

CHESHIRE EAST COUNCIL

Minutes of a virtual meeting of the **Constitution Committee**
held on Thursday, 29th April, 2021

PRESENT

Councillor J Nicholas (Chairman)
Councillor S Hogben (Vice-Chairman)

Councillors M Asquith, R Bailey, J Bratherton, J Clowes, L Crane, S Edgar,
P Groves, A Martin, B Murphy, A Stott, M Warren and P Williams

Other Members Present

Councillors M Beanland, C Bulman, B Burkhill, S Brookfield, B Evans,
A Farrall, K Flavell, T Fox, S Holland, D Marren, A Moran, D Murphy,
B Puddicombe, P Redstone, J Rhodes and J Wray.

Officers

David Brown, Director of Governance and Compliance
Brian Reed, Head of Democratic Services and Governance
Paul Mountford, Executive Democratic Services Officer

Apologies

Councillors M Benson

22 DECLARATIONS OF INTEREST

There were no declarations of interest.

23 PUBLIC SPEAKING TIME/OPEN SESSION

Sue Helliwell asked who would answer public questions at meetings under the new committee system. She also felt that not allowing the same question to be submitted to a meeting of Council during the preceding 6 months denied residents the right to ask a question.

The Chairman undertook to provide a written response.

24 MEMBER SPEAKING

Councillor D Marren referred to minute 13 of the minutes of the previous meeting relating to the community governance review and clarified that his proposal was that any referendum would be conducted by means of a postal ballot.

25 MINUTES OF PREVIOUS MEETING

The Committee agreed two minor additions to the minutes as follows:

Minute 10 – Public Speaking Time: The reported comments of Councillor Les Horne, Chairman of Minshull Vernon and District Parish Council, to include reference to the fact that the proposed changes under the community governance review were opposed by local residents.

Minute 14 – Calendar of Meetings 2021-22: The inclusion of the officers' advice given at the meeting that the calendar of meetings was flexible and that committee chairmen would be able to approve additional meetings as and when it was considered appropriate.

RESOLVED

That the minutes of the meeting held on 6th April 2021, with the additions, be approved as a correct record.

26 SCHEME OF MEMBERS' ALLOWANCES: REPORT OF THE INDEPENDENT REMUNERATION PANEL (IRP)

The Committee considered the Independent Remuneration Panel's review of Cheshire East Council's Scheme of Members' Allowances.

There was a view that the information in the Panel's report was insufficient to make a recommendation to Council at this time. In particular, members wished to see the comparator data referred to in the report in relation to the mayoralty and opposition spokespersons. It was therefore proposed that the report be referred to the Corporate Policy Committee for consideration with a view to that Committee making recommendations to full Council at its meeting on 22nd June 2021.

RESOLVED

That

1. the IRP report be noted and referred to the Corporate Policy Committee for consideration; and
2. the Corporate Policy Committee be asked to give specific consideration to the recommended annual index which may be applied to all allowances in the Scheme and to recommend that, if Council chooses to agree such an index, this be applied to the Scheme for a period of 4 years.

27 TRANSITIONAL PROVISIONS AND FUTURE CONSTITUTIONAL WORK

The Committee considered a report on the recommendations of the Constitution Working Group on transitional provisions and future constitutional work.

The Committee had deferred consideration of the revised constitution at its meeting on 6th April 2021 with the intention of considering it further at its meeting on 29th April. The Constitution Working Group then met on 16th April and agreed a number of recommendations which would normally have been made to the Committee. However, Council at its meeting on 19th April adopted the constitution and in doing so approved two of the Working Group's recommendations, namely, the removal of any time limits from the length of meetings and confirmation of the right of access of all staff to the Appeals Committee.

The Working Group had also considered that further work should be undertaken on how the public and members could engage with the committee process. The basic policy approach was set out in Appendix 1 to the report. The Working Group had also felt that a clearer understanding was required of the recommendation from the Independent Remuneration Panel to remunerate and recognise a role of 'opposition spokespersons'. This role did not appear in the constitution and if the post was to be identified and remunerated with a special responsibility allowance there should be clarity as to what that responsibility entailed. An initial draft for consideration was set out in Appendix 2 to the report.

The Monitoring Officer informed the Committee that a number of additional changes to the constitution, as outlined in the report, would be submitted to Council for approval at its meeting on 22nd June 2021.

There was a suggestion that, in view of its link with the IRP recommendation on special responsibility allowances for opposition spokespersons, the basis for the development of an opposition spokesperson role as set out in Appendix 2 should be referred to the Corporate Policy Committee.

Councillor M Asquith suggested an amendment to the public and member engagement protocol issues document in Appendix 1 as follows:

The sentence 'Chairperson's power to order public speaking' be amended to 'Chairperson's power to sequence public speakers'.

RESOLVED

That the Committee

1. agrees the basis of a public and member engagement protocol as set out in Appendix 1 to the report, subject to the amendment suggested by Councillor Asquith;
2. refers the basis for development of a non-administration group role in a committee, as set out in appendix 2, to the Corporate Policy Committee;

3. notes that the Monitoring Officer will amend the fees and charges protocol to clarify the compliance with the MTFS;
4. notes the areas of amendment as set out in the additional changes section of the report; and
5. notes that phase 2 work will be undertaken by the Constitution Working Group under the committee system.

Before closing the meeting, the Chairman thanked members for their contribution to the work of the Committee, and for their patience over what had been a turbulent period during the pandemic and the change to the committee system. He also thanked the officers for their support.

The meeting commenced at 10.30 am and concluded at 12.04 pm

Councillor J Nicholas (Chairman)