

# Mayor Making and Annual Council Meeting Updates

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**Date:** Wednesday, 18th May, 2011

**Time:** 11.00 am

**Venue:** Tatton Park - Knutsford

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The information on the following pages was received after the publication of the agenda.

- a) **Item 17 Political Representation on the Council's Committee** (Pages 1 - 10)

A report on proposed changes to the Council's Committee Structure and the number of seats on the Overview and Scrutiny Committees is enclosed.

Appendices One and Two-Political Proportionality and Proportional distribution of seats is enclosed.

- b) **Item 18 Appointment of Members to Committees** (Pages 11 - 16)

The Political Groups nominations of Members to the Council's Committees is enclosed.

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## CHESHIRE EAST COUNCIL

### REPORT TO: COUNCIL

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**Date of Meeting:** 18<sup>th</sup> May 2011

**Report of:** Borough Solicitor

**Title:** Proposed changes to the Council's Committee structure and the numbers of seats on the Overview and Scrutiny Committees

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#### **1.0 Purpose of Report**

- 1.1 In the light of the coalition government agenda for change within the Health Service members have expressed a wish to review and make changes to the Council's Scrutiny Committee structure.
- 1.2 This report proposes the provisional reallocation of committee responsibilities and the creation of two new overview and scrutiny committees with provisional terms of reference, in place of the existing Health and Adult Social Care Overview and Scrutiny Committee.
- 1.3 It also seeks to achieve a reduction in the number of seats on all Overview and Scrutiny Committees from 14 to 12.

#### **2.0 Recommendations**

- 2.1 Council be recommended to agree that:
  - (1) a new Health and Wellbeing Overview and Scrutiny Committee and a new Adult Social Care Overview and Scrutiny Committees be appointed, with the provisional terms of reference set out in Appendix B subject to (2) below.
  - (2) the consideration of the final terms of reference of the new Committees being referred to the new Committees and the terms of reference for all Overview and Scrutiny Committees being considered by the Scrutiny Chairman and the Constitution Committee in the June/July cycle of meetings.
  - (3) the Borough Solicitor will submit a further report with recommendations to July Council when the political balance and member appointments will need to be reviewed following the Crewe South election.
  - (4) the number of seats on the Overview and Scrutiny Committees be reduced from 14 to 12.

#### **3.0 Legal Implications**

- 3.1 The legal implications in respect of the allocation of seats to the political parties are set out elsewhere on the Agenda for Annual Council.

- 3.2 The power to appoint committees rests with Council. Similarly, Council agrees the memberships of all committees. Council is also empowered to agree changes to its committee structure.

#### **4.0 Risk Assessment**

- 4.1 Failure to comply with legislation when appointing its committee memberships would leave the Council open to legal challenge.

#### **5.0 Information**

- 5.1 During the last Municipal Year, the Council had 5 scrutiny committees, each with a membership of 14. The Health and Adult Social Care Scrutiny Committee had particularly wide responsibilities, requiring scrutiny of the full range of health and adult social care related functions.
- 5.2 The health agenda is becoming increasingly complex (e.g. with the emergence of GP consortia, health improvement and transfer of the public health function). Over the last few weeks, views have been expressed variously by the Scrutiny Chairmen, and the Group Leaders, that the responsibilities of the existing Health and Adult Social Care Committee should be split so as to allow two new scrutiny committees to concentrate on the detailed work in the two areas: Adult Social Care, and Health and Wellbeing. A reduction in the size of each Committee has also been discussed.
- 5.3 The powers of the existing Health and Adult Social Care Scrutiny Committee are set out Appendix A to this report. In Appendix B are the proposed separation of powers and their allocation to an Adult Social Care Scrutiny Committee, and a Health and Wellbeing Scrutiny Committee.
- 5.4 In normal circumstances, changes such as this would be subject to a report to the existing committee itself, then to the Constitution Committee, with the final decision being made by Council. This would result in the new committees not being able to undertake their work until the end of the summer. Council is asked to agree the provisional terms of reference for the new Committees and extend an invitation to each of the Overview and Scrutiny Committees, the Scrutiny Chairman and the Constitution Committee to consider the terms of reference of all Overview and Scrutiny Committees and request the Borough Solicitor to submit a further report with recommendations to July Council when the political balance and member appointments will need to be reviewed following the Crewe South election.
- 5.5 The Political Group Leaders have acknowledged and agreed the need to urgently proceed with these proposals.
- 5.6 It is proposed that each of the 6 Scrutiny Committees should have a membership of 12, rather than 14.
- 5.7 It should be noted that the creation of a new overview scrutiny committee will bring with it the need for additional servicing and research by officers and as a consequence there are resource implications.

