

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Constitution Committee**
held on Friday, 15th July, 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, E Brooks, B Burkhill, M Deakin (for Cllr G Wait),
B Dooley (for Cllr S Pochin), S Edgar, S Hogben, L Jeuda (for Cllr
D Newton), D Mahon, N Mannion, R Menlove and J Wray (for Cllr
M Beanland)

Officers

Bill Norman, Director of Legal Services
Brian Reed, Head of Governance and Democratic Services
Alex Thompson, Deputy S151 Officer
Dominic Oakeshott, Corporate Manager Professional and Commercial
Services
Adrian Fisher, Head of Planning Strategy (for Item 6 only)
Lindsey Parton, Registration Services and Business Manager
Rachel Graves, Democratic Services

1 APOLOGIES FOR ABSENCE

Apologies were received from Councillors M Beanland, D Newton,
S Pochin and G Wait.

2 DECLARATIONS OF INTEREST

In the interest of openness in relation to Item 5 Councillors E Brooks,
B Dooley, S Hogben, D Marren and R Menlove declared that they were
director of ASDVs.

3 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public wishing to speak.

4 MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 18 February 2016 be approved as
a correct record.

5 SCHEME OF MEMBERS' ALLOWANCES: REPORT OF THE MEMBERS ALLOWANCES INDEPENDENT REMUNERATION PANEL (IRP)

The Committee considered the report of the Independent Remuneration Panel on the Scheme of Members' Allowances.

The Independent Remuneration Panel had conducted a review of the current Scheme of Members' Allowances. To inform its review, the Panel had considered comparative data on allowances paid in the CIPFA family of authorities of which Cheshire East was part. The Panel had also met members from the different political groups and received briefings from officers of the Council. A copy of the Panel's Report was attached as Appendix A to the Committee report.

Professor Steve Leach, Chairman of the Independent Remuneration Panel, responded to Members' questions regarding the Panel's report and recommendations.

RESOLVED: That

1. Council be recommended to note the Independent Remuneration Panel's (IRP) report, and that the IRP members be thanked for their work on the Scheme of Members' Allowances (the Scheme).
2. Council be recommended to agree that:
 - a. All allowances under the Scheme be index-linked, for a four year period commencing on 28th July 2016, to any NJC officers' pay awards; the first of such indexation increases (if any) to apply to the NJC pay award for 2017/18.
 - b. The Council's new Allowances Scheme be implemented with effect from 28th July 2016.

(the following recommendations show the paragraph numbering in the financial analysis at Appendix C to the report)

- c. (1) The Panel's views about the level of any overall increase in the budget be noted.
- d. (2) The Panel's recommendations to discontinue Special Responsibility Allowances (SRAs), as set out in paragraph 2 of Appendix C, be agreed.
- e. (3) The Panel's recommendations, that the SRAs of the Leader, Deputy Leader, Cabinet members and Group Leaders should remain at their current level (subject to any future indexation as per paragraph 2[a] above), be agreed.

- f. (4) Consideration of the question of any changes to the SRA allocated to the Chairman of the Public Rights of Way Committee be deferred pending a report to the Constitution Committee upon potential options to amalgamate the work of that Committee with that of another decision-making body.
- g. (5) Whilst the principle of the recommended change to the SRA allocated to the Chairman of the Licensing Committee is accepted, the current SRA be retained, pending a report to the Constitution Committee upon potential options for the re-distribution of the SRA in line with the Panel's recommendations.
- h. (6a) The Basic Allowance be increased to £11,754 per Member, as recommended by the Panel as its first option.
- i. (6b) The second option recommended by the Panel, for a further increase to the Basic Allowance of an additional £187 per annum per Member be not accepted.
- j. (7) [as per Recommendation 2(a)].
- k. (8) The Panel's recommendation that Members should be allowed to claim more than one SRA be not accepted.
- l. (9) The Panel's recommendation, that fees paid to Members who act as directors of wholly owned companies/ASDVs etc should not be taken into account in relation to payment of SRAs be accepted, provided that SRAs will not be paid to such Members in circumstances in which the Director of Legal Services determines that the payment of an SRA, or part, relates to a comparable duty performed by such Members in both roles.
- m. (10) No changes be made to the existing mileage rates available to Members, nor to the existing recommendation that they claim the HMRC rate of 45p per mile.

6 PARISH COUNCILS - COMMUNITY GOVERNANCE REVIEWS

The Committee considered a report seeking to clarify the delegated authority of the Community Governance Review Sub Committee in relation to a review of the governance arrangements of certain parishes.

