

Cheshire East Council Constitution

Note on proposed use of hyperlinks within the Constitution

24 October 2017



1 USE OF HYPERLINKS

- 1.1 The Constitution Committee at its meeting on 4 August 2017 agreed the principles which are underpinning the current review of the Constitution. These include that the new Constitution should:-
- be modern in its language, format and presentation; and
 - be concise, covering only those essential issues which need to be in the formal Constitution and sign-posting to other documents and sources.
- 1.2 The Committee discussed and agreed that the use of hyperlinks would be very helpful to achieve these aims. Hyperlinks allow readers to click on certain words or phrases which are highlighted in the document and be taken to other places in the Constitution or to other documents which sit outside the Constitution itself. There are a number of advantages to this including that the core Constitution can be shorter/easier to read/understand and the links allow easy navigation around the document.
- 1.3 It is recognised that members want to be confident that key issues are not relegated to documents outside the Constitution which are then not visible or are then open to amendment without the necessary scrutiny. This is not the intention of the use of hyperlinks (although it is the case that a number of parts of the current Constitution are not statutorily required to be in the core document and can therefore be safely moved outside it).
- 1.4 Even where it is proposed that a current section of the Constitution is moved outside the core document, it is essential that, depending on the nature of the document, it has a clear process for review/amendment etc. It is suggested that any examples of this are clearly flagged as the new Constitution emerges and members agree any new proposals for keeping such "ancillary" documents under review.
- 1.5 It is important to clarify that there are different types of hyperlinks which will be used in the new document. These are set out in paragraphs 2 – 5 below.

2 TIER ONE LINKS

- 2.1 **Tier One links** are links which take readers to factual documents which are required to be part of the Constitution and will need to be updated from time to time but which are self-standing. For example, the Constitution will direct readers to:-
- The list of elected members;
 - The register of members' interests; and
 - The management team structure.
- 2.2 These documents are strictly part of the Constitution but if they are embedded completely in the text of the main document as now (particularly in hard copy) the whole core document has to be changed whenever an update is needed and it goes out of date very quickly. Going forward, it is proposed that the changes to these type of documents which are factual and therefore non contentious, will be made simply through the Monitoring Officer using his/her delegated powers which are proposed to include the following delegation:-
- "In consultation with the Chairman and Vice-Chairman of the Constitution Committee, to make such changes to the Council's Constitution as he/she deems to be necessary and which are in the Council's interests and not major in nature, including, but not limited to, changes:-
- amounting to routine revisions;
 - to provide appropriate clarity;
 - to correct typographical and other drafting errors;
 - to reflect new legislation;
 - to correct inconsistencies in drafting; and

- to reflect new officer structures and job titles, properly approved through Council processes".

2.3 So the Monitoring Officer will be able to make changes following, for example a by-election which changes the details of the elected members on the Council.

2.4 If these documents are accessed through hyperlinks they can simply be factually updated without disturbing any other part of the Constitution and the hyperlink will ensure that the reader always accesses an accurate version of the information.

2.5 This approach lends itself well to Constitutions held on Council's IT systems i.e. not held in hard copy. Unfortunately the rules on whether a Council now needs to have a hard copy of its Constitution are not clear and have not necessarily kept up with new technology. The requirements are set out in s.9P of the Local Government Act 200 and are as follows:-

- "A local authority must prepare and keep up to date a "document...". The Act does not specify whether hard copy or not, and it is not defined elsewhere in the Act;
- The local authority must ensure that "copies of its constitution are available at its principle office for inspection"; and
- The local authority must "supply a copy of its constitution to any person who requests a copy...".

2.6 To be prudent given the need to provide a copy of the Constitution to people who ask for one and also recognising that the Council will probably want all members to have a hard copy of the new Constitution as it is debated through meetings over the next few months, it is suggested that these Tier Two type documents are added in hard copy at the end of the new Constitution.

3 TIER TWO LINKS

3.1 **Tier Two links** are links which take readers to documents which support the Constitution but are not required legally to be part of it – we will call these "ancillary documents". These can be different types of documents and could include:-

- Codes;
- Guidance;
- Parts of the current financial regulations; and
- Proper Officer Register.

3.2 These type of documents have probably been added to the Constitution because this seemed a sensible location for the document to be stored. However, it has been recognised by the Constitution Committee that this has meant the Constitution becoming a depository of useful and often important information which has to be kept somewhere and easily accessed, but it does not strictly have to be part of the Constitution.

3.3 It is this tier of links/documents which, it is anticipated, members will want to track to ensure their removal from the core Constitution does not mean their disappearance from visibility or scrutiny.

3.4 It is therefore proposed that any such sections/documents will be identified in the reports to the Constitution Committee and Council recommending the new Constitution and will clearly set out:-

- whose responsibility the document will be going forward (which could be the Constitution Committee, could be another relevant member body or could be officers depending on the nature of the particular document); and
- what the process is for updating/reviewing.

4 TIER THREE LINKS

- 4.1 **Tier Three links** are links which take readers to documents completely outside the Constitution and possibly outside the Council itself but where it is useful to signpost readers to a particular source e.g. an external complaints route/Ombudsman contact details/outside bodies.

5 TIER FOUR LINKS

- 5.1 **Tier Four links** are links which take readers quickly from one part of the Constitution to another e.g. a link from an introductory list of contents to the substantive section or a link from the terms of reference of a meeting to the procedural rules which cover that meeting.
- 5.2 These are not links to other documents but simply help navigation around the Constitution and ensure a reader can see clearly what other parts of the document might be relevant to them.

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