

# Constitution Committee

## Agenda

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**Date:** Thursday, 5th October, 2017  
**Time:** 2.00 pm  
**Venue:** Committee Suite 1,2 & 3, Westfields, Middlewich Road,  
Sandbach CW11 1HZ

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and in the report.

It should be noted that Part 1 items of Cheshire East Council decision-making meetings are audio recorded and the recordings are uploaded to the Council's website.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the body in question. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

4. **Minutes of Previous meeting** (Pages 3 - 6)

To approve the minutes of the meeting held on 4<sup>th</sup> August 2017.

5. **Work Packages and Proposed Amendments to the Constitution**

To consider a report on the current progress with the work packages.

6. **Progress on the Review of the Constitution**

To discuss the progress of the constitution review.

**THERE ARE NO PART 2 ITEMS**

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Constitution Committee**  
held on Friday, 4th August, 2017 at The Ballroom, Sandbach Town Hall, High  
Street, Sandbach, CW11 1AX

**PRESENT**

Councillor A Martin (Chairman)  
Councillor M Beanland (Vice-Chairman)

Councillors G Baxendale, B Burkhill, M Deakin, L Durham, S Edgar,  
H Gaddum, S Hogben, L Jeuda, D Mahon, N Mannion, R Menlove and  
G Williams

**Officers**

Brian Reed, Head of Governance and Democratic Services  
Julie Gregory, Solicitor  
Chris Allman, Senior Manager – Project and Change  
Paul Mountford, Executive Democratic Services Officer

**External Adviser**

Beth Evans of Bevan Brittan

**Other Members present**

Councillors Rhoda Bailey, D Bebbington, D Brown, D Flude, P Groves,  
A Kolker, B Moran, S Pochin, M Sewart, M Simon, J Weatherill and J Wray

**1 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**2 PUBLIC SPEAKING TIME/OPEN SESSION**

There were no members of the public wishing to speak.

**3 MINUTES OF PREVIOUS MEETING****RESOLVED**

That the minutes of the meeting held on 23<sup>rd</sup> March 2017 be approved as  
a correct record.

**4 REVIEW OF THE CONSTITUTION**

The Committee considered proposals for a comprehensive review of the  
Council's Constitution.

The Council was undertaking a comprehensive review of its Constitution to  
ensure that it complied with all relevant statutory requirements, and to

examine how its current processes and procedures could be altered to improve organisational efficiency and achieve stronger governance. The background to, and scope of, the review was set out in an advice note from external solicitors Bevan Brittan, who had been asked to advise on the review. The advice note was appended to the report.

Beth Evans of Bevan Brittan attended the meeting and presented the contents of the advice note, following which she answered members' questions.

The Committee was asked to endorse the proposals arising from the advice note. It was also asked to appoint a formally-constituted Sub-Committee in order to take forward a full review of the Constitution, with a view to presenting a proposed new Constitution to the Constitution Committee which would, in turn, be asked to recommend the same to full Council for adoption. It was intended that the review would be completed by the autumn.

The Chairman gave an assurance that scrutiny chairmen and other members would have an opportunity to feed their comments into the review process.

### **RESOLVED**

That the Committee

1. agrees on the need for a review of the Constitution and the production of a proposed new Constitution for consideration by Council in accordance with proposals contained in the advice note appended to the report;
2. agrees a proposed vision for the production of a new Constitution as follows:

*“to have a clear, succinct Constitution which is accessible, user-focused, provides helpful instruction and ensures good governance and transparency across all elements of service delivery”*

3. agrees the seven principles set out in the advice note as a starting point for the review of the Constitution and production of a proposed new Constitution, the principles being as follows:

The Constitution should:

- (i) recognise the Council's democratic leadership role;
- (ii) support, not hinder, the efficient exercise of democratic decision-making, good governance and the delivery of services;
- (iii) be modern in its language, format and presentation;

- (iv) be concise, covering only those essential issues which need to be in the formal Constitution and sign-posting to other documents and sources;
  - (v) recognise the new ways in which the Council operates (for example, through ASDVs and shared services);
  - (vi) delegate decision-making to the most appropriate level with the right checks, balances and scrutiny; and
  - (vii) be future proof, not requiring constant revisiting and updating.
- 4. agrees the key areas for action and proposed approach as set out in the advice note;
- 5. appoints a Sub-Committee of eight members of the Constitution Committee (5 Conservative; 2 Labour; 1 Independent) to meet fortnightly with terms of reference as follows:
  - a. agree a work programme based on the priorities set out in the advice note so as to divide the task of reviewing the Constitution into appropriate work packages and allocating the work packages to relevant member and officer task groups to progress;
  - b. approve the evolving re-drafted sections of the new Constitution that are proposed by the allocated Member and Officer task groups; and
  - c. approve a final draft of the full Constitution to be put to the Constitution Committee for approval, prior to the Constitution Committee then recommending the adoption of the same by full Council.
- 6. the names of the Sub-Committee members be notified to the Head of Governance and Democratic Services in accordance with the usual rules of appointing members to committee places. Substitute Members should, where possible, be appointed from within the membership of the Constitution Committee; otherwise, the Council's normal rules on substitutions would apply to the Sub-Committee; and
- 7. the Sub-Committee be asked to consider and make recommendations on appropriate means of making the Constitution available digitally.

The meeting commenced at 10.00 am and concluded at 11.25 am

Councillor A Martin (Chairman)

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