

# **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Constitution Committee**  
held on Thursday, 24th June, 2010 at The Capesthorne Room - Town Hall,  
Macclesfield SK10 1DX

## **PRESENT**

Councillor J P Findlow (Chairman)  
Councillor D Brickhill (Vice-Chairman)

Councillors D Cannon, R Cartlidge, S Jones, A Moran, R Parker, R West,  
P Whiteley, J Wray and A Thwaite (for Cllr M Asquith)

## **Apologies**

Councillor M Asquith

## **Officers**

Brian Reed, Democratic Services Manager  
Andrew Leadbetter, Legal Services Manager  
Mike Flynn, Review Team Officer  
Paul Mountford, Democratic Services  
Carol Jones, Democratic Services  
Mark Nedderman, Democratic Services

Mr Ian Jones, Development Officer for the Cheshire Association of Local Councils, attended the meeting in an observer capacity and was welcomed by the Chairman.

## **1 DECLARATIONS OF INTEREST**

No interests were declared.

## **2 PUBLIC SPEAKING TIME/OPEN SESSION**

There were no members of the public wishing to speak or ask a question.

## **3 MINUTES OF GOVERNANCE AND CONSTITUTION COMMITTEE**

### **RESOLVED**

That the minutes of the meeting of the Governance and Constitution Committee held on 27<sup>th</sup> May 2010 be approved as a correct record.

#### 4 WILMSLOW COMMUNITY GOVERNANCE REVIEW

The Committee considered the recommendations of the Wilmslow Community Governance Review Sub-Committee following the outcome of the Stage 1 consultation with a view to advising Council on the formulation of its draft recommendation.

The Committee had before it the papers considered by the Sub-Committee at its meeting earlier in the day. These comprised a briefing paper on formulating the Council's draft strategy, together with the following:

- (a) Valid petition requesting a Wilmslow and Handforth Town Council
- (b) Valid petition requesting a Handforth Community Council
- (c) Valid petition requesting a Parish Council for Styal
- (d) Results of the consultation with electors
- (e) Other representations received
- (f) Notes of three public meetings held on 26<sup>th</sup>, 28<sup>th</sup> and 29<sup>th</sup> April 2010

Three ballots had been conducted, one for the area covered by the Handforth petition, one for Styal and one for Wilmslow. In each case, the voter was asked to indicate whether they wanted a parish council and, if so, whether this should be for their area alone or for the whole of the unparished area comprising Wilmslow, Handforth and Styal. A clear majority of respondents in each area wanted to have a parish council, and of those, a clear majority wanted a separate parish council for their area.

In considering the results of the Stage 1 consultation and formulating its recommendations, the Sub-Committee had had regard to the need to ensure that community governance within the area under review would be:

- Reflective of the identities and interests of the community in that area; and
- Effective and convenient.

The Sub-Committee had also had regard to the historical and traditional identities within the area and in this respect had felt that Polling District 8EE1, which had been included in the Handforth petition, should be included in any future parish for Wilmslow, given that the River Dean, which formed the northern boundary of the polling district, was the natural geographic, as well as historical, boundary between Wilmslow and Handforth. The Sub-Committee had asked that a map be prepared for the meeting of the Constitution Committee, showing the areas of the three proposed parishes but with the inclusion of Polling District 8EE1 within the Wilmslow parish.

The Sub-Committee had agreed that for the parishes of Handforth and Styal, the election of parish councillors should be from the area of the parish as a whole whereas Wilmslow, being significantly larger, should be divided into wards. The Sub-Committee had agreed to consider the detailed arrangements further at its next meeting on 5<sup>th</sup> July. It would be

necessary to hold a special meeting of the Constitution Committee to consider the Sub-Committee's advice in order to submit any further recommendations to Council on 22<sup>nd</sup> July.

The map requested by the Sub-Committee was circulated at the Committee's meeting. This showed the areas of the three proposed parishes, with polling district 8EE1 being included in the proposed Wilmslow parish.

The Committee considered the detailed advice of the Sub-Committee with which it concurred.

## **RESOLVED**

That

(1) pursuant to Section 87 of the Local Government and Public Involvement in Health Act 2007; and having regard to the provisions of the Department for Communities and Local Government and Electoral Commission Guidance, issued in April 2008, for the conduct of Community Governance Reviews; and having received three valid petitions signed by the required number of electors calling for the constitution of new parishes for the three areas of (1) Handforth; (2) Wilmslow and Handforth; (3) Styal which triggered the Community Governance Review process:

1. Having taken into account

- a. the petitions;
- b. the results of the consultation with the electors in each of the areas concerned which show in each case that a majority of those who returned their ballot papers were in favour of a new parish council for their area;
- c. the results of the consultation exercise with stakeholders and the representations from other interested persons;
- d. the outcomes of the public meetings held in each of the review areas; and
- e. the information on existing community governance arrangements in the areas concerned and the alternative forms of community governance which might have been appropriate for the areas in question;

