

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Constitution Committee**
held on Thursday, 24th March, 2011 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor J P Findlow (Chairman)
Councillor D Brickhill (Vice-Chairman)

Councillors M Asquith, C Beard, D J Cannon, R Cartlidge, S Jones, A Moran,
D Topping, R West, P Whiteley and J Wray

In attendance

Councillor D Thompson, Chairman of the Local Authority Governor
Appointments Panel

Officers

Brian Reed, Democratic Services Manager
Paul Mountford, Democratic Services
Diane Moulson, Democratic Services
Carol Jones, Democratic Services
Andy Kent, Children and Family Services
Ruth Agnew, Children and Family Services

Apologies

Councillor W Livesley

48 DECLARATIONS OF INTEREST

No interests were declared.

49 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public wishing to speak or ask a question.

50 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 27th January 2011 be approved as
a correct record.

51 COUNCILLOR CALL FOR ACTION PROTOCOL

The Committee considered a proposed amendment to the Councillor Call for Action Protocol to allow the Scrutiny Chairmen's Group to take the lead in determining which of the Council's five overview and scrutiny committees dealt with cross-cutting issues raised under the Councillor Call for Action procedure.

RESOLVED

That the role of the Scrutiny Chairmen's Group in determining which of the five overview and scrutiny committees should deal with cross-cutting issues raised under the Councillor Call for Action procedure be recognised and Council be recommended to authorise the Borough Solicitor to make appropriate reference to the role of the Scrutiny Chairmen's Group in the Councillor Call for Action Protocol by amending Section 7 of the Protocol.

52 LOCAL AUTHORITY APPOINTMENTS TO GOVERNING BODIES

The Committee considered proposed revisions to the procedure for the appointment of Authority Governors to educational establishments.

The requirement to make Authority Governor appointments was a statutory obligation on all Local Authorities. The current Appointment Process had been approved by the Governance and Constitution Committee on 3rd November 2008.

Cheshire East's Authority Governor vacancy level had been very high when the Council was established. Over the last eighteen months, through the application of the approved process, this level had fallen to a level below the national average. Large numbers of vacancies led to a risk of weaker Governing Bodies and Headteachers being unsupported or insufficiently challenged in their role. The revised procedure would make the process more robust and more transparent, particularly in relation to the appointment of governors in schools in the Authority's Improving Outcomes Programme.

The need for transparency and effectiveness in the process had been increased by the publication of the recent Education Bill which, if enacted unamended, would remove the requirement for schools to have an Authority Governor position. If the Local Authority wished to retain a representation on school Governing Bodies it was essential that schools were satisfied that the appointment process was transparent and effective, and was supplying them with valuable governors.

RESOLVED

That the revised procedure for the appointment of Authority Governors to school governing bodies in Cheshire East as set out in Annexe A to the report be approved subject to the following amendments:

1. where there are two or more competing nominations for a vacancy at a primary school and one nominee is a local ward member for the ward in which the school is situated, the local ward member shall be appointed;
2. where there are two or more competing nominations for a vacancy at a secondary school and one nominee is a local ward member for a ward served by the secondary school, the local ward member shall be appointed;
3. where there are two or more nominations of local ward members in either case above, those members shall decide among themselves which one of them shall be appointed; in the event that agreement cannot be reached, all such nominations shall be considered equally alongside any others against the agreed criteria; and
4. nominations by local ward members where they themselves are not the nominee shall be considered equally with other nominations against the agreed criteria.

53 OUTSIDE ORGANISATIONS - VARIOUS MATTERS

The Committee considered a number of issues relating to appointments to outside organisations, including proposals concerning specific organisations, a revised casual vacancies procedure, a proposed procedure for dealing with new requests for representation, and a progress report on the guide for members appointed to outside bodies.

RESOLVED

That

- (1) the appointment of representatives to the Adoption Panel, Cheshire Admissions Forum and the Fostering Panel be referred to Annual Council;
- (2) no action be taken in respect of the appointment to the Crewe and Nantwich Twinning Association in the current Municipal Year;
- (3) Councillor S Wilkinson be appointed to the Standing Advisory Council for Religious Education (SACRE) to serve for the remainder of the Municipal Year;
- (4) no action be taken to appoint to Dial-a-Ride and Community Transport at the present time, pending the outcome of the Portfolio Holder's review of the arrangements for appointments to this organisation;

- (5) Holmes Chapel Partnership be added as a Category 2 outside organisation and Councillor Les Gilbert be appointed as the Council's representative;
- (6) the revised Casual Vacancies Procedure set out in the report be adopted for use in respect of Category 2 organisations and be commended to Cabinet for application to all Category 1 organisations;
- (7) the proposed procedure for dealing with new requests for representation on outside organisations as set out in the report be adopted;
- (8) the Sub-Committee be authorised to refer Category 1 organisations direct to Cabinet;
- (9) the procedure for making appointments in 2011-2012 be noted; and
- (10) it be noted that the Guide for Members Appointed to Outside Organisations has been finalised and issued to all Members.

