

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Constitution Committee**
held on Wednesday, 5th June, 2013 at West Committee Room - Municipal
Buildings, Earle Street, Crewe, CW1 2BJ

PRESENT

Councillor A Martin (Chairman)
Councillor D Marren (Vice-Chairman)

Councillors S Hogben, S Jones, F Keegan (for Cllr Menlove), W Livesley,
B Murphy, D Newton, L Smetham (for Cllr Andrew) and P Whiteley

In attendance

Councillor J P Findlow

Officers

Brian Reed, Head of Governance and Democratic Services
Julie Openshaw, Deputy Monitoring Officer
Paul Bayley, Customer Service and Libraries Manager
Paul Mountford, Democratic Services Officer

Apologies

Councillors C Andrew, G Baxendale, P Groves, R Menlove, A Moran and
G Wait

1 DECLARATIONS OF INTEREST

There were no declarations of interest.

2 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

3 MINUTES OF PREVIOUS MEETING

RESOLVED

That, it being noted that Councillor L Brown had declared a non-pecuniary interest in relation to an appointment to the Board of Governors of the King's School, Macclesfield, the minutes of the meeting held on 26th April 2013 be approved as a correct record.

4 TRANSPARENCY

Members considered an update report on the work that was going on across the authority to encourage openness and transparency.

Members also gave further consideration to the following motion which had been moved by Councillor B Murphy and seconded by Councillor P Edwards at the Council meeting on 19th July 2012 and referred to the Committee for consideration:

“In the light of the ever-growing demand for public accountability in public services and the need to sustain public trust and confidence in democratic governance, this Council calls for a review of its policies and protocols in relation to confidentiality.”

The Committee had first considered the motion at its meeting on 26th November 2012 and had resolved ‘that the officers review the approach to confidentiality and the publication of information in this and other local authorities and consult all members of the Council and appropriate Council decision-making bodies before reporting back to the Committee’.

The Council’s Compliance Unit continued to champion transparency and openness within the Council and actively encouraged Services to provide accurate and timely information on request and to allow customers to access as much information as possible without having to resort to Freedom of Information requests.

The Protection of Freedoms Act 2012 had amended the Freedom of Information Act 2000 to require public authorities to release datasets in an electronic format in a way that allowed businesses, non-profit organisations and others to re-use them for social and commercial purposes. Much of the detail about the requirements to publish datasets would be provided in a new Code of Practice, but this remained in draft form only at this stage. The report outlined the current focus of activity within the Council.

The Committee was informed that the Council was increasingly receiving requests for data rather than Freedom of Information Requests. This was therefore the main focus at present.

Members made the following comments:

- There should be an accurate and publicly-accessible register of Council land and buildings.
- The Council should move from a position of responding to requests for information to one of actively releasing information, and in doing so should aim to provide more information than was strictly required under current guidance.
- At present, the Council applied certain tests before releasing information; the situation should be reversed so that the default position would be to release information unless there were specific reasons not to do so.
- Information should be released and presented to the public in a form that was helpful and meaningful.

In response, the officers advised that in general operational managers were currently recommended to publish information. Where there were valid reasons for not doing so, these would be clearly articulated.

RESOLVED

That

- (1) the member working group appointed to review the scheme of delegation be asked to review the issue of transparency, openness and access to information, with the support of the Customer Service and Libraries Manager;
- (2) Members of the Committee be invited to forward any comments or suggestions for the working group's consideration; and
- (3) to assist the working group, the Customer Service and Libraries Manager obtain comparative data from other local authorities.

5 GENERAL DISCUSSION ON THE CONSTITUTION

Members held a general discussion on the Constitution with a view to identifying ways in which it could be improved.

The following issues were identified as priorities for review:

- Size of the Constitution. The current version of the Constitution was quite large and complex. It was felt that Members would benefit from the production of a more concise version which contained the most essential information in a clear and straightforward way. The officers were currently working on a concise document for Members' consideration.
- Procedure Rules. The various procedure rules were often the subject of discussion and amendment and it was felt that a general review of the rules would be beneficial.
- Scheme of delegation. The scheme of delegation had been under review for some time by the a member working group appointed by the Committee. The review was taking place against the background of a second review of the senior management structure. The working group was expected to report to the Committee in September.
- Transparency. This had been discussed earlier in the meeting and was to be reviewed by the member working group.

In addition to these key issues, Members recognised the need to include reference in the Constitution to the various arms-length companies which were now being established to deliver Council services.

Members also recognised the need to encourage Members and officers to use the online electronic version of the Constitution. This would ensure that they were using the most recent edition of the Constitution. The electronic version was also easier to search through relatively quickly and could be downloaded onto portable electronic devices as a PDF document. The electronic version could be further enhanced through the introduction of hyperlinks to provide logical trails, making it easier to navigate.

RESOLVED

That

- (1) the priorities identified above be pursued with a view to reporting to the Committee on 19th September 2013; and
- (2) in view of its proximity, and the lack of other business to consider for the time being, the meeting of the Committee scheduled for 4th July 2013 be cancelled.

The meeting commenced at 10.00 am and concluded at 11.14 am

Councillor A Martin (Chairman)