

CHESHIRE EAST

Cheshire East Shadow Council

Date: 13th May 2008
Report of: Cheshire East Joint Committee
Title Committee and Other Structures

1.0 Purpose of Report

1.1 To seek agreement of the Shadow Council upon its proposed Committee and other structures.

2.0 Decision required in respect of the Shadow Council's committee and other structures

2.1 That the following bodies be appointed with the terms of reference and powers set out in Appendix B to this report, subject to any amendments which the Shadow Council may have agreed as part of the earlier report on Adoption of the Constitution:

- 2.1.1 Cabinet
- 2.1.2 Staffing Committee
- 2.1.3 Scrutiny Committee
- 2.1.4 Standards Committee
- 2.1.5 Governance and Constitution Committee
- 2.1.6 Joint Liaison Committee

2.2 That a Member Learning and Development Panel be appointed to oversee and agree the Shadow Council's Member learning and development programme, and to develop the approach towards Member learning and development which may be adopted by the Cheshire East unitary authority.

2.3 That three Cabinet advisory panels be appointed, chaired by a portfolio holder, with a cross-party politically-proportional membership, having responsibility to provide advice to the Cabinet in the following areas of the implementation project:

- People
- Places
- Performance and Capacity.

2.4 That the size and composition of the committees and bodies referred to above be agreed as a separate item of agenda business.

3.0 Decision required in respect of the Standards Committee

3.1 That, in respect of the Shadow Council's Standards Committee, and following on from the recommendations contained in paragraphs 6.1 and 6.2 of the report to the Political Structures Sub-Group, the Standards Committee shall comprise:

5 Statutory Independent Members (including Chairman);
3 parish/town Council representatives; and
8 Elected Members;

3.2 That two Sub-Committees of the Standards Committee be established to deal with the various roles, both chaired by Independent Members and drawn, from time to time, from the pool of 16 Members, and constituted in accordance with relevant legal requirements (eg with a Parish/town Council Representative as necessary).

3.3 That the recruitment process for Parish/Town Council representatives and Independent Members be taken forward by the Interim Monitoring Officers as soon as possible.

4.0 Decision required in respect of the Cabinet

4.1 That the Shadow Council be recommended to appoint a Leader, a Deputy and 8 other Cabinet Members, and that portfolios be allocated to them in due course by the Shadow Council.

5.0 Background and Information

5.1 Following work by the Governance Group of officers, the Political Structures Sub-Group, and the Cheshire East Joint Committee, recommendations are now made upon the Shadow Council's Committee and other structures, Standards Committee and the Cabinet.

Shadow Council's committee structure

5.2 As a separate item of business, the Shadow Council will be asked to adopt its Constitution.

5.3 However, this report sets out the proposed structure of the Shadow Council's Cabinet, committees and other bodies, and seeks a resolution that this structure be adopted.

- 5.4 The recommendations contained in paragraph 2 of this report list the various bodies which have been considered by the Joint Committee. Appendix B contains the proposed terms of reference of the majority of the listed bodies. This also appears as an appendix to the report on Adoption of Constitution, which is dealt with as a separate item of business elsewhere on the agenda. Comments are not sought on the terms of reference as part of this report, but they are reproduced as part of this paper for ease of reference.
- 5.5 This report asks the Shadow Council to agree that the listed decision making bodies be appointed with the terms of reference and powers to be agreed.
- 5.6 The Shadow Council is also asked to agree that a Member Learning and Development Panel be appointed to oversee and agree the Shadow Council's Member learning and development programme, and to develop the approach towards Member learning and development which may be adopted by the Cheshire East unitary authority.
- 5.7 The Joint Committee has also given consideration to the appointment of Cabinet advisory panels. Whilst no firm view was expressed upon the number of such panels, the Joint Committee recommends to the Shadow Council that initially three Cabinet advisory panels be appointed, and chaired by a portfolio holder, with a cross-party politically proportional membership. The panels would have responsibility to provide advice to the Cabinet in the following areas of the governance structure of the implementation project:
- People
 - Places
 - Performance and Capacity.
- 5.8 If the need arose in the future to establish more advisory panels, this could be done.
- 5.9 The composition of these bodies will be subject to a separate item on the agenda of the first Shadow Council meeting.

Standards Committee

- 5.10 The Shadow Council is referred to a report which was presented to the Political Structures Sub-Group on 15th April 2008. This resulted in the recommendations contained in paragraph 3 of this report in respect of the composition of the Standards Committee. The report to the Political Structures Sub-Group is appended for information as Appendix A.

