

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Constitution Committee**
held on Thursday, 2nd June, 2011 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, S Corcoran, P Groves, S Jones, W Livesley,
A Moran, B Murphy, A Thwaite, D Topping, P Whiteley, R Cartlidge (for Cllr
Newton) and B Silvester (for Cllr Druce)

Officers

Caroline Elwood, Borough Solicitor
Brian Reed, Democratic and Registration Services Manager
Paul Jones, Democratic Services Team Manager
Lindsey Parton, Elections and Registration Team Manager
Paul Mountford, Democratic Services
Carol Jones, Democratic Services

Apologies

Councillors D Druce and D Newton

1 DECLARATIONS OF INTEREST

Councillors Andrew Martin, David Marren and Arthur Moran declared personal, non-prejudicial interests in agenda item 6 insofar as it related to a request by Nantwich Town Council for Cheshire East Council to hand over regalia held by the former Crewe and Nantwich Borough Council. All three Councillors were members of Nantwich Town Council.

2 PUBLIC SPEAKING TIME/OPEN SESSION

Mrs Dorothy Flude, Mr Terry Beard and Honorary Alderman Peter Kent attended and spoke regarding proposed community governance arrangements for Cheshire East Borough.

Mrs Flude felt that the newly-appointed service delivery committee for the unparished area of Crewe was not representative of the area and that the Council should look again at a town council for Crewe.

Honorary Alderman Kent felt that the changes to the community governance arrangements introduced by the Local Government and Public Involvement in Health Act 2007 had not anticipated a situation such as that of Crewe which was politically different from the Borough as a whole. He

added that any proposed community governance arrangements for Crewe should be decided by a vote of the local electorate and not merely by consultation with key stakeholders.

Mr Beard urged that a further community governance review of the unparished area of Crewe be undertaken at the earliest opportunity and that local Members be involved.

3 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 24th March 2011 be approved as a correct record.

4 INTRODUCTION TO THE WORK OF THE COMMITTEE

The Democratic and Registration Services Manager briefly outlined the work of the Committee for the benefit of new Members.

Members had before them the Committee's terms of reference.

RESOLVED

That the work of the Committee and its terms of reference be noted.

5 HOLISTIC BOROUGH-WIDE REVIEW OF COMMUNITY GOVERNANCE ARRANGEMENTS

The Committee considered proposals for a Borough-wide review of community governance arrangements.

The Council at its meeting on 14th October 2010 had considered a Notice of Motion submitted by Councillor D Flude proposing that the Constitution Committee be asked to undertake a further Community Governance Review for Crewe. The Council referred the Motion to the Constitution Committee. The Constitution Committee on 18th November 2010 resolved that further consideration of the Motion be deferred until after the May 2011 elections, at which time the Council be asked to consider undertaking a holistic Borough-wide review of community governance arrangements in Cheshire East.

The Council had since received a letter from the Macclesfield Civic Society, requesting that the Constitution Committee consider a governance review for Macclesfield at the first opportunity.

Community Governance Reviews were conducted under the provisions of the Local Government and Public Involvement in Health Act 2007. The 2007 Act provided for a principal council to conduct a Community Governance Review at any time.

RESOLVED

That

- (1) a Borough-wide review of community governance arrangements for Cheshire East be conducted to consist of the following areas, and be undertaken in order of priority as listed:
 - (a) a review of the unparished areas of Crewe in accordance with the Notice of Motion to Council on 14th October 2010;
 - (b) a review of the unparished areas of Macclesfield in response to the representations made by the Macclesfield Civic Society;
 - (c) a review of parishes in the Borough, with particular focus on areas where there is evidence that parish councils are not fully functional or not operating effectively due to a lack of parish councillors being elected; or where very small parishes exist which may benefit from a grouping arrangement to facilitate the Localism agenda;
- (2) a sub-committee of six members be appointed (4 Con; 1 Lab; 1 Ind) with delegated authority to conduct the review; and
- (3) Macclesfield Civic Society be informed of the Committee's decision regarding the scope of the review.

6 WORK OF THE CIVIC SUB-COMMITTEE

The Democratic Services Team Manager outlined the work of the Civic Sub-Committee.

The Sub-Committee had been appointed with the following terms of reference:

- reviewing and making recommendations to the Constitution Committee on the Mayoralty, including the Mayoral Code of Practice;
- reviewing and making recommendations to the Constitution Committee on all matters relating to Honorary Aldermen and Freemen, including upon the benefits, rights and privileges to which they should be entitled;
- determining all matters relating to nationally significant events except for those matters which the Sub-Committee considers it appropriate to refer to the Constitution Committee for determination; and
- reviewing and making recommendations to the Constitution Committee on civic matters such as the Council's flag flying policy and civic regalia.

There were currently three matters for the Sub-Committee to consider:

1. arrangements for the Queen's Diamond Jubilee celebrations in June 2012. Local authorities in conjunction with their Lord Lieutenants would be expected to provide details of any planned activities in their areas.
2. which of the former members of Cheshire East Council might be eligible to be receive the title of Honorary Alderman and the arrangements for this to take place.
3. a request from the Clerk to Nantwich Town Council that Cheshire East Council hand over possession of certain Regalia held by the former Crewe and Nantwich Borough Council.

A meeting of the Sub-Committee to consider these matters would be convened shortly.

RESOLVED

That the work of the Civic Sub-Committee be noted.

