

Council Agenda

Date: Tuesday, 24th February, 2009
Time: 2.00 pm
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

(NB – This agenda contains proposals for alternative arrangements for appointments under the Local Government (Committee and Political Groups) Regulations 1990, Regulation 20).

The agenda is divided into 2 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. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda

3. **Chairman's Announcements**

To receive such announcements as may be made by the Chairman of the Council

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

In accordance with Procedure Rules Nos.11 and 35 a total period of 15 minutes is allocated for members of the public to address the Committee on any matter relevant to the work of the Committee.

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.

Note: In order for officers to undertake any background research it would be helpful if questions were submitted at least one working day before the meeting.

5. **Minutes of Previous meeting** (Pages 1 - 8)

6. **Records of Decisions of the Cabinet and Minutes of other Committees**

To receive formally the following records of decisions of the Cabinet and Minutes of other Committees as follows :-

- a) **Governance & Constitution - 1 December 2008** (Pages 9 - 16)
- b) **Cabinet - 2 December 2008** (Pages 17 - 24)
- c) **Staffing - 2 December 2008** (Pages 25 - 26)
- d) **Staffing - 8 December 2008** (Pages 27 - 28)
- e) **Advisory Panel - People - 8 December 2008** (Pages 29 - 34)
- f) **Staffing Committee - 10 December 2008** (Pages 35 - 36)
- g) **Staffing Committee - 11 December 2008** (Pages 37 - 38)
- h) **Advisory Panel - Performance and Capacity - 11 December 2008** (Pages 39 - 46)
- i) **Staffing Committee - 15 December 2008** (Pages 47 - 48)
- j) **Scrutiny Committee - 15 December 2008** (Pages 49 - 56)
- k) **Advisory Panel - Places - 16 December 2008** (Pages 57 - 62)
- l) **Health & Adult Social Care Scrutiny - 16 December 2008** (Pages 63 - 66)
- m) **Cabinet - 17 December 2008** (Pages 67 - 70)
- n) **Licensing - 19 December 2008** (Pages 71 - 76)
- o) **Staffing Committee - 19 December 2008** (Pages 77 - 78)
- p) **Cabinet - 6 January 2009** (Pages 79 - 86)
- q) **Governance & Constitution - 12 January 2009** (Pages 87 - 92)
- r) **Staffing - 13 January 2009** (Pages 93 - 96)

- s) **Standards - 13 January 2009** (Pages 97 - 100)
- t) **Licensing - 14 January 2009** (Pages 101 - 104)
- u) **Advisory Panel People - 19 January 2009** (Pages 105 - 108)
- v) **Health and Adult Social Care Scrutiny Committee - 20 January 2009**
(Pages 109 - 114)
- w) **Scrutiny - 21 January 2009** (Pages 115 - 118)
- x) **Advisory Panel - Performance and Capacity - 21 January 2009** (Pages 119 - 124)
- y) **Advisory Panel - Places - 27 January 2009** (Pages 125 - 132)
- z) **Cabinet - 3rd February 2009** (Pages 133 - 138)
- aa) **Governance & Constitution Committee - 9 February 2009** (Pages 139 - 148)

7. **Election of Mayor and Deputy Mayor 2009/10** (Pages 149 - 150)

To resolve that Councillor M Simon be designated as the Mayor Elect and that Councillor G Baxendale be designated as the Deputy Mayor Elect, with a view to their formal election as Mayor and Deputy Mayor for Cheshire East for 2009/2010 at the Mayor Making ceremony to be held on 1 April 2009; subject to the grant of royal charter.

8. **Adoption of the Constitution and the Council's Decision-making and Overview and Scrutiny Arrangements** (Pages 151 - 492)

To formally adopt a Constitution, which will take effect on Vesting Day and which will set out the Council's decision-making and overview and scrutiny arrangements.

9. **Appointment of Senior Officers**

To approve Resolution 4 of Minute 14 of the minutes of the Staffing Committee meeting of 13 January 2009 (as set out in Item 6r of this agenda).

10. **Cheshire East Council: Corporate Plan - Improving Services Together** (Pages 493 - 516)

To consider Cheshire East's draft Corporate Plan, as recommended by Cabinet, following their discussion on 17 February 2009.

11. **Budget 2009/10** (Pages 517 - 708)

To set the Cheshire East Council Budget for 2009/10.

12. **Council Tax 2009/10 - Statutory Resolution** (Pages 709 - 722)

To set the Council Tax for the financial year 2009/10, in accordance with the formal resolutions as shown in section 11 of the report.

13. **Treasury Management Strategy and MRP Statement 2009/10** (Pages 723 - 750)

To approve the Treasury Management Strategy and the MRP Statement for 2009/2010.

14. **Licensing Act 2003-Statement of Licensing Policy** (Pages 751 - 770)

To approve the Statement of Licensing Policy to take effect on 1 April 2009.

15. **Gambling Act 2005 – Statement of Principles** (Pages 771 - 796)

To approve the Statement of Principles under the Gambling Act 2005 to take effect from 1 April 2009.

16. **Notices of Motion** (Pages 797 - 798)

To consider the attached Notice of Motion, which has been submitted by Councillor F Keegan, in accordance with Procedure Rule 12

17. **Questions**

In accordance with Procedure Rules 11, opportunity is provided for Members of the Shadow Council to ask the Chairman, the appropriate Cabinet Member or the Chairman of a Committee any question about a matter which the Shadow Council, the Cabinet or the Committee has powers, duties or responsibilities.

Questions must be sent in writing to the Interim Monitoring Officer at least 3 clear working days before the meeting.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Tuesday, 9th December, 2008 at The Assembly Room - Town Hall,
Macclesfield SK10 1DX

PRESENT

Councillor Mrs M Simon (Chairman)
Councillor G Baxendale (Vice-Chairman)

Councillors Mrs E Alcock, Miss C Andrew, A Arnold, M Asquith, Mrs R Bailey, Mrs R Bailey, G Barton, C Beard, T Beard, D Bebbington, D Beckford, Mrs S Bentley, D Brickhill, S Broadhurst, D Cannon, R Cartlidge, S Conquest, J Crockatt, H Davenport, M Davies, R Domleo, B Dykes, P Edwards, P Findlow, W Fitzgerald, R Fletcher, Mrs D Flude, Miss S Furlong, Mrs H Gaddum, L Gilbert, J Goddard, J Hammond, M Hardy, Mrs M Hollins, D Hough, Mrs B Howell, Ms O Hunter, Mrs T Jackson, J Jones, F Keegan, A Knowles, A Kolker, W Livesley, J Macrae, A Martin, Mrs M Martin, P Mason, S McGrory, R Menlove, Mrs G Merry, A Moran, B Moran, D Neilson, R Parker, M Parsons, A Ranfield, A Richardson, B Silvester, Mrs L Smetham, D Stockton, Mrs D Thompson, C Thorley, A Thwaite, Mrs C Tomlinson, R Walker, G M Walton, Mrs J Weatherill, R West, R Westwood, Wilkinson and J Wray

Apologies

Councillors D Brown, Mrs E Gilliland, H Murray, J Narraway, D Topping and P Whiteley

53 APOLOGIES FOR ABSENCE**54 DECLARATIONS OF INTEREST**

A number of Councillors who were existing County Councillors, Borough Councillors and Town and Parish Councillors declared a personal interest in the business of the meeting en bloc.

Officer Declarations

Lisa Quinn declared an interest in the item relating to Appointment of Borough Treasurer and Head of Assets and left the meeting during consideration of this matter.

Julie Openshaw declared an interest in the item relating to Appointment of Borough Solicitor and Monitoring Officer and left the meeting during consideration of this matter.

55 CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that there was an urgent item of business to bring before the meeting relating to a Local Area Agreement for Cheshire East.

In accordance with Section 100B(4)(b) of the Local Government Act 1972 and because of the need for Council to consider the recommendation of Cabinet, which met on 2 December, the Chairman stated that she was of the opinion that the item should be considered at this meeting as a matter of urgency. The matter would be dealt with as part of the public agenda.

56 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present who wished to address the meeting.

57 MINUTES OF THE SPECIAL MEETING OF THE COUNCIL HELD ON 20 OCTOBER 2008

RESOLVED

That the minutes be approved as a correct record, subject to the addition of Councillor S Wilkinson to the list of those present.

58 MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD ON 20 OCTOBER 2008

RESOLVED

That the minutes be approved as a correct record, subject to the addition of Councillor S Wilkinson to the list of those present.

59 RECORDS OF DECISIONS OF THE CABINET AND MINUTES OF OTHER COMMITTEES

RESOLVED

That the records of decisions of Cabinet and minutes of other Committees be received.

(a) Scrutiny Committee - 10 October 2008

(b) Staffing Committee - 15 October 2008

(c) Staffing Committee - 20 October 2008

(d) Advisory Panel - People - 27 October 2008

(e) Governance & Constitution Committee - 3 November 2008

(f) Staffing Committee - 4 November 2008

- (g) **Cabinet - 4 November 2008**
- (h) **Staffing Committee - 5 November 2008**
- (i) **Staffing Committee - 5 November 2008**
- (j) **Advisory Panel - Places - 12 November 2008**
- (k) **Standards Committee - 25 November 2008**
- (l) **Staffing Committee - 27 November 2008**

60 NOTICE OF MOTION

Consideration was given to the following Notice of Motion proposed by Councillor R Fletcher and seconded by Councillor D Neilson:-

SUSTAINABLE COMMUNITIES ACT

That CHESHIRE EAST COUNCIL:-

(i) supports the bottom up process in the Sustainable Communities Act designed to allow local authorities and their communities to drive the help that central government gives in reversing community decline and promoting thriving, sustainable communities;

(ii) notes the Act gives local authorities the power to make proposals to government on the action and assistance government must take to promote sustainable communities and argue for a transfer of public money and function from central to local control ;

(iii) notes that the Act defines the sustainable communities broadly. That definition having the 4 aspects of

- the improvement of local economy,
- protection of the environment
- promotion of social inclusion, and
- participation in civic and public activity;

(iv) notes that reasons for a local authority choosing to use the Act include gaining new assistance from government, determining that assistance, being able to argue for transfers of public monies from central to local control and involving citizens in democracy.

(v) resolves , when invited to by central government, to use the Act by preparing and submitting proposals on how central government can help; and

(vi) further resolves:-

- to inform the local media of this decision;
- to write to local MPs, informing them of this decision; and

- to write to Local Works (at Local Works, c/o Unlock Democracy, 6 Cynthia St, London N1 9JF) informing them of their resolution to use the Act.

RESOLVED

That the motion stand referred to Cabinet.

61 COUNCIL TAX BASE 2009/10

Cheshire East Council was required to approve its Tax Base, before 31 January 2009, so that the information could be provided to Cheshire Police Authority and Cheshire Fire Authority for their budget processes.

RESOLVED

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 2009/10 be confirmed as:

- for the whole area – 144,761.46
- for each Parish area the figures included in Appendix A to the report.

62 LOCAL DEVELOPMENT SCHEME

Consideration was given to a report relating to reconsideration of the Draft Local Development Scheme for Cheshire East.

RESOLVED

That the amended Draft Local Development Scheme be submitted to the Secretary of State for Communities and Local Government.

63 APPOINTMENT OF BOROUGH TREASURER AND HEAD OF ASSETS

Consideration was given to a report outlining the process used for the recruitment of the Borough Treasurer and Head of Assets and requesting that the Council ratify the recommendation for appointment made by the Staffing Committee.

RESOLVED

That the recommendation of the Staffing Committee, that Lisa Quinn be confirmed as the Borough Treasurer and Head of Assets of Cheshire East Council, with effect from 1 January 2009, be ratified.

64 APPOINTMENT OF BOROUGH SOLICITOR AND MONITORING OFFICER

Consideration was given to a report outlining the process used for the recruitment of the Borough Solicitor and Monitoring Officer and

requesting that the Council ratify the recommendation for appointment made by the Staffing Committee.

RESOLVED

That the recommendation of the Staffing Committee that Mr Christopher Chapman be confirmed as the Borough Solicitor and Monitoring Officer for Cheshire East Council be ratified, with effect from a date to be arranged.

65 CHILDREN PLAN 2008-11

Consideration was given to a report briefing the Cheshire East Council on its duties in relation to the Cheshire Children Plan 2008-11, and seeking some formal decisions in order to ensure that statutory requirements are complied with for 1 April 2009.

RESOLVED

1. That the Cheshire Children Plan 2008 -11 be formally adopted by Cheshire East Council as its statutory Children Plan to 2011.
2. That Council notes the requirement to set local targets (as part of the Local Authority Agreement process) by 1 April 2009 and the need to review, refresh and localise that Plan during the period April 2009 to June 2010.

66 APPOINTMENT OF STATUTORY CO-OPTED MEMBERS TO SCRUTINY COMMITTEES-ELECTED PARENT GOVERNORS AND NOMINATED CHURCH REPRESENTATIVES

Consideration was given to a report advising Council of the recommendations of the Council's Scrutiny and Governance and Constitution Committees in respect of education matters and appointments of Statutory Co-opted Members to the Scrutiny Committee, who will have voting rights on education matters.

RESOLVED

That the recommendations of the Council's Scrutiny and Governance and Constitution Committees be approved as follows:

1. That two parent governor representatives shall be appointed to the Scrutiny Committee for the purposes of dealing with education matters; one being drawn from the primary education sector, and the other being drawn from the secondary education sector.
2. That the period of office of the parent governor representatives shall be 2 years with effect from 1st April 2009.
3. That one nominated representative of the Church of England Diocese and one nominated representative of the Roman Catholic Diocese be co-opted to the Scrutiny Committee for the purposes of dealing with education matters.

4. That the Interim Monitoring Officer be authorised to make such consequential additions and changes to the Constitution as she considers are necessary to give effect to the decision of Council.

67 APPOINTMENT OF PARISH COUNCIL MEMBERS TO STANDARDS COMMITTEE

Consideration was given to a report seeking the approval of full Council for the appointment of three Parish Council representatives on the Standards Committee.

RESOLVED

1. That the following three applicants be appointed to the Standards Committee:

Councillor Teresa Maureen Eatough - Weston and Basford Parish Council
Councillor Kenneth John Edwards - Bollington Parish Council
Councillor Patricia Margaret Barnett - Twemlow Parish Council

2. That it be noted that ChALC will retain the names of the two remaining candidates as reserves in case of future vacancies to the Parish Council seats on Standards Committee.

68 OFFICER CODE OF CONDUCT

Consideration was given to a report relating to the adoption of an Officer Code of Conduct, its immediate inclusion in the Shadow Council's Constitution and, thereafter, in Cheshire East Unitary Council's Constitution with effect from 1 April 2009.

RESOLVED

That the Cheshire East Council :-

1. Adopts the Officer Code of Conduct appended to the Report (Noting that the Core Values for Cheshire East as a whole are still in draft and will require Cabinet approval in January 2009);
2. Agrees that the Officer Code of Conduct will take effect immediately and will apply to all officers appointed by the Shadow Council;
3. Agrees that the Officer Code of Conduct will continue to have effect, and will apply to all officers employed by Cheshire East successor authority on 1st April 2009 and thereafter;
4. Agrees that the Officer Code of Conduct will be included immediately in the Shadow Council's Constitution and, with effect from 1st April 2009, in Cheshire East successor authority's Constitution; and

5. Authorises the Interim Monitoring Officer to make such consequential amendments to the Constitution as she considers are necessary to give effect to the decision of Council.

69 LICENSING COMMITTEE STRUCTURES, MEMBERSHIP AND DELEGATIONS

Consideration was given to a report seeking approval for the formation of a Licensing Committee of Cheshire East Council, both as a shadow committee prior to 1 April 2009 and as a fully operational Committee thereafter.

RESOLVED

That a Licensing Committee be appointed on the following terms:-

1. A full Licensing Committee of fifteen Members (with a quorum of eight) on a politically proportional basis, i.e. Conservatives 11; Liberal Democrats 2; Labour 1; Independent Group 1.
2. That the Licensing Committee then establishes Sub-Committees of three Members drawn from the full Committee to deal with matters under the Licensing Act 2003 and the Gambling Act 2003; and
3. That Sub-Committees of five Members (with a quorum of three) drawn from the full Committee (of which at least one shall, subject to availability, be the Chairman or Vice Chairman of the full Committee) are established on an ad hoc basis to deal with 'general' licensing matters.
4. That those Members listed in appendix 1 of the report be appointed to the Licensing Committee.
5. That Council delegates to the Licensing Committee those licensing functions which are the responsibility of Council set out in Appendix 2 of the report, subject to the proviso that before any Councillor who is a member of the Licensing Committee can attend a meeting and participate in the determination of an application or appeal by any individual or body, that Councillor must have attended a suitable training course dealing with the quasi-judicial nature of the role of the Committee.
6. That the date of the first meeting of the Licensing Committee be 19th December 2008.
7. That the Interim Monitoring Officer be authorised to make such consequential changes to the Constitution as she considers appropriate to give effect to the decision of Council in relation to paragraphs 1 to 3 above.

In accordance with section 17 (1) of the Local Government and Housing Act 1989, it was necessary that the following resolution be approved without any Member of the Authority voting against. It was resolved unanimously that :-

That the requirement of political proportionality under section 15 of the Local Government and Housing Act 1989 be waived, in relation to the sub-committee established under 3 above.

70 CALENDAR OF MEETINGS 2009/10

RESOLVED

That the dates for Cabinet and Council meetings 2009/10 be approved.

71 QUESTIONS

No questions were submitted.

The meeting commenced at 2.00 pm and concluded at 3.00 pm

Councillor Mrs M Simon (Chairman)
CHAIRMAN

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Governance & Constitution Committee**
held on Monday, 1st December, 2008 at Committee Suite 2&3, Westfields,
Middlewich Road, Sandbach, Cheshire CW11 1HZ

PRESENT

Councillor A Ranfield (Chairman)
Councillor D Topping (Vice-Chairman)

Councillors M Asquith, D Cannon, R Cartlidge, Mrs S Jones, A Kolker,
Mrs G Merry, A Moran, R Parker, R Walker, R West and P Whiteley
In attendance: Councillor Mrs L Smetham

Officers present

Mike Flynn – Governance Lead Officer
Julie Openshaw – Interim Monitoring Officer
Brian Reed – LGR Governance Group
Kate Khan – Solicitor Macclesfield Borough Council
Daniel Dickenson – Solicitor Cheshire County Council

45 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor S Bentley.

46 DECLARATIONS OF INTEREST

Councillor R Walker declared a personal interest only in respect of Agenda Item 8: Cheshire East Independent Remuneration Panel in that he knew one of the people concerned. In accordance with the Code of Conduct he remained in the meeting during consideration of this item.

47 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

48 MINUTES OF PREVIOUS MEETING

The Minutes of the Meeting held on 3 November 2008 were approved as a correct record.

49 ADOPTION OF COUNCIL PROCEDURE RULES

The Interim Monitoring Officer submitted a paper setting out proposed recommendations to Council on the Council's Procedure Rules that will apply with effect from 1 April 2009.

It was noted that the Council would need to adopt a Constitution to take effect on 1 April 2009 to serve the purposes of a Unitary Local Authority. Members considered a schedule of key issues identified by officers. Some of the issues had been subject to Member comment or discussion during the Shadow Council's life, whilst others were included by way of a reminder of key provisions of the Rules.

Members also considered an appendix that set out the current Procedure Rules with minor amendments such as the removal of references to "Shadow Council" and "Interim Monitoring Officer".

During the debate members stressed the importance of decision-making being transparent and clarification was sought on asking questions at the Council meetings and the exercise of Chairman's second or casting vote. Members also referred to rule 14.2b and whether the requirement for a motion signed by at least 8 members of the Council would preclude minority Groups from seeking rescission of earlier resolutions.

RESOLVED:

(1) Council is recommended to adopt the draft Council Procedure Rules, contained in Appendix B to the report, which will take effect on 1 April 2009, subject to the following changes:

Rule 31.6: this draft Rule to be amended to the effect that the Chairman of a Committee or Sub-Committee shall have a second or casting vote, but that he/she will not be obliged to use it. A note will be added to the Rule indicating that, where there is an equality of votes, and where the Chairman does not use his/her second or casting vote; the motion in question will be lost.

Rule 19: this draft Rule to be amended so that the Constitution will identify the Committees and Panels in question, and their Membership sizes, but without showing the names of individual Committee/Panel Members.

Rule 19: this draft Rule to be amended to exclude reference to the Independent Remuneration Panel.

Rule 19: this draft Rule to be amended to include the Health and Adult Social Care Scrutiny Committee, together with the number of Members of it.

Rule 44.6: this draft Rule to be amended to require that, in circumstances where agreement is reached that an urgent Key Decision should not follow the requirements of Rule 44.5, notification of such decision is provided electronically to all Members of the Council.

Rule 49.1: this draft Rule to be clarified to indicate that hard copies of agenda papers will be provided to Members of committees/executive bodies.

Rule 54.1: This draft Rule to be modified to the effect that, only where suspension of a Procedure Rule is moved and carried, will the Procedure Rule be suspended.

Appendix 3, paragraph 11: the draft Appendix to be modified to provide for the mover of an amendment to have a right of reply before the mover of the original motion sums-up, as follows:

“The mover of the motion shall have a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall have a right of reply at the close of the debate on the amendment but shall not otherwise speak on it. The mover of the amendment shall have a right of reply to the debate on his/her amendment immediately before the mover of the original motion exercises his/her right of reply at the close of the debate on the amendment.”

