

CHESHIRE EAST COUNCIL

Minutes of a virtual meeting of the **Constitution Committee**
held on Monday, 5th October, 2020

PRESENT

Councillor J Nicholas (Chairman)
Councillor S Hogben (Vice-Chairman)

Councillors M Asquith, R Bailey, M Benson, J Bratherton, J Clowes, L Crane,
S Edgar, A Martin, B Murphy, A Stott and P Williams

Substitute: Councillor D Marren

In Attendance: Councillor A Critchley and A Moran

Officers

J Burns – Executive Director, Corporate Services
A Ibrahim – Acting Director of Governance and Compliance
D Malcolm – Head of Planning
B Reed – Head of Democratic Services and Governance
K Small – Democratic Services Team Leader

1 APOLOGIES FOR ABSENCE

An Apology for absence was received from Councillor T Fox

2 DECLARATIONS OF INTEREST

In respect of item 5, in the interest of openness, Councillors S Edgar and J Clowes declared their wards were affected by HS2 proposals.

In respect of item 8, in the interest of openness, Councillor S Edgar declared he was Chair of the Public Rights of Way Committee.

3 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present wishing to speak.

4 MINUTES OF PREVIOUS MEETING

Consideration was given to the minutes of the meeting held on 19 March 2020.

RESOLVED

That the minutes be approved as a correct record.

5 HIGH SPEED RAIL 2 PHASE 2A - PROCEDURE FOR DECISION-MAKING

Consideration was given to a report on the proposed decision-making arrangements for High Speed Rail 2 (HS2) to ensure that appropriate officer delegated authority and where necessary planning committee procedures were in place to deal with applications submitted in relation to works along the route of Phase 2a of HS2.

RESOLVED

Having noted the content and conclusions of the report, Council be recommended to approve the decision making arrangements for the determination of all planning matters in relation to works along the route of Phase 2a of HS2 only, submitted under schedule 17 (the planning conditions schedule of the High Speed Rail (West Midlands - Crewe) Bill, as set out in the Constitution Committee report, and to agree all necessary amendments to the Council's Constitution as are required to secure these provisions, subject to:

- 1.The Parish Liaison Group being added to the application notifications list.
- 2.The determination arrangements for Schedule 17 Applications, as set out in paragraph 6.2 of the Constitution Committee report, being amended to 'All live applications, including Member call-ins, to be reviewed fortnightly and considered for Planning Committee determined by the Head of Planning and Principal Planning Officer in consultation with the Chair of Strategic Planning Board and affected Ward Members'

6 INDEPENDENT REMUNERATION PANEL: REVIEW OF MEMBERS' ALLOWANCES SCHEME

The Committee gave consideration to a report on the Independent Remuneration Panel's review of the indexation arrangements for Cheshire East Council's Scheme of Members Allowances, noting the current position regarding the 2020 NJC officer pay award. The report sought to clarify what arrangements might be put in place to plan for any yearly increases to the budget over the period the index would be in place.

RESOLVED

That the Independent Remuneration Panel be thanked for their work, and the matter be referred to Full Council for consideration.

7 REVIEW OF THE MEMBER TRAINING PROGRAMME

The Committee gave consideration to a report that sought to formalise the current required elements of the Member Training Programme and which proposed new arrangements in respect of Member attendance at these events. It was noted that the new Monitoring Officer would be commencing work with the Council on the day following the Council meeting.

RESOLVED

That Council be recommended to resolve that:

1. Delegated authority to be granted to the Monitoring Officer to formally identify within the Constitution, those subjects which have been designated as foundation skills, and which are therefore required training for Councillors in accordance with the Member Training Programme - Corporate Parenting, Safeguarding Children and Adults, Equality, Diversity and Inclusion, General Data Protection Regulations (GDPR), Members' Code of Conduct.
2. The wording *'Before any Councillor who is a member of the (insert name) Committee can attend a meeting and participate in the business of the meeting, the determination of an application or an appeal by any individual or body, the Councillor must attend a suitable training course dealing with the quasi-judicial nature of the role of the Committee, as a requirement of their membership of the Committee'* be added to the Council's Constitution in respect of the functions of the following Committees: Public Rights of Way Committee, Licensing Committee, Staffing Committee and Appeals Sub-Committee.
3. In respect of the three Planning Committees, the wording *'Any Councillor appointed to Northern Planning Committee, Southern Planning Committee or Strategic Planning Board (including planning pool Members), must attend all planning training sessions held each year (including induction when held), as a requirement of the membership of the Committee they are appointed to, in order to properly discharge their planning committee obligations. Any Member who cannot attend must submit their apologies in advance to the event organiser. If a Member fails to attend, they must undertake refresher training, in line with the Committee training programme'* be inserted into the Council's Constitution at the appropriate juncture.
4. The wording at paragraph 21, page 47 of the Constitution to be replaced with *'A cross party pool of 9 planning substitutes shall be maintained to supplement the arrangements referred to above. Each member of the pool must receive appropriate and up to date planning training without which they may not serve as a member of a planning committee. Political groups may nominate their own members to the pool in accordance with the proportionalities in force at the time and may vary their nominees as and when required subject to the training requirements referred to above'*.

8 COMMITTEE SYSTEM FORM OF GOVERNANCE - UPDATE

Further to its meeting on the 19 March 2020, the Committee gave consideration to recommendations of the Governance Working Group in relation to:

- a decision review process

- scrutiny functions in a committee system form of governance
- how public rights of way and licencing matters would be dealt with under a committee system form of governance

The Committee also discussed the officer scheme of delegation which had been listed for consideration by the Governance Working Group at its December 2020 meeting.

REOLVED

That Full Council be recommended to resolve that:

1. The Public Rights of Way Committee be a standalone committee.
2. The General Licensing Sub-Committee and Licensing Act 2003 Sub-Committee, be retained to ensure that the Council complies with legislative provisions.
3. There be a single scrutiny committee, empowered to discharge the statutory scrutiny functions.
4. The Referral to Council Process at Appendix B to the report be approved.

The meeting commenced at 10.30 am and concluded at 1.40 pm

Councillor J Nicholas (Chairman)