

CHESHIRE EAST COUNCIL

CONSTITUTION

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Date	Version	Author	Summary of amendments made
15.03.21	2	J Barnes BB	Update
22.03.21	3	J Barnes BB	Update
23.03.21	4	D Brown CEC	Update
08.04.21	5	J Barnes BB	Updated following receipt of councillor comments and Constitution Committee on 6 April
06.05.21	6	D Brown	Updated 19/4 Council comments and proposals for 22/6
25.05.21	7	V Barman BB	Updated to include Constitution Committee on 29 April

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Contents

Chapter	Title	Contents
1	<u>Introduction, Summary and Explanation</u>	This Chapter sets out an overview of how the Council operates, what the key parts of the Constitution cover and what rights members of the public have. It explains how decisions are taken and how the Mayor is elected.
2	<u>Responsibility for Functions</u>	This Chapter sets out the way in which functions have been allocated and which decision-making body/person within the Council has responsibility for making those decisions: 1. Diagrammatic explanation of Councillor decision making bodies 2. Council 3. Committees 4. Officer delegations (including a diagram of the officer structure/ Council management)
3	<u>Procedure Rules</u>	This Chapter sets out the procedural rules relating to all Council activities grouped into the following parts: 1. Procedure Rules governing meetings and decisions: • Full Council Meetings • Committees and Sub-Committee Meetings • Scrutiny Procedure Rules • General Provisions relating to Procedure Rules 2. Access to Information Procedure Rules 3. Finance Procedure Rules (FPRs) 4. Contract Procedure Rules (CPRs) 5. Employment Procedure Rules

Chapter	Title	Contents
4	<u>Codes and Protocols</u>	This Chapter sets out codes and protocols covering Councillor and Officer conduct, including: 1. Councillor Code of Conduct 2. Officer Code of Conduct 3. Councillor/Officer Protocol 4. Planning Code of Conduct 5. Whistleblowing Policy
5	<u>Councillors' Allowance Scheme</u>	This is the list of Councillors' Allowances.
6	<u>Glossary</u>	The Glossary explains some of the key terms used throughout this document.
7	<u>List of associated documents</u>	These are associated documents that support this constitution and can be accessed from it electronically.

Chapter 1

Introduction, Summary and Explanation

- 1 This document is the Council's Constitution. It contains details of how the Council works, how decisions are made and where to find information about the Council.

Purpose of the Constitution

- 2 This is a document to help residents, businesses, partners, stakeholders, Councillors and Officers understand how the Council works. We have included hyperlinks between different parts of the Constitution wherever possible to make it easy to navigate your way around the information. We have also included hyperlinks to other documents, information or sites where we think this will be helpful. All hyperlinks are coloured [blue like this](#).
- 3 If you have any queries about anything in this Constitution please contact:
Brian Reed (Head of Democratic Services and Governance)
01270 686670 brian.reed@cheshireeast.gov.uk

The Council

- 4 Cheshire East Council has 82 elected Councillors (also called Members). Each Councillor represents the residents in their Ward. There are 52 Wards in the Council's area. Councillors are elected every four years. Find out when the [next election](#) will take place.
- 5 Find out which [Ward](#) you are in and who your [Councillors](#) are. See a [list of all Councillors](#) with their contact details. View details of the [political composition](#) of the Council.

Councillors

- 6 Councillors are directly accountable to residents and service users for the running of the Council. They have a duty to represent all constituents in their Ward and they must make decisions in the best interests of the borough as a whole. They are involved in decision making and [Chapter 2](#) of the Constitution gives details of who has authority to make decisions. Councillors can also represent the Council on external bodies.
- 7 Councillors have to observe a [Code of Conduct](#) and a [Protocol on Councillor/Officer Relations](#). As public servants Councillors should treat people with mutual respect and courtesy.
- 8 Councillors also have to register and declare certain interests. You can access the [Register of Councillors' Interests](#) online.

How the Council makes decisions

- 9 All Councillors meet together a number of times each year as the full Council. You can get details of forthcoming full Council Meetings [here](#). Full Council elects a Mayor (who is the chair of the full Council Meeting, performs the Council's civic role and represents the Council in the community) and **the Council** appoints a Deputy Mayor.
- 10 There are three different types of Council meeting:
 - 10.1 The Annual Meeting of the Council, which will usually be held in May;
 - 10.2 Ordinary meetings; and
 - 10.3 Extraordinary meetings, which will be called as and when required in accordance with the [Council Procedure Rules](#).
- 11 You can find details of the calendar of full Council and other meetings on the [Council's website](#).
- 12 The Council operates a 'committee system' form of governance. This means that decisions are made by full Council or delegated to Committees, Sub-committees and Officers. All Councillors meet together as full Council. Full Council is ultimately responsible for the exercise of all functions and certain matters are expressly reserved to be taken by a meeting of the full Council.
- 13 To enable it to operate more effectively some Council functions may be carried out jointly with other local authorities or in certain cases, by another local authority or public body on the Council's behalf. The structure of the Council's Committees and Sub-committees can be found [here](#). Those matters reserved to full Council are listed [here](#).
- 14 The meetings of Council and the committee system are modern, open and transparent. Public participation is encouraged and there is usually the opportunity for public speaking and petitions. There is a regularly updated work programme outlining the decisions to be made by each committee in the Forward Plan which can be found [here](#).
- 15 The Council's Scrutiny Committee is able to look at proposed decisions relating to health partners, crime and disorder issues and flood risk management. The Scrutiny Committee may contribute to those issues and make recommendations as it sees fit.