Informal enquires had been received to ascertain whether the parish review could be extended to consider revisions of Town and Council boundaries arising from recent and planned housing developments. It was considered that this was outside the scope of the current review and would be inappropriate and inequitable to respond to individual requests on a

piecemeal basis, given that many other requests could then come forward from other parish councils who felt themselves to be in similar positions.

RESOLVED:

That the remit of the Community Governance Review Sub-Committee, in relation to the parishes listed at paragraph 1.1 of the report, be confined to matters concerning the governance arrangements of the parish councils (e.g. number of Councillors and electoral arrangements) and not be extended to include boundary reviews in response to concerns over recent and planned housing development.

7 VACANCIES IN THE OFFICE OF PARISH COUNCILLOR - TREMLow PARISH COUNCIL

The Committee considered a report on vacancies in the Office of Parish Councillor at Tremlow Parish Council.

It was reported at the meeting, that since the report had been published, a parish councillor had withdrawn their resignation and that Tremlow Parish Council was now quorate and could now make decisions. As a result Recommendations 1(a) and (b) were no longer required.

Given that the Council in future may be required to make temporary appointments to parish councils to enable them to be quorate and take decisions, it was recommended that Council delegates this function to the Constitution Committee and the Committee's terms of reference be amended accordingly.

RESOLVED:

That Council be recommended to delegate to the Constitution Committee the Council's powers under section 91 of the Local Government Act 1972 in relation to the appointment of persons to fill vacancies on parish councils where such councils are otherwise unable to act, and the terms of the reference of the Constitution Committee, and hence the Constitution, be amended accordingly.

8 NON-MAJOR CHANGES TO THE CONSTITUTION - RECOMMENDATIONS OF THE AUDIT AND GOVERNANCE COMMITTEE

The Committee considered a report on two proposed changes to the Constitution as recommended by the Audit and Governance Committee.

The Audit and Governance, at its meeting on 30 June 2016 considered an update on the effectiveness of the Council's Whistleblowing Policy. The Committee resolved to recommend to the Constitution Committee that the list contained in the Whistleblowing Policy of those people to whom a

referral can be made be amended to include members of the Audit and Governance Committee and the Constitution be amended accordingly.

It was proposed that the following wording be added to the Whistleblowing policy:

“8.3 In exceptional circumstances you may not feel able to contact any of the officers detailed above. Where this is the case you may approach the Chair, Vice Chair or any member of the Audit and Governance Committee with your concerns.”

The Audit and Governance Committee had also reviewed its terms of reference and it was agreed that explicit reference should be made in the terms of reference to the fact that the Committee could appoint working groups. It was also noted that the wording of paragraph 22 of the terms of reference was currently incomplete and required an appropriate amendment.

RESOLVED: That

- 1 the list contained in the Whistleblowing Policy of those people to whom a referral can be made be amended to include members of the Audit and Governance Committee and the following wording be added to the Whistleblowing Police:

“8.3 In exceptional circumstances you may not feel able to contact any of the officers detailed above. Where this is the case you may approach the Chair, Vice Chair or any member of the Audit and Governance Committee with your concerns.”
- 2 the following amendment be made to the Terms of Reference of the Audit and Governance Committee:
 - (a) the following be added:

‘The Committee may establish standing and time-bound working groups (which may but need not be politically balanced) to consider any matters within these terms of reference of the Committee.’
 - (b) paragraph 22 (Internal Audit) be amended as follows:

‘To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.’
- 3 the Constitution be amended accordingly.

9 COUNCIL CONSTITUTION - REVISIONS TO THE FINANCE PROCEDURE RULES

The Committee considered a report which set out amendments to the Council's Finance Procedure Rules.

The Finance Procedure Rules had been reviewed by a working group of officers from Finance, Legal and Audit with the aim of ensuring that these Rules were up to date, achieving a balance between the Finance Procedure Rules and supporting guidance to give Officers sufficient clarity as to the Council's Rules and Procedures. The resulting revisions to the Finance Procedure Rules, as set out in Appendices 1 and 2 to the Report, had been considered by the Constitution Member Working Group.

RESOLVED: That

- 1 the revisions to the Finance Procedure Rules be approved for adoption from 1 August 2016 with the following additional revisions:
 - a) D8 amend to read "Changes must be reviewed annually in the light of all relevant information, to the service area including consideration of appropriate inflation factors."
 - b) D9 the final line be amended to read "... while ensuring fair treatment of those that owe money, including consideration of any financial difficulties."
- 2 the Constitution be amended accordingly; and
- 3 Council be informed of the changes in accordance with the Constitution.

The meeting commenced at 10.00 am and concluded at 12.10 pm

Councillor A Martin (Chairman)