

# **PART 1**

## **THE CONSTITUTION SUMMARY AND EXPLANATION**

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### **General**

- 1 As required under the Local Government Act 2000, the Shadow Council has approved this Constitution which details:
  - how the Shadow Council operates
  - how its decisions are made
  - the procedures which will be followed.
- 2 The Shadow Council has to show that its decision-making and the procedures which underpin it, are efficient, transparent and that it is accountable for those decisions to the people it serves.
- 3 Some of the processes in the Constitution are required by law whilst others are considered by the Shadow Council to be necessary to ensure that it operates effectively and efficiently and in the interests of the people it serves.

### **The Constitution and its Content**

- 4 The Constitution is divided into Articles (Part 2) which set out the basic rules governing the Shadow Council's business. The rules are supported by more detailed procedures and codes of practice which are included at the end of this document.

The Constitution includes the following:-

Article 1-The Constitution  
Article 2-The Shadow Council  
Article 3-Rights and Responsibilities of Citizens  
Article 4-The Full Council  
Article 5-The Role of the Chairman  
Article 6-Scrutiny  
Article 7-The Cabinet  
Article 9-The Standards Committee  
Article 10-Officers  
Article 11-Decision Making  
Article 12-Legal Matters  
Article 13-Review, Revision, Suspension, Interpretation and Publication of the Constitution

Part 3 of the document sets out the responsibility of bodies and individuals for various functions carried out by the Shadow Council in relation to the exercise of its powers.

Part 4 contains Rules of Procedure which are designed to regulate the conduct of the Shadow Council's business to ensure decisions are made in accordance with the law and the wishes of the Shadow Council.

Part 5 includes the Code of Conduct for Members which is designed to ensure that Councillors carry out their duties to the highest ethical standards. It also includes a protocol on Member/Officer Relations.

Part 6 covers the Scheme of Members' Allowances.

Article 11 (2) of the Cheshire (Structural Changes) Order 2008 provides that the Shadow Council shall be treated as if they had adopted the scheme of allowances adopted by Cheshire County Council on 18<sup>th</sup> May 2006.

Article 11 (5) of the Order empowers the Shadow Council to amend or revoke the County Scheme.

### **The Shadow Council and how it operates in making decisions**

There are 81 Councillors who sit on Cheshire East Shadow Council. They were elected by the Cheshire East people for a term of office ending on the fourth day after the ordinary day of election of Councillors in 2011.

On 1<sup>st</sup> April 2009 a new local authority to be known as Cheshire East will be established.

Each Member of the Shadow Council represents a ward in the Council's area. Wards vary in size according to area, population and community links.

The role of the Shadow Council is:

- To prepare for the assumption of local government functions and full local authority powers on 1<sup>st</sup> April 2009.
- To prepare budgets and plans required to be put in place on 1<sup>st</sup> April 2009.
- To liaise with other local authorities in its area, and the other shadow authority in order to ensure continuity of public service delivery on 1<sup>st</sup> April 2009 and thereafter.

The Councillors are directly accountable to citizens for the running of the Shadow Council. Whilst Councillors have this very broad role they have a duty to represent the interests of all the constituents in their ward. They may also represent the Shadow Council on external bodies at national, regional and local levels. They also work closely with officers in developing policies and strategies to give direction to the Shadow Council's vision and to ensure that services are delivered in accordance with the Shadow Council's wishes.

The Shadow Council will meet on a number of occasions during its life. Meetings are open to the public but the public may be excluded where an item of a confidential or exempt nature is being discussed.

The Shadow Council will appoint, at its first meeting, its Chairman and Vice-Chairman, the Leader and Deputy Leader of the Shadow Council, the Members of the Executive, and the Chairmen and Vice-Chairmen of any

Committees, Sub-Committees and Special Committees. It also agrees the range of responsibilities to be exercised by Members individually or collectively. All these individuals and bodies are directly accountable to the Shadow Council.

There are two main areas in the Shadow Council's political structure covering the Executive and Scrutiny. These are covered in more detail throughout this document.

The Executive is that part of the Shadow Council which is responsible for most of the day to day decisions as set out in the Executive's terms of reference. The Executive comprises the Leader of the Shadow Council and other elected Members comprising the 10 Members appointed by the Shadow Council.

The key decisions coming before the Executive for consideration are published on a monthly basis in the Executive's Statutory Forward Plan of Business which looks at the forthcoming four month period. It is not always possible to anticipate all the items to be included in the Plan. However, in cases where this is not possible items will be added to the Plan at the next date of publication. Special arrangements apply where a matter is urgent or cannot be included in the Plan.

Executive decisions are made in accordance with the Executive's terms of reference.

The Shadow Council's Scrutiny arrangements ensure that Members of the Shadow Council who are not on the Executive may be involved in Executive decisions.

The Scrutiny arrangements will reflect as far as practicable the overall political proportionalities of the Shadow Council. Members of the Executive cannot sit on Scrutiny bodies.

[add details of other committees eg Standards Committee]

In performing their various roles, Councillors are supported by the Officers who give advice, implement decisions and manage the delivery of services. Officers ensure the Shadow Council acts within the law and uses resources efficiently and effectively.

As the Shadow Council is a public body, citizens can expect to have a number of rights in their dealings with it. Whilst some are legal rights, others will depend on the Shadow Council's own processes. These rights are dealt with in more detail later in this Constitution.

The Shadow Council welcomes and encourages participation by the citizens in its work. This applies to individuals, and to bodies and organisations in the public, private and voluntary sectors across the Shadow Council's area.

The Constitution will be updated to reflect changes within the Shadow Council, its procedures and processes.

