

Constitution Committee

Agenda

Date: Thursday, 21st November, 2013
Time: 2.00 pm
Venue: Committee Suite 1, 2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

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 disclosable pecuniary and non-pecuniary 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 - 2)

To approve the minutes of the meeting held on 9th October 2013.

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

5. **Frequency of the Council's Meetings** (Pages 3 - 12)

To consider whether the frequency of the Council's meetings should be reviewed and whether changes should be made to the Council's Calendar of Meetings.

6. **Venue for Meetings of the Strategic Planning Board** (Pages 13 - 16)

To review the arrangements for determining the venue for meetings of the Strategic Planning Board.

7. **Staffing Committee Remit** (Pages 17 - 22)

To consider a report in response to a Motion raised at Council on the 18th July 2013 requesting a review of the Staffing Committee's terms of reference.

8. **Work Programme** (Pages 23 - 28)

To review the Committee's work programme.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Constitution Committee**
held on Wednesday, 9th October, 2013 at West Committee Room - Municipal
Buildings, Earle Street, Crewe, CW1 2BJ

PRESENT

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

Councillors C Andrew, G Baxendale, P Groves, S Hogben, W Livesley,
R Menlove, A Moran, P Whiteley and S Corcoran (for Councillor Newton)

In attendance

Councillor J P Findlow

Officers

Suki Binjal, Interim Head of Legal Services and Monitoring Officer
Julie Zientek, Democratic Services Officer

Apologies

Councillors S Jones, B Murphy, D Newton and G Wait

13 DECLARATIONS OF INTEREST

There were no declarations of interest.

14 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

15 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 19th September
2013 be approved as a correct record.

16 REVIEW OF POWERS AND RESPONSIBILITIES OF OFFICERS

The Committee considered a report regarding a proposed new section of
the Constitution dealing with the Powers and Responsibilities of Officers
and Proper Officer Provisions.

A member working group appointed by the Constitution Committee had
undertaken considerable work on the officer scheme of delegation, with
the aim of introducing greater transparency and member involvement in
delegated decision-making.

The Interim Head of Legal Services and Monitoring Officer reported that the scheme would be amended to reflect the restructuring of the Council's senior management once this had been finalised. In addition, the Constitution including the Contract Procedure Rules and the Finance Procedure Rules would be considered by the member working group appointed by the Constitution Committee.

RESOLVED – That Council be recommended:

1. To approve the Scheme of Delegation to Officers as amended; and
2. To authorise the Interim Head of Legal Services and Monitoring Officer, with the agreement of the Chairman of the Constitution Committee, to incorporate the new Management Structure into the Scheme of Delegation to Officers when all necessary aspects of the structure are settled and the scheme as amended be submitted to the Constitution Committee for final confirmation in accordance with paragraph 7.9 of the approved Scheme of Delegation as amended.

The meeting commenced at 10.00 am and concluded at 10.50 am

Councillor A Martin (Chairman)

CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting:	21 st November 2013
Report of:	Head of Governance and Democratic Services
Subject/Title:	Frequency of the Council's Meetings

1.0 Report Summary

- 1.1 This report seeks the views of the Committee upon whether the frequency of the Council's meetings should be reviewed and whether changes should be made to the Council's Calendar of Meetings.

2.0 Recommendation

- 2.1 The Committee is requested to consider the detailed implications of changing the frequency of meetings and whether it wishes to recommend any changes to Council.

3.0 Wards/Ward Members Affected

- 3.1 N/A

4.0 Policy Implications

- 4.1 If the frequency of meetings was to be reduced, care would need to be taken in order to ensure that this does not create detrimental delays to the adoption of Council policies.

5.0 Financial Implications

- 5.1 These are set out in the main body of the report.

6.0 Legal Implications

None identified

7.0 Risk Management

- 7.1 The risks of making changes to the Council Calendar of Meetings are possible delays in decision making and adoption of policies and an increase in the size of meeting agendas.

