition is asked to attend any training events and induction events that are held at least annually, and undergo an annual appraisal.

The role of the Adoption Panel and the appointment of elected Members are governed by the Adoption Agency Regulations 2005, Adoption and Children Act 2002.

The Adoption Panel comprises the following –

- Chairman
- Medical Adviser
- Agency Members
- Social Workers (2)

- Elected Member (1)
- Independent members (3)
- Additional members (2)

### 10.3 Cheshire Admissions Forum

There is a statutory duty on the local authority to have in place an Admissions Forum.

Section 85 of the School Standards and Framework Act 1998 requires all local authorities to establish an Admissions Forum. Forums provide a means by which admission authorities and other key parties can discuss the effectiveness of local admissions arrangements, consider how to deal with difficult admissions issues and advise all admissions authorities on ways in which their arrangements can be improved. Forums also have a key role in ensuring a fair admissions system that promotes social equality, does not disadvantage one child compared with another and is straightforward and easy for parents to understand.

The Forum core membership comprises 14 members as follows –

- Local Education Authority Members (2)
- Schools (Community) (3)
- Schools (Voluntary Controlled) (1)
- School (Foundation) (2)
- Schools (Voluntary Aided) (2)
- Schools (Academies) (1)
- Diocesan Board Church of England Representative (1)
- Roman Catholic Diocese Representative (1)
- Parent Governor Representative (1)

### 10.4 Fostering Panel

The Panel considers and advises on the suitability of persons who apply to be foster carers for children who are “looked after” by the local authority. It states what its recommendations are in respect of a particular child or children and clarifies whether the prospective carers are to be approved for certain ages or categories of children.

The Panel considers the continuing approval of foster carers following its annual carers’ review or other significant changes in the circumstances of carers and advises on any other matter relating to the fostering service.

The Panel holds monthly meetings which are held in private.

As with the Adoption Panel and the Cheshire Admissions Forum, the Fostering Panel is administered by Cheshire East Children’s Services and, as such, is not an outside organisation.

10.5 Appointments to Casual Vacancies

- Crewe and Nantwich Twinning Association (CANTA)

Councillor E Howell (Liberal Democrat) who was appointed to CANTA in April 2009 has resigned. The Sub-Committee recommends that the vacancy be filled as part of the appointments process for 2011-2012.

- Standing Advisory Council for Religious Education (SACRE)

On 15 November 2010, Cabinet accepted the Constitution Committee's recommendation that SACRE be re-designated as a Category 2 organisation to which the Constitution Committee would make all future appointments.

The current representatives are –

Councillor H Gaddum (appointed 15 November 2010 to replace  
Councillor M A Martin)  
Councillor S Jones  
Councillor F Keegan

Councillor Keegan has been unable to attend meetings of SACRE since September 2009 and has asked Councillor S Wilkinson to attend on his behalf. Following consultation with both Members, it is now proposed to regularise this arrangement by confirming Councillor S Wilkinson as the Council's representative on SACRE in place of Councillor Keegan.

- (1) Dial-a-Ride (DAR) and (2) Community Transport

Councillors D N Bebbington, D J Cannon and A Thwaite, were appointed to DAR and Community Transport in March 2009. At that time, it was understood that these two organisations were actually one organisation with two branches. However, following the appointments, it transpired that the organisations were in fact two separately operated and funded organisations operating in Cheshire East. Dial-a-Ride covers Crewe, Nantwich and Congleton; and Community Transport covers Macclesfield.

The organisations advised that they would each prefer to have two elected Members appointed to them. This was accepted by the Governance and Constitution Committee on 30 September 2009, at which time the Committee agreed to recommend to Cabinet that both schemes be re-designated as Category 1 on the basis that they were top-level strategic organisations which informed the Local Transport Plan. The Committee also commented that the two representatives on each organisation should comprise one Cabinet Member and one Local Member.

Councillor Bebbington has now resigned from Dial-a-Ride, and this leaves Councillors D J Cannon and A Thwaite as the only two representatives, both of whom are representing the Council on both Dial-a-Ride and Community Transport. Although Cabinet has yet to make a decision on

this matter, Councillor J Macrae, as the Portfolio Holder, is reviewing the situation. It is suggested, therefore, that no action be taken to fill the casual vacancy, pending the outcome of that review and to notify Members and the organisations accordingly.

#### 10.6 Casual Vacancies Procedure

On 9 March 2010, the former Governance and Constitution Committee approved a Procedure for Dealing with Casual Vacancies on outside organisations. This applied to all appointments not made by the Cabinet.

When a casual vacancy occurs between annual appointments, it is for the Committee (now the Constitution Committee) to approve replacements. The Committee meets bi-monthly and this can cause delays of two months or more. The following revised procedure follows the practice adopted for dealing with casual vacancies on Council Committees and avoids the need to seek the approval of the Constitution Committee each time a vacancy occurs.

The blue text indicates the changes proposed.

- (i) *When a place becomes vacant, the Democratic Services Manager, as the appropriate Officer, would be notified.*
- (ii) *The Group Whip of the appropriate political group would be invited to nominate a replacement from within the same group.*
- (iii) ***The replacement Councillor would take up the vacancy; the outside organisation would be notified of the change; the outside bodies list would be updated on the website; and the Constitution Committee would be informed at the next available meeting.***
- (iv) *In cases where the relevant political group is unable to appoint to a particular organisation (or chooses not to appoint, for whatever reason), the Democratic Services Manager would be notified and each of the remaining political groups would then be invited to submit a nomination. **Where only one nomination is received for one vacancy, the Councillor would be "slotted in". Where there is competition for places, the matter** would be considered by the Constitution Committee at the next available meeting.*

The Committee is asked to adopt the revised Casual Vacancies Procedure for application in respect of Category 2 organisations.

The Cabinet does not have a procedure for dealing with casual vacancies. When a casual vacancy occurs, this is usually dealt with by the appropriate Portfolio Holder, each of whom has the power to appoint to outside bodies falling within their remit. The Committee is invited to

commend the procedure, appropriately amended, to Cabinet for application to Category 1 organisations.

#### 10.7 Procedure for Adding Organisations to the Approved List

The decision as to whether an outside organisation should be included on either of the approved schedules (Category 1 or 2) is made in accordance with the appointments criteria approved by the former Governance and Constitution Committee at its meeting held on 9 March 2009. The criteria are intended to form the basis of an objective, rational and open appointments process.

During the transitional year, it was the role of the Task Group (Outside Organisations) (set up by the former Governance and Constitution Committee in July 2008) to consider new additions to the approved list and make recommendations to the Committee, having applied the approved criteria in each case. An informal part of that process was consultation with the shadow Cabinet. Prior to submission of the final list to the Committee, Cabinet Members selected those organisations which they considered should be reserved to the Cabinet for appointment. The list of outside organisations was then divided into two separate lists: one for appointment by Cabinet and the other for appointment by the Committee.

Since 1 April 2009, there have been a number of new requests, by or on behalf of outside organisations, for Council representation and whilst the criteria have not been specifically applied on these occasions, Legal Services has considered the legal implications associated with each request. Most of the requests have been received from Members. Where a request came from a Cabinet Member, it was treated as a Category 1 organisation and Cabinet dealt with the appointment(s). Where requests were received from other Members, these were regarded as Category 2 and the Constitution Committee made the appointment(s).