Appendix 5: the draft Appendix to be modified to the effect that there will be no requirement for Council to approve reserve lists of Members for each political group who will act as reserve Members for each Committee and Sub-Committee, but that any reserve Member will simply be required to notify the Chairman of the Committee or Sub-Committee at the beginning of the meeting in question.

(2) The Interim Monitoring Officer be authorised to produce suitable wording, and to make such consequential amendments to the draft Procedure Rules as she considers are necessary to give effect to the recommended changes.

50 DELEGATION OF DECISIONS TO INDIVIDUAL MEMBERS

The Interim Monitoring Officer submitted a paper providing further information requested at the last meeting on the delegation of decisions to individual members and the powers that may be contained in the Constitution to allow urgent decisions to be made by individual members.

It was noted that legal advice had been sought and indicated there would be a real risk of legal challenge to decisions made if the Council's procedures were altered so as to give additional prominence to the role of individual Members in the urgent decision-making process. In practice such decisions were relatively infrequent and the process used only where it was not possible for a Committee decision to be made.

Members noted that there were ongoing discussions with the Council's political leadership on the model of Executive Arrangements which they would wish to see in operation in respect of Cabinet decisions after 1 April 2009. One option the Cabinet could request the Committee to explore was individual Cabinet Member decision-making, as permitted by the Local Government Act 2000. If approved, such arrangements would ensure that officer urgency powers do not need to be exercised in all cases where urgent decisions need to be made.

RESOLVED – that the report be noted.

51 LICENSING COMMITTEE - STRUCTURES, MEMBERSHIP AND DELEGATIONS

The Interim Monitoring Officer presented a paper setting out proposals for the formation of a Licensing Committee for Cheshire East Council, both as a Shadow Committee prior to 1 April 2009 and as a fully operational Committee after that date. The Council would be asked to appoint members to the Licensing Committee at its meeting on 9 December 2008.

Members considered proposals relating to the structure of the Licensing Committee based on the requirements contained in the Licensing Act 2003 and the Gambling Act 2005. Consideration had also been given to the current practices in operation in existing District Authorities and the Cheshire East Licensing Group had recommended the proposals.

Attached to the paper was a list of Licensing functions which are the responsibility of the Council together with lists of Delegation of Functions under the various Acts, a draft statement of Licensing Policy, a proposed Statement of Principles and also a proposed Scheme of Delegation in relation to the general Licensing functions.

During the debate members referred to the arrangements for the establishment of one or more sub-committees and expressed a preference for there to be five members on any Sub Committee. They also debated the proposed the structure and membership of the Licensing Committee and recognised the geographical differences and expertise in the Cheshire East area. It was noted the training requirements for members appointed to a Licensing Committee would have to be met to ensure that a clear robust scheme of delegation and fully operational Licensing Committee was in place prior to 1 April.

RESOLVED - to recommend to Council at its meeting on 9 December 2008 that it considers:

1) the creation of a Licensing Committee on the following terms:

- i)** A full Licensing Committee of fifteen Members (with a quorum of eight) on a politically proportional basis, i.e. Conservatives 11; Liberal Democrats 2; Labour 1; Independent Group 1 ;

- ii) That the Licensing Committee then establishes Sub-Committees of three Members drawn from the full Committee to deal with matters under the Licensing Act 2003 and the Gambling Act 2003;
 - iii) That Sub-Committees of five Members (with a quorum of three) drawn from the full Committee (of which at least one shall, subject to availability, be the Chairman or Vice Chairman of the full Committee) are established on an ad hoc basis to deal with 'general' licensing matters;
- 2) the requirement of political proportionality under section 15 of the Local Government and Housing Act 1989 is waived in relation to the sub-committee established under iii) above;
 - 3) to delegate to the Licensing Committee those licensing functions which are the responsibility of Council as set out in Appendix 1, subject to the proviso that before any Councillor who is a member of the Licensing Committee can attend a meeting and participate in the determination of an application or appeal by any individual or body, that Councillor must have attended a suitable training course dealing with the quasi-judicial nature of the role of the Committee; and
 - 4) authorising the Interim Monitoring Officer to make such consequential changes to the Constitution as she considers appropriate to give effect to the decision of Council in relation to 1) above.

52 CHESHIRE EAST INDEPENDENT REMUNERATION PANEL

The Governance Lead Officer updated Members on the appointment of the Independent Remuneration Panel for Cheshire East Council and sought approval to its composition and related operational matters.

The Chairman and spokespersons had met on 18 November with four current Independent Remuneration Panelists who had volunteered to join the Cheshire East Panel and a fifth Panelist had subsequently been identified. The Panel would commence its work immediately to meet deadlines for producing a report and recommendations for consideration by this Committee and adoption by the Council.

The Committee then considered the term of office and Chairmanship of the Independent Remuneration Panel together with the payment of travel and out of pocket expenses to the Remuneration Panel Members when carrying out their duties, and whether any further allowance should be paid. There was merit in enabling Panel Members to attend elected Member development events appropriate to their work, as this would assist the Panel's understanding of elected members' roles and responsibilities in the new Authority.

Members noted that any views they would wish to make known to the Panel should be raised in the first instance with the Governance Lead Officer who would be providing support to the Panel.

RESOLVED –

- 1) To approve the appointment of the Cheshire East Independent Remuneration Panel with the following membership:

Mr David Routs (Cheshire Panel)
Mrs Christine Crowe (Crewe and Nantwich Panel)
Mrs Jan Charles (Congleton Panel)
Mr Peter Foden (Congleton Panel)
Professor Michael Burdekin (New Member)

- 2) The Panel be requested to determine its Chairmanship from within its membership;
- 3) The period of office for Panel Members be three years;
- 4) That an allowance of £30 per meeting together with travel and out of pocket expenses be paid to Panel members; and
- 5) That Panel Members be permitted to attend elected Member Development events appropriate to their work.

53 OFFICER CODE OF CONDUCT

The HR Joint Transition Group submitted a paper that enclosed a proposed Code of Conduct for Employees of the new Cheshire East Council. The Government had recently issued a revised draft Officer Code of Conduct for consultation. It was noted that it may be some time before any final document is produced by the Government. It was suggested that in the meantime the Council should agree its own Code, which can be reviewed if necessary when any final national framework is issued. Members noted that Schools will have their own Codes of Conduct.

The Staffing Committee had considered the draft Code of Conduct at its meeting held on 27 November 2008, as staff appointments were beginning to be made, and it was vital that there is a Code of Conduct for Officers in place.

This key document would ensure the good governance of the new Council and provide clear direction to employees on the standards of Conduct expected of them. It would be necessary for this Committee to recommend to the Council that it considers the adoption of an Officer Code of Conduct, its immediate inclusion in the Shadow Council's Constitution and, thereafter in Cheshire East Unitary Council's Constitution with effect from 1 April 2009.

RESOLVED – to recommend that the Council:

- 1) adopts the Officer Code of Conduct appended to the Report (Noting that the Core Values for Cheshire East as a whole are still in draft and will require Cabinet approval in January 2009);
- 2) agrees that the Officer Code of Conduct will take effect immediately and will apply to all officers appointed by the Shadow Council;
- 3) agrees that the Officer Code of Conduct will continue to have effect, and will apply to all officers employed by Cheshire East successor authority on 1st April 2009 and thereafter;
- 4) agrees that the Officer Code of Conduct will be included immediately in the Shadow Council's Constitution and, with effect from 1st April 2009, in Cheshire East successor authority's Constitution; and
- 5) authorises the Interim Monitoring Officer to make such consequential amendments to the Constitution as she considers are necessary to give effect to the decision of Council.

54 CHESHIRE EAST WORK PLAN

The Interim Monitoring Officer submitted an updated work plan detailing the timescale of reports to be brought to the Committee and the current status of each work area. Members then commented on various aspects of the Work Plan, and in particular the timetable of meetings. The Member/Officer Relations Protocol would be submitted to the January 2009 meeting and the report of the Outside Bodies task group would be submitted to the February 2009 meeting.

RESOLVED - That the Committee note the current detail of the Work Plan as referred to at the meeting.

The meeting commenced at 2.00 pm and concluded at 4.25 pm

Councillor A Ranfield (Chairman)

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 2nd December, 2008 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1DX

PRESENT

Councillor W Fitzgerald (Chairman)
Councillor R Domleo (Vice-Chairman)

Councillors D Brickhill, D Brown, P Findlow, F Keegan, A Knowles, J Macrae,
P Mason and B Silvester.

In attendance:
Councillor A Thwaite.

100 APOLOGIES FOR ABSENCE

There were no apologies for absence.

101 DECLARATIONS OF INTEREST

Members gave a general declaration of personal interest in respect of every item on the agenda where an individual member was a Member of Cheshire County Council and/or of one of the current Borough Council. In accordance with the Code of Conduct they remained in the meeting during consideration of the relevant items.

Councillor P Findlow declared a personal and prejudicial interest in minute 110 (Council Tax Discounts, Exemptions and Payment Dates) by virtue of having a second home. In accordance with the Code of Conduct he left the meeting during consideration of this item.

102 PUBLIC SPEAKING TIME/OPEN SESSION

In accordance with Procedure Rules nos 11 and 35 Mr M Wynne asked a number of questions in respect of waste and recycling matters. Councillor D Brickhill responded and a copy of his answers was given to Mr Wynne.

103 MINUTES OF PREVIOUS MEETING

RESOLVED

The minutes of the meeting held on 4 November were approved as a correct record.

104 **KEY DECISION CE30 INVESTORS IN PEOPLE**

Consideration was given to the options available to Cheshire East should they wish to retain and/or seek re-accreditation against the Investors in People standard.

RESOLVED

For the reasons set out in the report: -

It was agreed that the Council would commit to continue with Investors in People and seek accreditation by 2010, as outlined in Option 3 of the report.

105 **KEY DECISION CE38 COMMISSIONING STRATEGY - ADVOCACY**

Cabinet was requested to consider a report which highlighted the range of provision of independent advocacy in Cheshire East and proposing, in high level terms, the commissioning approach for the future, in Partnership with the PCT.

RESOLVED

For the reasons set out in the report: -

That approval be given to the general approach to independent advocacy into the first year of the Council, and beyond.

106 **KEY DECISION CE44 SCHOOL ADMISSIONS**

Consideration was given to various matters in respect of the annual consultation on School Admission arrangements and the co-ordinated admissions scheme for the school year commencing September 2010 and beyond, the relevant area for consultation arrangements and the terms of reference for the statutory Admissions Forum for Cheshire East Authority.

RESOLVED

For the reasons set out in the report: -

Approval be given to

1. the attached consultation documents and appendices, with any subsequent amendments and any additions as may be recommended by the Cheshire East Admissions Forum, on admissions for the school year commencing September 2010 and beyond; and its circulation to all Cheshire East schools and neighbouring local authorities at the beginning of the spring term 2009 be approved.
2. determination of the Cheshire East 'relevant area' to be Cheshire East administrative boundary for all Community and Controlled Schools for which the Cheshire East Local Authority is the admissions authority and the 'relevant area' for every Cheshire East authority aided and

foundation school to be the area normally served by the school, from which most of its pupils are drawn.

3. recognition that parents actual preferences and children's actual schooling patterns will extend beyond the Authority's boundary and therefore consultation on admission arrangements will involve all neighbouring authorities.
4. to the terms of reference, in order that the forum can be set up in accordance with the timescales (provided as background information) without further reference to the Cabinet, with any future discussions on this being with the Lead Member.

107 **KEY DECISION CE50 DRAFT CUSTOMER ACCESS STRATEGY**

Consideration was given to the guiding principles, objectives and vision for Customer Access, which would lead to the production of a Customer Access Strategy for East Cheshire.

RESOLVED

For the reasons set out in the report: -

That the guiding principles objectives and vision for Customer Access be approved.

108 **KEY DECISION CE51 CHESHIRE EAST LOCAL DEVELOPMENT SCHEME**

Consideration was given to the Draft Local Development Scheme for Cheshire East prior to its consideration by the Council on 9 December. The Portfolio Holder (Performance and Capacity) reported that since the report had been prepared the comments of Government Office North West had been received on the amended Draft Local Development Scheme. Comments regarding the content of the document had been summarised and circulated to the Cabinet. Cabinet were requested to agree to the amendments suggested for inclusion in the Draft Local Development Scheme, before its consideration by Council.

RESOLVED

For the reasons set out in the report and as now stated: -

That approval be given to amended Draft Local Development Scheme, and to the further amendments now circulated, for approval by Council on 9 December 2008.

109 **DISCRETIONARY RATE RELIEF POLICY**

Consideration was given to a discretionary rate relief policy for business rates in respect of charitable and non-profit making organisations, rural businesses and hardship cases.

RESOLVED

For the reasons set out in the report: -

Approval was given to

1. the policy detailed in Appendix A for charitable, non-profit making and rural applications.
2. the rural settlement list detailed in Appendix B.
3. that applicants applying for discretionary relief only and with a rateable value below £10,000 be required to apply for Small Business Relief.
4. that the Borough Treasurer & Head of Assets be given delegated authority to determine applications in accordance with the agreed policy.
5. that consideration be given to allow applicants who would receive less relief under the new policy to retain their existing award until any future change in circumstances.
6. that applications that fall outside the agreed policy be determined by the Borough Treasurer & Head of Assets in conjunction with recommendations from senior revenues officers.
7. that appeals against either a decision not to award relief or the level of relief awarded be considered by the Borough Treasurer & Head of Assets in consultation with the Portfolio Holder for Resources. If still not resolved, the case should be considered by Cabinet and appropriate amendments made to the policy if required, following the decision.
8. that all applications for hardship relief be considered on a case by case basis by the Borough Treasurer & Head of Assets in consultation with the Portfolio Holder for Resources and any appeals to be considered by Cabinet.

110 **COUNCIL TAX DISCOUNTS, EXEMPTIONS AND PAYMENT DATES**

(Councillor P Findlow had declared a personal and prejudicial interest in this item. In accordance with the Code of Conduct he left the meeting during its consideration.)

Consideration was given to the options and recommendations for council tax discounts and exemptions, and instalment dates for council tax and business rates.

RESOLVED

For the reasons set out in the report: -

That approval be given to

1. discounts of 25% for both second homes and long-term empty properties.
2. a policy whereby applications for local discounts are determined by the Borough Treasurer and Head of Assets in consultation with the Portfolio Holder (Resources).
3. the proposed monthly payment dates for Council Tax as follows:

Cash/cheque payers	1 st
Direct debit payers	1 st , 5 th , 10 th , 15 th , 22 nd and 27 th
Half yearly payers	1 st April and 1 st September
Yearly payers	1 st April

4. the proposed monthly payment dates for Business Rates as follows:

Cash/cheque payers	1 st
Direct debit payers	1 st , 15 th and 27 th
Half yearly payers	1 st April and 1 st September
Yearly payers	1 st April

111 **COUNCIL TAX BASE 2009/10**

Notification was given of the Council Tax Base for Cheshire East.

RESOLVED

For the reasons set out in the report: -

That Council be recommended 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 2009/10 is:

- for the whole area – 144,761.46
- for each Parish area as set out in Appendix A

112 **LOCAL AREA AGREEMENT**

Consideration was given to the current position in relation to Local Area Agreement delivery and the implications for the Council in the light of the Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008 and the proposed process and timetable for severance of the Agreement.

RESOLVED

For the reasons set out in the report: -

That Cabinet recommends to Council to:

- (i) endorse the Cheshire Local Area Agreement 2008 - 2011 (Appendix 1) in accordance with the requirements of the Local Government

(Structural Changes) (Transitional Arrangements) Regulations 2008

- (ii) note its statutory duty to have regard to all targets in the Local Area Agreement and those for which it will become the 'lead partner'; and
- (iii) delegate its authority to make any proposals for 'revision' of the Cheshire Local Area Agreement 2008 - 2011 to the Secretary of State, deemed necessary as a consequence of the annual refresh process and in accordance with the requirements of Section 111 of the Local Government and Public Involvement in Health Act 2007, to the Cabinet.

113 **CHESHIRE AND WARRINGTON IMPROVEMENT AND EFFICIENCY STRATEGY**

Consideration was given to the adoption of the Cheshire and Warrington Improvement and Efficiency Partnership and Strategy; which would support the Council's emerging ambitions and improvement priorities as identified in the interim Corporate Plan. It was reported that since it had been printed the wording of the CWIEP priority in the Strategy relating to housing had been revised to read 'supporting the housing market across the sub region.'

RESOLVED

For the reasons set out in the report: -

1. That approval be given to the Cheshire and Warrington Improvement and Efficiency Strategy as appended to the report, taking into account the revision reported above.
2. That agreement be given for Warrington Borough Council to undertake the role of "accountable body" in relation to the Cheshire and Warrington Improvement and Efficiency Partnership.
3. That the Interim Director (Places) in consultation with the Interim Monitoring Officer and the Portfolio Holder (Performance and Capacity) be authorised to enter into a partnership agreement on behalf of Cheshire East for the Cheshire and Warrington Improvement and Efficiency Partnership.

114 **SECTION 24 SCHEDULES OF CONSENT**

Consideration was given to a report by the Interim Monitoring Officer and the Interim Chief Finance Officer on Section 24 Consents issued under delegated powers since the last meeting. Details were reported of a consent arising from an amalgamation of Vernon Infant and Junior Schools, Poynton.

RESOLVED

For the reasons set out in the report: -

That the report be noted.

115 **PROGRESS REPORTING PAPER**

Consideration was given to an update on the programme giving progress made against key milestones, and to steps to be taken in the coming months. It was reported that the format of this report was to be revised to include additional information in the period leading up to 1 April 2009.

RESOLVED

For the reasons set out in the report: -

That the report be noted.

The meeting commenced at 2.00 pm and concluded at 3.10 pm

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Staffing Committee**
held on Tuesday, 2nd December, 2008 at The Board Room, Town Hall,
Macclesfield, SK10 1DX

PRESENT

Councillor W Fitzgerald (Chairman)
Councillor R Domleo (Vice-Chairman)

Councillors A Arnold, Mrs D Flude, F Keegan, B Moran and D Topping

19 APOLOGIES FOR ABSENCE

There were no apologies.

20 DECLARATIONS OF INTEREST

All members of the Committee declared a personal interest in respect of the items on Appointment of Head of Human Resources or Borough Solicitor in that they knew one or more of the candidates concerned.

21 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the Public present.

22 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED - that the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

23 APPOINTMENT OF HEAD OF HUMAN RESOURCES AND ORGANISATIONAL DEVELOPMENT

The Committee considered the various applications and the initial assessment by the approved consultants for the post of Head of Human Resource and Organisational Development

RESOLVED - to interview the five candidates now referred to for the post of Head of Human Resource and Organisational Development.

24 **APPOINTMENT OF BOROUGH SOLICITOR**

The Committee considered the various applications and the initial assessment by the approved consultants for the post of Borough Solicitor.

RESOLVED - to interview the four candidates now referred to for the post of Borough Solicitor.

The meeting commenced at 9.00 am and concluded at 12.05 pm

Councillor W Fitzgerald (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Staffing Committee**
held on Monday, 8th December, 2008 at Fred Flint Room, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor W Fitzgerald (Chairman)
Councillor R Domleo (Vice-Chairman)

Councillors A Arnold, Mrs D Flude, F Keegan, B Moran and D Topping

25 APOLOGIES FOR ABSENCE

There were no apologies for absence.

26 DECLARATIONS OF INTEREST

All the Councillors and the Chief Executive declared a personal interest by virtue of knowing the first applicant to be interviewed. The Chief Executive also declared an interest by virtue of knowing one of the other applicants (from her previous Authority). In accordance with the Code of Conduct they remained in the meeting for these interviews.

27 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

28 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED - that the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

29 EXTERNAL RECRUITMENT - RELOCATION EXPENSES

Consideration was given to the relocation expenses to be offered to external candidates appointed to jobs with Cheshire East. In considering the proposal it was agreed by the Committee that the recommendation now made should apply to first, second and third tier posts.

RESOLVED

That approval be given for relocation expenses up to a maximum of £10,000 to be offered to candidates appointed to first, second and third tier posts with Cheshire East, as set out in Appendix 1 to the report.

30 APPOINTMENT OF BOROUGH SOLICITOR

Members interviewed four short listed candidates.

The Committee agreed to recommend to Council on 9 December that Christopher Chapman be appointed as the Borough Solicitor and Monitoring Officer for Cheshire East Council subject to the requirements contained in Staff Employment Procedure Rule No.6 relating to the Appointment of Head of Paid Service, Statutory Chief Officers, Non-Statutory Chief Officers and Deputy Chief Officers.

The meeting commenced at 9.00 am and concluded at 3.45 pm

Councillor W Fitzgerald (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the Advisory Panel - People
held on Monday, 8th December, 2008 at Tatton Room, Macclesfield Town
Hall

PRESENT

Councillor R Westwood (Chairman)
Councillor Miss C Andrew (Vice-Chairman)

Councillors C Beard, D Beckford, D Brown, J Crockatt, P Findlow, R Fletcher,
A Knowles, W Livesley, M Parsons and Mrs C Tomlinson

Apologies

Councillors R Domleo and Mrs D Flude.

30 APOLOGIES FOR ABSENCE

Councillors R Domleo and Mrs D Flude.

31 DECLARATIONS OF INTEREST

None.

