

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Constitution Committee**
held on Wednesday, 19th November, 2014 at Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

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

Councillors C Andrew, D Flude, P Groves, W Livesley, R Menlove, D Newton,
P Whiteley, A Moran and M J Weatherill (for Cllr Baxendale)

Officers

Peter Bates, Chief Operating Officer
Brian Reed, Head of Governance and Democratic Services
Anita Bradley, Head of Legal Services and Monitoring Officer
Dominic Oakeshott, Corporate Manager, Challenge and Innovation
Lindsey Parton, Registration Service and Business Manager
Paul Mountford, Democratic Services Officer
Rose Hignett, Senior Elections Officer
Marion Hancock, Elections Officer

Councillors in Attendance

Councillors K Edwards and L Jeuda

Apologies

Councillors G Baxendale, B Murphy, M Sherratt and G Wait

44 DECLARATIONS OF INTEREST

There were no declarations of interest.

45 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public wishing to speak.

46 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 1st May 2014 be approved as a correct record.

47 MACCLESFIELD COMMUNITY GOVERNANCE REVIEW

The Committee considered a report setting out the next steps of the Macclesfield community governance review. The report outlined the

practical considerations, should a draft recommendation be made by the Committee to full Council, to establish a Parish Council for Macclesfield.

The Committee had before it the minutes of the meeting of the Community Governance Review Sub-Committee on 7th October 2014. The Sub-Committee had undertaken public consultation in June/July over the options of parishing or an enhanced local service delivery committee. The report to the Sub-Committee on the outcome of the consultation, including copies of the written representations received during the consultation period, was appended to the report to the Committee. In considering the outcome of the consultation, the Sub-Committee had agreed to consult the Macclesfield Local Service Delivery Committee informally with a view to that Committee's views being reported direct to the Constitution Committee.

The Macclesfield Local Service Delivery Committee had met on 12th November 2014 and its minutes were circulated at the Constitution Committee's meeting. The Local Service Delivery Committee, having considered the outcome of the consultation exercise and the representations received, had asked the Constitution Committee to recommend to Council that a single parish council be created for the whole of the unparished area of Macclesfield with elections to the parish council taking place on 7th May 2015. The Committee had made further recommendations regarding warding arrangements and the number of parish councillors.

Copies of further written representations from the Macclesfield Civic Society and the Macclesfield Labour Party, which had been received after the close of the formal consultation period, were circulated at the Constitution Committee's meeting.

The officers outlined the next steps to be taken in the event that a recommendation was made to Council, including the requirements for the setting up of a parish council, the detailed arrangements as regards the Reorganisation Order, and the timetable for elections. Further details were set out in the report.

RESOLVED

That

1. having taken into account the representations received, and the views of the Macclesfield Local Service Delivery Committee, the Constitution Committee recommends to Council that 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. Council be asked to grant delegated powers to the Constitution Committee to finally determine the outcome of the Community Governance Review, including all necessary powers to make the Reorganisation Order, and to decide all matters referred to in paragraph 10.5 of the officers' report; and
 3. the Community Governance Review Sub-Committee continue to assist the Constitution Committee in respect of the working of the Community Governance Review as and when needed and particularly with reference to paragraph 10.8 of the report.

Note: Councillor B Murphy, who was both the Chairman of the Macclesfield Local Service Delivery Committee and a member of the Constitution Committee, had been unable to attend the Constitution Committee's meeting. Councillor K Edwards, as Vice-Chairman of the Local Service Delivery Committee, presented the Committee's minutes in Councillor Murphy's absence.

48 REVIEW OF POLLING PLACES AND POLLING DISTRICTS

The Committee considered the recommendations of the Polling Arrangements Review Sub-Committee following its review of polling places and polling districts in Cheshire East.

The Constitution Committee had been given delegated powers by Council to agree the final outcome for the Polling Places and Polling Districts Review. The need for the Review had arisen from the provisions of the Electoral Registration and Administration Act 2013 and had to be completed by 31 January 2015.

The Committee had before it the report to the Polling Arrangements Review Sub-Committee on 7th October 2014 and the minutes of that meeting. The Sub-Committee had considered representations from the public, together with a submission from the Acting Returning Officer. Having considered the representations received, the Sub-Committee had made recommendations for the Constitution Committee to consider which were set out in Appendix 3 to the Committee's report.

With regard to the proposals for Polling Districts 1FD1, 1FDC and 1FDR, the Committee's attention was drawn to representations made by Councillor B Silvester on behalf of Willaston Parish Council.

Since the Sub-Committee's meeting, three further matters had arisen which required consideration by the Committee in addition to the recommendations of the Sub-Committee. These were set out in paragraph 10.2 of the Committee's report.

Once the Committee had made its final decision on the most appropriate polling districts and polling places, any necessary alterations would be made to the electoral register and arrangements would be made to publish the conclusions of the Review.

RESOLVED

That

1. subject to recommendation (2) below, the recommendations of the Polling Arrangements Review Sub-Committee in respect of proposed changes to polling places be agreed and implemented as set out in Appendix 3 of the report to the Committee, including the proposed

change from Congleton Leisure Centre to St. Stephen's Church Centre;

2. with regard to Polling Districts 1FD1, 1FDC and 1FDR, St. John's Church Hall, Willaston continue to be used as the polling station for future elections;
3. that Rood Hill Methodist Church, Derby Street, Congleton be designated as a Polling Place to replace St Mary's Pre-School, Belgrave Avenue (Polling District Ref CNW2); and
4. that Polling District CON4 be amalgamated with Polling District COS2 in the Congleton East Ward.