- 5.8 As a consequence of the above, it is proposed that the powers of the existing Health and Adult Social Care Scrutiny Committee are allocated to a new Adult Social Care Scrutiny Committee, and a new Health and Wellbeing Scrutiny Committee as set out in Appendix B.

## **6.0 Reasons for Recommendations**

- 6.1 To set up appropriate decision-making structures and determine proportional political representation on the Council's committees.

### ***For further information:***

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***Background Documents: None***

Appendix A

**HEALTH AND ADULT SOCIAL CARE COMMITTEE TERMS OF REFERENCE**

The Health and Adult Social Care Scrutiny Committee will:

1. fulfil the Health Scrutiny duties falling on the Authority by virtue of the Health and Social Care Act 2001 (consolidated into the NHS Act 2006) and subsequent relevant legislation and Government Guidance;
2. liaise with NHS Trusts on any matter relating to the planning, provision and operation of Health services in East Cheshire, including commenting on the annual —health check of the performance of those Trusts;
3. respond to any formal consultations undertaken by relevant NHS Trusts on any substantial development or variation in service;
4. participate with other relevant local authorities in joint scrutiny arrangements of NHS Trusts providing cross-border services to East Cheshire residents, in particular the Cheshire and Wirral Partnership Foundation Trust;
5. prepare an annual Work Programme and commission scrutiny reviews to ensure that all sections of East Cheshire's local communities have equal access to Health services and have an equal chance of a successful outcome from those services;
6. liaise with the Local Involvement Network (LiNK) for East Cheshire, commissioning work and receiving reports and recommendations as appropriate;
7. deal with any matter referred by the Department of Health, the Local Involvement Network or by the Council;
8. offer advice to the Cabinet on Key Decisions relating to the operation of the Council's Adult Social Care functions;
9. receive reports from the Council's external inspectors on its Adult Social Care responsibilities and to offer advice thereon to the Cabinet;
10. keep under review the Council's performance management arrangements in relation to its Adult Social Care responsibilities and offer advice as appropriate;
11. deal with any Health or Adult Social Care matter which is the subject of a Call-In, a Councillor Call for Action or Local Petition;
12. provide a regular programme of training and development for all Members and Co-opted Members involved in the work of the Committee.

Appendix B

**PROPOSED TERMS OF REFERENCE OF THE ADULT SOCIAL CARE SCRUTINY COMMITTEE**

The Adult Social Care Scrutiny Committee will:

1. offer advice to the Cabinet on Key Decisions relating to the operation of the Council's Adult Social Care functions;
2. receive reports from the Council's external inspectors on its Adult Social Care responsibilities and to offer advice thereon to the Cabinet;
3. keep under review the Council's performance management arrangements in relation to its Adult Social Care responsibilities and offer advice as appropriate;
4. deal with any Adult Social Care matter which is the subject of a Call-In, a Councillor Call for Action or Local Petition;
5. provide a regular programme of training and development for all Members and Co-opted Members involved in the work of the Committee.

**PROPOSED TERMS OF REFERENCE OF THE HEALTH AND WELLBEING SCRUTINY COMMITTEE**

The Health and Wellbeing Scrutiny Committee will:

1. fulfil the Health Scrutiny duties falling on the Authority by virtue of the Health and Social Care Act 2001 (consolidated into the NHS Act 2006) and subsequent relevant legislation and Government Guidance;
2. liaise with NHS Trusts on any matter relating to the planning, provision and operation of Health services in East Cheshire, including commenting on the annual —health check of the performance of those Trusts;
3. respond to any formal consultations undertaken by relevant NHS Trusts on any substantial development or variation in service;
4. participate with other relevant local authorities in joint scrutiny arrangements of NHS Trusts providing cross-border services to East Cheshire residents, in particular the Cheshire and Wirral Partnership Foundation Trust;
5. prepare an annual Work Programme and commission scrutiny reviews to ensure that all sections of East Cheshire's local communities have equal access to Health services and have an equal chance of a successful outcome from those services;
6. liaise with the Local Involvement Network (LiNK) for East Cheshire, commissioning work and receiving reports and recommendations as appropriate;

7. deal with any matter referred by the Department of Health, the Local Involvement Network or by the Council;
8. deal with any Health or Wellbeing matter which is the subject of a Call-In, a Councillor Call for Action or Local Petition;

(Note: The provisional terms of reference will need to be reviewed to ensure that there is a clear focus on Public Health, Health Improvement, Health Inequalities and the thrust of new legislative changes, together with clarity around the establishment of the health and wellbeing board and the future working arrangements between the board and scrutiny. It will also be necessary to monitor changes to NHS legislation and its impact on the Council's Overview and Scrutiny arrangements.)



APPENDIX ONE – Update 17<sup>th</sup> May 2011

## CHESHIRE EAST COUNCIL - POLITICAL PROPORTIONALITIES

Committee	Con	Lab	Ind/ Others	Lib Dem	Vac	Total	Dif
Children and Families Scrutiny	8	2	1	1	0	12	
Adult Social Care Scrutiny	7	2	1	1	0	12	-1
Health and Wellbeing Scrutiny	8	2	1	1	0	12	
Environment and Prosperity Scrutiny	8	2	1	1	0	12	
Sustainable Communities Scrutiny	8	2	1	1	0	12	
Corporate Scrutiny	8	2	1	1	0	12	
Strategic Planning Board	9	2	2	1	0	14	
Northern Planning Committee	10	3	2	0	0	15	
Southern Planning Committee	10	3	2	0	0	15	
Licensing Committee	10	3	2	0	0	15	
Constitution	9	2	2	1	0	14	
Audit and Governance Committee	6	2	1	1	0	10	
Local Service Delivery (Crewe)	4	1	2	0	0	7	
Local Service Delivery (Macclesfield)	4	1	1	0	0	7	-1
Public Rights of Way	4	1	1	0	0	7	-1
Staffing	4	1	1	0	0	7	-1

Lay Members Appointments	4	1	1	0	0	7	-1
Total Places (Actual)	<b>121</b>	<b>32</b>	<b>23</b>	<b>9</b>	<b>0</b>	<b>190</b>	<b>5</b>
Proportional Entitlement	<b>121</b> <b>(63.4%)</b>	<b>32</b> <b>(17.08%)</b>	<b>23</b> <b>(12.2%)</b>	<b>9</b> <b>(4.88%)</b>	<b>5</b> <b>(2.44%)</b>	<b>190</b> <b>100%</b>	
Difference	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>-5</b>		<b>-5</b>

**NB:**

1. Cabinet and Standards Committee are outside the proportionality rules

## 2. APPENDIX TWO

**CHESHIRE EAST COUNCIL-PROPORTIONAL DISTRIBUTION OF SEATS ON ALL BODIES (other than those to be appointed on an ad-hoc basis)**

