

Council Agenda

Date: Thursday, 13th December, 2018
Time: 11.00 am
Venue: The Ballroom, Sandbach Town Hall, High Street, Sandbach, CW11 1AX

The agenda is divided into two parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Prayers**

2. **Apologies for Absence**

3. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

4. **Minutes of Previous meeting** (Pages 3 - 14)

To approve the minutes of the meeting held on 18 October 2018 as a correct record.

5. **Mayor's Announcements**

To receive such announcements as may be made by the Mayor.

6. **Pledges to Cared for Children and Care Leavers** (Pages 15 - 28)

To consider the recommendations in respect of pledges to Cared for Children and Care Leavers, as set out in the report.

7. **Public Speaking Time/Open Session**

Please contact Julie North on 01270 686460
E-Mail: julie.north@cheshireeast.gov.uk with any apologies or requests for further information or to give notice of a question to be asked by a member of the public

In accordance with paragraph 1.32 of the Council Procedure Rules and Appendix 7 to the rules, a total period of 15 minutes is allocated for members of the public to speak at Council meetings.

Individual members of the public may speak for up to 5 minutes, but the Chairman will decide how the period of time allocated for public speaking will be apportioned, where there are a number of speakers.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given. It is not a requirement to give notice of the intention to make use of public speaking provision. However, as a matter of courtesy, a period of 24 hours notice is encouraged.

8. **Leader's Announcements**

To receive such announcements as may be made by the Leader.

9. **Recommendation from Cabinet - Domestic Tax Base 2019/20** (Pages 19 - 28)

To consider the recommendation from Cabinet.

10. **Recommendation from Constitution Committee - Calendar of Meetings 2019/20**
(Pages 29 - 36)

To consider the recommendation from the Constitution Committee.

11. **Recommendation from Constitution Committee - Audit and Governance Committee Terms of Reference** (Pages 37 - 56)

To consider the recommendation from the Constitution Committee.

12. **Overview and Scrutiny Annual Report 2017/18** (Pages 57 - 68)

To receive the Overview and Scrutiny Annual report 2017/18.

13. **Political Representation on the Council's Committees** (Pages 69 - 74)

To determine the political representation on the Council's Committees and to appoint to those Committees.

14. **Notices of Motion** (Pages 75 - 78)

To consider any Notices of Motion that have been received in accordance with paragraph 1.34 of the Council Procedure Rules

15. **Questions**

In accordance with paragraph 1.18 of the Council Procedure Rules, opportunity is provided for Members of the Council to ask the Mayor, the appropriate Cabinet Member or the Chairman of a Committee any question about a matter which the Council, the Cabinet or the Committee has powers, duties or responsibilities.

At Council meetings, there will be a maximum question time period of 30 minutes. Questions will be selected by the Mayor, using the criteria agreed by Council. Any questions which are accepted, but which cannot be dealt with during the allotted period will be answered in writing. Questions must be brief, clear and focussed.

CHESHIRE EAST COUNCIL**Minutes of a meeting of the Council**

held on Thursday, 18th October, 2018 at The Ballroom, Sandbach Town Hall,
High Street, Sandbach, CW11 1AX

PRESENT

Councillor L Durham (Deputy Mayor/Vice-Chair, in the Chair)

Councillors C Andrew, A Arnold, D Bailey, Rachel Bailey, Rhoda Bailey, G Baggott, G Barton, P Bates, G Baxendale, M Beanland, D Bebbington, S Brookfield, C Browne, B Burkhill, P Butterill, S Carter, J Clowes, S Corcoran, H Davenport, S Davies, M Deakin, T Dean, B Dooley, S Edgar, J P Findlow, R Fletcher, T Fox, D Flude, S Gardiner, S Gardner, M Grant, C Green, P Groves, M Hardy, G Hayes, S Hogben, D Hough, L Jeuda, A Kolker, D Mahon, N Mannion, D Marren, S McGrory, R Menlove, G Merry, A Moran, H Murray, J Nicholas, S Pochin, J Rhodes, B Roberts, J Saunders, M Sewart, M Simon, D Stockton, A Stott, B Walmsley, G M Walton, L Wardlaw, M Warren, M J Weatherill, H Wells-Bradshaw and J Wray

Apologies

Councillors L Smetham, J Bratherton, E Brooks, D Brown, C Chapman, I Faseyi, H Gaddum, L Gilbert, J Hammond, A Harewood, O Hunter, J Jackson, J Macrae, A Martin, B Moran, M Parsons, G Wait and G Williams

25 PRAYERS

The Rev Helen Byrne, standing in for the Mayor's Chaplain, said prayers, at the request of the Deputy Mayor.

26 DECLARATIONS OF INTEREST

There were no declarations of interest.

27 MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 26 July 2018 were approved as a correct record.

28 MAYOR'S ANNOUNCEMENTS

The Deputy Mayor:-

1. Reminded Members the Mayor was unable to attend the meeting.
2. Informed Council that, since the last meeting, the Council had been informed of the death of Honorary Alderman Walter Wright, who had for many years been a Member of the former Macclesfield Borough Council and was Mayor of Macclesfield in 2000/01. The Mayor had attended his funeral on 6 September, as

had a number of other Members. The Council stood for a minute's silence as a mark of respect.

3. Referred to the prayers said at the start of the Council meeting, noting that they had not been led by the Mayor's Chaplain on this occasion, as she was away on a well earned holiday and that the Rev Helen Byrne had stood in for the Chaplain. The Deputy Mayor informed Council that Helen had been extremely active in providing support to Syrian refugees in Cheshire East. On behalf of the Council, she thanked Helen for all the work that she had led.
4. Reported that, since the previous meeting of Council, she and the Mayor had undertaken 50 engagements, details of which had been circulated in advance of the meeting.
5. Reported that the Mayor had asked her to thank those Members who had attended her Civic Service on Sunday 7 October.
6. Announced that, on Saturday 6 October, Foden's Band, which was based in Cheshire East, had competed at the National Brass Band Championships of Great Britain, held at the Royal Albert Hall, London. The contest had featured the top 20 brass bands from around the UK who had qualified from competing at various area contests across the country. She was delighted to be able to report that the band had won the event and had been crowned as British Champions and she understood that the Mayor had written to the band to offer the Council's congratulations.
7. Announced that, on Saturday 24 November 2018, the Mayor would be holding a Charity Christmas Ball at Crewe Hall and she encouraged all to attend. Members had all already been notified about this event by e-mail, but the Democratic Services team, in attendance at the meeting, had information about the Ball if Members wished to book places.

29 PUBLIC SPEAKING TIME/OPEN SESSION

1. Mr Phillip Irlam asked a question relating to the decision to close Lime Tree Drive, Crewe for the 8 months that the Sydney Road bridge would be out of action and the effect that closing this road would have on the rest of the town, asking for this to be reconsidered.– Cllr D Stockton, Environment Portfolio Holder, responded.
2. Ms Suzy Firkin asked a question relating to a recent Buzzfeed freedom of information request to the Council, which she stated had found that an analysis produced by the authority had found that of the top 100 companies in the area, 14 firms contributing almost £1bn to the local economy, had been assessed as being at "high risk" from leaving the EU. She referred to a recent letter from the Leader of the Council to the Congleton Chronicle and asked her to explain what this actually meant by way of practical support to businesses in the region.
3. Mr John Arnold asked a question concerning the exit deal with the European Union, asking what plans the Council had made against the possibility of a no deal Brexit, including food, supplies to local businesses and whether any plans had been made to ensure that medicine stocks

were maintained at Leighton Hospital, particularly those that had a short shelf life, such as insulin.

4. Mr Arnold also asked a question on behalf of Mr C Foster, asking what consultations had the Council undertaken with local businesses to assess the impacts of Brexit for them and what were the main findings of that research.
5. Ms Sarah Murphy also asked a question relating to Buzzfeed news, which she said had stated that an analysis by Cheshire East had found that, of the top 100 companies in the area, 14 firms contributing almost £1Bn to the local economy had been assessed as being at high risk from leaving the EU and another 43 companies had been judged to be at 'medium risk' and investment proposals were being put on hold. She asked for confirmation as to whether this was accurate and whether the Council had received the Government's regional impact assessments on Brexit and how much money/resource had the Council set aside to mitigate the impacts identified.

(The Leader of the Council responded to all the Brexit-related questions later in the meeting, under her announcements, but undertook to follow up the issue in respect of stocks of medicine at Leighton hospital).

6. Mr J Buchsbaum, Chair of the Jewish Representative Council for the Manchester region, spoke in respect of antisemitism and hate crime and thanked the Council for adopting the HRA definition of antisemitism.
7. Mr A Wood spoke in respect of support for engineering and crafts in schools and his request to the Council for the release of land for a market and also in respect of problems with parking.
8. Middlewich Town Cllr Jonathan Parry spoke in respect of the recent decision relating to charging for bin services. – The Leader of the Council responded.
9. Mrs Sue Helliwell spoke in respect the Notice of Motion relating to the peoples vote, to be considered later in the meeting, and asked Cheshire East Councillors to reject the motion.
10. Mr G Goodwin spoke in respect of a past business interest of the Finance and Communications Portfolio Holder. – The Leader of the Council and Cllr Bates, Finance and Communication Portfolio Holder, responded.
11. Mrs C Peters Rock, representing the Knutsford and District Neighbourhood Forum, spoke in respect of the recent decision by the Northern Planning Committee to approve the demolition of the Knutsford War Memorial. - Cllr L Wardlaw, Health Portfolio Holder, responded briefly and undertook to provide a written response.

12. Mr M Unett spoke in respect of the new bin charges scheme and also in respect of police investigations concerning the Council – The Leader of the Council responded.
13. Mr D Alcock spoke in respect of the Notice of Motion relating to the People's Vote.
14. Mr G Jones spoke in respect of a recent planning application for development at Chelford Road, Henbury, considered by the Strategic Planning Board, and asked for the actual figures relating to air pollution at Broken Cross. – Cllr Arnold, Housing, Planning and Regeneration Portfolio Holder, responded.

30 LEADER'S ANNOUNCEMENTS

The Leader of the Council addressed Council regarding a number of issues, including the Brighter Future Together (Culture) Programme, awards received by the Council's services, the Council's capital investment programme, HS2 and the Town and Parish Council Conference. She also responded to the various questions relating to Brexit, asked under public speaking time. The Leader also announced that Alex Thompson was taking on the Council's Acting Section 151 statutory officer responsibilities.

The Leader then called on Cllr Janet Clowes, Adult Social Care and Integration Portfolio Holder, to speak in respect of her role on the Rural LEP Strategic Board.

31 RECOMMENDATION FROM CABINET -2018/19 MID-YEAR REVIEW OF PERFORMANCE

Cabinet, at its meeting on 9 October 2018, had considered a report on the Mid-Year Review of Performance for 2018/19.

Recommendation 3 of the Cabinet report recommended that Council approve fully funded supplementary capital estimates above £1,000,000, in accordance with Financial Procedure Rules, as detailed in Appendix 8 to the Report.

RESOLVED

That the fully funded supplementary capital estimates above £1,000,000, in accordance with Financial Procedure Rules, as detailed in Appendix 8 to the Cabinet Report be approved.

32 RECOMMENDATION FROM CONSTITUTION COMMITTEE - PUBLIC RIGHTS OF WAY PUBLIC PATH ORDERS: CHANGE TO SCHEME OF DELEGATION

The Constitution Committee, at its meeting on 20 September, had considered a proposed amendment to the scheme of delegation to provide that the determination of public path order applications that were not contested or contentious at the pre-order consultation stage could be undertaken by the Executive Director of Place, in consultation with the Chairman and Vice-Chairman of the Public Rights of Way Committee.

Council was recommended to approve that the scheme of delegation be amended to enable the Executive Director Place to determine, in consultation with the Chairman and Vice-Chairman of the Public Rights of Way Committee, any Public Path Order applications that were not contested or contentious at the pre-order consultation stage.

RESOLVED

That approval be granted for the scheme of delegation to be amended to enable the Executive Director Place to determine, in consultation with the Chairman and Vice-Chairman of the Public Rights of Way Committee, any Public Path Order applications that are not contested or contentious at the pre-order consultation stage.

33 RECOMMENDATION FROM CONSTITUTION COMMITTEE - SHARED SERVICES JOINT COMMITTEE TERMS OF REFERENCE

The Constitution Committee, at its meeting on 20 September, had considered a report on revised terms of reference for the Shared Services Joint Committee. Cheshire East and Cheshire West and Chester Councils now shared eight shared services, whereas at the formation of the Joint Committee there had been approximately sixty-five such services. The work of the Joint Committee had altered from overseeing the sharing of services to contributing to the development and shaping of the change agenda where the two Councils could share services. The terms of reference had been amended to reflect the Joint Committee's changing role. The revised terms of reference were set out at Appendix A to the report.