8.0 Information

- 8.1 The Committee has previously considered a report on whether the frequency of the Council's meetings should be reviewed. Details of the

number of meetings held by the Council were submitted. A brief snapshot had been taken of the frequency of meetings held by 15 comparator authorities. It was considered that more detailed analysis of the information available would illustrate more accurately whether Cheshire East Council held more meetings than others and whether any changes should be made to the Calendar of meetings. The report considered the potential benefits and risks of holding fewer meetings.

Whilst there was support in principle for a review of the frequency of meetings, it was suggested that the officers should undertake more detailed work to assess the scope for and implications of any reduction in the frequency of meetings. This would also allow the new Scrutiny Committees and Policy Development Group framework time to settle in. It was agreed that a further report would be submitted to the Committee for consideration.

Cheshire East Council Members currently attend approximately 250 formal meetings of the Council's decision-making and other bodies each year and approximately 30 Policy Development Group meetings.

- 8.2 To aid local authorities in comparative and benchmarking exercises, the Chartered Institute of Public Finance and Accountancy Information Services (CIPFA) provides statistical and research information to Councils on a range of issues, including specific 'family group' comparator information. Information has been obtained in respect of the frequency of the formal public meetings held by these twenty three comparator local authorities. The APSE Local Government benchmarking service provides a similar benchmarking service and information in respect of the Authorities as recommended by APSE has also be obtained in relation to full Council only. Comparator information has also been obtained from seven local neighbouring authorities and two authorities who became unitary authorities in 2009. (Details of the numbers of meetings held by comparator authorities are attached at appendix 1. (These figures are for scheduled meetings only).

For 2013-14:

- Cheshire East Council scheduled 6 meetings of full Council. The average number of full Council meetings scheduled amongst comparator authorities is 8 per year. Eight Councils have scheduled the same number of full Council meetings, five have scheduled fewer meetings, whilst the remaining twenty nine have scheduled more.
- Cheshire East Council scheduled 13 meetings of Cabinet. The average number of Cabinet meetings scheduled amongst twenty three comparator authorities is 10 per year. Three Councils have scheduled the same number as Cheshire East, fourteen have scheduled fewer meetings, whilst five have scheduled more.
- Cheshire East Council has scheduled 46 meetings of regulatory committees e.g. Planning Committees and Licensing Committee. Five

of the twenty three comparator Councils have scheduled more meetings, whilst the remaining have scheduled less. However, caution needs to be exercised when comparing the figures for Regulatory Committees, as a certain Committees, such as Licensing for example, are arranged as and when required and will depend on demand in a particular local authority area.

8.3 Whilst every local authority must ensure that Members meet frequently enough to make timely decisions, there should not be an assumption that the frequencies of meetings, which have applied since the authority was created, should continue to apply.

8.4 There could be a number of benefits arising from a reduction in the frequency of meetings:

- More time being available for Members to spend on constituency or other work
- More officer time available for other things and the potential of consequent efficiency savings.
- A reduced need to hire external meeting rooms and services such as PA equipment for meetings, thereby reducing costs.
- Fewer meetings for Members to travel to, with a consequent saving in mileage allowances and travelling time.
- Fewer agenda print-runs, resulting in reduced printing and postage costs. (Although, with no reduction in the number of decisions to be made and reports to be written, a reduction in printing costs would be negligible).

There may also be the potential for further savings by reducing the size of the decision making bodies.

8.5 In the light of the above and in these austere times, it is appropriate to challenge historical assumptions in respect of the frequency of meetings. However, care must be taken in order to ensure that fewer meetings would not lead to:

- Too much business on the agendas of the remaining meetings, when the bodies in question do meet.
- A delay in the consideration of business, which would prevent important decisions being made in a timely way.

8.6 If, for example, Cabinet met less frequently the average number of decisions per meeting would increase and the meetings would be likely to last longer. However, it is possible that the impact on the length of the meetings may not be proportionate.