<b>Committee</b>	<b>Con</b>	<b>Lab</b>	<b>Ind/ Others</b>	<b>Lib Dem</b>	<b>Vac</b>	<b>Total</b>	<b>Dif</b>
Children and Families Scrutiny	8 (7.6)	2 (2.05)	1 (1.46)	1 (0.58)	0 (0.29)	12	
Adult Social Care Scrutiny	7 (7.6)	2 (2.05)	1 (1.46)	1 (0.58)	0 (0.29)	12	-1
Health and Wellbeing Scrutiny	8 (7.6)	2 (2.05)	1 (1.46)	1 (0.58)	0 (0.29)	12	
Environment and Prosperity Scrutiny	8 (7.6)	2 (2.05)	1 (1.46)	1 (0.58)	0 (0.29)	12	
Sustainable Communities Scrutiny	8 (7.6)	2 (2.05)	1 (1.46)	1 (0.58)	0 (0.29)	12	
Corporate Scrutiny	8 (7.6)	2 (2.05)	1 (1.46)	1 (0.58)	0 (0.29)	12	
Strategic Planning Board	9 (8.8)	2 (2.39)	2 (1.7)	1 (0.68)	0 (0.34)	14	
Northern Planning Committee	10 (9.6)	3 (2.56)	2 (1.83)	0 (0.73)*	0 (0.36)	15	
Southern Planning Committee	10 (9.6)	3 (2.56)	2 (1.83)	0 (0.73)*	0 (0.36)	15	
Licensing Committee	10 (9.6)	3 (2.56)	2 (1.83)	0 (0.73)*	0 (0.36)	15	
Constitution	9 (8.8)	2 (2.39)	2 (1.7)	1 (0.68)	0 (0.34)	14	
Audit and Governance Committee	6 (6.34)	2 (1.71)	1 (1.22)	1 (0.49)	0 (0.24)	10	
Local Service Delivery (Crewe)	4 (4.4)	1 (1.12)	2 (0.85)	0 (0.34)	0 (0.17)	7	
Local Service Delivery (Macclesfield)	4 (4.4)	1 (1.12)	1 (0.85)	0 (0.34)	0 (0.17)	7	-1
Public Rights of Way	4 (4.4)	1 (1.12)	1 (0.85)	0 (0.34)	0 (0.17)	7	-1
Staffing	4 (4.4)	1 (1.12)	1 (0.85)	0 (0.34)	0 (0.17)	7	-1

Lay Members Appointments	4 (4.4)	1 (1.12)	0# (0.85)	0 (0.34)	0 (0.17)	7	-2
Cheshire East/West/Wirral Scrutiny	4 (3.8)	1 (1.02)	1 (0.73)	0 (0.29)	0 (0.15)	6	
Standards Committee	4 (3.8)	1 (1.02)	1 (0.73)	0 (0.29)	0 (0.15)	6	
School Governor Appointments Panel	5 (5.07)	1 (1.37)	1 (0.98)	0 (0.39)	0 (0.20)	8	-1
Civic Sub Committee	5 (5.07)	1 (1.37)	1 (0.98)	0 (0.39)	0 (0.20)	8	-1
Outside Organisations Sub Committee	3 (3.8)	1 (1.02)	1 (0.73)	1 (0.29)	0 (0.15)	6	
Cheshire Fire Authority	5 (5.07)	1 (1.37)	1 (0.98)	1 (0.39)	0 (0.20)	8	
Peak District National Park Authority	1	0	0	0	0	1	
Total Places (Actual)	148	38	28	11	0	233	8
Proportional Entitlement	<b>148</b> <b>(63.4%)</b>	<b>40</b> <b>(17.08%)</b>	<b>28</b> <b>(12.2%)</b>	<b>11</b> <b>(4.88%)</b>	<b>6</b> <b>(2.44%)</b>	<b>233</b> <b>100%</b>	
Difference	<b>0</b>	<b>-2</b>	<b>0</b>	<b>0</b>	<b>-6</b>		-8

\* No seats available after rounding up for larger groups

# The Independent Group have forgone their entitlement to a seat on the Lay Members Appointments Panel

#### **NB:**

#### **Not included in the above are:**

General Licensing Sub-Committees of 5, which are to be appointed on an ad-hoc basis

Licensing Sub-Committees of 3, which are to be appointed on an ad-hoc basis

In accordance with legislation, included in the above are the numbers of Members appointed to Cheshire Fire Authority and the Peak District National Park Authority as “prescribed organisations”. Separate arrangements exist in respect of the Police Authority. Other previously agreed nominations to “outside bodies” are not included.

## **APPOINTMENT OF COMMITTEE MEMBERSHIPS AND CHAIRMEN/VICE-CHAIRMEN** **2011/12**

This schedule lists all those bodies which fall to the Council to be appointed. Executive bodies are therefore excluded. The number of seats and political proportionality for each body are indicated in brackets based on Appendix 2.

