

# **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Constitution Committee**  
held on Thursday, 19th March, 2020 at Committee Suite 1,2 & 3, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

## **PRESENT**

Councillor J Nicholas (Chairman)  
Councillor S Hogben (Vice-Chairman)

Councillors M Asquith, M Benson, J Bratherton, J Clowes, D Marren, A Martin  
and P Williams

## **Substitutes**

Councillors C Bulman, J P Findlow, A Stott and L Wardlaw

## **Officers**

Jane Burns – Executive Director, Corporate Services  
Jan Bakewell – Director of Governance and Compliance  
Brian Reed – Head of Service, Democratic Services and Governance  
Katie Small – Governance Officer

## **31 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors R Bailey, L Crane,  
S Edgar and R Moreton.

## **32 DECLARATIONS OF INTEREST**

There were no declarations of interest.

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

There were no members of the public present wishing to speak.

## **34 MEMBER SPEAKING**

There were no Members wishing to speak.

## **35 MINUTES OF PREVIOUS MEETING**

Consideration was given to the minutes of the meeting held on 21  
November 2019.

## **RESOLVED**

That the minutes be approved as a correct record subject to Councillor  
Moreton's apologies being recorded.

### **36 COMMUNITY GOVERNANCE REVIEW: PRE-CONSULTATION SURVEY RESPONSES AND NEXT STEPS**

The committee considered an update on the pre-consultation survey carried out across the borough and the next steps for the Community Governance Review. Stage 2, the proposal development, would take several months to address a proposed response for all wards, even if the recommendation was for no change. The Constitution Committee would be involved in the development of the proposals through a series of workshops, the draft recommendations would then be submitted to the Sub Committee and Constitution Committee for approval prior to stage 3 being initiated.

#### **RESOLVED**

That the pre-consultation survey responses be received and the initiation of the development of the Council's proposals for all parish ward boundaries be approved.

### **37 PROPOSED CHANGE TO THE COUNCIL'S GOVERNANCE ARRANGEMENTS - FORMAL RESOLUTION TO MOVE TO A COMMITTEE SYSTEM FORM OF GOVERNANCE**

The Committee considered the work of the Governance Working Group, and the proposed introduction of a committee system form of governance, specifically:

1. The design principles of the proposed committee system
2. Proposed service committee structure chart
3. Proposed committee functions
4. Draft Terms of Reference
5. Roles of Leader and Deputy Leader
6. Decision review process
7. Urgent decisions
8. Role and powers of committee and sub-committee chairs

It was confirmed to Members that further constitutional provisions, including the officer scheme of delegation, would be considered by the Constitution Committee at an appropriate time.

Consideration was also given to a recommendation that the Council should cease operating the existing Leader and Cabinet model of governance and implement a committee system model of governance, to take effect from the Annual Council meeting in May 2021.

#### **RESOLVED**

1. That full Council be recommended to resolve that the Council cease operating the existing Leader and Cabinet model of governance

and implement a committee system model of governance, to take effect from the Annual Council meeting in May 2021;

2. That Appendix A to the report, Design Principles, be approved subject to paper copies of agendas being available to Members upon request.
3. That Council be recommended to approve the following, subject to the amendments to the appendices to the report, as detailed below:
  - a. The structure of the service committees (appendices B, C and D to the report); subject to the role of the Scrutiny Committee being considered further by the Governance Working Group.
  - b. Roles of Leader and Deputy Leader (Appendix E to the report); subject to the removal of the power to call extraordinary Council meetings, given the existing procedures in place to deal with this.
  - c. Decision Review Process (Appendix F to the report); subject to decisions being referred direct to Council; it being agreed that the Director of Governance and Compliance should have an opportunity to review the proposed criteria and submit them to the Governance Working Group for further consideration and; the proposed requirement for referral of a decision to Council having to be made by two or more political groups be removed.
  - d. Urgency Provisions (Appendix G to the report); subject to the existing provisions of Appendix 4 to the Constitution being incorporated; which deal with urgent decisions made as a consequence of failure to plan appropriately, or work without due regard to timeliness.
  - e. Role and Powers of Committee and Sub Committee Chairs (Appendix H to the report), subject to (paragraph C) being amended to read 'appointments should take into account relevant skills, knowledge, experience and suitability subject to suitable training.
4. That the Director of Governance and Compliance be authorised, in consultation with the Constitution Committee, to prepare such draft constitutional provisions as she considers necessary to give effect to the wishes of the committee, which will be submitted to the Constitution Committee in phases during 2020/21 for recommendation to Council.
5. That the Director of Governance and Compliance be authorised to recommend such constitutional provisions as reflect the developing

nature of the progression to a committee system form of governance and best practice.

The meeting commenced at 2.00 pm and concluded at 4.40 pm

Councillor J Nicholas (Chairman)