

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Constitution Committee**
held on Thursday, 22nd March, 2018 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor A Martin (Chairman)

Councillors G Baxendale, Bratherton (for Cllr Jeuda), B Burkhill, M Deakin,
L Durham, S Edgar, J P Findlow (for Cllr Groves), H Gaddum, D Mahon,
N Mannion, R Menlove, B Roberts (for Cllr Bailey) and G Williams

Officers

Dan Dickinson, Acting Director of Legal Services and Monitoring Officer
Brian Reed, Head of Governance and Democratic Services
Paul Mountford, Executive Democratic Services Officer
Lianne Halliday, Senior Manager - Procurement

Other Members present

Councillors J Nicholas, A Stott and B Walmsley

Apologies

Councillors D Bailey, P Groves and L Jeuda

16 DECLARATIONS OF INTEREST

There were no declarations of interest.

17 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public wishing to speak.

18 MEMBER SPEAKING

Councillor A Stott suggested that the quorum for the planning committees should be increased to one third or a half.

Councillor J Nicholas asked when the Committee would be considering his Notice of Motion on alternative forms of governance. At the Chairman's invitation, the officers advised that the motion would be submitted to the Committee's next scheduled meeting on 28th June 2018.

19 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 30th November 2017 be approved as a correct record.

20 A MEMBER-LED COUNCIL: DEVELOPING EFFECTIVE MEMBER AND OFFICER RELATIONS

The Committee considered a report on the document: 'A Member-led Council: Developing Effective Member and Officer Relations'.

The purpose of the document was to bring clarity and certainty to the crucially important relationship between Members of the Council and officers. The document had been shared with the Council's political group leaders and had been endorsed by them. The document did not replace the agreed Member/Officer Protocol but provided helpful additional guidance to supplement it.

With regard to the second paragraph of section 10 of the document, members suggested that the phrase 'not to assist the opposition to oppose' be replaced with the phrase 'not to assist any group in a party political manner'. The officers noted the suggestion and undertook to consider some additional wording to clarify the sentiment behind that sentence. It was noted that the document would also be considered by the Corporate Overview and Scrutiny Committee.

RESOLVED

That notwithstanding the suggested change outlined above, and subject to the views of the Corporate Overview and Scrutiny Committee, the approach set out in the document: 'Cheshire East - A Member-led Council: Developing Effective Member and Officer Relations' be supported and its importance as a supplement to the Council's Member/Officer Relations Protocol be endorsed.

21 THE CONSTITUTION: LIVING DOCUMENT CHANGES

The Committee considered a report on a number of proposed "living document" changes which had either arisen from issues raised by Members during the process leading up to the adoption of the new constitution, or had arisen following its adoption.

RESOLVED

That

1. the arrangements set out in paragraphs 1 and 2 of Appendix 1 to the report be noted;
2. the use, or the proposed use, of delegated powers as set out in the recommendations in paragraphs 3-11 of Appendix 1 to the report be noted, except that the proposed change in relation to paragraph 10 - Legal Authorisation and Enforcement be deferred to the next meeting so that further information can be provided, including the outcome of

the Monitoring Officer's consultation of the Chairman and Vice-Chairman;

3. with regard to the recommendations set out in paragraphs 12-17 of Appendix 1 to the report:
 - (a) no changes be made to the Council Procedure Rules in relation to the way in which Notices of Motion are dealt with at Council meetings but the Monitoring Officer be asked to produce a Notice of Motion protocol, for circulation to Committee members for consideration, to provide that:
 - (i) the member giving notice of the motion be encouraged to provide a concise explanatory background note with the Notice which shall be included in the Council agenda papers; and
 - (ii) the proposer of the motion be given the opportunity to comment on the draft report on the motion before its submission to the relevant decision-making body;
 - (b) it be recommended to Council that the quorum for all committees and sub-committees of the Council should be one third of the total membership subject to a minimum of three where the body in question comprises eight or fewer members;
 - (c) it be recommended to Council that as recommended by Bevan Brittan during the review of the constitution, the Civic Sub-Committee and the Outside Organisations Sub-Committee be abolished and their functions be undertaken by the Constitution Committee;
 - (d) that it be recommended to Council that the officer scheme of delegation be amended to clarify that officers may not take key decisions unless:
 - (i) specifically delegated by members; or
 - (ii) specifically provided for within the constitution;
 - (e) the Committee confirms, as accepted by the Council at its meeting on 14th December 2017, that the provisions relating to member access to Part II papers and member attendance during Part II proceedings at meetings as set out in the former constitution remain in force and that the arrangements will be reviewed after the new constitution has been in operation for six months; and
 - (f) the programme of future changes to the constitution to be considered at the Committee's next meeting be noted.

22 CHANGES TO THE CONTRACT PROCEDURE RULES

The Committee considered a report on proposed mainly operational changes to the Contract Procedure Rules.

An additional proposal, as set out in the appendix, sought approval to exclude 'operational expenditure' from the definition of a key decision.

RESOLVED

That

1. with the exception of those changes within the delegated authority of the Monitoring Officer, the proposed changes to the Contract Procedure Rules as appended to the report be recommended to Council for approval except that:
2. the proposal to exclude operational expenditure from the definition of a key decision be deferred and considered further at the next meeting.

23 APPOINTMENT OF LAY MEMBERS TO INDEPENDENT ADMISSIONS AND EXCLUSIONS APPEALS PANEL

The Committee considered a report recommending the appointment of two applicants to sit as members of the Independent School Admission Appeals Panel and the Independent Review Panel for Exclusion Reviews.

Following an advertisement for new members, the Council had received a number of applications. All applicants had been interviewed and evaluated and following this process, and the withdrawal of some applicants, two applicants remained to be recommended for appointment.

RESOLVED

That the Committee approves the appointment of the two individuals deemed suitable to sit as members of the Independent School Admission Appeal Panel and the Independent Exclusion Review Panel.

The meeting commenced at 2.00 pm and concluded at 3.43 pm

Councillor A Martin (Chairman)