### **OVERVIEW AND SCRUTINY COMMITTEES**

<b>CHILDREN AND FAMILIES SCRUTINY COMMITTEE (12) (8:2:1:1)</b>			
Conservative	Labour	Independent	Lib Dem
A Kolker (C)	K Edwards (VC)	D Mahon	D Neilson
L Brown	M Sherratt		
J Clowes			
S Gardiner			
P Hoyland			
B Livesley			
G Merry			
B Silvester			

<b>ADULT SOCIAL CARE SCRUTINY COMMITTEE (12) (7:2:1:1) (-1)</b>			
Conservative	Labour	Independent	Lib Dem
M Simon(C)	J Jackson	L Roberts	S Jones
B Silvester (VC)	Nomination to be confirmed		
C Andrew			
P Groves			
F Keegan			
P Raynes			
J Saunders			

<b>HEALTH AND WELLBEING SCRUTINY COMMITTEE (12) (8:2:1:1)</b>			
Conservative	Labour	Independent	Lib Dem
G Baxendale (C)	G Boston	A Moran	D Hough
J Clowes (VC)	I Faysai		
S Gardiner			
M Hardy			
A Martin			
P Raynes			
J Saunders			
J Wray			

<b>ENVIRONMENT AND PROSPERITY SCRUTINY COMMITTEE (12) (8:2:1:1)</b>			
Conservative	Labour	Independent	Lib Dem
L Gilbert (C)	M Grant	D Brickhill	R Fletcher
G Walton (VC)	K Edwards		
A Barratt			
G Barton			
H Davenport			
D Druce			
P Groves			
P Hoyland			

<b>SUSTAINABLE COMMUNITIES SCRUTINY COMMITTEE (12) (8:2:1:1)</b>			
Conservative	Labour	Independent	Lib Dem
H Murray (C)	M Grant (VC)	M Parsons	D Hough
A Barratt	J Jackson		
G Barton			
L Brown			
B Livesley			
G Morris			
P Raynes			
J Wray			

<b>CORPORATE SCRUTINY COMMITTEE (12) (8:2:1:1)</b>			
Conservative	Labour	Independent	Lib Dem
P Findlow (C)	L Jeuda	B Burkhill	D Neilson
G Barton	D Newton (VC)		
G Baxendale			
S Davies			
F Keegan			
B Moran			
G Morris			
D Topping			

<b>CHESHIRE AND WIRRAL COUNCILS' JOINT SCRUTINY COMMITTEE (6) (4:1:1:0)</b> <i>(C &amp; VC to be decided by the Committee)</i>			
Conservative	Labour	Independent	Lib Dem
C Andrew	G Boston	P Edwards	
G Baxendale			
B Silvester			
J Weatherill			

### REGULATORY AND OTHER COMMITTEES

<b>AUDIT AND GOVERNANCE COMMITTEE (10) (6:2:1:1)</b>			
Conservative	Labour	Independent	Lib Dem
J Hammond (C)	R Cartlidge	A Moran	R Fletcher
M Hardy (VC)	S Corcoran		
A Kolker			
D Marren			
M Simon			
J Weatherill			

<b>CONSTITUTION COMMITTEE (14) (9:2:2:1)</b>			
Conservative	Labour	Independent	Lib Dem
A Martin (C)	Sam Corcoran	A Moran	S Jones
D Marren (VC)	David Newton	B Murphy	
G Baxendale			
D Druce			
P Groves			
B Livesley			
A Thwaite			
D Topping			
P Whiteley			

<b>STRATEGIC PLANNING BOARD (14) (9:2:2:1)</b>			
Conservative	Labour	Independent	Lib Dem
H Davenport (C)	Chris Thorley (VC)	P Edwards	D Hough
Rachel Bailey	Janet Jackson	B Murphy	
D Brown			
J Hammond			
J Macrae			
G Walton			
R West			
S Wilkinson			
J Wray			

<b>NORTHERN PLANNING COMMITTEE (15) (10:3:2:0)</b>			
Conservative	Labour	Independent	Lib Dem
B Moran (C)	Laura Jeuda	B Burkhill	
B Livesley (VC)	Gill Boston	L Roberts	
C Andrew	Alift Harewood		
L Brown			
D Druce			
H Gaddum			
P Hoyland			
O Hunter			
P Raynes			
D Stockton			

