

CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 21st November 2013
Report of: Head of Governance and Democratic Services
Subject/Title: Work Programme

1.0 Report Summary

1.1 This report reviews the Committee's work programme.

2.0 Recommendations

2.1 That

1. the Committee consider its work programme and agree any required changes; and
2. the Constitution Member Working Group be asked to undertake reviews of the terms of reference of committees, the various sets of procedure rules, certain issues relating to executive decision-making, and any further such reviews as required from time to time, and report back to the Committee in due course.

3.0 Reasons for Recommendations

3.1 To enable the Committee to monitor progress with the work programme and make any desired changes.

4.0 Wards Affected

4.1 N/A

5.0 Local Ward Members

5.1 N/A

6.0 Background

6.1 Members have commented previously that it would be helpful for a report to be included on the Committee's agenda setting out the programme of work agreed by the Committee. This would enable Members to keep track of the work the Committee has commissioned and to monitor progress. It would also enable Members to make informed decisions on additional work in the light of existing commitments, and to set priorities. This is the second such report.

- 6.2 The work programme is set out below. Items included elsewhere on the agenda are not discussed.

1. Review of Powers and Responsibilities of Officers (Officer Scheme of Delegation)

The officer scheme of delegation has recently been reviewed by the Constitution Member Working Group. The aims of the review had been to reflect the recent changes to the Council's senior management structure, improve officer accountability and increase member involvement in decision-making. A revised scheme was approved by Council on 17th October 2013. In approving the scheme, Council authorised the Interim Head of Legal Services and Monitoring Officer, with the agreement of the Chairman of the Constitution Committee, to incorporate the new management structure into the scheme when all necessary aspects of the structure had been settled, with the scheme as amended being re-submitted to the Constitution Committee for confirmation. It is intended that the revised version of the scheme will be submitted to the Committee's meeting on 23rd January 2014.

In the meantime, the Member Working Group's review of the scheme of delegation is continuing and further proposals will be submitted to the Committee for consideration in due course.

To remind the Committee, the membership of the Constitution Member Working Group is as follows:

Constitution Member Working Group

Councillor David Marren (Chairman)
Councillor Brendan Murphy (Vice-Chairman)
Councillor Gordon Baxendale
Councillor Steve Hogben
Councillor Shirley Jones (non-voting)
Councillor Paul Whiteley

Proportionality: 3:1:1:1

2. Civic Sub-Committee Terms of Reference

The Civic Sub-Committee had been appointed by the former Governance and Constitution Committee in 2009 to consider and make recommendations on the approach to the election of the Mayor and Deputy Mayor and the adoption of a Mayoral Code of Practice. The Sub-Committee was given an ongoing role in respect of the election of the Mayor and Deputy Mayor each year, utilising the approach adopted by Council. The Constitution Committee had subsequently added additional responsibilities to the Sub-Committee's terms of reference.

At a recent Council meeting, it was suggested that the terms of reference of the Civic-Sub Committee should be reviewed. At its meeting on 19th September 2013, the Committee resolved that the Constitution Member Working Group be asked to review the Civic Sub-Committee's terms of

reference and report to the Committee. The Member Working Group will be meeting shortly to consider the matter.

3. Transparency

The Committee at its meeting on 5th June 2013 had considered an update report on the work that was going on across the authority to encourage openness and transparency. Members had also given further consideration to a motion which had been moved by Councillor B Murphy and seconded by Councillor P Edwards at the Council meeting on 19th July 2012 calling for a review of the Council's policies and protocols in relation to confidentiality.

The Committee asked the Constitution Member Working Group to review the issue of transparency, openness and access to information, with the support of the Customer Service and Libraries Manager. As a result of the review of the management structure, the officer responsibility for this matter has since changed and the Council's Customer Relations and Compliance Manager will now be advising the working group on this matter.

A report on transparency will be considered by the Constitution Member Working Group at its next meeting.

4. Review of Policy Development Groups and Scrutiny Committees

At its meeting on 19th September 2013, the Committee resolved that a member working group be appointed, the size and composition to be determined, to commence the review of the scrutiny and policy development group structure; the group whips be asked to submit to the Head of Governance and Democratic Services the names of their nominated members to the working group; and the working group be asked to seek support and advice from an independent body such as the Centre for Public Scrutiny.

Following consultation with the political groups, the size and membership of the working group had now been determined as follows:

PDG/Scrutiny Member Working Group

Councillor Peter Groves
Councillor Steve Hogben
Councillor Shirley Jones
Councillor David Marren
Councillor Rod Menlove
Councillor Arthur Moran
Councillor David Newton
Councillor Margaret Simon
Councillor Paul Whiteley

Proportionality: 5:2:1:1

All members have voting rights.

Chairman and Vice-Chairman to be appointed at the first meeting.

The first meeting of the working group will be held shortly.

5. Size and Structure of the Constitution

The Committee at its meeting on 5th June 2013 had held a general discussion on the Constitution to identify key priorities for review. One of these was the size and structure of the Constitution. It was felt that the current version of the Constitution was quite large and complex and 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 have been working with the Committee's Vice-Chairman to produce a concise, user-friendly version for the Committee's consideration. Alongside this work, the Interim Head of Legal Services has appointed an officer working group to undertake a review of the Constitution/finance and contract procedure rules. These two streams of work are being co-ordinated with a view to submitting proposals for consideration in due course.

The Committee has previously expressed the view that a general review of the terms of reference of committees and the various sets of procedure rules within the Constitution would be beneficial. In addition, there are a number of issues relating to executive decision-making which are in need of further review. Clearly, these various reviews have implications for the work being undertaken on the size and structure of the Constitution. In order to make progress in all areas, and to ensure a consistent and coherent approach among these various work streams, the Committee might wish to consider asking the Constitution Member Working Group to undertake these reviews, and to undertake any further such reviews as required from time to time, with reports back to the Committee in due course.

7.0 Policy Implications

7.1 There are no direct policy implications

8.0 Financial Implications

8.1 There are no direct financial implications

9.0 Legal Implications

9.1 There are no direct legal implications

10.0 Risk Management

10.1 There are no direct risk management implications

11.0 Access to Information

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

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