

COUNCIL MEETING – 14TH MAY 2014

Extract from the Minutes of the Constitution Committee Meeting on 1st May 2014

43 THE COUNCIL'S DECISION-MAKING AND GOVERNANCE ARRANGEMENTS

The Committee considered a range of proposals concerning the Council's governance arrangements.

PDG/Scrutiny Review

The Constitution Committee had appointed a cross-party member working group to conduct a review of the arrangements relating to the Council's scrutiny committees and policy development groups. The Working Group had appointed Professor Steve Leach and Professor Colin Copus of DeMontfort University to undertake the work required in respect of the review. Professors Leach and Copus were widely acknowledged for their expertise in scrutiny and other local government matters.

Professors Leach and Copus had presented their report to the PDG/Scrutiny Review Working Group on 14th April 2014. The report was attached to the Committee's report as Appendix A. The Working Group had supported the recommendations in the report.

In considering the proposals, Members felt that the policy and performance commissions should be termed 'overview and scrutiny committees'.

Members also had regard to recommendation (12) of the Professors' report which stated that the chair and vice-chair of each commission should be held by councillors from different political parties and that in the medium term it would be advantageous if there were some sharing of commission chairs with opposition parties, provided that an appropriate behavioural protocol could be agreed.

Size of Committees

The Constitution Working Group had recently considered the merits of reducing the size of committees to free-up members' time and to make meetings shorter and more manageable. The Working Group had suggested the following reductions subject to further consideration:

Committee (current size)	Proposed size
Constitution Committee (14)	10
Strategic Planning Board (14)	12
Northern Planning Committee (14)	12

Southern Planning Committee (15)	12
Public Rights Of Way Committee (7)	5
Licensing Committee (15)	10
Lay Members Appointments Committee (7)	5
Local Authority School Governor Appointments Panel (8)	5
Appeals Sub-Committee (5)	3

No changes had been proposed to the size of the Audit and Governance and Staffing Committees.

In considering the proposed reductions, Members had regard to the fact that the Licensing Committee's sub-committees met very frequently and at relatively short notice and that the membership for each meeting was drawn from the membership of the parent committee. Any reduction in the size of the Licensing Committee would result in a smaller pool of members available for sub-committee meetings, making it more difficult for such meetings to be convened. Members concluded therefore that the Licensing Committee's membership should remain at 15 (and that consequently the quorum of the Committee should remain unchanged).

Terms of Reference of Committees

The Committee considered revised terms of reference for the Staffing Committee, Audit and Governance Committee and Health and Wellbeing Board.

The background to each review was set out fully in the report.

The Staffing Committee at its meeting on 24th April 2014 had considered revised terms of reference which were recommended to the Constitution Committee for approval by Council. These were circulated at the meeting and replaced the version attached to the report at Appendix C.

A number of additional amendments to the terms of reference of the Audit and Governance Committee were also proposed and agreed at the meeting. The terms of reference as attached to the report at Appendix D would be amended accordingly.

The Constitution Committee at its meeting on 20th March 2014 had approved revised terms of reference for the Health and Wellbeing Board for submission to Council subject to certain amendments. The terms of reference as amended were attached to the report at Appendix E.

Cabinet Support Members

In considering the report of the Independent Remuneration Panel at its meeting on 27th February 2014, Council had noted the Panel's conclusion that in the absence of a job description or terms of reference, a Cabinet Support Member did not appear to have any individual responsibility in order to qualify for a Special Responsibility Allowance (SRA) under its criteria.

It was now considered opportune to review the role of Cabinet Support Members. A suggested list of responsibilities of those appointed by the Leader of the Council to undertake a support role for Cabinet Members was attached as Appendix F to the report. Given the comments of the IRP, it was considered appropriate for these roles to be defined in the Constitution, which would require a recommendation to Council.

The Leader had indicated that the title of those appointed to these roles should properly reflect their responsibilities; he had therefore allocated the title "Deputy Cabinet Member" to these positions.

The Committee was asked to determine whether, having regard to the recommendations of the Panel, and in the light of the roles in question now being clearly defined, SRAs should be paid to the newly-appointed Deputy Cabinet Members and, if so, whether these should mirror the arrangements which currently applied to Cabinet Support Members.

