

CHESHIRE EAST

GOVERNANCE AND CONSTITUTION COMMITTEE

Date of meeting: 12th January 2009
Report of: Monitoring Officer
Title: Cabinet Decision Making Arrangements

1.0 Purpose of Report

- 1.1 To report to the Committee upon the subject matter of this report and to inform the Committee of the recommendations of Cabinet, which met on 6th January 2009.

2.0 Decision Required

- 2.1 That the Committee consider the issues raised in the Cabinet report, and the recommendations of Cabinet, in order to make its recommendations to Council.

3.0 Financial Implications for Transition Costs

- 3.1 There are no implications for Transition Costs.

4.0 Financial Implications 2009/10 and beyond

- 4.1 There are no implications 2009/10 and beyond, over and above those which would normally be expected of a new unitary authority.
- 4.2 As the Council's decision-making arrangements emerge, an accurate picture of resultant resource needs will be available.

5.0 Legal Implications

- 5.1 The legal implications are identified within the body of this report.

6.0 Risk Assessment

- 6.1 Good Constitutional and governance arrangements will assist in minimising risks to the authority.

7.0 Background and Options

- 7.1 On 6th January 2009, the Cabinet considered a report which now forms the Appendix to this report.

- 7.2 The substantive issues are contained in the Cabinet report, and Cabinet has subsequently made recommendations to the Governance and Constitution Committee, which ask the Committee to make recommendations to Council. These are set out in paragraph 8 of this report, in draft form (as the minutes were not formally approved at the time of preparation of this report).
- 7.3 The recommendations of the Governance and Constitution Committee will be reported to Council at its meeting on 24th February, following which the decision of Council will be embodied into the Council's Constitution Committee, which will take effect on Vesting Day.

8.0 Draft recommendation of Cabinet

That the Governance and Constitution Committee recommend to Council that, with effect from Vesting Day:

- (1) The Council shall have a Leader and Cabinet form of executive arrangements, these to include the "Strong Leader" model, in respect of which, and amongst other things, the Leader:
- a. is elected by Council;
 - b. is empowered to appoint Members of the Council to and remove Members of the Council from the Cabinet, subsequent notification being given to Council;
 - c. is empowered to determine the extent of the decision-making powers of Cabinet Members and other executive decision-making bodies.
- (2) The Council's executive arrangements shall comprise those arrangements set out in Appendices A and B to the report, subject to the following changes:
- a. References to Deputy Leader are to be removed from the Adult Services Portfolio.
 - b. The following functions listed within the Children and Family Services Portfolio to apply, as appropriate, to the Portfolio Holders for Adult Services, Children and Family Services and Health and Wellbeing:
 - i. Liaison with NHS Trusts and Health Authorities;
 - ii. Mental Health and Disability;
 - iii. Health Promotion;
 - iv. Development of Integrated Services with Health Partners.
 - c. The references within the Children and Family Services Portfolio to:
 - i. Mental Health and Disability, to be made specific to Children and Young People; and
 - ii. Connexions, to be removed.

- d. In respect of the Health and Wellbeing Portfolio:
 - i. Public Rights of Way to be added beneath Countryside.
 - ii. Tourism to become a dependency, rather than being a prime responsibility.
- e. In respect of the Environmental Services Portfolio:
 - i. Health and Safety enforcement to become a dependency rather than being a prime responsibility;
 - ii. Public Rights of Way Maintenance to be deleted and moved to Health and Wellbeing, as Public Rights of Way.
- f. The Prosperity Portfolio to include Building Control.
- g. The Safer and Stronger Communities Portfolio to include Health and Safety enforcement in the list of prime responsibilities.
- h. The Performance and Capacity Portfolio to include Twinning in the list of prime responsibilities.

Further consideration be given to the definition of a Key Decision, to potentially include a financial threshold of £1M, beyond which an executive decision shall be a Key Decision; and that a report be made to Members on the implications.

That the Governance and Constitution Committee recommend to Council that the Monitoring Officer be authorised to make such changes to the Council's emerging Constitution as he considers are necessary to give effect to the wishes of Council.

9.0 Reasons for Recommendation

- 9.1 In order for the Council's Constitutional and decision-making arrangements to be agreed prior to Vesting Day.

For further information:

Brian Reed

Tel No: 01244 972205/01270 529670

Email: brian.reed@cheshire.gov.uk

Background Documents:

- *Cheshire East Constitution*
- *As identified in the report*

Documents are available for inspection at:

Cheshire East Council Support Office
Westfields
Middlewich Road
Sandbach
CW11 1HZ