5.11 However, it should be noted from the recommendation at paragraph 3.1, that the Joint Committee recommends that an additional Statutory Independent Member be appointed to the Standards Committee, to the effect that there will be 5 Statutory Independent Members of the Committee, and that it will therefore comprise a total of 16 Members.

Cabinet portfolios

5.12 At its meeting on 6th May, the Joint Committee recommended to the Shadow Council that there should be 10 Cabinet Members, including a Leader and Deputy. The Joint Committee recommended that Cabinet Members should not, initially, be allocated a portfolio but that the Shadow Council should do so in due course.

5.12 Members will see that the recommendations, contained in the report on the Shadow Council Constitution, propose that there should (at least initially) be no individual Cabinet Member decision making powers, and that Cabinet decisions will therefore be made collectively.

5.13 It is anticipated that, during the shadow period, the Governance and Constitution Committee will wish to review and develop the Shadow Council's decision-making arrangements and other political structures. In particular, proposals will be brought to the Shadow Council in respect of individual Cabinet Member decision-making and schemes of delegation. This will include the remit of each portfolio area of responsibility.

5.15 Members will also note, from the report on the Shadow Council's Constitution, that the Shadow Council is recommended to adopt executive arrangements, whereby the Shadow Council sets the portfolios, and appoints the Leader, Deputy Leader and Members to the executive portfolios.

6. Conclusion

6.1 Agreement is sought from the Shadow Council upon its committee and other structures. Once adopted, they will be embodied in the Shadow Council's Constitution.

For further information:-

Officer: *Brian Reed*
Tel No: *01244 972205*
Email: [*brian.reed@cheshire.gov.uk*](mailto:brian.reed@cheshire.gov.uk)

Background Documents:-

- *Draft Cheshire East Shadow Council Constitution*
- *Notes of the meeting of the Political Structures Sub Group*

*Documents are available for inspection at Joint Committee Support Office:
Town Hall
Macclesfield, SK10 1DX*

CHESHIRE EAST

Political Structures Sub Group

Date:	15 th April 2008
Report of:	Governance Group
Title	Establishment of Standards Committee etc for Shadow and New Council

1.0 Purpose of Report

- 1.1 To secure approval for the composition of the Standards Committee and the ancillary issues arising, as required, by the Cheshire (Structural Changes) Order 2008.

2.0 Decision Required

- 2.1 To agree the options for the constitution of the Standards Committee and its Sub-Committees for adoption by the Shadow Council at its first meeting.

3.0 Implications for Transitional Costs

- 3.1 The costs associated with the establishment of the Standards Committee arrangements will fall within the general costs of Member Support/Allowances Scheme.

4.0 Introduction and Background

- 4.1 The Cheshire (Structural Changes) Order applied the requirements of the Local Government Act 2000 to Shadow Councils, but in a modified form. Since the Shadow Councils are not “principal authorities” for all purposes there has only been a partial introduction of the requirement to constitute a Standards Committee. For example, there is no requirement during the Shadow Council period for the Standards Committee to deal with issues relating to Parish matters since these will continue to be within the province of every Standards Committee for the existing District Councils but the Standards Committee of the Shadow Council will need to appoint Statutory Independent Members.
- 4.2 However, this requirement will be introduced from 1 April 2009 when the Standards Committees for the New Council will have responsibilities for dealing with complaints relating to Members of the new Councils and for Parish matters. They will also have the

responsibility, as trailed in the forthcoming Draft Regulations, for operating the “local filter” arrangements where complaints are received and decisions are taken as to whether they should be investigated. This is currently a responsibility of the Standards Board for England. In Regulations which are promised this summer, it is currently understood that this responsibility is to be given to all existing principal Councils in Cheshire (until their abolition) and also the new Councils.

- 4.3 Therefore, although the Committee need not be fully constituted to deal with all of the forthcoming functions, it is considered appropriate to seek to identify the Parish/Town Council nominees which might sit on the Committee, plus any Independent Members required, and to carry out the selection processes for these office holders following the Shadow Elections on 1 May 2008. Having identified these as soon as possible, it would also afford these office holders the ability to join in with the Member induction/training programme which is currently in the process of being finalised and which will run from May 2008 onwards. It would be particularly helpful for these individuals to have been identified to attend specific training events on Local Determinations and operation of the local filter which are due to be held in June and where an external facilitator has already been identified.