32 PUBLIC SPEAKING TIME/OPEN SESSION

A representative from the Older People's Network attended the meeting and gave a presentation to the Panel on the role of the OPN. In addition she expressed concern in respect of a letter she had received which stated that funding for the OPN would not continue for the period 2009/2010. Furthermore she raised concerns that the new structure for the People Directorate did not refer to Older People.

In response to the concerns expressed by the OPN, the Strategic Director Designate (People) gave his assurances that Cheshire East Council had a commitment to providing funding beyond 2009. In respect of the change in name of the structure to Adult Services, the Director confirmed very few Authorities distinguished between Older People and Adult Services. The term 'Adult Services' had been used generically to incorporate all people over the age of 18. He reassured the representative from the OPN that the choice of structure did not reflect a weakening of the Council's commitment to older people.

The Panel were concerned that the OPN had received a letter, which stated that funding from 2009 would cease to exist. Members requested that the Director confirm in writing his assurances, that funding for the Organisation would continue in 2009.

RESOLVED

That the Strategic Director Designate (People), confirm in writing to the OPN that funding for 2009 would continue.

33 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting be approved as a correct record subject to the inclusion of Councillor J Findlow in the list of those present.

34 CHILDREN'S TRUST IMPLEMENTATION

Consideration was given to a report on the implementation arrangements in relation to the establishment of a Children's Trust.

The report highlighted to Members the key issues which needed to be addressed over the next 12 months as well as including a number of recommendations for how best to develop and implement future Trust arrangements taking account of current legislation, emerging DCSF guidance and local experience of setting up and operating the current Children's Trust.

Members expressed the importance of ensuring that the implementation arrangements went ahead as soon as possible. It was felt that Cabinet should be recommended to expedite the process without delay.

It was requested that a statement outlining the differences between a Children's Trust and Local Safeguarding Board be circulated to Members on the Panel, in order to assess if there was an overlap between the two, how one could be held accountable over the other, their respective functions and how in practice they should operate. In addition it was considered appropriate that an electronic link be emailed to Members on the Panel in order for them to access copy of the Government's report and that a report be brought back to the Panel once further Government guidance on the matter became available.

Furthermore the Chairman suggested it would be useful if an induction programme for all Members of the Council was devised in order to address the complex nature of the subject combined with the fact that the majority of Members had little experience in this field.

RESOLVED

1. That Cheshire East Council be recommended to approve the creation of a Children's Trust Implementation Board with a mandate to consider the issues raised in the report and its appendices and take forward the future Children's Trust arrangements.

2. That the Executive be recommended to delegate authority on behalf of Cheshire East to the Lead Member for Children and the Strategic Director - People to ensure that the Trust is set up in a timely fashion in order to be sufficiently operational for 1 April 2009.

3. That final decisions in relation to the Governance Documents for the Trust, would, as with the (statutory) Children Plan and the LSP/LAA, be subject to the consideration and advice by the Cabinet and the final decisions of Council and partners.

35 AREA BASED GRANT

Consideration was given to a report updating Panel Members on the implications of the Area Base Grant and any potential budgetary consequences.

Concern was expressed that funding for Cheshire East was considerably lower than that of Cheshire West and Chester.

The Panel were advised that the formula used to calculate how much funding would be awarded to each of the Authorities included the severity of deprivation that a particular Local Authority was faced with.

RESOLVED

That the implications of the Area Base Grant and any potential budgetary consequences be noted.

36 COMMISSIONING STRATEGY - ADVOCACY

Consideration was given to a report highlighting to Panel Members the range of provision in East Cheshire and to propose, in high-level terms, the commissioning approach for the future, in partnership with the Primary Care Trust (PCT).

Members were informed that the report had already been considered by Cabinet and therefore was for information purposes only.

Reference was made to whether or not work on the disaggregation of funding for self-advocacy had been completed. In response to this Members were informed that work was ongoing with a number of Organisations.

RESOLVED

That the report be noted.

37 DEPRIVATION OF LIBERTY SAFEGUARDS

Consideration was given to a report informing Panel Members of a new statutory responsibility, the Deprivation of Liberty Safeguards, which would come into force in April 2009. In addition Members were requested to consider the appropriate administrative and procedural machinery that would be required to ensure their successful implementation.

With reference to the new legislation it was queried if additional posts would be advertised or if current employees would be used from existing Cheshire County Council.

In response it was anticipated that depending on the workload existing staff could be used, however if the workload was considerably larger than expected then Officers might need to consider looking at employing external staff.

With reference to paragraph 6.2 of the report Members queried how the Council ensured there was a sufficient number of Doctors available to undertake the assessments. The Panel was informed that the primary Care Trust charged the

Council for hiring out Section 12 Doctors trained specifically under the Mental Health Act. Availability of Doctors was not considered to be a serious issue as long as contractual arrangements could be resolved.

RESOLVED

That Cabinet be recommended to approve the appropriate mechanisms for the receipt and scrutiny of assessments for the Deprivation of Liberty Safeguards with the Primary Care Trust as outlined in the report.

38 LEASING CONTRACTS FOR SCHOOLS

Consideration was given to a report informing Panel Members of the change in process for schools taking out leasing agreements.

RESOLVED

That Cabinet be recommended to approve the proposed new procedures in order to enable schools to benefit from the Office of Government Commerce (OCG) contracts.

39 WORK PROGRAMME

The Strategic Director Designate (People) advised Members that the following items would need to be considered in the future:-

- (i) Transition for disabled people.
- (ii) Proposals for undertaking a comprehensive review of Sensory and Impairment Services.
- (iii) Requirement to establish the Independent Safeguarding Authority and to ensure anyone who has contact with vulnerable people had been vetted.
- (iv) Proposals in securing Lifelong Learning Services.

It was agreed that the Strategic Director Designate (People) would produce a list of items for the Panel to consider at the next meeting.

RESOLVED

That a list of items to be included on the work programme be considered at the next meeting of the Panel.

40 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

That under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 & 2 of Part 1 of Schedule 12(A) of the Act.

41 PEOPLE DIRECTORATE STRUCTURE - UPDATE REPORT

Consideration was given to a report updating the Advisory Panel Members on the progress of work to implement a structure for the People Directorate of Cheshire East Council.

Disappointment was expressed that three Managers working in the Children's Services Department at Cheshire County Council had obtained new posts outside of Cheshire.

RESOLVED

That the progress made on implementing the structure be noted.

The meeting commenced at 2.00 pm and concluded at 3.40 pm

Councillor R Westwood (Chairman)

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Staffing Committee**
held on Wednesday, 10th December, 2008 at Fred Flint Room, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor W Fitzgerald (Chairman)
Councillor R Domleo (Vice-Chairman)

Councillors A Arnold, Mrs D Flude, F Keegan and B Moran

31 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor D Topping.

32 DECLARATIONS OF INTEREST

All members of the Committee declared a personal interest in respect of the item on Appointment of Strategic Director Places in that they knew one of the candidates concerned.

33 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

34 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED - that the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

35 APPOINTMENT OF STRATEGIC DIRECTOR PLACES

The Committee considered the various applications and the initial assessment by the approved consultants.

RESOLVED - to interview a short list of five candidates for this post.

The meeting commenced at 2.00 pm and concluded at 3.30 pm

Councillor W Fitzgerald (Chairman)

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Staffing Committee**
held on Thursday, 11 December, 2008 at Fred Flint Room, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor W Fitzgerald (Chairman)
Councillor R Domleo (Vice-Chairman)

Councillors A Arnold, Mrs D Flude, F Keegan, B Moran and D Topping

36 APOLOGIES FOR ABSENCE

There were no apologies for absence.

37 DECLARATIONS OF INTEREST

There were no declarations of interest.

38 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

39 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED - that the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 3 and 4 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

40 APPOINTMENT OF HEAD OF HUMAN RESOURCES AND ORGANISATION

Members interviewed five short listed candidates.

RESOLVED - to appoint Paul Bradshaw as Head of Human Resources and Organisation.

The meeting commenced at 9.00 am and concluded at 3.45 pm

Councillor W Fitzgerald (Chairman)

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Advisory Panel - Performance and Capacity**
held on Thursday, 11th December, 2008 at Westfields, Middlewich Road,
Sandbach, Cheshire, CW11 1HZ

PRESENT

Councillor J Hammond (Chairman)
Councillor Mrs D Thompson (Vice-Chairman)

Councillors Mrs E Alcock, T Beard, D Brown, P Edwards, Miss S Furlong,
L Gilbert, M Hardy, H Murray, J Narraway and D Stockton

1 APOLOGIES FOR ABSENCE

Councillor P Mason.

2 DECLARATIONS OF INTEREST

A number of Councillors who were existing County Councillors, Borough Councillors and Town and Parish Councillors declared a personal interest in the business of the meeting en bloc.

3 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present, wishing to address the Panel.

4 MINUTES OF PREVIOUS MEETING**RESOLVED**

That the minutes be approved as a correct record.

5 BUDGET UPDATE REPORT

Consideration was given to a report providing the Panel with an update in respect of progress in relation to the Budget. It was noted that the final paragraph commencing with the words "The current financial scenario identifies a possible funding gap ..." should not have been included within the report and should be deleted.

It was reported that the high level financial planning process had been reported to the Cheshire East Cabinet on 16 June 2008 and set out a number of stages of the budget setting process for 2009-10; Stage 1 (April to June 2008), 2008-9 baseline; Stage 2 (June to September), high level planning; Stage 3 (October to December), refinement and adjustment of options; Stage 4 (January to February) finalisation of the 2009-10 budget.

In considering the report Members of the Panel raised the following issues:

- (i) With reference to Stage 3, it was noted that Cheshire East Cabinet had set a target of £35M savings, which would include income generation for the three year planning period. It was queried what areas the Council would be considering. Some examples were given, including the examination of assets and also consideration of external funding, which had to be funding which met the Council's priorities.
- (ii) It was queried how the inflation rate used had been assessed. It was reported that the original scenario had gauged inflation at 2.5%, however, the position had changed over the last few months and it was proposed to revisit the inflationary factors and to revise the figures accordingly. This issue had been discussed at a recent Budget Cabinet Away Day and it would be necessary to strike a balance between the assumptions made and the provision of services.
- (iii) It was queried how the proportions were distributed between Cheshire West and Chester and the Cheshire East Authorities in respect of the assets owned by the County Council. It was noted that the split was mainly geographic, but where there was shared property ownership with regard to delivery, consideration would be given on a case by case basis.
- (iv) With regard to the County Council's investment in the Icelandic Bank, it was queried what proportion would be inherited by the Cheshire East Authority. It was noted that the current position looked more positive in respect of this matter, but both new Authorities would have to consider the future risk in terms of the repayment of the investments.
- (v) Clarification was sought as to the amount of reserves to come from each Authority. A brief summary was provided and more detailed figures would be circulated to the Panel. It was noted that the position in respect of reserves was being reviewed on a quarterly basis by the Cheshire East Cabinet. The Medium Term Financial Strategy would be reported to the Cabinet at its meeting to take place in the following week and would include details of the reserves position.
- (v) With reference to Stage 4, it was queried where the key dependencies in respect of service design principles and shared services originated from. It was noted that these had been put forward by the various Workstreams.
- (vi) With regard to the setting of the Council Tax for 2009/10, it was queried whether inflation would be included. It was noted that there would be a neutral position in each area, but this would not be agreed until the budget setting in February.
- (vii) Members were concerned that there should not be a funding gap, which would lead to a cut in services. It was noted that this was a prime opportunity to bring the four Authorities together and to make economies of scale.
- (viii) It was queried whether there would be a Capital Programme for Cheshire East and how this would be set. It was noted that the Medium Term Financial Strategy report would define the Capital Programme. The Capital Programme was currently being reviewed in consultation with Cabinet Members to assess whether it met the priorities of the Cheshire East

Programme and reprioritisation was taking place where necessary. Consideration was also being given to any new commitments required.

- (ix) Members expressed concern that the existing Authorities had made commitments to local residents and it was considered that these should be met.
- (x) With regard to Council Tax rates, it was noted that a commitment had been made in the bid to equal the lowest of all the constituent Councils, which was Crewe & Nantwich and it was queried what allowances had been made for inflation. It was reported that the Council Tax proposal would come forward as a package, in terms of the three District areas, however, it was not possible to provide specific information at this stage. The main focus would be to come within inflation and well within capping limits. This would be part of the budget setting process, which would be considered in February.
- (xi) The position in respect of double taxation was queried. It was noted that the position in respect of double taxation would be recognised for each of the Authorities and if not resolved within the existing Authorities, would be resolved by the new Cheshire East Authority.
- (xii) It was queried whether Ward budgets would be an option. This would also be considered and recognised.
- (xiii) The Performance and Capacity Portfolio Holder stated that the intention was not to include any inflation increase and to achieve a balanced budget in the current year, and to enhance some services. However, some services may disappear or be provided in another way, and consideration was given to combining roles and achieving economies of scale. All four of the existing Councils had worked closely together in respect of the transitional costs to ensure that they were not higher than expected.

6 SHARED BACK OFFICE - UPDATE REPORT

Consideration was given to a report updating the Panel in respect of the shared back office service. It was reported that the Cheshire East Cabinet, at its meeting on 7 October, had approved in principle, a shared service with Cheshire West and Chester for transactional finance, procure to pay, transactional HR and ICT services (except strategic function).

In considering the report Members of the Panel raised the following issues:

- (i) It was noted that concern had been expressed at meetings of the ICT Working Group that it was envisaged that Cheshire West and Chester would have ultimate responsibility for the shared back office service. It was stressed that there would be joint Governance and that the service would be a true partnership, however, there had to be an accountable body.
- (ii) It was considered that the shared back office should be staffed from across the County. It was noted that there were a number of services which would need to operate after 1 April and were not situated in Chester. It would be necessary to retain and motivate existing staff to run these services.

Concern had been expressed that the shared back office would be led by Chester West and Cheshire and it was felt that it should be stressed that the existing District Council staff should be safeguarded.

- (iii) It was queried in the event that the Cheshire East Authority wished to carry out additional services to provide income generation, would there be an opportunity for this. It was noted that this would be possible.
- (iv) Reference was made to the Oracle IT system. It was noted that there were several other systems being used in the existing Authorities and it was queried what would happen to them. It was noted that it had been agreed that the Oracle system would underpin the Finance and Payroll systems, however, at some point existing systems would need to be aggregated.
- (v) It was felt that the report appeared to suggest that IT hardware would primarily be based in Chester. It was noted that this would depend on the system and would develop over time, to ensure that the correct equipment was available at the right time and it would be necessary to carry out a detailed modelling exercise in respect of this.

7 REPORT ON THE PROPOSED LOCAL AREA PARTNERSHIPS INCLUDING BOUNDARIES AS TAKEN TO THE STAKEHOLDER CONFERENCE

Consideration was given to a report updating the Panel on the development of Local Area Partnerships, as developed through a Multi Agency Officer Group and internal Member Working Group and also relating to the next steps.

It was noted that the Cheshire East Council needed to put in place arrangements to demonstrate how it would meet the People and Places bid commitments and ensure that there were mechanisms in place to enable the Cheshire East Council to respond to the needs and priorities expressed by local communities. It was, therefore, important for the Panel to understand the broader context for this area of work and current developments.

It was reported that, in an attempt to move the thinking forward, a Multi Agency Officer Group and Cross Party Member Working Group had been formed to ensure early “buy in” of both Members and partners to any new approaches to local working. To date, these groups had formulated an outline model or framework for how partnership working at strategic, tactical and operational level would fit together; developed a series of principles to underpin area and neighbourhood working and drafted outline terms of reference for the Local Area Partnerships, based on the original People and Places concept of Area Programme Boards. These documents were appended to the report. The groups had also considered suitable boundaries for the Local Area Partnerships, based upon three potential building blocks - ward boundaries, parish council boundaries and super output areas.

The work completed to date had been presented to a Key Stakeholder Event on 27 November. Further discussion and development of the proposals would continue during December and January, through a Member Stakeholder event to take place on 16 December and local Town and Parish Council events on 20, 27

and 28 January and a Second Partner event, targeting current LSP partners, also during January.

In considering the report, Members of the Panel raised the following issues:

- (i) It was noted that, within the Crewe area, there were a number of successful Neighbourhood Forums and that these worked well. It was suggested that the Neighbourhood Forums could be expanded. The Performance and Capacity Portfolio Holder stated that there was no intention to stop current neighbourhood working, but attempts were being made to put a structure in place to lead local issues. It was felt that the Neighbourhood Forums were management/service delivery units and how they were managed within individual Districts would depend on the area concerned, however, it would be necessary to monitor how services were delivered.
- (ii) Concern was expressed in respect of the boundaries for the Local Area Partnerships in that Disley and Adlington had been placed together. It was noted that the lines on the boundary map would be subject to further debate. It was considered that the boundaries should be worked around the Town and Parish Council boundaries, in order to provide democratic accountability. It was also noted that there might be different boundaries for community and service delivery. It was noted that the Cheshire East Council would be considering a report in respect of the proposed Local Area Partnerships, including boundaries, at its meeting in February. It was considered that the boundaries should be agreed in advance of the Council meeting. Reference was also made to the Police boundaries and it was noted that the Police would be prepared to move their boundaries, subject to there being a maximum of six.

8 TASK GROUPS

Consideration was given to a report, updating the Panel on progress made in relation to each of the seven Task Groups, which were established by the Panel.

Parish/Town Council's

With regard to the Task Group relating to Parish/Town Councils, it was noted that a Cross Party Member Working Group had been established, during the summer, to steer and support activity developed through the Partnership's Workstream (the Area and Neighbourhood Task Group). It was suggested that it might be appropriate to include Parish and Town Councils within the remit of this Task Group, rather than establishing a separate Task Group. It was agreed that the Area and Neighbourhood Task Group should continue as a stand alone Advisory Panel in its own right and that Parish and Town Councils be included within its Terms of Reference.

Branding

A separate report was submitted to the Panel in respect of progress made in respect of brand implementation. The Panel was requested to note the implementation priority listing set out in Appendix 1 of the report, as recommended by the Members Logo Task Group, subject to budgetary approval and confirmation from contractors regarding feasibility. The Panel was also requested to ensure support and ownership from complementary Workstreams

such as web, customer access, procurement, facilities and the operational services to implement the brand effectively and consistently.

A sample of a proposed Member poster was circulated to the Panel and Members were requested to consider whether this should include reference to the political party of the Member. It was agreed that this information should not be included.

With reference to the implementation priority listing, set out in Appendix 1 of the report, it was noted that some of these areas would be dealt with by Town and Parish Councils and that this needed to be taken into account.

In considering the brand implementation update Members raised a number of issues. Concern was expressed that a number of new bus shelters had been erected, which included the Cheshire County Council logo. It queried whether there would be an opportunity of providing some of the branding work to local suppliers and it was noted that a national tendering process was in place and efforts were in place to make sure local suppliers could be used, subject to economies of scale. To date, approximately 80 responses had been received and a number of these were local suppliers.

Finance

With regard to the Finance Task Group, it was suggested that it might be appropriate to include the budget setting within the remit of the Corporate Development Task Group, due to its link with the Corporate Plan.

Corporate Development

With regard to the Corporate Development Task Group, it was noted that a process was currently taking place to merge all the existing Corporate Strategies and it was agreed that the Task Group should consider the Corporate Plan at its next meeting, with a link to the Medium Term Financial Strategy, the date of the meeting to be agreed. It was also agreed that Councillors M Hardy and J Narraway should be added to the membership of the Task Group. It was also suggested that consideration be given to forming a sub-group to consider all corporate documents as they emerge.

Future Policy Development

Discussion took place in respect of the future arrangements for Policy Development, after 1 April and when the Task Groups ceased to exist. It was noted that the existing Authorities dealt with policy development in various ways and it was considered that policy development should continue to take place within the new Authority and should either be included within the remit of the Scrutiny Committee or that separate Policy Development Committees should be established.

RESOLVED

- 1 That the Task Groups relating to ICT, Customer Access, Branding, Finance and Corporate Development should continue in their current form.

- 2 That the Area and Neighbourhood Task Group should continue as a “stand alone” Advisory Panel and that Parish and Town Councils be included within its Terms of Reference.
- 3 That the Corporate Development Task Group give consideration to the Corporate Plan at its next meeting, together with the Medium Term Financial Strategy, the date to be agreed; that Councillors M Hardy and J Narraway be added to the Task Group membership; and that consideration be given to forming a sub-group to consider all corporate documents as they emerge.
- 4 That the Panel recommends that policy development should continue in the new Cheshire East Authority, after 1 April and that this should either fall within the remit of the Scrutiny Committee or that separate policy development committees should be established.

9 UPDATE ON PARTNERSHIP WORKING

Consideration was given to a report, updating the Advisory Panel on the activities of the Partnership Workstream, specifically the development of the Cheshire East Sustainable Community Strategy, the Cheshire East Local Area Agreement and the Cheshire East Local Strategic Partnership, as developed through a Multi Agency Officer Group and internal Member Working Group and also the next steps. Appendix A of the report illustrated how these three core areas of work fitted together as part of the overall new performance framework for local authorities and their partners.

RESOLVED

That the report be received and noted.

10 UPDATE ON PERFORMANCE AND CAPACITY STRUCTURE

It was reported that of the four Heads of Service within Performance and Capacity, Lisa Quinn had been appointed as the Borough Treasurer and Head of Assets and Christopher Chapman had been appointed as Borough Solicitor and Monitoring Officer. The appointment of the Head of Human Resources was being considered at the Staffing Committee taking place on the day of the Advisory Panel meeting and the post of Head of Policy and Performance would be considered at the Staffing Committee to take place on the following Friday. 14 third tier posts had now been advertised across all the four existing Authorities, with a closing date of 19 December.