Council was recommended to approve the amendment to the Constitution to include the revised terms of reference for the Shared Services Joint Committee, as set out in Appendix A of the Constitution Committee report.

RESOLVED

That the amendment of the Constitution to include the revised terms of reference for the Shared Services Joint Committee, as set out in Appendix A to the Constitution Committee report, be approved.

34 RECOMMENDATION FROM CONSTITUTION COMMITTEE - PROPOSED CHANGES TO GRANT APPLICATION PROCESS

The Constitution Committee, at its meeting on 20 September, had considered a report on proposed changes to the grant application process. The current process required officers to seek Member approval, prior to submitting a bid for grant funding. By the very nature of grant funding opportunities, there was often insufficient time available to proceed through the member approval routes and to meet the timescales associated with a grant funding offer. The proposed changes would remove those time constraints whilst ensuring that appropriate member oversight continued. Member approval would still be required to accept a successful bid.

The Committee recommended that Council approve the required amendments to the constitution. A report seeking Council approval for the necessary changes to

the constitution, proposed by the Monitoring Officer to implement the recommendation from Constitution Committee, was submitted.

RESOLVED

1. That Paragraph 6.26 of the Financial Procedure Rules be replaced with the following:-

Chief Officers are authorised, as set out in the Officer Scheme of Delegations, to submit applications for grant funding that align with Council priorities and initiatives in consultation with the relevant Portfolio Holder. In the event that an application is successful, the decision making process for approval of the application, including acceptance of any conditions, will follow that set out at paragraphs 2.40 and 2.45 of these rules.

2. That the Chief Officer Scheme of Delegations be amended to reflect an additional delegation to all chief officers as follows:-

To submit applications for grant funding that align with the Council budget and policy framework, in consultation with the relevant portfolio holder.

3. That an additional delegation be included in the Officer Scheme of Delegations for the Section 151 Officer as follows:-

To approve, in consultation with the portfolio holder for Finance and Communications) supplementary capital or revenue estimates where those estimates are fully funded through the ring-fenced grant funding awarded to enable the Council to accept awarded grant funding and apply it for the purposes for which it has been awarded.

35 ANNUAL REPORT OF AUDIT AND GOVERNANCE COMMITTEE 2017/18

The Audit and Governance Committee, at its meeting on 31 July 2018, had considered the draft version of the Annual Report of the Committee for 2017/18.

The report provided details of the work undertaken by the Committee and the assurances received during the year.

Subject to a small number of typing corrections, the report had been approved for consideration by Council.

Representatives from each of the political groups spoke in respect of this item.

RESOLVED

That the Annual Report of Audit and Governance Committee 2017/18 be received and noted.

36 NOTICES OF MOTION

Consideration was given to the following Notices of Motion:-

The Deputy Mayor reported that, although the general approach to Notices of Motion, in line with the Constitution, was for them to be referred to the appropriate decision-making body without comment or debate, due to the subject matter of the Notices of Motion, as proposed by Councillors Corcoran and Fletcher and the second Notice of Motion submitted by Councillor Flude, she had decided that these should be debated and dealt with at the Council meeting.

1. **Breaking Point**

Proposed by Councillor S Corcoran and Seconded by Councillor N Mannion

This Council notes that many council budgets are now at Breaking Point. Austerity has caused huge damage to communities up and down the UK, with devastating effects on key public services that protect the most defenceless in society – children at risk, disabled adults and vulnerable older people – and the services we all rely on, like clean streets, libraries, and children's centres;

- Tory cuts mean councils have lost 60p out of every £1 that the last Labour Government was spending on local government in 2010;
- Councils had to spend an extra £800m last year to meet the demand on vital services to protect children by over;
- With an aging population and growing demand adult social care faces a gap of £3.5 billion – with only 14% of council workers now confident that vulnerable local residents are safe and cared for
- Government cuts have seen over 500 children's centres and 475 libraries close, potholes are left unfilled, and 80% of councils' workers now say they have no confidence in the future of local services
- Northamptonshire has already gone bust due to Tory incompetence at both national and local level, and more councils are predicted to collapse without immediate emergency funding
- Councils now face a further funding gap of £7.8 billion by 2025 just to keep services 'standing still' and meeting additional demand. Even [Lord Gary Porter](#), the Conservative Chair of the Local Government Association, has said 'Councils can no longer be expected to run our vital local services on a shoestring'

This Council condemns Chief Secretary to the Treasury Liz Truss for stating on BBC Newsnight on 1st October 2018 that the government is "not making cuts to local authorities", when all independent assessments of government spending show that this is entirely false; and that this Council further notes that Prime Minister Theresa May has also claimed that "austerity is over" despite planning a further £1.3bn of cuts to council budgets over the next year;

This Council agrees with the aims of the 'Breaking Point' petition signed by Labour councillors across the country, in calling for the Prime Minister and Chancellor to truly end austerity in local government by:

- Using the Budget to reverse next years planned £1.3bn cut to council budgets;
- Immediately investing £2bn in children's services and £2bn in adult social care to stop these vital emergency services from collapsing;
- Pledging to use the Spending Review to restore council funding to 2010 levels over the next four years.

This Council resolves to:

1. Support the 'Breaking Point' campaign, recognising the devastating impact that austerity has had on our local community
2. Ask the Leader of the Council to write to the Chancellor of the Exchequer, the Prime Minister, and the Secretary of State for Housing, Communities and Local Government setting out the funding pressures faced by our local council, and calling on the Government to truly end austerity in local government.

Following debate, Council agreed to split the motion in to two separate motions and to delete all the words after "council" in the final sentence of the motion, as follows:-

This Council resolves to:-

1. Support the 'Breaking Point' campaign, recognising the devastating impact that austerity has had on our local community.
2. Ask the Leader of the Council to write to the Chancellor of the Exchequer, the Prime Minister, and the Secretary of State for Housing, Communities and Local Government setting out the funding pressures faced by our local council.

The first motion was defeated and the second motion was approved.

RESOLVED

1. That motion 1 be not carried.
2. That motion 2 be carried.

2. A Peoples Vote

Proposed by Councillor R Fletcher and Seconded by Councillor D Hough

It is now well over two years since the European referendum took place.

Whilst respecting the original vote significant information has come to light since then.

People did not vote to make themselves poorer.

There are significant differing views in Parliament as to what Brexit actually means.

Therefore Cheshire East Council calls upon her Majesty's Government to allow a peoples vote on any final deal.

RESOLVED

That the motion be not carried.

3. Definition of Antisemitism

Proposed by Councillor S Gardiner and seconded by Councillor M Deakin

We call upon this Council to adopt formally the definition of antisemitism adopted by the International Holocaust Remembrance Alliance (IHRA) in 2016 and to ensure that its Equality and Diversity Policies clearly state that there will be no tolerance of antisemitism by its officers or elected members.

Additionally, we call on the Council to declare that it stands four-square behind all Jewish people living in Cheshire East; together with their family members, in these difficult times for their community.

Furthermore, we request that the Director of People be charged with putting in place community cohesion strategies that will help and support any victims of antisemitism or other religious intolerances that may manifest themselves within this Borough.

RESOLVED

That the motion stand referred to Cabinet.

4. Emails Retention Policy

Proposed by Councillor D Flude and Seconded by Councillor S Brookfield

Recognising the implications of both GDPR and Freedom of Information Act legislation, this Council defers any changes to the policy the retention of emails until all police investigations, Crown Prosecution decisions and possible court actions are complete.

RESOLVED

That the motion stand referred to Cabinet.

The following motion was withdrawn by the proposer and seconder:-

5. Task and Finish Review

Proposed by Councillor D Flude and Seconded by Councillor S Brookfield

That after the completion of each Police investigation/Crown Prosecution Service decision/ Court Action this Council sets up a Task and Finish in depth scrutiny to review the outcome and issues raised and puts in place any recommendations to protect this Council and its Councillors from any future misdemeanours.

37 QUESTIONS

1. Cllr L Jeuda asked how many people who had taken voluntary redundancy in the last 18 months had been engaged as agency staff.- Cllr P Findlow, Corporate Policy and Legal Services Portfolio Holder, responded briefing and undertook to provide a written response.

2. Cllr D Flude referred to recent press articles and stated that the MP for Congleton had assured her electorate that Cheshire East schools now had increased funding. She asked the Portfolio Holder to confirm that the local MP was correct in her statement that Cheshire East schools were now well funded.— Cllr J Saunders, Children and Families Portfolio Holder, undertook to provide a written response.
3. Cllr S McGrory referred to the Middlewich Station railway line and asked whether the Leader could guarantee future funding for the railway line. - The Leader of the Council responded.
4. Cllr G Hayes asked how the additional funds from the sugar tax had been utilised to the benefit of children and families across Cheshire East. – Cllr J Saunders, Children and Families Portfolio Holder, responded.
5. Cllr S Gardiner asked the Leader of the Council if she would join him in thanking the wonderful staff who had been involved in the recent Pride event. He also referred to the new lanyards, which had been issued in order to identify Members and Officers and he requested that the appropriate lanyards be worn. – Cllr L Wardlaw, Health Portfolio Holder, responded.
6. Cllr J Wray asked a question in respect of the Homelessness Strategy, on behalf of Cllr G Merry, who had needed to leave the meeting. He asked the Portfolio Holder to explain what had been done to alleviate rough sleeping, including the utilisation of government funding received and how it was proposed that this would be reported back to Members. – Cllr A Arnold, Housing, Planning and Regeneration Portfolio Holder, responded.
7. Cllr S Hogben referred to low carbon heat networks, which he said were showing a slight reduction, and stated that Crewe was one of only six areas in the UK identified as having the potential to exploit deep geothermal energy and that the Council had received Heat Network Delivery Unit funding to carry out detailed feasibility studies in Crewe town centre, Macclesfield town centre and various rural areas. He asked what the outcome of this had been. – The Leader of the Council responded briefly and undertook to provide a written response.
8. Cllr B Burkhill sought clarification as to whether the funding from Homes England for the Handforth Garden Village was in the form of a grant or a loan. – Cllr Arnold, Housing, Planning and Regeneration Portfolio Holder, responded.
9. Cllr R Fletcher referred to the reduction in the amount of plastic recycling and asked the Leader whether she could account for what Cheshire East Council had reduced in the last three years and whether she could give an assurance that only rubbish from the black bins would be incinerated. – The Leader of the Council responded briefly and undertook to provide a written response.
10. Cllr B Dooley referred to concerns that she had received regarding the number of Connected Community Centres in Macclesfield and asked the Portfolio Holder how well the Council was doing in spreading the connected Community Centres across the Cheshire East footprint. – Cllr Clowes, Adult Social Care and Integration Portfolio Holder, responded.

The meeting commenced at 2.00 pm and concluded at 5.52 pm

Councillor L Durham (Vice-Chair, in the Chair)
CHAIRMAN

This page is intentionally left blank



Working for a brighter future together

Council

Date of Meeting: 13 December 2018

Report Title: Pledges to Cared for Children and Care Leavers

Portfolio Holder: Cllr Jos Saunders – Portfolio Holder for Children and Families

Senior Officer: Mark Palethorpe – Acting Executive Director of People

Report Summary

- 1.1. Cheshire East Council has corporate parenting responsibility towards all cared for children and care leavers 0 – 25. Those responsibilities include the necessity to ensure that children and young people are safeguarded from harm, have a safe place to live, enjoy education, training and employment with high aspirations for their futures, are healthy and are cared for in ways in which any good parent would for their own child.
- 1.2. Cheshire East Council has a Corporate Parenting Strategy, which states clearly how those responsibilities will be met and how we will care for our children and young people. There are currently 509 cared for children and approximately 250 care leavers (5th November 2018)
- 1.3. This report accompanies the 5 Pledges that the Corporate Parenting Strategy identifies are the ways in which Cheshire East acts and behaves towards those children in our care and those transitioning to adulthood. The Corporate Parenting Strategy has been endorsed at the Corporate Parenting Committee on the 13th November 2018.

2. Recommendation

- 2.1. It is recommended that the Pledges are accepted and endorsed by the Council in order to make our commitment to our cared for children and care leavers as members and officers and ensure that there is a clear and joint vision about Corporate Parenting in Cheshire East being everyone's responsibility.