There is no formal procedure enabling the Outside Organisations Sub-Committee (as successor to the Task Group) to consider each new request for representation. It is suggested that, in the interests of clarity and consistency, the following procedure be adopted:

- (i) All new requests for representation on an outside organisation would be considered by the Sub-Committee which would apply the appointments criteria to decide whether or not the organisation should be added to the list of approved organisations.
- (ii) If the organisation is considered appropriate for inclusion, the Sub-Committee would then decide which category is the most appropriate, again by applying the approved criteria. (Category 1 comprises those organisations which are regarded as top level strategic bodies to which the Cabinet appoints and Category 2 comprises those to which the Constitution Committee appoints.)

- (iii) If the Sub-Committee determines that it should be a Category 1 organisation, the matter would be referred to the Cabinet which would (a) decide whether it wished to add the organisation to the list of Category 1 organisations; (b) if so, determine the Council's representation on the organisation as appropriate; or (c) if not, refer the organisation to the Constitution Committee to consider for inclusion as a Category 2, or for rejection.
- (iv) If the Sub-Committee determines that it should be a Category 2 organisation, the Sub-Committee would recommend the organisation's inclusion on that list of approved organisations and would submit nominations for consideration by the Constitution Committee.

#### 10.8 Holmes Chapel Partnership

Holmes Chapel Partnership has been established to enable the Holmes Chapel community to create an improved environment for those who live and work in the area. It is independent of any political party, religious organisation or local council. The Partnership has requested that one representative of Cheshire East Council be appointed; the appointee would become a member of the Executive Committee.

The Sub-Committee recommends its inclusion on the Category 2 list of outside organisations and recommends the appointment of a local Member.

#### 10.9 Guidance for Members Appointed to Outside Organisations

The Sub-Committee (and the former Task Group) recognised the need for a guidance document for Members appointed to outside organisations. Members have previously considered a number of drafts, the last one of which was edited by Legal Services and provided for Members at a training session held on 16 September 2010. Legal Services has reviewed the document and is satisfied that it represents an appropriate guidance for Members.

The revised document has now been issued to all Members.

#### 10.10 Appointments Process – 2011-2012

Appointments for 2011-2012 will be made by the Constitution Committee at its meeting to be held on 2 June 2011. The Sub-Committee is meeting in April to review the current list of Category 2 organisations.

Following the establishment of the political proportionality of the Council after the elections on 5 May, and the appointment of Committees and Sub-Committees at Annual Council on 18 May 2011, a meeting of the



Sub-Committee will be held at the earliest opportunity to enable recommendations to be made to the Constitution Committee.

Category 1 Organisations

Cabinet will be asked to make appointments to the Category 1 organisations at its meeting to be held on 6 June 2011.

**11.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer. There are no specific background documents.

Name: Carol Jones  
Designation: Democratic Services Officer  
Tel No: 01270 686471  
E-mail: [carol.jones@cheshireeast.gov.uk](mailto:carol.jones@cheshireeast.gov.uk)

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Outside Organisations Sub-Committee**  
held on Wednesday, 2nd March, 2011 at Delamere House, Delamere Street,  
Crewe

### **PRESENT**

Councillor S Jones      Chairman

Councillors R Cartlidge, J P Findlow and P Whiteley

### **APOLOGIES**

Councillors D Brickhill

### **OFFICER**

Carol Jones      Democratic Services Officer

### **6 DECLARATIONS OF INTEREST**

No declarations of interest were made.

### **7 PUBLIC SPEAKING TIME/OPEN SESSION**

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

There were no members of the public present.

### **8 MINUTES OF THE PREVIOUS MEETING**

#### **RESOLVED**

That the Minutes of the Meeting held on 13 September 2010 be approved as a correct record.

### **9 OUTSIDE ORGANISATIONS - VARIOUS MATTERS**

The Sub-Committee considered a report which covered various matters associated with appointments to outside organisations as follows:

- (a) the removal from the schedule of outside organisations three organisations which were currently listed and refer them to Annual Council for appointment on the basis that they were internal, or shared services committees/panels;

- (b) appointments to casual vacancies;
- (c) review of the Casual Vacancies Procedure which had been approved by the former Governance and Constitution Committee;
- (d) review of the appointments criteria and make any amendments necessary;
- (e) recommend to the Constitution Committee a procedure for adding new requests to the list of approved outside organisations;
- (f) consider two new requests;
- (g) note that the Guidance for Members Appointed to Outside Organisations had been finalised by Legal Services and issued to all Members;
- (h) note progress in respect of Officer representation on outside organisations;
- (j) note the update in respect of monitoring of effectiveness of representation on outside organisations; and
- (k) approve the procedure for making appointments for 2011-2012.

#### 9.1 Adoption Panel, Cheshire Admissions Forum, Fostering Panel

An Officer review of the schedule of outside organisations had been undertaken. As a consequence of that review, three organisations had been identified as not falling within the category of “outside organisation” (the Adoption Panel, Cheshire Admissions Forum and the Fostering Panel). The Sub-Committee agreed that it would be more appropriate for Council to make appointments to these as part of the annual Committee appointments process.

#### 9.2 Appointments to Casual Vacancies

There was a vacancy on Crewe and Nantwich Twinning Association (CANTA) following the resignation of Councillor E Howell.

The Sub-Committee agreed that this vacancy should be dealt with as part of the appointments process for 2011/2012.

Councillor Keegan was one of the Council’s representatives on The Standing Advisory Council for Religious Education (SACRE), but had been unable to attend meetings for some time. Councillor S Wilkinson had been attending on his behalf and to regularise the situation, the Sub-Committee agreed to make a formal nomination of Councillor Wilkinson to replace Councillor Keegan.

Councillors D N Bebbington, D J Cannon and A Thwaite had been appointed to Dial-a-Ride and Community Transport in March 2009. At that time, it was understood that these two organisations were one organisation with two branches. However, following the appointments, information was received indicating that they were in fact two separately operated and funded organisations operating in Cheshire East. Dial-a-Ride covered Crewe, Nantwich and Congleton; and Community Transport covered Macclesfield. The organisations advised that they would each prefer to have two elected Members appointed to them. This was accepted by the Governance and

Constitution Committee on 30 September 2009, at which time, the Committee referred the matter to Cabinet recommending that both schemes be re-designated as Category 1 on the basis that they were top-level strategic organisations which informed the Local Transport Plan. Councillor J Macrae, as the Portfolio Holder, agreed to review the situation.

Councillor Bebbington had recently resigned from Dial-a-Ride, and this left Councillors D J Cannon and A Thwaite as the only two Councillors representing the Council on both Dial-a-Ride and Community Transport.

The Sub-Committee recommended that no action be taken to appoint other Members, pending the outcome of Councillor Macrae's review.

### 9.3 Casual Vacancies Procedure

On 9 March 2010, the former Governance and Constitution Committee approved a Procedure for Dealing with Casual Vacancies on outside organisations. This applied to all appointments not made by the Cabinet.

A suggested revision to the procedure was made and the Sub-Committee agreed to recommend it to the Constitution Committee for adoption for Category 2 organisations; and also to commend it to Cabinet for adoption in respect of Category 1 organisations.

### 9.4 Review of Appointments Criteria

The Sub-Committee considered the criteria which had been adopted for deciding if an organisation should be considered for inclusion on the list of outside organisations.

No amendments were made to the criteria; however, Members considered that in respect of item 1 (e) (*"Where an approved organisation is ward-specific, the Member appointed should be from the appropriate Ward"*), the most practical means of agreeing representation would be for the Ward Councillors themselves to make the decision and this would take into account appropriate skills mix and experience. If no agreement could be reached, the Group Whips would make the decision.