5.0 Composition

- 5.1 The following proposals provide the options for the composition of the Standards Committee. A balance needs to be struck between having a Standards Committee small enough to be able to acquire the necessary knowledge and expertise to deal with a range of standards matters (and potentially expand its remit into other areas dealing with corporate governance generally) but also being large enough to address the requirements to carry out local hearings/determinations and also to act as the local filter. In relation to the local filter, Standards Board guidance makes it clear that authorities should establish at least two Sub-Committees. One Sub-Committee to deal with the receipt of initial allegations and to determine whether they merit investigation or other action; and another Sub-Committee to deal with the results of any investigation and to carry out local hearings and determinations. An aggrieved complainant also has the right to seek a review of the preliminary decisions referred to in the first instance and that needs to be conducted by a Sub-Committee which had not been involved in the “filter” decision in any form. Standards Board guidance indicates that this may be able to be done by the Sub-Committee responsible for Local Determinations.
- 5.2 In addition, whenever matters touching upon Parish/Town Council issues are being discussed, then at least one Parish/Town Council representative needs to be sitting on the Committee/Sub-Committee. Section 55 of the Local Government Act 2000 requires Councils to consult the Parish/Town Councils in its area before deciding upon the details of Parish/Town Council representation on its Standards Committee/Sub-Committee. In addition, the Committee and any Sub-

Committees will need to be chaired by Independent Members. Independent Members who are to serve on new Authorities in that role are required to be recruited in accordance with the relevant Regulations, and this includes advertising for applications and a selection process. The Standards Board for England and the DCLG are currently being requested to allow Independent Members who have already gone through this process as members of the existing District or County Councils to be available for selection as the Independent Members on the new Standards Committees for the Shadow/New Council. A response is awaited as to whether this will be permitted. If it will, this will considerably speed up the process for the selection of Independent Members.

- 5.3 It is clear that in order to accommodate sickness absences, conflicts of interest and to deal with the required number of Independent Members and Parish/Town Council representatives, the minimum size of the Standards Committees needs careful consideration. At least 25% of the total places on the Committee need to be filled by statutory Independent Members. There is also the issue as to whether there should be a majority of elected Members on the Committee (the political proportionality requirements do not apply but in order to secure all Party support and ownership of standards issues, many authorities have applied these principles and also appointed one Executive/Cabinet Member as is permitted by law).

Options

- 5.4 Bearing in mind the constraints therefore a number of options emerge:

Option A1 – Establish a Standards Committee with composition which ensures a majority of elected Members.

Option A2 – Establish the Committee with elected Members in the minority.

Option B1 – Having chosen A1 or A2, establish the Committee on the basis that no Parish/Town Council representatives sit upon it, but sit on a Sub-Committee which specifically deals with Parish/Town Council matters either generally or in relation to Parish/Town Council complaint cases.

Option B2 – Have Parish/Town Council representatives on the full Committee.

Option C1 – To deal with (a) Local Filtering Decisions (b) Reviews of such decisions and (c) Hearing of Complaints/Determinations establish three separate Sub-Committees of three Members (each must have an Independent Chairman); or

Option C2 – As in Option C1 but only establish two Sub-Committees drawn from the pool of the full Standards Committee, in line with Standards Board Guidance (see para 5.1 above).

6.0 Possible Way Forward

6.1 Bearing in mind the potential volume of complaints business the Standards Committee for an authority of the size of the New Council one solution may be to constitute the Committee on the following basis:

4 Statutory Independent Members (including Chairman);
3 parish/town Council representatives;
8 Elected Members;

giving a total Committee of 15, with two Sub-Committees being established to deal with the various roles, both chaired by Independent Members and drawn, from time to time, from the pool of 15 Members, and constituted in accordance with relevant legal requirements (eg with a Parish/town Council Representative as necessary). This would represent a combination of Options A1, B2, and C2.

6.2 It is therefore proposed that the Shadow Authorities consider the Options and agree the composition and also agree that the recruitment process for Parish/Town Council representatives and Independent Members be taken forward by the Interim Monitoring Officers of both Authorities as soon as possible. Views on the extent of Member involvement in the selection process for these office holders would be welcomed.

