

OPEN

Corporate Policy Committee

27 November 2025

The Council's Decision-Making Arrangements

Report of: Kevin O'Keefe, Interim Director of Law and Governance (Monitoring Officer)

Report Reference No: CPC/49/25-26

All wards are affected

For Decision

Purpose of Report

To secure recommendations to Council to adopt constitutional and other documents which will form the basis of the Council's Leader and Cabinet decision-making arrangements.

Executive Summary

- 1 The Council will move to a Leader and Cabinet form of governance from the date of its Annual General Meeting on 13 May 2026.
- 2 This report appends various constitutional and other documents which the Leader and Cabinet Task and Finish Group (T&F Group) has recommended to the Committee for adoption by Council.

RECOMMENDATIONS

That the Corporate Policy Committee recommend that Full Council:

1. Agree and adopt the following procedure rules and other constitutional documents and provisions, as appended to this report; these to take effect at the Council's Annual General Meeting on 13 May 2026:
 - a. Appendix 1: Recommendations arising from the deliberations of the T&F Group.
 - b. Appendix 2: Overview and Scrutiny Procedure Rules and Arrangements.
 - c. Appendix 3: Budget and Policy Framework Procedure Rules.
 - d. Appendix 4: Executive Arrangements and Cabinet Procedure Rules subject to a recommendation from the Committee upon whether:
 - i. 3 clear working days' notice of public and Member questions should be given before Cabinet meetings, and

- ii. such questions should relate to items on the agenda for the meeting in question.
 - e. Appendix 5: Local Choice Functions.
 - f. Appendix 6: Leader and Cabinet Transitional Provisions.
2. Authorise the Monitoring Officer, in consultation with the Council's political group leaders, to make such general and consequential changes to the Council's Constitution:
 - a. as he deems are necessary to give effect to the wishes of Council; or
 - b. as may become necessary at short notice, as referred to in paragraphs 9-11 of this report, and which may be required to be put in place to ensure the efficient and effective administration of the Council's decision-making arrangements with effect from 13 May 2026; or
 - c. which arise from provisions of legislation.
 3. Note that the remaining Leader and Cabinet documents and arrangements will be presented to the meeting of Council on 25 February 2026.
 4. Agree that the implemented Leader and Cabinet arrangements will be reviewed in or around the autumn of 2026, with a view to introducing changes and improvements, where these are deemed to be necessary or desirable.

Background

- 3 At its meeting on [17 September 2025](#), Council resolved to approve a change in the Council's governance arrangements from a Committee System to a Leader and Cabinet system; this change to take effect at the Council's Annual General Meeting on 13 May 2026. Council appointed the T&F Group to drive-forward the work required to achieve this, and to make recommendations to Council upon required constitutional and other arrangements.
- 4 The aim of the T&F Group is to ensure that a "good and firm foundation" is created for a seamless transition to Leader and Cabinet decision-making at the Council's Annual General Meeting. It is acknowledged that, due to the volume of work to be undertaken, and the short timescale within which this must be done, there will be the need to review the new arrangements after their implementation to secure improvements and changes where these might be desirable or needed.
- 5 The membership of the T&F Group comprises senior members of the Council's three political groups, including Group Leaders/Deputies, and Councillor Rod Fletcher, who represents the non-grouped independent members.
- 6 The initial work of the T&F Group has focussed upon key procedure rules and other core constitutional documents and requirements. Further work will be undertaken upon other matters which must be determined before May 2026, such as the non-executive committee structure.

- 7 As part of its initial work, the T&F Group considered the procedure rules and other arrangements which applied to comparator local authorities. However, members were satisfied that Cheshire East Council's own former Leader and Cabinet-related procedure rules had been "tried and tested" and had served the Council well from April 2009 to May 2021 under different political administrations. The T&F Group also noted that the rules which applied to other Leader and Cabinet authorities largely followed the model format of "Modular Constitutions" issued by the government department, with small local variations, as was the case with the Council's pre-May 2021 documents.
- 8 The Council's pre-May 2021 procedure rules and other constitutional documents (Appendices 2-6 of this report) are therefore recommended by the T&F Group to the Corporate Policy Committee and thereafter to Council, for agreement and adoption, subject to some consequential changes which will be made by the Monitoring Officer under delegated powers. Appendix 1 provides a summary of various matters of clarification and reassurance sought by the T&F Group before its recommendations were made. The remaining appendices comprise the following:

(a) Appendix 2: Overview and Scrutiny Procedure Rules and Arrangements.

