

Constitution Committee

Date of Meeting: 06 April 2021

Report Title: Transitional provisions and future constitutional work.

Senior Officer: David Brown, Director of Governance and Compliance

1. Report Summary

- 1.1. This report informs the committee of the proposed transition of decision making from the Cabinet Executive style to the Committee system. This will require the committee to recommend the report at appendix A to Council. To recommend the report the committee should consider the impact of the transitional provisions required to ensure a seamless transition from the Council's existing governance arrangements, to a committee system of decision-making. The report to Council is at appendix A and the schedule of provisions can be found in the first appendix of that report.
- 1.2. The Committee is also asked to note that further work on the constitutional and transitional provisions is required and additional technical matters will arise over time.

2. Recommendations

- 2.1. That Committee recommend the report at Appendix A to council.

3. Background

- 3.1. At its Annual Council meeting on 22nd May 2019, Council stated its commitment to implementing a change in its decision-making governance arrangements, comprising the implementation of a committee system of governance, subject to a legally and constitutionally robust process being in place to facilitate this.
- 3.2. On 19th November 2020, Council resolved to cease operating the existing Leader and Cabinet model of governance, and to implement a committee system of governance; this to take effect from the Annual Council meeting in 2021.
- 3.3. At that meeting, Council agreed a wide policy approach to the design principles, committee structure, roles of leader and deputy, decision review

process, urgency provisions, role and powers of committee and sub-committee chairs.

- 3.4. All existing decisions must translate across to the new system of governance otherwise existing projects which require implementation of member participation in decision making will become moribund if it is unclear which member is to participate. Decisions delegated to officer will be able to proceed unimpeded.
- 3.5. Council also resolved to authorise the Director of Governance and Compliance to prepare in accordance with the principles agreed the necessary constitutional provisions to give administrative efficacy to the new arrangements.
- 3.6. The Constitutional Committee is the body that must consider and make recommendations on the arrangements.

4. Implications

4.1. Legal Implications

- 4.1.1. The Constitution Committee is required to make a recommendation to council.

4.2. Finance Implications

- 4.2.1. The recommendations are required to ensure continuity of financial transactions and provide a degree of certainty to third parties dealing with the council.

4.3. Equality Implications

- 4.4. None

4.5. Human Resources Implications

- 4.5.1. None

4.6. Risk Management Implications

- 4.6.1. This report forms part of the corporate risk mitigation proposal

4.7. Rural Communities Implications

- 4.7.1. There are no direct implications for rural communities.

4.8. Implications for Children & Young People

- 4.8.1. There are no direct implications for children and young people.

4.9. Public Health Implications

4.9.1. There are no direct implications for public health.

5. Ward Members Affected

5.1. All

6. Consultation & Engagement

6.1. This is to give effect to a decision of full Council.

7. Access to Information

7.1. Members have access to information though the Constitutional Project SharePoint site.

8. Appendices

8.1. Appendix A-Report to Council on Transitional provisions and future constitutional work.

9. Contact Information

9.1. Any questions relating to this report should be directed to the following officer:

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