

CHESHIRE EAST

Shadow Council

Date: 13th May 2008
Report of: Cheshire East Joint Committee
Title Cheshire East Shadow Council Constitution

1.0 Purpose of Report

- 1.1 To present a recommendation from the Joint Committee to the Cheshire East Shadow Council upon the adoption of a Constitution.

2.0 Decision Required

- 2.1 That:

2.1.1 the Shadow Council agrees the content of the appended constitutional documents and adopts these as its Constitution; and

2.1.2 the Shadow Council's Interim Monitoring Officer be authorised to make such minor and consequential amendments to the drafting of the constitutional documents as she considers are necessary to facilitate the business of the Shadow Council.

3.0 Implications for Transitional Costs

- 3.1 There are no implications for transitional costs.

4.0 Background and Information

- 4.1 Since the decision was made to create unitary local government in Cheshire, the officer Governance Group has worked to develop constitutional documents which will enable the Shadow Council to operate during the period between its first meeting and 31st March 2009.
- 4.2 In approaching this work, the Governance Group used the modular constitution document prepared by the DCLG shortly after the Local Government Act 2000 came into being. The Group comprises Monitoring Officers and other senior officers of each Cheshire local authority and, therefore, a variety of inputs have been made during the process.
- 4.3 The Cheshire East Joint Committee appointed a Political Structures Sub-Group to work on the detail of the emerging Constitution. The Sub-Group made its recommendations to the Joint Committee on 6th May. The Joint Committee now recommends to the Shadow Council that the appended documents be adopted as its Constitution.

- 4.4 The Joint Committee acknowledges that the Constitution may be developed prior to 31st March 2009. It is also understood that much work will need to be carried out by the proposed Governance and Constitution Committee in order to develop a Constitution which will ultimately govern the way in which the Cheshire East unitary authority conducts its business from 1st April 2009. However, the Joint Committee is satisfied that the Constitution, which it recommends to the Shadow Council today, is adequate for the purposes of regulating the way in which the Shadow Council's business is conducted.
- 4.5 At the meeting of the Joint Committee on 6th May, a number of issues were identified which it was suggested should be given further consideration by the Governance and Constitution Committee:
- The development of an Officer Code of Conduct at the appropriate time.
 - Whether the definition of a Key Decision should include a financial figure as a determinant.
 - The number of Members who would be entitled to call a special meeting of the Shadow Council.
 - Whether 5 minutes is a sufficiently long period for Members to speak at meetings.
 - The terms of reference of the Governance and Constitution Committee.

5.0 Conclusion

- 5.1 The Constitution, once adopted by the Shadow Council, will facilitate the conduct of its business during the period from 13th May 2008 to 31st March 2009.
- 5.2 The Joint Committee now asks the Shadow Council to adopt the appended documents as its Constitution.
- 5.3 The Shadow Council is also asked to authorise the Interim Monitoring Officer to make such minor and consequential amendments to the constitutional documents as are necessary to facilitate the business of the Shadow Council.

For further information:-

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Background Documents:-

Constitutions of Cheshire local authorities

Documents are available for inspection at Joint Committee Support Offices:
Town Hall
Macclesfield
SK10 1DX