For further information:-

Officer: Gerry Budd, County Solicitor & Monitoring Officer
Tel No: 01244 972239
Email: gerry.budd@cheshire.gov.uk

Background Documents:-

PART 3

RESPONSIBILITY FOR FUNCTIONS

RESPONSIBILITY FOR FUNCTIONS

1 General

- 1.1 The Cheshire (Structural Changes) Order 2008 (“the Order”) provides for the establishment, on 1st April 2009, of a single tier of local government within the Shadow Council’s area.
With effect from 1st April 2009, the County of Cheshire and all of its districts will be abolished.
With effect from the date of the Shadow Council elections on 1st May 2008, and until 1st April 2009, the Council will operate as a “shadow authority”, as defined in the Order, having the functions set out in Part 3 of the Order.
In particular, the Shadow Council will have the following responsibilities:
- 1.1.1 to commence and sustain its running as a shadow authority;
 - 1.1.2 to prepare the Shadow Council for the assumption of local government functions and full local authority functions and powers on 1st April 2009;
 - 1.1.3 to prepare any budgets or plans required beyond 1st April 2009 when those functions and powers are assumed;
 - 1.1.4 to liaise with Cheshire County Council and the other shadow authority for the purposes of ensuring continuity of public service delivery on and after 1st April 2009;
 - 1.1.5 to take all such practical steps as are necessary or expedient to liaise with the other local authorities within its area for the purposes of ensuring continuity of public service delivery on and after 1st April 2009;
 - 1.1.6 to exercise any of the Local Government Act 1972 functions referred to in, and in accordance with, Part 3 of the Order.
- 1.2 The powers and functions of the Shadow Council are therefore limited and, consequently, the powers and functions of its Cabinet, committees, sub committees and other decision making bodies are similarly limited. The responsibilities for functions described in this Part of the Constitution must therefore be considered in this context.
However, upon the assumption of full local authority functions and powers on 1st April 2009, these responsibilities will increase.
Until that date, Cheshire County Council and the district councils within the Shadow Council’s area will continue to have responsibility for local authority functions within their areas.
- 1.3 The Shadow Council is required in this Constitution to set out the allocation of responsibilities for its functions.
- 1.4 The following paragraphs cover functions which are
- the responsibility of the Shadow Council and/or its Committees/Sub-Committees
 - the responsibility of the Cabinet

- the responsibility of Officers
- 1.5 Where a function is not specified as being the responsibility of the Shadow Council, a Committee, Sub-Committee, or officer that function shall, unless otherwise provided to the contrary by law, be the responsibility of the Cabinet.

2 Functions Reserved to the Shadow Council

The following functions are the responsibility of the Shadow Council and will be discharged by the full Shadow Council unless specified to be delegated to another Committee, Sub-Committee or body under this Constitution. The Shadow Council:

1. is accountable to its citizens for the proper discharge of all of its functions and for the delivery of such services as it is responsible for;
2. will keep under review the running of the Shadow Council's affairs and will implement changes where it considers there is a need to do so to improve the way in which the organisation operates, its relationships with the Shadow Council's citizens and the delivery of any services in the most effective and efficient way;
3. will adopt the Shadow Council's Constitution in accordance with the requirements of the Local Government Act 2000 and approve any subsequent amendments to it in whole or in part;
4. will appoint to the following offices
 - Chairman of the Shadow Council
 - Vice Chairman of the Shadow Council
 - Leader of the Shadow Council
 - Deputy Leader of the Shadow Council
 - Members of the Cabinet
 - Chairmen and Vice-Chairmen of Committees, Sub-Committees and Special Committees
 - such other offices as may be required under this Constitution or by the Shadow Council;
5. will decide upon the size of the Cabinet, approve the portfolios to be held within the Cabinet and the allocation of those portfolios;
6. will determine whether functions which are classified as "local choice" functions under the Local Government Act 2000 should be reserved to the Shadow Council or delegated to the Cabinet;
7. will adopt the Shadow Council's Codes of Conduct for Members and Officers and the Protocol on Member/Officer Relations;

