

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Scrutiny Committee**
held on Friday, 10th October, 2008 at Tatton Room, Town Hall Macclesfield
SK10 1DX

PRESENT

Councillor A Thwaite (Chairman)
Councillor A Richardson (Vice-Chairman)

Councillors G Baxendale, M Davies, Ms O Hunter, R Menlove,
Mrs L Smetham and J Wray

16 APOLOGIES FOR ABSENCE

Apologies were received from Councillors A Barratt, S Broadhurst, S Conquest, P Edwards, Miss S Furlong and Mrs B Howell.

17 DECLARATIONS OF INTEREST

In accordance with the relevant provisions of the Constitution relating to Scrutiny the Chairman declared he was deputy Whip of his Group.

18 PUBLIC SPEAKING TIME/OPEN SESSION

There were no questions from the public.

19 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on 7 August 2008 were approved as a correct record.

20 ACTION TAKEN BY THE CHAIRMAN - WAIVER OF CALL-IN: TRANSFORMING LEARNING COMMUNITIES -EMERGING ISSUES FROM LOCALITY REVIEW FOR ALSAGER, CONGLETON, SANDBACH AND HOLMES CHAPEL

The Chairman reported that he had taken the following action since the last meeting:

1. Exemption from Call-in: Transforming Learning Communities - emerging issues from Locality Review for Alsager, Congleton, Sandbach and Holmes Chapel:

Agreement to waive call-in (under rule 13.1 of the Scrutiny Procedure Rules) of the Cabinet decision offering advice to Cheshire County Council's Children's Services Executive on 13 October that the proposals should be the subject of formal consultation.

2. Decision taken under the urgency procedure rules - Top Management Structure:

Consent as required under urgency procedure rules, to enable the recruitment process for four alternative posts to be commenced as soon as possible bearing in mind that there may be a need to recruit externally and the Council has to appoint the two statutory post holders by 31 December at the latest.

It was noted that the decision taken under the urgency procedure was to alter the top management structure of Cheshire East Council by replacing the post of Director of Performance and Capacity with the posts of:

- i. Head of Human Resources and Organisational Development
- ii. Head of Policy and Performance
- iii. Borough Treasurer and Head of Assets (Section 151 Officer) and
- iv. Borough Solicitor (Monitoring Officer)

and to authorise commencement of the recruitment process to the four posts in accordance with the recommendations of the Staffing Committee on 11 September 2008

3. Key Decision not included in the Forward Plan: New Model of Social Care

A Key decision relating to the New Model of Social Care for the new Council had not been included on the Forward Plan. To enable the matter to be considered and determined at the Cabinet meeting on 7 October, action had been taken in accordance with the Constitution, under Rule 12 of the Access to Information Procedure Rules. This decision had to be taken by such a date that it was impractical to defer the decision until it could be included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates.

The Chairman then referred to the provision in the Procedure Rules that required the Interim Monitoring Officer to inform the Chairman of the Scrutiny Committee in writing by Notice of the matter to which the decision is to be made and to make copies of the Notice available to the public at the offices of the Shadow Council. He believed that copies of the Notice should also be circulated to all members of the Council and had requested that this be done electronically in this case. The Chairman suggested the Constitution should be amended to cover this point.

Other matters: Procedure to handle Call-in of a Cabinet Decision at Scrutiny Committee

The Committee gave consideration to a procedure proposed by the Chairman to deal with any future Cabinet decisions that may be Called in. It was noted that the Procedure would assume that:-

- background documentation on the issue will have been circulated with the Agenda papers (Call-Ins may occasionally have to be dealt with in Part 2 of the meeting)
- the (minimum) eight signatories to the Call-In will have agreed beforehand on the one member to appear as a Witness on their behalf and will have produced a short written statement summarising the grounds for Call-In

Handling procedure for Call-ins at Scrutiny Committee:

1. Scrutiny Officer to brief the Committee (5 mins)
2. Call-In Lead Member to explain reasons for Call-In (5 mins)
3. Members of Committee question Call-In Lead Member (10 mins)
4. Cabinet Member to explain reasons for decision (5 mins)
5. Members of Committee question Cabinet Member (10 mins)
6. Opportunity for Call-In Lead Member to respond (2 mins)
7. Chairman sums up and puts the matter to the Committee

NB: Changes to the above timings will be at the Chairman's discretion

RESOLVED – that

- 1 the action taken by the Chairman in respect of the three matters set out above be noted;
- 2 the Governance and Constitution Committee be requested to consider amending the Constitution so that the provision in the Procedure Rules requiring the Interim Monitoring Officer to inform the Chairman of the Scrutiny Committee in writing by notice of the matter to which the decision is to be made and to make copies of the Notice available to the public at the offices of the Shadow Council be amended so that copies of the Notice should also be required to be circulated electronically for information to all members of the Council; and
- 3 the Procedure for handling Call-Ins as set out above be adopted.

21 HEALTH AND ADULT SOCIAL CARE SCRUTINY COMMITTEE

It was reported that the Governance and Constitution Committee at its meeting held on 8 September had endorsed this Committee's advice and had recommended to Council that a separate Health and Adult Social Care Scrutiny Committee be established within the Council's Political structure. This recommendation would now be considered by the Council at its meeting on 20 October. The Committee also supported the principle of continuing joint scrutiny arrangements for Mental Health Service issues across Cheshire and Wirral.