- 8.7 It would be reasonable to assume that, if Cabinet and other bodies met less frequently, there would be the occasional need for special meetings to be called, in order to ensure that time sensitive decisions could be made. During 2012/13 there was a total of 11 special meetings of one kind or another.
- 8.8 For the 2013/14 municipal year, the Constitution Committee made a recommendation at its January meeting, to Council, to approve the Calendar of Meetings. The Calendar was then approved at the February 2013 Council meeting. It is recommended that this timetable is followed for the 2014/15 Calendar. (The current Calendar of Meetings is attached at Appendix 2).

9.0 Access to Information

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

Name: Brian Reed

Designation: Head of Governance and Democratic Services

Tel No: 01270 686670

Email: brian.reed@cheshireeast.gov.uk

Appendix 1 - Comparator Authorities

CIFPA Comparator Councils

Council	Council	Cabinet	Audit	Planning	Licensing (excluding sub committees)	Scrutiny	H&W Board	Others	Total
Bath and North East Somerset Council	6	8	5	13	4	38	5	20	99
Bedford Borough Council	8	10	4	13	6	35	n/a	41	117
Central Bedfordshire Council	7	12	5	15	6	44	8	6	103
Cheshire East Council	6	13	5	40	6	35	5	99	209
Cheshire West and Chester Council	6	13	5	25	6	41	6	88	190
East Riding of Yorkshire Council	9	16	4	32	9	41	6	15	143
Herefordshire Council	6	14	10	17	6	23	4	0	80
North Somerset Council	8	5	3	36	As required	21	n/a	5	78
Shropshire Council	8	12	6	39	10	28	8	0	111
Solihull Borough Council	7	15	6	21	5	35	6	20	115
Stockport Borough Council	8	9	4	9	9	47	5	0	91
Trafford Metropolitan Borough Council	8	10	5	13	As required	11	6	20	71
Warrington Borough Council	7	12	7	29	5	5	4	28	97
Wiltshire Council	4	10	5	66	4	24	4	8	125
City of York Council	6	11	6	24	6	34	5	5	97

Local Neighbouring Councils

Council	Council	Cabinet	Audit	Planning	Licensing (excluding sub committees)	Scrutiny	H&W Board	Others	Total
Halton Borough Council	8	19	5	11	5	30	6	23	107
Knowsley Borough Council	7	13	4	10	4	8	5	25	76
Liverpool City Council	6	24	5	24	7	70	4	29	176
Manchester City Council	7	11	6	12	6	52	5	34	133
Stoke on Trent City Council	8	13	9	29	8	39	4	36	146
Tameside Borough Council	5	6	4	11	11	18	n/a	18	73
Wirral Borough Council	8	9	5	12	5	22	n/a	17	78

2009 Unitary Authorities

Council	Council	Cabinet	Audit	Planning	Licensing (excluding sub committees)	Scrutiny	H&W Board	Others	Total
Cornwall Council	8	6	4	48	19	8	5	55	153
Durham County Council	9	10	6	40	28	47	3	15	158

Note: The number of meetings for each authority was collected from publicly available information on their websites.

APSE Network responses to survey on the Frequency of full Council meetings in January 2013

Council	Number of full council meetings per yer
Bedfordshire Borough Council	8
Newport City Council	6
Trafford Metropolitan Borough Council	8
Midlothian Council	7
Carmarthenshire County Council	12
Angus Council	7
Stockton on Tees Borough Council	10
Belfast City Council	11
West Dunbartonshire Council	4
Thanet District Council	6
Stockport Metropolitan Borough Council	8
Flintshire County Council	10
Nottingham City Council	10
Sefton Metropolitan Borough Council	7
Preston City Council	8
Rochdale Metropolitan Borough Council	6
Ashfield District Council	7
Blackpool Council	7
Knowsley Metropolitan Borough Council	7
Conwy County Borough Council	4
West Dunbartonshire Council	5
Thurnock Council	10

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2013-14 Calendar of Meetings