The last paragraph of the section regarding potential conflict of interest required clarification and this would be provided at the next meeting.

### 9.5 Procedure for Adding Organisations to the Approved List

The decision as to whether an outside organisation should be included on either of the approved schedules (Category 1 or 2) was made in accordance with the appointments criteria. However, there was no formal process for **adding** organisations to either of the schedules. This had previously been carried out informally by the Task Group and there was a need to formalise the process.

A suggested procedure was considered by the Sub-Committee which agreed to recommend it to the Constitution Committee for adoption.

#### 9.6 Sandbach Town Plan Steering Group

The Chairman of the Sandbach Plan Steering Group had written to the Chief Executive of Cheshire East Council requesting that a councillor be appointed to the Steering Group which had been established to produce a town plan for Sandbach.

Councillor Barry Moran had played an active role in the process to date and the Group had requested that he be appointed as the Council's representative.

The Sub-Committee agreed that further information was required and that the Steering Group should be asked why Council representation was a requirement. This matter would be considered again at the next meeting.

#### 9.7 Holmes Chapel Partnership

Holmes Chapel Partnership had been established to enable the Holmes Chapel community to create an improved environment for those who lived and worked in the area. The Partnership had requested that one representative of Cheshire East Council be appointed; the appointee would become a member of the Executive Committee.

The Partnership had provided a copy of its constitution which was currently being inspected by Legal Services.

The Sub-Committee agreed to recommend the inclusion of the Partnership on the Category 2 list of outside organisations and to recommend the appointment of one Member.

#### 9.8 Guidance for Members Appointed to Outside Organisations

The Sub-Committee (and the former Task Group) had recognised the need for a guidance document for Members appointed to outside organisations. Members had previously considered a number of drafts, the last one of which had been edited by Legal Services and presented to Members at a training session. Legal Services had now reviewed the document and was satisfied that it represented an appropriate guidance for Members. The document had been issued to all Members.

#### 9.9 Officer Representation on Outside Bodies

Members of the former Task Group had requested a list of Officers who had been appointed to outside organisations. This had been provided for Members at which time further information was requested to confirm that the

named Officers attended meetings of those organisations. The work had not yet been completed.

The Sub-Committee expressed the view that as the nomination of Officers to support Members was a commitment in the Guidance for Members, viz *“[Democratic Services will] ensure that a robust support system is in place for Members appointed to outside bodies. Wherever possible, a Cheshire East Council support officer will be allocated to each outside body; the role of the Officer will be that of a specialist to offer advice on the topic area of the outside body to which individual Members have been appointed.”* it was imperative that the list be finalised before the appointments for 2011-2012 were made.

The Corporate Management Team would be asked to assist in the identification of named Officers for each organisation. An update would be provided at the April meeting.

#### 9.10 Monitoring Effectiveness/Appropriateness of Representation

As part of the review to inform the appointments for 2011-2012, monitoring forms had been issued to all Members appointed to outside organisations. A low response rate had been achieved and additional forms had been sent to non-responders.

An update would be provided at the April meeting.

#### 9.11 Appointments Process – 2011-2012

Appointments for 2011-2012 were expected to be made by the Constitution Committee at its meeting to be held on 2 June 2011.

Following the establishment of the political proportionality of the Council after the elections on 5 May, and the appointment of Committees and Sub-Committees at Annual Council on 18 May 2011, a meeting of the Sub-Committee would be held at the earliest opportunity to enable recommendations to be made to the Constitution Committee.

#### 9.12 April Meeting

At its April meeting, the Sub-Committee would review the current list of outside bodies taking into account the feedback from Councillors.

### **RESOLVED**

(A) That the Constitution Committee be recommended

- (a) to refer to Annual Council, the appointment of representatives to the Adoption Panel, Cheshire Admissions Forum and the Fostering Panel;

- (b) to decline to appoint to the Crewe and Nantwich Twinning Association until appointments for 2011-2012 are made;
  - (c) to appoint Councillor S Wilkinson to the Standing Advisory Council for Religious Education (SACRE) to serve for the remainder of the Municipal Year;
  - (d) to decline to appoint to Dial-a-Ride and Community Transport at the present time, pending the outcome of the Portfolio Holder's review of the arrangements for appointments to these organisations;
  - (e) to adopt the revised Casual Vacancies Procedure and commend it to Cabinet for application to all Category 1 organisations;
  - (f) to recommend the adoption of the procedure for dealing with new requests for representation on outside organisations;
  - (g) to recommend the inclusion of the Holmes Chapel Partnership as a Category 2 outside organisation and the appointment of one Member to it;
  - (h) to note that the Guide for Members Appointed to Outside Organisations has been finalised and issued to all Members; and
  - (i) to note the arrangements for the appointments process for 2011-2012.
- (B) That enquiries be made of Sandbach Town Plan Steering Group about the need for Council representation.

## 10 DATE OF NEXT MEETING

### RESOLVED

That the next meeting of the Sub-Committee be held on 20 April 2011 at 10.00 am.

The meeting commenced at 10.00 am and concluded at 11.10 am

Councillor S Jones (Chairman)



## CHESHIRE EAST COUNCIL

### Constitution Committee

---

**Date of Meeting:** 24<sup>th</sup> March 2011  
**Report of:** Member Development Panel  
**Subject/Title:** Member Development: Chairman's End of Year Report

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#### **1.0 Report Summary**

- 1.1 The report provides a summary of member training and development events held during 2010/2011 and outlines planned activities for 2011/2012.

#### **2.0 Recommendation**

- 2.1 The Constitution Committee is invited to note the report.

#### **3.0 Reasons for Recommendation**

- 3.1 As set out in Part Three of Cheshire East Council's Constitution, part of the Constitution Committee's remit is to provide "*support for and facilities for Members, including member learning and development*".
- 3.2 Whilst responsibility for operational matters associated with learning and development lies with the Member Development Panel, the Committee is tasked with a monitoring role. The purpose of this report therefore is to raise awareness of action taken by the Panel during the current Municipal year and highlights future planned activities.

#### **4.0 Wards Affected**

- 4.1 All

#### **5.0 Local Ward Members**

- 5.1 Not applicable

#### **6.0 Policy Implications**

- 6.1 None

#### **7.0 Financial Implications**

- 7.1 Democratic Services is being remodelled to achieve the targets set out in the 2011/2012 budget, which will result in streamlining of Member Training and Development activities. The Member Development Panel at its meeting on 16 February 2011 noted the situation and requested officers to

review the Programme for 2011/2012 in the light of the changes outlined, which is reflected in the proposed activities for 2011/2012 set out in paragraph 13 of the report.

## **8.0 Legal Implications**

- 8.1 The submission of an end of year report by the Chairman of the Member Development Panel will enable Constitution Committee to discharge its monitoring function of member learning and development activities in accordance with Part Three of the Council's Constitution.

## **9.0 Risk Management**

- 9.1 The involvement of Councillors at all stages of the learning and development process is vital to ensure that the authority continues to meet the requirements of the North West Charter on Elected Member Development.

## **10.0 Background**

- 10.1 In January 2009, the Council appointed a Member Development Panel ('the Panel'), the Chairman of which is Councillor Wesley Fitzgerald, Leader of the Council. The remit of the Panel is to -

- identify priorities for member learning and development;
- discuss and agree procedures for its delivery;
- review the effectiveness of the Member Development Programme and the Member Development Strategy; and
- act as a conduit for the exchange of information from and to political groups and the Portfolio Holder for Resources.

