

# Cheshire East Council

## New Constitution

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### Part 1

### Introduction, summary and explanation

- 1.1 This document is the Council's Constitution. It contains details of how the Council works, how decisions are made and where to find information about the Council.

### Content of the Constitution

Part	Title	Contents
1	<a href="#">Introduction, summary and explanation</a>	<p>This section</p> <p>Sets out an overview of how the Council operates, what the key parts of the Constitution cover and what rights members of the public have.</p>
2	<a href="#">Responsibility for Functions</a>	<p>Sets out the way in which functions have been allocated and which decision-making body/person within the Council has responsibility for making those decisions.</p> <ul style="list-style-type: none"> <li>(A) Diagrammatic explanation of member decision making bodies</li> <li>(B) Council (including "Local Choice" Functions)</li> <li>(C) Cabinet</li> <li>(D) Committees</li> <li>(E) Officer delegations (including a diagram of the officer structure/council management)</li> </ul>
3	<a href="#">Rules of Procedure</a>	<p>Sets out the procedural rules relating to all Council activities grouped into the following sections</p> <ul style="list-style-type: none"> <li>(A) Rules of debate at meetings</li> </ul>

Part	Title	Contents
		<p>(B) Access to documents and information</p> <p>(C) Finance rules</p> <p>(D) Contract rules</p> <p>(E) Employment rules</p>
4	<a href="#">Codes and Protocols</a>	<p>Sets out codes and protocols covering members' and officers' conduct including</p> <p>(A) Member Code of Conduct</p> <p>(B) Officer Code of Conduct</p> <p>(C) Member/officer protocol</p> <p>(D) Whistleblowing policy</p>
5	<a href="#">Members' Allowance Scheme</a>	
6	<a href="#">Index and Glossary</a>	

## Purpose of the Constitution

- 1.2 This is a document to help residents, businesses, partners, stakeholders, councillors and staff understand how the Council works. We have included hyperlinks between different parts of the Constitution wherever possible to make it easy to navigate your way around the information. We have also included hyperlinks to other documents/sites where we think this will be helpful. All hyperlinks are coloured [blue like this](#)
- 1.3 If you have any queries about anything in this Constitution please contact [\[details\]](#)

## The Council

- 1.4 Cheshire East Council has 82 elected councillors (also called members). Each Councillor represents the residents in their Ward. There are 52 Wards in the Council's area. Councillors are elected every four years. Click to find out when the [next election](#) will take place.
- 1.5 Click to find out which [Ward](#) you are in and who your [Councillor](#) is. Click for a [list of all Councillors](#) with their contact details. Click for details of the [political composition](#) of the Council.

## Councillors

- 1.6 Councillors are directly accountable to citizens for the running of the Council. They have a duty to represent all constituents in their Ward. They are involved in decision

making in the Council ([Part 2](#) of the Constitution gives details of how Councillors make decisions at the Council). Councillors can also represent the Council on external bodies.

- 1.7 Councillors have to observe a [Code of Conduct](#) and a [Protocol on Member/Officer Relations](#).
- 1.8 Councillors also have to register and declare certain interests. You can access the [the Register of Members'](#) Interests here.

## How the Council makes decisions

- 1.9 All Councillors meet together a number of times each year as the Full Council. You can get details of the [Full Council Meetings this year here](#). Full Council appoints a Mayor (who chairs the Full Council Meeting, performs the Council's civic role and represents the Council in the community) and a Deputy Mayor. Click to get details of how the [Full Council operates](#).
- 1.10 The Council operates an "executive" form of governance. This means that the Full Council appoints a Leader of the Council. He/she then appoints up to 9 other Councillors who, all together, form the Cabinet. Each of the Councillors on the Cabinet is responsible for a particular area of the Council's activities (called "portfolios"). Click to get details of how the [Cabinet operates](#) and to see the current Cabinet portfolios. Click to get details of the [Cabinet meetings](#) this year.
- 1.11 The Full Council also appoints a number of Committees to deal with different aspects of the Council's functions, for example, planning and licensing. There are also Overview and Scrutiny Committees which hold the Cabinet to account. Click to see details of the [Council's Committees](#).
- 1.12 [This diagram](#) shows the overall structure of the Council's decision making arrangements.

## The Council's Staff/Employees

- 1.13 Councillors are supported by the Council's staff/employees (who are also called "officers"). Officers provide advice, implement decisions and manage the day to day delivery of the Council's services.
- 1.14 The most senior officer is the Chief Executive. Other senior managers lead different parts of the Council's services. Some officers have specific duties to ensure that the Council operates within the law and uses resources wisely. These are the Monitoring Officer and the Section 151 officer (finance officer).
- 1.15 Click to see the [Council's Senior Management Structure](#). Click to see the functions and responsibilities which the Council has given to the senior officers – [the Scheme of Delegation](#).
- 1.16 Officers have to comply with the [Officers' Code of Conduct](#) and the [Protocol on Member/Officer Relations](#).

- 1.17 The recruitment, selection, discipline and dismissal of officers must be done in accordance with [specific rules](#).

### **Rights of citizens and residents**

- 1.18 Everyone has an equal right to access high quality Council services. Members of the public have rights to
- Vote at local elections;
  - Attend the Council's meetings except where confidential or exempt information is being discussed;
  - [Speak at meetings](#)
  - Contact local Councillors about any matters of concern;
  - Contribute to investigations by the Overview and Scrutiny Committees;
  - Complain where there are problems with Council services;
  - Complain to the Commission for Local Administration (the Ombudsman) if the Council has not followed its procedures properly;
  - Complain to the Council if you believe there is evidence that a Councillor has not followed the Council's Code of Member Conduct;
  - Inspect the Council's accounts.
- 1.19 You also have rights to view public reports to the Council, the Cabinet and the Council's Committees. Click to get more details of these [public rights](#).

### **Review of the Constitution and Decision Making**

- 1.20 This Constitution will be kept under review by the Constitution Committee (click for its [terms of reference](#)).