

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Constitution Committee**
held on Thursday, 24th November, 2016 at Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor A Martin (Chairman)
Councillor M Beanland (Vice-Chairman)

Councillors G Baxendale, B Burkhill, M Deakin, S Edgar, H Gaddum,
S Hogben, D Mahon, N Mannion, R Menlove, G Williams, Rhoda Bailey (for
Cllr Brooks) and D Flude (for Cllr Jeuda)

Councillors in attendance

Councillors D Marren, M Simon and L Smetham

Officers

Brian Reed, Head of Governance and Democratic Services
Bill Norman, Director of Legal Services
Paul Mountford, Governance and Democratic Services
Mark Nedderman, Scrutiny Manager
Rachel Graves, Democratic Services Officer

Apologies

Councillors E Brooks and L Jeuda

18 DECLARATIONS OF INTEREST

Councillors Rhoda Bailey and Dorothy Flude declared non-pecuniary
interests in an item on the functions of the Public Rights of Way
Committee, as members of that committee.

19 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public wishing to speak.

20 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 15th September 2016 be approved
as a correct record.

21 OVERVIEW AND SCRUTINY COMMITTEES - REVIEW OF STRUCTURE

The Committee considered proposals to reduce the number of overview
and scrutiny committees to better align the committees to the corporate
and Cabinet structures.

The current overview and scrutiny structure comprising six committees did not align well with the new Cabinet portfolios. The result was that most portfolio holders were required to report to more than one committee. A better alignment of the overview and scrutiny structure linked to the new portfolios would provide greater clarity for the organisation as a whole, and would give each portfolio holder a single point of contact as far as overview and scrutiny was concerned.

A draft structure had been created comprising four committees. The Corporate Overview and Scrutiny Committee would retain its overarching responsibilities for the whole of the scrutiny function. With the exception of the Health Adult Social Care and Communities Overview and Scrutiny Committee, which would meet on a monthly basis, committees would meet formally on a bi-monthly basis, six times a year as they did now.

Councillor M Simon, the Chairman of the Corporate Overview and Scrutiny Committee, attended the meeting and spoke on this matter.

The Chairman thanked Councillor Simon and the scrutiny officers for their work on the restructuring of the overview and scrutiny committees.

RESOLVED

That it be recommended to Council that

(1) the overview and scrutiny committee structure be reduced from six to four committees as follows:

- Corporate (12 Members) (to include the chairmen and vice-chairmen of the other three overview and scrutiny committees)
- Environment and Regeneration (12 Members)
- Children and Families (12 Members)
- Health and Adult Social Care and Communities (15 Members)

(2) the terms of reference for each overview and scrutiny committee as set out in Appendix 1 to the report be approved;

(3) with the exception of the Health and Adult Social Care and Communities Overview and Scrutiny Committee, which will meet on a monthly basis, the meetings of the overview and scrutiny committees be held on an eight weekly cycle, subject to each Chairman being given flexibility to convene additional meetings as and when required depending on workload;

(4) regular mid-point meetings be disbanded;

- (5) the proposed overview and scrutiny arrangements be implemented with effect from 1st January 2017 and reviewed in due course; and
- (6) the Director of Legal Services be authorised to make such changes to the Council's Constitution as he considers are necessary to give effect to the wishes of Council.

22 CALENDAR OF MEETINGS FOR 2017-18

The Committee considered the draft Calendar of Meetings for 2017/18.

The Committee had regard to the revised overview and scrutiny committee arrangements to be recommended to Council. A revised draft calendar reflecting those arrangements was circulated at the meeting.

The officers reported a request by Finance officers to include two additional meetings of the Audit and Governance Committee to reflect and accommodate changes in the reporting deadlines for certifying the statement of accounts and the approval and publication of the audited accounts. The proposed dates for the additional meetings were 1st June and 3rd August 2017 and could be accommodated within the revised calendar.

The officers circulated a summary of the comments received regarding the draft calendar.

RESOLVED

That it be recommended to Council that the draft Calendar of Meetings for 2017-18, as amended to reflect the proposed overview and scrutiny structure, and with the inclusion of two additional Audit and Governance Committee meetings on the dates indicated, be approved.

23 NOMINATION OF MEMBERS TO COMMITTEES

The Committee considered proposals to simplify the process for the nomination of Members to the Council's committees.

Group Whips had indicated that the formalities and delays associated with the need to report to Council each time a change to a committee membership was required was unduly burdensome. The proposals in the report sought to simplify the process by requiring that the memberships of the Council's committees and sub-committees be established and changed, where required, by way of notification to the Head of Governance and Democratic Services by the Leader or Whip of the political group in question. This would include nominations to chairmanships and vice-chairmanships. The approach would provide more flexibility for the political groups, their Leaders and Whips, and for the officers involved in administering the Council's decision-making arrangements, but would not dilute the fundamental legal requirement that

the composition and term of office of each committee and sub-committee be agreed by Council.

The Annual Council meeting would continue to agree the numerical composition and term of office of each committee and sub-committee.

RESOLVED

That it be recommended to Council that

1. except for the Council's Cabinet and Cabinet committees and sub-committees, nominations to the Council's committees, sub-committees and decision-making bodies, and changes to such nominations, shall be notified to the Council by the Council's political Group Leaders or Group Whips, in accordance with the relevant numerical allocations made by Full Council to the committee, sub-committee or decision-making body in question;
2. such nominations or changes to nominations shall be made to the Head of Governance and Democratic Services in writing or by email, and shall thereafter be published on the Council's website;
3. Council note that the legislative requirements set out in the Legal Implications section of the report will not be affected by the recommendations of the report, and that the existing arrangements shall continue, by which the Council's Annual General Meeting agrees the political group or groups which will hold the chairmanships and vice-chairmanships of the Council's committees, sub-committees and decision-making bodies; and
4. the Director of Legal Services, in consultation with the Chairman and Vice-Chairman of the Constitution Committee, be authorised to make such changes to the Council's Constitution as he considers are necessary to give effect to the wishes of Council.

24 THE FUNCTIONS OF THE PUBLIC RIGHTS OF WAY COMMITTEE

The Committee considered a report on the functions of the Public Rights of Way Committee.

The Committee felt that the current arrangements for the Council's public rights of way functions worked well and were not in need of change.

RESOLVED

That no recommendations be made for changes to the existing public rights of way decision-making arrangements.

25 THE OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014

The Committee considered a report outlining the Openness of Local Government Bodies Regulations 2014 and related legislation in the context of contemporaneously recording, webcasting and offering social media commentary on the Council's decision-making meetings. The report also highlighted best practice developed by other authorities.

RESOLVED

That

1. the content and effect of the Openness of Local Government Bodies Regulations 2014, including the implications for councils contemporaneously recording, webcasting and delivering social media commentary in respect of their own decision making meetings, be noted; and
2. further work be undertaken to identify and evaluate the financial and other logistical implications of recording, webcasting and providing social media commentary in respect of the Council's decision-making meetings with a view to generating an options appraisal report and a draft policy (to address the potential pitfalls that may arise from the audio recording/webcasting of, and providing social media commentary on, Council meetings) for the Committee to consider.

26 FUTURE WORK PROGRAMME

The Committee noted that a report on the following would be submitted to a future meeting:

'Review of Delegations to Planning Committees and Planning Officers'

The meeting commenced at 2.00 pm and concluded at 3.43 pm

Councillor A Martin (Chairman)