

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Constitution Committee**
held on Friday, 26th April, 2013 at West Committee Room - Municipal
Buildings, Earle Street, Crewe, CW1 2BJ

PRESENT

Councillor A Martin (Chairman)
Councillor D Marren (Vice-Chairman)

Councillors C Andrew, G Baxendale, P Groves, S Hogben, S Jones,
W Livesley, R Menlove, A Moran, B Murphy, D Newton and P Whiteley

In attendance

Councillors L Brown, K Edwards and A Harewood

Officers

Brian Reed, Head of Governance and Democratic Services
Julie Openshaw, Deputy Monitoring Officer
Paul Mountford, Democratic Services Officer

Apologies

Councillor G Wait

48 DECLARATIONS OF INTEREST

Councillor C Andrew declared a non-pecuniary interest as a member of
the Make it Macclesfield Forum.

49 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

50 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 24th January 2013 be approved as
a correct record.

51 REQUEST FROM STYAL PARISH COUNCIL FOR CHANGE OF BOROUGH WARD NAME

The Council had received a request from Styal Parish Council dated 26th
February 2013, requesting that the Borough Ward name of Wilmslow
Lacey Green be amended to include Styal in the title.

A decision to change the ward name could set a precedent which would
make other requests received difficult to decline. This would require

additional workload and further use of Council Resources, given that Wilmslow Lacey Green was only one of fifty-two wards in Cheshire East. There would be an administrative cost to carry out consultation with the electors in the ward and to arrange a specially convened Council meeting. This cost, for which there was no budget, could be multiplied if other Parish Councils sought similar changes. There was no legal mechanism by which the Council's costs could be recovered from the parish council, or from others who might have similar requests.

RESOLVED

That the request from Styal Parish Council be noted but no further action be taken.

52 NEW OUTSIDE ORGANISATION - THE SANDBACH TRADERS AND RETAILERS ASSOCIATION AND VACANCY ON BOARD OF GOVERNORS FOR THE KING'S SCHOOL, MACCLESFIELD

The Committee considered a report concerning a new outside organisation, the Sandbach Traders and Retailers Association (STAR), which had asked to be added to the Council's list of approved outside organisations; the organisation had also asked the Council to appoint a representative to it. Councillor B Moran had been attending the organisation's meetings.

STAR had been set up to represent the business and commercial viewpoint to regulatory and statutory bodies, and to ensure that local authorities paid proper regard to the consequences of decisions that affected the tourist industry, retailers, catering, industry and professionals. A full copy of the Constitution and rules of STAR had been appended to the report..

The report also sought an appointment to the Board of Governors of the King's School, Macclesfield, to fill a vacancy arising following the recent resignation of Councillor David Neilson.

RESOLVED

That

- (1) that Sandbach Traders and Retailers Association be added to the list of Category 2 Outside Organisations, and Councillor Barry Moran be appointed as this Council's representative; and
- (2) Councillor L Brown be appointed to the Board of Governors of the King's School, Macclesfield to fill the current vacancy.

Note: Councillor L Brown, who was present as a visiting Member, upon being nominated for appointment to the Board of Governors of the King's School, Macclesfield, declared a pecuniary interest in relation to the matter

and left the meeting whilst it was considered; Councillor Brown was invited to return to the meeting when the Committee had concluded its consideration of the matter.

Note: Councillor B Murphy arrived at the meeting following the conclusion of this item.

53 ACCRUAL OF POWERS AND DUTIES: OFFICER DELEGATION SCHEME

The Committee considered a proposal that all existing officer delegations remain effective pending the completion of the senior management review.

As authorised by Council, a management review was taking place, the first appointments under the review having already been made. The Council's Constitution, including the officer delegation scheme, currently reflected the pre-review officer structure. As appointments were made to the new structure it would be important to ensure that the officers had the appropriate powers and duties to fulfil their responsibilities. It was therefore proposed that pending the completion of the management review, all existing delegations should remain effective and should accrue to the relevant post holders under the new structure as appropriate.

A Scheme of Delegation Member Working Group had been appointed to review and amend the existing officer scheme of delegation and to make appropriate recommendations to the Constitution Committee. The Group was in the process of formulating a number of proposed changes to the scheme. It would be necessary for the Group to continue to review the scheme in the light of the emerging Council structure before concluding its recommendations.

Members made it clear that they expected the Working Group to conclude its review of the scheme of delegation within the next three months and to report back to the Committee with recommendations. On this basis, they were prepared to recommend that the proposed transitional arrangements be effective until 1st September.

RESOLVED

That

- (1) in order to ensure that the Council's decision-making arrangements properly reflect the emerging officer structure under the management review, Council be recommended to approve that all existing delegations shall remain effective pending further review and shall accrue to the relevant post holders as appropriate, such arrangements to have effect until 1st September 2013; and
- (2) the Scheme of Delegation Member Working Group continue to review the officer scheme of delegation, having regard to the new

management structure and the move to a commissioning Council, and seek to conclude its review within the next three months.

54 MACCLESFIELD LOCAL SERVICE DELIVERY COMMITTEE - TERMS OF REFERENCE

The Committee considered a request that changes be made to the terms of reference of the Macclesfield Local Service Delivery Committee.

The Committee on 24th January 2013 had considered an informal request from members representing the unparished area of Macclesfield that a consultative body should be established to represent the views of the residents of the Town in respect of decisions which may be made by the Council and which would affect them. In response to the request, the Committee resolved that it should receive a further report, reviewing the terms of reference of the Macclesfield Local Service Delivery Committee, following informal consultation with members of that Committee.

A number of local Macclesfield members had since formulated proposed terms of reference which they would like to see as a replacement for those which currently applied to the Local Service Delivery Committee. The proposed terms of reference had been appended to the report.

The proposed terms of reference, if agreed, would significantly expand the role of the Local Service Delivery Committee, which had been set up by Council to review and make recommendations on the delivery of services and transfer of assets in the unparished area of Macclesfield in accordance with Council policy. They also appeared to afford the Local Service Delivery Committee the status of a parish council, although the Council had no legal powers to recognise a body that lacked the legal status of a parish council. The proposed terms of reference went further in seeking to give the Local Service Delivery Committee the right to involve itself in the preparations for the devolution of services and transfer of assets in the event that the creation of a parish council was the outcome of the Macclesfield community governance review. This was the responsibility of the Community Governance Review Sub-Committee.

The Committee was mindful of the existence of the Macclesfield Local Members' Briefing: an informal briefing mechanism for the Members of the unparished area of Macclesfield, and for those of the surrounding Borough Wards.

It was acknowledged that the Macclesfield Local Service Delivery Committee was not currently meeting on a regular basis or receiving the necessary officer support to enable it to carry out its responsibilities.

RESOLVED

That

- (1) no further action be taken in respect of the proposed changes to the Macclesfield Local Service Delivery Committee's terms of reference, pending the outcome of the planned Community Governance Review for Macclesfield, thereby leaving the existing terms of reference of the Committee unchanged; and
- (2) the officers take steps to ensure that the Macclesfield Local Service Delivery Committee receives the necessary officer support to enable it to meet regularly and carry out its responsibilities.

The meeting commenced at 10.00 am and concluded at 12.00 pm

Councillor A Martin (Chairman)