- 2.2. That all key council decisions are considerate of the potential consequences, unintended consequences and benefits to cared for children and care leavers. It is proposed that this is achieved by asking a mandatory question in each report about the impact of the decision upon cared for children and care leavers.

3. Reasons for Recommendation

- 3.1. The Corporate Parenting Strategy has 5 pledges. It is essential that the Council are aware of these priorities and the plan of delivery against them. These are clearly defined within the Corporate Parenting Strategy as,

- 1. We will be a good corporate parent**
- 2. We will improve education, employment and employment outcomes**
- 3. We will work to achieve permanence and keep children safe**
- 4. We will improve health and wellbeing outcomes**
- 5. We will prepare young people for adulthood**

Please see link to corporate parenting strategy 2018 - 20

<http://moderngov.cheshireeast.gov.uk/ecminutes/documents/s66788/Corporate%20Parenting%20Strategy%20-%20Final.pdf>

4. Other Options Considered

- 4.1. Each Local Authority has a legal responsibility to provide care and safety to children who require this.

5. Background

- 5.1. Cheshire East Council established a Corporate Parenting Committee in 2016. The Portfolio Holder for Children and Families was elected as the Chair of Committee in July 2018 and this Committee is advisory to Cabinet. The Corporate Parenting Principles are underpinned by a legislative framework (Children Act) which outlines Local Authorities legal duties towards cared for children and care leavers.

6. Implications of the Recommendations

Legal Implications

6.1.1. Delivery of the Corporate Parenting Strategy will ensure that the legal responsibilities towards cared for children and care leavers are met.

6.2. Finance Implications

6.2.1. There are no financial implications to this report.

6.3. Policy Implications

6.3.1. The Corporate Parenting Strategy sets out the priorities and how these are going to be met.

6.4. Equality Implications

6.4.1. An Equality Impact Assessment has not been completed however cared for children and care leavers are required to be prioritised within the delivery of services.

6.5. Human Resources Implications

6.5.1. There are no HR implications

6.6. Risk Management Implications

6.6.1. Failure to deliver pledges towards cared for children could mean that the Council fails in its legal duties under the children act in ensuring safety and promoting positive and aspirational outcomes for cared for children and care leavers.

6.7. Rural Communities Implications

6.7.1. Cared for children and care leavers are represented within all communities within the borough and therefore the recommendations within this report should encompass those living within rural communities.

6.8. Implications for Children & Young People

6.8.1. In endorsing the recommendations within this report, Cheshire East can be reassured that they are committing to their legal and moral responsibilities towards cared for children and care leavers.

6.9. Public Health Implications

6.9.1. There are no direct implications for public health.

7. Ward Members Affected

7.1. There are no wards directly affected.

8. Consultation & Engagement

- 8.1. The Corporate Parenting Strategy and Pledges have been coproduced with our cared for children and care leavers.

9. Access to Information

- 9.1. The pledges to cared for children and care leavers accompany this report. These will be presented to full council.

10. Contact Information

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

Name: Keith Martin

Job Title: Head of Service cared for children and care leavers

Email: Keith.martin@cheshireeast.gov.uk

COUNCIL MEETING – 13TH DECEMBER 2018**DOMESTIC TAX BASE 2019/20 REPORT****RECOMMENDATION**

That

- 1. in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the amount to be calculated by Cheshire East Council as its Council Tax Base for the year 2019/20 be 149,517.54 for the whole area;**
- 2. no changes be made to the Council Tax Support Scheme for 2019/20, other than the annual increase in the allowances used and clarification following changes in other state benefits; and**
- 3. the following changes be made in respect of empty property charges:**
 - (a) the period for the award of discount in respect of empty rental property be reduced from 8 weeks to 6 weeks; and**
 - (b) the premium charged for property that has been empty for 2 years or longer be increased from 50% to 100%.**

Extract from the Minutes of the Cabinet meeting on 4th December 2018

69 DOMESTIC TAX BASE 2019/20 REPORT

Cabinet considered a report on the Council Tax base calculation 2019/20 for recommendation to Council.

The calculation set out the estimates of new homes less the expected level of discounts and the level of Council Tax Support. This resulted in a band D equivalent tax base position for each Town and Parish Council.

The tax base reflected growth of £3.6m (1.7%) on the 2018/19 position, highlighting the positive changes locally. Additional new homes, and more properties brought back into use over the last nine years, had increased the tax base by 13%.

RESOLVED

That Council be recommended to approve

1. that in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the amount to be calculated by Cheshire East Council as its Council Tax Base for the year 2019/20 be 149,517.54 for the whole area;
2. that no changes be made to the Council Tax Support Scheme for 2019/20, other than the annual increase in the allowances used and clarification following changes in other state benefits; and
3. that the following changes be made in respect of empty property charges:
 - (a) the period for the award of discount in respect of empty rental property be reduced from 8 weeks to 6 weeks; and
 - (b) the premium charged for property that has been empty for 2 years or longer be increased from 50% to 100%.



Working for a brighter future together

Cabinet

Date of Meeting: 04 December 2018

Report Title: Domestic Tax Base 2019/20 Report

Portfolio Holder: Cllr Paul Bates - Finance and Communication

Senior Officer: Alex Thompson – Head of Finance and Performance
(Section 151 Officer)

1. Report Summary

- 1.1. This report sets out the Council Tax base calculation 2019/20 for recommendation from Cabinet to Council.
- 1.2. The calculation sets out the estimates of new homes less the expected level of discounts and the level of Council Tax Support (CTS). This results in a band D equivalent tax base position for each Town and Parish Council.
- 1.3. The tax base reflects growth of £3.6m (1.7%) on the 2018/19 position highlighting the positive changes locally. Additional new homes and more properties brought back into use over the last nine years, have increased the taxbase by 13%.

2. Recommendation/s

That Cabinet recommends to Council:

- 2.1. In accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the amount to be calculated by Cheshire East Council as its Council Tax Base for the year 2019/20 as 149,517.54 for the whole area.
- 2.2. No changes are made to the Council Tax Support Scheme for 2019/20, other than the annual increase in the allowances used and clarification following changes in other state benefits.
- 2.3. The following changes are made in respect of empty property charges:

- i) The period for the award of discount in respect of empty rental property is reduced from 8 weeks to 6 weeks
- ii) The premium charged for property that has been empty for 2 years or longer be increased from 50% to 100%

3. Reasons for Recommendation/s

- 3.1. In accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992 Cheshire East Council is required to agree its tax base before 31st January 2019.

4. Other Options Considered

- 4.1. None.

5. Background

- 5.1. Cheshire East Council is required to approve its tax base before 31st January 2019 so that the information can be provided to the Cheshire Police and Crime Commissioner and Cheshire Fire Authority for their budget processes. It also enables each Town and Parish Council to set their respective budgets. Details for each parish area are set out in **Appendix A**.
- 5.2. The tax base for the area is the estimated number of chargeable dwellings expressed as a number of band D equivalents, adjusted for an estimated number of discounts, exemptions and appeals plus an allowance for non-collection. A reduction of 1% is included in the tax base calculation to allow for anticipated levels of non-collection.
- 5.3. Processes to collect Council Tax locally continue to be effective and collection rates of 99% continue to be achieved over two years. Changes to Council Tax discounts, specifically the introduction and subsequent amendments to the CTS scheme are being managed and the forecast level of non-collection at Cheshire East has been maintained at 1% for 2019/20.
- 5.4. The tax base has been calculated in accordance with the Council's local policy to offer no reduction for empty properties except that Discretionary reductions will continue to be allowed, for landlords, under Section 13A of the Local Government Finance Act 1992. Based on analysis of the locally determined, discretionary reduction period for landlords, it is recommended that it be reduced from eight weeks to six weeks.

5.5. Analysis of recent trends in new homes, and homes being brought back into use, suggest an increase of nearly 4,200 homes is likely between the setting of the 2018/19 taxbase in October 2018 and the 31st March 2020. The impact of this growth is affected by when properties may be available for occupation and the appropriate council tax banding and this is factored into the tax base calculation.

5.6. In common with most Billing Authorities, Cheshire East Council charges a Council Tax premium of 50% on property that has been empty for 2 years or more in order to encourage homes to be brought back into use. The Local Government Finance Act 1992 (amended) enables Councils to charge a premium on empty properties. The Autumn Budget 2017 increased the premium from 50% to 100% with effect from April 2019. It is recommended that Cheshire East Council implements this change with effect from 1st April 2019.

5.7. The tax base also reflects assumptions around CTS payments. The Cheshire East CTS scheme was introduced in 2013/14 and subsequently amended following consultation for 2016/17. The history of the scheme including budgets available compared to actual payments made is shown in Table 1 below.

Table 1 – Council Tax Support Budget since the introduction of the Scheme

Taxbase Year	CTS Payments £m	Risk Allowance £m	Resulting CTS Budget £m
2013/14 (original scheme)	18.2	0.7	18.9
2014/15	17.7	1.4	19.1
2015/16	17.7	0.9	18.6
2016/17 (revised scheme)	15.7	1.9	16.7
2017/18	14.2	2.0	16.2
2018/19 (estimated)	15.0	1.2	16.2
2019/20 (estimated)	15.0	1.2	16.2

5.8. This level of budget will allow a risk factor of £1.2m to remain within the scheme. The ongoing level of risk reflects a number of possible influences on the scheme such as:

- Challenges over the medium term economic position.
- The risk of a major employer leaving the area.
- The risk of delay in the significant development projects delaying employment opportunities.

- The prospect of a greater number of residents becoming of pensionable age and potentially becoming eligible for CTS.
- The risk of increased non-collection due to the increasing demand on non-protected residents.

5.9. No changes are proposed to the Council Tax Support Scheme for 2019/20 other than to amend the allowances used within the calculation to mirror those used within the calculation of Housing Benefit and clarification following changes in other state benefits.

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1. In accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended and Chapter 4 of the Council's Constitution, the calculation of the Council Tax Base is a matter for full Council following a recommendation by Cabinet.

6.2. Finance Implications

6.2.1. The calculation of the tax base provides an estimate that contributes to the calculation of overall funding for Cheshire East Council in each financial year.

6.3. Policy Implications

6.3.1. None

6.4. Equality Implications

6.4.1. None.

6.5. Human Resources Implications

6.5.1. None

6.6. Risk Management Implications

6.6.1. Consideration and recommendation of the Tax Base for 2019/20 to Council ensures that the statutory requirement to set the taxbase is met.

6.6.2. Estimates contained within the Council Tax Base calculation, such as the loss on collection and caseload for Council Tax Support, will be monitored throughout the year. Any significant variation will be reflected in a surplus or deficit being declared in the Collection Fund which is then shared amongst the major precepting authorities

6.7. Rural Communities Implications

6.7.1. This report provides details of taxbase implications across the borough.

6.8. Implications for Children & Young People

6.8.1. None.

6.9. Public Health Implications

6.9.1. None.

7. Ward Members Affected

7.1. All.

8. Consultation & Engagement

8.1. Not subject to any specific consultations.

9. Access to Information

9.1. Supporting system reports evidencing current taxbase numbers is available on request.

10. Contact Information

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

Name:	Alex Thompson
Job Title:	Head of Finance & Performance (Section 151 Officer)
Email:	alex.thompson@cheshireeast.gov.uk