11 DATE OF NEXT MEETING

The next meeting would take place on 21 January 2009 at 2pm at the Municipal Buildings, Crewe.

The meeting commenced at 2.00 pm and concluded at 4.20 pm

Councillor J Hammond (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Staffing Committee**
held on Monday, 15th December, 2008 at Fred Flint Room, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor W Fitzgerald (Chairman)
Councillor R Domleo (Vice-Chairman)

Councillors A Arnold, Mrs D Flude, F Keegan, B Moran and D Topping

41 APOLOGIES FOR ABSENCE

There were no apologies for absence.

42 DECLARATIONS OF INTEREST

All members of the Committee declared a personal interest in respect of the item on Appointment of Strategic Director Places in that they knew one of the candidates concerned.

43 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

44 MINUTES OF PREVIOUS MEETINGS

The Minutes of the meetings held as follows were approved as a correct record:-

27 November 2008
2 December 2008
8 December 2008
10 December 2008
11 December 2008

45 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED - that the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 3 and 4 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

46 APPOINTMENT OF STRATEGIC DIRECTOR PLACES

Members interviewed three short listed candidates.

RESOLVED - to appoint John Nicholson as Strategic Director Places.

47 APPOINTMENT OF HEAD OF POLICY AND PERFORMANCE

The Committee considered the various applications and the initial assessment by the approved consultants.

RESOLVED - to interview a short list of five candidates for this post.

The meeting commenced at 9.00 am and concluded at 3.00 pm

Councillor W Fitzgerald (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Scrutiny Committee**
held on Monday, 15th December, 2008 at Committee Suite 1 & 2, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor A Thwaite (Chairman)
Councillor A Richardson (Vice-Chairman)

Councillors G Baxendale, S Conquest, M Davies, Ms O Hunter, R Menlove
and Mrs L Smetham

26 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A Barratt and S Broadhurst.

27 DECLARATIONS OF INTEREST

Councillor G Baxendale gave a general declaration of personal interest by virtue of being a Member of Congleton Borough Council and Congleton Town Council. Councillor R Menlove gave a general declaration of personal interest by virtue of being a Member of Macclesfield Borough Council. Councillor A Thwaite gave a general declaration of personal interest by virtue of being a Member of Congleton Borough Council and Congleton Town Council. In accordance with the Code of Conduct they remained in the meeting during consideration of the relevant items.

28 PUBLIC SPEAKING TIME/OPEN SESSION

There were no questions from members of the public.

29 MINUTES OF PREVIOUS MEETING HELD ON 10 OCTOBER 2008**RESOLVED**

The Minutes of the meeting held on 10 October 2008 were approved as a correct record subject to the second paragraph of Minute 21 (Health and Adult Social Care Scrutiny Committee) being amended to refer to People Advisory Group instead of Places.

30 ACTION TAKEN BY THE CHAIRMAN

The Chairman reported that he had taken the following action since the last meeting:

1. Decision taken under Urgency Procedure Rules - Free Swimming Programme

To approve acceptance of the Government's Free Swimming Programme offers of funding for the 16 and under age category, and capital improvements, so that a formal response of this decision can be made to the Department for Culture and Media and Sport by 24 October 2008. A report to explore how the programme would be taken forward would be submitted to Cabinet.

The reason for urgency was that on 10 September 2008 Cabinet confirmed its intention that Cheshire East participate in the Government's Free Swimming Programme for persons aged 60 and over, from 1 April 2009 and a response was sent to the Department for Culture Media and Sport to that effect, by the 15 September deadline. Cabinet approved an expression of interest on a further element of the scheme to provide free swimming for 16s and under, and funding for swimming pool modernisation. The deadline for response was 24 October.

2. Decision taken under Urgency Procedure Rules – Director of Places

Following the decision of the selected candidate for the post of Director for Places not to take up the offer of employment, and the decision of the Staffing Committee on 20 October 2008, the need arose to source an interim Director to fulfill the duties of the post on a temporary basis pending permanent recruitment to the post.

The reason for urgency was that due to the specialist nature of the role, the volume of work being undertaken by the emerging shadow Council and the need to ensure a smooth transition at this critical time in the Council's development, and the time which it would take to recruit a permanent candidate to the post using external advertisement. The following action was proposed:

1. To adopt for the purposes of this decision the rules of procurement contained within the Finance Procedure Rules of Cheshire County Council, in particular Section 5.
2. To waive the Finance Procedure Rules, under Rule 5.30 thereof, on the basis that circumstances have arisen which in the opinion of both the Interim Chief Finance Officer and Interim Monitoring Officer (being the equivalent officers within Cheshire East Council of the County Finance Officer and County Solicitor), warrant an exception to the requirements for competition, to include when an emergency requires an immediate contract (which should in any event be procured from an approved list of suppliers where available), noting that there is no such "list of approved suppliers" in this case.
3. To seek the services of an Interim Director for Places from Gatenby Sanderson, with whom the Council already has a working relationship on other procurement matters, and since verbal enquiries with two other leading suppliers of the same kind of

services have established that similar costs would be incurred whichever supplier was utilised.

3. Decision taken under Urgency Procedure Rules – Shared Services

Following consideration by Cheshire East of the possibility of certain services being shared services for both Cheshire East and Cheshire West and Chester Councils, and the commissioning by Cheshire County Council, on behalf of both shadow Councils, of a report and advice on the subject by Deloitte, the need arose to continue to procure further suitably experienced advice and resources in this field to assist Cheshire East Council to further consider and establish more firmly its own position in relation to shared services. Specifically, advice upon a proposed statement of requirements, the proposed Governance Model and preparation of a Negotiation Strategy was required.

The reason for urgency was that advice to Cheshire East on shared services has, to date, been supplied by Deloitte, who were commissioned to do initial work on behalf of both shadow authorities. The representative of Deloitte carrying out this work has been John Newton. Mr Newton has very recently left the employment of Deloitte and now works through New Networks Limited. Given the degree of expertise Mr Newton has in this field and particularly his input thus far into advice to Cheshire East, and the need for urgent decisions on which if any services should be shared, Cheshire East needs procure its own advice at this point in the exercise. The difficulty in finding another supplier of advice who would be able to provide the necessary continuity following the work done so far so far, leads to the urgency in obtaining this further advice through New Networks Limited as soon as possible. The following action was proposed:

1. To adopt for the purposes of this decision the rules of procurement contained within the Finance Procedure Rules of Cheshire County Council, in particular Section 5.
2. To waive the Finance Procedure Rules, under Rule 5.30 thereof, on the basis that the services to be procured are services of a specialist nature which in the opinion of the Chief Executive, Interim Chief Finance Officer and Interim Monitoring Officer (in the absence of the “appropriate County Manager and the Head of Corporate Procurement Unit”) can only be supplied by one contractor, and that no reasonably satisfactory alternative is available.
3. To procure further suitably experienced advice and resources upon shared services, specifically, advice upon a proposed statement of requirements, the proposed Governance Model and preparation of a Negotiation Strategy, from John Newton of New Networks Limited, to assist Cheshire East Council to further consider and establish more firmly its position in relation to shared services.

4. Decision taken under Urgency Procedure Rules – Interim Head of Children and Family Services

A single application was received for the post of Head of Children and Family Services when it was advertised internally. On 11th November, 2008 the Strategic Director (People) decided that the post should be

advertised nationally, in pursuit of candidates of the calibre likely to be needed to fulfil these duties effectively. The closing date for applications elicited by that national advertisement was 12 December, 2008. Managers operating at the level of this post would be on three month's notice. It cannot therefore be expected that a person appointed as a result of this phase of recruitment would be in post before 31 March, 2009. Consequently, the need arose to source an interim Head of Children and Family Services to fulfil the duties of the post on a temporary basis pending permanent recruitment to the post.

The reason for urgency was that due to the specialist nature of the role, the volume of work being undertaken by the emerging shadow Council and the need to ensure a smooth transition at this critical time in the Council's development, and the time which would be taken to recruit a permanent candidate to the post using external advertisement. The following action was proposed:

1. To adopt for the purposes of this decision the rules of procurement contained within the Finance Procedure Rules of Cheshire County Council, in particular Section 5.
2. To waive the Finance Procedure Rules, under Rule 5.30 thereof, on the basis that circumstances have arisen which in the opinion of both the Interim Chief Finance Officer and Interim Monitoring Officer (being the equivalent officers within Cheshire East Council of the County Finance Officer and County Solicitor), warrant an exception to the requirements for competition, to include when an emergency requires an immediate contract (which should in any event be procured from an approved list of suppliers where available), noting that there is no such "list of approved suppliers" in this case.
3. To seek the services of an Interim Head of Children's Services from Gatenby Sanderson, SOLACE or Russam GMS all of whom are leading suppliers the market of supply of senior staff in the area of Children's Services, with the candidate to be selected by the Staffing Committee.

5. Decision taken under Urgency Procedure Rules – Electoral Appointee

To delegate to the Interim Monitoring Officer the ability to make an urgent decision to appoint an "electoral appointee" by 30 November 2008, as required by Regulation 9 of the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008.

The reason for urgency was that the statutory instrument enacting this obligation was made on 5 November and came into force on 28 November, with the appointment required by not later than 30 November. There was no full Council, which would otherwise have made the decision, available until 9 December. Although the Chief Executive was already designated as Returning Officer, there were additional electoral responsibilities contained within the role of "electoral appointee" and therefore a designation to this role needed to be made. The Chief

Executive is the only current officer of the Council to whom it is appropriate to designate this role. Since the Chief Executive is also the only officer currently having power to make urgent decisions, it is proper for the appointment decision to be made by a different officer of the Council, and the Interim Monitoring Officer is the most suitable to make that decision.

6. Response to Department of Communities and Local Government Consultations

The Chairman reported that as agreed at the last meeting of the Committee (Minute 23 refers) a response had been formulated to the Improving Local Accountability Consultation Paper. He informed the Committee that the response set out the intention to establish a separate Committee to deal with Health and Adult Social Care Scrutiny, the potential impact of the proposals in the Consultation Paper on resources and the need for resources to be made available for dedicated trained officers to support the work on the Scrutiny Committees. In addition the Chairman reported that he would be discussing the matter of resources further with the Chief Executive and the Leader of the Council.

RESOLVED – that

1. the action taken by the Chairman in respect of the matters set out above be noted;
2. that a copy of the Chairman's' response to the Department of Communities and Local Government Consultations be circulated to the Committee for information.

31 FORMAL ESTABLISHMENT OF SCRUTINY PANELS

Consideration was given to the report of the Governance Lead Officer on the establishment of three Standing Scrutiny Panels in respect of People, Places and Performance Monitoring.

The Chairman reported that as part of an early training process for the Panels and for the Committee it was proposed that the Committee should carry out a scoping exercise on 'The Review of Facilities for Young People as a scrutiny review on this subject had already been carried out by Congleton Borough Council, the necessary base information was readily available and officer support and guidance could be provided by Congleton Borough Council.

RESOLVED –

1. that approval be given to the establishment of Standing Scrutiny Panels for People, Places and Performance Monitoring, with the membership as follows:
People Scrutiny Panel
Councillors G Baxendale, (Leader of the Panel), S Conquest, S Furlong and O Hunter.

Places Scrutiny Panel

Councillors R Menlove (Leader of the Panel), A Barratt, B Howell and J Wray.

Performance Monitoring Scrutiny Panel

Councillors P Edwards (Leader of the Panel, S Broadhurst, M Davies and L Smetham

2. that it be noted that the Chairman and the Vice Chairman will be ex officio members of each Panel, and receive copies of all related information and correspondence.
3. that the Committee meet informally to scope the training exercise.

32 COUNTY COUNCIL SCHEDULE OF SCRUTINY REVIEWS

Consideration was given to the schedule of scrutiny reviews that had been carried out by Cheshire County Council. These had been forwarded in accordance with the Notice of Motion adopted by the County Council at its meeting on 16 October 2008 "That the County Council will ensure that medium and long term actions arising from reviews undertaken by its Scrutiny Panels and Committees are properly processed and passed on to the new Authorities in both East and West."

In considering the most appropriate way of assessing this information it was requested that the major Scrutiny Reviews undertaken by Macclesfield, Congleton and Crewe & Nantwich Borough Councils be compiled into a similar schedule, to include the terms of reference, recommendations and actions of the scrutiny reviews. It was requested that this information be submitted to the next meeting of the Committee with a view to it being considered in detail by the Performance and Monitoring Scrutiny Panel.

RESOLVED – that the schedule be noted and further expanded to include information on major scrutiny reviews undertaken by Macclesfield, Congleton and Crewe & Nantwich Borough Councils, for consideration at the next meeting of the Committee.

33 SCRUTINY PROCEDURE RULES

Consideration was given to the report of the Interim Monitoring Officer on draft Rules of Procedure for scrutiny to be submitted to the Governance Committee.

RESOLVED – that the draft Scrutiny Rules of Procedure be noted and that no comments be made to the Governance Committee.

34 WORK PROGRAMME

Consideration was given to the Committee's Work Programme in connection with which a copy of the Cheshire East Forward Plan was circulated to the Committee for information.

With reference to the suggestion earlier in the meeting that a scoping exercise be carried out (minute 31 refers) the Committee received further information on the Review of Facilities for Young People, and an outline of the scoping process. It was proposed that the pilot review be completed in time for consideration at the meeting of the Committee on 19 March 2009.

RESOLVED –

- that the scoping of the Review of Facilities for Young People be carried out at an informal meeting of the Committee prior to the next meeting of the Committee.
- that the Work Programme be considered as a regular item on the agenda for every Committee.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Advisory Panel - Places**
held on Tuesday, 16th December, 2008 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1DX

PRESENT

Councillor G M Walton (Chairman)
Councillor Mrs E Gilliland (Vice-Chairman)

Councillors D Bebbington, H Davenport, D Hough, J Macrae, B Moran,
D Neilson, B Silvester and R West

Apologies

Councillors D Brickhill, A Moran, C Thorley and Mrs J Weatherill

11 APOLOGIES FOR ABSENCE**12 DECLARATIONS OF INTEREST**

A number of Councillors who were existing County Councillors, Borough Councillors and Town and Parish Councillors declared a personal interest in the business of the meeting en bloc.

Councillor R West declared a personal interest in the item relating to Cheshire Home Choice Common Allocations Policy, by virtue of the fact that he was a Director of the Cheshire Peaks & Plains Housing Trust.

13 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present who wished to address the Panel.

14 MINUTES OF PREVIOUS MEETING**RESOLVED**

That the minutes be approved as a correct record subject to an addition to Minute 2 to state that Councillor Barry Moran was the Portfolio Holder for Planning and Economic Development for Congleton Borough Council.

15 TASK GROUP UPDATES

Consideration was given to reports updating the Panel in respect of the work carried out by the Task Groups for Car Parking, Waste Collection, Strategic Development and Local Development Framework. Before consideration of the reports, the Chairman stated that he would like to make it clear that the Task

Group reports were a preliminary review and any statements and options discussed did not relate to any policy decisions made to date.

In considering the report relating to the update on Civil Parking Enforcement and proposals for Pay and Display Charging in Cheshire East, Members expressed concern that the report did not include an options appraisal and did not state how the decisions had been arrived at. Reference was made to paragraph 3.3 of the report and it was noted that the proposed charges related to all car parks within the new Cheshire East Authority area. It was suggested that paragraph 3.3 of the report should be incorporated into the objectives and that the charges should be cost neutral. It was reported that work in relation to the various options had taken place and officers undertook to examine whether the work carried out had been appropriate and would bring a report back to the Panel.

With reference to paragraph 1.1 of the report, the Portfolio Holder sought clarification in respect of civil parking enforcement and stated that it had already been agreed that the new Cheshire East Authority would be adopting the Civil Enforcement powers. It was reported that Cheshire County Council legal advice had been in line with this, however confirmation was awaited. Officers had been in liaison with CLG in respect of the transitional arrangement regulations, which had been through Parliament and would allow parts of the Cheshire East Authority area to be subject to civil parking enforcement. The Prosperity Portfolio Holder reported that notwithstanding some capacity issues and the fact that Congleton Borough On Street Enforcement remained the responsibility of the police, he considered that steps needed to be taken to ensure that there was continuity in respect of civil enforcement in the areas of the Cheshire East Authority. He had been in discussions with the Transport Director at the Government Office and was producing a paper for her with a view to progressing this matter.

RESOLVED

That officers examine the work which has already taken place in respect of the current position with regard to car parking and any options appraisals which had taken place to establish whether this work had been appropriate and a report in respect of this be submitted to a future meeting.

Waste Collection

It was noted that the report relating to Aligning the Green Waste Collection Services in Cheshire East, set out at item 7 of the agenda, superseded the update report attached at item 5 and consideration was given to this report.

It was noted that kerbside collection of green waste was currently free, at point of delivery, to residents of Congleton and Macclesfield Boroughs, whereas there was a charge levied to those residents who used the service in Crewe. The paper discussed the options available to the Cheshire East Council with regard to the lack of standardisation and set out a number of recommendations to the Advisory Panel. The Panel needed to consider whether it accepted the recommendations, which would then be reported to the Cheshire East Management Team and the Cheshire East Cabinet.

RESOLVED

That the following recommendations be submitted to the Cheshire East Management Team and then the Cheshire East Cabinet:

- 1 That a free of charge green waste kerbside collection service is rolled out to the residents of the former Crewe & Nantwich Borough Council area as soon as practicable following 1 April 2009.
- 2 That no initial bin purchase charge should be levied to recipients of the new bins.
- 3 That (subject to approval by the existing waste collection authorities) preparations should be made prior to April 2009 to procure the required equipment to roll out a free of charge green waste in Crewe utilising the existing 2008/09 Waste Implementation Capital Grant.
- 4 That should the Waste Implementation Capital Grant Funding for 2008/09 be unavailable or insufficient to support this initiative, the new Cheshire East Authority should approve additional funding (following an additional report) to procure bins.

Strategic Development

Consideration was given to a paper, which set out the matters arising from the Strategic Development Task Group on 3 December 2008. It was noted that the South Cheshire Sub Regional Study had been completed by ARUP, having been commissioned by Cheshire County Council on behalf of 4NW and Members of the Task Group and Places Advisory Panel would receive a hard copy when available. The Strategic Housing Market Assessments had been completed in Macclesfield and commenced in Congleton and Crewe & Nantwich, and a paper on the findings of the SHMAs would be submitted to the Places Advisory Panel, once completed. Progress in respect of the Subregional Economic Development Partnership would be reported to the Task Group and subsequently the Advisory Panel. The next meeting of the Task Group would take place on 11 February 2009.

Local Development Framework

Consideration was given to a report informing the Panel of the progress being made by the Local Development Framework Task Group and requesting the Panel to note the report and to agree the need for an urgent Project Plan for the LDF work, and to support the proposed Joint Working with Cheshire West and Cheshire Councils on minerals and waste policy making, and this was agreed.

Safer Communities

It was noted that the scheduled meeting of the Safer Communities Task Group had been deferred and would now take place in January.

It was also reported that a meeting of the Development Management Task Group was scheduled to take place on the following Tuesday.

Consideration was given to a report updating the Panel on the implementation of Choice Based Lettings and seeking approval for the Cheshire Home Choice Allocations Policy to be progressed to Cabinet for adoption.

In considering the report, Members of the Panel welcomed the document. However, it was considered, that in rural areas, priority should be given to applicants who lived in the community where a particular property was situated, and that this comment should be passed to the Cabinet when considering this matter.

It was noted that if any changes were made to the policy, it would be necessary to agree them with the various partners as set out in the report.

RESOLVED

That the Common Allocations Policy be recommended to Cabinet for approval, but that clarification be sought with regard to the possibility of imposing a local connection criteria in relation to rural property and that any changes to the document be made as necessary.

17 ALIGNING GREEN WASTE COLLECTION SERVICES IN CHESHIRE EAST

Note – This item was considered under the Task Group Update reports.

18 LOCAL TRANSPORT PLAN PROGRESS REPORT 2008

The Panel received a presentation in respect of progress with regard to the Local Transport Plan. Consideration was also given to a paper which had been prepared to allow Members of the Panel to consider and comment on the Local Transport Plan progress report for 2008. It also sought views on managing issues that may need to be considered during the remainder of the Plan period. A short summary setting out details of the LTP process was attached as an appendix to the report.

It was noted that a summary of the document had been circulated with the agenda, however the full document would be circulated to Members of the Panel.

In considering the report, Members of the Panel raised the following issues:

- (i) With reference to the presentation, it was noted that it had been stated that there were no significant air quality problems in the area and this was questioned as the area was above the North West and National average for CO₂. It was reported that within the document with regard to air quality there were seven listed pollutants and CO₂ was not one of them.
- (ii) Reference was made to the pie chart within the document, which showed that approximately half of the capital expenditure for 2006-2008 had been spent on public transport, and it was queried how much of this had been spent in the Cheshire East area. It was noted that, broadly speaking, 50% had been spent in the Cheshire East area, but that more had been spent in the rural areas.

