

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Constitution Committee**
held on Thursday, 18th February, 2016 at Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor A Martin (Chairman)
Councillor D Marren (Vice-Chairman)

Councillors G Baxendale, W S Davies (for Cllr Beanland), S Edgar,
S Gardner, S Hogben, D Mahon, N Mannion, R Menlove, A Moran (for Cllr
Burkhill), D Newton, L Smetham (for Cllr Pochin) and G Wait

Officers

Brian Reed, Head of Governance and Democratic Services
Bill Norman, Director of Legal Services
Rosie Ottewill, Organisational Development Manager
Paul Mountford, Democratic Services Officer

Apologies

Councillors M Beanland, B Burkhill and S Pochin

27 DECLARATIONS OF INTEREST

There were no declarations of interest.

28 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public wishing to speak.

29 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 26th November 2015 be approved
as a correct record.

30 CODE OF CONDUCT FOR EMPLOYEES

The Committee considered a report on minor amendments to the Code of
Conduct for employees.

Following a recent Internal Audit inspection, minor amendments to the
Code were considered necessary to strengthen the requirement for
employees to declare any interests. The Director of Legal Services and the
Chief Operating Officer considered the change to the Constitution to be
non-major and therefore a matter for decision by the Committee. Council
would be informed of the change in due course.

RESOLVED

That the following minor changes be made to the Code of Conduct for Employees (as highlighted in the Appendix to the report):

1. all employees are required to complete an annual declaration of interest return, even if this is to confirm that they have nothing to declare, and to then report issues as and when they occur; and
2. in the Adults' and Children's Social Care Services no gift should be accepted in any circumstances.

31 CORPORATE PARENTING COMMITTEE

The Committee considered an amendment to the Constitution to include reference to the Corporate Parenting Committee.

The establishment of a Corporate Parenting Committee was considered by the Cabinet at its meeting on 19th January 2016. Cabinet resolved as follows:

“That

- 1. a Corporate Parenting Committee be appointed with cross party membership of 12 Elected Members and the terms of reference at Appendix 1 to the report;*
- 2. the Committee shall have the status of an advisory committee and include representative young people from the Children in Care Council to perform an advisory role to the Committee;*
- 3. the Committee shall, once its membership has been agreed, formally commence its role;*
- 4. the existence of the Committee be noted in the Council's constitution; and*
- 5. all Members of the Council receive a progress report on a quarterly basis.”*

The Director of Legal Services and the Chief Operating Officer considered the change to the Constitution to be non-major and therefore a matter for decision by the Committee.

RESOLVED

That

1. the arrangements approved by Cabinet for the establishment of a Corporate Parenting Committee be incorporated into the Constitution; and
2. Council be informed of the change to the Constitution.

32 PARISH COUNCILS - COMMUNITY GOVERNANCE REVIEWS

The Committee considered a report recommending that the Community Governance Review Sub-Committee undertake a review of governance arrangements in respect of certain parishes.

The Council had received requests from Minshull Vernon and District Parish Council and Bulkeley and Ridley Parish Council to review their governance arrangements. In addition, Hassall and Betchton Parish Councils could be interested in creating a common parish council with a reduced number of seats (due to being inquorate at past meetings). The Council was aware of three more parishes which had insufficient councillors elected to be able to operate. Further details were set out in the report.

RESOLVED

That

1. the Community Governance Review Sub-Committee be reconvened to conduct a community governance review of the following Parish arrangements:
 - (a) the potential reduction of the number of Councillors for Minshull Vernon and District Parish Council;
 - (b) the potential merging of Bulkeley and Ridley Parishes into one Parish;
 - (c) the potential to create a common parish council for Hassall and Betchton Parish Councils with a reduced number of seats; and
 - (d) the potential alternative arrangements for Lyme Handley Parish Council, Doddington and District Parish Council and Burland Parish Council, all of which currently have insufficient Councillors elected to be able to operate;
2. the Community Governance Review Sub-Committee be given delegated authority to extend the remit of the review should other parish matters of importance arise.

33 PROPOSALS TO FURTHER THE COUNCIL'S EFFORTS TO BE MORE OPEN

The Committee considered a report outlining a number of proposals by the Constitution Member Working Group.

Councillor S Pochin, who had been unable to attend the meeting, had submitted comments in relation to a proposal on the recording of

committee meetings; the Chairman summarised her comments to the Committee.

Any non-major changes to the Constitution approved by the Committee in accordance with its new powers would be reported to Council in due course.

RESOLVED

1. Audio-recording of committee meetings: that with effect from the beginning of the new municipal year, subject to the availability of appropriate equipment, the proceedings of all decision-making meetings be audio-recorded; further that such recordings be retained for use by officers only in order to resolve any disagreement as to the accuracy of the draft minutes of the meeting, and that after formal agreement of the draft minutes, the audio recording be deleted. It is further resolved that the Director of Legal Services and Monitoring Officer make such amendments to the Access to Information Procedure Rules as he considers are necessary to give effect to the wishes of the Committee;
2. Publication of Member attendances: that the public recording of Member attendances at non-formal decision-making meetings of Cheshire East Council, joint bodies and outside organisations be agreed in principle and the matter be referred to the Member IT Panel with a view to devising a suitable mechanism for recording such attendances;
3. Contract Procedure Rules: that all notices of waiver, which are used when consent is sought to depart from the requirements of the Council's Contract Procedure Rules, and notices which are used to record any non-adherence to the Rules, be retrospectively published for information on the next appropriate Audit and Governance Committee agenda; and the Director of Legal Services be authorised to make such amendments to the Contract Procedure Rules as he considers necessary to give effect to the wishes of the Committee;
4. Member Job Descriptions: that the job description for committee chairmen attached at Appendix 1 to the report be recommended to Council for approval and adoption, and further consideration be given to the development of a job description for councillors, taking into consideration the model set out at Appendix 2 to the report;
5. Chairmanship of Overview and Scrutiny Committee meetings: that it is this Committee's view that the allocation of one or more overview and scrutiny committee chairmanships to the Council's opposition groups is a good idea in principle and consistent with best practice; and
6. Ombudsman findings: that subject to the requirements referred to in paragraph 5.2.4 of the report, the terms of reference of the Audit and

Governance Committee be expanded to include responsibility for considering all findings of the Local Government Ombudsman, and for making recommendations as to actions that may be necessary in connection with the Ombudsman's findings; this also to include reports resulting in a finding of maladministration against the Council; and the Director of Legal Services be authorised to make such amendments to the Constitution as he considers necessary to give effect to the wishes of the Committee.

The meeting commenced at 2.00 pm and concluded at 3.18 pm

Councillor A Martin (Chairman)