Principles of decision-making

- 16 The following principles apply to all decision making. Decision makers will:
 - take into account all relevant considerations and ignore those which are irrelevant
 - undertake a realistic evaluation of alternatives and options
 - carry out appropriate consultation

- take decisions which are proportionate to the desired outcome
- take into account statutory duties such as best value and fiduciary duties
- consider relevant professional advice
- respect equalities and human rights
- approach decision making on a transparent and open basis.

The Council's Staff/Employees

- 17 Councillors are supported by staff/employees (who are also called "officers"). Officers provide advice, implement decisions and manage the day to day delivery of the Council's services.
- 18 The most senior officer is the Chief Executive. Other senior managers lead different parts of the Council's services. Some officers have specific duties to ensure that the Council operates within the law and uses resources wisely. These are the Monitoring Officer (who has duties regarding the law and the Ombudsman) and the Chief Finance Officer (who has responsibility for the proper management of the Council's financial affairs under Section 151 Local Government Act 1972).
- 19 See the [Council's Senior Management Structure](#). The functions and responsibilities which the Council has given to the senior officers are listed in the [Scheme of Delegation](#) in [Chapter 2](#).
- 20 The Chief Executive will designate one of the Executive Directors as the Deputy Chief Executive.
- 21 Officers have to comply with the [Officers' Code of Conduct](#) and the [Protocol on Councillor/Officer Relations](#). As public servants officers should treat people with mutual respect and courtesy.
- 22 The [recruitment, selection, discipline and dismissal of officers](#) must be done in accordance with specific rules.

Rights of residents and the public

- 23 Everyone has an equal right to access high quality Council services. Members of the public have rights to:
 - 23.1 vote at local elections
 - 23.2 stand for election as a councillor if they live or work in Cheshire East
 - 23.3 attend the Council's meetings except where confidential or exempt information is being discussed
 - 23.4 participate in [Public Speaking and Questions](#) and present petitions in accordance with the Council's procedure rules

- 23.5 contact local Councillors about any matters of concern – access [Councillor details](#)
- 23.6 contribute to reviews by the Scrutiny Committee
- 23.7 complain where there are problems with Council services – access a [complaint form](#)
- 23.8 complain to the Local Government and Social Care Ombudsman after complaining to the Council if the Council has not followed its procedures properly – access the [Ombudsman complaint form](#)
- 23.9 complain to the Monitoring Officer if you believe there is evidence that a Councillor has not followed the Councillors' Code of Conduct – access the [Code of Conduct Complaint Form](#)
- 23.10 inspect the [Council's accounts](#).

Role of the Mayor and Chair of the Council

Civic Role

- 24 The Council's Mayor, supported by the Deputy Mayor will perform the Council's civic role.
- 25 This entails raising and maintaining the profile of the Council's area and its residents. The aims and values of the Council will be promoted in an apolitical manner.
- 26 The Mayor will decide which civic and ceremonial functions to promote following consultation, ~~where appropriate,~~ with officers. These functions may include representing the Council at events organised by other local authorities or organisations.

Council Role

- 27 The Mayor is elected at the Annual Council meeting, usually held in May. The Deputy Mayor is appointed at the same meeting.
- 28 The Mayor is responsible for:
 - 28.1 upholding and promoting democracy and this Constitution and interpreting it, where necessary, with advice
 - 28.2 presiding over meetings of the full Council to ensure that business is carried out efficiently and effectively
 - 28.3 ensuring the rights of Councillors and local people are protected in the running of Council meetings (Guidance on the [Role of a Chair](#) which is relevant for all Chairs of Council meetings)
 - 28.4 ensuring that matters of concern to local people and Councillors can be debated at full Council or the relevant Committee

- 28.5 promoting public involvement in the Council's activities and acting as a link between members of the public, ~~and~~ organisations and the Council
- 28.6 carrying out other roles on behalf of the Council.
- 29 The Deputy Mayor will:
- 29.1 support the Mayor in his/her civic role and also carry out civic duties on behalf of the civic office
- 29.2 deputise for the Mayor in his/her absence.
- 30 The Mayoralty Code of Practice**
- 31 The Mayor shall comply with the [Mayoralty Code of Practice](#).
- 32 Who may become Mayor or Deputy Mayor**
- 39 Any Councillor shall be eligible for election to the office of Mayor, or appointment as Deputy Mayor, except for Councillors who are Chairs or Vice Chairs of the service or oversight Committees.

Review of the Constitution

- 40 This Constitution will be kept under review by the [Monitoring Officer](#) who may make minor adjustments, or will report to Councillors with a view to making significant changes.