<b>SOUTHERN PLANNING COMMITTEE (15) (10:3:2:0)</b>			
Conservative	Labour	Independent	Lib Dem
G Merry (C)	M Martin	P Butterill	
J Weatherill (VC)	M Sherratt	S McGrory	
J Clowes	D Newton		
S Davies			
L Gilbert			
M Jones			
A Kolker			
D Marren			
G Morris			
A Thwaite			

<b>PUBLIC RIGHTS OF WAY COMMITTEE (7) (4:1:1:0) (-1)</b>			
Conservative	Labour	Independent	Lib Dem
J Wray (C)	R Cartlidge	M Parsons	
D Druce (VC)			
Rhoda Bailey			
Stan Davies			

<b>LICENSING COMMITTEE (15) (10:3:2:0)</b>			
Conservative	Labour	Independent	Lib Dem
P Whiteley (C)	M Sherratt	M Parsons	
S Davies (VC)	I Faseyi	D Mahon	
C Andrew	A Harwood		
Rhoda Bailey			
D Bebbington			
H Davenport			
L Gilbert			
M Hardy			
G Morris			
L Smetham			

<b>GENERAL LICENSING SUB-COMMITTEE (5)</b> <b>To be appointed by the Committee</b>
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<b>LICENSING SUB-COMMITTEE (3)</b> <b>To be appointed by the Committee</b>
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<b>STAFFING COMMITTEE (7) (4:1:1:0) (-1)</b>			
Conservative	Labour	Independent	Lib Dem
D Topping (C)	Kenneth Edwards	B Murphy	
R Domleo (VC)			
W Fitzgerald			
P Mason			

<b>STANDARDS COMMITTEE (14 – 6 elected (4:1:1:0) 8 co-opted)</b>			
Conservative	Labour	Independent	Lib Dem
P Groves	M Martin	M Parsons	
J Hammond			
D Marren			
H Murray			
Independent (5)	Parish Council (3)		
Nigel Brier	Patsy Barnett		
David Sayer	Teresa Eatough		
Ian Clark	Vacancy		
Michael Garrett			
Roger Pomlett			

<b>LAY MEMBERS APPOINTMENTS COMMITTEE (7) (4:1:0:0) (-2)</b>			
Conservative	Labour	Independent	Lib Dem
A Barratt	P Nurse		
D Marren			
L Smetham			
A Thwaite			



<b>LOCAL AUTHORITY SCHOOL GOVERNOR APPOINTMENTS PANEL (8) (5:1:1:0) (-1)</b>			
Conservative	Labour	Independent	Lib Dem
G Merry (C)	A Harwood	D Mahon	
Rhoda Bailey (VC)			
J Clowes			
H Gaddum			
B Silvester			

<b>CIVIC SUB-COMMITTEE (8) (5:1:1:0) (-1)</b> <i>(C &amp; VC to be decided by the Sub-Committee)</i>			
Conservative	Labour	Independent	Lib Dem
C Andrew	P Nurse	A Moran	
G Baxendale			
W Fitzgerald			
A Martin			
M Simon			

<b>OUTSIDE ORGANISATIONS SUB-COMMITTEE (6) (3:1:1:1)</b> <i>(C &amp; VC to be decided by the Sub-Committee)</i>			
Conservative	Labour	Independent	Lib Dem
G Baxendale	R Cartlidge	B Murphy	Shirley Jones
D Marren			
B Moran			

<b>LOCAL SERVICE DELIVERY (CREWE) 7 (4:1:2:0)</b> <i>(C &amp; VC to be decided by the Group)</i>			
Conservative	Labour	Independent	Lib Dem
D Bebbington	C Thorley	M Parsons	
J Hammond		P Butterill	
B Silvester			
J Weatherill			

<b>LOCAL SERVICE DELIVERY CREWE (MACCLESFIELD) 7 (4:1:1:0) (-1)</b> <i>(C &amp; VC to be decided by the Group)</i>			
Conservative	Labour	Independent	Lib Dem
C Andrew	L Jeuda	L Roberts	
L Brown			
D Druce			
M Hardy			

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