

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Constitution Committee**
held on Thursday, 26th January, 2012 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor A Martin (Chairman)
Councillor D Marren (Vice-Chairman)

Councillors G Baxendale, R Cartlidge, P Groves, S Jones, W Livesley,
A Moran, B Murphy, D Newton, A Thwaite, D Topping, G Wait and P Whiteley

In attendance

Councillors L Brown and K Edwards

Officers

Caroline Elwood, Borough Solicitor
Brian Reed, Democratic and Registration Services Manager
Paul Mountford, Democratic Services Officer
Lisa Quinn, Director of Finance and Business Services
Diane Moulson, Senior Member Development Officer

Apologies

Councillor J P Findlow, Chairman of the Corporate Scrutiny Committee, and
Councillor D Brickhill, both of whom were unable to attend for the item on
Cheshire East governance arrangements.

44 DECLARATIONS OF INTEREST

All Members declared a personal interest in Item 6, concerning the re-
appointment of the Independent Remuneration Panel.

45 PUBLIC SPEAKING TIME/OPEN SESSION

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

46 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 17th November 2011 be approved
as a correct record.

47 PROPOSED AMENDMENTS TO THE COUNCIL'S FINANCE AND CONTRACT PROCEDURE RULES

The Committee considered proposed amendments to the Finance and Contract Procedure Rules, which formed part of the Council's Constitution.

The report sought approval for proposed amendments to the Foreword and Sections A, B, C and D of the Rules. Section E (Contract Procedure Rules) had already been approved and Section F would be considered at a later date.

The amendments sought to reflect the recent changes made to the Officer Scheme of Delegation and to improve the alignment of the Finance and Contract Procedure Rules, in terms of wording and content, with other parts of the Constitution. The amendments also took into account updated national best practice recommendations and changes to the way the Council operated. Finally, the amendments had included clarification of ring-fenced budgets and schemes of financial delegation.

The proposed amendments had been endorsed by the Constitution Task Group at its meeting on 16th December 2011. In addition, the Task Group had agreed a number of further amendments, which had been incorporated into the amended Rules.

RESOLVED

That the amended Finance and Contract Procedure Rules be recommended to Council and the Constitution be amended accordingly.

48 RE-APPOINTMENT OF INDEPENDENT REMUNERATION PANEL

The Committee considered the appointment of five individuals to Cheshire East Council's Independent Remuneration Panel.

The existing Panel, comprising five independent individuals had been appointed by the former Governance and Constitution Committee on 1st December 2008 to serve for a period of three years. As the Panel's term of office came to an end in December 2011, arrangements had been put in place to re-appoint the Panel.

Interviews for the five posts had been held on Thursday, 19th January 2012 and the names of the preferred candidates were circulated at the Committee's meeting.

RESOLVED

That

(1) the following five individuals be appointed to sit on Cheshire East Council's Independent Remuneration Panel for a period of three years:

Mrs Khumi Burton
Mr Alan Edgeworth
Mr Robin Lord
Mrs Janet Rushbrooke
Mrs Cynthia Speed

(2) the Committee's thanks be extended to the outgoing members of the Panel (Mr David Routs, Professor Michael Burdekin, Mrs Jan Charles, Mrs Christine Crowe and Mr Peter Foden) for their service to the Council.

49 LOCAL SERVICE DELIVERY COMMITTEES

The Committee at its meeting on 17th November 2011 had considered a report on proposed terms of reference for the Crewe and Macclesfield Local Service Delivery Committees. The Committee had also considered the following Notice of Motion by Councillor D Neilson, which had been referred by Council for consideration:

“In view of the consultative role of the Local Service Delivery Committee for Macclesfield, plus the request from the Cabinet in relation to precepting powers for the Committee and in order to enhance its mandate, to reflect opinion across the town, the Council requests the Constitution Committee to re-consider the Committee's composition, with a view to incorporating into its membership all elected Councillors for the unparished area.”

Having considered both matters, the Committee had resolved as follows:

“That Council be recommended to approve the revised terms of reference for the Local Service Delivery Committees as set out in the Appendix to the report, subject to the addition of the Leighton ward for the Crewe Committee.”

Council at its meeting on 15th December 2011, having considered the Committee's recommendation, referred the matter back to the Committee for further consideration, and requested a report back to the next meeting of the Council.

Councillors L Brown and K Edwards attended the meeting for this item and, at the invitation of the Chairman, spoke on the matter.

RESOLVED

That

(1) Council be recommended that the memberships of the Local Service Delivery Committees for Macclesfield and Crewe be amended to

comprise those members who represent the wards in the respective unparished areas;

- (2) subject to (3) below, the revised terms of reference for the Local Service Delivery Committees as set out in the Appendix to the report be recommended to Council, subject to the addition of the Leighton ward for the Crewe Committee; and
- (3) the Borough Solicitor be authorised, in consultation with the Chairman and Vice-Chairman, to make such further amendments to the terms of reference as are considered necessary and appropriate, and the amended wording be circulated to all Members of the Committee and the visiting Members prior to submission to full Council for approval.

50 **CHESHIRE EAST GOVERNANCE ARRANGEMENTS - LOCALISM ACT 2011**

The Committee considered a report on the options available to the Council to review its governance arrangements under the Localism Act 2011.

Council at its meeting held on 15 December 2011, had referred the following Notice of Motion, submitted by Councillor D Brickhill, to the Constitution Committee for consideration:

‘In view of the obvious and continued failure of the Cabinet system, as evidenced by their inability, for a second year running, to manage their budget, letting it overrun by a predicted £16,000,000, with the resultant reductions of reserves to a dangerously low level, this Council instructs its Constitution Committee to prepare the necessary amendments to bring about a proven successful system of governance, similar to the earlier committee systems of the successful predecessor Councils, to begin from the start of the 2012/13 financial year.’

The Localism Act allowed Councils to choose to return to the ‘committee system’ of governance. So far, there had been little additional information released by the Government to guide authorities as to the options likely to be available to return to a committee-based structure or to any variation of hybrid models which would retain some kind of overview and scrutiny function.

In order to change governance arrangements, a local authority would be required to pass a resolution at Council. It was anticipated that arrangements could then only be changed with effect from an Annual Council meeting. The precise details of the process were not yet known and would be contained in regulations to be issued by the Secretary of State.

Although a number of authorities had expressed an interest in exploring alternative arrangements to the Executive/ Scrutiny model, all were

awaiting further advice from government as to how this could be achieved. That advice was not expected to be issued until the spring of 2012.

The Corporate Scrutiny Committee had considered this matter at its meeting on 10th January 2012 and had recommended the appointment of a Joint Member Working Group on a 6:2:1:1 basis to investigate in detail all available options to review governance arrangements under the Localism Act 2011. It was proposed that the Group begin to meet on a provisional basis subject to ratification by Council.

RESOLVED

That subject to ratification by Council, and in concurrence with the recommendations of the Corporate Scrutiny Committee

- (1) a Joint Member Working Group be appointed consisting of 10 Members on a 6:2:1:1 basis, to comprise Members of the Corporate Scrutiny Committee and the Constitution Committee, at least one Member representing the Council's Regulatory Committees and one Member of the Cabinet, with a view to investigating in detail all available options to review governance arrangements under the Localism Act 2011;
- (2) the Joint Member Working Group meet initially on a provisional basis;
- (3) appointments to the Joint Member Working Group be pursued through the group whips; and
- (4) the Chairman and Vice-Chairman of the Joint Member Working Group be appointed at its first meeting.

The meeting commenced at 2.00 pm and concluded at 3.00 pm

Councillor A Martin (Chairman)