This page is intentionally left blank

APPENDIX A

COUNCIL TAX - TAXBASE 2019/20

CHESHIRE EAST	BAND D EQUIVALENTS	TAX BASE 99.00%
Acton	131.40	130.09
Adlington	610.52	604.42
Agden	73.88	73.14
Alderley Edge	2,675.55	2,648.79
Alpraham	202.61	200.59
Alsager	4,706.43	4,659.37
Arclid	190.47	188.56
Ashley	158.94	157.35
Aston by Budworth	183.96	182.12
Aston-juxta-Mondrum	91.59	90.68
Audlem	960.53	950.92
Austerson	49.45	48.95
Baddiley	127.43	126.16
Baddington	61.85	61.23
Barthomley	96.44	95.48
Basford	92.48	91.56
Batherton	23.21	22.98
Betchton	273.36	270.62
Bickerton	122.81	121.59
Blakenhall	69.64	68.94
Bollington	3,253.17	3,220.64
Bosley	206.47	204.40
Bradwall	89.38	88.49
Brereton	635.40	629.04
Bridgemere	67.66	66.99
Brindley	66.87	66.21
Broomhall	85.79	84.93
Buerton	230.43	228.12
Bulkeley	133.70	132.36
Bunbury	634.15	627.81
Burland	291.57	288.66
Calveley	130.72	129.41
Checkley-cum-Wrinehill	47.99	47.51
Chelford	682.16	675.33
Cholmondeley	87.37	86.49
Cholmondeston	82.66	81.84
Chorley	269.83	267.13
Chorley (Crewe)	62.36	61.74
Chorlton	514.51	509.36
Church Lawton	853.22	844.68
Church Minshull	212.28	210.16
Congleton	10,360.52	10,256.92
Coole Pilate	36.33	35.97
Crnage	681.52	674.70
Crewe	14,136.71	13,995.34
Crewe Green	98.75	97.77
Disley	2,047.89	2,027.41
Dodcott-cum-Wilkesley	206.48	204.42
Doddington	18.00	17.82
Eaton	218.96	216.77
Edleston	265.31	262.66
Egerton	37.78	37.40
Faddiley	76.20	75.44
Gawsworth	821.14	812.93
Goostrey	1,096.69	1,085.73
Great Warford	447.34	442.87
Handforth	2,358.56	2,334.97
Hankelow	157.66	156.09
Haslington	2,608.63	2,582.54
Hassall	112.80	111.67
Hatherton	180.89	179.08
Haughton	104.57	103.53
Henbury	353.24	349.71
Henhull	25.10	24.85
High Legh	900.31	891.31
Higher Hursfield	333.37	330.03
Holmes Chapel	2,736.26	2,708.90
Hough	342.37	338.95
Hulme Walfield & Somerford Booths	190.49	188.59
Hunsterson	83.75	82.91
Hurleston	35.17	34.82

COUNCIL TAX - TAXBASE 2019/20

CHESHIRE EAST	BAND D EQUIVALENTS	TAX BASE 99.00%
Kettleshulme	168.04	166.36
Knutsford	5,860.88	5,802.27
Lea	21.51	21.29
Leighton	1,812.10	1,793.98
Little Bollington	85.31	84.46
Little Warford	37.07	36.70
Lower Peover	75.09	74.34
Lower Withington	311.24	308.13
Lyme Handley	74.70	73.96
Macclesfield	18,573.16	18,387.40
Macclesfield Forest/Wildboarclough	118.09	116.91
Marbury-cum-Quoisley	127.88	126.60
Marton	113.32	112.19
Mere	449.35	444.85
Middlewich	4,916.15	4,866.99
Millington	105.15	104.10
Minshull Vernon	144.32	142.87
Mobberley	1,454.20	1,439.66
Moston	301.30	298.29
Mottram St Andrew	406.68	402.61
Nantwich	5,512.77	5,457.64
Nether Alderley	515.82	510.66
Newbold Astbury-cum-Moreton	358.41	354.83
Newhall	435.59	431.24
Norbury	105.28	104.23
North Rode	128.14	126.86
Odd Rode	1,995.00	1,975.05
Ollerton with Marthall	320.85	317.64
Over Alderley	218.14	215.95
Peckforton	75.81	75.05
Peover Superior	403.08	399.05
Pickmere	379.30	375.50
Plumley with Toft and Bexton	402.31	398.29
Poole	74.99	74.24
Pott Shrigley	149.88	148.38
Poynton with Worth	5,921.59	5,862.37
Prestbury	2,204.19	2,182.15
Rainow	601.25	595.23
Ridley	83.00	82.17
Rope	866.28	857.61
Rostherne	79.84	79.04
Sandbach	7,932.58	7,853.25
Shavington-cum-Gresty	2,108.76	2,087.67
Siddington	185.58	183.72
Smallwood	326.18	322.91
Snelson	81.69	80.87
Somerford	516.93	511.76
Sound	108.37	107.29
Spurstow	197.53	195.56
Stapeley	1,632.73	1,616.40
Stoke	114.17	113.03
Styal	374.66	370.91
Sutton	1,166.31	1,154.65
Swettenham	173.50	171.77
Tabley	223.17	220.94
Tatton	10.89	10.78
Twemlow	108.11	107.03
Walgherton	66.48	65.81
Wardle	56.79	56.22
Warmingham	116.28	115.12
Weston	946.97	937.50
Wettenhall	117.84	116.66
Willaston	1,394.47	1,380.53
Wilmslow	11,747.52	11,630.05
Windle	95.53	94.57
Wirswall	41.08	40.67
Wistaston	3,076.37	3,045.61
Woolstanwood	243.04	240.61
Worleston	120.18	118.98
Wrenbury	509.68	504.59
Wybunbury	634.34	628.00
	151,027.82	149,517.54

This page is intentionally left blank

COUNCIL MEETING – 13TH DECEMBER 2018**CALENDAR OF MEETINGS FOR 2019-20****RECOMMENDATION**

That

- 1. the draft Calendar of Meetings for Cheshire East Council for 2019-20 as appended to the report be approved subject to the following amendments:**

(a) the change of date for the Shared Services Joint Committee from 31st May 2019 to 28th June 2019;

(b) meetings of the Strategic Planning Board to commence at 10.00 am;

- 2. the question of an alternative day for Council meetings be considered by the new Council following the Borough Council elections in May 2019.**

[Note: the Calendar of Meetings for 2019-20 as appended to the attached report has been amended to include the changes recommended by the Constitution Committee.]

Extract from the Minutes of the Constitution Committee meeting on 22nd November 2018

24 CALENDAR OF MEETINGS FOR 2019-20

The Committee considered a report on the draft Calendar of Meetings for Cheshire East Council for 2019-20. The draft Calendar was appended to the report.

The proposed scheduling of meetings for 2019-20 followed the pattern adopted in previous years.

Since the agenda had been published, Cheshire West and Chester had notified a change of date for the Shared Services Joint Committee as follows:

31st May 2019 moved to 28th June 2019

The following comments on the draft calendar had been received from consultees:

- The Chairman of the Strategic Planning Board had suggested that it would be beneficial for meetings of the Board to commence at 10.00 am rather than 10.30 am to bring the Board into line with the other two planning committees.

- Councillor A Stott had expressed concern that Council meetings were held on a Thursday in Sandbach when there were difficulties with parking due to it being Market Day; she proposed that consideration be given to changing the day of the week for full Council.

It was suggested that the question of an alternative day for Council meetings could be considered by the new Council following the elections in May 2019; in the meantime, the officers would consider what measures could be put in place now to assist members with mobility problems attending Council meetings.

RESOLVED

That Council be recommended to approve

1. the draft Calendar of Meetings for Cheshire East Council for 2019-20 as appended to the report subject to the following amendments:
 - (a) the change of date for the Shared Services Joint Committee from 31st May 2019 to 28th June 2019;
 - (b) meetings of the Strategic Planning Board to commence at 10.00 am;
2. that the question of an alternative day for Council meetings be considered by the new Council following the Borough Council elections in May 2019.



Working for a brighter future together

Constitution Committee

Date of Meeting: 22 November 2018

Report Title: Calendar of Meetings for 2019-20

Senior Officer: Dan Dickinson, Acting Director of Legal Services

1. Report Summary

- 1.1. This report includes a draft Calendar of Meetings for Cheshire East Council for 2019-20.
- 1.2. The Committee is invited to recommend the draft calendar to Council for approval.

2. Recommendations

- 2.1. That the Committee comment on the responses to the consultation on the draft Calendar of Public Meetings, as set out in paragraph 5.15.
- 2.2. That the draft Calendar of Meetings for Cheshire East Council 2019-20 be recommended to Council for approval.

3. Reasons for Recommendations

- 3.1. The Council is required to give public notice of its meetings in order to fulfil its legal obligations under the Access to Information Rules set out in the Constitution and to meet its obligations under the Local Government Act 1972. The Calendar will assist the Council in meeting these requirements.

4. Other Options Considered

- 4.1. Not applicable.

5. Background

- 5.1. As set out in its Constitution (Chapter 3 – Part 1 para 1.1) the Borough Council is required to decide when its meetings will take place and these will be contained in a calendar of meetings.

It is for full Council to approve the calendar.

- 5.2. Under Chapter 2 – Part 5 of the Constitution, the Constitution Committee is responsible for

“overseeing, monitoring, co-ordinating and implementing the Council’s administrative and political business, including.....administrative arrangements for the conduct of the Council and other meetings.”

- 5.3. The proposed scheduling of meetings for 2019/20 follows the pattern adopted in previous years. As far as possible only one Committee has been scheduled per day and meetings of each Committee have been scheduled on the same weekday were possible.
- 5.4. Scheduling of meetings had taken into account the business planning/performance reporting cycle.
- 5.5. Certain categories of meetings which do not form part of the formal decisions making process will be omitted from the public calendar but will be added to the Members’ diary for convenience. These include Member development sessions and meetings of the Cheshire Fire Authority and Cheshire Police and Crime Panel.
- 5.6. August has been retained for recess except for planning meetings.
- 5.7. No meetings have been scheduled on the dates of Cheshire Show (18 and 19 June 2019) and Nantwich Show (31 July 2019). Full Council in July has been scheduled for 18 July 2019, which is one of the days when the RHS Tatton Park Flower Show is taking place – the Show runs from 17 to 21 July 2019.
- 5.8. Meetings of full Council have been scheduled to be held on 18 July 2019, 17 October 2019, 12 December 2019, 20 February 2020 and 13 May 2020, with the start time of 11 am for Annual Council, December 2019 and February 2020 meetings and 2.00 pm in July and October meetings.
- 5.9. The date of July 2019 full Council has been moved a week forward from previous years so that it does not fall in the summer school holiday.
- 5.10. Meetings of Overview and Scrutiny Committees have been scheduled on bi-monthly basis, with the exception of the Health and Adult Social Care and Communities Overview and Scrutiny Committee which is scheduled almost monthly. If there is a specific need for additional meetings, these can be dealt with under existing arrangements.
- 5.11. Cabinet meetings have been scheduled on a Tuesday at 2.00 pm and have been arranged to take place in the Committee Suite at Westfields. No other meetings have been scheduled on the same day.
- 5.12. Strategic Planning Board, Northern Planning Committee and Southern Planning Committee are scheduled on a four weekly cycle of meetings on Wednesdays where possible; with any site visits taking place on the Friday before the meeting.
- 5.13. The Strategic Planning Board will commence at 10.30 am, with the Northern Planning Committee and Southern Planning Committee commencing at 10.00 am.

5.14. The Constitution Committee, Staffing Committee and Public Rights of Way Committee had been scheduled to take place quarterly, with the Audit and Governance Committee and Licensing Committee to meeting five times a year. Provisions exist for additional meetings to be called if needed.

5.15. The calendar of meetings had been circulated to the following:

- Corporate Leadership Team
- Cabinet members
- Committee Chairmen
- Group Leaders
- Group Whips

Responses have been received from consultees are summarised as follows:

- concern that Council was held on a Thursday in Sandbach when there are difficulties with parking due to it being market day, could consideration be given to changing the day of the week for full Council
- beneficial to start Strategic Planning Board at 10.00 am rather than 10.30 am to bring it into line with the other two Planning Committees

Any further responses received will be reported at the Constitution Committee meeting.

5.16. Subject to additional recommendations which Members may wish to make, the Committee is asked to refer the Calendar to Council for approval.

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1. There are no specific legal implications other than those identified in the main body of the report.

6.2. Finance Implications

6.2.1. There are no direct finance implications.

6.3. Policy Implications

6.3.1. There are no direct policy implications.

6.4. Equality Implications

6.4.1. There are no direct implications for equality.

6.5. Human Resources Implications

6.5.1. There are no direct implications for human resources.

6.6. Risk Management Implications

6.6.1. A published calendar of meetings enables effective business planning and decision making procedures.

6.7. Rural Communities Implications

6.7.1. There are no direct implications for rural communities.

6.8. Implications for Children & Young People

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

6.9. Public Health Implications

6.9.1. There are no direct implications for public health.

7. Ward Members Affected

7.1. All Wards

8. Consultation & Engagement

8.1. The draft calendar of meetings has been circulated to the Corporate Leadership Team, Cabinet members, Committee Chairmen, Group Leaders and Group Whips.