RESOLVED

That Council be recommended to approve the following:

1. the abolition of the Council's existing Scrutiny and Policy Development Group arrangements and the creation of five overview and scrutiny committees, reflecting Cheshire East Council's five strategic priorities: Communities, Economy, Life Skills, Environment and Health;
2. the adoption of the terms of reference, attached as Appendix B to the report, as the committees' terms of reference, with each committee having all relevant overview and scrutiny powers under the Local Government Act 2000; together with the appropriate committee having responsibility for the ASDV which best fits within the work of that committee;
3. the creation of an overarching Cheshire East Overview and Scrutiny Committee, having all relevant overview and scrutiny powers under the Local Government Act 2000, and the terms of reference and scrutiny powers appended to the report, with those additional responsibilities set out in recommendation 10 of the PDG/Scrutiny Review Report; the powers of this committee also to include the power to determine which overview and scrutiny committee should take responsibility for specific pieces of work where there may be uncertainty;
4. the designation of the Communities Overview and Scrutiny Committee to deal with crime and disorder issues under the Police and Justice Act 2006; the Environment

Overview and Scrutiny Committee to deal with scrutiny of Flood Risk Management arrangements under the Flood Risk management Overview and Scrutiny (England) Regulations 2011; the Health Overview and Scrutiny Committee to deal with health scrutiny requirements under the Health and Adult Social Care Act 2012;

5. that the Life Skills Overview and Scrutiny Committee have the responsibility of co-opting faith and parent-governor representatives to deal with education matters;
6. the amendment of the existing call-in arrangements as set out in recommendation 13 of the PDG/Scrutiny Review Report, including the reduction in the number of Members required to trigger a call-in from 8-6 and the inclusion of provisions requiring reasons for call-in (as set out in the PDG/Scrutiny report) to be stipulated and the empowerment of the Head of Legal Services and Monitoring Officer to be the arbiter if the justification for call-in is disputed;
7. that the number of Council Members who will be members of each of the five overview and scrutiny committees be eight (which may be supplemented by up to two members of the public);
8. that, in acknowledgement of recommendation 12 of the report by Professors Leach and Copus as set out in Appendix A, the Council move to a position where there is some sharing of committee chairs and vice chairs with opposition parties, subject to an appropriate behavioural protocol being adopted;
9. the Special Responsibility Allowances paid to the Chairmen and Vice-Chairmen of the new overview and scrutiny committees be the same as those paid to the Chairmen and Vice-Chairmen of the Council's existing scrutiny committees;
10. the membership of those bodies referred to in paragraph 12.2 of the report be reduced as indicated in that paragraph with the exception of the Licensing Committee whose membership shall remain at 15 (and whose quorum as a consequence shall remain unchanged), with the quorum for planning boards and committees being reduced from 5 to 4 members;
11. the proposed terms of reference of the Staffing Committee as circulated at the meeting, and those of the Audit and Governance Committee and the Health and Wellbeing Board, as set out in Appendices D and E respectively, be adopted as the terms of reference of those bodies subject to the further amendments to the Audit and Governance Committee's terms of reference as agreed at the meeting;
12. the responsibilities of Deputy Cabinet Members, as contained in Appendix F, be noted and included in the Constitution subject to any further drafting changes which might be made to reflect the discussion at the Committee's meeting and which might be put forward before consideration by Council;
13. given that a recommended job description is now in place in respect of the role of Deputy Cabinet Members, and having regard to the report of the Independent Remuneration Panel presented to Council on 27th February 2014, Special Responsibility Allowances be paid to the newly-appointed

Deputy Cabinet Members in accordance with the arrangements which currently apply to Cabinet Support Members; and

14. the Head of Legal Services and Monitoring Officer be given delegated authority to make such consequential and other changes to the Council's Constitution as she considers necessary to give effect to the wishes of Council.

Notes:

- 1 The Staffing Committee terms of reference at Appendix C have been amended in accordance with the recommendations of the Staffing Committee and the Constitution Committee.
- 2 The Audit and Governance Committee terms of reference at Appendix D have been amended to incorporate the further changes agreed by the Constitution Committee.