## **11.0 Member Development Programme 2010/2011**

- 11.1 The 2010/11 Member Development Programme has continued to build on the successes achieved in year 1 by maintaining the flow of information to Councillors and enhancing Members' knowledge on a wide range of subjects. Appendix 1 provides a summary of the 'In house' and external events offered to Members during the year which has increased in number from 38 in 2010/11 to 43 in 2011/12.
- 11.2 As part of any future application for reassessment under the North West Development Charter, Cheshire East will need to provide evidence illustrating how its Member Development Programme links in with the Council's priorities. Column 4 of Appendix 1 identifies the relevant objective for each subject as set out in the Corporate Plan 2010/2013.

## **12.0 Progress Report 2010/2011**

- 12.1 By constantly reviewing the training and development activities provided for Members, the Panel has ensured that the standard required under the North West Development Charter has continued to be maintained.

- 12.2 The Panel's priority this year has been the creation of a comprehensive Induction Programme for newly elected Members, which will provide support for Councillors across all aspects of Council life in a timely manner (paragraph 13.2 refers).
- 12.3 An initial review of the Member Development Strategy has also been undertaken which is nearing completion. Whilst the commitments contained therein are substantially unchanged, it has been necessary to make some revisions to meet budgetary targets. It is intended that a copy of the revised document will be made available to all Councillors elected in May 2011.
- 12.4 As part of its commitment to providing IT support for Members', nine Councillors enrolled onto an ITQ Level 1 course delivered by Macclesfield College. At the time of writing, six Councillors have successfully completed the course and have been awarded their certificates whilst three are waiting for their assessment results.
- 12.5 Members' views on the quality and relevance of events has continued to be evaluated via discussions at the Member Development Panel, the completion of e-surveys and the gathering of informal feedback. Work has been completed on creating a short paper/e-survey to be used at events; which was trialed in February and will be rolled out as part of next year's Programme.
- 12.6 In accordance with the Member Development Strategy, Personal Development Plan interviews were due to take place in 2010. To enable newly elected Members to participate in the process, the timeline has been modified to allow interviews to be held in 2011.

### **13.0 Proposed Activities 2011/2012**

- 13.1 Work will continue during 2011 to maintain the standard required under the North West Development Charter to enable the Council to successfully apply for re-accreditation in 2012. However, it is unlikely that the Council will pursue a Level 2 application at this time opting instead for Level 1 Review.
- 13.2 The Induction Programme commences in May with a series of short events to provide support and advice to newly elected Members. Where appropriate, an invitation to attend key events will be extended to returning Members.
- 13.3 I T skills training remains a priority for the Council and work is on-going to identify appropriate and cost effective options for its delivery.
- 13.4 The 2011/2012 Programme will also continue to give priority to knowledge-based events although personal (or soft) skills will be addressed as appropriate. Where possible, the Council will continue to work with other

authorities and partnerships to enhance both the Programme and networking opportunities for elected Members.

- 13.5 Members will be encouraged to participate in their personal development. Newly elected Members will be given the opportunity to attend a Personal Development Interview; returning Members will be invited to refresh their existing plans. It is anticipated that interviews will take place in the early autumn.

#### **14.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

Name: Diane Moulson  
Designation: Senior Member Development Officer  
Tel No: 01270 686476  
Email: [diane.moulson@cheshireeast.gov.uk](mailto:diane.moulson@cheshireeast.gov.uk)

## Member Training & Development Programme 2010/2011

	Date	Subject	Corporate Objective	Internal/External
1	21 May 2010	Comprehensive Area Assessment & Corporate Planning	Excellence	Internal
2	25 May	Planning	Sustainability	Internal
	Jun/Nov	ITQ Training	Personal Skills	External
3	7 June	PROW	Excellence	Internal
4	16 Jun	Audit & Governance Training	Excellence	Internal
5	28 June	Local Transport Plan	Sustainability	Internal
6	28 June	Apprentice & Employer Event	Excellence	Internal
7	13 July	Rural Housing	Sustainability	External
8	13 July	Renewable Energy	Sustainability	External
9	23 July	Alcohol Strategy	Life and Health	Partnership Event
10	23 July	Business Planning Process: 2011 Launch	Excellence	Internal
11	9 Aug	Resource Allocation System	Life and Health	Internal
12	9 Sept	Consumer Protection & Investigations (am)	Choice and Control	Internal
13	9 Sept	Consumer Protection & Investigations (pm)	Choice and Control	Internal
14	14 Sept	Local Transport Plan Workshop	Sustainability	Internal
15	16 Sept	Outside Organisations: Protocol	Excellence	Internal
16	16 Sept	Planning: Design Review Seminar	Environment	External
17	23 Sept	Audit & Governance Training	Excellence	Internal
18	24 Sept	Local Service Delivery (am)	Choice and Control	Internal
	24 Sept	Local Service Delivery (pm)	Choice and Control	Internal
19	27 Sept	Integrated Transport Workshop	Sustainability	Internal

	Date	Subject	Corporate Objective	Internal/External
20	28 Sept	Planning: Refresh and Review	Environment	Internal
21	8 October	Consumer Protection & Investigations	Choice and Control	Internal
22	29 Oct	Business Planning Processing	Excellence	Internal
23	2 Nov	Local Development Framework	Sustainability	Internal
24	3 Nov	Strategic Housing	Sustainability/ Environment	Internal
25	12 Nov	Living Well in Cheshire	Life and Health	Partnership Event
26	15 Nov	Manual for Streets (Planning)	Environment	External
27	17 Nov	Audit & Governance: Risk Management	Excellence	Internal
28	29 Nov	Local Area Partnerships	Choice and Control	Internal
29	3 Dec	Media DIY	Excellent	Internal
30	10 Dec	Skills for Life	Life and Health	Internal
31	13 Dec	Media DIY (Part 1 of 2)	Excellence	Internal
32	14 Jan 2011	Business Engagement & Sustainable Towns	Choice/Sustainability	Internal
33	18 Jan	Media DIY	Excellence	Internal
34	18 Jan	Budget Engagement Event	Choice and Control	Internal
35	20 Jan	Media DIY	Excellence	Internal
36	28 Jan	NHS White Paper Briefing	Life and Health	Internal
37	4 Feb	Planning	Environment	Internal
38	18 Feb	CVS Annual Conference	Excellence	External
39	7 Mar	Nat. Flood Exercise: Watermark (paper briefing)	Excellence	National Partners
40	11 Mar	Domestic Violence	Life and Health	Internal
41	21 Mar	Play England, Play Sharper	Life and Health	External
42	24 Mar	New Heath Structures	Life and Health	External
43	8 Apr	Highways Procurement	Sustainability/ Environment	Internal

## Key

Corporate objective one:

To give the people of Cheshire East more choice and control around services and resources

Corporate objective two:

To grow and develop a sustainable Cheshire East

Corporate objective three:

To improve life opportunities and health for everybody in Cheshire East

Corporate objective four:

To enhance the Cheshire East environment

Corporate objective five:

To be an excellent council and work with others – to deliver for Cheshire East

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# CHESHIRE EAST COUNCIL

## Constitution Committee

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**Date of Meeting:** 24<sup>th</sup> March 2011  
**Report of:** Independent Remuneration Panel  
**Subject/Title:** Addendum Report: Mid-Year Review of Scheme of Members' Allowances

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### **1.0 Report Summary**

- 1.1 This is an addendum to the report of the Independent Remuneration Panel submitted to Constitution Committee on 27 January 2011, following a meeting with the Council's Political Group Leaders on 2 March 2011 to discuss the 2010 review of Cheshire East Council's Scheme of Members' Allowances.