9. Access to Information

9.1. Background papers relating to this report can be inspected by contacting the officer named below.

10. Contact Information

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

Name: Rachel Graves

Job Title: Democratic Services Officer

Email: rachel.graves@cheshireeast.gov.uk

Calendar of Meetings 2019-20

COMMITTEE	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APRIL	MAY
Council (Wed Annual Council/ Thursday)	22 (11 am)		18 (2 pm)			17 (2 pm)		12 (11 am)		20 (11 am)			13 (11 am)
Cabinet Bodies													
Cabinet (Tuesday 2 pm)		11	9		10	8	5	3	14	4	10	7	5
Shared Services Joint (Friday, Winsford)		28					29						
Corporate Bodies													
Constitution Committee (Thursday 2 pm)		27			19		21				19		
Audit and Governance Committee (Thursday 2 pm)	30		30 (Tue)			3		5			12		
Staffing Committee (Thu 2 pm)			25			24			23			23	
Appeals Sub Committee (Mon/Tue 2 pm)		4	2, 29		3	1, 29	19		7	11	3, 31		11
Regulatory Bodies													
Licensing Committee (Monday 2 pm)		3			2		4		6		2		
General Licensing Sub Committee		20	16	22	17	22	14	10	21	13	17	20	
Public Rights of Way Committee (Monday 2 pm)		10			9			2			9		
Strategic Planning Board (Wednesday 10.00 am)		26	24	28	25	23	20	18	29	26	25	22	
Southern Planning (Wednesday 10 am)	29		3	7	4	2, 30	27		8	5	4	1, 29	

COMMITTEE	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APRIL	MAY
Northern Planning (Wednesday 10 am)		5	10	14	11	9	6	4	15	12	11	8	6

Overview and Scrutiny Bodies													
Corporate (Thu 2.00 pm)		6			5	31			9	3		2	
Health and Adult Social Care and Communities Overview and Scrutiny Committee (Thursday 10 am)		13		1	12	10	7	5	16	6	5	9	7
Environment and Regeneration (Mon 2 pm)		17			16		11		20		16		
Children and Families (Mon 1.30 pm)		24			23		25		27		23		

Others													
Health and Wellbeing Board (Tuesday 2 pm)	29		23		24		26		28		24		
Local Authority School Governor Appointments Panel (Monday 2 pm)			1			14				10			
ASDV Shareholder Committee (Wed 2 pm)		11			18				22		18		

COUNCIL MEETING – 13TH DECEMBER 2018**AUDIT AND GOVERNANCE COMMITTEE TERMS OF REFERENCE****RECOMMENDATION**

That the constitution be amended to include the revised terms of reference for the Audit and Governance Committee as set out in Appendix A to the report.

Extract from the Minutes of the Constitution Committee meeting on 22nd November 2018

25 AUDIT AND GOVERNANCE COMMITTEE TERMS OF REFERENCE

The Committee considered revised terms of reference for the Audit and Governance Committee.

The Audit and Governance Committee, at its meeting on 27th September 2018, had approved the revised terms of reference set out in Appendix A to the report. The revised terms of reference reflected updated best practice guidance from CIPFA (Practical Guidance for Audit Committees).

Since the meeting of the Audit and Governance Committee, the following provision from the original terms of reference, which had been excluded from the revised terms of reference, had now, with the agreement of the Chairman and Vice-Chairman of the Committee, been included in the revised terms of reference:

“To approve and monitor Council policies relating to whistleblowing and anti-fraud and corruption.”

Appendix A to the report to the Constitution Committee had included this amendment.

RESOLVED

That Council be recommended to approve that the constitution be amended to include the revised terms of reference for the Audit and Governance Committee as set out in Appendix A to the report.

This page is intentionally left blank



Working for a brighter future together

Constitution Committee

Date of Meeting: 22 November 2018

Report Title: Audit and Governance Committee Terms of Reference

Senior Officer: Daniel Dickinson, Acting Director of Legal Services

1. Report Summary

- 1.1. The Council's Constitution includes the Terms of Reference for the Audit and Governance Committee. At its meeting on 27th September 2018, the Audit and Governance Committee approved revisions to its Terms of Reference. An amendment to the Constitution is required to include the revised Terms of Reference.

2. Recommendation

- 2.1. That Council be recommended to approve the amendment of the Constitution to include the revised Terms of Reference for the Audit and Governance Committee as set out in Appendix A.

3. Reason for Recommendation

- 3.1. To ensure that the Council's Constitution is kept up to date.

4. Other Options Considered

- 4.1. Not applicable

5. Background

- 5.1. The Audit and Governance Committee at its meeting on 27th September 2018, approved (with the exception of the matters referred to in paragraph 5.3 to 5.7 below) the revised Terms of Reference as set out in Appendix A to this report. These revised Terms of Reference reflect updated best practice guidance from CIPFA (Practical Guidance for Audit Committees).
- 5.2. The Constitution, Chapter 2, Part 5 – Functions of Committees includes the Terms of Reference for the Audit and Governance Committee, as set out in Appendix B to this report. In order to give effect to the changes approved by Audit and Governance Committee, the Constitution needs to be

amended to adopt the content of Appendix A to this report in place of the current terms or reference in the Constitution (set out in Appendix B hereto).

5.3. In preparing the content of Appendix A for the purposes of this Constitution Committee report, further consideration was given to references in the proposed new terms of reference, approved by the Audit and Governance Committee, as they relate to that Committee's responsibilities in relation to anti-fraud, corruption and whistleblowing.

5.4. At its September meeting, the Audit and Governance Committee was content to remove the existing term of reference No. 41 (see Appendix B hereto) which read:-

"To approve and monitor Council policies relating to whistleblowing and anti-fraud and corruption."

5.5. The Audit and Governance Committee was content to remove that term of reference on the basis that whistleblowing policies are an integral part of ethical conduct, transparency and fraud and corruption detection and prevention, which were dealt with elsewhere in the proposed new terms of reference. The commentary at point No. 46 of Appendix A to the Audit and Governance Committee report on 27 September 2018 relates.

5.6. Notwithstanding Audit and Governance Committee being content with that proposed deletion, the view taken after further consideration of the matter after the 27 September 2018 meeting was that it was desirable to retain a specific reference to approving and monitoring whistleblowing policies in the terms of reference. For that reason, Appendix A to this report has been amended slightly from the version approved by Audit and Governance Committee by the re-inclusion of original term No. 41 (see term No.145 Appendix A hereto).

5.7. The Chair and Vice Chair of Audit and Governance Committee have expressed themselves content with this re-inclusion. Relevant Portfolio Holders and the Group Leaders have also been consulted and have raised no concerns.

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1. Section 37 of the Local Government Act 2000 and the guidance issued under it requires the Council to keep its Constitution up to date and regularly review it.

6.1.2. Amendments to the Terms of Reference of Committee require the approval of Full Council (Constitution Chapter 2, Part 3 – Paragraph 1.11).

6.2. Finance Implications

6.2.1. There are no specific Finance implications.

6.3. Policy Implications

6.3.1. There are no known Policy implications.

6.4. Equality Implications

6.4.1. There are no Equality Implications

6.5. Human Resources Implications

6.5.1. There are no specific HR implications

6.6. Risk Management Implications

6.6.1. There are no direct risk management implications

6.7. Rural Communities Implications

6.7.1. There are no direct implications for rural communities.

6.8. Implications for Children & Young People

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

6.9. Public Health Implications

6.9.1. There are no direct implications for public health.

7. Ward Members Affected

7.1. None.

8. Access to Information

8.1. Reports which set out the background are available publically

[Item 12 Audit and Governance Committee 27th September 2018](#)

9. Contact Information

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

Name: Josie Griffiths

Job Title: Principal Auditor

Email: josie.griffiths@cheshireeast.gov.uk

This page is intentionally left blank

Audit and Governance Committee Terms of Reference

Drafted following review at 27th September 2018 meeting

Membership: 11 Members

- 103 The success of the Audit and Governance Committee depends upon its ability to remain apolitical. It must adopt a non-political approach to its meetings and discussions at all times. Remaining apolitical also places a duty on members not to make inappropriate use of information provided to the Committee for other purposes.
- 104 The Committee is composed of 11 Members, comprising 10 members of the Council and one independent voting member (a member who is not a Councillor) with the Chairman and Vice-Chairman being appointed at full Council. The co-option of an independent member is intended to bring additional knowledge and expertise to the Committee and reinforce its political neutrality and independence. To ensure that the Committee remains focussed on its assurance role, all members of the Committee, and any designated substitute, must be appropriately trained.

Statement of Purpose

- 105 The Audit Committee is a key component of the Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
- 106 It provides an independent assurance to the Council of the adequacy of the risk management framework and the internal control environment.
- 107 It provides independent review of the Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes.
- 108 It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.
- 109 It promotes high standards of ethical behaviour by developing, maintaining and monitoring Codes of Conduct for Members of the Council (including co-opted Members and other persons acting in a similar capacity).

Governance, risk and control

- 110 To review the Council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.
- 111 To review and approve the Annual Governance Statement and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control.
- 112 To consider the Council's arrangements to secure value for money and to review and scrutinise assurances and assessments on the effectiveness of these arrangements.
- 113 To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.
- 114 To monitor the effective development and operation of risk management in the council.
- 115 To monitor progress in addressing risk related issues reported to the committee.
- 116 To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions, including calling managers to explain lack of progress.
- 117 To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
- 118 To monitor the counter-fraud strategy, actions and resources.
- 119 To review the governance and assurance arrangements for significant partnerships or collaborations.
- 120 To review and monitor the Council's treasury management arrangements in accordance with the CIPFA Treasury Management Code of Practice.

Internal Audit

- 121 To approve the internal audit charter.

- 122 To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations
- 123 To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- 124 To approve significant interim changes to the risk-based internal audit plan and resource requirements
- 125 To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.
- 126 To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.
- 127 To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
- a) Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work.
 - b) Regular reports on the results of the Quality Assurance and Improvement Programme.
 - c) Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the Annual Governance Statement.
- 128 To consider the head of internal audit's annual report:
- a) The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the Quality Assurance and Improvement Programme that supports the statement – these will indicate the reliability of the conclusions of internal audit.
 - b) The opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the

summary of the work supporting the opinion – these will assist the committee in reviewing the Annual Governance Statement.

- 129 To consider summaries of specific internal audit reports as requested.
- 130 To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
- 131 To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
- 132 To consider a report on the effectiveness of internal audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit Regulations.
- 133 To provide free and unfettered access to the audit committee chair for the head of internal audit, including the opportunity for a private meeting with the committee.

External Audit

- 134 To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the authority's auditor panel as appropriate.
- 135 To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
- 136 To consider specific reports as agreed with the external auditor.
- 137 To comment on the scope and depth of external audit work and to ensure it gives value for money.
- 138 To commission work from internal and external audit.
- 139 To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

Financial Reporting

- 140 To review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and

whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.

- 141 To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Accountability Arrangements

- 142 To report to those charged with governance on the committee's findings conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangements, and internal and external audit functions.
- 143 To report to full Council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.
- 144 To publish an annual report on the work of the committee.

Related Functions

- 145 To approve and monitor Council policies relating to whistleblowing and anti-fraud and corruption.
- 146 Subject to the requirements set out below, to consider all findings of the Local Government Ombudsman, including reports resulting in a finding of maladministration against the Council, and to make recommendations as to actions that may be necessary in connection with the Ombudsman's findings.
- (a) There are statutory obligations which will, in some circumstances, require reports to be taken to Cabinet or full Council.
- (b) The Ombudsman operates protocols in relation to the timing of the publication of findings. The Council would have to give consideration to those protocols when determining how to manage the Audit and Governance Committee's agenda.

Working Groups

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

Standards Arrangements

- 148 The Committee is responsible for the Council's standards arrangements which seek to:
- (a) promote high standards of ethical behaviour by developing, maintaining and monitoring Codes of Conduct for Members of the Council (including co-opted Members and other persons acting in a similar capacity);
 - (b) ensure that Members receive advice and as appropriate on the Members Code of Conduct; and
 - (c) grant dispensations under the provisions of the Localism Act 2011 to enable a member or co-opted Member to participate in a meeting of the Authority.
- 149 Council on 22nd October 2015 approved a procedure to be followed when considering a complaint that an elected member of the Council or of a town or parish council within its area has failed to comply with the Council's Code of Conduct. The full procedure is available from the Monitoring Officer.

Hearing Sub Committee

- 150 The Hearing Sub-committee is a Sub-Committee of the Council's Audit and Governance Committee appointed to consider complaints under the procedure referred to in Chapter 4, Part 1, Paragraph 28 of the Constitution. It has 3 members drawn from a cross party panel of 15 members of the Council. An Independent Person is invited to attend all meetings of the Hearing Sub-committee and his/her views are sought and taken into consideration before the Hearing Sub-committee takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.
- 151 The Independent Person is a person who has applied for the post following advertisement. He/she is appointed by Council.