- (iii) Reference was made to the recent result of the TIF referendum and it was considered that the new Cheshire East Authority needed to ensure that there was fairness in respect of the distribution of funding and that the Association of Greater Manchester Authorities engaged with the Cheshire East Authority in respect of the receipt of national funding. It was noted that the new Cheshire East Authority would be the third largest unitary in the North West, and the advent of the new authority would provide the opportunity to apply for appropriate funding. It was also noted that currently the provision of public transport in Cheshire was complex and there would now be an opportunity to consider how to deliver Public Transport in a more efficient way.
- (iv) It was queried whether there would be a Local Transport Plan for Cheshire East and if so, when. It was noted that the current Local Transport Plan would be adopted and central Government guidance was expected shortly, which would need to be taken into account, with a view to publication of a document for Cheshire East in 2010, to commence in 2011.
- (v) Reference was made to traffic congestion in Crewe and it was considered that this was exacerbated by the fact that the traffic lights were not co-ordinated. The Portfolio Holder stated that the introduction of urban traffic control measures would benefit all areas of Cheshire East in this regard, including Crewe & Nantwich.
- (vi) With reference to LTP capital expenditure for 2006-2008, it was noted that the expenditure for cycling schemes had only been £172,000 for 2006/07 and only £1,000 for 2007/08. It was queried whether there was any way this could be enhanced. It was reported that there had been a lot of investment in the past in respect of millennium cycle routes and in addition to the expenditure set out in the document, there would be additional funding through Travel Plans. However, if it was considered that cycling was a priority, the expenditure levels could be raised.
- (vii) It was queried whether funding would be made available for pedestrian crossings. It was noted that some were provided through Local Safety Schemes. However, the new Authority may wish to raise this as a priority in the future.

RESOLVED

That the above comments be noted.

19 GAMBLING ACT 2005 STATEMENT OF PRINCIPLES

Consideration was given to a report requesting the Panel to consider the draft Gambling Act 2005 Statement of Principles and to make any comments prior to submission to Cabinet.

With reference to the Table of Delegation of Licensing Functions, it was noted that fee setting would be a function of the full Licensing Committee and not officers as set out in the document.

RESOLVED

That the Gambling 2005 Statement of Principles be recommended to Cabinet for approval.

(Councillor D Neilson requested that it be recorded that he abstained from voting.)

20 LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY

Consideration was given to a report requesting the Panel to consider the draft Licensing Act 2003 Statement of Licensing Policy and to make any comments prior to submission to Cabinet. It was noted that paragraph 12.1 of the document should state that a reviewed policy would be published no later than 7 January 2014 and not 2011 as set out in the document.

Clarification was sought in respect of *the responsible authority and children* as set out in paragraph 9.8 of the policy. It was noted that the police would carry out the initial sift of applications and would flag up if there were any concerns.

RESOLVED

That the Licensing Act 2003 Statement of Licensing Policy be recommended to Cabinet for approval.

The meeting commenced at 2.00 pm and concluded at 4.30 pm

Councillor G M Walton (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Health and Adult Social Care Scrutiny Committee** held on Tuesday, 16th December, 2008 at Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillors A Richardson, G Baxendale, Mrs S Bentley, R Fletcher, Miss S Furlong, Ms O Hunter, Mrs S Jones, A Martin, A Moran, Mrs L Smetham, A Thwaite and J Wray

Apologies

Councillors Mrs D Flude and M Hardy

1 APPOINTMENT OF CHAIRMAN

RESOLVED: That Councillor A Richardson be appointed Chairman of the Health and Adult Social Care Scrutiny Committee.

2 APPOINTMENT OF VICE CHAIRMAN

RESOLVED: That Councillor G Baxendale be appointed Vice Chairman of the Health and Adult Social Care Scrutiny Committee

3 APOLOGIES FOR ABSENCE

Apologies for Absence were received from Councillor D Flude and M Hardy.

4 DECLARATIONS OF INTEREST

RESOLVED: That the following Declarations of Interest be noted:

- (a) Councillor A Richardson – personal interest on the grounds that he was a Member of Cheshire County Council and Crewe and Nantwich Borough Council;
- (b) Councillor G Baxendale - personal interest on the grounds that he was a Member of Congleton Borough Council and Congleton Town Council;
- (c) Councillor R Fletcher – personal interest on the grounds that he was a Member of Cheshire County Council, Congleton Borough Council and Cheshire Fire Authority;
- (d) Councillor S Jones – personal interest on the grounds that she was a Member of Alsager Town Council;
- (e) Councillor A Moran – personal interest on the grounds that he was a Member of Cheshire County Council and Nantwich Town Council;
- (f) Councillor A Martin – personal interest on the grounds that he was a Member of Nantwich Town Council;
- (g) Councillor A Thwaite – personal interest on the grounds that he was a Member of Congleton Borough Council.

5 PUBLIC SPEAKING TIME/OPEN SESSION

There were no Members of the Public present who wished to address the Committee.

6 SCRUTINY OF HEALTH AND ADULT SOCIAL CARE

The Committee considered a Report of the Governance Lead Officer outlining the Committee's responsibilities in relation to Scrutiny of Health and Scrutiny of Adult Social Care.

The Report outlined the primary aims of Health Scrutiny:

- To ensure that Health Services reflect the views and aspirations of local Communities;
- To ensure that all sections of local communities have equal access to services;
- To ensure that all sections of local communities had an equal chance of a successful outcome from services.

The Committee's Terms of Reference were circulated.

The report outlined the requirement under the Health and Social Care Act 2001 (consolidated into the NHS Act 2006) that local authorities with Social Care responsibilities establish scrutiny arrangements to respond to consultations by NHS bodies about substantial variations and developments (SVDs) to Health Services. SVDs were not defined in Regulations but Overview and Scrutiny Committees (OSCs) and NHS bodies were encouraged to develop local criteria about what might be regarded as "substantial" locally.

The report explained how the status, profile and expectations placed upon Health Scrutiny had increased over recent years including an assumption by the Healthcare Commission that the OSC would contribute to the Annual Health Check Performance Assessment of Individual Trusts and also Government Guidance that Scrutiny could best "add value" by focusing on Commissioning of Services in particular joint Commissioning. This had led to the assumption that Health Scrutiny processes should embrace not only Health but also Adult Social Care Services. Under these arrangements statutory obligations were placed on the Committee to monitor performance on Adult Social Care including receiving Inspection Reports.

The report listed the Partners with whom the Committee would be likely to work including the expectation that the OSC liaise closely with the Local Involvement Network (LiNK) which was a network of local people and organisations funded by Government and supported by an Independent organisation and was set up to hold Commissioners and Providers to account.

The Committee was advised of joint working arrangements that currently existed between the County Council and Wirral MB Council to support a Joint Scrutiny Committee of the Cheshire and Wirral Partnership NHS Trust, the main scrutiny Committee had recommended that this should continue as a joint scrutiny arrangement.

The Report listed a proposed Induction Programme and suggested methods by which the Committee could manage its Work Programme. The Report outlined the current Co-option arrangements operated by the County Council's Health and Adult Social Care Scrutiny Select Committee and advised that it would need to consider whether it wanted to develop co-option arrangements.

RESOLVED: That:

- (a) the report be received and noted;
- (b) the current Terms of Reference for the Committee be noted;
- (c) the principle of holding Mid Point Meetings (between Committee meetings) be supported with the Chairman, Vice Chairman and Group Spokespersons being invited to attend;
- (d) the continuation of a Joint Scrutiny Committee with Wirral MB Council to scrutinise the work of the Cheshire and Wirral Partnership NHS Trust be supported and further information be submitted to the next meeting; and
- (e) the Induction Programme be supported and the Acute Trusts, LINK and Ambulance Service be invited to attend future Induction meetings.

7 FUTURE MEETING DATES

RESOLVED: That the next meeting be held on Tuesday 20 January at 2.00pm.

The meeting commenced at 4.00 pm and concluded at 4.40 pm

Councillor A Richardson (Chairman)

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Wednesday, 17th December, 2008 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1DX

PRESENT

Councillor W Fitzgerald (Chairman)
Councillor R Domleo (Vice-Chairman)

Councillors D Brown, F Keegan, A Knowles, J Macrae and B Silvester

In attendance:
Councillors A Arnold and Mrs D Flude.

116 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D Brickhill, J Findlow and P Mason.

117 DECLARATIONS OF INTEREST

There were no declarations of interest.

118 PUBLIC SPEAKING TIME/OPEN SESSION

There were no questions from members of the public.

119 MINUTES OF PREVIOUS MEETING

RESOLVED

The minutes of the meeting held on 2 December were approved as a correct record.

120 KEY DECISION CE07 MEDIUM TERM FINANCIAL STRATEGY

Consideration was given to the medium term financial strategy, and to the progress in the development of the Council's three year capital programme for 2009/10 to 2011/12. The purpose of the report was to demonstrate that Cheshire East Council would set a balanced budget in line with its corporate priorities, to provide a summary view ahead of the budget setting report to Cabinet in February, and to inform members of future financial pressures. The Portfolio Holder asked to placed on record the thanks of Cabinet for the many Officers who had contributed to this process.

RESOLVED

For the reasons set out in the report: -

1. That the Medium Term Financial Strategy be approved.
2. That the progress in the development of the Council's three-year Capital Programme for 2009/10 to 2011/12 detailed in Section 13 of the report be noted.
3. That the risks and mitigation measures identified in Section 15 of the report be noted.

121 CARETAKER AND NOMINATED AUTHORITIES FOR CLOSURE OF ACCOUNTS

Consideration was given to the role of the nominated authority with regard to the Cheshire County Council Closure of Accounts, and the role of a caretaker authority as defined in the Local Government (Structural Changes) (Transfer of Functions, Property, Rights and Liabilities) Regulations 2008.

RESOLVED

For the reasons set out in the report: -

1. That it be agreed that Cheshire West & Chester Council will be responsible for the Closure of Accounts for Cheshire County Council for 2008/09 and that Cheshire East Council will be responsible for the Closure of Accounts for the Districts in the Cheshire East area for 2008/09.
2. That, in accordance with Regulation 10 of the Local Government (Structural Changes) (Transfer of Functions, Property, Rights and Liabilities) Regulations 2008, Cheshire West & Chester, as the Nominated Council, shall hold on trust for itself and Cheshire East Council the reserves of Cheshire County Council up to the date agreed by the successor Councils.
3. That, in accordance with Regulation 13 of the Local Government (Structural Changes) (Transfer of Functions, Property, Rights and Liabilities) Regulations 2008, the arrangements detailed in Section 5.3 of the report be adopted with regard to the role of Caretaker Authority.
4. That, in accordance with Regulation 17 of the Local Government (Structural Changes) (Transfer of Functions, Property, Rights and Liabilities) Regulations 2008 the organisations detailed in Section 5.4 of the report are identified to arbitrate in the event that an agreement is not reached by 31 December 2008.

122 KEY DECISION CE36 STATEMENT OF LICENSING POLICY, LICENSING ACT 2003

Cabinet was requested to approve the Statement of Licensing Policy for the purposes of undertaking the statutory consultation exercise required by the Licensing Act 2003. Members were asked to note that as a result of a recent change in the regulations the latest date by which a reviewed policy needed to be published had been revised to 2014 from 2011 (paragraph 12.1 of the report refers). It was noted that the timescale to have the Policy in place for 1 April 2009, necessitated a shorter period of consultation than normally would be the case.

RESOLVED

For the reasons set out in the report: -

That the Statement of Licensing Policy be approved for consultation.

123 **KEY DECISION CE43 STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005**

Cabinet was asked to approve the Statement of Principles in its draft form for the purpose of undertaking the statutory consultation exercise required by the Gambling Act 2005. Members were asked to note that Appendix A, the table of delegation, should be amended to reflect the recent decision of Council that fee setting be delegated to the Licensing Committee. It was noted that the timescale to have the Policy in place for 1 April 2009, necessitated a shorter period of consultation than would normally be the case.

RESOLVED

For the reasons set out in the report: -

That the Statement of Principles be approved for statutory consultation.

124 **JOINT WORKING FOR MINERALS AND WASTE PLANNING POLICY**

(In accordance with Section 100B(4)(b) of the Local Government Act 1972, the Chairman agreed to allow consideration of this item as a matter of urgency so as to enable a response to be made by the deadline required by the Government Office North West.)

Consideration was given to the decisions made to date in respect of joint working for minerals and waste planning, and the implications of these for the Local Development Scheme and for future working.

RESOLVED

For the reasons set out in the report: -

1. The content of the report be noted.

2. That Cabinet confirm the decisions made so far, that joint working on minerals and waste planning policy is an appropriate way forward.
3. That Government Office for the North West be advised of suggested amendments to the Local Development Scheme in relation to the aspect of joint working on minerals and waste planning policy,
4. That Cabinet confirm that the Portfolio Holder authorise the Director (or his nominee(s)) to enter into interim arrangements under the Local Authority (Goods and Services) Act 1970 to support and enable officers to facilitate joint working on minerals and waste planning policy and that progress on joint working be reported regularly to the Local Development Framework task group;
5. That further consideration be given to the form of any joint working.

125 **INDEMNITIES FOR MEMBERS AND OFFICERS**

(In accordance with Section 100B(4)(b) of the Local Government Act 1972, the Chairman agreed to allow consideration of this item as a matter of urgency in order to ensure the correct provision for officers was in place.)

Consideration was given to the current powers available to local authorities in relation to the provision of indemnities to Elected Members and Officers and to agree, prior to vesting day, an indemnity for officers.

RESOLVED

For the reasons set out in the report: -

That approval be given for Officers to be indemnified to the maximum extent permitted by the Local Authorities (Indemnities for Members and Officers) Order 2004 and Section 111 of the Local Government Act 1972.

The meeting commenced at 2.00 pm and concluded at 2.50 pm

W Fitzgerald (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Committee**
held on Friday, 19th December, 2008 at West Committee Room,
Municipal Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor P Whiteley (Chairman)
Councillor D Bebbington (Vice Chairman)

Councillors Mrs R Bailey, G Baxendale, T Beard, H Davenport, B Dykes,
L Gilbert, Mrs E Gilliland, J Goddard, M Hardy, M Parsons, A Ranfield and
Mrs C Tomlinson

1 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor P Whiteley be appointed Chairman for the remainder of the Municipal year.

2 APPOINTMENT OF VICE CHAIRMAN

RESOLVED – That Councillor D Bebbington be appointed Vice Chairman for the remainder of the Municipal year.

3 APOLOGIES FOR ABSENCE

There were no apologies for absence.

4 DECLARATIONS OF INTEREST

There were no declarations of interest.

5 PUBLIC SPEAKING TIME/OPEN SESSION

There were no questions from members of the public.

6 TERMS OF REFERENCE FOR THE LICENSING COMMITTEE

The Solicitor outlined and circulated the Terms of Reference of the Licensing Committee. These included:

- The administration of licences which were determinable by the Council
- Hearing and determining appeals against any decisions of Officers in relation to the grant, renewal, transfer, variation refusal, revocation, suspension or imposition of condition in accordance with the Council's licensing procedure
- The discharge of the Council's functions under section 13(2) of the Criminal Justice and Police Act 2001

It was noted that a further report on terms of reference may be required to be considered by the Committee once matters relating to the delegation of other functions, such as permits and licences issued by the Environmental Health Service, had been determined.

Licensing Committee Members who had not undertaken an appropriate training course would be required to do so prior to 1 April 2009. The training would be organised early in the New Year and would be open to all Licensing Committee Members who wished to attend.

RESOLVED – That the Terms of Reference be received and noted.

7 CREATION OF LICENSING SUB-COMMITTEES

The Committee considered a report relating to the creation of Sub-Committees of the Licensing Committee and the establishment of a protocol for arranging meetings of the Sub-Committees.

At its meeting on 9 December 2008, Council had resolved to create a Licensing Committee, which would then establish Sub-Committees of three members to deal with matters under the Licensing Act 2003 and the Gambling Act 2003, and Sub-Committees of five Members to deal with 'general' licensing matters such as the licensing of hackney carriage and private hire vehicles and drivers. In addition, in relation to the 'general' sub-committee of five, Council had resolved to waive the requirement of political proportionality and had resolved to require that, subject to availability, at least one of the five members should be the Chairman or Vice-Chairman of the full Committee.

In relation to a Premises Licence application and the 'general' sub-committee of five, it was suggested that, wherever possible, one of the members of the Sub-Committee should be a Member representing an area covered by the relevant preceding district council, who would have knowledge of the area to which application related. It would be for each Member to determine, in accordance with the Code of Conduct, whether they had a personal and prejudicial interest in an item and were therefore unable to take part in the meeting.

It was also suggested that, in order to ensure flexibility, efficiency and a fair distribution of work between Members of the Committee, membership of the sub-committees should be selected on a rotational ad hoc basis, subject to the availability of Members.

RESOLVED

- (a) That Sub-Committees consisting of three Members of the Licensing Committee be established to deal with matters under the Licensing Act 2003 and the Gambling Act 2003, and that the quorum of such Sub-Committees be three.
- (b) That Sub-Committees consisting of five Members of the Licensing Committee, of which at least one shall, subject to availability, be the

Chairman or Vice Chairman of the full Committee, be established to deal with 'general' licensing matters, and that the quorum of such Sub-Committees be three.

- (c) That the following protocol be adopted for arranging meetings of the Sub-Committees:
- Wherever possible members of the sub-committee should be representative of each of the preceding district councils
 - Membership of the Sub-Committees should be selected on a rotational ad hoc basis, subject to the availability of Members
 - Sub-Committee meetings should take place in the area covered by the relevant preceding district council, subject to the availability of suitable venues
- (d) That the Democratic Services Officer be requested to draw up a list of suitable venues in the Cheshire East area, in which Sub-Committee meetings could be held.

8 DELEGATION OF LICENSING FUNCTIONS

The Committee considered a report relating to the delegation of certain licensing functions from the Licensing Committee to Licensing Sub-Committees and officers.

At its meeting on 9 December 2008, Council had resolved to delegate to the Licensing Committee those licensing functions which were the responsibility of Council. Further delegation to sub-committees and officers was required in order to facilitate the efficient provision of a licensing service for Cheshire East. The proposed scheme of delegation was based on current practices within the three existing licensing authorities of Congleton, Crewe & Nantwich and Macclesfield Borough Councils.

It was suggested that the scheme should be subject to the proviso that officers would have discretion to refer any issue to the Licensing Committee or Sub-Committee if the matter was significant or controversial in nature. It was also suggested that Sub-Committees should have discretion to refer matters to the full Licensing Committee in similar circumstances.

With respect to the referral of issues to the Licensing Committee by Sub-Committees, the Principal Solicitor clarified that such a decision would have to be made prior to a Sub-Committee meeting. Committee Members were of the opinion that the decision should therefore be taken by the Chairman and Vice Chairman of the Licensing Committee.

RESOLVED – That the delegations set out within Appendix 2 of the report be approved, subject to the proviso:

1. that officers have discretion to refer any issue to the Licensing Committee or Sub-Committee if the matter is significant or controversial in nature;
2. that the Chairman and Vice Chairman of the Licensing Committee have discretion to refer to the full Licensing Committee matters which would ordinarily be delegated to a Licensing Sub-Committee but which are significant or controversial in nature.

9 COMMITTEE PROCEDURE

The Committee considered a report relating to the procedures to be adopted at hearings of the Licensing Committee and Sub-Committees.

The procedures in relation to hearings under the Licensing Act 2003 and the Gambling Act 2005 were to a degree regulated by secondary legislation. It was also important to ensure that the procedures adopted by the Committee were in accordance with the rules of natural justice, as the Committee would be acting in a quasi-judicial manner.

The proposed procedures had been drafted in accordance with the relevant legislative requirements and were based on the procedures in operation within the existing district Councils.

RESOLVED – That the procedures to be followed at hearings under the Licensing Act 2003, the Gambling Act 2005 and in relation to ‘general’ licensing functions as set out at Appendices 1, 2 and 3 of the report be approved and adopted, subject to the following changes:

1. Procedure For Hearings – Licensing Act 2003
The third sentence of the paragraph entitled ‘The Licensing Committee’ to be amended to the effect that the Chairman and Vice Chairman of the Licensing Committee shall have the discretion to refer a matter up to a hearing of the full Licensing Committee.
2. Procedure For Hearings – Gambling Act 2005
The third sentence of the paragraph entitled ‘The Licensing Committee’ to be amended to the effect that the Chairman and Vice Chairman of the Licensing Committee shall have the discretion to refer a matter up to a hearing of the full Licensing Committee.

10 FEES AND CHARGES

The Committee considered a report relating to the fees and charges currently charged by Congleton, Macclesfield and Crewe Borough Councils in relation to licensing functions and the proposed fees for Cheshire East.

Fees under the Licensing Act 2003 and certain fees under the Gambling Act 2005 were set by legislation. The Gambling Act 2005 set a maximum fee level that the Council could impose in relation to gambling premises licences, and the Council had discretion to set the fee up to this level. The

Council also had discretion in relation to other 'general' licensing matters, including taxi licensing and the licensing of sex establishments.

In determining the level of fee to be set, in circumstances where the Council did have discretion, the Council had to take into account the cost of providing the service, to ensure that the fees were reasonable and related to cost recovery.

Different fees and charges were currently being charged by Congleton, Macclesfield and Crewe Borough Councils. This would result in different charges being applied from 1 April 2009 within the administrative area of Cheshire East, which would be confusing and inequitable. It was therefore proposed to harmonise fees and charges from 1 April 2009, and a revised charging structure for Cheshire East was proposed. Fees had been calculated according to the number of hours needed to process each application and an estimated hourly rate of £50 per hour. All charges would be subject to review during the budget setting process.

RESOLVED

- (a) That the fees to be charged in relation to functions with respect to gambling, street trading and sex establishments, as set out in Appendix 1 of the report, be approved
- (b) That the proposed fees in relation to private hire and hackney carriage licences, as set out in Appendix 1 of the report, be approved in order that they may be subject to statutory consultation.

