

CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 17th November 2011
Report of: Democratic and Registration Services Manager
Subject/Title: Review of the Constitution

1.0 Report Summary

- 1.1 To consider the Committee's approach to the review of the Council's Constitution.

2.0 Recommendation

That the Committee decide whether changes are needed to its approach to reviewing the Constitution and, if so, what changes should take place.

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 Since vesting day, the Council has approved a number of amendments to the Constitution. As new legislation comes into force, and as the Council finds better ways of doing things, building upon experience and best practice, the Constitution needs to be amended.

- 9.2 The Constitution Committee has agreed to review different parts of the Constitution to ensure it remains fit for purpose and has previously agreed a schedule to help manage the process. A copy is enclosed as an Appendix.

- 9.3 So far this year the Committee has made recommendations to Council in respect of a number of issues including:

1. Scheme of Delegation
2. Urgency Provisions
3. Questions at Council meetings
4. Contract Procedure rules

- 9.4 A number of other matters remain to be reviewed this year including:-

1. Finance Procedure Rules

Update: Revised Finance Procedure Rules have been drafted by the Director of Finance and Business Services.

2. Scrutiny Procedure Rules

Update: The Overview and Scrutiny Chairman are reviewing the Scrutiny Procedure Rules and have asked officers to undertake additional work.

3. Budget and Policy Framework

Update: This has been reviewed and is due to be considered by the Corporate Management Team

4. Staff Employment Procedure Rules

Update: These Rules are being reviewed by Head of HR & Organisational Development

- 9.5 These are complex items and rather than present to the Committee formal reports at a late stage in the process the Committee is asked to consider if these remaining items might benefit from additional lead time before any further constitutional changes are suggested.
- 9.6 The Committee might wish to consider if a Member Task Group could be set up to consider proposals initially so that much of the detailed consideration is done before it gets to the Committee. There is something of a precedent for this approach with the Planning Protocol.
- 9.7 The Task Group could also undertake more detailed assessment of the aspects of the Constitution that definitely needs to be reviewed; what might benefit from review and what seems to be working well should continue unchanged.
- 9.8 If the Committee approves a revised approach to the review of the Constitution the schedule to manage the process will be amended.

10.0 Access to Information

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

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