

CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 14th July 2011
Report of: Democratic and Registration Services Manager
Subject/Title: Review of the Constitution – Work Programme 2011/12

1.0 Report Summary

1.1 To consider a timetable of work for the Committee for the review of the Council's Constitution.

2.0 Decision Requested

That the Committee

(1) note the content of the report; and

(2) agree the timetable of work for the review of the Constitution as set out in the Appendix to this report.

3.0 Wards Affected

3.1 All Council Wards are affected by the Constitution, which has application across the Borough.

4.0 Local Ward Members

4.1 All local Ward Members are affected for the reasons set out in paragraph 3.1.

5.0 Policy Implications

5.1 The Constitution sets out the procedures by which Council policy is set. Any proposed changes to the Constitution would need to align with the requirements of legislation which often stipulates the Council decision-making route associated with the adoption of policies.

6.0 Financial Implications

6.1 There are no financial implications associated with the proposed review.

7.0 Legal Implications

7.1 Any changes to the Constitution would need to be agreed by Council, following a recommendation from the Constitution Committee. Proposed changes would need to align with any statutory requirements.

8.0 Risk Management

- 8.1 There would appear to be no risks associated with this element of review of the Constitution. The review will provide an opportunity to ensure that all elements of the document are consistent with one another.

9.0 Background

- 9.1 The Constitution is a document of significant size and critical importance to the work of the Council. In its 458 pages, it provides important information about the Council, its Members and officers. It also provides a record of the officer and Member processes which underpin all decisions made by the Council. The rules by which Council, Committee and Cabinet business are conducted are recorded in the Constitution.
- 9.2 This information is not only of great importance to Members, officers and members of the public, in order for them to understand the Council's decision-making processes and rules; it is also of critical importance in directing the way in which decisions are made. Failure to follow the procedural requirements of the Constitution could invalidate decisions made.
- 9.3 The Constitution is published on the Council's website, and is available to all Members. It ensures transparency of decision-making and enables all who are interested in doing so, to check that procedures have been followed properly. Members of the public and other interested parties are able to influence decisions made by reference to the procedures and mechanisms set out in the Constitution.
- 9.4 Whilst the Constitution is robust and fit for purpose, it is essential to review content from time to time. The Constitution Committee has agreed that a review of the Constitution should take place. It has previously agreed a schedule to help manage the process.
- 9.5 At the last meeting of the Committee an update on the review was given together with additional matters that need to be included. The Committee resolved that a full work programme for reviewing the Council's Constitution be drafted with a view to the Committee determining its priorities at this meeting.
- 9.6 Separate reports have been prepared in respect of several items referred to at the last meeting. These are the Council's Executive and Cabinet Procedure Rules, the Contract Procedure Rules and the terms of reference of the new Health and Well Being Overview and Scrutiny Committee. These are included elsewhere on the Agenda.

9.7 The following items may form the basis of the Committee's approach during the remainder of 2011/12:

1. Finance Procedure Rules
2. Scheme of Delegation
3. Urgency Provisions
4. Questions at Council meetings
5. Budget and Policy Framework
6. Scrutiny Procedure Rules
7. Staff Employment Procedure Rules
8. Size and Layout of the Constitution

9.8 The Appendix to this report is a suggested timetable of work which, if the Committee considers appropriate in approach, can form the basis of the proposed task over the remainder of the municipal year.

10.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Brian Reed

Designation: Democratic and Registration Services and Manager

Tel No: 01270 686670

Email: Brian.reed.@cheshireeast.gov.uk