11 SCHEDULE OF MEETINGS FOR REMAINDER OF THE MUNICIPAL YEAR

The Solicitor reported that the Licensing Committee was scheduled to meet as follows in the New Year:

2pm Wednesday 14 January 2009 in the Capesthorne Room, Town Hall, Macclesfield

10am Friday 13 February 2009 in the Capesthorne Room, Town Hall, Macclesfield

March 2009 – time, date and venue to be confirmed.

RESOLVED – That the forthcoming meeting dates be noted.

The meeting commenced at 10.00 am and concluded at 11.45 am

Councillor P Whiteley
Chairman

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Staffing Committee**
held on Friday, 19 December, 2008 at Fred Flint Room, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor W Fitzgerald (Chairman)
Councillor R Domleo (Vice-Chairman)

Councillors A Arnold, Mrs D Flude, F Keegan, B Moran and D Topping

1 APOLOGIES FOR ABSENCE

There were no apologies for absence.

2 DECLARATIONS OF INTEREST

All members of the Committee declared a personal interest in respect of the item on Appointment of Strategic Director Places in that they knew one of the candidates concerned.

3 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the Public present.

4 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on 15 December 2008 were approved as a correct record.

5 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED - that the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 3 and 4 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

6 APPOINTMENT OF HEAD OF POLICY AND PERFORMANCE

Members interviewed five short listed candidates.

RESOLVED - to appoint Russell Glennon as Head of Policy and Performance.

7 URGENT ITEM - APPOINTMENT OF STRATEGIC DIRECTOR PLACES

The Chairman considered the following urgent item of business so that the issue could be settled before the appointment of Strategic Director Places was finalised. The Chief Executive gave a verbal report on an issue that has arisen in respect of the appointment of the Strategic Director Places.

RESOLVED – that the action now proposed by the Chief Executive be approved up to a maximum payment of £5,000.

The meeting commenced at 10.00 am and concluded at 4.00 pm

Councillor W Fitzgerald (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 6th January, 2009 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor W Fitzgerald (Chairman)
Councillor R Domleo (Vice-Chairman)

Councillors D Brickhill, D Brown, P Findlow, F Keegan, A Knowles, J Macrae
and B Silvester

In attendance:
Councillors R Fletcher, B Neilson, A Richardson, L Smetham and A Thwaite,

126 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor P Mason.

127 DECLARATIONS OF INTEREST

Members gave a general declaration of personal interest in respect of every item on the agenda where an individual member was a Member of Cheshire County Council and/or of one of the Current Borough Councils. In accordance with the Code of Conduct they remained in the meeting during consideration of the relevant items.

128 PUBLIC SPEAKING TIME/OPEN SESSION

There were no questions from members of the public.

129 MINUTES OF PREVIOUS MEETING

RESOLVED

The minutes of the meeting held on 17 December 2008 were approved as a correct record.

130 NOTICE OF MOTION - SUSTAINABLE COMMUNITIES ACT

Consideration was given to the Notice of Motion proposed by Councillor R Fletcher, seconded by Councillor D Neilson, submitted to the Council at its meeting on 9 December 2008.

Cabinet welcomed the views expressed in points (i), (ii), (iii) and (iv) of the motion which it considered supported the aims of Cheshire East Council in respect of sustainable communities. With regard to point (v) Cabinet confirmed that this was an area that would be pursued further at a later

date, once the Council had been operational for a reasonable period of time, with a view to seeking additional funding and support for work in the communities. Cabinet considered that the actions set out in point (vi) were already adequately covered by existing ways of working and consultation measures and did not need to be reiterated further.

RESOLVED

For the reasons now given: -

That points (i), (ii), (iii) and (iv) of the Notice of Motion be approved.

131 KEY DECISION CE28 CULTURE AND VALUES

Consideration was given to a final set of core organisational values for Cheshire East, on which staff had been consulted, and to ways in which they could be embedded as an important step towards building a high performance culture for the new Council.

RESOLVED

For the reasons set out in the report: -

1. That approval be given to the adoption of the revised ASPIRE core values framework in Appendix 2 of the report.
2. That approval be given to the development of a Values based performance management framework to be introduced from day one as outlined in Section 12 of the report.
3. That approval be given to the introduction of the Values through communications and the development of induction processes.

132 KEY DECISION CE52 DISAGGREGATION OF THE COUNTY BALANCE SHEET

Consideration was given to the report of the Borough Treasurer and Head of Assets, a copy of which was circulated at the meeting. The report detailed the agreement reached between Cheshire East Council and Cheshire West and Chester Council with regard to the disaggregation of the Cheshire County Council Balance Sheet, in accordance with the Department of Communities and Local Government deadline of 31 December 2008, and also the work that remained to be completed in order to achieve a full Local Agreement by 31 March 2009.

RESOLVED

For the reasons set out in the report: -

1. That the agreement made between Cheshire East Council and Cheshire West and Chester Council submitted to the Department of Communities and Local Government on 19 December 2008 with

regard to the disaggregation of Cheshire County Council's balance sheet, detailed in Section 5 of the report, be noted.

2. That it be confirmed that the delegation of the local agreement of the County Balance Sheet disaggregation package to the Borough Treasurer and Head of Assets, in consultation with the Portfolio Holder for Resources, the Leader of the Council and the Performance and Capacity Portfolio Holder, will continue up to 31 March 2009.

133 **KEY DECISION CE56 CRIMINAL RECORDS BUREAU AND INDEPENDENT SAFEGUARDING AUTHORITY**

Consideration was given to this report on the implications of the Criminal Records Bureau and Independent Safeguarding Authority requirements for the new Council. Cabinet expressed concern at the resulting cost to this and other Council's of carrying out these checks and registration checks, to the potential duplication of work entailed in respect of those people who might require both to be carried out or for them to be carried out by more than one Council, and also to the position regarding foreign nationals. It was requested that a further report be prepared on these areas of concern.

RESOLVED

For the reasons set out in the report and as now given: -

1. That approval be given for Back Office Shared Services, if agreed by Cheshire East and Cheshire West and Chester, to manage the processes on behalf of Cheshire East.
2. That approval be given for candidates, employees, and Members not to be required to pay for the cost of any required CRB checks or ISA registration and that the financial consequences of this decision be noted.
3. That approval be given for the Head of Human Resources, in liaison with the Director of People, to be accountable for ensuring that the Council complies with CRB and ISA requirements.
4. That approval be given for the Head of Human Resources to develop the Council's approach to supporting voluntary bodies in relation to CRB and ISA and to develop the necessary policies which will be required in relation to CRB checks and ISA requirements.

(Councillor R Domleo left the meeting prior to consideration of the remaining items on the agenda and did not return.)

134

PRIVATE SECTOR HOUSING RENEWAL POLICY

Consideration was given to this report seeking approval for the draft interim Cheshire East Private Sector Assistance Policy to be circulated for public response, and for approval in principle to be given to the Policy subject to no significant changes arising as a result.

RESOLVED

For the reasons set out in the report: -

That approval be given to circulate the Interim Cheshire East Private Sector Assistance Policy for public response and that it be approved in principle subject to there being no significant changes as a result.

135

CABINET DECISION MAKING ARRANGEMENTS

Consideration was given to the report of the Monitoring Officer on options for Cabinet arrangements for the Council from 1 April 2009. It was reported that following circulation of the report further consideration had been given to the decision requested; a revised wording had subsequently been prepared and a copy of this was circulated and agreed by the Cabinet, subject to further consideration being given to the definition of a key decision.

RESOLVED

For the reasons set out in the report and as now given: -

That the Governance and Constitution Committee recommend to Council that, with effect from Vesting Day:

1.The Council shall have a Leader and Cabinet form of executive arrangements, these to include the “Strong Leader” model in, in respect of which, and amongst other things, the Leader:

- a. is elected by Council;
- b. is empowered to appoint Members of the Council to and remove Members of the Council from the Cabinet, subsequent notification being given to Council;
- c. is empowered to determine the extent of the decision-making powers of Cabinet Members and other executive decision-making bodies.

2.The Council’s executive arrangements shall comprise those arrangements set out in Appendices A and B to the report, subject to the following changes:

- a. References to Deputy Leader are to be removed from the Adult Services Portfolio and the role of Deputy Leader defined.
 - b. The following functions listed within the Children and Family Services Portfolio to apply, as appropriate, to the Portfolio Holders for Adult Services, Children and Family Services and Health and Wellbeing:
 - i. Liaison with NHS Trusts and Health Authorities;
 - ii. Mental Health and Disability;
 - iii. Health Promotion;
 - iv. Development of Integrated Services with Health Partners.
 - c. The references within the Children and Family Services Portfolio to:
 - i. Mental Health and Disability, to be made specific to Children and Young People; and
 - ii. Connexions, to be removed.
 - d. In respect of the Health and Wellbeing Portfolio:
 - i. Public Rights of Way to be added beneath Countryside.
 - ii. Tourism to become a dependency, rather than being a prime responsibility.
 - e. In respect of the Environmental Services Portfolio:
 - i. Health and Safety enforcement to become a dependency rather than being a prime responsibility;
 - ii. Public Rights of Way Maintenance to be deleted and moved to Health and Wellbeing, as Public Rights of Way.
 - f. The Prosperity Portfolio to include Building Control.
 - g. The Safer and Stronger Communities Portfolio to include Health and Safety enforcement in the list of prime responsibilities.
 - h. The Performance and Capacity Portfolio to include Twinning in the list of prime responsibilities.
3. Further consideration be given to the definition of a Key Decision, to potentially include a financial threshold of £1M, beyond which an executive

decision shall be a Key Decision; and that a report be made to Members on the implications.

4. That the Governance and Constitution Committee recommend to Council that the Monitoring Officer be authorised to make such changes to the Council's emerging Constitution as he considers are necessary to give effect to the wishes of Council.

136 **LOCAL CHOICE FUNCTIONS**

Consideration was given to the report of the Monitoring Officer on options for delivering local functions from 1 April 2009. It was reported that following circulation of the report further consideration had been given to the decision requested; a revised wording had subsequently been prepared and a copy of this was circulated and agreed to by the Cabinet. In addition it was noted that in Section 1: Responsibility for Local Choice Functions the Officer to whom the function of appointing Members to Police Authorities had been left blank but that this would be the Borough Solicitor and Monitoring Officer.

RESOLVED

For the reasons set out in the report: -

That the Governance and Constitution Committee be requested to recommend to Council that:

1. With effect from Vesting Day, the allocation of local choice functions between Cabinet and the Council, and the further delegations to committees and officers, be as set out in the appendices to the report, subject to the Borough Solicitor and Monitoring Officer being responsible for arrangements for questions at Council on Police Authority functions.
2. The Monitoring Officer be authorised to determine the remaining detail of the allocation of local choice functions in consultation with the Leader and appropriate Cabinet Members, and to make such amendments to the Council's emerging Constitution as he considers are necessary to give effect to the decision of Council.

137 **DELEGATION OF EXECUTIVE FUNCTIONS**

Consideration was given to the report of the Monitoring Officer on options for delegating and recording the delegation of executive functions from 1 April 2009. It was reported that following circulation of the report further consideration had been given to the decision requested; a revised wording had subsequently been prepared and a copy of this was circulated and agreed by the Cabinet.

RESOLVED

For the reasons set out in the report: -

That the Governance and Constitution Committee be requested to recommend to Council that:

1. With effect from Vesting Day, the approach set out in the Appendix to the report be adopted as part of Cheshire East's executive arrangements, and that this be reflected in the Council's Constitution.
2. The Monitoring Officer be authorised to determine the remaining detail of the Appendix in consultation with the Leader and appropriate Cabinet Members, and to make such amendments to the Council's emerging Constitution as he considers are necessary to give effect to the decision of Council.

138 **CABINET PROCEDURE RULES**

Consideration was given to the report of the Monitoring Officer on the Cabinet Procedure Rules which would apply with effect from 1 April 2009. It was reported that following circulation of the report further consideration had been given to the decision requested; a revised wording had subsequently been prepared and a copy of this was circulated. In discussing the options in respect of public speaking at meetings of the Cabinet it was agreed that the period of notice required for the submission of any questions should be 3 working days, in order to allow adequate time in which to prepare a response.

RESOLVED

For the reasons set out in the report and as now given: -

1. That the Governance and Constitution Committee recommend to Council:

- a. That the Cabinet Procedure Rules appended to the report should be adopted by the Council with effect from Vesting Day.
- b. That the issues identified in Appendix A of the report be noted and that the Council shall have a Leader and Cabinet form of executive arrangements, these to include the "Strong Leader" model.
- c. That a 3 working day notice period be required in respect of any question which is to be asked at Cabinet by a member of the public.

2. That a further report be made to members upon the practical arrangements for individual Cabinet Member decision-making.

139 **SECTION 24 SCHEDULES OF CONSENT**

Consideration was given to the report of the Interim Monitoring Officer and Chief Finance Officer. This report was circulated at the meeting.

RESOLVED

For the reasons set out in the report: -

That it be noted that no delegated decisions had been made since the last meeting of the Cabinet.

140 **PROGRESS REPORTING PAPER**

Cabinet was informed that work over the coming months would include office accommodation, the civil enforcement of parking, media relations cover, ICT strategy, children and family services, the harmonisation of waste collection and of car parking charges across the area, and the local economy. It was anticipated that a revised reporting format would be available in time for the next meeting.

RESOLVED

That the report be noted.

The meeting commenced at 2.00 pm and concluded at 3.45 pm

W Fitzgerald (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Governance & Constitution Committee**
held on Monday, 12th January, 2009 at Committee Suite 1 & 2, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor A Ranfield (Chairman)
Councillor (none)

Councillors M Asquith, Mrs S Bentley, D Cannon, R Cartlidge, Mrs S Jones,
A Kolker, Mrs G Merry, A Moran, R Walker and R West

Apologies

Councillors D Topping

55 OFFICERS PRESENT

Mike Flynn, Governance Lead Officer
Julie Openshaw, Interim Monitoring Officer
Chris Chapman, Borough Solicitor
Brian Reed, LGR Governance Group
Carol Jones, Crewe and Nantwich Borough Council

56 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor D Topping.

57 DECLARATIONS OF INTEREST

There were no declarations of interest made.

58 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

59 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on the 1st December 2008 were approved as a correct record.

60 CHESHIRE EAST WORK PLAN

The Borough Solicitor submitted an updated work plan detailing the current proposals in respect of reports to be brought to the Committee and the current status of each work area.

Members were informed that subject to the date not clashing with other dates within the Cheshire East diary an additional meeting of the Committee had been proposed to take place on 27th January 2009.

RESOLVED – That the Committee note the current details of the work plan as referred to at the meeting and that officers liaise with Members in order to establish whether there might be any conflicting meetings which would prevent the proposed meeting taking place on 27 January 2009.

61 PROGRESS REPORT - APPOINTMENTS TO OUTSIDE BODIES

Consideration was given to a report outlining the progress to date made in respect of the arrangements to make appointments to outside bodies in Cheshire East.

The Task Group set up to undertake this work had met on five occasions and was expected to hold another three meetings. Following those meetings the task group was expected to make recommendations to the Governance and Constitution Committee in respect of the following :-

(a) A procedure for making appointments to outside organisations with effect from 1st April 2009 which would include

- Recommendations as to Cabinet appointments
- Recommendations as to appointments to be made by the Governance and Constitution Committee
- Terms of office
- Basis of making appointments
- Means of monitoring effectiveness of representation
- A Protocol for dealing with casual vacancies

(b) Recommended named appointments to category 2 organisations

RESOLVED – That the report be noted.

62 MEMBER/OFFICER RELATIONS PROTOCOL

The Borough Solicitor submitted a report containing a draft Member/Officer Relations Protocol the aim of which was to guide Members and officers of Cheshire East Council in their relations.

The Protocol would help build good working relationships between members and officers as they work together to build the new Authority.

The Member/Officer Relations Protocol had been prepared in conjunction with other codes and protocols contained elsewhere within the Cheshire East Constitution.

RESOLVED –

- (a) That the proposed Member/Officer Relations Protocol be endorsed;
- (b) That Council be recommended to adopt the draft Member/Officer Relations Protocol as contained in the appendix to the report into the Constitution.

63 SCRUTINY PROCEDURE RULES

Consideration was given to a report of the Monitoring Officer relating to draft Scrutiny Procedure Rules which would apply with effect from 1st April 2009.

At its meeting on the 15th December 2008, the Council's Scrutiny Committee had considered the draft rules and recommended that they should take effect in the form appended to the report, with effect from 1st April 2009.

RESOLVED –

- (a) That Council be recommended to adopt the draft Scrutiny Procedure Rules contained in appendix B to the report, to take effect on 1st April 2009 subject to the following change :-

Rule 3.2 – Co-option. The rule be amended to clarify that statutory co-optees will be voting Members only in respect of education matters as defined in relevant guidance

- (b) That Council be recommended to authorise the Monitoring Officer to make such consequential changes to the Constitution as he considers are necessary in order to give effect to its intentions.

64 LOCAL CHOICE FUNCTIONS

Consideration was given to a report of the Monitoring Officer on the allocation of Local Choice Functions within the decision making framework from 1st April 2009.

On 6th January 2009, the Cabinet had considered a report which now formed the appendix to the report of the Monitoring Officer, recommending that the Governance and Constitution Committee make recommendations to Council.

RESOLVED –

That Council be recommended that

(i) With effect from Vesting Day, the allocation of local choice functions between Cabinet and the Council, and the further delegations to Committees and officers, be as set out in the appendices to the report, subject to the Borough Solicitor being responsible for arrangements for questions at Council on Police Authority Functions

(ii) the Monitoring Officer be authorised to determine the remaining detail of the allocation of local choice functions in consultation with the Leader and

appropriate Cabinet Members and to make such amendments to the Council's emerging Constitution as he considers are necessary to give effect to the decision of Council.

65 DELEGATION OF EXECUTIVE FUNCTIONS

Consideration was given to a report of the Monitoring Officer on options for delegating and recording the delegation of Executive functions from 1st April 2009.

On 6th January 2009, the Cabinet had considered a report which now formed the appendix to the report of the Monitoring Officer, recommending the Governance and Constitution Committee to make recommendations to Council.

RESOLVED –

That Council be recommended that

(i) With effect from Vesting Day, the approach set out in the appendix to the report be adopted as part of Cheshire East's Executive arrangements and that this be reflected in the Council's Constitution

(ii) That the Monitoring Officer be authorised to determine the remaining detail of the appendix in consultation with the Leader and appropriate Cabinet Members and to make such amendments to the Council's emerging Constitution as he considers are necessary to give effect to the decision of Council.

66 CABINET DECISION MAKING ARRANGEMENTS

Consideration was given to a report of the Monitoring Officer on options for Cabinet decision making arrangements for the Council from 1st April 2009.

On 6th January 2009, the Cabinet had considered a report which now formed the appendix to the report of the Monitoring Officer, recommending the Governance and Constitution Committee to make recommendations to Council.

RESOLVED –

(a) That Council be recommended that with effect from Vesting Day :-

(1) The Council shall have a Leader and Cabinet form of Executive Arrangements, these to include the "Strong Leader" model, in respect of which and amongst other things the Leader :

a. is elected by Council;

b. is empowered to appoint Members of the Council to and remove Members of the Council from the Cabinet, subsequent notification being given to Council;

c. is empowered to determine the extent of the decision-making powers of Cabinet Members and other executive decision-making bodies.

(2) The Council's Executive arrangements shall comprise those arrangements set out in appendices A and B to the report, subject to the following changes :-

a. reference to Deputy Leader to be removed from the Adult Services Portfolio and that the role of the Deputy Leader be defined;

b. the following functions listed within the Children and Family Services Portfolio to apply, as appropriate, to the Portfolio Holders for Adult Services, Children and Family Services and Health and Wellbeing :-

(i) Liaison with NHS Trusts and Health Authorities;

(ii) Mental Health and Disability;

(iii) Health Promotion;

(iv) Development of integrated services with health partners.

c. The references within the Children and Family Services Portfolio to :-

(i) Mental Health and Disability, to be made specific to Children and Young People; and

(ii) Connexions to be removed.

d. In respect of the Health and Wellbeing Portfolio :-

(i) Public Rights of Way to be added beneath Countryside;

(ii) Tourism to become a dependency rather than being a prime responsibility.

e. That in respect of the Environmental Services Portfolio :-

(i) Health and Safety enforcement to become a dependency rather than being a prime responsibility;

(ii) Public Rights of Way maintenance to be deleted and moved to Health and Wellbeing, as Public Rights of Way

f. That the Prosperity Portfolio shall include Building Control;

g. That the Safer and Stronger Communities Portfolio shall include Health and Safety enforcement in the list of prime responsibilities;

h. That Performance and Capacity Portfolio shall include Twinning in the list of prime responsibilities.

(b) That further consideration be given to the definition of a key decision, to potentially include a financial threshold of £1 million, beyond which an Executive decision shall be a key decision; and that a report be made to Members on the implications;

(c) That Council be recommended that the Monitoring Officer be authorised to make such changes to the Council's emerging Constitution as he considers are necessary to give effect to the wishes of Council.

67 CABINET PROCEDURE RULES

Consideration was given to a report of the Monitoring Officer on the Cabinet Procedure Rules which would apply with effect from 1st April 2009.

On 6th January 2009, the Cabinet had considered a report which now formed the appendix to the report of the Monitoring Officer recommending the Governance and Constitution Committee to make recommendations to Council.