AUDIT AND GOVERNANCE COMMITTEE**Membership: 11 Members**

- 103 The success of the Audit and Governance Committee depends upon its ability to remain apolitical. It must adopt a non-political approach to its meetings and discussions at all times. Remaining apolitical also places a duty on members not to make inappropriate use of information provided to the Committee for other purposes.
- 104 The Committee is composed of 11 Members, comprising 10 members of the Council and one independent voting member (a member who is not a Councillor) with the Chairman and Vice-Chairman being appointed at full Council. The co-option of an independent member is intended to bring additional knowledge and expertise to the Committee and reinforce its political neutrality and independence. To ensure that the Committee remains focussed on its assurance role, all members of the Committee, and any designated substitute, must be appropriately trained.

Statement of Purpose

- 105 The Audit Committee is a key component of the Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
- 106 It provides an independent assurance to the Council of the adequacy of the risk management framework and the internal control environment.
- 107 It provides independent review of the Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes.
- 108 It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.
- 109 It promotes high standards of ethical behaviour by developing, maintaining and monitoring Codes of Conduct for Members of the Council (including co-opted Members and other persons acting in a similar capacity).

Functions

- 110 The Committee has responsibility for the following areas of the Council's activities and operations.

- 111 Detailed explanations of the areas covered in each heading are available by clicking on the links¹:

Governance, Risk and Control

1. *To review the Council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.*
2. *To review and approve the Annual Governance Statement and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control.*
3. *To consider the Council's arrangements to secure value for money and to review and scrutinise assurances and assessments on the effectiveness of these arrangements.*
4. *To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.*
5. *To monitor the effective development and operation of risk management in the council.*
6. *To monitor progress in addressing risk related issues reported to the committee.*
7. *To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions, including calling managers to explain lack of progress.*
8. *To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.*
9. *To make recommendations to the Executive on the Council's arrangements for deterring, preventing, detecting and investigating fraud.*
10. *To monitor the counter fraud strategy, actions and resources.*
11. *To advise the Executive on responses to audit management letters, reports and investigations and reviewing whether agreed external audit or inspection recommendations have been implemented as timetabled.*

¹ In the current Constitution, details of the functions are provided in a hyperlinked Appendix. They are produced in full within this document for clarification and assistance in comparison.

12. *To review and monitor the Council's treasury management arrangements in accordance with the CIPFA Treasury Management Code of Practice.*

Internal audit

13. *To approve the internal audit charter.*
14. *To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.*
15. *To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.*
16. *To approve significant interim changes to the risk-based internal audit plan and resource requirements.*
17. *To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.*
18. *To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:*
19. *a) Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work.*
20. *b) Regular reports on the results of the Quality Assurance and Improvement Programme.*
21. *c) Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the Annual Governance Statement.*
22. *To consider the head of internal audit's annual report:*
23. *a) The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the Quality Assurance and Improvement Programme that supports the statement – these will indicate the reliability of the conclusions of internal audit.*
24. *b) The opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the*

summary of the work supporting the opinion – these will assist the committee in reviewing the Annual Governance Statement.

- 25. To consider summaries of specific internal audit reports as requested.*
- 26. To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.*
- 27. To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.*
- 28. To consider a report on the effectiveness of internal audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit Regulations.*
- 29. To support the development of effective communication with the head of internal audit.*
- 30. To review and make recommendations to the Executive regarding the effectiveness of internal audit to include ensuring the internal audit function is adequately resourced, to review its strategy, receive, challenge and approve its annual plan and monitor its delivery and to review significant audit findings and monitor progress by managers in implementing agreed recommendations.*

External Audit

- 31. To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.*
- 32. To consider specific reports as agreed with the external auditor.*
- 33. To comment on the scope and depth of external audit work and to ensure it gives value for money.*
- 34. To commission work from internal and external audit.*
- 35. To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.*

Financial Reporting

- 36. To review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and*

whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.

37. *To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.*
38. *To receive retrospectively for information all notices of waiver which are used when consent is sought to depart from the requirements of the Council's Contract Procedure Rules, and all notices which are used to record any non-adherence to those Rules.*

Accountability Arrangements

39. *To report to those charged with governance on the committee's findings conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangements, and internal and external audit functions.*

Related functions

40. *To report to full Council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.*
41. *To approve and monitor Council policies relating to "whistleblowing" and anti-fraud and corruption.*
42. *To seek assurance that customer complaint arrangements are robust.*
43. *Subject to the requirements set out below, to consider all findings of the Local Government Ombudsman, including reports resulting in a finding of maladministration against the Council, and to make recommendations as to actions that may be necessary in connection with the Ombudsman's findings.*

(a) There are statutory obligations which will, in some circumstances, require reports to be taken to Cabinet or full Council.

(b) The Ombudsman operates protocols in relation to the timing of the publication of findings. The Council would have to give consideration to those protocols when determining how to manage the Audit and Governance Committee's agenda.

- 112 The powers of the Committee in delivering these functions shall include (but not be limited to) the following:

112.1 To review and monitor the Council's treasury management arrangements in accordance with the CIPFA Treasury Management Code of Practice

112.2 To consider the head of internal audit's annual report

112.3 To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.

112.4 To consider specific reports as agreed with the external auditor

112.5 To review and approve the annual statement of accounts

112.6 To approve and monitor Council policies relating to "whistleblowing" and anti- fraud and corruption

112.7 To consider all findings of the Local Government Ombudsman (subject to statutory requirements relating to reporting and timings) including reports resulting in a finding of maladministration against the Council, and to make recommendations as to actions that may be necessary in connection with the Ombudsman's findings

112.8 To promote high standards of ethical behaviour by developing, maintaining and monitoring Codes of Conduct for Members of the Council

112.9 To grant dispensations under the provisions of the Localism Act 2011 to enable a Member or co-opted Member to participate in a meeting of the Authority

Hearing Sub-Committee

Membership

113 3 Members drawn from a cross party panel of 15 Members of the Council. An Independent Person is invited to attend all meetings of the Hearings Sub-committee and his/her views are sought and taken into consideration before the Hearings Sub-committee takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct

114 An Independent Person is a person who is appointed under the Localism Act and has applied for the post following advertisement. He/she is appointed by Council.

Functions

- 115 To consider complaints about Member complaints under the Code of Conduct in accordance with the arrangements for dealing with such complaints.

This page is intentionally left blank

Overview and Scrutiny

Annual Report 2017/18

1.0. Introduction

- 1.1. Good scrutiny is an essential part of the governance of Cheshire East Council. The council's scrutiny committees play a vital part in holding the Cabinet and Executive officers to account and in shaping policy, challenging decisions and building partnerships across the borough, particularly in relation to health matters. This annual report sets out the varied and extensive work that the council's four overview and scrutiny committees have undertaken over the last year.
- 1.2. The influence of overview and scrutiny is determined by members of the Council. This only works if scrutiny activity is Member-led. Cheshire East has a proud tradition of maintaining a robust Member-led independent scrutiny function.
- 1.3. On behalf of all of the members of the overview and scrutiny committees, I commend this report to you and look forward to continuing to work to improve the way in which the four overview and scrutiny committees carry out their activities and to strengthen their influence on the Council's decision makers and of our partner organisations.



Councillor Margaret Simon
Chairman, Corporate Overview and Scrutiny Committee

2.0. Corporate Overview and Scrutiny Committee

Chairman: Councillor Margaret Simon
Vice Chairman: Councillor Mo Grant

- 2.1. The committee is responsible for reviewing the Council's internal operation, including budget setting, risk management, governance, human resources and procurement. The committee comprises the Chairmen and Vice Chairmen of all of the overview and scrutiny committees and has a secondary role to co-ordinate the work of the other three committees to

ensure there is consistency in relation to new legislation and best practice. The committee also oversees the training requirements of overview and scrutiny.

Budget and Quarterly Performance

- 2.2. As part of the committee's continuing role to monitor Council performance across all Council activities, the committee has reviewed quarterly budget and performance reports throughout the year. Following on from last year's annual report, the committee remains confident that the Council is maintaining a stable position, enabling it to prepare for the immediate future.
- 2.3. The committee also took the lead in scrutinising the Council's pre budget consultation process which began in the autumn of 2017 and culminated in February 2018 with a number of comments being forwarded to Cabinet for consideration.

Best4Business

- 2.4. Three members of the committee have been appointed to a joint working group with Cheshire West and Cheshire Council to scrutinise the Council's Oracle Replacement Programme – Best4Business.
- 2.5. Initially, the joint working group met to scrutinise the rationale and business case for investment in a new package and the need for change. This involved reviewing the procurement process and final contract. The Joint working group also looked in detail at the transformation programme required to deliver the change
- 2.6. The joint working Group supported the rational and business case for the replacement of the HR and Finance System and the proposed level of investment and this was endorsed by the Committee. It was subsequently agreed with both authorities that the joint working group should have continued opportunities to scrutinise the implementation of the new HR and Finance System once the contract had been awarded. That scrutiny has been taking place throughout the year and the Corporate Overview and Scrutiny committee has received regular updates.

Crewe Fire Station 2nd Fire Engine

- 2.7. On 7 September 2017 the committee invited Cheshire Fire and Rescue Service (CFRS) to make a presentation relating to a proposal to change the utilisation of the second fire engine located at Crewe Fire Station from 'whole time' to 'on call'. The committee decided to monitor the situation and specifically asked those Members who represented the Council on the Fire Authority to feedback to the committee later in the municipal year.
- 2.8. In the intervening period, a lot of public interest had been generated in respect of the future of the second fire engine at Crewe and the committee therefore invited CFRS back to the committee on the 11 January 2018, to

provide an opportunity for the committee to question CFPRS on the proposal which had been published in the CFPRS Integrated Risk Management Plan (IRMP) for 2017/18. The committee also invited the Fire Brigade's Union's representative to address the committee in respect of its formal response to the IRMP. The meeting was well attended by members of the public, fire and rescue workers and the press. On this occasion, the committee made a formal response to the Cheshire Fire Authority ahead its final decision.

- 2.9. The committee decided that it could not support the CRFS proposal to change the utilisation of the second fire engine at Crewe from 'whole time' to 'on call' utilisation and sought the support of the two Cabinet portfolio holders with responsibility for issues concerning community safety to support the committees position on the matter.
- 2.10. The matter was formally considered by Cheshire Fire Authority on 14 February 2018. Cheshire East representatives on the fire authority who attended the meeting reiterated the Committee's stance on the matter and stated that they would not support any change to the duty system for the second fire engine at Crewe. The Council was delighted to learn that the Fire Authority subsequently resolved to retain the second fire engine at Crewe. The intervention of the Committee in this particular issue illustrates the key role that Overview and Scrutiny can and should play in matters that affect the residents of Cheshire East. We sometimes need to remind ourselves that our scrutiny role extends beyond the boundaries of Cheshire East Council. This is a perfect example of a matter that affected Cheshire East, 'the place' rather than Cheshire East Council where the responsibility for a decision rests with a partner organisation, but the matter is of such importance locally that the opportunity for an open and transparent debate in public through an independent Overview and Scrutiny function proved invaluable.

Members' Accommodation, Facilities and Culture Task and Finish Group

- 2.11. The Task and Finish Group which was reported upon in last years annual report which is reviewing facilities for members of the Council is still ongoing. The aims of the group were two fold: firstly to increase the space available to allow increased numbers of Members to congregate at the Council's Headquarters and secondly to provide better conditions for informal interaction between members of all political groups. As most formal meetings take place at Westfields Sandbach, and therefore the most likely place for Members to gather in significant numbers before meetings, the group decided to limit its review to facilities at Westfields Sandbach only.
- 2.12. Meetings have been held with the Leader of the Council and senior officers about the options available to improve facilities at Westfields and to ensure that this achieved at minimal cost and with as little disruption to staff as possible. A Members' survey was also conducted seeking Members' views about current facilities and future improvements.

- 2.13. As reported last year, the group has also considered ways of improving the 'Civic identity' of Westfields and to make better use of the foyer and publically accessible areas.
- 2.14. During this period, work had begun on the Council's new Vision, Behaviours and Employee Deal, which became the Brighter Future Together cultural programme. It was considered appropriate that the group should take a step back while the strategic review was completed. Now that new cultural programme is been rolled out, the group has picked up its work again with a view to completing its final report in the Autumn of 2018.

New Homes Bonus

- 2.15. As part of the budget process, Cabinet had asked the committee to assist with the development of a policy to allocate monies from the £2million which had been set aside by the Council from the New Homes Bonus. The New Homes Bonus is now a permanent feature of the funding settlement and is aimed at encouraging planning permissions for the building of new houses in return for additional revenue.

