

CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 5th July 2012
Report of: Democratic and Registration Services Manager
Subject/Title: Review of the Constitution

1.0 Report Summary

- 1.1 To consider the Committee's approach to the review of the Council's Constitution.

2.0 Recommendation

- 2.1 That the Committee consider the content of the report and determine its work programme for the current municipal year.

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 3.1.

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 review will provide an opportunity to ensure that all elements of the document are consistent with one another.

9.0 Background

- 9.1 Since vesting day, the Council has approved a number of amendments to the Constitution. As new legislation comes into force, and as the Council finds better ways of doing things, building upon experience and best practice, the Constitution needs to be amended.
- 9.2 The Constitution Committee has agreed to review different parts of the Constitution to ensure it remains fit for purpose and has developed a work programme to support this task.
- 9.3 At its meeting on 17th November 2011, the Committee resolved that a task group of five members be appointed (3 Con; 1 Lab; 1 Ind) to consider and make recommendations on detailed changes to the Constitution.
- 9.4 The Committee then agreed to suspend its work programme pending the outcome of the work of the Governance Review Joint Member Working Group that was established to review potential changes to the Council's governance arrangements under the Localism Act.
- 9.5 More recently, the Audit and Governance Committee has considered a report on Lyme Green and approved an action plan of improvements, some of which will require changes to the Constitution. In particular, the Committee has recommended that this Committee undertake a further review of the Officer Scheme of Delegation and Contract Procedure Rules with a view to increasing the level of Member involvement in decision-making.
- 9.6 In the light of the information above, the Committee is asked to consider how it wishes to proceed with its review of the Constitution.
- 9.7 Set out below is an updated work programme.

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| Scheme of Delegation | The Scheme of Delegation needs to be further updated to reflect final changes in the officer structure of the Council. This will include some 'staffing' matters* arising from the review of Staff Employment Procedure Rules. The work is ongoing. |
| Budget and Policy Framework | The Budget and Policy Framework is a list of plans and strategies, including the Local Development Framework, that must be approved by full Council. The list of plans that comprise the Local Development Framework is being reviewed by the LDF Panel. |
| Scrutiny Procedure Rules | The Overview and Scrutiny Chairmen are reviewing the Scrutiny Procedure Rules. The work is ongoing. |
| Staff Employment Procedure Rules | The Head of HR and Organisational Development has completed a review of the staffing elements of the Constitution.* |
| Petitions Scheme | Potential changes to the Petitions Scheme have been drafted and Cabinet is being consulted. |
| Size and Layout of the Constitution | The Constitution Task Group appointed by the Committee has given preliminary consideration to the size and layout of the Constitution to make it as 'user friendly' as possible. |

10.0 Access to Information

- 10.1 The background papers relating to this report can be inspected by contacting the report writer:
Name: Brian Reed
Designation: Democratic and Registration Services and Manager
Tel No: 01270 686670
Email: Brian.reed.@cheshireeast.gov.uk