2. Council be advised

- a. that the interests of effective and convenient local government and community identities in these areas would be served by the

creation of new parishes with a parish council for each of Handforth (not including polling district 8EE1 so as to recognise historic and traditional boundaries in the area), Wilmslow (including polling district 8EE1) and Styal, all as shown on the map appended to these minutes, with each parish comprising the polling districts indicated below; such parish councils to be called: Handforth Parish Council, Wilmslow Parish Council and Styal Parish Council respectively, and that Wilmslow Parish Council be advised to consider its designation as a Town Council;

Handforth Parish

Polling districts: 8EF1, 8EG1, 8EH1, 8EJ1

Wilmslow Parish

Polling districts: 8EA1, 8EB1, 8EC1, 8ED1, 8EE1, 8EK1, 8FA1, 8FB1, 8FC1, 8FD1, 8FE1, 8FF1, 8FG1, 8FH1, 8FJ1

Styal Parish

Polling district: 8FK1

- b. that in Handforth the election of parish councillors should be from the area of the parish as a whole;
  - c. that in Styal the election of parish councillors should be from the area of the parish as a whole;
  - d. that given the substantial size of the proposed Wilmslow parish and in order to reflect longstanding community identities, the parish should be divided into wards for the purposes of election to the Parish Council;
  - e. that the first year of elections to the new parish councils should be 2011; and
  - f. that these proposals form the basis of a second stage of public consultations and that the Boundary Commission be informed of these proposals;
- (2) a special meeting of the Committee be held on 12<sup>th</sup> July 2010 at 4.00 pm at the Municipal Buildings, Crewe to consider the advice of the Wilmslow Community Governance Review Sub-Committee and make further recommendations to Council in relation to:
- a. the number of councillors to serve on each of the new parish councils; and
  - b. the ward names and boundaries, and the number of councillors for each ward in the Wilmslow parish, bearing in mind the need to

achieve overall electoral equality (ie. the number of electors per councillor) as far as possible.

## **5 OUTSIDE ORGANISATIONS**

The Committee considered a report inviting the re-appointment of the Task Group (Appointments to Outside Organisations); dealing with a number of specific appointments which had arisen recently; and outlining progress on the monitoring of the effectiveness and appropriateness of representation on outside organisations.

The retention of the Task Group (Outside Organisations) as a standing body, to meet as and when required, would enable it to address other issues associated with outside organisations which may emerge during the course of the year. Members felt that it would be appropriate for the Task Group to become a standing sub-committee of the Constitution Committee; this would require an adjustment to the membership to reflect political proportionalities.

The Committee considered proposals in relation to the Council's representation on the Board of Trustees of Sir John Deane's College, Northwich; the School Governing body for Sandbach School; and the Greater Manchester Integrated Transport Authority. It also considered a number of proposed changes to Category 2 organisations as detailed in paragraph 10.7 of the report.

The Committee also considered updates on: the issuing of monitoring forms to determine the effectiveness and appropriateness of representation on outside organisations; the production of a list of Officers who attended meetings of outside organisations; and arrangements for a number of training sessions for Members in relation to the new guidance on outside organisations, the first of such sessions having now been arranged for 17<sup>th</sup> September.

### **RESOLVED**

That

(1) the Task Group (Outside Organisations):

- (a) be re-constituted as a standing sub-committee of the Constitution Committee with the title 'Outside Organisations Sub-Committee';
- (b) meet on an *ad hoc* basis;
- (c) comprise six Members on a proportionate basis (4 Conservative, 1 Liberal Democrat and 1 Labour);
- (d) comprise Councillors R Cartlidge, S Jones, P Whiteley, J P Findlow, D Brickhill and J Wray;

- (e) oversee appointments to Category 2-4 outside organisations, in general, and address any issues emerging in respect of those appointments;
  - (f) continue with its review of appointments to establish the effectiveness and appropriateness of representation; and
  - (g) report back to the Constitution Committee as and when it considers appropriate;
- (2) Councillor Paul Edwards be nominated as the Council's representative on the Board of Trustees of Sir John Deane's College, Northwich;
  - (3) representation on the School Governing body for Sandbach School be reduced from four Councillors to two with immediate effect;
  - (4) Councillors G Merry and B Moran be nominated as the Council's representatives on Sandbach School Governing body;
  - (5) Councillor Harold Davenport be nominated as the Council's representative to attend meetings of the Greater Manchester Integrated Transport Authority, in an observer capacity;
  - (6) the progress of the Task Group in monitoring the effectiveness and appropriateness of representation, together with the preparation of a list of support officers, be noted;
  - (7) the changes to the Council's representation on the following Category 2 outside organisations be confirmed:
    - (a) Macclesfield Chamber of Commerce and Business Link: Councillor W Fitzgerald to replace Councillor J Macrae;
    - (b) South Cheshire Chamber of Commerce and Industry: Councillor J Macrae to replace Councillor D Brickhill;
    - (c) Wilmslow Trust: Councillor J Crockatt to replace Councillor R Menlove; and
  - (8) it be noted that the first of a number of training sessions for Members to offer advice and guidance on their role and responsibilities when appointed to outside organisations would be held on 17<sup>th</sup> September 2010.

