

Cheshire East Council – New Constitution

Explanatory note to new Part 3 - Procedure Rules

Structure of Part 3

Part	Title	Contents
A	Rules of Procedure	<p>Set out the rules of procedure relating to meetings and decisions of the Council covering</p> <ul style="list-style-type: none"> • Full Council Meetings • Committees and Sub Committee Meetings • Cabinet Meetings • General Provisions relating to Procedure Rules • Overview and Scrutiny Procedure Rules
B	Access to Documents and Information	<p>Sets out the rights to access documents and information of the Council and the obligations to publish and make information available.</p> <p>(These are still subject to review)</p>
C	Budget and Policy Framework Procedure Rules	<p>Set out the Council's budget and policy framework rules.</p> <p>(These are still subject to review)</p>
D	Finance Procedure Rules	<p>Set out the rules relating to the financial operation of the Council.</p> <p>(These are still subject to review)</p>
E	Contract Rules	<p>Set out the rules relating to the way in which the Council contracts with other organisations.</p>
F	Employment Rules	<p>Set out the rules relating to the recruitment, appointment and dismissal of senior staff.</p>

Substantive Changes

This Part largely follows the form of the current constitution and contains sets of various Procedure Rules dealing with the operation of the Council and its decision making.

We describe the changes that we have made in three categories:

- I. Substantive changes required by law for approval
- II. Substantive changes based on best practice recommended for approval
- III. Substantive changes for consideration by the Sub-Committee

Please Note: The table of Financial Limits is currently presented separately and will form part of these Rules once finalised.

I. Substantive changes required by law for approval

Page	Section	Comment and/or area for consideration
Contract Rules		
	Throughout	All references have been updated dates to ensure compliance with the latest Procurement Regulations.

II. Substantive changes based on best practice recommended for approval

Page	Section	Comment and/or area for consideration
Committee and Sub Committee Procedure Rules		
11	Attendance of Members at Committees and Sub-Committees of which they are not Appointed Members	<p>The Current Constitution allows members to attend committees of which they are not members where private and confidential or exempt business is to be conducted.</p> <p>Following feedback from the Working Group, we have suggested introducing a "need to know" basis, whereby the Member's attendance at such a meeting would have to be agreed in advance by the Monitoring Officer and the Chair of the Meeting.</p>
15	Attending and speaking at Cabinet Meetings	<p>The current Constitution states that questions will not be allowed which repeat or are substantially the same as questions asked at a meeting of Council or Cabinet within the preceding 3 months.</p> <p>We have changed this to 6 months (and have standardised this time scale for all other similar references throughout the Constitution).</p>

Page	Section	Comment and/or area for consideration
52	Members Access to exempt or confidential documents	We have added the words "of that body" to the end of paragraph 19.2 for clarity.
Contract Rules		
General	All	Following Officer feedback, references to "the Authority" are now references to "The Council" – this is consistent throughout the document.
Definitions	Definition of Chief Officer	Following Officer feedback references to The Chief Officer are now references to the "Executive Director". This is to ensure consistency with the Finance Procedure Rules and the rest of the constitution.
1.1.1	Introduction	We understand that the Procurement Board has changed to the Commissioning and Procurement Board. We have defined the board and included a hyperlink to the detailed terms of reference.
1.5.1	Contracts Register	Following Officer feedback we have made it clear that all contracts with a value above £5,000 must be recorded in the Contracts Register. This is required by the Government's Transparency Agenda.
2.1.4	Best and Final Offer	Following Officer Feedback we have made it clearer that Legal Services must be involved in the decision to include a Best and Final Offer (BAFO) stage in procurement process.
4.3.1	Method of Opening Bids	Following Officer feedback we have amended this section to include provisions that in addition to the Procurement Manager, a Category Manager can verify bids from the EU threshold up to £1,000,000 provided that they have not been involved in the tender in question.
5.1.8	Monitoring Contracts	We have included a requirement for monitoring of insurance.
6.1	Waiver Process/Breach	We understand that the Procurement Board will be changing to the Commissioning and Procurement Board. We have left in reference to the Procurement Board for now.

Page	Section	Comment and/or area for consideration
Employment Rules		
	Throughout	All unnecessary references which simply repeated the legal and statutory basis for the procedures and the relevant regulations have been stripped out

III. Substantive changes for consideration by the Sub-Committee

Page	Section	Comment and/or area for consideration
Procedure Rules		
2	Council Procedure Rule	<p>Five members can call a Special Council – it has been queried as to whether this number is too low.</p> <p>We have not currently amended the text as this is a standard number in many councils to ensure small groups and minority members can exercise this right.</p>
28	Notices of Motion	<p>An issue has been raised as to whether motions should always be debated or at least should the proposer be able to explain it.</p> <p>At the moment the wording has been left as in the previous Constitution. Practice varies in councils as to how motions are dealt with. The risk of allowing them to be debated in detail is that (1) the Full Council may not be (and often is not) the correct decision making body to deal with the issue so the matter will have to be re-run and (2) the debate will not be informed by a report setting out the issues, implications and options.</p> <p>However, it is not unreasonable for consideration to be given to the proposer of the motion to be able to explain it briefly – for discussion.</p>
29	Rules of Debate	<p>An issue has been raised requesting that members should have the Right to Speak at Council at any point, and not only as determined by the Chair</p> <p>This is not usual practice and would potentially cause an unmanageable meeting. The Constitution has not been changed in this respect.</p>