### **2.0 Recommendation**

- 2.1 The Constitution Committee is invited to consider the Independent Remuneration Panel's revised findings and make recommendations thereon to Council for consideration, which should include the effective date of any changes.

### **3.0 Reasons for Recommendations**

- 3.1 Before any changes can be made to the Scheme of Members' Allowances, Council must consider a report from its Independent Remuneration Panel.
- 3.2 In making its recommendations, the Independent Remuneration Panel wishes to ensure that the level of recompense for elected Members remains adequate and fair whilst being mindful of the financial constraints currently facing local government.

### **4.0 Wards Affected**

- 4.1 All

### **5.0 Local Ward Members**

- 5.1 All

### **6.0 Policy Implications**

- 6.1 Any agreement to amend the Allowances currently payable to elected Members will require alteration(s) to be made to Cheshire East Council's Scheme of Members' Allowances.

## **7.0 Financial Implications**

- 7.1 Having considered the options available to it, the Independent Remuneration Panel has recommended that no increase be applied to the Scheme of Members' Allowances for 2011/2012.
- 7.2 The recommendations in respect of the post of Vice Chairman (Recommendation 4a-4c) and School Appeal Panel Co-opted Members (Recommendation 10) would not incur any additional cost to the budget but would, if implemented, generate savings.

## **8.0 Legal Implications**

- 8.1 The Council is empowered to pay a range of Allowances to its Members in respect of their roles and responsibilities but must, in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003, appoint an Independent Remuneration Panel to offer advice and make recommendations on the Members' Allowances Scheme to Council. This report contains the advice of the Panel.

## **9.0 Risk Management**

- 9.1 Consideration of the report enables the Council to comply with the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2003.

## **10.0 Background**

- 10.1 The Panel submitted its final report to the meeting of the Constitution Committee on 27 January 2011 (Appendix 1). During its deliberations, a number of questions were raised by the Committee about the conclusions drawn by the Panel. Having debated the report, the Committee resolved that:

*"The Independent Remuneration Panel be thanked for its report which is noted, and the Panel be invited to meet with the Council's political leaders and Group Whips to discuss the recommendations in the report."*

- 10.2 A meeting between the above parties was held on 2<sup>nd</sup> March 2011. The report summaries the discussion which took place and sets out the recommendations of the Panel.

## **11.0 Review of Scheme: Panel's Original Recommendations**

- 11.1 The Committee was mainly supportive of the Panel's recommendations contained within its final report. The purpose of the meeting held on 2 March had been to explore further the Panel's conclusions relating to Vice Chairmen, mileage rates and Special Responsibility Allowances in respect of Cheshire Pension Fund Committee and Local Area Partnerships i.e.

**Recommendation 4: *That -***

- a) Special Responsibility Allowances for the post of Vice Chairman except as provided for in (b), be removed from the Scheme of Members' Allowances from 2011/2012; and***
- b) A Special Responsibility Allowance of £1,000 per annum be awarded, with an additional £200 payable for each meeting chaired up to a maximum of £2,400 per annum, to the Vice Chairman of Strategic Planning Board, Southern Planning Committee, Northern Planning Committee and Licensing Committee.***

**Recommendation 6:**

***That the level of Travel Allowances for 2011/2012 should not be increased and remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011.***

**Recommendation 8:**

***That no Special Responsibility Allowance be payable to Cheshire East Councillors appointed to the Cheshire Pension Fund Committee.***

**Recommendation 9:**

***That no Special Responsibility Allowance be payable to Cheshire East Councillors appointed to the Borough's Local Area Partnerships at this time; the position to be kept under review.***

Constitution Committee also wished to seek approval for a minor amendment to Recommendation 10:

***That a flat rate payment of £50 per four hour session or part thereof be paid to School Appeal Panel Members attending appeal meetings or associated training on receipt of proof from their employer that a loss of income had been incurred as a direct result of the performance of their duties on the Panel.***

## **12.0 Outcome of Discussions**

### **12.1 Role of Vice Chairman**

12.1.1 From research obtained as part of the review, the Panel had concluded that the role of the Vice Chairman was one of *support* and *assistance* to the Chairman and as such there was no significant level of *responsibility* attached to the role.

12.1.2 It had therefore recommended that, in line with neighbouring authorities, Special Responsibility Allowances for Vice Chairmen be removed from the Scheme with the exception of the quasi-judicial functions of planning and licensing. It further concluded that where a Vice Chairman was required to chair a meeting of the Committee, that some form of recompense should be made.

12.1.3 Elected Members argued that Vice Chairmen needed to have the same

level of skill and knowledge as that of the Chairman to be able to substitute for him/her in their absence and that the role contributed to the Member's personal development. If the Panel was minded to review the level of remuneration, then any changes should apply equally across all the Council's Committees and be commensurate with the rest of the Scheme.

- 12.1.4 The Panel took on board the comments expressed and revised its recommendation as follows, taking into account recommendation 5a which would, if approved, introduce the role of Chairman of Constitution Committee and Chairman of Audit and Governance Committee into the Schedule of Special Responsibility Allowances attached to the Scheme.

**Revised Recommendation 4: That -**

- a) Special Responsibility Allowances for the post of Vice Chairman be retained within the Scheme of Members' Allowances for 2011/2012;***
- b) The role of Vice Chairman of Constitution Committee and Vice Chairman of Audit and Governance Committee be included in the Schedule of Special Responsibility Allowances appended to the 2011/2012 Scheme of Members' Allowances; and***
- c) A Special Responsibility Allowance of £1,000 per annum be awarded to the Vice Chairman posts included in Schedule 1 of the 2011/2012 Scheme of Members Allowances, with an additional £50 payable for each meeting chaired up to an accumulated maximum total of £1,500 per annum.***

12.2 Travel Allowances

- 12.2.1 The original recommendation put forward in respect of Travel Allowances encompassed not just vehicle mileage rates but all modes of transport covered by the Scheme. In making its recommendation in respect of car mileage; the Panel had wished to retain the link between the mileage rates paid to officers under the National Joint Council for Local Government Agreement (NJC Scheme) and that paid to Members, although this was not clear from the wording submitted. In clarifying its position, the Panel stated that it would have no objection to a lower rate being imposed by the Council but that the Members' rates should not increase over and above those paid to officers.

12.2.2 **Revised Recommendation 6**

***That the level of Travel Allowances for 2011/2012 should not be increased and should remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011, except for car mileage rates which are to remain linked to the amounts payable to officers in accordance with the National Joint Council for Local Government Agreement.***

12.3 Cheshire Pension Fund Committee

- 12.3.1 None of the partner authorities represented on the Cheshire Pension Fund Committee currently paid a Special Responsibility Allowance to members

of the Committee. Given the technical nature of the Chairman's role there was some sympathy for its inclusion within Cheshire East's Scheme but the Panel considered that it was not within its gift to require partner authorities to contribute towards payment of a Special Responsibility Allowance as suggested at the meeting. As a result, the Panel did not wish to amend its original recommendation at this time.

#### 12.4 Local Area Partnerships

12.4.1 In acknowledging the workload of the Local Area Partnerships (LAPs), the elected Members concurred with the views expressed by the Panel that as a non-decision making community body the Chairmen of the Borough's 7 LAPs should not be included in the Scheme. As a result, the original recommendation remained unchanged.

