

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Constitution Committee**
held on Thursday, 29th January, 2015 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

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

Councillors P Groves, S Hogben (for Cllr Flude), W Livesley, D Newton,
G M Walton (for Cllr Menlove) and P Whiteley

Officers

Brian Reed, Head of Governance and Democratic Services
Iolanda Puzio, Legal Services and Deputy Monitoring Officer
Lindsey Parton, Registration Service and Business Manager
Tracey Bettaney, Principal Manager, Regulatory Services and Health
Paul Mountford, Democratic Services Officer

Apologies

Councillors C Andrew, G Baxendale, D Flude, S Jones, R Menlove, B Murphy,
M Sherratt and G Wait

52 DECLARATIONS OF INTEREST

There were no declarations of interest.

53 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

54 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 19th November 2014 be approved as a correct record subject to an amendment to Minute 50 to include the following additional resolution:

“that job descriptions should be developed to cover the wider roles of elected members, commencing with Chairs of Committees and Vice Chairs.”

55 **MACCLESFIELD COMMUNITY GOVERNANCE REVIEW - FINAL OUTCOME**

The Committee considered a report on the final outcome of the Macclesfield Community Governance Review.

Council at its meeting held on 11th December 2014 had approved the recommendations for the final outcome of the Macclesfield Community Governance Review and had granted delegated powers to the Constitution Committee to determine the final outcome of the Review, including all necessary powers to make the Re-Organisation Order.

The public and anyone with an interest in the review had been invited to make comment on the Council's recommendations by Thursday 15th January 2015. Responses received were considered by the Community Governance Review Sub-Committee on 16th January 2015 and were attached at Appendix 1 to the report. Having taken the representations received into account, the Sub-Committee had recommended to the Constitution Committee that Council's recommendation for the final outcome of the review be endorsed.

In accordance with the wishes of the last meeting of the Sub-Committee and those of Council, a meeting of the Macclesfield Local Service Delivery Committee was held 8th January to discuss which assets might be transferred from Cheshire East to the proposed Macclesfield Parish Council, having regard to officer and legal advice. The Minutes of that meeting were attached at Appendix 2 to the report. The Committee's views were considered by the Community Governance Review Sub-Committee on 16th January 2015 and the Sub-Committee's minutes were circulated at the meeting as Appendix 3 to the report. The Sub-Committee had also agreed a draft budget for the new parish council, which was set out at Appendix 4, together with the draft re-organisation order which was set out at Appendix 5. The order had included details of the land and property to be transferred to the new council. The recommendations of the Sub-Committee were set out in the minutes of the Sub-Committee's meeting.

Following determination of the final outcome of the Community Governance Review by the Committee, arrangements would be made to publish the decision and to notify statutory bodies as required by the Local Government Public Involvement in Health Act 2007.

The work of the Community Governance Review Sub Committee would continue over the coming weeks, in terms of making transitional arrangements, including the convening of the Annual Parish meeting, which must be held within 14 days of the Councillors taking office.

The Chairman informed the Committee that Councillor L Brown had submitted her comments in writing as she was unable to attend the meeting. In relation to the draft budget for the new parish council, Councillor Brown expressed concern that the grants allocation had

increased from £15,000 to 80,000. She also expressed surprise that a contingency fund of £100,000 had been included as her recollection was that the Macclesfield Local Service Delivery Committee had opposed the inclusion of a contingency fund.

In response, Councillor D Marren, Chairman of the Community Governance Review Sub-Committee, commented that Nantwich and Congleton Town Councils each had a grants budget of about £80,000, and that those towns were considerably smaller than Macclesfield. It was also prudent to have a contingency fund within the budget to allow for unforeseen expenses. There would be no obligation on the new council to spend the money.

The Committee proceeded to consider the matter, taking into consideration the outcome of the final round of public and stakeholder consultation, the views of the Macclesfield Local Service Delivery Committee and the recommendations of the Community Governance Review Sub-Committee.

RESOLVED

That

1. in the interests of effective and convenient local government and having taken into account the representations received and the views of the Macclesfield Local Service Delivery Committee, a single parish council be created for the whole of the unparished area of Macclesfield in accordance with the following:
 - i) that a new parish be constituted for the unparished area of Macclesfield;
 - ii) that the name of the new parish shall be the Parish of Macclesfield;
 - iii) that the parish shall have a parish council named Macclesfield Parish Council;
 - iv) that the parish council shall not have an alternative style (defined as Neighbourhood, Community or Village), but the Parish Council be advised to consider its designation as a Town Council;
 - v) that the parish shall be divided into 7 wards, the boundaries of such wards to be co-terminous with the current Borough ward boundaries (but excluding Polling District 4BFR which is already parished); and shall have the same number of Councillors as for the Borough wards as follows:

Broken Cross and Upton	-	2 Councillors
Macclesfield Central	-	2 Councillors
Macclesfield East	-	1 Councillor
Macclesfield Hurdsfield	-	1 Councillor
Macclesfield South (excluding polling district 4BFR)	-	2 Councillors
Macclesfield Tytherington	-	2 Councillors
Macclesfield West and Ivy	-	2 Councillors

- vi) that elections of all parish councillors for the Parish of Macclesfield be held on 7 May 2015; and
- vii) that the term of office of every parish councillor elected on 7 May 2015 for the Parish of Macclesfield shall be four years, and thereafter coincide with the ordinary day of election of parish councillors every four years.