Appendix 2

COMMITTEE	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MARCH	APRIL	MAY
Council (Thursday)	15		18			17		12		27		10	14
Cabinet Bodies													
Cabinet (Monday 2 pm)	28 (Tue)	24	22	19	17	15	12	10	7	4	4	1 29	
Portfolio Holders (Monday am)	Monday mornings have been identified as an option for Portfolio Holder meetings but notice will be given as and when these meetings are arranged												
Shared Services (Friday 2 pm Winsford)	31		26		27		29		24		28		23
Corporate Bodies													
Constitution Committee (Thursday 2 pm)	30		4		19		21		23		20		
Audit and Governance Committee (Thursday 2 pm)		27			26		28		30		27		
Staffing Committee (Tuesday or Thursday 2 pm)			25			24			16			8	
Appeals Sub Committee (Tuesday or Thursday 2 pm)		20	23		5	3	19	19	21	18	6		1
Regulatory Bodies													
Licensing Committee (Tuesday 2 pm)	23 (Thu)		16		3		5		14		4		
Public Rights of Way Committee (Tuesday 2 pm)		18			16			9			18		
Strategic Planning Board (Wednesday 10.30 am)	22	19	17	14	11	9	6	4	8	5	5	2 30	
Southern Planning (Wednesday 1 pm)	1 29	26	24	21	18	16	13	11	15	12	12	9	7
Northern Planning (Wednesday 1 pm)	8	5	3 31	28	25	23	20	18	22	19	19	16	
Scrutiny Bodies													

2013-14 Calendar of Meetings

Appendix 2

COMMITTEE	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MARCH	APRIL	MAY
Corporate (Tuesday 2 pm)	7	11	9		10	8	11	3	6	11	11 31		6
Health and Wellbeing (Thursday 10 am)	9	13	11		12	10	14	5	9	13	13	3	8
Community Safety (Thursday 10.30 am)	30	20	25		19	24	21	19	23	20	20	24	-
Others													
Health and Wellbeing Board (Tuesday 2 pm)		25			24		26		28		25		
Local Authority School Governor Appointments Panel (Friday 10.30 am)	24					18				7			
Policy Development Groups													
Children and Families		3	1		2	1	4	2	13	4	6	3	
Environment and Prosperity		4	2		5	3	7	5	9	6	10	14	
Health and Adult Social Care		6	4		9	7	18	16	20	6	17	15	
Finance		6	8		12	15	14	17	16	13	13	24	
Corporate and Performance		14	19		20	18	29	13	31	28	28	25	
Communities		17	11		26	22	28	19	30	20	27	29	

Member Training Sessions (including Finance and Planning dates)		7	5 23		4 27	2	22		8, 9 29	21	26	4 23	
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CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 21st November 2013
Report of: Head of Governance and Democratic Services
Subject/Title: Venue for Meetings of the Strategic Planning Board

1.0 Report Summary

- 1.1 This report invites Members to review the arrangements for determining the venue for meetings of the Strategic Planning Board following a request by the Vice-Chairman of the Constitution Committee.

2.0 Recommendation

- 2.1 That the Committee consider
1. whether any changes are needed to the current arrangements for determining the venue for Strategic Planning Board meetings; and
 2. whether there would be merit in undertaking a more general review of the planning arrangements in Cheshire East.

3.0 Reasons for Recommendations

- 3.1 To ensure that the arrangements are practicable and appropriate.

4.0 Background

- 4.1 The Committee originally considered this matter at its meeting on 20th September 2012 following a motion to Council, proposed by Councillor D Brickhill and seconded by Councillor S Hogben, "That when the Strategic Planning Board agenda contains a majority of items from the south of the Borough, the meeting will be held in Crewe or Sandbach". The motion had been referred to the Committee for consideration.
- 4.2 The Committee considered a number of options. There appeared to be two alternatives. The first was to find a venue in a central location which could be used as a permanent venue for all Strategic Planning Board meetings. This would probably have to be at Congleton as there were no venues in the Sandbach area capable of accommodating the numbers of people who attended for applications relating to large scale developments. As the Council did not own any suitable venues in Congleton, the cost of hiring a venue, including the associated cost of hiring microphones and IT equipment, would be prohibitive. The second

alternative would be to hold meetings either at Macclesfield or at Crewe depending on where the balance of applications lay for a particular meeting. This would mean booking both venues in advance and then cancelling the one that was not needed.