#### 12.5 School Appeals Co-optees: Loss of Earnings

12.5.1 The Panel had recommended the introduction of a flat rate payment of £50 claimable by School Appeal Panel Co-opted Members who had lost earnings as a result of attending meetings/training. The Committee had expressed a view that payment should be made 'up to a maximum' of £50 and the Panel was invited to consider the amendment.

#### 12.5.2 **Revised Recommendation 10:**

***That a payment of up to £50 per four hour session or part thereof be paid to School Appeal Panel Co-opted Members attending appeal meetings or associated training on receipt of proof from their employer that a loss of income had been incurred as a direct result of the performance of their duties on the Panel.***

#### 13.0 **Summary of Recommendations**

13.1 Having regard to the amendments proposed above, the revised recommendations of the Independent Remuneration Panel in respect of the 2011 Scheme of Members' Allowances are as follows:

**That**

- 1) The Cheshire East Scheme of Members' Allowances should make provision for the Independent Remuneration Panel to review, on an annual basis, the current Scheme's allowances and recommend whether any adjustments were appropriate;**
- 2) The level of Basic Allowance for 2011/2012 should not be increased and remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011;**
- 3) Excluding the role of Vice Chairman except as provided for in Recommendation 4a – 4c, the level of remuneration in respect of Special Responsibility Allowances, Subsistence Allowances, Co-opted Member Allowance, Dependent Carer's Allowance,**

**Broadband/Line Rental fees and Members' Surgery fees for 2011/2012 should not be increased and remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011;**

- 4a) Special Responsibility Allowances for the post of Vice Chairman be retained within the Scheme of Members' Allowances for 2011/2012;**
- 4b) The role of Vice Chairman of Constitution Committee and Vice Chairman of Audit and Governance Committee be included in the Schedule of Special Responsibility Allowances appended to the 2011/2012 Scheme of Members' Allowances;**
- 4c) A Special Responsibility Allowance of £1,000 per annum be awarded to the Vice Chairman posts included in Schedule 1 of the 2011/2012 Scheme of Members Allowances, with an additional £50 payable for each meeting chaired up to an accumulated maximum total of £1,500 per annum;**
- 5a) The role of Chairman of Constitution Committee and Chairman of Audit and Governance Committee be included in the Schedule of Special Responsibility Allowances appended to the 2011/2012 Scheme of Members' Allowances ;**
- 5b&c) A gearing equivalent to 0.65 of Basic Allowance be applied to the post; the position to be kept under review;**
- 6) The level of Travel Allowances for 2011/2012 should not be increased and should remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011; except for car mileage rates which are to remain linked to the amounts payable to officers in accordance with the National Joint Council for Local Government Agreement;**
- 7) No Special Responsibility Allowance be allocated to the Chairman or Members of Cheshire and Wirral Joint Health Scrutiny Committee at this time; the position to be kept under review;**
- 8) No Special Responsibility Allowance be payable to Cheshire East Councillors appointed to the Cheshire Pension Fund Committee;**
- 9) No Special Responsibility Allowance be payable to Cheshire East Councillors appointed to the Borough's Local Area Partnerships at this time; the position to be kept under review;**
- 10) A payment of up to £50 per four hour session or part thereof be paid to School Appeal Panel Co-opted Members attending appeal meetings or associated training on receipt of proof from**

their employer that a loss of income had been incurred as a direct result of the performance of their duties on the Panel; and

- 11) The following wording be inserted into the 2011/2012 Scheme of Members' Allowances –  
“The Council has introduced a Pension Scheme for Members as provided under Section 7 of the Superannuation Act 1972 and in accordance with the statutory regulations and guidance issued by the Local Government Pensions Committee and the Local Government Pension Scheme (LGPS). Under the Council's Scheme, elected Members of Council are entitled to join the LGPS, providing they meet the eligibility criteria; contributions to be calculated on the Basic Allowance payable and any Special Responsibility Allowance whilst the Member is in receipt of such Allowances.”

#### **14.0 Access to Information**

- 14.1 The background papers relating to this report can be inspected by contacting the report writer:

Name: Diane Moulson  
Designation: Senior Member Development Officer  
Tel No: 01270 686476  
Email: [diane.moulson@cheshireeast.gov.uk](mailto:diane.moulson@cheshireeast.gov.uk)

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# CHESHIRE EAST COUNCIL

## Constitution Committee

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<b>Date of Meeting:</b>	27 <sup>th</sup> January 2011
<b>Report of:</b>	Democratic Services Manager
<b>Subject/Title:</b>	Report of the Independent Remuneration Panel: Mid Year Review of Scheme of Members' Allowances

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### **1.0 Report Summary**

- 1.1 The report gives details of the outcome of the Independent Remuneration Panel's 2010 review of Cheshire East Council's Scheme of Members' Allowances.

### **2.0 Recommendation**

- 2.1 The Constitution Committee is invited to consider the Independent Remuneration Panel's findings summarised in paragraph 13.1 and make recommendations thereon to Council for consideration, which should include the effective date of any changes.

### **3.0 Reasons for Recommendations**

- 3.1 Before any changes can be made to the Scheme of Members' Allowances, Council must consider a report from its Independent Remuneration Panel.
- 3.2 In making its recommendations, the Independent Remuneration Panel wishes to ensure that the level of recompense for elected Members remains adequate and fair whilst being mindful of the financial constraints currently facing local government.

### **4.0 Wards Affected**

- 4.1 All

### **5.0 Local Ward Members**

- 5.1 All

### **6.0 Policy Implications**

- 6.1 Any agreement to amend the Allowances currently payable to elected Members will require alteration(s) to be made to Cheshire East Council's Scheme of Members' Allowances.

## **7.0 Financial Implications**

- 7.1 Having considered the options available to it, the Independent Remuneration Panel has recommended that no increase be applied to the Scheme of Members' Allowances for 2011/2012.
- 7.2 The recommendations in respect of the post of Vice Chairman (Recommendation 4) and School Appeal Panel Members (Recommendation 10) would not incur any additional cost to the budget but would, if implemented, generate savings.

## **8.0 Legal Implications**

- 8.1 The Council is empowered to pay a range of Allowances to its Members in respect of their roles and responsibilities but must, in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003, appoint an Independent Remuneration Panel to offer advice and make recommendations on the Members' Allowances Scheme to Council. This report contains the advice of the Panel.

## **9.0 Risk Management**

- 9.1 Consideration of the report enables the Council to comply with the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2003.

## **10.0 Background**

- 10.1 In accordance with its role and responsibilities, the Independent Remuneration Panel ('the Panel') has conducted a review of the current Scheme of Members' Allowances as adopted by Cheshire East Council on 22 April 2010.
- 10.2 To inform its review, the Panel commissioned an online survey of Councillors to establish how much time elected Members were spending when conducting Council business. The e-survey, which was launched on 2 November 2010, ran until 30 November 2010; the results from which were considered by the Panel during the course of its deliberations.
- 10.3 Panel members were also provided with comparator data pertaining to 17 Members' Allowances Schemes operated by authorities of a comparable size to Cheshire East Council, or located within the North West region. This provided the benchmark against which the Council's Scheme was measured.

## **11.0 Mini Review of Car Mileage Rates**

- 11.1 Notwithstanding paragraph 10.2, the Panel was requested, in November 2010 to urgently consider one element of the Scheme in light of the Council's need to identify potential savings across the authority. The

proposal was that there should be one flat-rate mileage allowance of 40p per mile payable to Council Members whilst undertaking Council business.

