

CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 15th July 2016
Report of: Director of Legal Services
Subject/Title: Non-major Changes to the Constitution – Recommendations of the Audit and Governance Committee

1.0 Report Summary

- 1.1 This report sets out two proposed changes to the Constitution as recommended by the Audit and Governance Committee. The changes relate to the Whistleblowing Policy and the Audit and Governance Committee's terms of reference. Both sets of changes are considered to be non-major and therefore matters for decision by this Committee.

2.1 Recommendation

2.1 That

1. the list contained in the Whistleblowing Policy of those people to whom a referral can be made be amended to include Members of the Audit and Governance Committee;
2. the following amendments be made to the Terms of Reference of the Audit and Governance Committee:

(a) the following be added:

'The Committee may establish standing and time-bound working groups (which may but need not be politically balanced) to consider any matters within these terms of reference of the Committee.'

(b) paragraph 22 (Internal Audit) be amended as follows:

'To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.'

3. the Constitution be amended accordingly.

3.0 Background

Whistleblowing Policy

- 3.1 The Audit and Governance Committee at its meeting on 30th June 2016 considered an update on the effectiveness of the Council's Whistleblowing Policy.
- 3.2 In response to a suggestion that a useful addition to the Policy would be to enable referrals to be made directly to Members of the Committee, the Director of Legal Services advised that guidance would need to be put in place to support Members who were approached under the Policy. In addition, the matter would need to be referred to the Constitution Committee for consideration.
- 3.3 The Committee resolved to recommend to the Constitution Committee that the list contained in the Whistleblowing Policy of those people to whom a referral can be made be amended to include Members of the Audit and Governance Committee, and the Constitution be amended accordingly.

Audit and Governance Committee Terms of Reference

- 3.4 The Audit and Governance Committee also reviewed its terms of reference to determine whether any changes were required. An informal training session for Members had been held prior to the meeting at which the Terms of Reference had been discussed and compared with best practice and those of neighbouring authorities.
- 3.5 Following discussion it was agreed that explicit reference should be made in the terms of reference to the fact that the Committee could appoint working groups. It was also acknowledged that the wording of paragraph 22 of the terms of reference was currently incomplete and required an appropriate amendment. Both amendments to the terms of reference, which require the approval of the Constitution Committee, are set out fully in recommendation 2 of this report. The Audit and Governance Committee's terms of reference are attached as an Appendix with the amendments highlighted.

The Committee's authority to approve changes to the Constitution

- 3.6 The Constitution Committee may make any changes to the Constitution which are not major, subject to the Director of Legal Services and the Chief Operating Officer (s151 Officer) agreeing that the proposed changes are not major and to Council subsequently being informed of such changes. The Director of Legal Services and the Deputy Section 151 Officer (acting in the absence on leave of the Chief Operating Officer) are satisfied that the changes proposed in this report are non-major and therefore are matters for decision by the Committee.

4.0 Reasons for Recommendations

- 4.1 As stated in section 3 of this report.

5.0 Wards Affected

5.1 N/A

6.0 Local Ward Members

6.1 N/A

7.0 Policy Implications

7.1 There is a proposed amendment to the Council's Whistleblowing Policy to provide that referrals may be made to members of the Audit and Governance Committee.

8.0 Financial Implications

8.1 There are no financial implications.

9.0 Legal Implications

9.1 The proposed changes to the Constitution may be approved by the Constitution Committee in accordance with its delegated powers.

10.0 Risk Management

10.1 There are no 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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