RESOLVED –

(a) That Council be recommended that :-

1. The Cabinet Procedure Rules appended to the report be adopted by Council with effect from Vesting Day;
2. The issues identified in appendix A to the report be noted and that the Council shall have a Leader and Cabinet form of Executive arrangements, these to include the “Strong Leader” model;
3. Subject to Access to Information provisions, any Member of the Council will be entitled to attend, speak at, and ask questions and supplementary questions at meetings of the Cabinet provided that 3 working days notice has been given of any question which is proposed to be asked;
4. A 3 working day notice period be required in respect of any question which is to be asked at Cabinet by a member of the public.

(b) That a further report be made to Members upon the practical arrangements for individual Cabinet Member decision-making.

The meeting commenced at 2.00 pm and concluded at 3.58 pm

Councillor A Ranfield (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Staffing Committee**
held on Tuesday, 13 January, 2009 at Committee Suite 1, 2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor R Domleo (Vice-Chairman)

Councillors A Arnold, Mrs D Flude, F Keegan (present only at the meeting with the Trade Unions), B Moran and D Topping

8 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor W Fitzgerald.

9 DECLARATIONS OF INTEREST

Councillor D Flude declared a personal interest as a retired member of UNISON.

10 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

11 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED - That the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1, 2, 3 and 4 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

12 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 19 December 2008 be approved as a correct record.

13 HEAD OF SERVICES FOR CHILDREN AND FAMILIES

The Committee considered a report of the Strategic Director – People regarding the vacant post of Head of Services for Children and Families within the structure of the People Directorate.

RESOLVED – That the recommendations as set out in the report be approved.

14 SENIOR APPOINTMENTS BY OFFICERS

Note: In accordance with Section 100B(4)(b) of the Local Government Act 1972, the Chairman agreed to allow consideration of this item as a matter of urgency in order to ensure that appointees were in post as soon as possible.

Members of the corporate management team had been appointed by the Committee in accordance with the Shadow Council's Standing Orders. The remainder of the senior level appointments were to be made by officers, with the Council's consultants, Gatenby Sanderson.

The Committee was requested to confirm the officer appointments to the following posts, which had been notified to Cabinet: Head of Children and Families, Head of Adults, Head of Health and Wellbeing, Head of Transformation, Head of Regeneration, Head of Planning and Policy, Head of Environmental Services, Head of Safer and Stronger Communities.

The Committee was also requested to endorse the appointment by the Borough Solicitor to the Deputy Chief Officer posts reporting directly to him, prior to their notification to Cabinet.

In addition, the Committee was requested to consider recommending to Council that delegated authority be granted to officers to make future senior appointments.

RESOLVED

1. That the reasons for urgency as set out in the report be recorded.
2. That the officer appointments as set out in paragraph 1.4(a) of the report be endorsed.
3. That the appointments to the posts of Head of Legal Services and Head of Democratic Services as set out in paragraph 1.4(b) of the report be endorsed, subject to notification to Cabinet.
4. That it be recommended to Council that the Chief Executive or any officer appointed by her be granted delegated authority to make the remaining senior appointments covered by the Employment Procedure Rules, subject to notification to Cabinet where so required under the rules.
5. That the present intention of the Chief Executive to use her urgency powers between now and the Council meeting where appropriate to confirm the appointments be noted.

15 BRIEFING FOR TRADE UNION MEETING

Members were briefed prior to a meeting with representatives of the Trade Unions.

16 MEETING WITH THE TRADE UNIONS

Craig Nicholson, the Vice Chairman of the Staffing Committee Consultation and Negotiation Meetings with the Trade Unions, chaired the meeting.

The following items were discussed:

1. To agree the notes of the meeting held on 27 November 2008.
2. Matters Arising.
3. Proposals for the 2009/10 Council budget.
4. Proposals for Appointments at Fourth Tier.
5. Shared Services.
6. Flexible and Mobile working.
7. Locations.
8. Date of Next Meeting.

The meeting commenced at 2.00 pm and concluded at 4.47 pm

Councillor R Domleo (Vice-Chairman In The Chair)

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the Standards Committee
Held on Tuesday, 13th January, 2009 at Committee Suite 1, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Mr N Briers (Chairman)
Mr D Sayer (Vice Chairman)

Councillors Mrs R Bailey, B Dykes, J Goddard, J Hammond, Mrs M Hollins,
Mrs M Martin, M Parsons
Independent Members Mr M Garrett and Mr R Pomlett
Parish Councillors Mrs P Barnett, Mrs T Eatough and K Edwards

1 APOLOGIES FOR ABSENCE

An apology for absence was received from Mr Ian Clark.

2 DECLARATIONS OF INTEREST

None.

3 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present who wished to address the Committee.

4 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on Tuesday 25 November be approved as a correct record and signed by the Chairman.

5 LOCAL ASSESSMENT SUB-COMMITTEES

The Committee considered a report of the Interim Monitoring Officer on the need to set up Sub-Committees of the Standards Committee to deal with the local assessment and review function. The Local Government and Public Involvement in Health Act 2007 gave Standards Committees the role of undertaking the initial assessment of misconduct allegations in place of the Standards Board for England.

There were Regulations available together with guidance which gave detailed advice as to how the local assessment function was to be discharged by Standards Committees.

The report recommended establishing two Sub-Committees:

- Assessment Sub-Committee – to make an initial assessment of the allegation and decide whether to refer it to the Monitoring Officer for further investigation or alternative action; refer it to the Standards Board for England (if seen as too serious to be dealt with locally) or take no further action;
- Review Sub-Committee – to consider requests for a review of the decision of the Assessment Sub-Committee to take no further action on the allegation. This Sub-Committee would then consider the allegation afresh and decide whether to refer it to the Monitoring Officer for further investigation or local resolution; refer it to the Standards Board for England (as above) or decide that no further action should be taken.

The two Sub-Committees would need to have separate membership in relation to dealing with an allegation. The Regulations required that an Independent Member must chair a Sub-Committee and at least one Member of the Authority must be present at a Sub-Committee meeting; if the complaint related to a Parish Council then a Parish Councillor must be present (who was not also a Member of the Authority). The regulations prescribed that to be quorate a Sub-Committee must have at least three Members present for its duration. Members of either Sub-Committee would not be barred from participating in the meeting of the Standards Committee that ultimately determined the complaint.

RESOLVED: That

- (a) an Assessment Sub-Committee be established with Mr N Briers as Chairman and a Review Sub-Committee be established with Mr D Sayer as Chairman – if either is not available then another Independent Member be approached to chair the Sub-Committee; and
- (b) membership of the Sub-Committees be drawn from the membership of the Standards Committee based on availability of Members and detail of the allegation concerned and with an understanding that membership be rotated as far as possible to enable as many Members as possible to be involved in the process.

6 ANNUAL REPORT

The Monitoring Officer advised the Committee that an Annual Report would need to be prepared each year, to be signed off by the Chairman of the Committee and presented to a full Council meeting. It was seen as good practice to present the report to a public meeting to raise the profile of the work of the Committee.

Members discussed when to produce the first Annual Report taking into account that the Committee had only recently been established with full Membership, had been spending most of its time on Induction and had yet to be involved in any investigations.

RESOLVED: That an Annual Report be produced for the period to Spring 2010 and presented to the Council meeting in April/May 2010

7 NOTIFICATION TO PARISH COUNCILS OF CHANGES FROM 1 APRIL 2009

The Monitoring Officer advised the Committee that the Parish Councils would need to be formally advised of the changes that would come into effect from 1 April 2009 in relation to Code of Conduct and other issues involving the Standards Committee. Members were advised that the Terms of Reference for Cheshire East Committees were being updated by the Governance and Constitution Committee.

Members discussed whether it would be helpful to ask Parish Councils to publicise the work and role of the Cheshire East Standards Committee as well as taking the opportunity to remind them of their obligation to abide by the Code of Conduct and offering assistance with any training needs.

RESOLVED: That the Monitoring Officer write to the Clerks to the Parish Councils in Cheshire East advising them as follows;

- that Standards issues will be dealt with by the Standards Committee from 1 April 2009 and requesting that they publicise this in any Parish newsletter;
- including a copy of the Standards Committee's Terms of Reference (if available); and
- reminding them that Parish Councillors are obliged to abide by the Code of Conduct in a similar way to Elected Members of Cheshire East Council.

8 COMMITTEE WORK PROGRAMME

The Committee considered the draft Work Programme noting that an Induction Session was arranged for February and a formal Committee meeting for 10 March. Members discussed issues to be considered at the Induction Session.

RESOLVED: That the Induction Session be held on Tuesday 17 February at 10.00 am and include a review of the Code of Conduct.

9 FUTURE MEETING DATES

Members discussed frequency of meetings and agreed that an initial cycle of approximately every 2 months would be appropriate.

RESOLVED: That meeting dates be considered further at the next meeting.

The meeting commenced at 11.00 am and concluded at 11.40 am

Councillor (none)

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Committee**
held on Wednesday, 14th January, 2009 at The Capesthorpe Room
Town Hall, Macclesfield SK10 1DX

PRESENT

Councillor P Whiteley (Chairman)
Councillor D Bebbington (Vice-Chairman)

Councillors Mrs R Bailey, G Baxendale, T Beard, H Davenport, B Dykes,
Mrs E Gilliland, J Goddard, M Hardy, A Ranfield and Mrs C Tomlinson

12 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors L Gilbert and
M Parsons.

13 DECLARATIONS OF INTEREST

There were no declarations of interest.

14 PUBLIC SPEAKING TIME/OPEN SESSION

There were no questions from members of the public.

The Committee noted that Licensing was a quasi-judicial committee, and that provision was already made for members of the public to speak at meetings. In addition, parties who were not happy with the decision of the Committee in relation to applications had a right of appeal against such decisions to the Magistrates Court.

RESOLVED – That the Governance and Constitution Committee be requested to consider an amendment to Procedure Rule 35 of the Constitution, to waive the provision for members of the public to ask questions at meetings of the Licensing Committee.

15 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 19 December 2008 be confirmed as a correct record, subject to the amendment of minute 7(a) to read: 'That Sub-Committees consisting of three Members of the Licensing Committee be established to deal with matters under the Licensing Act 2003 and the Gambling Act 2005, and that the quorum of such Sub-Committees be three.'

16 PRIVATE HIRE VEHICLE LICENSING

The Committee considered a report relating to proposed licence conditions for vehicles to be licensed as private hire vehicles from 1 April 2009.

The proposed conditions had been drawn from the conditions currently in force at one or more of the three constituent authorities of Cheshire East and had been chosen to reflect the best of the current practices from those authorities.

It was proposed to hold a six week consultation exercise with the existing holders of private hire vehicle licences at Crewe and Nantwich, Congleton and Macclesfield, the result of which would be reported to a future meeting of the Committee.

The Principal Licensing Officer reported that condition 9.1viii had been amended to read: 'when the taximeter is brought into action the fare and permitted extras shall be shown legibly on the face of the meter and shall be no more than that permitted by the *private hire operator's tariff of fares approved by the Council*.'

RESOLVED - That the proposed private hire vehicle licence conditions be approved for the purpose of a consultation exercise with the private hire trade.

17 PRIVATE HIRE VEHICLE OPERATOR LICENSING

The Committee considered a report relating to proposed licence conditions for operators of private hire vehicles from 1 April 2009.

The proposed conditions had been drawn from the conditions currently in force at one or more of the three constituent authorities of Cheshire East and had been chosen to reflect the best of the current practices from those authorities.

It was proposed to hold a six week consultation exercise with the existing holders of operator licences at Crewe and Nantwich, Congleton and Macclesfield, the result of which would be reported to a future meeting of the Committee.

RESOLVED - That the proposed private hire vehicle operator licence conditions be approved for the purpose of a consultation exercise with the private hire trade.

18 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS' LICENCE CONDITIONS

The Committee considered a report relating to proposed conditions for Hackney Carriage and Private Hire Drivers Licenses from 1 April 2009.

The proposed conditions had been drawn from those currently in force in the three constituent authorities of Cheshire East and had been chosen to reflect the best of the current practices from those authorities.

It was proposed to hold a six week consultation exercise with the existing holders of Hackney Carriage and Private Hire Drivers Licences in the three districts, the result of which would be reported to a future meeting of the Committee.

RESOLVED – That the proposed hackney carriage/private hire driver's licence conditions be approved for the purpose of a consultation exercise with the holders of current hackney carriage and private hire drivers' licences.

19 HACKNEY CARRIAGE ZONING

The Committee considered a report relating to the transfer of the hackney carriage licensing function of each existing authority into the new authority.

There was insufficient time for the research and consultation necessary for the harmonisation of all matters in relation to hackney carriage licensing to take place before vesting day. It was therefore proposed that no action be taken, thereby allowing the automatic creation of hackney carriage zones. The varying tariffs, byelaws, vehicle conditions and licensing policies of the three former authorities would continue to have effect within the zones until the new authority was in a position to replace them with common Cheshire East tariffs, byelaws, conditions and policies.

RESOLVED

- (a) That the course of taking no action at this time be adopted, thereby allowing the creation of hackney carriage zones on vesting day.
- (b) That the Head of Licensing, Cheshire East Council, be requested to undertake a thorough review of the hackney carriage licensing function in the first year of the new authority.

20 LICENSING OF SEX ESTABLISHMENTS

The Committee considered a report relating to proposed conditions for sex shop licences from 1 April 2009.

The proposed conditions had been drawn from the conditions currently in force in the Boroughs of Macclesfield and Crewe and Nantwich and had been chosen to reflect the best of the current practices from those authorities.

It was proposed to hold a six week consultation exercise with the existing holders of sex shop licences at Crewe and Nantwich and Macclesfield,

the result of which would be reported to a future meeting of the Committee.

RESOLVED – That the proposed sex shop licence conditions be approved for the purpose of a consultation exercise with the holders of current sex shop licences.

The meeting commenced at 2.00 pm and concluded at 2.45 pm

Councillor P Whiteley (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the Advisory Panel - People
held on Monday, 19th January, 2009 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1DX

PRESENT

Councillor R Westwood (Chairman)
Councillor Miss C Andrew (Vice-Chairman)

Councillors D Beckford, J Crockatt, R Domleo, P Findlow, R Fletcher,
Mrs D Flude, W Livesley, M Parsons and Mrs C Tomlinson

Apologies

Councillors D Brown and A Knowles

42 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D Brown and A J Knowles

43 DECLARATIONS OF INTEREST

None

44 PUBLIC SPEAKING TIME/OPEN SESSION

A representative from the Older Peoples network attended the meeting to explain that since the Panel last met a meeting had be arranged with the Head of Service for Adults to discuss how to take any funding issues forward.

45 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting be approved as a correct record.

Ms B Hughes, Interim Manager for Children's Services attended the meeting to introduce herself and outline the key priorities for the service, which included, the draft structure, budget, establishment of a Children's Trust, establishment of a Local Safeguarding Children's Board and review of Transforming Learning Communities.

46 LIFELONG LEARNING AND EMPLOYMENT SUPPORT

The Panel received a report, which outlined the current position with regard to Lifelong Learning and Employment Support. It was noted that there was currently a gap in staffing at Senior Management Level, which would need to be addressed.

With regard to interviewing potential employees it was agreed that Human Resources should bear in mind people with disabilities to ensure that everyone would be given a fair chance and the authority was 'Positive about Disability'.

RESOLVED

1. That the report be noted
2. That consideration be given to the needs of those people with disabilities when job interviews are being undertaken

47 SOCIAL CARE RE-DESIGN UPDATE

The Panel received a report, which outlined the current position with regard to Social Care Redesign. Members commented that the budget would be challenging. It was noted that any redundancies would be part of the transitional costs and would therefore not have an impact on the overall service budget. Members highlighted the importance of retaining key skilled staff.

RESOLVED

That the report be noted

48 SENSORY IMPAIRMENT

The Panel received a report, which outlined the current position with regard to the review of the Sensory Impairment Service. It was reported that the work plan was up to date and that a report setting out the proposals would be submitted to Council in due course.

With regard to the review of the Visual Impairment Service, it was reported that work was being undertaken and that the review group had a wide representation from all services involved in sensory impairment including Children's Education/Schools Services and Older People Services.

RESOLVED

That the report be noted.

49 SAFEGUARDING ADULTS

The Panel received a verbal update on the Safeguarding Adults Service. It was reported that with regard to the establishment of setting up a Safeguarding Adults Board, a meeting with representatives from all key areas had been held to formulate a personal specification and advert for the position of independent Chairman. It was agreed that in order for the Board to be successful, the Chairman would need to be strong and representatives on the board would need to be at senior manager level.

RESOLVED

That the report be noted.

50 WORK PROGRAMME

Consideration was given to the work programme. The Strategic Director for People advised Members that the following items would need to be considered at the meeting scheduled to be held on 2 March 2009:

1. Corporate Dimensions for health and safeguarding
2. 'Aiming High' for disabled children
3. Paris Computer System

It was noted that two hour training sessions on Child Protection and Corporate Parenting was currently being developed for the Panel and relevant Portfolio Holders which would then be rolled out to all Members of the Council.

RESOLVED

That the work programme and training sessions be noted.

The meeting commenced at 2.00 pm and concluded at 3.40 pm

Councillor R Westwood (Chairman)

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CHESHIRE EAST COUNCIL**Minutes of a meeting of the Health and Adult Social Care Scrutiny Committee**

held on Tuesday, 20th January, 2009 at Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor A Richardson (Chairman)
Councillor G Baxendale (Vice-Chairman)

Councillors Mrs S Bentley, R Fletcher, Mrs D Flude, Miss S Furlong, Ms O Hunter, Mrs S Jones, A Martin, A Moran, Mrs L Smetham, A Thwaite and J Wray

8 APOLOGIES FOR ABSENCE

None

9 DECLARATIONS OF INTEREST

RESOLVED: That the following Declarations of Interest be noted:

- (a) Councillor A Richardson – personal interest on the grounds that he was a Member of Cheshire County Council and Crewe and Nantwich Borough Council;
- (b) Councillor G Baxendale – personal interest on the grounds that he was a Member of Congleton Borough Council and Congleton Town Council;
- (c) Councillor R Fletcher – personal interest on the grounds that he was a Member of Cheshire County Council, Congleton Borough Council and Cheshire Fire Authority;
- (d) Councillor D Flude – personal interest on the grounds that she was a Member of Cheshire County Council and a Member of the Alzheimers' Society and involved with various charities relating to health and social care;
- (e) Councillor S Jones – personal interest on the grounds that she was a Member of Alsager Town Council;
- (f) Councillor A Martin – personal interest on the grounds that he was a Member of Nantwich Town Council;
- (g) Councillor A Moran – personal interest on the grounds that he was a Member of Cheshire County Council and Nantwich Town Council;
- (h) Councillor A Thwaite – personal interest on the grounds that he was a Member of Congleton Borough Council.

10 PUBLIC SPEAKING TIME/OPEN SESSION

RESOLVED: That the Governance and Constitution Committee be recommended to disapply Procedure Rules 11 and 35 that relate to Public Speaking Time/Open Session for the Health and Adult Social Care Scrutiny Committee on the grounds that the Committee is not a decision making body.

11 MINUTES OF PREVIOUS MEETING

RESOLVED: That the minutes of the meeting of the Committee held on 16 December 2008 be approved as a correct record.

12 STRATEGIC NEEDS ASSESSMENT

The Committee considered a report of the Strategic Director for People on the Cheshire East Joint Strategic Needs Assessment (JSNA) – “A First Look”.

The JSNA was a shared statement on the health and social care needs of people living in Cheshire East which the Council and Primary Care Trust (PCT) had a legal duty to undertake. The document would be used to develop and improve services.

The current JSNA was an initial assessment of the health and social care situation in Cheshire East summarising findings to date and identifying priorities for improving health and well-being Cheshire East. At this stage five key areas were identified:

- Children and Young People aged 0 to 18 years of age;
- Older people aged 65 years and over;
- Long term health conditions including diabetes, high blood pressure, dementia and strokes that affect people’s daily living;
- Inequalities – the causes of different health outcomes for people in Cheshire East including access to services; and
- Lifestyle choices that impact on the health and quality of life of an individual.

The document was published on the PCT website and would be a living document that would be continually updated and refined as new information and intelligence was developed locally, nationally and internationally.

Members were advised that comments on the document were welcomed and they could comment individually or as a Committee.

RESOLVED: That the report be noted and Members of the Committee be invited to make individual comments on the Joint Strategic Needs Assessment document.

13 "INDEPENDENCE, WELL-BEING AND CHOICE"

The Committee considered a report of the Strategic Director for People on developments regarding the safeguarding of vulnerable adults. Following a review of safeguarding by Cheshire County Council and the findings of the Commission for Social Care Inspection (CSCI) arrangements were underway to establish a Safeguarding Board for Cheshire East.

By introducing a Safeguarding Board the Council would be adopting a wider approach by addressing the need to promote the health and well-being of vulnerable and older people as well as delivering adult protection where there had been incidents.

The Safeguarding Board would be multi-agency and include representation from Cheshire Police, the Probation Service, the Local Authority, Health and Housing. A Stakeholder Event had been held and arrangements were underway to appoint an Independent Chair of the Safeguarding Board that would comprise officers from Partner organisations. Elected Member accountability would rest with the appropriate Cabinet Member.

RESOLVED: That:

- (a) the update report be noted and a progress report be submitted to the next meeting;
- (b) all Members be provided with the details of the Safeguarding Co-ordinator when appointed; and
- (c) a training event be provided for all Members of the Council on issues relating to Safeguarding Adults.

