

Constitution Committee

Date of Meeting: 22 March 2018

Report Title: The Constitution: Living Document Changes

Senior Officer: Acting Director of Legal Services

1. Report Summary

This report provides an opportunity for the Committee to receive updates on issues which were raised during the process leading-up to adoption of the Council's Constitution; to note the use of delegated powers to make changes to the Constitution, where the Acting Director of Legal Services has power to do so; or to give more detailed consideration to specific issues.

2. Recommendations

That the Committee:

- 2.1. note the arrangements set out in paragraphs 1 and 2 of Appendix 1 to this report;
- 2.2. note the use, or the proposed use, of delegated powers as set out in the recommendations in paragraphs 3-11 of Appendix 1 to this report; and
- 2.3. make a specific decision or recommendation in response to the recommendations set out in paragraphs 12-17 of Appendix 1 to this report.

3. Reasons for Recommendations

- 3.1. In order for the Committee to be appropriately updated on specific issues and to enable the Committee to give detailed consideration to individual matters.

4. Other Options Considered

- 4.1. Not applicable.

5. Background

- 5.1. As part of the process followed in advance of the adoption of the Constitution at the Council meeting on 14th December, it was made clear that consideration would need to be given to a number of proposed "living document" changes, which had either arisen from issues raised by Members during the process leading up to adoption, or which would arise following adoption.

- 5.2. Indeed, assurances were given to Members who raised issues during the process leading up to adoption, that there would be further opportunity for matters to be considered following adoption.
- 5.3. This report provides an opportunity for the Committee to consider these issues and either note changes which can be, or which have been, put in place under powers delegated to the Acting Director of Legal Services; or to give detailed consideration to more substantive issues.
- 5.4. Appendix 1 to this report lists matters for consideration at this meeting. It can be seen that items in Appendix 1 have been listed in the following order:
- 5.4.1. Items which the Committee is asked to note (where an update is provided for the Committee, but where no substantive decisions are required of the Committee).
- 5.4.2. Items relating to the use of delegated powers by the Acting Director of Legal Services (where the Acting Director of Legal Services has the power to make changes to the Constitution, and where he has already done so, or will do so).
- 5.4.3. Other matters (where the Committee needs to give detailed consideration to some specific issue).
- 5.5. The Committee is asked to note or consider, as appropriate, each of the items in Appendix 1.
- 5.6. A list of further issues to be considered at future meetings of the Committee is attached as Appendix 2.

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1. The legal implications of the recommendations to this report are contained within the main body of the report, as appropriate.
- 6.1.2. The Council must have a constitution as a requirement of the law, which must be published. Any agreed changes will be put in place in the Constitution but, where delegated powers to do this do not exist, these changes would need to be agreed by Council before publication.

6.2. Finance Implications

- 6.2.1. There are no direct finance implications.

6.3. Equality Implications

- 6.3.1. There are no direct equalities implications.

6.4. Human Resources Implications

6.4.1. There are no direct human resources implications.

6.5. Risk Management Implications

6.5.1. Local authority constitutions are “living documents” which must be kept under constant review in order to reflect best practice, changes in legislation, and the way in which they operate. By keeping constitutions under review, and updating them as appropriate, risk is minimised.

6.6. Rural Communities Implications

6.6.1. There are no direct implications for rural communities.

6.7. Implications for Children & Young People

6.7.1. There are no direct implications for children and young people.

6.8. Public Health Implications

6.8.1. There are no direct implications for public health.

7. Ward Members Affected

7.1. All Cheshire East Borough Wards, and Ward members are affected, given that the Council’s Constitution has application across the whole of the Borough, and all Council operations.

8. Consultation & Engagement

8.1. As part of the process leading up to adoption of the Constitution at the meeting of Council on 14th December 2017, all Council Members were given opportunity to feed into the process, either by attending workshop, sub-committee, committee or Council meetings, or by attending “drop-in” sessions. It is estimated that more than 75% of the Council’s Members directly engaged in the process, and all were involved in the decision to adopt the Constitution.

9. Access to Information

9.1. During the process which preceded the adoption of the Constitution, a record was made of issues raised by individual Members so that these could be considered as part of the Constitution Committee’s work programme.

10. Contact Information

10.1. Any questions relating to this report should be directed to the following officer:

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