4.3 Having considered the options, the Committee resolved as follows:

“That Council be recommended to agree that the venue arrangements for meetings of the Strategic Planning Board should be as follows:

That the Capesthorpe Room, Macclesfield Town Hall and the Council Chamber, Municipal Buildings, Crewe be reserved in advance for every scheduled meeting of the Strategic Planning Board, with the room that is not required for a particular meeting being released at the appropriate time, the choice of venue to be at the discretion of the Chairman of the Strategic Planning Board in consultation with officers.”

4.4 Council at its meeting on 11th October 2012 approved the recommendation as set out.

4.5 Since the new arrangements have come into effect, 10 meetings of the Strategic Planning Board have been held in Macclesfield and 11 have been held in Crewe.

4.6 The current arrangements enable the Chairman to take a view as to the best possible location for meetings in the circumstances of applications on the agenda in the case of each meeting.

4.7 The Committee may wish to consider whether there would be merit in undertaking a more general review of the planning arrangements in Cheshire East to determine whether they are fit for purpose or whether suitable alternative models should be explored, for example, all applications, including ‘strategic’ ones, being dealt with by committees based on geographical areas.

5.0 Wards Affected

5.1 All

6.0 Local Ward Members

6.1 All

7.0 Policy Implications

7.1 None

8.0 Financial Implications

- 8.1 There would be a cost to the Council in hiring an external venue to hold meetings of the Strategic Planning Board if it were not possible to hold the meeting in a Council-owned building, as well as any additional costs relating to the hire of microphones and IT equipment.

9.0 Legal Implications

- 9.1 The Constitution Committee is responsible for overseeing, monitoring, co-ordinating and implementing the Council's administrative and political business, including the administrative arrangements for and the conduct of the Council and other meetings.

10.0 Risk Management

- 10.1 None

11.0 Access to Information

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

Name: Paul Mountford
Designation: Democratic Services Officer
Tel No: 01270 686472
Email: paul.mountford@cheshireeast.gov.uk

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CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting:	21 st November 2013
Report of:	Julie Davies, Head of People and OD
Subject/Title:	Staffing Committee Remit
Portfolio Holder:	Councillor B Moran, Performance

1.0 Report Summary

- 1.1 This report is in response to a Motion raised at Council on the 18th July 2013. The Motion, which was proposed by Councillor B Murphy and seconded by Councillor A Moran, requested a review of the Staffing Committee's terms of reference with a view to widening its remit to encompass matters that are normally entailed in the work of a Staffing Committee such as corporate culture, employee relations and communications, senior appointments, disciplinary matters and management structures.
- 1.2 The report outlines the current remit of Staffing Committee, taking into account the Terms of Reference, as detailed in the Council's Constitution, and the practice of the committee since its inception in 2009. The report also considers practice in other authorities.

2.0 Recommendations

- 2.1 Members are asked to
1. note the content of this report in line with the Motion raised at Council; and
 2. consider forming a small sub-group to discuss the findings of this report in more detail and bring forward a formal recommendation to the Committee at its next meeting.

3.0 Reasons for Recommendations

- 3.1 To enable the Committee to fully consider the Notice of Motion.

4.0 Wards Affected

- 4.1 No specific wards affected.

5.0 Local Ward Members

5.1 Not applicable

6.0 Policy Implications

6.1 No significant implications.

7.0 Financial Implications

7.1 No direct implications arising from this report.

8.0 Legal Implications

8.1 The current terms of reference, together with the Staff Employment Procedure Rules (S E P R), accord with the requirements of the Local Government Act 2000, the Local Government and Housing Act 1989 and the Local Authorities (Standing Orders) (England) Regulations 2001. These provisions mainly relate to the appointment or dismissal of statutory posts, the Head of Paid Service, Monitoring Officer and Chief Financial Officer.

