

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Governance & Constitution Committee**
held on Monday, 6th October, 2008 at Committee Suite 2&3, Westfields,
Middlewich Road, Sandbach, Cheshire CW11 1HZ

PRESENT

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

Councillors M Asquith, C Beard, Mrs S Bentley, D Cannon, R Cartlidge,
Mrs S Jones, A Kolker, Mrs G Merry, R Parker, R Walker and P Whiteley

Officers present

Julie Openshaw – Interim Monitoring Officer
Mike Flynn –Governance Lead Officer
Brian Reed – LGR Governance Group
Carol Jones – Democratic Services, Crewe and Nantwich Borough Council
Carole Roberts – Democratic Services, Cheshire East

Apologies

Councillor A Moran

29 DECLARATIONS OF INTEREST

There were no declarations made.

30 PUBLIC SPEAKING TIME/OPEN SESSION

There were no questions from the public.

31 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on 8 September 2008 were approved as a correct record.

32 LOCAL AUTHORITY SCHOOL GOVERNOR APPOINTMENT PROCESS

This item was deferred until the next meeting.

33 APPOINTMENTS TO CHESHIRE POLICE AUTHORITY

The Governance Lead Officer introduced a paper setting out arrangements required to enable the appointment of Members to the Cheshire Police Authority, initially with observer status.

An Order was to be laid before Parliament in October to make the transitional arrangements for membership of the Police Authority. Members were asked to identify and appoint the Council's representatives on the Police Authority Joint Appointments Committee in order for the Council's representation on the Cheshire Police Authority to be determined. If done in advance of the Order being made, this would enable the Council's representatives on the Police Authority to receive induction, development and familiarisation with the work of the Police Authority.

It was noted the Order would require Cheshire West and Chester, Cheshire East, Halton and Warrington Councils to form a Shadow Joint Committee to appoint the local authority Members to the Police Authority with effect from 1 April 2009. The members appointed to the Authority itself would be entitled to attend meetings of the Authority in an observer capacity prior to 1 April 2009 and the Authority would be required to seek their views on its budget/precept and policing plan for 2009/10. The Membership and political arrangements for the existing and proposed Shadow Joint Committee were noted.

The Joint Committee would subsequently meet to review and take into account the political proportionalities across the four Councils as set out in the report. The Appointments Joint Committee would also need to determine how all of the 9 places are allocated, and to make the necessary appointments.

RESOLVED - To appoint three Members to the Police Authority Shadow Joint Appointments Committee, on a 2 Conservative; 1 Liberal Democrat basis in order that the Council's representation on the Cheshire Police Authority can be determined; and that Group Leaders notify the Governance Lead Officer of their nominations as soon as possible.

34 PROGRESS REPORT ON DEVELOPMENT OF A WORK PROGRAMME AND RECOMMENDATIONS TO DEAL WITH APPOINTMENTS TO OUTSIDE BODIES

The Committee considered a report from the Task and Recommendation Group Outside Organisations setting out its progress to date and outlining its proposals for developing criteria and procedures to form the basis of an appointment process to be put into effect from 1 April 2009.

The report set out the Group's work plan, priorities and criteria for appointment. The working draft criteria were attached as an Appendix to the report. The Group had also identified the issues of potential devolution of representation to Town and Parish Councils, appointments during the Transitional year and training needs for all members of the Council prior to accepting appointments.

RESOLVED - That

1. the progress to date be noted;
2. responsibility for appointments during the transitional year be delegated under Urgency procedures to the Chairman of the Governance and Constitution Committee in consultation with Group Whips and the Interim Monitoring Officer; and
3. the Cabinet be consulted on the proposed criteria at the appropriate time, and the need for any appointments to be reserved to the Cabinet.

35 WHISTLEBLOWING PROTOCOL

The Interim Monitoring Officer presented a paper seeking the approval of the Committee in respect of the Council's Whistle-blowing Protocol to be contained in its Constitution.

The adoption of a Whistle-blowing Protocol was an important element of the emerging Unitary Council's approach to Corporate Governance. It would also enable compliance with indicators of local authority good governance and the Accounts and Audit Regulations 2003 that require an annual governance statement be produced by local authorities and that arrangements are in place for whistle-blowing to which staff and all those contracting with the authority have access".

In response to members' questions the Interim Monitoring Officer advised that the Public Interest Disclosure Act 1998 has been introduced to protect employees who expose serious wrongdoing in the workplace.

RESOLVED – to endorse the proposed Protocol and to note that, in view of its implications for staff, that there will be consultations with unions before the contents of the draft are finalised for recommendation to the Shadow Council.

36 PETITION FOR BOROUGH STATUS

The Governance Lead Officer introduced a paper updating the Committee on the proposed application for Borough status, as agreed in principle by Council on 30 July 2008.

The paper set out the circumstances in which the Shadow Authority may petition for Borough status, and through the Privy Council Office, seek the grant of a Charter conferring Borough status on the whole area. Such a grant would mean that the Council would elect a Mayor, rather than a Chairman of the Council. The Council would also be able to appoint Honorary Freemen and Honorary Aldermen. It was noted that Honorary Freemen could only be appointed if Borough status was achieved.

To seek the grant of the Charter, a Petition in the appropriate format would have to be presented to the Privy Council Office, together with the proposed wording of the Charter. Drafts of both documents were appended to the paper and considered prior to submission to the full Council.

It was noted that the Local Government Act 1972 provided that “a Petition for a Charter shall not be presented except on a resolution passed by not less than two-thirds of the Members voting thereon at a meeting of the Council specifically convened for the purpose with notice of the object”. Appropriate provision would be made to enable the Council on 20 October to consider the formal presentation of the Petition for Borough status.

The Committee noted the differing responses of Macclesfield Borough Council, Crewe and Nantwich Borough Council, and Cheshire County Council to Cheshire East’s Petition for Borough status, and proposals to seek Charter Trustees to provide for a Mayor for Macclesfield and Crewe Towns. It was noted Congleton Borough Council had not yet considered the issue of Borough status for Cheshire East.

RESOLVED -

1. To recommend a Special Meeting of the Council to approve:
 - a) the formal presentation of a Petition seeking the grant of a Charter for Borough status; and
 - b) the form of the Council’s Petition for Borough status and of the proposed Charter for submission to the Privy Council Office.
2. That Council be advised to support applications for Charter Trustees which may be made by any unparished area of Cheshire East.

37 CHESHIRE EAST WORK PLAN

The LGR Governance Group presented an updated Work Plan for consideration and was attached as an appendix to the report. The details contained in it represented the timescales within which reports were to be brought to the Committee.

Members then commented on various aspects of the Work Plan, and in particular Area working and political structures; review of the Members Allowances Scheme by a new Independent Remuneration Panel and the powers contained in the Shadow Council’s constitution to enable decisions to be made by officers in urgent circumstances.

RESOLVED - That the Committee:

1. note the current detail of the Work Plan; and
2. note that this will be developed and periodically brought back to the Committee for approval.

The meeting commenced at 2.00 pm and concluded at 3.30 pm

Councillor A Ranfield (Chairman)