It was noted that the Places Advisory Group were currently considering the new Social Care Redesign Programme and there was potential for

duplication of scrutiny work in this area that would need careful management.

The Chairman reminded members of the heavy workload that the new Committee would have and he invited nominations for membership of the new Committee to be submitted to him prior to the Council meeting on 20 October.

RESOLVED – that the current position be noted.

22 APPOINTMENT OF STATUTORY CO-OPTED MEMBERS TO THE SCRUTINY COMMITTEE – ELECTED PARENT GOVERNORS AND NOMINATED CHURCH REPRESENTATIVES

The Governance Lead Officer submitted a paper setting out the statutory requirement to have co-opted representation on the Scrutiny Committee when dealing with Education matters. It was noted that appointees would have voting rights on those Educational matters. The current Cheshire County Council procedures for parent governor representatives, eligibility and guidance on voting rights etc. were attached at Appendix 1. The paper also outlined a typical timetable for an election of parent governors' representatives to take place.

The requirements and duties of local authorities in England to provide Church representatives with voting rights on Scrutiny Committees dealing with education and the scope of direction would also fall on Cheshire East Council.

RESOLVED - to recommend the Governance and Constitution Committee:-

- 1 That two parent governor representatives should be appointed to the Scrutiny Committee for the purposes of dealing with education matters; one being drawn from the primary education sector, and the other being drawn from the secondary education sector.
- 2 That officers be authorised to make arrangements for the appointment of the parent governor representatives by election (if contested) by way of secret ballot.
- 3 That the period of office of the parent governor representatives should be 2 years with effect from 1st April 2009.
- 4 That one nominated representative of the Church of England Diocese and one nominated representative of the Roman Catholic Diocese should be co-opted to the Scrutiny Committee for the purposes of dealing with education matters.

23 **RESPONSE TO DEPARTMENT OF COMMUNITIES AND LOCAL GOVERNMENT CONSULTATIONS**

The Governance Lead officer briefed the Committee on the content of a Consultation Paper published by the Department for Communities and Local Government (DCLG) on developing and strengthening overview and scrutiny, new powers to hold local officers to account and facilitating the work of Councillors. It was noted that responses to the consultation were to be received by 30 October. The Government would take account of responses received before introducing the appropriate primary and secondary legislation.

The appendix to the report summarised the relevant sections of the Consultation Paper and included Officer initial comments on them. The key sections were as follows:-

- the enhancement of scrutiny's powers in relation to Local Area Agreement partners and their delivery of LAA improvement targets
- how best to raise the visibility of, and to strengthen, the scrutiny function
- increasing the accountability of chairs and chief executives of local public bodies
- enabling councillors to use technology to participate in meetings and vote remotely

Members expressed concerns that there should be clear funding or ring fencing provision for any extra duties placed on the Council as a result of further primary or secondary legislation.

RESOLVED - that the Chairman and Vice Chairman of the Committee draft with the assistance of the Governance Lead Officer, a response on behalf of Cheshire East Council to the Consultation.

24 **TRAINING/DEVELOPMENT**

The Governance Lead Officer submitted a paper to assist the Committee in identifying its on-going training and development needs. The Committee was reminded that it had already agreed to participate in the Cheshire and Warrington Improvement and Efficiency Partnership (CWIEP) Programme of Overview and Scrutiny Member Development.

The focus of the CWIEP Programme was on the enhanced role of scrutiny and on equipping Elected Members to undertake scrutiny of non-local authority providers and deliverers, and on considering appropriate governance arrangements. It was noted that those signed-up to CWIEP were Cheshire East, Cheshire West and Chester Shadow Authorities, Warrington Borough Council and Cheshire Fire and Rescue Authority.

The Programme of four events would take account of the context of each Authority and the varying experiences of Members. The Programme was

being designed and delivered by the Centre for Public Scrutiny, including an experienced Peer Member. An appropriate Officer from each authority will assist with facilitation to support sustainable development. Further details of the proposed programme had already been circulated separately to members. It was noted that Cheshire East Council would be hosting the first training event on 14 November.

Members referred to the importance of identifying a future work programme for Scrutiny and ensuring that there was an ongoing dialogue with the Leader and Deputy Leader and the Chief Executive as to how they see the Scrutiny function operating.

Noting the relevance of the training provided earlier in the day by Tameside MBC, it was stressed that appropriate resourcing with competent officers for scrutiny was key to moving forward. Consideration was given to meaningful scrutiny work that could be achieved in the short term and regard was given to the potential implications of a robust scrutiny function not being in place when the first CPA inspection of the new Council takes place in two years time.

RESOLVED -

- 1 To note the outcomes of the discussions held with representatives of Tameside MBC earlier in the day;
- 2 To note the arrangements for the delivery of the CWIEP Member Development Programme on Overview and Scrutiny;
- 3 The Chief Executive be asked to attend the next formal meeting of the Scrutiny Committee to set out her aspirations for the next 12 months on the direction she expects the Council to be taking, and the key role of Scrutiny;
- 4 That proposals be brought to the next meeting on the Committee's work programme up to end March 2009.

25 DATE OF NEXT MEETINGS

RESOLVED - that the next meetings of the Committee be held in late November (subject to the availability of the Chief Executive) and then early January 2009.

The meeting commenced at 2.00 pm and concluded at 3.45 pm

Councillor A Thwaite (Chairman)