

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Governance & Constitution Committee**
held on Monday, 14th July, 2008 at East Committee Room, Municipal
Buildings, Earle Street, Crewe, Cheshire, CW1 2BJ

PRESENT

Councillor A Ranfield (Chairman)
Councillor D Topping (Vice-Chairman)

Councillors M Asquith, C Beard, Mrs S Bentley, D Cannon, R Cartledge,
Mrs S Jones, A Kolker, A Moran, R Walker and P Whiteley

OFFICERS PRESENT

Julie Openshaw - Interim Monitoring Officer
Brian Reed – LGR Governance Group
Gerry Budd - LGR Governance Group
Karen McIlwaine – on behalf of LGR Governance Group
Carole Roberts – Democratic Services, Cheshire East
Diane Richardson – Democratic Services, Cheshire East

7 DECLARATIONS OF INTEREST

There were no declarations of interest.

8 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors G Merry and B Moran.

9 PUBLIC SPEAKING TIME/ OPEN SESSION

There were no questions from members of the public.

10 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on 9 June were approved as a correct record.

Members requested that in future, the Minutes also record the officers present at meetings.

11 CHESHIRE EAST WORK PLAN

Brian Reed on behalf of the LGR Governance Group presented a plan of work for consideration. The proposed Work Plan was set out in appendix

1 to the report and indicated the breadth of work for the Committee. Members noted that the work plan was very challenging and some flexibility would also be needed as other unknown areas of work were expected to arise during the year.

RESOLVED

1. to agree the first version of the Work Plan as the basis for the Committee's work during the remaining life of the Shadow Council; and
- 2 to note that the work plan will be developed and periodically brought back to the Committee for approval.

12 MEMBERS' ALLOWANCES SCHEME

The Governance Lead Officer submitted a paper setting out the recommendations of Cheshire County Council's Independent Remuneration Panel for the Members Allowances Scheme for the Shadow period. It was noted that full consideration of the recommendation had been deferred at the last Committee meeting. Members then considered the Panel's recommendations in full and the proposed scheme as set out in the Appendix to the paper. The following matters were raised during the lengthy debate :-

- It was acknowledged, in agreeing the allowances, that a proportion of the County's allowances will be being accepted
- the Special Responsibility Allowance (SRA) for the Chairman should be increased from the suggested £3,000 to £4,000
- Whilst the Committee wanted the offices of Committee and Panel Spokespersons to be left in the list by way of acknowledgement of the role, and that this role would develop, there should be no allowance for either during the Shadow Council period
- There was significant debate on payment of SRA, and the original suggestion of a limit of x1 SRA per member should be applied
- Some clarification should be brought to the occasions upon which travel and subsistence allowances may be claimed. The general consensus of the meeting was that this should be specified as being limited to official Shadow Council business only.

RESOLVED

That this Committee make the following recommendations concerning the appropriate rates and application of allowances for payment from 2 May 2008 to the Council at its meeting to be held on 30 July 2008:-

1. That the report and recommendations of the Independent Remuneration Panel be received and the Panel be thanked for their work.
2. The Shadow Council be recommended to adopt the County Council's Allowances Scheme, as set out in the Independent Panel's report, subject to:
 - a. A proportion of the County Council's Basic and Special Responsibility Allowances being applied to the Shadow Council in the following sums:

| | £ (per annum) |
|---|--|
| Basic Allowance | £4,800 |
| Council Chairman | £4,000 |
| Vice Chairman | £1,500 |
| Council Leader | £15,000 |
| Deputy Leader | £10,000 |
| Cabinet Member | £7,500 |
| <i>Committees (excluding Joint Liaison Committee)</i> | |
| Chair | £4,000 |
| Vice Chair | £1,500 |
| Spokesperson | No SRA to apply at present but it be noted that this role will develop with time |
| <i>Panels (Cabinet Advisory and other Panels)</i> | |
| Chair | £2,000 |
| Vice Chair | £1,000 |
| Spokesperson | No SRA to apply at present but it be noted that this role will develop with time |
| Opposition Group Leaders | £4,000 |
| Deputy Leaders | Nil |
| Administration Group Whip | £3,000 |
| Deputy Administration Group Whip | £1,500 |
| Opposition Group Whip | £1,500 |
| Opposition Group Deputy Whip | Nil |

- b. The number of Special Responsibility Allowances, which may be claimed by any individual Member of the Shadow Council, be limited to one.

- c. Travelling and Subsistence Reimbursement Allowances and Dependents' Carers' Allowances be paid in accordance with the County Council's arrangements at the rates and in respect of the duties as indicated in the Scheme.
- d. The County Council's Nominated Member Duties allowances provisions should form part of the Shadow Council's Allowances Scheme, so as to enable the Chairman and Vice Chairman, Party Group Leaders and Deputy Leaders and Party Group Whips to claim travel and subsistence allowances for attendance, as required, at the Headquarters buildings of Cheshire County Council, Macclesfield Borough Council, Congleton Borough Council and Crewe and Nantwich Borough Council.
- e. Payment of all of the above allowances be applied retrospectively as appropriate from May 2008.

