

CONSTITUTION WORKING PARTY

Meeting: 20 March 2009

At: 2.00pm

PRESENT

Councillor Sue Derbyshire (Chair) in the Chair; Councillors Shan Alexander, Chris Baker, Peter Burns, Bryan Leck, John Pantall, Peter Scott and David White.

Also in attendance

Craig Ainsworth	-	Head of Area Governance & Partnerships, Chief Executive's Directorate
Andy Burridge	-	Policy Manager (Health & Well-Being), Adults & Communities Directorate
Barry Khan	-	Service Director (Legal & Property), Business Services Directorate
Mike Iveson	-	Head of Committee Services, Chief Executive's Directorate
Chris Braithwaite	-	Democratic Services Officer, Chief Executive's Directorate

1. MINUTES

The minutes (copies of which had been circulated) of the meeting held on 12 March 2009 were approved as a correct record.

2. DECLARATIONS OF INTEREST

No declarations of interest were made.

3. MATTERS ARISING

(i) CP4 - Update, Confidential Reporting Policy ("Whistleblowing")

A Councillor queried the inclusion of CP4 – Confidential Reporting Policy ("Whistleblowing") within the Constitution given that there was not a legislative requirement for the full details of the Policy to be included.

RESOLVED – That the Service Director (Legal & Property) be requested to submit a report to the next meeting of the Working Party with regard to the inclusion of the full details of CP4 – Confidential Reporting Policy ("Whistleblowing") within the Constitution.

(ii) Duration of Council Meetings

RESOLVED – That the Service Director (Legal & Property) be requested to submit a further report to the next meeting of the Working Party with regard to potential changes to the Council Meeting Procedure Rules.

(iii) Scrutiny Issues

A representative of the Assistant Chief Executive (Strategy, Performance & Governance) submitted a response (copies of which had been circulated) to a question raised at the last meeting of the Working Party which requested clarification with regard

to the highways functions covered by the provision of Part V of the Local Government & Public Involvement in Health Act 2007.

RESOLVED – That the response be noted.

4. AREA COMMITTEE CONFIGURATION

A representative of the Assistant Chief Executive (Strategy, Performance & Governance) submitted a report (copies of which had been circulated) requesting guidance from the Constitution Working Party with regard to the role and Terms of Reference of the Proposed Ward Committees and Town Centre Committee in order that necessary changes can be made to the Constitution.

Councillor Peter Scott registered his concern with regard to the disparity in size between the proposed Heatons North, Heatons South, Reddish North and Reddish South Area Committee and the proposed Brinnington & Central, Davenport & Cale Green, Edgeley & Cheadle Heath and Manor Area Committee (both of which would include four wards) and the existing Marple and Werneth Area Committees (both of which include two wards). Councillor Scott stated that he would prefer Area Committees to be of as equal a size as practicable.

RESOLVED – (1) That the report be noted.

(2) That the Service Director (Legal & Property) be requested to submit a further report to the Working Party with regard to potential changes required to the Constitution to enable the following recommendations to the Council Meeting with regard to changes to Area Committees, Ward Committees and the creation of a Town Centre Committee:-

a) Ward Committees

- i) That decisions made in respect of Area Flexibility Funding, Highway Maintenance and Local Initiatives (including budgets), Traffic Management Schemes (including budgets) and Commuted Sums be considered at the Area Committees but that a protocol be developed such that these decisions will reflect the views of the appropriate Ward Councillors and will be endorsed by fellow members of the Area Committee.
- ii) That emphasis of the Ward Committees will be in relation to Community Leadership, and that there will be an opportunity for Community Engagement at Ward Committees.
- iii) That Extraordinary meetings of Area Committees/Ward Committees may be held at such other times as the Area Committee shall reasonably determine, provided that no more than five such extraordinary meeting per Ward may be held each year, and that such extraordinary meetings are not held in the period immediately preceding a local, Parliamentary or European election.
- iv) That the establishment of Ward Committees be a decision of the Ward Councillors.
- v) That the conduct of Ward Committees should be consistent with the Council Meeting Procedure Rules (where appropriate).
- vi) That the Area Committee Protocol for Relationships with Executive Councillors, Scrutiny Committees, Officers and Others be amended to reflect Ward and Joint Ward Committees.

