

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Constitution Sub-Committee**
held on Friday, 29th September, 2017 at West Committee Room - Municipal
Buildings, Earle Street, Crewe, CW1 2BJ

PRESENT

Councillor A Martin (Chairman)

Councillors G Baxendale, C Browne (for Cllr Burkhill), S Edgar, S Hogben and
N Mannion

Officers

Brian Reed, Head of Governance and Democratic Services
Paul Mountford, Executive Democratic Services Officer

Bevan Brittan (external advisers)

Judith Barnes
Richard Armstrong

Other Members present

Councillors L Jeuda and A Stott

Apologies

Councillors B Burkhill and H Gaddum

14 DECLARATIONS OF INTEREST

There were no declarations of interest.

15 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

16 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 15th September 2017 be
confirmed as a correct record.

17 PROGRESS ON CONSTITUTION REVIEW

The Sub-Committee received a progress report on the review of the
constitution.

Work package 1, focussing on the overall style and presentation of the
constitution and the content of Part 1, was complete. The outcome of the
joint workshop on 31st August had been fed into work packages 2 and 3,

which were now nearing completion. Substantial progress had been made on work packages 4 and 5. The comments received from members and officers during the consultation period had been fed into the work on all packages. Bevan Brittan were now drafting new sections of the constitution which would be brought forward for members' consideration.

RESOLVED

That the progress with the review of the constitution be noted.

18 WORK PACKAGES AND PROPOSED AMENDMENTS TO CONSTITUTION

The Sub-Committee considered first drafts of the following documents:

Part 2 (a) to (d): Responsibility for Functions

This was a fundamental rewriting of Parts 2 and 3 of the original constitution: Introductory Chapters and Responsibility for Functions. Of particular note was the proposal, widely supported at the joint workshop, that in future decisions by individual Portfolio Holders, other than key decisions, would not require a formal decision-making meeting.

Part 2 (e): Officer Scheme of Delegation

This was a fundamental rewriting of rewriting of the Scheme of Delegation to Senior Officers. Much of what was in the original constitution would now appear in local schemes of delegation which would be accessed through a hyperlink in the main Scheme. The local schemes would be drafted by Bevan Brittan and brought to members for consideration. There would also be a Specific Delegation Register which would capture and record one-off delegations, eg by Cabinet.

Proper Officer Register (as referred to in Part 2 (e))

This was referred to in the Officer Scheme of Delegation. It would be a separate document accessible through a hyperlink in the Scheme.

With regard to the proposal for individual Portfolio Holder decisions to be taken in private, members sought assurances that advance notice of such decisions would still be given, with access to the report to be considered by the Portfolio Holder, that such decisions would be published on the website and notified to all councillors, and that such decisions, key or non-key, would be subject to call-in. It was also acknowledged that a mechanism would be needed which would prevent spurious use of call-in for Portfolio Holder decisions. Officers undertook to report back with details of how the new arrangements would work.

Members also asked about how they would be able to track the changes to the constitution to ensure that everything was accounted for and that nothing had been changed or added. Bevan Brittan advised that it would be difficult to make direct comparisons with the existing constitution as the new document adopted a very different approach. The officers reiterated

the undertaking given at the previous meeting, and in line with the Constitution Committee, that they would exercise caution in bringing changes of substance to the Sub-Committee's and the Committee's attention.

It was proposed, as part of a wider member engagement process, that drop-in sessions for all members would be held on 12th and 13th October at Westfields in order to provide an informal briefing on how the review of the Constitution had been conducted and to explain the key changes that had been approved by the Constitution Committee. Presentations had also been offered to the political groups, and a briefing for Group Leaders was in the process of being arranged.

RESOLVED

That

1. the initial drafts of the new Part 2 of the constitution and Proper Officer Register be noted;
2. the officers report back with detailed arrangements for the proposed Portfolio Holder decision-making process; and
3. consideration be given to including in the constitution clearer reference to the Council's processes in relation to 'WARNS' (Waivers and Record of Non-Adherence Notifications).

19 TIMETABLE FOR THE REVIEW

Earlier in the meeting, the officers reported that substantial progress had been made with the review of the constitution. Nevertheless, a considerable amount of work still needed to be done on drafting the new sections and supporting documents, and taking on board the outcome of the two drop-in sessions planned for mid-October. It was proposed therefore that an interim progress report would be made to Council on 19th October with a view to taking a final report to Council on 14th December. This would provide an opportunity to convene additional meetings of the Constitution Sub-Committee and to feed into a rescheduled Constitution Committee in late November. The proposed revised timetable was as follows:

Constitution Committee – 5th September

Council – 19th October (to receive an interim progress report)

Constitution Sub-Committee – mid to late October (to review and approve Work Packages 2, 3 and elements of 4)

Constitution Sub-Committee – w/c 13th November 2017 (to review and approve the remaining elements of Work Package 4 (including Finance Procedure Rules) and all of Work Package 5)

Constitution Committee – 30th November 2017 (rescheduled from 23rd November) (to receive the recommendations of the Sub-Committee and make final recommendations to Council)

Council – 14th December 2017 (to receive the recommendations of the Constitution Committee and approve and adopt the new constitution)

RESOLVED

That

1. the revised timetable be agreed;
2. a meeting of the Sub-Committee be held after the member drop-in sessions; and
3. members of the Sub-Committee be canvassed on the dates for the Sub-Committee's meetings.

The meeting commenced at 10.00 am and concluded at 11.10 am

Councillor A Martin (Chairman)