

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Constitution Committee**
held on Thursday, 28th June, 2018 at Committee Suite 1, 2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor A Martin (Chairman)
Councillor P Groves (Vice-Chairman)

Councillors D Bailey, J Bratherton, M Deakin, L Durham, S Edgar, H Gaddum,
R Menlove, J Nicholas, J Rhodes, B Walmsley, G Williams and G Baxendale
(for Cllr Beanland)

Officers

Brian Reed, Head of Democratic Services and Governance
Suzanne Antrobus, Deputy Monitoring Officer
Alex Thompson, Head of Finance and Performance
Paul Mountford, Executive Democratic Services Officer

Other Members present

Councillors S Corcoran, J P Findlow, S Hogben, A Moran, M Parsons and
A Stott

Apologies

Councillor M Beanland

The Chairman referred to the death of Honorary Alderman Mrs Margaret Melrose. Councillor Melrose had been a County Councillor from 1967 to 2001 and had served as Chairman on two occasions. All stood in silence as a mark of respect.

1 DECLARATIONS OF INTEREST

There were no declarations of interest.

2 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public wishing to speak.

3 MEMBER SPEAKING

Councillor S Corcoran suggested that the Council should draw up detailed proposals on alternative forms of governance, including a committee structure, in time for consideration by the newly-elected Council in May 2019.

Councillor A Stott asked why the timescale for members of the public to comment on planning applications appeared to have been shortened from

six weeks to three. The Head of Democratic Services and Governance undertook to look into the matter and notify all members of the outcome.

4 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 22nd March 2018 be approved as a correct record.

5 CLOSING THE EXECUTIVE MONITORING BOARD AND REVISING THE APPROACH TO THE TECHNICAL ENABLING GROUP

The Committee considered a report on changes to the roles of the Technical Enabler Group (TEG) and Executive Monitoring Board (EMB) functions following a significant review of procurement activity, improvements in the budget-setting process and the establishment of the Programme Management Office. The report set out at Annex 1 the changes required to the constitution.

In accordance with Chapter 2, Part 5, paragraph 98.4 of the constitution, the Monitoring Officer and the S151 Officer were satisfied that the proposed changes were not major and could be agreed by the Committee.

RESOLVED

That the constitution be amended as set out in Annex 1 to the report.

6 LIVING DOCUMENT CHANGES TO THE CONSTITUTION

The Committee considered a report on a number of issues relating to the constitution which had been raised during the review of the constitution or which had since emerged as issues needing to be addressed. The issues to be considered were set out in Appendix 1 to the report.

With regard to the proposed changes to the terms of reference of the Audit and Governance Committee as referred to in the future work programme set out at Appendix 2, Councillor G Baxendale as Chairman of the Audit and Governance Committee reported that the CIPFA guidance had now been received and was under consideration by the Audit Team.

RESOLVED

That

1. no changes be made at this time to the definition of a key decision to exclude operational expenditure, but the Committee consider the matter again in 12 months' time with a report on the number of contracts over that period that would have fallen into the category of a key decision involving operational expenditure;

2. a provision on the reporting of meetings by members of the public be included in the Access to Information Procedure Rules within the constitution, the drafting to be undertaken by the Monitoring Officer in consultation with the Committee Chairman;
3. the register of Gifts and Hospitality be made available online and the Monitoring Officer use his delegated powers under Chapter 2, Part 6, paragraph 67 of the constitution to make consequential amendments to the constitution;
4. the following matters be considered at the next meeting:
 - (a) proposed minor changes to the legal authorisation and enforcement provisions within the constitution; and
 - (b) a review of the provisions relating to member access to Part 2 papers and attendance during the Part 2 proceedings of meetings; and
5. the contents of the future work programme at Appendix 2 be noted.

7 RECORDING AND WEBCASTING OF COUNCIL MEETINGS

The Committee considered a report reviewing the operation of the audio webcasting and recording of Council decision-making meetings over the last twelve months.

A system of audio webcasting had been introduced in the summer of 2017 and the product used, 'Audio Minutes', had proved to be resilient and easy to operate and relatively inexpensive. In addition, a new microphone system had been purchased for use at Westfields for all formal meetings held in the Committee Suite; the system should have a life expectancy in excess of ten years.

RESOLVED

That

1. the recording and audio webcasting of Council decision-making meetings be continued, with backup recordings also being made; and
2. 'Audio Minutes' continue to be used as the technical platform to audio webcast decision-making meetings, but the officers continue to monitor the market to review alternative products as they become available.

8 CHAIRMANSHIP AND VICE-CHAIRMANSHIP OF OVERVIEW AND SCRUTINY COMMITTEES

The Committee considered a report on whether or not chairmanships and vice-chairmanships of the Council's overview and scrutiny committees should be allocated to the Council's opposition groups.

The allocation of these offices currently rested with Council, and took place at the Council's Annual General Meeting. Prior to such allocations, there was an opportunity for discussion among the Council's political group leaders; in the past, this had resulted in agreement that one or more of the offices be allocated to opposition groups.

RESOLVED

That the report be noted but no changes be made to the existing arrangements which do allow for discussions to take place between the groups about the allocation of chairmanships and vice-chairmanships of committees.

9 NOTICE OF MOTION - ALTERNATIVE FORMS OF GOVERNANCE

The Committee considered the following motion which had been proposed by Councillor J Nicholas and seconded by Councillor B Walmsley at the Council meeting on 22nd February 2018 and referred to the Committee for consideration:

"To convene a cross-party Working Group, at the start of the next municipal year, to consider the implementation of alternative forms of governance, with the recommendations being presented to this Council."

The report provided an overview of the alternative forms of governance available to the Council and asked the Committee to consider the Notice of Motion.

RESOLVED

That the report be noted but no changes be made to the Council's governance arrangements at this time given that these have only recently been considered on a cross party basis, and in view of the proximity of the May 2019 local government elections.

The meeting commenced at 2.00 pm and concluded at 3.45 pm

Councillor A Martin (Chairman)