- vii) That where Joint Ward Committees are established including Wards from different Area Committees, the Area Committee be able to delegate decisions to the Joint Ward Committee on behalf of the relevant Area Committees.
- b) Area Committees
 - i) That Local Scrutiny Reviews and Ward Plans be incorporated within the Terms of Reference of Area Committees
 - ii) That Area Committees be allowed to hold more than one extraordinary meeting per ward per year in order to accommodate themed meetings and Local Scrutiny Reviews
 - iii) That the proposed Area Committee made up of the Heatons South, Heatons North, Reddish North and Reddish South Wards be named Heatons & Reddish Area Committee.
 - iv) That the proposed Area Committee made up of the Brinnington & Central, Davenport & Cale Green, Edgeley & Cheadle Heath and Manor Wards be named Central Stockport Area Committee.
 - v) That Bramhall Area Committee be renamed Bramhall and Cheadle Hulme South Area Committee.
- c) Creation of a Town Centre Committee
 - i) That a Town Centre Committee be established to consider strategic planning applications in the Town Centre.
 - ii) Technical Officers will attend the Town Centre Committee as a matter of right, rather than a matter of request.
 - iii) Members of the Town Centre Committee will not be able to “call-up” applications.
 - iv) That the applications to be considered by the Town Centre Committee be those applications which fall within the M60 Gateway Area which would be considered by the Planning & Highways Regulation Committee under the current arrangements and any applications considered to be of a strategic nature in the same area at the discretion of the Corporate Director, Environment & Economy.
 - v) That the Town Centre Committee be a consultee on planning policy.
 - vi) That the “Code of Conduct for Councillors and Officers dealing with Planning & Development Matters” be amended to reflect the role of the Town Centre Committee in determining planning applications without reference to the Area Committee or Planning & Highways Regulation Committee.
 - vii) That the Town Centre Committee be able to undertake site visits at the suggestion of Ward Councillors, officer recommendations or at the request of a member of the Committee.
 - viii) That the “Arrangements for Public Speaking on Planning Applications” be extended to the Town Centre Committee and remove reference to the Planning & Highways Regulation Committee.

5. PARTNERSHIP ARRANGEMENTS

A representative of the Service Director (Adults) attended the meeting to provide an oral report with regard to the Section 75 Partnership Agreement for the creation of

commissioning arrangements for health and wellbeing in Stockport between NHS Stockport and Stockport MBC.

RESOLVED – That the Service Director (Adults) be requested to submit a report to the next meeting of the Constitution Working Party outlining changes required to the Constitution as a result of the Section 75 Partnership Agreement.

6. AREA COMMITTEE CONFIGURATION (continued)

The Service Director (Legal & Property) then submitted a report (copies of which had been circulated) setting out the current delegated powers to Area Committees, the Planning & Highways Regulation Committee and the Licensing, Environment & Safety Committee.

RESOLVED – (1) That the report be noted.

(2) That the Council Meeting be recommended to add the words “in accordance with the Council’s agreed protocol” to the end of paragraph 4 of appendix 4 of the Scheme of Delegation of the Constitution.

7. STATE OF THE AREA/STATE OF THE BOROUGH DEBATE

A representative of the Assistant Chief Executive (Strategy, Performance & Governance) submitted a report (copies of which had been circulated) requesting the Working Party to consider reviewing the constitutional arrangements for the calling of a State of the Borough Debate.

RESOLVED – (1) That the Council Meeting be recommended to amend the wording of Part 4 of the Constitution, Procedure Rule 1 – Council Meeting Procedure Rules, Paragraph 15 to replace the word “will” with the word “may”.

(2) That any amendments required to the Constitution relating to the State of the Area Debates be considered in conjunction with the report on Area Committee Constitutional Arrangements at the next meeting of the Working Party.

8. AGMA CONSTITUTIONAL ARRANGEMENTS

A representative of the Assistant Chief Executive (Strategy, Performance & Governance) submitted a report (copies of which had been circulated) requesting the Working Party to review the Constitution in light of the agreement to adopt the AGMA Constitution, made by the Council Meeting on 26 June 2008.

RESOLVED – That the Council Meeting be recommended to amend Article 11 and the Scheme of Delegation of the Constitution to take into account the new AGMA Constitution.

9. AGENDA PLANNING AND FUTURE MEETINGS

RESOLVED – That the next meeting of the Working Party take place on Thursday, 26 March 2009 at 2.30pm.

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The meeting closed at 4.03pm.

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