Budget Training

- 2.16. In December 2017, a training session was delivered by Ian Fifield from North West employers to develop the role of scrutiny in the budget setting process. This was designed to help overview and scrutiny Members to consider how to prepare questions to highlight key areas of concern for debate and scrutiny.
- 2.17. Unfortunately the number of Members who were available for the training session was less than anticipated but that did not detract from the enlightening and entertaining presentation given by Ian.

Looking ahead

- 2.18. The Members' Accommodation, Facilities and Culture Task and Finish Group is committed to concluding its review by the Autumn 2018.
- 2.19. The Portfolio Holder for Adult Social Care and Integration has invited three scrutiny members to monitor ongoing fly-tipping issues across the Borough.
- 2.20. As in previous years, the committee will continue to have an overarching role and scrutinise the budget consultation process and the medium term financial strategy prior to any decisions being made by Cabinet and Council.
- 2.21. The committee will receive updates on a quarterly basis outlining key performance indicators and the outturn performance data for 2018/19 from within each of the Council's directorates.

3.0. Children and Families Overview and Scrutiny Committee

Chairman: Councillor Rhoda Bailey
Vice Chairman: Councillor Sarah Pochin

- 3.1. As in the previous year, the committee has continued to monitor the Council's improvement plan which was carried out at the beginning of the 2015/16 municipal year. The committee has scrutinised the performance scorecard quarterly, which provides essential dates along with qualitative information to measure the effectiveness of services within children's services. The committee also considered the budget prior to Cabinet and Council.

CAMHS Tier 3 and 4

- 3.2. The committee recognises the importance of children's mental health and wellbeing and invited the Clinical Director for Central and East Cheshire Child and Adolescent mental Health Services (CAHMS) to a meeting to answer a series of questions relating to tier 3 and 4 of the of the specialist Child and Adolescent Mental Health Services in Cheshire East. The committee acknowledged that the waiting time had gone down from 4 years to 2 years for neurodevelopment assessments, however this was still considered to be too long for families to wait. The committee will continue to scrutinise the service and the Director has been requested to attend subsequent meetings to monitor progress on waiting times for referrals for assessment and admissions to A&E.

Mobile Unit and visit to Children's Centre

- 3.3. As part of the Committee's ongoing work to monitor the de-designation of Children's Centres, the committee visited Broken Cross Children's Centre which had been de-designated and spoke with the Manager on the work undertaken at the Centre and Health Colleagues who also share the building. Members also visited Congleton Children's Centre which had not been de-designated, met with the Manager and two Family Support Workers; this building was also shared with Health colleagues. Members were pleased with the work undertaken at the centres and the impact it had on the local community.



OFFICIAL

Educational Travel

- 3.4. Throughout the year the committee has continued to review the various stages of implementing the Children's Services Transport Policy review which had three strategic priorities:
1. To ensure the Educational Travel Policy meets strategic requirements, provided for the assessed needs of children and offered sustainable solutions.
 2. Ensured travel arrangements were delivered efficiently
 3. Ensured organisational management review, structure and processes operated efficiently.
- 3.5. In regard to available walking routes to schools, the committee has walked the route between Mobberley and Knutsford Academy/The Studio and Bollington to Tytherington High School to ensure the routes were fit for purpose. Following concerns previously raised by the Committee, walking the Tytherington High School route enabled Members to see the new pedestrian crossing which had been installed on the Middlewood Way, Macclesfield.
- 3.6. Strategic objective 2 aimed to equip more young people with an Education Health Care Plan EHCP, where appropriate, the necessary skills to travel independently, thereby increasing their choices, working towards being independent adults in society and reducing transport costs over time.

SEND Reforms Task and Finish Group

- 3.7. The Children and Families Act 2014 introduced a series of reforms relating to special educational needs and disability (SEND). The reforms aimed to improve the provision of services for children and young people with SEND, as well as giving them and their parents/carers greater control over how their needs are met, up to the age of 25. Following a slow response to the implementation of the Children and Families Act 2014, a report was submitted to informal Cabinet outlining the Council's improvement programme to implement all aspects of the SEND reforms. The Schools Forum had concerns regarding the funding for Special Educational Needs (SEN) and alongside this, the Children and Families Overview and Scrutiny committee recognised the need for an in-depth look at the entire SEN system due to there being considerable delay in transferring existing statements to EHCP. The committee therefore agreed to set up a Task and Finish Group to review the progress made in implementing the SEND reforms. Following the in-depth review the Task and Finish Group made 17 recommendations to Cabinet, which will be considered in due course.

SEND Inspection and Action Plan

- 3.8. In March 2018, Ofsted and the Care Quality Commission (CQC) carried out a joint local area inspection of Special Educational Needs and Disabilities (SEND) in Cheshire East. This inspection looked at how effectively partners

in Cheshire East work together to identify, assess and meet the needs of children and young people aged 0-25 with SEND to improve their outcomes. Following the SEND Inspection, the Council reviewed its improvement plans which the committee will monitor, particularly in respect of Autism pathways. The findings of the inspection reinforced the recommendations of the SEND Reforms Task and Finish Group.

Looking ahead

- 3.9. The Children and Families Act 2014 extended the SEND system from birth to 25 Years, which will support young people into further education, employment and independent living. The SEND Reforms Task and Finish Group had concerns that post 16, young people are not able to access the jobs market due to other social issues, for those that are unable to work, and there is also a lack of social care. As this was a new requirement of the Council, there were significant improvements to be made. The committee agreed to establish another Task and Finish group to look at the local offer for 16-25 year olds.
- 3.10. The committee will also continue to scrutinise children's mental health services, the autism pathway and sustainable modes of transport.

4.0. Environment and Regeneration Overview and Scrutiny Committee

Chairman – Councillor H Davenport
Vice Chairman – Councillor T Dean

- 4.1. The committee commenced the year by receiving a presentation on the key strategic issues facing the Borough which fell within the remit of the Committee. This was used to form the work programme for the rest of the year and the committee agreed to concentrate on the following areas.

Supported Bus Service Review

- 4.2. This review was undertaken by the Council to assess whether or not the supported bus service met the needs of residents, presented value for money and could achieve a saving of £1m. Scrutiny took place throughout the process, which involved reviewing the proposed consultation and its results prior to Cabinet before making several recommendations to Cabinet on the final proposals. This issue gained significant public interest at the committee meetings and members of the public used the public speaking time to express their views which the committee took on board. Several services were retained following the Committees input and further reports will be considered by the committee on the affects of the policy review.

HS2 Consultation

- 4.3. Consideration was given to a presentation on the DfT consultation relating to the Crewe Hub: options for building on the existing connectivity. The presentation detailed the HS2 route line, consultation process and the

Council's proposed response to a series of questions, which the committee supported. Due to this issue being a key priority for the Council, the committee will continue to scrutinise any proposals and progress made.

Air Quality

- 4.4. The Committee received an update on the Council's action plan in relation to air quality with particular reference to the management of data and submission of the annual status report to DEFRA. It was agreed that the Committee would scrutinise the Council's draft Air Quality Strategy, Air Quality Action Plan and Annual Status Reports each year to provide assurance on this important matter.

Housing and Homelessness

- 4.5. Whilst there is no statutory requirement for the Council to have a Housing Strategy, the Council decided to implement a Strategy for 2018-2023 as part of the aim to deliver high quality, safe, affordable housing. The Strategic Housing team had worked alongside Regeneration and Health colleagues to ensure the strategy priorities linked with the wider agenda for Environment and Regeneration; and that consideration was given to statutory duties such as the Homeless Reduction Act to prevent homelessness. The committee has scrutinised homelessness in Cheshire East and extra controls in the private rented sector. Members were particularly interested in tightening controls on Houses of Multiple occupancy in the Crewe area and this will be continue to be monitored by the Committee.

Local Transport Plan

- 4.6. The existing Local Transport Plan (LTP) 2011-2026 for Cheshire East was prepared at a time pre-dating the Council's current planning framework, as defined in the new Local Plan. It also reflects a period when there were severe constraints on the Department for Transport's funding for major infrastructure projects and block funding allocations to local authorities, hence a number of potential major projects within Cheshire East are inadequately profiled in the current document. In this regard, the current Local Transport Plan is no longer fit-for-purpose as a planning framework for local transport throughout Cheshire East.
- 4.7. Likewise the original SEMMMS Strategy is now over 20 years old. In order to properly plan for key 'cross boundary' transport challenges in the future this work must be updated to take account of the schemes delivered by the original SEMMMS strategy and the context of new and emerging development pressures.
- 4.8. The committee has considered the pre consultation draft and proposed approach to public consultation and made several recommendations to Cabinet. Results of the public consultation and amendments to the LTP will be considered by the committee in due course.

Budget

- 4.9. The committee gave consideration to the pre budget consultation for 2018/21 relating to Environment and Regeneration. The committee raised strong concerns to Cabinet regarding the proposed £500,000 revenue saving relating to the new highways contract. This saving was subsequently not implemented by the Council.

Flood Risk Management

- 4.10. In accordance with the Localism Act 2011, this committee is responsible for the scrutiny of flood risk management within Cheshire East. Members received an annual report outlining the progress made in the past year.

Looking ahead

- 4.11. In line with best practice, the committee will be receiving a quarterly overview of key performance indicators and the outturn performance data for 2018/19. The scorecard will provide an accessible summary of performance against the targets within the place directorate and contribute to the overall monitoring of the Council's journey towards achieving its corporate outcomes.
- 4.12. The committee will also continue to scrutinise the implementation of Local Transport Plan and the Air Quality Action Plan and Strategy along with the Annual Status Report.
- 4.13. The committee will be scrutinising the implementation of the well managed highway infrastructure code of practice, the biggest change in the new code is the focus on a risk based approach, a step change considered as a timely opportunity to revolutionise highways maintenance.

5.0. Health and Adult Social Care and Communities Overview and Scrutiny Committee

Chairman: Councillor Jos Saunders (May 17 – Jan 18) / Councillor Stewart Gardiner (Jan 18 onwards)

Vice Chairman: Councillor Beverly Dooley

- 5.1. As in the previous year, the committee has continued to monitor the Quality Accounts by associated Health Partners across Cheshire East. The committee was advised about the initiatives and priorities for the future and was asked to submit comments for inclusion in each of the accounts.
- 5.2. The committee reviewed the Local Safeguarding Adults Board Annual Report and a performance report from Everybody Sports and Leisure (ESAR) as part of its work programme.

Clinical Commissioning Groups: Capped Expenditure Programme

- 5.3. The CEP was introduced by NHS England and NHS Improvement in response to the financial pressures faced by the NHS. With this context, health partners across Cheshire East had focused on delivering work that would achieve financial stability. South Cheshire CCG had written a CEP to reduce an in-year deficit of £3.5 million. Eastern Cheshire CCG was facing £5 million of savings. The committee noted presentations by CCG officers and requested more information from the CCGs as more detail on the savings became known.

Substantial Developments or Variations (SDVs) reviewed this year

- 5.4. The process for SDVs was designed to establish an agreed method for determining whether a proposed service variation or service development is “substantial” and therefore a matter upon which there should be formal consultation with the Committee. This year the committee reviewed four SDVs as below:

1. Potential Branch Surgery Closure at Rode Heath, Scholar Green

- 5.5. The committee was advised that the GP branch was a partnership, but in March, one of the Doctors had retired. Since then the branch had failed to recruit to this post and this had impacted on patient appointments. The committee felt that lessons could be learned from the consultation process.

2. Potential relocation of outpatient services in Handforth

- 5.6. The committee was patient Clinics from Handforth by East Cheshire NHS Trust. After hearing a presentation from East Cheshire NHS Trust and Eastern Cheshire CCG, the committee was satisfied with the consultation process and supported the proposal to relocate outpatient services in Handforth.

3. Mental Health Service Redesign pre-consultation business case and consultation

- 5.7. In January 2017, Eastern Cheshire Clinical Commissioning Group (ECCCG) announced a potential proposal to close The Millbrook Unit, of its mental health inpatient services in Macclesfield.
- 5.8. The Health, Adult Social Care and Communities Overview and Scrutiny committee decided the proposal satisfied Level 3 of the process for Statutory Development or Variation (SDV).
- 5.9. In order to fully engage with the process, ECCCG, in partnership with Cheshire and Wirral Partnership (CWP) and overseen by Cheshire East Council, decided to draw up a full business case that developed 3 options with the strengths and weaknesses of each option. Once completed the business case was taken out to public consultation for 12 weeks in order to gauge public opinion and factor this into any decision making.

