

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Constitution Committee**
held on Thursday, 22nd November, 2018 at Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

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

Councillors J Bratherton, M Deakin, L Durham, J P Findlow (for Cllr Beanland)
G Hayes, J Nicholas, J Rhodes, B Walmsley, G Williams and J Wray (for Cllr
Baxendale)

Officers

Dan Dickinson, Acting Director of Legal Services
Brian Reed, Head of Democratic Services and Governance
Paul Mountford, Executive Democratic Services Officer

Apologies

Councillors D Bailey, G Baxendale and M Beanland

19 DECLARATIONS OF INTEREST

There were no declarations of interest.

20 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public wishing to speak.

21 MEMBER SPEAKING

There were no visiting members wishing to speak.

22 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 20th September 2018 be approved
as a correct record.

23 COMMUNITY GOVERNANCE REVIEW TERMS OF REFERENCE

The Committee considered a report on the proposed terms of reference for
the Community Governance Review, and the recommendations of the
Community Governance Review Sub-Committee in relation thereto.

The Committee at its meeting on 20th September 2018 had resolved that: a Borough-wide review of the governance arrangements of all of the Borough's town and parish councils be undertaken, commencing as soon as reasonably practicable after the 2019 all-out elections, and concluding well in advance of the May 2023 elections. The Committee had appointed a sub-committee to conduct the review and make appropriate recommendations to the Committee for decision. An officer working group had also been appointed to work with the Sub-Committee.

Prior to considering the report, members received a presentation by Dr Melvin Humphreys, a trainer and specialist in community governance reviews at the Association of Electoral Administrators. Dr Humphreys outlined the legislative framework for the review, the key stages involved and the four principal duties of the Council which were as follows:

1. to adopt and publish terms of reference;
2. to consult parish councils and other relevant bodies and invite representations by such bodies and from electors;
3. to ensure an open and transparent decision-making process, with clear reasons given for each decision; and
4. to publish the outcome of the review in the form of a Reorganisation of Community Governance Order.

At the conclusion of the presentation, Dr Humphreys answered members' questions, following which the Chairman thanked him for his presentation.

The Committee then considered the report which set out the terms of reference for the review.

The review would relate to the whole of the Borough, and would consider town and parish council governance arrangements. This would include changes to parish areas and parish electoral arrangements such as alterations to parish boundaries; the merging, creation and abolition of parishes; the naming of parishes; the numbers of parish councillors; whether to divide a parish into wards; and the grouping of parishes under common councils. The review could consider any Borough ward boundaries where the parish and Borough ward boundaries were no longer coterminous following a parish boundary change. The review would also deal with consequential matters such as the transfer of parish council staff, property and assets, and the setting of precepts for any new parish councils that may be formed.

A key part of the review would be public consultation which would take place over a period of several months and would involve local electors, parish councils, and other bodies with an interest in the review such as local businesses and public and voluntary organisations.

In carrying out the review, the Council would be bound by the requirements of the relevant legislation and the terms of reference for the review as adopted by the Council. The Review would be completed when

the Council had adopted a Reorganisation of Community Governance Order.

The first stage of the review was the adoption of the terms of reference. This would be followed by a period in which officers would gather the necessary information to help shape the review, taking into account any issues raised by parish councils and others prior to the formal consultation process. A set of proposals and a consultation plan would then be prepared for members' consideration.

The Community Governance Review Sub-Committee, at its meeting on 8th November 2018, had noted and endorsed the contents of the report for consideration by the Constitution Committee. The Sub-Committee had agreed that the report in itself constituted the terms of reference of the Community Governance Review, and had endorsed its publication as being the commencement of the Review.

RESOLVED

That the Committee

1. notes and endorses the contents of the report; and
2. agrees that the report in itself constitutes the terms of reference of the Community Governance Review, and endorses its publication as being the commencement of the Community Governance Review.

24 CALENDAR OF MEETINGS FOR 2019-20

The Committee considered a report on the draft Calendar of Meetings for Cheshire East Council for 2019-20. The draft Calendar was appended to the report.

The proposed scheduling of meetings for 2019-20 followed the pattern adopted in previous years.

Since the agenda had been published, Cheshire West and Chester had notified a change of date for the Shared Services Joint Committee as follows:

31st May 2019 moved to 28th June 2019

The following comments on the draft calendar had been received from consultees:

- The Chairman of the Strategic Planning Board had suggested that it would be beneficial for meetings of the Board to commence at 10.00 am rather than 10.30 am to bring the Board into line with the other two planning committees.

- Councillor A Stott had expressed concern that Council meetings were held on a Thursday in Sandbach when there were difficulties with parking due to it being Market Day; she proposed that consideration be given to changing the day of the week for full Council.

It was suggested that the question of an alternative day for Council meetings could be considered by the new Council following the elections in May 2019; in the meantime, the officers would consider what measures could be put in place now to assist members with mobility problems attending Council meetings.

RESOLVED

That Council be recommended to approve

1. the draft Calendar of Meetings for Cheshire East Council for 2019-20 as appended to the report subject to the following amendments:
 - (a) the change of date for the Shared Services Joint Committee from 31st May 2019 to 28th June 2019;
 - (b) meetings of the Strategic Planning Board to commence at 10.00 am;
2. that the question of an alternative day for Council meetings be considered by the new Council following the Borough Council elections in May 2019.

25 AUDIT AND GOVERNANCE COMMITTEE TERMS OF REFERENCE

The Committee considered revised terms of reference for the Audit and Governance Committee.

The Audit and Governance Committee, at its meeting on 27th September 2018, had approved the revised terms of reference set out in Appendix A to the report. The revised terms of reference reflected updated best practice guidance from CIPFA (Practical Guidance for Audit Committees).

Since the meeting of the Audit and Governance Committee, the following provision from the original terms of reference, which had been excluded from the revised terms of reference, had now, with the agreement of the Chairman and Vice-Chairman of the Committee, been included in the revised terms of reference:

“To approve and monitor Council policies relating to whistleblowing and anti-fraud and corruption.”

Appendix A to the report to the Constitution Committee had included this amendment.

RESOLVED

That Council be recommended to approve that the constitution be amended to include the revised terms of reference for the Audit and Governance Committee as set out in Appendix A to the report.

26 PROPOSED CHANGES TO THE CONSTITUTION - CHIEF OFFICER DELEGATIONS

The Committee considered a report which proposed amendments to three paragraphs of the constitution relating to officer powers. The amendments were required in order to improve clarity and operational efficiency in respect of regulatory enforcement functions. The amendments were considered in detail in the report and the revised provisions were set out in an Appendix.

The Monitoring Officer was of the view that the proposed changes ranked as changes which provided clarity and corrected inconsistencies in drafting. They had no impact on the substantive effect of the paragraphs in question as originally drafted and could therefore be made in consultation with the Chairman and Vice-Chairman of the Committee in accordance with Chapter 2, Part 6, paragraph 67 of the constitution.

RESOLVED

That the Committee notes the intention of the Monitoring Officer to amend paragraphs 37, 41 and 42 of the delegations to Chief Officers section of the Constitution as set out in the Appendix to the report.

The meeting commenced at 2.00 pm and concluded at 3.12 pm

Councillor A Martin (Chairman)