8. will agree the establishment and composition of, and make appointments to, Committees, Sub-Committees other than those which may be established within the Cabinet;
9. will agree and amend the terms of reference of its Committees and Sub-Committees;
10. where permitted by the law, will make arrangements for appointments to outside bodies;
11. will carry out all duties specified in and comply with the Cheshire (Structural Changes) Order 2008;
12. will be responsible for any non executive Local Development Framework functions which are given to the Shadow Council by the Secretary of State;
13. will review and decide unless provided to the contrary in the Cabinet Procedure Rules whether any Cabinet decision which has not been implemented and has been referred to the Council under the provisions in this Constitution should be reconsidered by the decision taker in accordance with this Constitution and in such cases the Council may offer its advice on the matter in question;
14. will consider any matter which has been referred or submitted to it by the Cabinet;
15. where a matter is referred to it for determination by a Committee or Sub-Committee other than a Cabinet body, under this Constitution or under some other approved policy or procedure, to determine that matter;
16. will adopt or otherwise, as provided in the Shadow Council Procedure Rules, motions submitted under Standing Order No.12 (Notice of Motion) which do not relate solely to an Cabinet function;
17. will approve the Members Allowance Scheme including any pension provision for elected Members following advice from any Independent Remuneration Panel;
18. will appoint/dismiss the head of paid service, designate an officer to act as Interim/Appointed monitoring officer and Interim/Appointed chief finance officer, and appoint/dismiss a person to the position of appointed monitoring officer and appointed chief finance officer in accordance with the Cheshire (Structural Changes) Order 2008;
19. will approve the Shadow Council's response to any issues or proposals in relation to local government boundaries including Electoral Wards, the conduct of elections and the discharge of local authority functions;

20. may determine other matters which may from time to time be submitted to it for determination, either by resolution or through approved procedures, where such matters do not fall within the functions of the Cabinet.

3 General Responsibility of the Cabinet, Committees and Sub-Committees

- 3.1 These bodies are responsible and accountable to the Shadow Council as appropriate in accordance with this Constitution, their terms of reference and under the approved policies, regulations and procedures of the Shadow Council for:
 1. ensuring the effective and efficient discharge of the functions delegated to them;
 2. ensuring that any Shadow Council services are appropriate for and responsive to the needs and views of the Shadow Council's citizens, and are delivered effectively and efficiently;
 3. ensuring that good external relationships and effective local liaison are promoted in relation to any Shadow Council services;
 6. monitoring the functions of the Shadow Council within their remit and contributing to any Shadow Council aims, objectives and policies;
 7. determining policies and objectives for any Shadow Council services, within their remit, reviewing the extent to which they are met, and agreeing any necessary action;
 8. determining the Shadow Council's views on matters specific to their areas of responsibility and related external matters;
 9. ensuring the effective and efficient management of any services and resources falling within their purview in accordance with this Constitution and, where appropriate, the effective and efficient discharge of the responsibilities of any subordinate bodies or person.

4 Responsibility of the Cabinet

Where the Cabinet is exercising a Cabinet function, in whole or in part, as set out in this Section and in Section 5 below, the Cabinet is empowered to take all necessary and appropriate decisions to fulfil the obligations placed upon it subject to any restrictions or constraints imposed by the law or this Constitution.

4.1 The Cabinet

Is responsible for and accountable to the Shadow Council, where appropriate, for the following functions, recognising that certain functions discharged by officers or services within its remit fall, by virtue of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any subsequent amendments thereto, to be discharged by the Council:

1. consulting on, developing, monitoring and reviewing the various elements of the Shadow Council's plans and policies;
2. subject to consultation with the appropriate Scrutiny body or bodies, advising on Budget setting, including all other related financial matters, plans and proposals;
3. ensuring that proper arrangements exist for the effective and efficient management of the Council's executive affairs;
4. ensuring that the Shadow Council prepares for the Performance Management regime and any Government initiatives dealing with such matters which have financial implications.
5. monitoring and auditing the lawful, proper and efficient conduct of the Shadow Council's financial affairs, including the extent to which budgets and financial policies are being and will be met, and requiring or approving any remedial action to be taken where it considers it necessary and appropriate;
6. advising the Shadow Council where appropriate, and determining such matters as may be prescribed from time to time, under the Shadow Council's Constitution as the responsibility of the Cabinet;
7. approving, monitoring and reviewing any Shadow Council Corporate personnel and human resources policies;
8. approving, monitoring and reviewing the provision of services to the Shadow Council which are delivered by internal and/or external suppliers;

