

# **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Constitution Committee**  
held on Thursday, 20th September, 2018 at Committee Suite 1,2 & 3,  
Westfields, Middlewich Road, Sandbach CW11 1HZ

## **PRESENT**

Councillor A Martin (Chairman)  
Councillor P Groves (Vice-Chairman)

Councillors G Baxendale, J Bratherton, M Deakin, H Gaddum, R Menlove,  
J Nicholas, J Rhodes, B Walmsley, G Williams and S Edgar (for Cllr Beanland)

## **Officers**

Dan Dickinson, Acting Director of Legal Services  
Brian Reed, Head of Democratic Services and Governance  
Paul Mountford, Executive Democratic Services Officer

## **Other Members present**

Councillors J P Findlow, A Moran and B Moran

## **Apologies**

Councillors D Bailey, M Beanland and L Durham

## **10 DECLARATIONS OF INTEREST**

The Head of Democratic Services and Governance declared a personal interest in Item 6 – Community Governance Review as a resident of the Malbank Waters Estate, Nantwich.

## **11 PUBLIC SPEAKING TIME/OPEN SESSION**

Sue Helliwell referred to a report to be considered by the Strategic Planning Board on 26<sup>th</sup> September 2018 regarding a revised planning application referral procedure for members and sought clarification of certain aspects of the procedure. The Acting Director of Legal Services undertook to consider the matters raised and respond in writing, with a copy to all members of the Committee.

## **12 MEMBER SPEAKING**

Councillor A Moran expressed the hope that there would be adequate opportunity for Nantwich Town Council to have an input into any community governance review affecting Nantwich and adjoining parishes. He also asked if the review would include a review of the internal governance arrangements of Cheshire East Council. The Head of Democratic Services and Governance clarified that the community governance review would relate solely to the boundaries, warding

arrangements and councillor numbers for town and parish councils in Cheshire East and would have no bearing on the internal governance arrangements of Cheshire East Council.

### **13 MINUTES OF PREVIOUS MEETING**

#### **RESOLVED**

That the minutes of the meeting held on 28<sup>th</sup> June 2018 be approved as a correct record.

### **14 COMMUNITY GOVERNANCE REVIEW**

The Committee considered proposals to conduct a Borough-wide community governance review of town and parish councils following the local government elections in May 2019. The review would cover town and parish boundaries, numbers of town and parish councillors and warding arrangements. Any existing requests for reviews from parish councils would be included in the overall review.

#### **RESOLVED**

That

1. a Borough-wide review of the governance arrangements of all of the Borough's town and parish councils be undertaken, commencing as soon as reasonably practicable after the 2019 all-out elections, and concluding well in advance of the May 2023 elections;
2. a sub-committee of the Committee be appointed to conduct the review, working with an officer working group, and make appropriate recommendations to the Constitution Committee for decision; and
3. the sub-committee comprise representatives of all of the Council's political groups, on the basis of the following proportionality: 4:1:1:1 (Conservative: Labour: Independent: Liberal Democrat), drawn from the Constitution Committee, provided that the Liberal Democrat Group representative shall be nominated by its Group Leader.

### **15 PUBLIC RIGHTS OF WAY PUBLIC PATH ORDERS: CHANGE TO SCHEME OF DELEGATION**

The Committee considered a proposed amendment to the scheme of delegation to provide that the determination of public path order applications that were not contested or contentious at the pre-order consultation stage could be undertaken by the Executive Director of Place in consultation with the Chairman and Vice-Chairman of the Public Rights of Way Committee. The proposed amendment had been recommended by the Public Rights of Way Committee at its meeting on 11<sup>th</sup> June 2018.

All Public Path Order cases were currently presented to the Public Rights of Way Committee for determination. This impacted on the speed with which cases were processed, legal orders made, advertised and confirmed, and costs recovered.

## **RESOLVED**

That Council be recommended to approve that the scheme of delegation be amended to enable the Executive Director Place to determine, in consultation with the Chairman and Vice Chairman of the Public Rights of Way Committee, any Public Path Order applications that are not contested or contentious at the pre-order consultation stage.

## **16 SHARED SERVICES JOINT COMMITTEE TERMS OF REFERENCE**

The Committee considered a report on revised terms of reference for the Shared Services Joint Committee. Cheshire East and Cheshire West and Chester Councils now shared eight shared services, whereas at the formation of the Joint Committee there were approximately sixty-five services. The work of the Joint Committee had altered from overseeing the sharing of services to contributing to the development and shaping of the change agenda where the two Councils could share services. The terms of reference had been amended to reflect the Joint Committee's changing role.

The revised terms of reference were set out in Appendix A to the report.

## **RESOLVED**

That Council be recommended to approve the amendment of the Constitution to include the revised terms of reference for the Shared Services Joint Committee as set out in Appendix A to the report.

## **17 LIVING DOCUMENT CHANGES TO THE CONSTITUTION**

The Committee considered a report on progress with a number of issues relating to the constitution which had been raised during the review of the constitution or which had since emerged as issues needing to be addressed.

At the invitation of the Chairman, Councillor B Moran as Chairman of the Staffing Committee advised that the proposed amendments to the Staffing Committee's terms of reference were essentially matters of clarification and would be dealt with by the Monitoring Officer under delegated powers.

## **RESOLVED**

That the Committee

1. notes the position regarding the various matters referred to in the Appendix to the report;
2. approves the amendment of the constitution to remove an erroneous provision relating to the appointment of the chairmen and vice-chairmen of overview and scrutiny committees by those committees, thus reflecting the position that such appointments have been made by the full Council since the Council's inception; and
3. agrees that the rules relating to member access to Part 2 documents and meetings be not reviewed at this time but that a watching brief be kept, and the Monitoring Officer make any necessary changes to the constitution to ensure that it reflects the position prior to 1<sup>st</sup> January 2018.

## **18 PROPOSED CHANGES TO GRANT APPLICATION PROCESS**

The Committee considered a report on proposed changes to the grant application process. The current process required officers to seek Member approval prior to submitting a bid for grant funding. By the very nature of grant funding opportunities, there was often insufficient time available to proceed through the member approval routes and meet the timescales associated with a grant funding offer. The proposed changes would remove those time constraints whilst ensuring that appropriate member oversight continued. Member approval would still be required to accept a successful bid.

### **RESOLVED**

That

1. Council be recommended to approve amendments to the constitution to provide that:
  - (a) officers are, in consultation with the relevant portfolio holder, able to apply for external grant funding opportunities;
  - (b) the requirement for relevant member approval (in accordance with the financial thresholds currently set out in the constitution) be applied to a decision to accept grant funding offered, not to apply for it (as is currently the case); and
  - (c) the S151 Officer is empowered (in consultation with the relevant portfolio holder and the Portfolio Holder for Finance and Communication) to approve supplementary capital or revenue estimates, where those estimates are fully funded through the ring-fenced grant funding awarded, in order to enable the Council to accept awarded grant funding and apply it for the purposes for which it has been awarded; and

2. the drafting to be proposed to Council in order to achieve the amendments set out in resolution 1 above be prepared by the Director of Legal Services in consultation with the Chairman of the Constitution Committee.

The meeting commenced at 2.00 pm and concluded at 3.10 pm

Councillor A Martin (Chairman)