- 11.2 An email survey of elected Members was conducted during the first week of November 2010. As the results of the consultation were inconclusive, the Panel submitted its report to Constitution Committee as outlined in the conclusion at paragraph 12.14. The Committee, at its meeting on 15 December 2010 resolved:

*“That no recommendations be made to Council at the present time with regard to the level of allowances paid in respect of Member mileage and the matter be considered further when the Independent Remuneration Panel has concluded its 2010 review of the Member Allowances Scheme as a whole and reported thereon to the Council.”*

## **12.0 Review of Scheme: Panel’s Conclusions**

### Uplift Mechanism

- 12.1 In January 2010, the Panel had given consideration to replacing the current uplift mechanism applicable to the Scheme; the Retail Price Index (RPI) with a more relevant indicator. As the outcome of the 2010/2011 National Joint Council (NJC) for Local Government Services Employees Pay Award was unknown at the time, the Panel agreed to defer its discussion. On 29 September 2010, the latest position was reported to the Panel; that no increase would be offered by the Employers in 2010/2011.
- 12.2 The Panel concluded that the Retail Price Index was no longer an appropriate mechanism but having given due consideration to the alternative options available, the Panel did not wish to recommend a replacement index, as to do so would give the impression that allowances would continue to rise year on year.
- 12.3 It was the view of the Panel that the Council’s Scheme of Members’ Allowances should remove reference to an annual uplift. Instead, the Panel should, on an annual basis, review the current allowances and recommend whether any adjustments were appropriate, having considered a variety of indicators including the National Joint Council Government Services annual settlement and data from the Office of National Statistics.

### **Recommendation 1:**

***That the Cheshire East Scheme of Members’ Allowances should make provision for the Independent Remuneration Panel to review, on an annual basis, the current Scheme’s allowances and recommend whether any adjustments were appropriate.***

### Basic Allowance

- 12.4 A summary of the responses received from the e-survey of Members was analysed by the Panel, firstly in respect of Basic Allowance. Due to the

variation in responses received from Councillors, the Panel was not able to establish a baseline measure which represented the time commitment expected for an average Member.

- 12.5 Data from the Office of National Statistics was also considered which indicated that the current level of allowance was commensurate with the 2010 Median Gross Annual Earnings for Full Time Employees. The Panel therefore recommended:

**Recommendation 2:**

***That the level of Basic Allowance for 2011/2012 should not be increased and remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011.***

Other Allowances

- 12.6 The Panel then went on to consider the evidence provided in response to the e-survey together with information supplied as part of the comparison exercise referred to in paragraph 10.3. Following careful analysis of the data, the Panel concluded that Cheshire East's remuneration levels compared favourably with neighbouring authorities and that no significant variations, with one exception, had been identified.

**Recommendation 3:**

***Excluding the role of Vice Chairman except as provided for in Recommendation 4 the level of remuneration in respect of Special Responsibility Allowances, Subsistence Allowances, Co-opted Member Allowance, Dependent Carer's Allowance, Broadband/Line Rental fees and Members' Surgery fees for 2011/2012 should not be increased and remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011.***

Special Responsibility Allowance: Vice Chairman

- 12.7 Comparator data from the 17 neighbouring authority's Member Allowances Schemes had highlighted a significant absence of payments to Vice Chairmen of Committees in these other authorities. The Panel had requested further information regarding the reason(s) behind the decision to remove the posts from the respective Schemes.
- 12.8 Data obtained from 3 Councils who had adopted this rule, indicated that the role of the Vice Chairman was considered to be one of *supporting* and *assisting* the Chairman of a Committee. As such there was no significant level of *responsibility* attached to the role; a conclusion which had resulted in the posts being deleted. There were exceptions; quasi-judicial bodies such as Planning and Licensing Committees and Overview and Scrutiny Committees continued to be recognised due to the nature of their roles.
- 12.9 The Panel considered that the key factor to consider here was the level of responsibility associated with the role and it concurred with the supposition

expressed by the 3 Councils; that the role of Vice Chairman was primarily one of support and assistance. However, where a Vice Chairman was required to take responsibility for chairing a meeting in the Chairman's absence, the Panel felt that they should be compensated.

- 12.10 Given the additional responsibilities that the quasi-judicial Committees carried (for example site inspections, which were not formal but were governed by an approved protocol), the Panel concluded that, due to the regular and high level of public contact required, there was sufficient justification for retaining these posts within the Scheme and recommended:

**Recommendation 4: That -**

- a) Special Responsibility Allowances for the post of Vice Chairman except as provided for in (b), be removed from the Scheme of Members' Allowances from 2011/2012; and**
- b) A Special Responsibility Allowance of £1000 per annum be awarded, with an additional £200 payable for each meeting chaired up to a maximum of £2400 per annum, to the Vice Chairman of Strategic Planning Board, Southern Planning Committee, Northern Planning Committee and Licensing Committee.**

Special Responsibility Allowance: Constitution Committee and Audit and Governance Committee

- 12.11 At Annual Council on 13 May 2010, the Council changed the structure of its Committees by creating two new bodies from what had previously been the Governance and Constitution Committee. The new Committees were i) Audit and Governance Committee and ii) Constitution Committee. The Panel was invited to consider the question of Special Responsibility Allowances in respect of the roles of Chairman and/or Vice Chairman of the Committees.
- 12.12 Having considered the Terms of Reference for both bodies, the Panel considered that there was sufficient justification to include the role of Chairman within the Scheme.

**Recommendation 5: That -**

- a) the role of Chairman of Constitution Committee and Chairman of Audit and Governance Committee be included in the Schedule of Special Responsibility Allowances appended to the 2011/2012 Scheme of Members' Allowances ;**
- b) A gearing equivalent to 0.65 of Basic Allowance be applied to the post; and**
- c) The position be kept under review.**

Travel Allowances

- 12.13 As referred to in paragraph 11.2, elected Members were consulted on the following proposal; that the rate payable for car business mileage should be 40p per mile, irrespective of the engine capacity of the vehicle.
- 12.14 The feedback supplied by Members was shared with the Panel in December 2010 and whilst it was reluctant to reach a firm conclusion upon the appropriate level of mileage allowance for Councillors, solely to fulfil the authority's budgetary objectives, it concluded that, having considered the responses received:

*Conclusion: That it (the Panel) did not have any strong objection to the introduction of a flat mileage rate of 40 pence per mile in respect of travel by car on official Council business; provided there was a mechanism for exceptions for disabled persons or other special situations where higher costs could be justified.*

- 12.15 The e-survey and comparator data was examined in respect of all travel allowances in line with Constitution Committee's decision; the Panel concluding that -

**Recommendation 6:**

***That the level of Travel Allowances for 2011/2012 should not be increased and remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011.***

Potential additions to Special Responsibility Allowances Schedule

- 12.16 The Panel was invited to determine whether there were sufficient grounds for including the following bodies within the Schedule of Special Responsibility Allowances forming part of the Council's Scheme and if so, which roles on those bodies should attract such a payment.

Cheshire and Wirral Joint Health Scrutiny Committee

- 12.17 The Joint Health Committee was comprised of eighteen elected Members representing Cheshire East Council, Cheshire West and Chester Council and Wirral Borough Council with Chairmanship of the Committee being shared across the authorities. Enquiries had established that none of the partner authorities had paid or were looking to introduce a Special Responsibility Allowance, to recognise the role(s) of the Committee Members.