9. overseeing, approving and co-ordinating policies on national and external communications, public and media relations and public affairs generally;
10. overseeing relationships with, participation in and contribution to external organisations and partnerships, Local Government Association, the North West Regional Assembly or their successors or like bodies;
11. ensuring officers exercising delegated powers on behalf of the Cabinet discharge their responsibilities efficiently and effectively;
12. ensuring that officers discharge their responsibilities efficiently and effectively in relation to Cabinet functions;
13. overseeing the exercise of any Shadow Council powers and duties in relation to Part 1 of the Local Government Act 2000 (Promotion of Economic, Social or Environmental Well Being etc);
14. advising the Shadow Council on strategic matters in relation to corporate governance, community governance and community strategy;
15. monitoring and reviewing issues relating to local working;
16. overseeing the promotion of the Shadow Council's image, role and relationships in the European context, particularly with the European Commission and other European institutions;
17. preparing and approving, as appropriate, Regional and Sub-Regional Plans and Strategies;
18. preparing and approving major planning studies;
19. supporting the North West Regional Assembly or any successors or like body, where appropriate, on regional policy, transportation, planning and environmental issues and related matters and any other matters of relevance to the Shadow Council and ensuring that the Shadow Council's views are made known;
20. promoting employment and investment in the Shadow Council's area, including the preparation and approval of any Economic Development and Tourism Strategies;

21. deciding such other matters as may fall to the Cabinet to determine as required by the law or as delegated to it by the Shadow Council;

22. dealing with any executive Local Development Framework functions which are given to the Shadow Council by the Secretary of State.

23. making decisions upon those executive functions which arise under the Cheshire (Structural Changes) Order 2008.

The Cabinet may discharge these functions itself, through a Task Group/Cabinet Sub-Committee or by delegation to an officer. In addition, the Cabinet may appoint such advisory panels, including any member of the Shadow Council, as it considers appropriate to provide advice to it.

5 Responsibilities of Individual Cabinet Members

It is recognised that certain functions discharged by officers or services within the remit of the Shadow Council fall, by virtue of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any subsequent amendments thereto, to be discharged by the Council, or its Committees. No individual Cabinet Member decision making powers will exist in the initial stages of the life of the Shadow Council. However, it is possible that this might change.

6 Responsibility of Regulatory Committees

Until the Shadow Council assumes local government functions and full local authority powers on 1st April 2009, in accordance with the Cheshire (Structural Changes) Order 2008, the Shadow Council will not exercise regulatory powers and functions. The Shadow Council will, however, take such practical steps as are necessary or expedient to prepare the Shadow Council for the assumption of local government regulatory functions and full local authority regulatory powers.

7 Responsibility of the Staffing Committee

1. Undertaking the selection process for the appointment, and formulating recommendations to the Shadow Council in relation to:
 - the appointment and dismissal of the Head of the Paid Service;
 - the designation of an officer to act as Interim Monitoring Officer and Interim Chief Finance Officer;
 - the appointment/dismissal of Appointed Monitoring Officer and Appointed Chief Finance Officer;

in accordance with the Cheshire (Structural Changes) Order 2008 in accordance with the appropriate procedures set out in the Staff Employment Procedure Rules;

2. undertaking the selection, appointment and dismissal processes for any other staff in accordance with the appropriate procedures set out in the Staff Employment Procedure Rules;
3. hearing and determining any appeals by staff under the Shadow Council's approved personnel policies and procedures including through any appointed Sub-Committee;
4. hearing and dealing with disputes registered with the Shadow Council by recognised Trade Unions.

8. Responsibility of the Shadow Council's Scrutiny Committee

The Shadow Council shall have one Scrutiny committee, and may commission task and finish groups to undertake scrutiny projects.

The Scrutiny Committee will/may specifically:

1. discharge the Council's functions under Section 21 of the Local Government Act 2000 (Scrutiny Committees)
2. oversee the Council's overall scrutiny function including the preparation, implementation, monitoring and review of an annual work programme for scrutiny and arrangements for the scrutiny of other public bodies particularly where required to do so by law and where partners can contribute to Community Plan priorities and to Local Area Agreement outcomes;
3. establish such task and finish groups, appointing the Chairman with such membership as it sees fit, to undertake scrutiny on a task and finish basis;
4. ensure that officers discharge their responsibilities effectively and efficiently in relation to the scrutiny function;
5. scrutinise decisions of the Cabinet, and offer advice or make recommendations on the matter under scrutiny once the Committee have considered the issues;
6. refer to the Shadow Council or appropriate Committee/Sub-Committee any matter which, following scrutiny, the Committee determines should be brought to the attention of the Shadow Council or the Committee or Sub-Committee;
7. if requested, offer any views or advice to the Cabinet in relation to any matter referred to the Committee for consideration;
8. undertake general policy reviews with a cross-service and multi-organisational approach wherever possible and make

recommendations to the Shadow Council or the Cabinet to assist in the development of future policies and strategies;