13 INDEPENDENT REMUNERATION PANEL

Brian Reed on behalf of the Governance Lead Officer advised of the requirement to appoint an Independent Remuneration Panel so that a Scheme of Members Allowances can be brought forward for 2009-10 and beyond.

RESOLVED

That arrangements be put in place for a Cheshire East Council Independent Remuneration Panel to be appointed and there be close liaison with the Independent Remuneration Panel for Cheshire West and Chester Council.

14 INDEMNITIES FOR MEMBERS AND OFFICERS

Gerry Budd on behalf of the Governance Group presented a paper setting out the current powers available to local authorities in relation to the provision of indemnities to elected Members and Officers and proposed that prior to Vesting Day, the Shadow Council agree an indemnity. The appendix to the paper set out the Local Authorities (Indemnities for Members and Officers) Order 2004. Members sought clarification of the instances in which the Indemnity may be used.

RESOLVED

That those individuals acting in a representative capacity on behalf of the Authority be indemnified to the maximum extent permitted by the Local Authorities (Indemnities for Members and Officers) Order 2004.

15 APPOINTMENTS TO OUTSIDE BODIES

Karen McIlwaine on behalf of the Governance Group presented a paper highlighting issues relating to the appointment to Outside Bodies by Cheshire East Council from 1 April and sought direction for a process to deal with such appointments.

Examples of outside bodies and the number of appointments currently made by existing authorities were set out in Appendix 1 to the paper. Nominees appointed to organisations were usually members but could also include officers. There was no clear definition of an outside body and consideration was given to including joint working arrangements such as shared use agreements so that appointments were not otherwise overlooked. The appointment of representatives to outside bodies could have implications for appointees, particularly those appointed as trustees or company directors. It was essential that members were aware of their roles within outside bodies and their legal responsibilities. A structured approach to appointments following good practice was outlined in Appendix 2 to the paper. The approach would limit potential risk for both elected members and the new authority. Appendix 2 also referred to indemnities for members, which had been addressed in a separate report earlier on the agenda (Minute 14 refers).

It was suggested that as well as reviewing the process of making appointments to outside bodies, changes required to ensure the new authority can continue its involvement should be identified, e.g. amendments to governance arrangements or to exit from the organisation. The paper indicated that members and officers attend various conferences throughout the municipal year – for example the LGA Annual Conference. It was suggested that attendance at conferences be included within the remit of any review to ensure that maximum benefit is derived to officers, members and the new authority. The paper recommended that a link be established with the Performance and Capacity Block looking at Local Strategic Partnerships, to which representatives of some outside bodies are appointed to ensure consistency.

To maximise future benefit to the community and the new authority, it was recommended that a process be developed for making appointments in the future, which is rational, manageable and compatible with corporate objectives. It was also suggested there be identification of legal and other issues to be addressed that will enable representation on key outside bodies to continue. Representations had been made to the Department of Communities and Local Government for regulations to allow existing appointees to continue as representatives of the new authority, post 1 April 2009, to facilitate the transition. Members then considered a number of options open to the new authority and noted that any requests received by the shadow authority to appoint representatives to outside bodies over the

next 9 months as part of the transition process should be dealt with as part of the work outlined in the report.

Members considered the various options set out in the report and noted option 4 in particular, a member led review of the appointments process that proposed the establishment of an Advisory or similar committee based on a small number of members set up as a working party to devise a work programme and develop recommendations to deal with appointments and implement best practice. A key advantage of this option was ownership at member level due to involvement in the process.

RESOLVED

1. That in order to put an effective and manageable process for appointments to outside bodies from 1 April 2009, to agree option 4, a member led review of the appointments process (as set out in paragraph 9.1) as the preferred approach to appointments and outside bodies
2. To agree the actions outlined in paragraph 9.2
3. To agree that the remit of the working party includes attendance at annual conferences, bodies of the nature outlined in paragraph 7.2, 7.3 and 7.5 and the appointment of both officers and members.
4. To agree that the appointment of members to outside bodies by the shadow authority be addressed as part of the work outlined in this report.
5. The membership of the working party consist of the Chairman of Committee – Councillor Tony Ranfield together with Councillors Roy Cartlidge; Shirley Jones; Rodney Walker; Paul Whiteley.

16 CHANGE OF START TIME FOR NEXT MEETING

The Chairman advised members that due to other commitments, both the Lead Officer from the Governance Group and himself would be unable to attend the next meeting of the Committee at the current scheduled time.

RESOLVED

that the start time for 8 September 2008 meeting of this Committee be re-arranged to enable the Chairman to attend and all members of the Committee be advised of the revised arrangements.

The meeting commenced at 2.00 pm and concluded at 3.55 pm

CHAIRMAN