Spotlight Review on Mental Health Service Provision in Cheshire East

- 5.10. In April 2018, the committee held a one day spotlight review on the subject of mental health provision across Cheshire East. Health and Adult Social Care is commissioned and provided by a number of organisations across Cheshire East. Representatives from these organisations were invited to the review to present on the day in order to best inform the committee ahead of any decisions in respect of the Millbrook Unit.

Spotlight Review on Delayed Transfers of Care (DToC)

- 5.11. In June 2017, the committee formally agreed and adopted its report on DToC, which set out its findings and recommendations following an in-depth spotlight review carried out in January 2017. This was a considerable piece of work; representatives from the Council, NHS Eastern Cheshire CCG and NHS South Cheshire CCG were invited to provide evidence and data, which informed the final report.
- 5.12. The committee further monitored DToC at its meeting in March 2018, at which the same representatives were asked to submit a review of performance relating to DToC at approximately 12 months after the spotlight review was undertaken.

Task and Finish Group on Anti-Social Behaviour Housing Providers

- 5.13. The committee delegated five Members to form a Task and Finish group to look at a specific Community Safety matter. There had been an increase of tenants living in Social Housing and affected by Anti Social Behaviour due to the withdrawal of ASB teams. The knock on effects of this had been a surge in referrals by one Housing Trust directly to either Cheshire Police or the Council's ASB teams.
- 5.14. The Task and Finish Group scoped the nature of the review they wanted to undertake and consulted with officers at Cheshire East Council, Guinness Housing, Peaks and Plains and Plus Dane. The group are in the process of reviewing its findings and shaping a final report.

Looking ahead

- 5.15. As set out in its work programme, the committee will receive quarterly updates on key performance indicators and the outturn performance data for 2018/19. The scorecard will provide an accessible summary of performance against the targets within the people directorate and contribute to the monitoring of the Council's performance.
- 5.16. The consultation on the proposed mental health service redesign concluded on 29 May, 2018. The committee will receive the results of the consultation and provide the ECCCCG with a formal response outlining its final position regarding the outcome of the consultation and the proposed next steps regarding mental health services in the area.



Working for a brighter future together

Council

Date of Meeting: 13 December 2018

Report Title: Political Representation on the Council's Committees

Senior Officer: Acting Director of Legal Services

1. Report Summary

- 1.1. Following recent changes, a review of the allocation of seats to political groups has been undertaken.
- 1.2. The law requires that each relevant Council decision making body must be politically balanced, as far as is reasonably practicable, and that the total of Committee seats allocated to the Council's political groups balances perfectly.

2. Recommendation

- 2.1. That the political group representation, as set out in the Appendix to the report (or in any updated and circulated Appendix), and the methods, calculations and conventions used in determining this, as outlined in the report be adopted and the allocation of places to the Committees be approved.

3. Reasons for Recommendation

- 3.1. To determine the political representation on the Council's Committees and to appoint to those Committees.

4. Other Options Considered

- 4.1. Not applicable.

5. Background

- 5.1. The Appendix to this report sets out the political representation on ordinary committees and sub committees, this being based on the political structure of the Council as a whole.

5.2. The proportionalities in the Appendix have been arrived at by the following methods and conventions:

- applying the relevant percentage to each body
- rounding up from 0.5 and above and rounding down below 0.5
- where rounding up would result in more than one political group receiving an additional seat, and the total allocation of seats exceeding what is required, the Group having the lowest residual entitlement will not receive an additional seat.
- except where agreed by the political groups in order to achieve a balance of seats, where the required number of members for a decision making body cannot be achieved using the above methods and calculations, the political group having the largest percentage for that body will be entitled to be awarded the additional place (e.g. if one group is entitled to 4.25 places and another group is entitled to 1.48 places, the first group will be awarded 4 places on the body in question, and the second group will be awarded 2 places)
- where two or more political Groups have an identical residual percentage, the agreement of the one Group to sacrifice a seat will be observed. Alternatively, the matter will be resolved by a toss of a coin.

5.3 An amended Appendix will be circulated, if necessary, prior to the meeting, or around the Council Chamber, in order to reflect any discussions between the Groups in respect of any required adjustments to committee places. The proportionally rules only apply to those bodies listed in the Appendix.

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1. The Local Government (Committees and Political Groups) Regulations 1990, made pursuant to the Local Government and Housing Act 1989, make provisions in respect of the political group representation on a local authority's committees in relation to the overall political composition of the Council. The legislation applies to overview and scrutiny committees and the decision-making committees and sub committees of the Council.

6.1.2. The legislation requires that, where proportionality applies, and seats are allocated to different political groups, the authority must abide by the following principles, so far as is reasonably practicable:

6.1.2.1 Not all of the seats can be allocated to the same political group (i.e. there are no single group committees).

6.1.2.2 The majority of the seats on the body are to be allocated to a political Group with a majority membership of the authority.

6.1.2.3 The total number of seats on all ordinary committees and sub committees allocated to each Political Group bears the same proportion to the proportion on the full Council.

6.1.2.4 The number of seats on each ordinary committee allocated to each Political Group bears the same proportion to the proportion on full Council.

6.1.3. The proposals contained in this report meet the requirements of the legislation.

6.1.4. The 1990 Regulations require Political Group Leaders to notify the Proper Officer of the Groups' nominations to the bodies in question.

6.2. Finance Implications

6.2.1. There are no direct finance implications.

6.3. Policy Implications

6.3.1. There are no direct implications for policy.

6.4. Equality Implications

6.4.1. There are no direct implications for equality.

6.5. Human Resources Implications

6.5.1. There are no direct human resource implications.

6.6. Risk Management Implications

6.6.1. Failure to comply with the Act and Regulations when appointing its committee memberships would leave the Council open to legal challenge.

6.7. Rural Communities Implications

6.7.1. There are no direct implications for rural communities.

6.8. Implications for Children & Young People

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

6.9. Public Health Implications

6.9.1. There are no direct implications for public health.

7. Ward Members Affected

7.1. All ward member.

8. Access to Information

8.1. The background papers relating to this report can be inspected by contracting the report writer.

9. Contact Information

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

Name: Brian Reed

Job Title: Head of Democratic Services and Governance

Email: brian.reed@cheshireeast.gov.uk

CHESHIRE EAST COUNCIL - POLITICAL PROPORTIONALITIES ON ALL BODIES
Based upon the following:

Con:49; Lab:16; Ind:14; Lib Dem:2; Non Grouped ind:1

Committee	Con	Lab	Ind	Lib Dem	Total Allocated
Corporate (Resources) Overview and Scrutiny	7 (C)	2 (VC)	3	0	12
Environment & Regeneration (Places) Overview and Scrutiny	7 (C) (VC)	3	2	0	12
Children and Families (People) Overview and Scrutiny	7 (C)	3	2 (VC)	0	12
Health and Adult Social Care (People) Overview and Scrutiny	9 (C) (VC)	3	3	0	15
Audit and Governance Committee	6 (C) (VC)	2	2	0	10
Constitution	9 (C) (VC)	3	2	0	14
Strategic Planning Board	7 (C) (VC)	3	2	0	12
Northern Planning Committee	8 (C)	2	2 (VC)	0	12
Southern Planning Committee	8 (C) (VC)	2	2	0	12

Committee	Con	Lab	Ind	Lib Dem	Total Allocated
Public Rights of Way	4	2 (VC)	1	0	7
Licensing Committee	9	3	3	0	15
Staffing	5 (C) (VC)	2	1	0	8
Local Authority School Governor Appointments Panel	3 (C) (VC)	1	1	0	5
Community Governance Review Sub Committee	4	1	1	1	7
Investigation and Disciplinary Committee I	4	1	1	1	7
Investigation and Disciplinary Committee II	4	1	1	1	7
Disciplinary Appeals Cttee	4	1	1	1	7

Committee	Con	Lab	Ind	Lib Dem	Total
Total Places allocated	105	35	30	4	174
Proportional Entitlement	105	35	30	4	174
Percentage Entitlement	60.49%	19.75%	17.29%	2.47%	

COUNCIL – 13 DECEMBER 2018**NOTICES OF MOTION**

Submitted to Council in Accordance with paragraph 1.34 of the Council Procedural Rules

1. Supplementary Planning Guidance – Hand Car Washes

Proposed by Councillor Paul Bates and Seconded by Councillor Janet Clowes

To have a supplementary planning document outlining best practice in terms of location and operation of hand car washes and valets in Cheshire East, taking into account the Government report on Hand Car Washes, local impact on the environment and location.

Background Document:

[House of Commons Environmental Audit Committee - Hand Car Washes](#)

2. OFSTED Inspection

Proposed by Councillor George Hayes and Seconded by Councillor Martin Deakin

That this Council recognises and celebrates its recent OFSTED Inspection – paying particular attention to the improvements made by all colleagues and broader stakeholders to improve and sustain opportunities and outcomes for our children in care. And that this Council reaffirms its commitment to continuing to provide the best possible services for our cared for and care leaver population.

3. Cheshire East Reflects

Proposed by Councillor David Brown and Seconded by Councillor Gordon Baxendale

This Council congratulates all those staff and Members involved with the delivery of the very successful four year Cheshire East Reflects programme which has marked the centenary of the First Word War. The programme, which has seen Cheshire East work with community groups, town and parish Councils, schools, the Royal British Legion, artists and organisations such as the Imperial War Museum North has hosted a very wide range of events. These have included artist led workshops, dozens of education sessions, heritage events, community choir performances, artist commissions, parades, building projection artworks and services of commemoration and remembrance. The programme concluded with two very well attended and poignant events in Crewe (10th November) and Tatton (11th November).

4. Comparative Analysis

Proposed by Councillor James Nicholas and Seconded by Councillor Craig Browne

This Council requests that a comparative analysis be published to enable a special meeting of Council, to be held in February 2019, or as soon as possible thereafter, to discuss and debate changing to a committee system form of governance.

Background information:

The Independent Group are calling for a report to be written and presented to Full Council in February 2019, or as soon as possible thereafter, as to why this council should change to a committee system form of governance.

- *Conservative held Canterbury Council unanimously voted to change to a committee system to prevent holding, what they deemed to be, an unnecessary and costly referendum.*
- *Two other Conservative councils were forced to hold referenda and now operate a committee system.*
- *A committee system is considered a more open, democratic and transparent form of governance, which aligns with the current drive to bring about cultural change at CEC.*
- *Residents perception is of a small 'clique' of 8 members having almost total control and decisions being made out of the public arena at informal cabinet.*
- *A cost neutral change to a committee system was achieved in Basildon, West Dorset, Sutton and Reading Unitary Council to name a few.*
- *The Independent Group is organising a petition for a referendum which is being widely supported across the borough.*
- *If a referendum is forced upon residents, the issue cannot be discussed again for a further 10 years. If the Council voluntarily decides to change then the issue can be revisited after 5 years.*
- *The cost to hold a stand-alone referendum is estimated to be between £500 - £700k.*
- *The committee system has wider Councillor engagement in the decision-making process.*
- *Macclesfield, Congleton and Crewe & Nantwich all successfully used the committee system, until it was abolished in 2001.*
- *The committee system was re-introduced by the coalition Government in 2011.*
- *The only negative comments regarding the committee system is the length of time taken for some decisions to be made. However, a fast-track procedure can be incorporated.*

5. Allocation of Chairs of Overview and Scrutiny Committees

Proposed by Councillor Craig Browne and Seconded by Councillor Arthur Moran

This Council agrees to allocate all Chairs of Overview & Scrutiny Committees to opposition members as soon as is practicable.

Background information:

The Corporate Policy and Legal Services portfolio holder said he “was not against the principle of opposition chairs” at full council on the 19th Oct 2017. Nothing has progressed since.

Taken from the minutes of the Constitution meeting 14th May, 2014 (item 12) said: That, in acknowledgement of recommendation 12 of the report by Professors Leach and Copus, as set out in Appendix A of the report to the Constitution Committee, the Council move to a position where there is some sharing of committee chairs and vice chairs with opposition parties, subject to an appropriate behavioural protocol being adopted.

The Leach report, commissioned by CEC, in 2014 said: “The sharing of chairs amongst all represented groups is widely regarded as ‘good practice’ and conducive to effective scrutiny.”

6. Allocation of Committee Chairs across Political Groups

Proposed by Councillor Arthur Moran and Seconded by Councillor Bernice Walmsley

This Council agrees to allocate all remaining Committee Chairs across the political groups in line with the principle of proportionality.

This page is intentionally left blank