9. in performing its role, the Committee may consult and involve the local community and other local public, private and voluntary bodies or organisations;
10. review the Shadow Council's response to its obligations in respect of the overall performance management regime and where appropriate advise the Cabinet and the Shadow Council of its findings;
11. scrutinise decisions after implementation to examine their effect and outcomes;
12. review and making recommendations in relation to matters which are not the direct responsibility of the Shadow Council but which affect the social, economic and environmental well-being of an area, or the Shadow Council's area as a whole, or under any statutory requirement or Shadow Council contract, procedure or practice;
13. develop, maintain and monitor policies and procedures for handling complaints made against the Shadow Council and monitor on a regular basis the level and nature of complaints received and ensure that advice is formulated regarding action to be taken to address areas of concern;
14. monitor the level and nature of Ombudsman complaints and advise the Cabinet, Committees, Sub-Committees and officers on remedial action as appropriate;
15. ensure in conjunction with the Standards, and Governance and Constitution Committees that the Shadow Council has in place appropriate mechanisms to protect organisational Integrity including the development of appropriate policies and guidance;

9 Responsibility of the Standards Committee

The Standards Committee is responsible for:-

1. discharging the Shadow Council's functions under Part 3 of the Local Government Act 2000 (via Sub-Committees if necessary);
2. considering and granting, or otherwise, dispensations in respect of Members' Interests under Part 3 of the Local Government Act 2000;

3. promoting high standards of ethical behaviour by developing, maintaining and monitoring codes of Conduct for Members of the Shadow Council (including Co-opted Members and other persons acting in a similar capacity) and for employees in accordance with best practice and Government guidance;
4. advising the Shadow Council on the adoption or revision of the Codes of Conduct for Members and Officers;
5. ensuring that Members receive advice and training as appropriate on the Members' Code of Conduct;
6. issuing advice to Members on the treatment of personal interests and on conduct matters generally;
7. ensuring that the Shadow Council maintains appropriate links with the Standards Board for England and the Commission for Local Administration in England (Ombudsman);
8. referring issues, which impinge on staff, conduct, performance, terms of employment, training and development to the appropriate Cabinet Member and/or officer;
9. promoting high standards of responsiveness by the Shadow Council to its clients and contacts;
10. advising other persons/bodies on probity and ethics as appropriate, particularly where that person or body is exercising functions on behalf of the Shadow Council;
11. in conjunction with the Shadow Council's Scrutiny Committee, supporting the Shadow Council's statutory officers as appropriate, or their authorised deputies, in the performance of their duties.

10 Responsibility of the Governance and Constitution Committee

The Governance and Constitution Committee is responsible for:

1. overseeing, monitoring, co-ordinating and implementing the Shadow Council's administrative and political business, including electoral matters; administrative boundaries; support for and facilities for Members, including Members' learning and development and party groups for the purpose of their duties as councillors; and administrative arrangements for and the conduct of the Shadow Council and other meetings;

2. determining policies and conventions in relation to the political management of the Shadow Council, including statutory requirements concerning political balance and rights to information;
3. reviewing the Shadow Council's Constitution and recommending any changes to the Shadow Council;
4. advising the Shadow Council on, and overseeing the promotion of private legislation on behalf of the Shadow Council;
5. recommending to the Shadow Council, as appropriate, the appointment of Members to Committees and Sub-Committees (including any co-opted members other than in respect of Scrutiny Committees);
6. appointing representatives to serve on outside bodies and organisations (including education bodies and establishments) not falling to the Cabinet to appoint;
7. overseeing and monitoring the Members Allowance budget including pensions and keeping under review the scheme for the payment of allowances to Members;
8. approving annual conference and seminar attendance;
9. recommending to the Shadow Council any issues relating to the Honorary Aldermen;
10. approving reasons for absence for Members;
12. approving the overall seating plan for Shadow Council meetings;
13. overseeing and agreeing the arrangements for Members to be indemnified for and insured against risks and liabilities arising from the performance of their duties as Members of the Shadow Council, and as the Council's representatives on outside bodies.
14. overseeing the Shadow Council's role and responsibilities in respect of Corporate Governance;
15. developing a Code of Corporate Governance and to undertake as appropriate an assessment of wider governance issues;
16. supporting the Shadow Council's audit function, both internal and external;
17. ensuring the Shadow Council has in place appropriate policies and mechanisms to safeguard the Shadow Council's resources;

18. supporting the Interim/Appointed and Appointed Chief Financial Officers in relation to the performance of their duties;
19. approving any Shadow Council Statement of Accounts as may be required by the relevant Account and Audit Regulations;
20. ensuring any Shadow Council's Risk Management process is operating effectively.
21. undertaking work, and making recommendations, upon the Shadow Council's political management structure, and upon that which will operate with effect from 1st April 2009.