9.0 Risk Management

In reviewing any terms of reference, care would have to be taken to ensure that these terms do not conflict or overlap with existing terms of reference of other committees or portfolio holders or contravene constitutional or statutory requirements in relation to them. This would depend upon the exact terms sought to be adopted. For example, the issue of incorporating HR policies into the Staffing Committee's terms of reference is not straightforward. Under Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Amendment Regulations 2001, power to appoint staff and determine their terms and conditions including dismissal is not a function to be the responsibility of the executive and therefore can be dealt with by a Staffing Committee. However, other HR policies and procedures, and matters such as corporate culture, employee relations and communications are not necessarily concerned with terms and conditions of employment and are not in Schedule 1. These have to be a Cabinet function.

Similarly, management structure does not concern terms and of employment and is not, therefore, a matter for staffing committee but for Cabinet. However, it may be acceptable for Staffing Committee to consider and make recommendations to Cabinet in the same way that they currently do with regard to matters outside their exact Terms of Reference.

10.0 Background and Options

10.1 Constitutional Powers

It is the responsibility of the full Council, unless delegated to another Committee or Sub-Committee, to agree and amend the terms of reference of its Committees.

The Cabinet is responsible for approving, monitoring and reviewing any Council Corporate personnel and HR policies. Its functions may be delegated to a Task Group, Cabinet Sub-Committee, Portfolio Holder or an officer and it may appoint an advisory panel.

10.2 The Current Terms of Reference

Cheshire East Borough Council Staffing Committee, which must consist of 7 members, has the following Terms of Reference:

- *i) undertaking the selection process for the appointment and formulating recommendations to the Council re the appointment and dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer.*
- *ii) the designation of an officer to act as Monitoring Officer and Chief Finance Officer In accordance with the legislation and the appropriate procedures set out in the Staff Employment Procedure Rules.*
- *iii) undertaking the selection, appointment and dismissal procedures for any staff where so required by law (It should be noted that the Chief executive has powers to appoint all other staff).*
- *iv) hearing and determining appeals by staff under the relevant HR Policies and procedures, including through any appointed subcommittee.*
- *v) hearing and dealing with disputes registered with the Council by recognised Trade Unions.*

The Committee Rules state that in discharging the functions, powers and duties under Responsibility for Functions, the Committee has full delegated powers to take these decisions (subject to any special restrictions).

In addition to the Terms of Reference, the Staff Employment Procedure Rules (SEPR) apply. These detail the requirements relating to the Head of Paid Service and other Statutory, Chief and Deputy Officers which the Staffing Committee must follow and provide that the Staffing Committee is responsible for the suspension of sick pay and matters relating to fixed term contract.

10.3 Practice of the Staffing Committee Meeting

Staffing Committee follows the general format of other Committee Meetings and is divided into 2 parts. Part I is open to press and public. Part 2 is not open where the exemptions under LGA 1972 Pt I and II Sch. 12a (as amended) apply.

In addition to undertaking the recruitment and selection for those key posts set out in the Terms of Reference (above) and hearing dismissal appeals, the Staffing Committee also receives a quarterly report relating to such matters as Health and Safety, organisational development and general staffing issues.

Since the inception of the Staffing Committee, representatives of the recognised Trade Unions have attended the full meeting which has thus served as a forum for Trade Union concerns to be aired with Members, the majority of such issues being raised under Part 2. These have not been confined to formal disputes, as set out within the Terms of Reference. In addition, Trade Unions attend a formal Corporate Trade Union Meeting with the Head of HR and various service /department led consultative meetings.

10.4 Comparison with Other Local Authorities

Comparisons have been made with 14 other Local Authorities and whilst there are a variety of arrangements in place, and indeed many variations on the name of this Committee, the terms of reference for Staffing Committee in Cheshire East are in keeping with others and appear to be very 'typical' e.g. dealing with appointments, dismissal etc of specified senior posts and appeals under HR procedures.

A small number have extra elements of responsibility, including agreeing the pay policy and other separate issues such as dealing with specific cases of honoraria payments/ determining market rate supplements.

Other Authorities also operate different arrangements for meeting recognised Trade Unions. These include regular Joint Consultation Committees, regular meetings between Strategic Director and TU and regular meetings between Leader and TU. In some authorities, the Trade Unions are only invited to the Part 1 of their Staffing Committee and only attend if there is a relevant report on the agenda.