49 REVISIONS TO THE CONTRACT PROCEDURE RULES

The Committee considered proposed revisions to the Contract Procedure Rules.

This report requested Members' consideration of a newly-drafted section of the Constitution which set out the Council's Contract Procedure Rules (CPRs) which governed how the Council procured goods, works and services from third parties. The CPRs sat alongside the Council's Financial Procedure Rules (FPRs), which would be subject to further review as part of the development of financial reporting during the early part of 2015. However, there would be some minor consequential changes to the FPRs as referred to in paragraph 10.6 of the report before a fuller revision later in 2015.

The amendments were required to comply with changes to European Union (EU) and domestic procurement legislation and to introduce lean simplified processes following the Council's decision to become a Strategic Commissioning Council, and the creation of Alternative Service Delivery Vehicles for the provision of Council services. The revisions would allow the Council to adopt a more mature attitude to managing commercial risk and simplify the procurement process, particularly below the EU value thresholds, allowing better engagement with small and medium enterprises and local businesses, whilst still maintaining a robust governance framework to ensure that Council monies were spent in a legally compliant, ethical, responsible, and fully auditable manner.

The proposed amendments to the Contract Procedure Rules were set out in paragraph 10.5 of the report.

RESOLVED

That Council be recommended to

1. approve the revisions to the Contract Procedure Rules set out in paragraph 10.5 of the report for adoption from 1st January 2015 subject to the following amendments:

Item 3 – Amend below EU threshold and processes – the threshold be reduced to £50k rather than £10k

Item 10 – E-procurement – Mandate the use of the e-procurement system for all procurement with a value prescribed by EU legislation

Item 11 – Corporate Contracts – this proposal be deleted

2. authorise that the Constitution be updated accordingly by the inclusion of the revised Contract Procedure Rules;
3. authorise that any consequential drafting amendments to the remaining parts of the Council's Constitution, including the Finance Procedure Rules, be undertaken by the Head of Legal Services and Monitoring Officer to ensure consistency with the revised Contract Procedure Rules; and
4. approve an incremental reduction in value thresholds to enable the phased introduction of procurement involvement down to £50k from the current £75k to allow a smooth transition from existing arrangements.

50 REPORT OF THE INDEPENDENT REMUNERATION PANEL

The Committee considered the final report of the Council's Independent Remuneration Panel.

Following a review of the Members' Allowances Scheme, the Independent Remuneration Panel had submitted a report which had been considered by Council on 27th February 2014 and which had resulted in changes to the Scheme.

The term of office of the Independent Remuneration Panel would come to an end in February 2015 and the Panel had therefore prepared a final report on its activities which was appended to the Committee's report.

RESOLVED

That the report be received.

51 OFFICER SCHEME OF DELEGATION

The Chairman was of the opinion that this matter constituted urgent business and could be dealt with at the Committee's meeting in accordance with Committee Procedure Rule 37 and Section 100B(4)(b) of the Local Government Act 1972. The reason for urgency was that the

current scheme of officer delegation required review to enable Managers to take decisions regarding Service redesign.

The Council had previously approved amendments to the officer scheme of delegation to take account of local structural changes and to allow greater transparency in the operation of the Council. The changes had been intended to bring greater clarity between the respective roles of Elected Member in Policy and Strategy development, and officers in the effective day-to-day operation and management of the Council.

Following operation of the revised arrangements it had become clear that the current scheme of delegation was restricting local operational decision-making in relation to staffing and employment matters. Operationally, the Head of Paid Service, and Chief Officers in consultation with the relevant Portfolio Holders, needed greater flexibility to make changes to organisational structures, job grading and number of roles to enable the effective delivery of Council priorities. The amendments previously approved had resulted in reduced flexibility to meet changing organisational circumstances in an effective and timely manner. As a consequence, to ensure alignment between the Constitution, scheme of delegation and policy framework, a change to the wording of the scheme was proposed as referred to in paragraph 3.6 of the report.

RESOLVED

That Council be recommended to approve the amendment to the officer scheme of delegation as detailed at paragraph 3.6 of the report as follows:

“Chief Officers are authorised, subject to prior notification of the Head of HR and Organisational Development and prior consultation with all appropriate parties affected by the decision, including any Trade Union, to implement changes to staffing structures except where the restructure:

- § Involves the loss of one or more posts not currently vacant*
- § Involves the regrading of posts or the grading of new posts*
- § Involves the changes to existing National or Local Agreements and policies*
- § Cannot be achieved within delegated powers in respect of budgets*

This delegation will be exercised in accordance with paragraph 1.8 of the scheme of delegation to officers approved by Council on the 14th May 2014 which reads as:

“Before taking delegated decisions, all officers are under a duty to satisfy themselves that they have the duly delegated power to do so and that they have undertaken appropriate consultation, including consultation with Portfolio Holders. Appropriate advice must be taken where the matter involves professional or technical

considerations that are not within the officer's sphere of competence".

Decisions in respect of matters identified as exceptions above are delegated to the Chief Operating Officer in consultation with the Head of Human Resources and Organisational Development for determination."

The meeting commenced at 6.00 pm and concluded at 7.45 pm

Councillor A Martin (Chairman)