

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Corporate Overview and Scrutiny Committee**  
held on Thursday, 6th June, 2019 at Committee Suite 1,2 & 3, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

### **PRESENT**

Councillor J Clowes (Chairman)  
Councillor B Murphy (Vice-Chairman)

Councillors S Brookfield, B Evans, JP Findlow, R Fletcher, M Hunter,  
J Saunders, M Simon and L Wardlaw

### **PORTFOLIO HOLDERS IN ATTENDANCE**

Councillor J Rhodes, Portfolio Holder for Public Health and Corporate  
Services  
Councillor A Stott, Portfolio Holder for Finance, ICT and Communications

### **OFFICERS IN ATTENDANCE**

Kath O'Dwyer, Chief Executive and Head of Paid Service  
Frank Jordan, Acting Deputy Chief Executive and Executive Director of Place  
Mark Taylor, Interim Executive Director of Corporate Services  
Catherine Parkinson, Interim Director of Governance and Compliance  
Brian Reed, Head of Democratic Services and Governance

### **11 APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor J Bratherton.

### **12 DECLARATION OF PARTY WHIP**

There were no declarations of the existence of a party whip.

### **13 DECLARATIONS OF INTEREST**

Councillor A Moran advised the committee that, owing to his interest in the item to be considered as one of the six elected members that called-in the decision, he would not act as a member of the committee for the consideration of the item.

The Interim Director of Governance and Compliance (Monitoring Officer) confirmed that this was the appropriate action to be taken, based on the interest declared in the item.

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

Councillor A Moran made representation to the committee and expressed his view that members of the 2019/20 Corporate Overview and Scrutiny Committee that had previously been members of the Cabinet in 2018/19 (when the called-in decision was taken,) should be required to declare an interest in the item and be exempted from partaking in the consideration of the called-in decision.

The Interim Director of Governance and Compliance (Monitoring Officer) responded to the concerns raised by Councillor A Moran. The committee was advised that, as the called-in decision was taken by the 2018/19 Portfolio Holder for Finance and Communications and not the Cabinet, members of the Cabinet were not conflicted on this matter and would therefore not be required to be exempted from the deliberation and decision on the item.

## **15 EXCLUSION OF PUBLIC AND PRESS**

### **RESOLVED**

That the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 and the public interest would not be served in publishing the information.

## **16 CALL-IN OF DECISION RELATING TO ASDV PROGRAMME UPDATE**

The Interim Director of Governance and Compliance (Monitoring Officer) introduced the report of the Interim Executive Director of Corporate Services (Deputy Monitoring Officer), and advised the committee of their role in determining the matter.

As per the Council's procedure for call-in meetings, the Chairman called on Councillor S Pochin, as the nominated spokesperson for the call-in group, to explain the reasons why the decision was called-in.

Following this, the Acting Deputy Chief Executive and Executive Director of Place was asked to, in light of the fact that the then Portfolio Holder for Finance and Communications was not re-elected on 2 May 2019, explain the reasons for the decision and provide context in respect of the issue under which the decision was called-in.

The committee unanimously agreed that it should accept the call-in request and proceed to its deliberation as to whether it would provide any advice to the decision taker.

Members of the committee then directed questions to the officers present to ensure that it would be able to take informed and well-evidenced decision.

A motion was proposed and seconded which stated that the Committee accept the call-in and advise the relevant portfolio holder now responsible for this matter, that adequate consultation needed to be undertaken with the appropriate persons and bodies in respect of the decision that was taken.

The vote on the motion was tied and, following the Chairman's decision to not exercise a ruling vote, the proposition failed.

The Chairman proposed that the committee accept the call-in and, instead of providing advice direct to the decision taker, recommend that the Constitution Committee review the constitutional process for providing elected members with Part 2 (exempted) information, and the time that is provided to review such information when it is provided to elected members; and that this would conclude the matter.

The motion was seconded and unanimously carried.

The Chairman confirmed that this meant that the committee would not be issuing advice to the relevant portfolio holder in respect of the called-in decision, and that the decision would therefore be implemented with immediate effect.

## **RESOLVED**

That the committee accept the call-in request of the call-in group and, instead of providing advice direct to the decision taker or appropriate portfolio holder, recommend that the Constitution Committee review the constitutional process for providing elected members with Part 2 (exempted) information, and the time that is provided to review such information when it is provided to elected members; and that this would conclude the matter.

The meeting commenced at 2.00 pm and concluded at 5.23 pm

Councillor J Clowes (Chairman)