**Recommendation 7:**

***That no Special Responsibility Allowance be allocated to the Chairman or Members of Cheshire and Wirral Joint Health Scrutiny Committee at this time; the position to be kept under review.***

Cheshire Pension Fund Committee

- 12.18 To enable the Panel to consider whether the allocation of a Special Responsibility Allowance was warranted in respect of the position of Chairman, where that post was held by a Cheshire East Member, an extract from the Committee's Governance Policy Statement outlining its Terms of Reference and composition was submitted for consideration.
- 12.19 Although four Cheshire East Councillors sat on the Committee; the Senior Financial Advisor, Cheshire West and Chester Council confirmed that the Member's appointment was considered to be personal and tangential i.e. it had no direct connection to their Cheshire East roles and responsibilities. In light of the above and as no other authority represented on the Committee currently paid an allowance, the Panel considered that it was inappropriate to include the post within the Schedule of Special Responsibility Allowances.

**Recommendation 8:**

***That no Special Responsibility Allowance be payable to Cheshire East Councillors appointed to the Cheshire Pension Fund Committee.***

Local Area Partnerships

- 12.20 Local Area Partnerships (LAP's) sat under PACE (Partnerships for Action in Cheshire East) and the governance agreement for the Partnership was considered. The Panel commented that, whilst the LAPs were a valuable resource for the authority, its perception was that they were consultation bodies which acted as a conduit for the exchange of information between organisations but at present, did not have the power to make decisions and as such, did not carry any significant responsibility.
- 12.21 The Panel was of the opinion that the LAPs were not comparable with the Council's Committees and therefore should not be allocated a Special Responsibility Allowance at this time. The introduction of the Localism Bill would potentially bring about a shift in the LAP's responsibilities and it was agreed that the matter be kept under review.

**Recommendation 9:**

***That no Special Responsibility Allowance be payable to Cheshire East Councillors appointed to the borough's Local Area Partnerships at this time; the position to be kept under review.***

Reimbursement of Lost Earnings: School Appeals Panel Members

- 12.22 Under Regulation 7 of the Appeals Regulations and in line with Sections 173 and 174 of the Local Government Act 1972, Panel Members were eligible to receive travel and subsistence allowances and could also be compensated for any loss of earnings or any individual expenses, including child minding costs that were necessarily incurred as a result of attending an Appeal Panel or associated training.

- 12.23 At its December meeting the Panel had indicated that it had no objection in principle to allowing School Appeal Panel Members to submit claims for lost earnings but requested further information on how this might be administered. Extracts from the Allowances Schemes operated by North Somerset Council, Lambeth Council and Nottinghamshire County Council were provided by way of illustration.
- 12.24 The Panel was minded to introduce a flat rate payment to Appeal Panel Members by way of compensation subject to the submission of proof of lost earnings from the Panel Member's employer. Having regard to the Median Hourly Earnings figure for Full-Time Employees (source: Office of National Statistics) as at April 2010, the Panel considered that a rate of £50 per half day session (defined as a four hour period) would be reasonable.

**Recommendation 10:**

***That a flat rate payment of £50 per four hour session or part thereof be paid to School Appeal Panel Members attending appeal meetings or associated training on receipt of proof from their employer that a loss of income had been incurred as a direct result of the performance of their duties on the Panel.***

Local Government Pension Scheme

- 12.25 In April 2009, Cheshire East Council's Independent Remuneration Panel had reviewed an interim Members' Allowances Scheme introduced for Cheshire East Shadow Council, endorsing a recommendation to admit eligible Members to the Local Government Pension Scheme (LGPS).
- 12.26 Paragraphs 11 (1)(a)(b) and 11(2) of the Local Authorities (Members' Allowances) (England) Regulations 2003 required Councils to set out in their Schemes whether Members of the authority were entitled to pensions in accordance with Section 7 of the Superannuation Act 1972. The Panel therefore recommended:

**Recommendation 11:**

**That the following wording be inserted into the 2011/2012 Scheme of Members' Allowances –**

***“The Council has introduced a Pension Scheme for Members as provided under Section 7 of the Superannuation Act 1972 and in accordance with the statutory regulations and guidance issued by the Local Government Pensions Committee and the Local Government Pension Scheme (LGPS). Under the Council's Scheme, elected Members of Council are entitled to join the LGPS, providing they meet the eligibility criteria; contributions to be calculated on the Basic Allowance payable and any Special Responsibility Allowance whilst the Member is in receipt of such Allowances.”***



### **13.0 Summary of Recommendations**

#### **13.1 That**

- 1) The Cheshire East Scheme of Members' Allowances should make provision for the Independent Remuneration Panel to review, on an annual basis, the current Scheme's allowances and recommend whether any adjustments were appropriate;**
- 2) The level of Basic Allowance for 2011/2012 should not be increased and remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011;**
- 3) Excluding the role of Vice Chairman except as provided for in Recommendation 4, the level of remuneration in respect of Special Responsibility Allowances, Subsistence Allowances, Co-opted Member Allowance, Dependent Carer's Allowance, Broadband/Line Rental fees and Members' Surgery fees for 2011/2012 should not be increased and remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011;**
- 4a) Special Responsibility Allowances for the post of Vice Chairman except as provided for in (v) below, be removed from the Scheme of Members' Allowances from 2011/2012;**
- 4b) A Special Responsibility Allowance of £1000 per annum be awarded, with an additional £200 payable for each meeting chaired up to a maximum of £2400 per annum, to the Vice Chairman of Strategic Planning Board, Southern Planning Committee, Northern Planning Committee and Licensing Committee;**
- 5a) The role of Chairman of Constitution Committee and Chairman of Audit and Governance Committee be included in the Schedule of Special Responsibility Allowances appended to the 2011/2012 Scheme of Members' Allowances ;**
- 5b&c) A gearing equivalent to 0.65 of Basic Allowance be applied to the post; the position to be kept under review;**
- 6) The level of Travel Allowances for 2011/2012 should not be increased and remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011;**
- 7) No Special Responsibility Allowance be allocated to the Chairman or Members of Cheshire and Wirral Joint Health Scrutiny Committee at this time; the position to be kept under review;**
- 8) No Special Responsibility Allowance be payable to Cheshire East Councillors appointed to the Cheshire Pension Fund Committee;**
- 9) No Special Responsibility Allowance be payable to Cheshire East Councillors appointed to the borough's Local Area Partnerships at this time; the position to be kept under review;**
- 10) A flat rate payment of £50 per four hour session or part thereof be paid to School Appeal Panel Members attending appeal meetings or associated training on receipt of proof from their employer that a loss of income had been incurred as a direct**

- result of the performance of their duties on the Panel; and
- 11) The following wording be inserted into the 2011/2012 Scheme of Members' Allowances –
- “The Council has introduced a Pension Scheme for Members as provided under Section 7 of the Superannuation Act 1972 and in accordance with the statutory regulations and guidance issued by the Local Government Pensions Committee and the Local Government Pension Scheme (LGPS). Under the Council's Scheme, elected Members of Council are entitled to join the LGPS, providing they meet the eligibility criteria; contributions to be calculated on the Basic Allowance payable and any Special Responsibility Allowance whilst the Member is in receipt of such Allowances.”

#### **14.0 Access to Information**

- 14.1 The background papers relating to this report can be inspected by contacting the report writer:

Name: Diane Moulson  
Designation: Senior Member Development Officer  
Tel No: 01270 686476  
Email: [diane.moulson@cheshireeast.gov.uk](mailto:diane.moulson@cheshireeast.gov.uk)