

CHESHIRE EAST COUNCIL

REPORT TO: COUNCIL

Date of Meeting: 13th December 2012
Report of: Democratic and Registration Services Manager
Recommendations from the Constitution Committee

1.0 Report Summary

- 1.1 This report contains the recommendations of the Constitution Committee, which met on 26th November 2012.

2.0 Decision Requested

- 2.1 That Council agree the recommendations set out under the following headings in the report:

(1) Re-organisation of Community Governance (Crewe) Order 2012 and mini review of electoral arrangements for the Parish of Leighton. (Paragraph 7.2 of the report)

(2) Notice of motion: Motions to Council (Paragraph 7.4 of the report)

(3) Notice of Motion: right to speak at meetings (Paragraph 7.4.12 of the report)

(4) Notice of Motion: start time of public meetings (Paragraph 7.4.14 of the report)

(5) Scheme of Members' Allowances: Report of the Independent Remuneration Panel (Paragraph 7.4.16 of the report)

- 2.2 That the Borough Solicitor be authorised to make such changes to the Constitution as she considers are necessary to give effect to the wishes of Council.

3.0 Policy Implications

- 3.1 Certain recommendations of this report, if accepted, will require changes to the Constitution.

4.0 Financial Implications

- 4.1 No financial implications would appear to arise from the recommendations of the Constitution Committee, other than those which are linked to the work of the Independent Remuneration Panel. In this respect, the cost of the existing Members' Allowances Scheme are not in excess of the allocated budget. Forecasts for 2012/13 indicate that the budget is anticipated to be underspent. The recommendations in respect of the number of special responsibility allowances within the Scheme can be met from within the existing Allowances budget.

5.0 Legal Implications

- 5.1 Where the recommendations of this report have legal implications, these are set out in the sections of the report which deal with those recommendations.

6.0 Risk Management

- 6.1 There are no identifiable risks associated with the recommendations of this report.

7.0 Information

- 7.1 This report sets out the recommendations of the Constitution Committee which met on 26th November. Each recommendation is listed in the following paragraphs, along with commentary which explains the background.

Re-organisation of Community Governance (Crewe) Order 2012 and mini review of electoral arrangements for the Parish of Leighton.

- 7.2 At its meeting on 11th October 2012, Council had agreed that the draft Re-Organisation of Community Governance Order for Crewe be updated and submitted to Council on 13 December, following a mini review of electoral arrangements for the Parish of Leighton.

In the light of the decision of Council on 11th October, which dealt with all other community governance arrangements for Crewe, all that remained to be decided were the arrangements for the area of Leighton and the final approval of the Reorganisation Order to give effect to the Council's decisions.

The Constitution Committee reviewed when elections for the Leighton Parish Urban ward should be held and whether the number of councillors for the parish should be amended. In respect of the area of Leighton, the Committee made **recommendations** (1) to (5) to Council that:

- (1) the change to the boundary of the Leighton Parish take effect from 1st April 2013;**
- (2) no parish elections be held until 2015 but Cheshire East Council take steps to advertise the current vacancies on the Parish Council;**
- (3) the number of parish councillors for Leighton remain unchanged at the present time but the number be reviewed when Cheshire East Council conducts its community governance review of parish councils;**
- (4) accordingly, paragraph 10 of the draft order be retained in its present form; and**
- (5) the draft Re-Organisation order, as appended to this report at Appendix A be approved.**

Notice of motion: Motions to Council

7.3 At the Council meeting on 19th July 2012, the following motion was proposed by Councillor Arthur Moran and was seconded by Councillor David Brickhill:

“That all motions that are referred by Council to a Committee or Cabinet must be put on the agenda of the next meeting of that body or brought back to the next Council meeting for vote on a final decision.”

7.4 The Committee considered the motion and made the following **recommendations to Council** as to how notices of motion should be dealt with. The existing Rules are appended to the report at Appendix B:

7.4.1 **The Democratic and Registration Services Manager be a nominated recipient of Notices of Motion, in addition to the Monitoring Officer, in order to enable Members to lodge Notices of Motion when the Monitoring Officer is not available.**

7.4.2 **Members should be permitted to submit Notices of Motion by email, and a hard copy signature of the Members in question should not be a requirement of the process.**

7.4.3 **The wording of the Rules should be amended to make it clear that the full text of the notice of motion would be reproduced with the agenda papers for Council meetings.**

7.4.4 A Notice of Motion should be regarded as withdrawn:

prior to the Council meeting if an indication to this effect is given in writing to at least one of the above-named officers by the Member who submitted the Notice; or

at the Council meeting if oral notice to this effect is given by the Member who submitted the Notice; or

if the Notice of Motion is not moved and seconded at the meeting of Council.

7.4.5 There should be no distinction in the Rules between executive and non-executive functions; there being just one Rule, which simply requires the motion in question to be referred to the relevant decision-making body, which will be announced at Council by the Mayor.

7.4.6 That each motion should then be referred to the relevant decision-making body for determination, without the need for any reference back to Council except where:

arising from consideration of the motion, the Constitution Committee recommends to the Council a change to the Constitution; or

there is some other legal or Constitutional requirement for the matter to be referred back to Council.

7.4.7 That, following the moving and seconding of the motion in question; the mover and seconder having been given the opportunity to speak, the motion should stand referred to the appropriate decision-making body without debate.

7.4.8 That, unless the chairman of the appropriate decision-making body agreed there were good reasons not to do so, notices of motion must be referred to that body within two meeting cycles, and that the proposer of the motion would be consulted before the chairman decided the matter.

7.4.9 That the existing provision be retained whereby the Mayor may determine that it is conducive to the despatch of business for a motion to be dealt with in full at the initial Council meeting.

7.4.10 That no notice of motion which, in the opinion of the Mayor, deals with the same or a similar matter to one which had come before Council during the previous 6 months, should be included on the Council agenda.

Notice of Motion: right to speak at meetings

7.4.11 At the Council meeting on 19th July 2012, Councillor A Moran proposed and Councillor P Edwards seconded the following motion:

“That visiting members to all Cabinet meetings, committees, and sub-committees have the right to speak once on each separate item on the agenda before the debate proper commences. This will apply to all items on the agenda, including Part II items”.

The current rules allow any Member to attend any meeting and, with the consent of the Chairman, to speak on any matter on the agenda. Special provisions apply to meetings of licensing and planning meetings.

7.4.12 The Committee considered the motion and **recommended that no action be taken.**

Notice of Motion: start time of public meetings

7.4.13 On 12th October 2012, Council considered the following motion, which had been proposed by Councillor Brickhill and seconded by Councillor A Moran:

“That in view of the increasingly bad traffic congestion in the morning rush hours all this Council’s public meetings, which cause additional traffic to travel in these periods, should never start before 10am if held in Sandbach and not before 10.30am if held elsewhere”.

7.4.14 The Committee considered the motion and **recommended that no action be taken.**

Scheme of Members’ Allowances: Report of the Independent Remuneration Panel

7.4.15 The existing Scheme of Members’ Allowances is appended to this report at Appendix C. During 2012, the Independent Remuneration Panel conducted a review of the Scheme.

7.4. 16 The Committee considered the report of the Panel, as appended to this report at Appendix D, and **recommended that the Panel’s recommendations be accepted by Council.**

8.0 Access to Information

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

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