## **6 OVERVIEW AND SCRUTINY WORKING ARRANGEMENTS**

The Committee considered a report seeking amendments to the Constitution to:

- (1) reflect the realignment of the overview and scrutiny committees with the new portfolio responsibilities reported at Council on 13<sup>th</sup> May 2010; and

- (2) make appropriate reference to the role of the Scrutiny Chairmen's Group.

Councillor Howard Murray attended for this item and was welcomed to the meeting.

It had become apparent over the last twelve months that the existing remits of the overview and scrutiny committees needed refining as some Portfolio Holders were being asked to attend meetings of more than one committee. The recent changes to Cabinet portfolios announced by the Leader of the Council had provided an opportunity to review the committees' remits. Revised remits were now proposed which would enable seven of the nine portfolios to be aligned to a single overview and scrutiny committee, the responsibilities of the two remaining portfolios, Health and Wellbeing and Performance and Capacity, each being aligned to two committees.

The role of the Scrutiny Chairmen's Group was to oversee and co-ordinate the work of the Overview and Scrutiny function. The Group had a key role in deciding on which committee should take the lead on cross-cutting issues. The Group also acted as a sounding board on matters of common interest across all overview and scrutiny committees, including new legislation and best practice. It also monitored progress with work programmes and reviewed workloads. It was appropriate to acknowledge the Group's role formally within the Council's Constitution.

## **RESOLVED**

That

- (1) the report be noted;
- (2) Council be advised to approve the new overview and scrutiny remits as set out in paragraph 9.2 of the report, subject to the Performance and Capacity portfolio being added to the list of portfolios for the Corporate Scrutiny Committee in relation to the corporate plan and risk management responsibilities of that portfolio, and to authorise the Borough Solicitor to make any necessary amendments to the Constitution; and
- (3) the role of the Scrutiny Chairmen's Group in resolving cross-cutting issues and reviewing work programmes and workloads be recognised and Council be recommended to authorise the Borough Solicitor to make appropriate reference to the Group's role in the Constitution.

## **7 NOTICE OF MOTION - FREEDOM OF THE BOROUGH**

The Committee considered the following Notice of Motion which had been submitted by the Mayor and referred to the Committee by the Council at its meeting on 27<sup>th</sup> May 2010:

*“That Council approve, in principle, a homecoming parade for the 1<sup>st</sup> Battalion Mercian Regiment (Cheshire) and that the Chief Executive be authorised to make the necessary arrangements, in conjunction with the officer commanding the Rear Operations Group, for the Freedom of the Borough to be awarded and the Homecoming Parade, in November 2010.”*

The 1<sup>st</sup> Battalion The Mercian Regiment (Cheshire) had recently deployed to Helmand Province in Afghanistan for a six month active service tour. At the conclusion of the Tour, the Regiment were planning a series of homecoming parades and had asked the Council, through the Mayor, for permission to undertake at least one parade in Cheshire East. The Mayor, Councillor Baxendale, had been in contact with the officer commanding the Rear Operations Group and the Regimental Secretary from the 1<sup>st</sup> Battalion Mercian Regiment and they had indicated that the Regiment would be delighted to accept the offer of Freedom of the Borough.

A special meeting of the Council, immediately prior to a scheduled meeting, would be required to pass the necessary formal resolution.

### **RESOLVED**

That the Officers work up detailed proposals for the proposed homecoming parade and Freedom of the Borough award for The 1<sup>st</sup> Battalion, The Mercian Regiment (Cheshire) and report back to the Committee.

## **8 CIVIC SUB-COMMITTEE UPDATE**

The Committee received an update on the work of the Civic Sub-Committee.

The Civic Sub-Committee on 9<sup>th</sup> February 2010 had asked the Democratic Services Manager to write to all Members of the Council with a view to confirming the accuracy of the list of honorary aldermen and freemen; and to consult all Members on what rights and privileges should be granted to honorary aldermen and freemen in Cheshire East. Members had been consulted and a further report would be presented to the Sub-Committee in due course.

At the same meeting, the Sub-Committee had agreed arrangements for the election of the Mayor and appointment of the Deputy Mayor, and had agreed a draft Mayoralty Code of Practice subject to certain amendments. The agreed arrangements and protocol as amended were subsequently



submitted to the Governance and Constitution Committee and Council where they were approved and adopted. The adopted process for the election of the Mayor and appointment of the Deputy Mayor was followed for the 2010 municipal year.

Future areas of work for the Sub-Committee included the design of the Civic Regalia and the development of a flag flying policy.

## **RESOLVED**

That the report be noted.

## **9 PROPOSED REVIEW OF THE CONSTITUTION**

The Committee considered a proposed programme of work for reviewing the Council's Constitution.

Whilst Members acknowledged that it would be neither appropriate, nor necessary, to review the whole of the Constitution, there were certain key areas of the document which they felt would merit attention. A proposed work programme and timetable was set out as an Appendix to the report.

## **RESOLVED**

That

- (1) the report be noted; and
- (2) the programme of work and timetable for the review of the Constitution as set out in the Appendix be approved subject to the correction of the dates therein and to the inclusion of a review of the provisions relating to Local Area Partnerships.

The meeting commenced at 2.00 pm and concluded at 3.45 pm

Councillor J P Findlow (Chairman)