

# CHESHIRE EAST COUNCIL

## Constitution Committee

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**Date of Meeting:** 2nd June 2011  
**Report of:** Democratic and Registration Services Manager  
**Subject/Title:** Review of the Constitution

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### **1.0 Report Summary**

- 1.1 To consider the ongoing review of the Council's Constitution.

### **2.0 Recommendation**

That the Committee agree the revised scope of the review and await a further report.

### **3.0 Wards Affected**

- 3.1 All Council Wards are affected by the Constitution, which has application across the Borough.

### **4.0 Local Ward Members**

- 4.1 All local Ward Members are affected for the reasons set out in paragraph 3.0.

### **5.0 Policy Implications**

- 5.1 The Constitution sets out the procedures by which Council policy is set. Any proposed changes to the Constitution would need to align with the requirements of legislation which often stipulates the Council decision-making route associated with the adoption of policies.

### **6.0 Financial Implications**

- 6.1 There are no financial implications associated with the proposed review.

### **7.0 Legal Implications**

- 7.1 Any changes to the Constitution would need to be agreed by Council, following a recommendation from the Constitution Committee. Proposed changes would need to align with any statutory requirements.

### **8.0 Risk Management**

- 8.1 There would appear to be no risks associated with this element of review of the Constitution. The proposed review will provide an opportunity to ensure that all elements of the document are consistent with one another.

## **9.0 Background**

- 9.1 The Constitution is a document of significant size and critical importance to the work of the Council. In its 458 pages, it provides important information about the Council, its Members and officers. It also provides a record of the officer and Member processes which underpin all decisions made by the Council. The rules by which Council, Committee and Cabinet business are conducted are recorded in the Constitution.
- 9.2 This information is not only of great importance to Members, officers and members of the public, in order for them to understand the Council's decision-making processes and rules; it is also of critical importance in directing the way in which decisions are made. Failure to follow the procedural requirements of the Constitution could invalidate decisions made.
- 9.3 The Constitution is published on the Council's website, and is available to all Members. It ensures transparency of decision-making and enables all who are interested in doing so, to check that procedures have been followed properly. Members of the public and other interested parties are able to influence decisions made by reference to the procedures and mechanisms set out in the Constitution.
- 9.4 The preparation of the Council's existing Constitution had to be carried out within a narrow timeframe but the Constitution is robust and fit for purpose. The Council has approved a number of refinements to the originally approved Constitution.
- 9.5 Whilst the Constitution continues to serve the Council well, but the Constitution Committee agreed that a review of the Constitution should take place in order to secure further improvements. It agreed a schedule to help manage the process. Since the schedule was adopted two additional matters need to be included.
- 9.6 The Overview and Scrutiny Committee Chairman at the conclusion of the last municipal year requested the Borough Solicitor to report on potential revisions to the Council Procedure Rules in respect of urgency procedures.
- 9.7 At the Annual meeting of Council provisional changes were made to the number and functions of the Overview and Scrutiny Committees. It was resolved that this Committee be asked to make recommendations on these matters.
- 9.7 Set out below is an update in respect of the Review.

### **The Council's Executive Arrangements**

- 9.5 The Committee agreed previously that Cabinet and other Members of the Council be consulted upon issues relating to the Council's executive arrangements, including executive procedure rules, decision-making by

individual Cabinet Members, the Forward Plan and the definition of “key decisions”.

- 9.6 The former Chairman and Vice Chairman asked the Democratic and Registration Services Manager to consult with Cabinet. Cabinet asked that these matters be deferred to the start of this Municipal Year.

### **Finance and Contract Procedure Rules**

- 9.9 An Officer Group consisting of senior officers from Legal, Procurement, Audit and Democratic Services have produced revised Finance and Contract Procedure Rules together with associated guidance. They are consulting with officers on the impact of the revised arrangements. The next meeting of the officer group is due to take place on 8<sup>th</sup> June. Once the Finance and Contract Rules are improved this will support the review of the delegation scheme that will more clearly define the responsibilities of and delegations to Portfolio holders; and the responsibilities of and delegations to officers.

### **Officer Delegation Scheme**

- 9.10 Departmental structures are now established and the officer delegation scheme needs to be revised to reflect the changes since vesting day. The scheme also needs to be reviewed to reflect any potential changes in the Finance and Contract Procedure Rules. This is being undertaken in conjunction with the recently appointed Monitoring Officer.

## **10.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

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## Appendix

Material to be reviewed	Comments
Council Procedure Rules	Completed
<p>Cabinet Procedure Rules</p> <p>Key Decision Provisions and the Forward Plan</p> <p>Responsibilities of Individual Cabinet Members</p>	<p>Redrafted ready for further consideration as recommended by Cabinet.</p> <p>Cabinet and the Corporate Scrutiny Committee should be consulted prior to the meeting of the Constitution Committee</p>
<p>Finance and Contract Procedure Rules</p> <p>Scrutiny Procedure Rules</p>	<p>An Officer Working Group is redrafting these. The recently appointed Monitoring Officer has requested the opportunity to review the work of the Group</p> <p>Scrutiny Chairman have undertaken work in this area.</p>
Staff Employment Procedure Rules	The Head of HR and Organisational Development has been requested to review these rules