

Cheshire East Council Constitution

Summary table of sections/documents to come out of Constitution

APPENDIX B

Work Package	Element	Where it has moved to
2	Introductory Chapters	All necessary content from this section will be covered elsewhere in the revised Constitution.
2	Cheshire Police and Crime Panel Terms of Reference	This will be hyperlinked from 'Joint Arrangements' section to relevant external website.
2	Shared Services Joint Committee	Following consideration, we advise that this needs to remain in the Constitution as it is a (joint) body of the Council.
2	Job Description of Committee Chairmen	Hyperlink from 'Committees' section to Member area of CEntranet Responsibility for reviewing this and updating as required could still rest with the Constitution Committee or with the Audit and Governance Committee? [Q.1]
3	Officer Delegations and Proper Officer Register	Although there will still be an important section of the new Constitution (Part 2 (e) Responsibility for Functions – Officer Delegations) this will be much shorter than it is now. It will deal with delegations to the most senior officers and the statutory officers of the Council and then allows that officer to decide on the delegations which he/she wishes to cascade to officers in their own team/departments. The Register of Proper Officer functions will be maintained by the relevant officer and accessed through a hyperlink as will the Local Schemes of Delegation.
4	Contract Procedure Rules	Following consideration, we advise that this needs to remain in the Constitution.

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Work Package	Element	Where it has moved to
4	Finance Procedure Rules	Following consideration, we advise that this needs to remain in the Constitution. The issue is that they contain a lot of information which is not necessary in a set of Finance Procedure Rules and could be in ancillary documents – this will have to be assessed when the rules are reviewed. BB's note [BB272] to the FPRs in the original review is set out below for reference ¹ .
5	Whistleblowing Policy	This does not have to be in the Constitution. It could be referenced somewhere in the document and hyperlinked with ownership and responsibility for reviewing/updating passing to the Staffing Committee? [Q.2]
5	Planning Protocol of Conduct in relation to the determination of planning matters	This does not have to be in the Constitution. It could be referenced in the main Member Code of Conduct and also in the terms of reference of the Strategic Planning Board and could be accessed by hyperlink. Ownership could pass to the Strategic Planning Board? [Q.3]
5	Protocol on Public Speaking Rights at Strategic Planning Board and Planning Committee	This does not have to be in the Constitution. It is mentioned in the Committee and Sub-Committee Procedure Rules and could simply be accessed by this hyperlink with ownership for it passing to the Strategic Planning Board? If it stays in the Constitution it would be better placed with the Appendix 7 to the Rules of Procedure in Part 3 [Q.4]
5	Local Ward Member Protocol	This does not have to be in the Constitution. Responsibility for reviewing this and updating as required could still rest with the Constitution Committee or with the Audit and Governance Committee? [Q.5]
5	Councillor Call for Action Protocol	This detailed protocol is not required. The process will be included in the Council Procedure Rules.
5	Mayoralty Code of Practice	This will be taken out of the Constitution altogether. We understand that this is an important document for the Council, but strictly speaking it is an internal document for the Council, and it does not need to appear in the Constitution.

Work Package	Element	Where it has moved to
5	Petitions Scheme	This detailed protocol is not required. Petitions will be referred to within the Council Procedure Rules.

ⁱ Note on Finance Procedure Rules in initial review of Constitution

Before looking at the sets of rules on financial related issues, it is worth revisiting the statutory requirements setting out what has to be included in a local authority constitution

a description of the rules and procedures for the management of its financial, contractual and legal affairs including:

- i. procedures for auditing of the local authority;*
- ii. the local authority's financial rules or regulations or such equivalent provisions as the local authority may have in place whether specified in the authority's standing orders or otherwise;*
- iii. rules, regulations and procedures in respect of contracts and procurement including authentication of documents whether specified in the authority's standing orders or otherwise; and*
- iv. rules and procedures in respect of legal proceedings brought by and against the local authority*

Although it is usual for councils to include far more than this statutory minimum, it is not essential to have lengthy financial processes and procedures in the constitution itself. To make the document more manageable, we suggest that a rigorous review is carried out of what the Council considers is essential to have in the core document and what could better be dealt with by links through to other documents/web pages.

At the moment this section stands at over 66 pages and there is much of it (whilst essential to the effective running of a council) which does not need to be in the formal Constitution