7 REVIEW OF THE CONSTITUTION

The Committee considered a report reviewing progress to date with a review of the Constitution.

The Council's Constitution had been prepared within a narrow timeframe but was considered robust and fit for purpose. Whilst the Constitution continued to serve the Council well, the Constitution Committee had initiated a review of the Constitution to secure further improvements. A programme of work for the review had been adopted but two additional matters had since been included:

1. The Overview and Scrutiny Committee Chairmen had asked the Borough Solicitor to report on potential revisions to the Council Procedure Rules in respect of urgency procedures; and
2. At the Annual Council meeting provisional changes had been made to the number and functions of the Overview and Scrutiny Committees. This Committee was asked to make recommendations on these matters.

The Committee considered progress to date:

A review of the Council's executive arrangements, including executive procedure rules, decision-making by individual Cabinet Members, the Forward Plan and the definition of "key decisions", had been deferred to the start of the Municipal Year at the request of the Cabinet.

An Officer Group had produced revised Finance and Contract Procedure Rules together with associated guidance and were consulting on the impact of the revised arrangements.

Revised departmental structures had now been established and the scheme of officer delegation was being revised to reflect changes since Vesting Day as well as any potential changes in the Finance and Contract Procedure Rules.

RESOLVED

That a full work programme for reviewing the Council's Constitution be drafted with a view to the Committee determining its priorities at the next meeting.

8 QUESTIONS AT COUNCIL MEETINGS

Following comments made by the Mayor at the Annual Council meeting, and discussions with officers, the Chairman had agreed that a report be considered at this meeting regarding questions at Council meetings.

Concerns had been expressed at the Annual Council meeting about the way in which the item permitting questions to be asked of Chairmen and Cabinet Members was used. The Mayor had commented that Members who had legitimate questions should make efforts to resolve these personally before resorting to the Council "question-time" facility.

RESOLVED

That a review of the procedure for questions at Council meetings be included in the work programme for reviewing the Constitution to be considered at the next meeting.

9 REVIEW OF POLLING DISTRICTS AND POLLING PLACES

The Committee considered a report on a proposed review of polling arrangements for Cheshire East.

The Electoral Administration Act 2006 had introduced a statutory duty for local authorities to carry out a review of their parliamentary Polling Districts and Polling Places by 31 December 2007; and at least every four years thereafter.

The first stage of the process involved giving notice of the Review. It was intended that a notice would be published at the end of June 2011.

The Authority had to devise a proposal for the new Polling District and Polling Place arrangements, although there was no requirement to change any existing arrangements.

The consultation stage sought representations and comments on the local authority proposals for Polling Districts and Places.

Following the consultation stage, the Authority had to make its final decisions on the review, taking into account all the representations received.

Delegating the power to conduct the Review to a Sub-Committee of the Constitution Committee was considered the most effective way for the Review to be conducted and would ensure that representations received could be fully considered. It would also ensure that the final decision could be made and published prior to publication of the Register of Electors on 1st December 2011. The final decision would be made by full Council in November. The proposed timetable was set out in Appendix A to the report.

RESOLVED

That

- (1) the publication of the notice of the Polling Districts and Polling Places Review be authorised; and
- (2) a sub-committee of six members be appointed (4 Con: 1 Lab: 1 Ind) with delegated powers to undertake the Review of Polling Districts and Polling Places as required by the Electoral Administration Act 2006.

10 APPOINTMENTS TO OUTSIDE ORGANISATIONS 2011-2015

The Committee considered a report on nominations to Category 2 bodies following the Council elections.

A revised list of nominations to outside bodies was circulated at the meeting together with a revised list of bodies where it was considered appropriate for the local town or parish council to nominate representatives.

In reviewing the appointments to outside bodies, the Outside Organisations Sub-Committee had taken into account the following:

- the effectiveness and appropriateness of representation;
- term of office of appointees;
- political proportionality, where appropriate;
- continuity of representation and Members' interests
- the finalising of the legal guidance for Members
- Officer support for Members appointed to outside organisations

RESOLVED

That

- (1) the nominations to the bodies listed in the revised Appendix A as circulated at the meeting be approved subject to the following:
 - (a) Councillor D Topping be appointed to the Astbury Mere Trust;
 - (b) Councillors J Jackson, W Livesley and G Barton be appointed to the Bollin Valley Steering Committee;
 - (c) the nomination of Councillor A Thwaite to Community Transport (Macclesfield) be deleted and the Conservative Group Whip be asked to submit an alternative nomination;
 - (d) Councillor Rachel Bailey be nominated to the Fairtrade Steering Group;
 - (e) a decision on the nomination to the Sandbach Park Steering Group be deferred to enable additional information to be sought and the Democratic and Registration Services Manager be authorised in consultation with the Chairman to determine the final nomination;
- (2) the appointments be made until such time as representation is reviewed following the election of the new Council in 2015;
- (3) notwithstanding (2) above, the Council retains the right to review the representation on any outside organisation at any time;
- (4) the organisations listed in the revised Appendix B as circulated at the meeting be referred to the appropriate town or parish council and deleted from the Borough Council's schedule of outside bodies; and
- (5) the Friends for Leisure Advisory Committee and Greater Manchester Integrated Transport Authority be deleted from the schedules as representation is no longer appropriate.

The meeting commenced at 2.00 pm and concluded at 4.00 pm

Councillor A Martin (Chairman)