

CHESHIRE EAST COUNCIL

Council

Date of Meeting:	28 February 2013
Report of:	Democratic and Registration Services Manager
Subject/Title:	Recommendations from Constitution Committee

1.0 Report Summary

- 1.1 This report contains the recommendations of the Constitution Committee, which met on 24th January 2013.

2.0 Decision Requested

- 2.1 That Council consider the recommendations set out under the following headings in the report:

(1) **Frequency of Meetings** (Paragraph 7.4 of the report)

(2) **Questions at Cabinet** (Paragraph 7.7 and 7.8 of the report)

(3) **Scheme of Delegation for Director of Public Health** (Paragraph 7.13 of the report)

- 2.2 That the Interim Borough Solicitor be authorised to make such changes to the Constitution as he considers are necessary to give effect to the wishes of Council.

3.0 Policy Implications

- 3.1 Certain recommendations of this report, if accepted, will require changes to the Constitution.

4.0 Financial Implications

- 4.1 No financial implications would appear to arise from the recommendations of the Constitution Committee, except for the those which relate to the frequency of Council meetings. In respect of those recommendations, the original report to the Constitution Committee had recommended that there should be fewer decision-making meetings. Fewer Council meetings would result in savings in a number of respects which are summarised in the main body of this report.

5.0 Legal Implications

- 5.1 Where the recommendations of this report have legal implications, these are set out in the sections of the report which deal with those recommendations.

6.0 Risk Management

- 6.1 There are no identifiable risks associated with the recommendations of this report.

7.0 Information

- 7.1 This report sets out the recommendations of the Constitution Committee which met on 24th January 2013. Each recommendation is listed in the following paragraphs, along with commentary which explains the background.

Frequency of Meetings

- 7.2 The Committee received a report which indicated that Council members attended around 220 decision-making and other meetings per year. In view of the consequent burden on Member time and expenses, the associated officer costs, the cost of arranging meetings etc, the report sought an in-principle decision that there should be fewer Council meetings. Authority was also sought to bring a report back to the following meeting of the Committee which would provide more detail.
- 7.3 Preliminary comparisons with other local authorities suggested that when all decision-making and other meetings were taken into account, Cheshire East Council appeared to hold more meetings than some other authorities.
- 7.4 The Committee declined to accept the recommendations of the report and resolved to recommend that Council should approve the draft calendar of meetings, which is appended to this report at Appendix A. The draft calendar was based on existing assumptions as to frequency of meetings and had been subject to the usual consultation with Members and officers. The Committee called for further detailed work to be carried out, and for this to be reported back in late September 2013.

Questions at Cabinet

- 7.5 At the meeting of Council on 13th December 2012, the Leader seconded a proposal by Councillor David Newton that a new provision be included in the Council Procedure Rules which would allow questions to be put by members to Cabinet members at Council meetings, without notice first having been given. Council agreed this proposal.

- 7.6 The Leader has, since then, called for a similar provision to be put in place which would allow for questions, without notice, to be put by members to Cabinet members at Cabinet meetings.
- 7.7 The report to the Constitution Committee therefore proposed that the Constitution should be amended to include a provision, which would allow 20 minutes for questions to be put to Cabinet members by members of the Council at Cabinet meetings.
- 7.8 It was recommended that the Rules previously agreed by Council, which applied to questions at Council should be adapted appropriately for the purposes of questions to Cabinet members at Cabinet meetings. The following rules were proposed:
- Questions must relate to the powers, duties or responsibilities of the Cabinet.
 - Questions put to Cabinet members must relate to their portfolio responsibilities.
 - The Leader will determine how Cabinet question time should be allocated where there are a number of members wishing to ask questions.
 - Questions will be brief, clear and focussed.
 - Questions which the Leader deems to be inappropriate, frivolous, derogatory or vexatious will not be allowed.
 - Questions will not be allowed which repeat, or which are substantially the same as questions asked at a meeting of Council or Cabinet within the preceding 3 months.
 - Where any question might be disallowed under the agreed provisions, the Leader, as chairman of Cabinet will have absolute discretion to determine whether or not to do so.
 - Questions will be asked and answered without discussion. In replying, the Cabinet member responding will use their reasonable endeavours to address the matters raised in the question. The Cabinet member responding may decline to answer any question or may: reply direct, reply by reference to a publication, or reply by written answer.
 - Following each answer, the questioner may ask a concise and focussed supplementary question which relates to the subject matter of the initial question and answer. The Leader may choose to disallow a supplementary question if, in his opinion, it is inappropriate or unduly lengthy. The Cabinet member answering the supplementary question will decide whether or not to reply.
 - Where a question relates to a matter which appears on the agenda of the Cabinet meeting in question, the Leader may allow the question to be asked at the beginning of consideration of that item.

- 7.9 It was also proposed that, whilst formal notice of questions should not be required, until such time as the operation of the arrangements could be reviewed, any Member wishing to ask a question as part of Cabinet question time should be asked to give an advance indication of their intention to do so, providing at least one working day's notice and a reasonable indication of the subject matter of their intended question.
- 7.10 The Constitution Committee resolved to recommend to Council that the provisions set out in paragraph 7.7 and 7.8 above be agreed and be added to the Constitution. However, the proposed provision set out in paragraph 7.9 was not recommended to Council for adoption.

Scheme of Delegation for Director of Public Health

- 7.11 The Committee received a report which explained that health responsibilities would transfer to local authorities in April 2013. Therefore, the Council needed to amend its scheme of delegation in order to ensure that the Director of Public Health would be empowered to undertake their role. A draft scheme of delegation for the Director of Public Health was presented to the Committee, and is appended to this report as Appendix B.
- 7.12 The report noted that the Officer Delegation Working Group was continuing to consider the officer delegation scheme and that this Group might wish to review the delegation scheme in due course.
- 7.13 The Committee resolved to recommend to Council that the scheme of delegation for the Director of Public Health be adopted pending a further review by the Scheme of Delegation Member Working Group.

8.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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