10.5 Part II agenda items

A number of issues that Staffing Committee would typically discuss may fall within the Part II LGA1972 exemptions categories. The relevant exemptions, provided the public interest in maintaining the exemption outweighs the public interest in disclosure, most likely apply,

for example, where individuals may be mentioned, where legal professional privilege may apply and regarding information concerning consultation or negotiation in connection with any labour relations matters between the authority and employees or office holders.

A judgement as to whether the exemption applies may have to be made for each meeting and, the wider the terms of reference, the more likely this question would need to be addressed with greater scope for challenge.

10.5 Summary

In light of the findings of this report, there are a number of options that the Council could consider in response to the Notice of Motion. These options range from retaining the current terms of reference (as set out in the Constitution) and adhering to them more closely; or to retain current practice of enabling the Staffing Committee to consider wider staffing issues (outside the precise terms of reference but in accordance with the SEPR). Another option would be to alter the terms of reference to add some of the matters mentioned in the Notice of Motion. In doing so, Members should determine those matters that they wish to include so as to provide clarity and a constitutional basis for a wider remit for the Staffing Committee.

To explore this in more detail and to bring the matter to a prompt resolution, it is therefore recommended that a sub-group of the Constitution Committee be set up with a view to bringing forward a formal recommendation to the next meeting of the Committee.

It should be noted that there is a distinction between widening the scope of internal matters for consideration such as policies and providing a forum for discussion with the Trade Unions.

11.0 Access to Information

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

Name: Julie Davies & Sally Gold
Designation: Head of People and OD / Barrister
Tel No: 01270 686328 / 01270 685838

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CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 21st November 2013
Report of: Head of Governance and Democratic Services
Subject/Title: Work Programme

1.0 Report Summary

1.1 This report reviews the Committee's work programme.

2.0 Recommendations

2.1 That

1. the Committee consider its work programme and agree any required changes; and
2. the Constitution Member Working Group be asked to undertake reviews of the terms of reference of committees, the various sets of procedure rules, certain issues relating to executive decision-making, and any further such reviews as required from time to time, and report back to the Committee in due course.

3.0 Reasons for Recommendations

3.1 To enable the Committee to monitor progress with the work programme and make any desired changes.

4.0 Wards Affected

4.1 N/A

5.0 Local Ward Members

5.1 N/A

6.0 Background

6.1 Members have commented previously that it would be helpful for a report to be included on the Committee's agenda setting out the programme of work agreed by the Committee. This would enable Members to keep track of the work the Committee has commissioned and to monitor progress. It would also enable Members to make informed decisions on additional work in the light of existing commitments, and to set priorities. This is the second such report.

- 6.2 The work programme is set out below. Items included elsewhere on the agenda are not discussed.

1. Review of Powers and Responsibilities of Officers (Officer Scheme of Delegation)

The officer scheme of delegation has recently been reviewed by the Constitution Member Working Group. The aims of the review had been to reflect the recent changes to the Council's senior management structure, improve officer accountability and increase member involvement in decision-making. A revised scheme was approved by Council on 17th October 2013. In approving the scheme, Council authorised the Interim Head of Legal Services and Monitoring Officer, with the agreement of the Chairman of the Constitution Committee, to incorporate the new management structure into the scheme when all necessary aspects of the structure had been settled, with the scheme as amended being re-submitted to the Constitution Committee for confirmation. It is intended that the revised version of the scheme will be submitted to the Committee's meeting on 23rd January 2014.

In the meantime, the Member Working Group's review of the scheme of delegation is continuing and further proposals will be submitted to the Committee for consideration in due course.