11 Joint Liaison Committee

11.1 The Joint Liaison Committee is responsible for providing Cheshire West and Chester and Cheshire East Shadow Councils with a forum for the discussion of issues of mutual interest.

11.2 The Committee is to act as an advisory group to both the Cheshire East and the Cheshire West and Chester Shadow Councils on the following matters:

11.2.1 Joint projects being undertaken during the period ending on 1st April 2009;

11.2.2 Potential shared services;

11.2.3 Protocols on sharing arrangements and arrangements for assisting each other;

11.2.4 Partnership arrangements, the aggregation or disaggregation of which will affect the work of the other Shadow Council;

11.2.5 Potential decisions by one Shadow Council which will either have an effect on the decision of the other or which will have a substantial effect on the projected total transition costs;

11.3 In the event of any disagreement between the Cheshire East and the Cheshire West and Chester Shadow Councils as to how to proceed on a matter which affects the other, or where there is disagreement as to whether the matter affects the other, the Joint Liaison Committee will have the role of considering the views of both Shadow Councils, and attempting to offer a solution to resolve the disagreement. However, having offered a solution to the Shadow Councils and, in the event of that solution not having resolved the disagreement, the disagreement will be referred, at equal cost to both Shadow Councils, to the Centre for Effective Dispute Resolution ("CEDR"), International

Dispute Resolution Centre,
70 Fleet Street, London EC4Y 1EU, to appoint a Neutral Advisor to advise upon the matter. The Neutral Advisor will have experience, at a suitable level, of local authority functions and responsibilities, as well as experience of local government reorganisation.

11.4 All negotiations in connection with the disagreement will be conducted in confidence, and the Neutral Advisor will make recommendations in order to resolve the disagreement.

11.5 Having considered the advice of the Neutral Advisor, each Shadow Council must decide whether to accept that advice. If either or both of the Shadow Councils do not accept the advice of the Neutral Advisor, they must take such steps as they consider appropriate in the circumstances.

11.6 The Shadow Council and its Cabinet may delegate such powers, responsibilities and decisions to any of its own officers, or to any officers of the Joint Implementation Team.

12 Powers of Officers

12.2 This Constitution, and the Procedure Rules contained within it, refer to various powers of officers in respect of Shadow Council functions and responsibilities.

12.3 The Shadow Council will appoint an Interim/Appointed and Appointed Monitoring Officer, and an Interim/Appointed and Appointed Chief Finance Officer who both have statutory powers which are identified in the Cheshire (Structural Changes) Order 2008.

13 Independent Remuneration Panel

The Cheshire (Structural Changes) Order 2008 (“the Order”) provides for Cheshire County Council’s scheme of allowances, as adopted by Cheshire County Council on 18th May 2006 (“the Scheme”), to apply to the Shadow Council. The Order also provides for the Scheme, as it applies to the Shadow Council, to be amended or revoked by the Shadow Council.

It is, however, anticipated that the Shadow Council will wish to appoint an Independent Remuneration Panel with the responsibilities to make recommendations to the Shadow Council:

- as to the amount of basic allowances that should be paid to Members;
- about the responsibilities or duties which should lead to the payment of a special responsibility allowance and as to the amount

of such allowance;

- about the duties for which a travelling and subsistence allowance can be paid and as to the amount of such allowance;
- as to the amount of the co-optees' allowance;
- as to whether the Shadow Council's allowances scheme should include an allowance in respect of the expenses for arranging for the care of children and dependants and, if it does make such recommendation, the amount of such allowance and the means by which it is determined;
- on whether any allowance should be backdated to the beginning of a financial year in the event of the scheme being amended;
- as to whether annual adjustments of allowance levels may be made by reference to an index and, if so, for how long such a measure should run;
- as to which Members of the Council are entitled to pensions, in accordance with a Scheme made under Section 7 of the Superannuation Act 1972;
- as to treating basic allowance and special responsibility allowance as amounts in respect of which such pensions are payable.