

CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 17th November 2011
Report of: Borough Solicitor
Subject/Title: Local Service Delivery Committees Terms of Reference/membership

1.0 Report Summary

- 1.1 Council approved the constitution of two Local Service Delivery Committees for the unparished areas of Crewe and Macclesfield, whose membership should be constituted on a proportionate basis 'to make representations to Cabinet and Council about the delivery of local services in the area and to monitor local services where a town or parish council acting under local devolution arrangements would have been expected to do so (but not otherwise)'.
- 1.2 At the first meeting of each of the Committees consideration was given to the Terms of Reference, which the Committees would operate under. The draft Terms of Reference, are appended to the report. The first paragraph has been amended slightly, to reflect the current position with regard to membership, which is currently on a politically proportionate basis. Each Committee gave consideration to the draft Terms of Reference and suggested the following changes:

Crewe Committee

- 1.3 The original resolution made by Council in respect of the membership of the Committee (i.e. that Ward Members representing the un-parished areas of Crewe be appointed) had been superseded by the resolution made by Council on 15 December 2010, which resolved that the Committee be appointed on a politically proportionate basis. The current membership of 4 Conservative, 1 Labour and 2 Independents reflects this decision. It was also noted that Leighton should also have been included in the list of wards affected, as a small proportion of the ward fell outside the parish boundary. The Committee resolved that, subject to the wording relating to membership of the Committee being amended to reflect the political proportionality of the Council and the inclusion of Leighton in the wards affected, that the Terms of Reference for the Local Service Delivery Committee (Crewe) be recommended to Council for approval.

Macclesfield Committee

- 1.4 With regard to the positions of Chairman and Vice-Chairman there was agreement that the Committee should nominate the Chairman and Vice-

chairman, rather than nominations coming via the political groups and it was, recommended that this be added to the proposed Terms of Reference.

- 1.5 It was agreed that the process for speaking at Committee meetings would be that Members of the Committee would be invited to speak on a matter in the first instance, followed by Participating/Ward Members. In the light of the above, it was agreed that the following additions be made to the proposed Terms of Reference:

- That the nomination and appointment of the Chairman and the Vice-Chairman of the Committee be a function of the Committee.
- That the procedure for Participating Members be that they be invited to speak and to participate, after Committee Members, but prior to any decisions being taken. (Note - The Crewe Committee also agreed to adopt this approach and it is, therefore, suggested that it would be appropriate to include this in the terms of reference for both Committees).

Notice of Motion Relating to Membership of the Local Service Delivery Committee (Macclesfield)

- 1.6 At the meeting of the Council held on 13 October 2011, it was resolved that the following Notice of Motion, submitted by Councillors D Neilson and B Murphy, should stand referred to the Constitution Committee for consideration:
- 1.7 “In view of the consultative role of the Local Service Delivery Committee for Macclesfield, plus the request from the Cabinet in relation to precepting powers for the Committee and in order to enhance its mandate, to reflect opinion across the town, the Council requests the Constitution Committee to re-consider the Committee's composition, with a view to incorporating into its membership all elected Councillors for the unparished area.”
- 1.8 If the above change to membership is agreed, it will not be necessary to include details of the procedure/order of speaking in the Terms of Reference, as recommended by the Local Service Delivery Committee (Macclesfield), as all Councillors for the unparished area would be members of the Committee.

2.0 Recommendation

- 2.1 That

- (1) the Committee recommend to Council that the Terms of Reference be approved and consider whether to also recommend the changes suggested by the Local Service Delivery Committees for Crewe and Macclesfield.
- (2) the Committee decide whether to recommend to Council that the membership of the Local Service Delivery Committee (Macclesfield)

should be amended to comprise all elected Councillors for the unparished area, as proposed in the above Notice of Motion to Council.

3.0 Reasons for Recommendations

- 3.1 The Committees require Terms of Reference in order to operate effectively.
- 3.2 The Constitution Committee is required to consider the Notice of Motion, as submitted and to formulate advice and report back to Council.

4.0 Wards Affected

Crewe

Crewe North
Crewe East
Crewe South
Crewe West
Crewe Central
Crewe St. Barnabas
Leighton

Macclesfield

Macclesfield West and Ivy
Macclesfield Hurdsfield
Broken Cross and Upton
Macclesfield South
Macclesfield Central
Macclesfield Tytherington
Macclesfield East

5.0 Local Ward Members

Crewe

Cllrs Grant, M Martin, Newton, Thorley, Flude, Hogben, Nurse, Sherratt, Faseyi, Cartlidge, Bebbington.

Macclesfield

Cllrs Andrew, Harewood, Boston, L Brown, Hardy, Jeuda, Druce, K Edwards, Jackson, Murphy, Roberts, Neilson.

6.0 Policy Implications (including carbon reduction and health)

- 6.1 The Council's agreed arrangements must be clearly documented in the Constitution.

7.0 Financial Implications

- 7.1 No such implications arise from the proposals contained in this report.

8.0 Legal Implications

- 8.1 Once agreed, the arrangements will be included in the Constitution which can be amended by Council, following a recommendation of the Committee.

9.0 Risk Management

- 9.1 No risks would appear to arise from the proposals contained in this report.

10.0 Background and Options

- 10.1 The Committee will need to consider the options as set out in the decision requested and consider whether to recommended the proposed changes to the draft terms of Reference, as suggested by the Local Service Delivery Committees and the change in membership arrangements for the Macclesfield Committee, as proposed in the Notice of Motion, as set out in paragraph 1.2 of the report.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Julie North

Designation: Senior Democratic Services Officer

Tel No: 01270 686460

Email: Julie.north@cheshireeast.gov.uk