2. the budget sum of £575,640 be included in the Re-Organisation Order for the Parish Council's first year of operation, leading to a precept of £32.98 being raised per band D property;
3. the budget comprise of the following net Operational costs (in addition to Administrative costs of £137,580 and Management and support costs of 15% of gross operating expenditure, excluding CCTV):

§ Allotments	£10,000
§ Weston Community Centre	£20,000
§ Public Conveniences	£50,000
§ Town Centre Management	£59,000
§ Christmas Lights	£45,000
§ Street Furniture	£1,270
§ Floral Displays	£10,000
§ CCTV	£31,450
§ Grants	£80,000
§ Contingency	£100,000

4. the following assets be included in the Re-Organisation Order for transfer on the dates indicated:

§ Allotments	1 April 2015
§ Weston Community Centre	1 October 2015
§ Public Conveniences	1 October 2015

5. the wording of the draft Re-Organisation Order be approved as submitted, and that the Head of Governance and Democratic Services be authorised to make any minor or consequential amendments to the Order, in consultation with the Chairman of the Committee, prior to the legal seal being affixed; and to take such other steps as may be necessary in order to give effect to the wishes of the Committee.

56 CALENDAR OF MEETINGS FOR 2015-16

The Committee considered the draft calendar of meetings for Cheshire East Council for 2015-16.

In considering the draft calendar, Members expressed concern that meetings of the Northern and Southern Planning Committees often went on into the evening. It was suggested that the meetings would benefit from starting at 10.00 am, with a lunch break at 1.00 pm as required.

RESOLVED

That the draft Calendar of Public Meetings for Cheshire East Council 2015 - 2016 as attached to the report be recommended to Council for approval, subject to the following amendment:

that meetings of the Northern and Southern Planning Committees commence at 10.00 am, with a break for lunch at 1.00 pm as required.

57 ANTISOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

The Committee considered a report summarising the key implications of the Anti-Social Behaviour, Crime and Policing Act 2014.

The report proposed amendments to the officer scheme of delegation to enable enforcement powers under the Act to be exercised. The amendments were set out in Appendix 2 to the report.

RESOLVED

That

1. that the update on the Anti-social Behaviour, Crime and Policing Act 2014 as set out in the report be noted; and
2. the proposed changes to the Council's Scheme of Officer Delegation as set out in Appendix 2 to the report be recommended to Council for approval subject to Council being provided with a list of the specific actions that officers would be able to take under the delegation.

58 MEMBERS INDEPENDENT REMUNERATION PANEL

The Committee considered proposed arrangements for the new Members Allowances Independent Remuneration Panel.

It was felt that no more than three members needed to be appointed to the Panel and that the term of office should be four years from the date of appointment. At least one member of the Panel should have experience of the workings of local government. Members also felt that the Chairman of the Panel should have experience of chairing an Independent Remuneration Panel and that this should be referred to in the recruitment advert.

It was suggested that the appointment of the Panel Members, and the appointment of the Chairman of the Panel be made by the Constitution Committee upon the recommendation of the Head of Governance and Democratic Services.

A recent review of the operation of the Independent Remuneration Panel had concluded that there was no necessity for a report of the Panel to be produced on an annual basis and that instead, consideration could be given to making future provision for the Members Allowances Scheme to be adjusted on an annual basis, by reference to an index. Where the only change made to a scheme in any year was that effected by an annual adjustment, the scheme would not be deemed to be amended and would not need to be reviewed and agreed by full Council. An index could be applied for a period of up to four years. This option would need to be considered by the Independent Remuneration Panel.

RESOLVED

That

1. a Members Allowances Independent Remuneration Panel be established to consist of 3 Members, with a four year term of office;
2. the Council seek to recruit at least one Panel member with experience of the workings of local government (such as a former local government officer, a person with past experience of being a panel member for another authority, or an individual with particular expertise), with expressions of interest also to be sought from the private and voluntary sector;
3. the recruitment advert should include a requirement that the chairman of the panel should have experience of chairing an independent remuneration panel;
4. appointment of the Panel Members be made by the Constitution Committee (upon the recommendation of the Head of Governance and Democratic Services);

5. the Chairman of the Panel be appointed by the Constitution Committee;
6. the Council establish a robust, streamlined and transparent process for the operation of the Members Allowances Independent Remuneration Panel;
7. the Panel be asked to give consideration to making future provision for the Members Allowances Scheme to be adjusted on an annual basis, by reference to an index which could be applied for a period of up to four years;
8. Panel members be recompensed for expenses, as per past practice; and
9. an allowance be paid to the Chairman of the Panel (on the basis that work load is expected to be no more than 3-4 days, within the four year term of office) at an appropriate rate, to be determined by the Head of Governance and Democratic Services, based upon that paid by comparator local authorities.

The meeting commenced at 2.00 pm and concluded at 3.08 pm

Councillor A Martin (Chairman)