These Rules are in relatively standard format and make provision for the responsibilities of the overview and scrutiny committees, as well as the way in which such committee business is conducted. The statutory powers of the committees are explained, as well as their important pre-decision scrutiny role and post-decision "call-in" provisions.

Appendix 1 provides more information upon the work of the T&F Group, and its recommendations, relating to these rules.

It should be noted that the rules will need to be amended and updated to reflect the number of overview and scrutiny committees formally appointed by Council, as well as their responsibilities, which will align with Cabinet Member responsibilities and those of the Council's directorates. Delegations are proposed in the recommendations to this report, to empower the Monitoring Officer to add these amendments and updates to the Constitution.

(b) Appendix 3: Budget and Policy Framework Procedure Rules.

These rules are common to all Leader and Cabinet authorities. They set out important principles and requirements for the adoption of key budget and policy documents, such as the Budget itself, the Development Plan, and the Crime and Disorder Reduction Strategy. The list of Policy Framework documents is stipulated in legislation and will be updated under the Monitoring Officer's delegated powers.

In respect of the Budget, the rules set out the process which must be followed in its development, for example, ensuring that the Council's overview and scrutiny committees are consulted before Council considers adoption of the Budget.

The appended version of the pre-May 2021 rules contains tables of financial limits which applied to certain decisions of committees, officers and members. The Section 151 Officer is undertaking a separate review of financial and contract procedure rules, which are likely to necessitate changes to these tables, or even to remove them altogether. The Monitoring Officer's delegated powers will be used to make these changes, as and when required.

Appendix 1 provides more information upon the work of the T&F Group, and its recommendations, relating to these rules.

(c) Appendix 4: Executive Arrangements and Cabinet Procedure Rules.

These rules are in relatively standard format and make provision for the responsibilities of the Cabinet and its members, as well as the way in which its business is conducted.

It should be noted that the rules will need to be amended and updated to reflect the number of Cabinet members formally appointed, as well as their responsibilities. Delegations are proposed in the recommendations to this report, to empower the Monitoring Officer to add these amendments and updates to the Constitution once the Cabinet appointments are made, and powers allocated.

In law, the formal Cabinet appointments and allocation of powers cannot be made until the Council Annual General Meeting (AGM), but in practice, it is proposed that the T&F Group should undertake work on the preparation of model arrangements well in advance of the AGM, to assist the process and the smooth transition of powers on the day of the AGM.

Appendix 1 provides more information upon the work of the T&F Group, and its recommendations, relating to these rules.

(d) Appendix 5: Local Choice Functions.

Section 13 of the Local Government Act 2000 permits local authorities to make choices upon whether certain functions should be the responsibility of Council, or the executive. The appendix reflects the Council's pre-May 2021 Local Choice Functions arrangements which served the Council well for 12 years under different political administrations.

Appendix 1 provides more information upon the work of the T&F Group, and its recommendations, relating to these functions.

(e) Appendix 6: Leader and Cabinet Transitional Provisions.

These provisions seek to facilitate and ensure a smooth transition from committee system to Leader and Cabinet decision-making. They provide reassurance that decisions made and arrangements which applied under the previous models of decision-making will not be "lost", vulnerable to challenge

or detrimentally affected due to the change in decision-making arrangements on 13 May 2026.

The provisions set out a methodology for the distribution of decisions within the new arrangements, including the transition of service committee responsibilities into the new arrangements.

Whilst every effort has been made to facilitate a seamless transition to the Leader and Cabinet arrangements in May 2026, it is prudent for the Council to put in place general provisions which will remove any future uncertainty in respect of changes which will be implemented, and issues which might subsequently arise after that transition. Such matters might not only arise in respect of decisions made under or in respect of the committee system but could conceivably relate to matters which pre-dated the introduction of the committee system.