To remind the Committee, the membership of the Constitution Member Working Group is as follows:

Constitution Member Working Group

Councillor David Marren (Chairman)
Councillor Brendan Murphy (Vice-Chairman)
Councillor Gordon Baxendale
Councillor Steve Hogben
Councillor Shirley Jones (non-voting)
Councillor Paul Whiteley

Proportionality: 3:1:1:1

2. Civic Sub-Committee Terms of Reference

The Civic Sub-Committee had been appointed by the former Governance and Constitution Committee in 2009 to consider and make recommendations on the approach to the election of the Mayor and Deputy Mayor and the adoption of a Mayoral Code of Practice. The Sub-Committee was given an ongoing role in respect of the election of the Mayor and Deputy Mayor each year, utilising the approach adopted by Council. The Constitution Committee had subsequently added additional responsibilities to the Sub-Committee's terms of reference.

At a recent Council meeting, it was suggested that the terms of reference of the Civic-Sub Committee should be reviewed. At its meeting on 19th September 2013, the Committee resolved that the Constitution Member Working Group be asked to review the Civic Sub-Committee's terms of

reference and report to the Committee. The Member Working Group will be meeting shortly to consider the matter.

3. Transparency

The Committee at its meeting on 5th June 2013 had considered an update report on the work that was going on across the authority to encourage openness and transparency. Members had also given further consideration to a motion which had been moved by Councillor B Murphy and seconded by Councillor P Edwards at the Council meeting on 19th July 2012 calling for a review of the Council's policies and protocols in relation to confidentiality.

The Committee asked the Constitution Member Working Group to review the issue of transparency, openness and access to information, with the support of the Customer Service and Libraries Manager. As a result of the review of the management structure, the officer responsibility for this matter has since changed and the Council's Customer Relations and Compliance Manager will now be advising the working group on this matter.

A report on transparency will be considered by the Constitution Member Working Group at its next meeting.

4. Review of Policy Development Groups and Scrutiny Committees

At its meeting on 19th September 2013, the Committee resolved that a member working group be appointed, the size and composition to be determined, to commence the review of the scrutiny and policy development group structure; the group whips be asked to submit to the Head of Governance and Democratic Services the names of their nominated members to the working group; and the working group be asked to seek support and advice from an independent body such as the Centre for Public Scrutiny.

Following consultation with the political groups, the size and membership of the working group had now been determined as follows:

PDG/Scrutiny Member Working Group

Councillor Peter Groves
Councillor Steve Hogben
Councillor Shirley Jones
Councillor David Marren
Councillor Rod Menlove
Councillor Arthur Moran
Councillor David Newton
Councillor Margaret Simon
Councillor Paul Whiteley

Proportionality: 5:2:1:1

All members have voting rights.

Chairman and Vice-Chairman to be appointed at the first meeting.

The first meeting of the working group will be held shortly.

5. Size and Structure of the Constitution

The Committee at its meeting on 5th June 2013 had held a general discussion on the Constitution to identify key priorities for review. One of these was the size and structure of the Constitution. It was felt that the current version of the Constitution was quite large and complex and that Members would benefit from the production of a more concise version which contained the most essential information in a clear and straightforward way. The officers have been working with the Committee's Vice-Chairman to produce a concise, user-friendly version for the Committee's consideration. Alongside this work, the Interim Head of Legal Services has appointed an officer working group to undertake a review of the Constitution/finance and contract procedure rules. These two streams of work are being co-ordinated with a view to submitting proposals for consideration in due course.

The Committee has previously expressed the view that a general review of the terms of reference of committees and the various sets of procedure rules within the Constitution would be beneficial. In addition, there are a number of issues relating to executive decision-making which are in need of further review. Clearly, these various reviews have implications for the work being undertaken on the size and structure of the Constitution. In order to make progress in all areas, and to ensure a consistent and coherent approach among these various work streams, the Committee might wish to consider asking the Constitution Member Working Group to undertake these reviews, and to undertake any further such reviews as required from time to time, with reports back to the Committee in due course.

7.0 Policy Implications

7.1 There are no direct policy implications

8.0 Financial Implications

8.1 There are no direct financial implications

9.0 Legal Implications

9.1 There are no direct legal implications

10.0 Risk Management

10.1 There are no direct risk management implications

11.0 Access to Information

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

Name: Paul Mountford
Designation: Democratic Services Officer
Tel No: 01270 686472
Email: paul.mountford@cheshireeast.gov.uk

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