54 MEMBER DEVELOPMENT: CHAIRMAN'S END OF YEAR REPORT

The Committee considered a report summarising the member training and development events held in 2010/11 and outlining planned activities for 2011/12.

The 2010/11 Member Development Programme had continued to build on the successes achieved in year 1 by maintaining the flow of information to Councillors and enhancing Members' knowledge on a wide range of subjects.

Work would continue during 2011 to maintain the standard required under the North West Development Charter to enable the Council to apply for re-accreditation in 2012.

The Panel's priorities for 2011/12 included the creation of a comprehensive Induction Programme for newly-elected Members, a review of the Member Development Strategy and personal development planning.

RESOLVED

That the end of year report by the Chairman of the Member Development Panel be noted.

55 MID-YEAR REVIEW OF SCHEME OF MEMBERS' ALLOWANCES

The Committee considered a further report of the Independent Remuneration Panel following a meeting between the Panel and the Council's political leaders on 2nd March 2011.

The Panel had submitted its final report to the meeting of the Constitution Committee on 27th January 2011 (Appendix 1). Having debated the report the Committee had resolved that:

“The Independent Remuneration Panel be thanked for its report which is noted, and the Panel be invited to meet with the Council's political leaders and Group Whips to discuss the recommendations in the report.”

The report summarised the discussion which had taken place on 2nd March and set out the recommendations of the Panel as amended in the light of that discussion.

RESOLVED

That the Independent Remuneration Panel be thanked for its further consideration of the Member Allowances Scheme and the Panel's recommended changes to the Scheme as set out below be recommended to Council for adoption and implementation with effect from the beginning of the next municipal year:

- 1) The Cheshire East Scheme of Members' Allowances should make provision for the Independent Remuneration Panel to review, on an annual basis, the current Scheme's allowances and recommend whether any adjustments were appropriate;
- 2) The level of Basic Allowance for 2011/2012 should not be increased and remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011;
- 3) Except as provided for in recommendations 4 (a) - (c) in respect of the role of Vice-Chairmen, the level of remuneration in respect of Special Responsibility Allowances, Subsistence Allowances, Co-opted Member Allowance, Dependent Carer's Allowance, Broadband/Line Rental fees and Members' Surgery fees for 2011/2012 should not be increased and remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011;
- 4a) Special Responsibility Allowances for the post of Vice Chairman be retained within the Scheme of Members' Allowances for 2011/2012;
- 4b) The role of Vice Chairman of Constitution Committee and Vice Chairman of Audit and Governance Committee be included in the

Schedule of Special Responsibility Allowances appended to the 2011/2012 Scheme of Members' Allowances;

- 4c) A Special Responsibility Allowance of £1,000 per annum be awarded to the Vice Chairman posts included in Schedule 1 of the 2011/2012 Scheme of Members Allowances, with an additional £50 payable for each meeting chaired up to an accumulated maximum total of £1,500 per annum;
- 5a) The role of Chairman of Constitution Committee and Chairman of Audit and Governance Committee be included in the Schedule of Special Responsibility Allowances appended to the 2011/2012 Scheme of Members' Allowances ;
- 5b&c) A gearing equivalent to 0.65 of Basic Allowance be applied to the post; the position to be kept under review;
- 6) The level of Travel Allowances for 2011/2012 should not be increased and should remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011; except for car mileage rates which are to remain linked to the amounts payable to officers in accordance with the National Joint Council for Local Government Agreement;
- 7) No Special Responsibility Allowance be allocated to the Chairman or Members of Cheshire and Wirral Joint Health Scrutiny Committee at this time; the position to be kept under review;
- 8) No Special Responsibility Allowance be payable to Cheshire East Councillors appointed to the Cheshire Pension Fund Committee;
- 9) No Special Responsibility Allowance be payable to Cheshire East Councillors appointed to the Borough's Local Area Partnerships at this time; the position to be kept under review;
- 10) A payment of up to £50 per four hour session or part thereof be paid to School Appeal Panel Co-opted Members attending appeal meetings or associated training on receipt of proof from their employer that a loss of income had been incurred as a direct result of the performance of their duties on the Panel; and
- 11) The following wording be inserted into the 2011/2012 Scheme of Members' Allowances –
"The Council has introduced a Pension Scheme for Members as provided under Section 7 of the Superannuation Act 1972 and in accordance with the statutory regulations and guidance issued by the Local Government Pensions Committee and the Local Government Pension Scheme (LGPS). Under the Council's Scheme, elected Members of Council are entitled to join the LGPS, providing they meet the eligibility criteria; contributions to be

calculated on the Basic Allowance payable and any Special Responsibility Allowance whilst the Member is in receipt of such Allowances.”

The meeting commenced at 2.00 pm and concluded at 3.06 pm

Councillor J P Findlow (Chairman)