The following is a summary of the transitional provisions:

Every decision made under the arrangements which pre-dates the move to Leader and Cabinet arrangements in May 2026 will create a legacy which extends past the introduction of the new arrangements in May 2026. The Council must be certain that previous decisions and any action or activity under the former arrangements will continue under the new arrangements. Therefore, the principles set out in the Appendix are intended to provide such reassurance.

Any matter in progress, or to be progressed, which involved a decision of the Council's former Cabinet, a decision of a service committee, or which was delegated to an officer is resolved using the principles in Appendix 6.

Provision also needs to be made for the continuity of the work of various bodies appointed by the Council, or attended by Council members, after May 2026, until new arrangements are made. This provision will continue until the next appropriate review date eg in respect of the Council's outside organisation appointments, these will be reviewed following the local elections in May 2027.

The following miscellaneous matters are proposed:

Generally

Any matter currently in progress, to be progressed, or which is reliant upon the Council's former decision-making arrangements will continue to be progressed after the Annual General Meeting in May 2026 via the Cabinet collectively, or in consultation with the appropriate Cabinet member. Appendix 6 applies.

The Cabinet and Cabinet members will review the work programmes of the service committees and build items of work into their own emerging work programmes.

Existing outside organisation appointments will continue until the next appropriate review date. Where appropriate, appointments may be reviewed by the Cabinet and appointees may be replaced by Cabinet members.

Approach to the budget

The budget is and will remain the responsibility of Council. As at the date of budget setting in February 2026, primary budgetary responsibility will rest with the Corporate Policy Committee (and Finance Sub-Committee) and the Chief Officers who are responsible for administering the budget. The statutory obligation of the Chief Financial Officer to ensure, and if required to impose, sound financial management is unchanged.

The Cabinet will be constrained by the budgetary framework and the procedure rules which apply to it. Budgets will, wherever practicable, be aligned with the Cabinet and its members to facilitate expenditure reassurance.

The fundamental principle is that Council will be responsible for the adoption of the Budget, following which it will be the responsibility of the Cabinet to implement it. After adoption, Cabinet will make day-to-day decisions within the adopted Budget.

The Budget process after May 2026 will make provision for the Cabinet to lead through the Finance portfolio holder, and the opportunity to shape future proposals which can be considered within the budgetary consultation process.

Ongoing workstreams

The focus of the pre-May 2026 process of preparation for constitutional change is to establish a “good and firm foundation” for decision-making under the Leader and Cabinet system, with effect from the 2026 Annual General Meeting of Council.

The newly implemented arrangements must be allowed to function, then be reviewed, and then must be improved where necessary or desirable. Some design-principle requirements, as agreed by Council on 17 September 2025, will need to be implemented after the change to the Leader and Cabinet arrangements as the focus must be upon establishing the key elements of Leader and Cabinet governance in the first instance.

Delegated Monitoring Officer powers

- 9 The Monitoring Officer is empowered under the Council’s Constitution to make changes to the Constitution which are “not major in nature”. However, this report seeks further delegated powers to be given to the Monitoring Officer to make changes to the Constitution, and to the Council’s decision-making arrangements, to address what might become necessary at short notice in anticipation of or following the change to the Leader and Cabinet model.

- 10 Whilst much preparation will have gone into the proposed decision-making arrangements prior to the Council Annual General Meeting on 13 May 2026, circumstances could and will arise which necessitate further changes to be made to the Constitution or to the Council's associated arrangements, at short notice.
- 11 The recommendations to this report therefore seek the delegation of further powers to the Monitoring Officer to implement such constitutional changes, as and when required.

Consultation and Engagement

- 12 No formal consultation is required by legislation.

Reasons for Recommendations

- 13 The Council is committed to be an effective and enabling council, with effective and responsive governance, compliance and evidence-based decision making. The move to Leader and Cabinet decision-making achieves this. To ensure that this change in governance arrangements can be made, major changes to the Constitution are required.

Other Options Considered

- 14 The option of not preparing for the change in decision-making arrangements is explored in the options appraisal below.

Options appraisal

Option	Impact	Risk
To do nothing	Major impact, as the organisation would be left with no constitutional framework within which to operate the new arrangements.	Major risk leading to decisions being subject to legal challenge.

Implications and Comments

Monitoring Officer/Legal/Governance

- 15 Because of the Council's resolution of 17 September 2025, Leader and Cabinet arrangements must be introduced with effect from the Council's Annual General Meeting in May 2026. The recommendations of this report seek the adoption of key constitutional procedure rules and other documents which will be essential to the proper administration and functioning of the new arrangements.
- 16 It will be essential for the new arrangements to be allowed to operate for an appropriate period, following which there should be a full review of their effectiveness, thereby facilitating further constitutional and operational changes where needed. The key aim is to establish a good and firm foundation for the

implementation of the new arrangements, which will be achieved by the adoption of key constitutional documentation.

Section 151 Officer/Finance

- 17 The decisions requested in this report do not have direct financial implications in and of themselves. The adoption of the Budget and Policy Framework will have indirect implications as they govern future financial decision making.
- 18 The Council must deliver financial efficiencies as part of its Medium-Term Financial Strategy. All options must remain available to elected members. The move to a Cabinet system of governance presents members with an opportunity to assure themselves of value-for-money arrangements around the cost of democracy.
- 19 The Section 151 Officer advises that the move to a Cabinet system of governance cannot cost more than the current Committee system and would, in their professional judgement, expect to see cost efficiencies arising from the reversion to a Cabinet system. There are currently no expected ongoing additional costs or savings associated with the change in governance model reflected in the Medium-Term Financial Strategy.
- 20 Should there be any additional costs or savings arising from a final governance model these must be subject to future reporting, be that standalone or transparently reported in the budget setting reports to both Corporate Policy Committee and Budget Council.
- 21 Any financial changes are revenue in nature and borne by the General Fund. It is therefore important that the final model of governance meets the value-for-money tests of economy, efficiency and effectiveness.

Human Resources

- 22 No direct human resources implications arise from the recommendations of this report.

Risk Management

- 23 The risks associated with failure to secure a Council resolution to agree the recommended constitutional documentation and arrangements are set out in the options appraisal.

Impact on other Committees

- 24 There is no direct impact on other Committees, associated with the recommendations of this report. However, once approved the recommended constitutional provisions will determine the way in which the Council's decision-making arrangement's function.

Policy

- 25 The Council is committed to be an effective and enabling council (Commitment 3), with effective and responsive governance, compliance and evidence-based decision making. The move to Leader and Cabinet decision-making achieves this. To ensure that this change in governance arrangements can be made, major changes to the Constitution are required.

Equality, Diversity and Inclusion

- 26 No direct equality, diversity and inclusion implications arise from the recommendations of this report.

Consultation

Name of Consultee	Post held	Date sent	Date returned
<i>Statutory Officer (or deputy):</i>			
Ashley Hughes	Executive Director of Resources, Section 151 Officer	06/11/25	10/11/25
Kevin O’Keefe	Interim Director of Law and Governance (Monitoring Officer)	06/11/25	10/11/25
<i>Legal and Finance</i>			
Steve Reading	Finance Manager (Place & Corporate Services)	04/11/25	06/11/25
Hilary Irving	Head of Legal Services	04/11/25	05/11/25
<i>Other Consultees:</i>			
CLT		29/10/25	
Policy Briefing		11/11/25	

Access to Information	
Contact Officer:	Brian Reed Brian.reed@cheshireeast.gov.uk
Appendices:	Appendix 1: Task and Finish Group recommendations. Appendix 2: Overview and Scrutiny Procedure Rules and Arrangements. Appendix 3: Budget and Policy Framework Procedure Rules. Appendix 4: Executive Arrangements and Cabinet Procedure Rules. Appendix 5: Local Choice Functions. Appendix 6: Leader and Cabinet Transitional Provisions.
Background Papers:	Cheshire East Council pre-May 2021 Constitution Leader and Cabinet Task and Finish Group reports