14 JOINT HEALTH SCRUTINY COMMITTEES

The Committee considered a report of the Governance Lead Officer recommending the establishment of a Joint Scrutiny Committee in relation to the Cheshire and Wirral Partnership Foundation NHS Trust.

The report advised that there was currently a Joint Scrutiny Committee between Cheshire County Council and Wirral MB Council to scrutinise the work of the Cheshire and Wirral Partnership Foundation NHS Trust – the provider of mental health, learning disability and drug/alcohol services across Cheshire and Wirral.

The Committee had at its first meeting endorsed the principle of continuing these Joint Scrutiny arrangements and Wirral MBC were also keen to continue the current arrangements. No response so far had been received from Cheshire West and Chester Council. The Committee was advised the the Joint Scrutiny Committee met three times per year with the positions of Chair and Vice Chair alternating between Cheshire County Council and Wirral MBC. Secretarial Services were supplied by the Authority providing the Chair.

The Committee was advised of draft terms of reference and that at present the County Council and Wirral MBC each appointed six representatives with deputies.

RESOLVED: That the Governance and Constitution Committee be recommended to agree the participation of Cheshire East Council in joint arrangements with Wirral MBC to scrutinise the work of the Cheshire and Wirral Partnership NHS Foundation Trust and appoint six representatives (with Deputies) to serve.

15 REVIEW OF BURN CARE SERVICES

The Committee considered a letter dated 16 December 2008 received from the Chairman of the Northern Burn Care Network (NBCN). The NBCN had been established approximately twelve months ago following a national review of Burn Care Services across England and Wales which had led to new National Burn care Standards. The NBCN was looking at how the new National Burn Care Standards were to be met and were keen to engage Overview and Scrutiny in the process. Stakeholder Engagement Events had been held and the Department of

Health had advised that an event for Overview and Scrutiny Chairs should be held to assist in the engagement process. The Committee was invited to consider whether the Chairman or Vice Chairman should attend the event which was on 2 February at Wakefield.

RESOLVED: That the Vice Chairman, accompanied by the County Council's Scrutiny Policy Manager, be nominated to attend the event organised by the National Burn Care Network on 2 February.

16 COOPTION

The Committee considered a report on co-option that sought views on whether to progress co-option further. The Committee was advised that, subject to the views and agreement of the Governance and Constitution Committee, it could co-opt – in a non-voting capacity – any individual whose experience and views Members felt could be of benefit. The County Council Committee had quite an extensive scheme of representation with some representatives attending meetings on a regular basis. However, there was no requirement to have a scheme of co-option and many Health Scrutiny Committees did not have such schemes.

In considering the issue Members were advised that there were a number of points to take into account:

- Liaison with other organisations could be achieved without having permanent co-option including involving organisations in Task and Finish Panels that were looking at a specific issue;
- It was important to have “balance” on the Committee;
- If the Committee was to pursue co-option it would need to consider from which sectors to seek representation together with the term of office to be applied and whether to have substitution arrangements;
- How to handle potential conflicts of interest.

RESOLVED: That

- (a) no action be taken on permanent co-option to the Committee for the time being; and
- (b) further consideration be given to this matter in approximately twelve months time.

17 ANNUAL WORK PROGRAMME

The Committee considered a report outlining the need to prepare an Annual Work Programme and advising ways to facilitate this. The Committee would be expected to prepare an Annual Work Programme and account for its progress at year end.

Members noted that as the statutory Health (and Adult Social Care) Scrutiny Committee it had a number of issues that it “must do”:

- Consider Substantial Developments or Variations to local NHS Services;
- Deal with any matters referred to it, for example from Local Involvement Networks (LINK) or on a petition;
- Contribute to the Annual Health Check of Health Trusts;
- Consider Inspection Reports relating to Adult Social Care;

- Consider Annual Report on Complaints relating to Social Care;
- Deal with matters that had been “Called In” under the Scrutiny Procedure Rules;
- Consider the Annual Public Health Report.

There would also be a need to retain capacity to identify/scrutinise large scale cross-cutting strategic issues that impacted on the health and well-being of people in Cheshire East. The Committee noted a number of Reviews undertaken by the County Council’s Health and Adult Social Care Scrutiny Select Committee including on Diabetes and Community Support Centres. In addition there were a number of other important strategic issues locally including the Social Care Redesign and Joint Strategic Needs Assessment.

The Committee had already agreed in principle to hold Mid Point Meetings involving the Chairman, Vice Chairman and Group Spokespersons to assist with managing the business of the Committee. It was also noted that the Committee ought to consult on its draft Work Programme both internally with the Cabinet and Management Team and externally with local NHS Trusts and the LINK and consideration would need to be given as to what stage to do this.

Members discussed a possible Work Programme and highlighted the following issues/areas for consideration, in addition to any proposals for NHS Service Redesign:

- The Knutsford and Congleton Community Healthcare Project – it was noted that this would be considered at the next meeting but would require further consideration during the municipal year;
- Drug and Alcohol issues – this had been highlighted in the Joint Strategic Needs Assessment and at the Cheshire County Council/Wirral MB Council Joint Scrutiny Committee;
- Community Support Centres – this was the subject of a Task/Finish Panel at Cheshire County Council but may need further consideration.

RESOLVED: the Committee’s Work Programme for the year 2009/10 concentrate on those areas of work that it “must do” along with the items listed above.

18 FUTURE MEETING DATES

The Committee considered future meeting dates.

RESOLVED: That future meetings of the Committee be held on Monday 23 February at 2.00 pm and Monday 23 March at 2.00 pm at venues to be confirmed.

The meeting commenced at 2.00 pm and concluded at 3.15 pm

Councillor A Richardson (Chairman)

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Scrutiny Committee**
held on Wednesday, 21st January, 2009 at Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor A Thwaite (Chairman)
Councillor A Richardson (Vice-Chairman)

Councillors A Barratt, G Baxendale, S Conquest, P Edwards, Miss S Furlong,
Ms O Hunter, R Menlove, Mrs L Smetham, J Wray and Mrs S Jones

35 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors S Broadhurst, M Davies
and Mrs B Howell

36 DECLARATIONS OF INTEREST

A number of Councillors who were existing County and Borough Councillors
declared a personal interest in the business of the meeting en bloc. In
accordance with the Code of Conduct they remained in the meeting during
consideration of the relevant items.

37 PUBLIC SPEAKING TIME/OPEN SESSION

None

Members agreed that this issue should be deleted from future Scrutiny
Committee agendas, as public speaking was not relevant to this Committee.

RESOLVED

That the Governance and Constitution Committee be requested to give
consideration to the removal of Public Speaking/Open Session from the Rules of
Procedure for the Scrutiny Committee

38 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting be approved as a correct record subject to
Councillor P Edwards being included in the list of apologies.

39 ACTION TAKEN BY THE CHAIRMAN

The Chairman reported that he had undertaken the following action since the last
meeting of the Committee:

Urgent Decision under Standing Order No 25 – Appointment of Strategic Director, Places Informal Briefing to Members of the Cabinet.

RESOLVED

That the action taken by the Chairman in respect of the matter set out above be noted.

40 OPEN INVITATION TO THE LEADER OF THE COUNCIL AND CHIEF EXECUTIVE

It was noted that the Leader of the Council and Chief Executive were not available to attend this meeting.

It was agreed that this invitation should be a standard item on the Scrutiny Committee agenda and that the Leader of Council should be requested to address a future meeting of the Committee to express his views on the scrutiny process and how he would envisage scrutiny working post-vesting day.

RESOLVED

That an open invitation to the Leader of the Council and Chief Executive be included on all future Scrutiny Committee agendas

41 ADDRESS BY PORTFOLIO HOLDER

The Portfolio Holder for Resources did not attend the meeting

42 FEEDBACK ON SCOPING EXERCISE

The Scrutiny Committee had completed a scoping exercise earlier in the day on a review of Facilities for Young People, which would be completed by March 2009. Members agreed that although the exercise went well, the training that had been received so far did not assist in the review.

RESOLVED

That the feedback on the scoping exercise be noted.

43 ANNUAL WORK PROGRAMME

Consideration was given to the Committee's work programme. It was agreed that at the next meeting of the Committee, Members receive a report on the reviews/issues that would be referred to the Scrutiny Committee and a report on the reviews that had already been undertaken by the Borough Councils and County Councils.

Members also agreed that the forward Plan should be considered at all future meetings of the Committee.

RESOLVED

That the work programme be approved subject to the comments highlighted above.

44 UPDATE: CHESHIRE AND WARRINGTON IMPROVEMENT PARTNERSHIP MEMBER DEVELOPMENT – OVERVIEW AND SCRUTINY PROGRAMME

Members completed a feedback questionnaire on a training session relating to Module 3 – Having an Influence, Work Planning and Prioritisation, which was held at Warrington Town Hall on Friday 16 January 2009.

Following detailed discussion on the session, Members agreed that the following specific issues should be raised:

1. That the knowledge and expertise of the IDeA facilitator was good, however this did not come across during the training session
2. That the agenda for the session was not followed
3. That the location was poor
4. That members received too much background information and there was insufficient emphasis on the outcome of a review
5. That there was insufficient practical training such as workshops and case studies

RESOLVED

That the feedback form be approved and submitted to the IDeA

45 TRAINING AND DEVELOPMENT ISSUES

Consideration was given to the further training and development issue required by the Scrutiny Committee. It was agreed that:

1. J Lamb and H Boots be requested to facilitate a review session to enable any outstanding questions to be answered.
2. Training be received on the functions of the Borough and County Councils.
3. Additional practical training be received on how to conduct a review, with a focus on outcomes.

RESOLVED

1. That J Lamb and H Boots be requested to lead a future training session to answer any outstanding questions and help to review progress to date.
2. That the Committee receive training in respect of the functions of the Borough and County Councils and how to conduct a Scrutiny review.

46 ANNUAL SCRUTINY REPORT FOR 2008/09

Consideration was given to the Annual Report for 2008/09. It was agreed that the Chairman would draft the report and submit it to the next meeting of the Committee for consideration

RESOLVED

That the Committee give consideration to the draft Annual report at its meeting scheduled to be held on 18 February 2009.

The meeting commenced at 2.00 pm and concluded at 3.15 pm

Councillor A Thwaite (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Advisory Panel - Performance and Capacity**
held on Wednesday, 21st January, 2009 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor J Hammond (Chairman)
Councillor Mrs D Thompson (Vice-Chairman)

Councillors Mrs E Alcock, T Beard, D Brown, P Mason, H Murray, J Narraway
and D Stockton

12 APOLOGIES FOR ABSENCE

Councillors P Edwards, Miss S Furlong, M Hardy and F Keegan.

13 DECLARATIONS OF INTEREST

A number of Councillors who were existing County Councillors, Borough Councillors and Town and Parish Councillors declared a personal interest in the business of the meeting en bloc.

14 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public, present wishing to address the Panel.

15 MINUTES OF THE PREVIOUS MEETING**RESOLVED**

That the minutes be approved as a correct record subject to the last paragraph under the heading Minute No.8 'Task Groups'-'Branding' being amended to state that it was a number of new bus stops which had been erected and not bus shelters.

In addition under Minute No.6 'Shared Back Office-Update Report' an additional paragraph was included as follows:-

(vi) That ICT Shared Services be a small part of ICT provisions that data centre(s) would continue in the East with a view to establishing a single Cheshire East Centre hosting all Cheshire East systems.

16 2009/2010 BUDGET

The Borough Treasurer provided the Panel with a financial overview of the budget as well as highlighting key budget assumptions and the impact that the economic downturn, which the Country was currently experiencing would have on Cheshire East Council.

In considering the report Members of the Panel raised the following issues:

- (i) It was queried why there was a difference between Cheshire East and Cheshire West and Chester of £30 million pounds in terms of the Formula Grant allocated to each of the Authorities. This is due to the fact that the East has a much higher Council Tax Base and therefore has a different funding package.
- (ii) It was queried what the time limit for paying back the transitional costs was. The Borough Treasurer confirmed that the aim is for transitional costs to be paid back within 3 years, although the maximum pay back is within 5 years.
- (iii) In relation to the figures on page 10 of the report it was queried whether the healthy nature of the figures was as a result of the sale of properties in the West. This was confirmed as correct.
- (iv) It was queried why the Capital Programme spend started at 94.7 million pounds in 2009-10 and then decreased dramatically to 48.0 million pounds for 2011-12. It was noted that the figures contained within the report reflected existing commitments to each of the Authorities. This could increase as new schemes were considered.
- (v) It was queried whether or not a number of policies in relation to waste collection service, economic development, land allocation, transport links and so forth were being addressed by the new Authority. There was concern that nothing of substance was being promised. In response to the above issues raised the Borough Treasurer confirmed that these issues would need to be considered and that a substantial amount of information would need to be brought together.
- (vi) It was queried if there would be greater Member involvement in the budget setting process in the future. It was noted that next year the budget setting process would commence earlier and it was the intention of the Authority to involve Members and other Stakeholders in the process.
- (vii) It was queried if there would be greater Member involvement in the setting of the Capital Programme. Again it was confirmed that this would be the case.
- (viii) In respect of page 12 of the report it was requested that under the bullet point relating to Stronger Communities the word 'assets' be inserted after the word 'decision-making'. This request was agreed.
- (ix) In respect of the first two paragraphs on page 20 of the report further explanation was sought on the differences between capital spend and revenue spend. The Borough Treasurer acknowledged that further details on the differences between capital and revenue spend could be incorporated into future reports.
- (x) In respect of page 23 of the report concern was expressed that no reference had been made to litter or graffiti in areas for investment.
- (xi) In respect of page 26 of the report clarification was sought as to who had authorised a review of CCTV for the three existing Authorities.

- (xii) In respect of the third bullet point down on page 37 of the report, further clarification was sought as to where finances would be spent on crime and reducing anti-social behaviour.
- (xiii) In respect of the fourth bullet point on page 28 it was requested that this be expanded to provide further detail. In response it was noted that each Authority had its own ICT support system. Eventually the proposal would be to establish would be to create one system by bringing together all of the current systems. It was hoped that people would be able to work collectively together under one location using ICT system in order to support the operation of the Council. Location would be an issue and as a result a review across the board was currently being undertaken.

RESOLVED

That the report be received and noted.

17 SHARED SERVICES UPDATE

Consideration was given to a report updating Members on Shared Services.

It was reported that following a meeting of the Leaders and Chief Executives of Cheshire East and Cheshire West and Chester it was agreed that a Joint Programme Development Team would be established, to be chaired jointly by the Section 151 Officers. The purpose of the Team was to ensure all the shared services were designed and developed to both Councils satisfaction during the run up to Vesting Day. It was anticipated that Officers would be working closely with colleagues in the West in order to govern all of the shared services.

Further discussions ensued in relation to the European Funding Budget which both Council's could use to extract additional finances from. Members raised concerns that the majority of funding would be transferred to the West and that if the East did not benefit from being involved in the Unit then it should pull out.

In response the Borough Treasurer stated that Cheshire East would examine closely the benefits of the service and what the Authority would be getting out of it. However she emphasised the importance of working on a pooled budget service with the West rather attempting to split budgets for the two Authorities.

RESOLVED

That the report be noted.

18 MOBILE AND FLEXIBLE WORKING

Consideration was given to a report updating the Panel on flexible and mobile working arrangements.

It was reported to the Panel home working would be available but this would be limited and that the main focus would be on where people could work. The intention was to allow people to work at a variety of locations with the opportunity of 'hot desking' to be made available to a number of employees.

Human Resources policies were at consultation stage and if the Panel felt it appropriate then Members would also be given the opportunity to make comments on the prospective policies. It was agreed that the Panel would find it useful to comment on any Human Resources Policies. In addition the Panel welcomed the proposals being suggested however some concerns were raised that control over any new arrangements of working would need to be carefully exercised.

Clarification was sought as to whether or not the flexible and working arrangements put forward was a Cheshire East initiative. In response to this question it was confirmed that this was the case. In addition it was queried to what extent the Council would support and control the Policy. In response it was confirmed that it was for the Members of Cheshire East Council to decide the policy's specifications.

The Panel emphasised the importance of ensuring that robust arrangements were in place in order to ensure that abuse of the system did not take place. Members wished to highlight the importance of ensuring that services provided continued to benefit members of the public and that any new arrangements in place would not impact on the service that the public received.

Officers agreed that proposals established would need to contain the correct balance that was right for the new Authority, its employees and the services provided.

RESOLVED

(1) That the report be noted.

(2) That the Human Resources policies currently undergoing consultation be brought back to a future meeting of the Panel for the Members consideration.

19 TASK GROUP UPDATES

Consideration was given to a report, updating the Panel on the progress made in respect of the Partnerships Workstream Task Group and the Customer Access Task Group.

Partnerships Workstream

With regard to the Task Group relating to Partnerships Workstream, it was noted that a number of meetings had taken place between strategic partners in relation to how the different partners would engage with the Community and Cheshire East Council.

The Panel were informed that an engagement/development workshop with partners was to be held on 26 January 2009 at Tatton Park, Knutsford with over 25 people were attending the event.

The Panel sought clarification if the event was open to all Cheshire East Councillors. It was suggested that the Senior Member Services Officer confirm if the event was open to all Councillors with the Officer responsible for organising the event. If it was then an email would be circulated to all Members.

In respect of work that was commencing in the agreed neighbourhood pilot areas, clarification was sought from the Portfolio Holder for Capacity and Performance as to the scope of the pilot schemes and if Disley and Adlington as well as Poynton were also included in the pilot scheme.

In response to this the Portfolio Holder confirmed that a pilot scheme for each of the areas highlighted in the report would commence prior to 1 April 2009.

Clarification was also sought as to what the pilot scheme would involve. The Portfolio Holder agreed to obtain further information and report back to the next meeting.

Customer Access

With regard to the Task Group relating to Customer Access it was noted that the shared services issues with Dalton House was being addressed.

Feedback from the Telephone Self-Delivery pilot was due in the next three to four weeks. It was hoped that feedback from this pilot would be positive.

The Group was also considering face-to-face opportunities in rural areas and work respect of this was scheduled to be undertaken shortly in conjunction with the Cheshire Rural Retail Partnership. Furthermore Officers had liaised with some Members of Cheshire East Council as to the services that could be delivered in remote areas including the possibility of using the Post Office to deliver some local services.

Consideration was given to the possibility of using facilities such as video conferencing and teleconferencing to provide remote access to some services.

The next meeting of the Group was scheduled for 4 February, however a number of Members were unable to make this date and it was requested that the possibility of changing the meeting to another date be investigated.

RESOLVED

That the updates be noted.

It was noted that the next meeting of the Panel would take place on Thursday 5 March 2009 at 2.00pm at Westfields, Sandbach.

The meeting commenced at 2.00 pm and concluded at 4.00 pm

Councillor J Hammond (Chairman)

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Advisory Panel - Places**
held on Tuesday, 27th January, 2009 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor G M Walton (Chairman)
Councillor Mrs E Gilliland (Vice-Chairman)

Councillors D Bebbington, D Brickhill, H Davenport, D Hough, J Macrae,
A Moran, B Moran, D Neilson, B Silvester, C Thorley, Mrs J Weatherill and
R West

Apologies

Councillors D Brown

21 DECLARATIONS OF INTEREST

A number of Councillors who were existing County Councillors, Borough Councillors and Town and Parish Councillors declared a personal interest in the business of the meeting en bloc.

22 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present, wishing to address the meeting.

23 MINUTES OF PREVIOUS MEETING

With reference to minute 16, Cheshire Homechoice Common Allocations Policy, clarification was sought in respect of the situation with regard to local connection criteria, as raised by Members at the last meeting. It was reported that a meeting had taken place of Project Board, where this issue had been considered and that there were some concerns regarding legality and discrimination. Officers were examining the legal issues and also looking at best practice in other areas. A new Project Manager had now been appointed, who would take this matter forward and there would be a report back to a future meeting on the findings.

RESOLVED

That the minutes be approved as a correct record.

24 TASK GROUP UPDATES

Consideration was given to updates in respect of the Task Groups, including reports relating to actions arising from the Task Groups as follows:-

Car Parking

Consideration was given to a report, updating the Advisory Panel on discussions held at the last meeting of the Parking Task Group on 14 January 2009.

In considering the report, it was noted that the Task Group had requested a list of all the public car parks situated in the Cheshire East area, including criteria and classification and it was urged that this information be provided to the Task group as soon as possible.

With regard to car parking charges, it was considered that this needed to be progressed as quickly as possible, in order to satisfy budgetary requirements.

Waste collection and disposal

It was reported that the group had met in November 2008 to consider a number of reports, but that the December meeting had been cancelled. The main output from the Group in the last couple of months had been a report to the Places Advisory Group on the collection of garden waste in the former Crewe and Nantwich Borough Council area. As a result, a report to Cabinet was being drafted, to take forward recommendations on the options for implementing free garden waste collections.

A meeting of the Task Group had taken place on 14 January 2009 and the minutes of the meeting were appended to the agenda. Reference was made to discussions which had taken place at the meeting to consider future wheeled bin procurements, where it had been suggested that views be sought from the Advisory Panel on all future bins being purchased in a single colour, but that different colour lids attached to identify what is placed in that receptacle. It was queried whether this would provide a cost saving and this was confirmed.

It was noted that a report had been considered relating to approval of a Recycling Branding for Cheshire East and the Task Group had concluded that Cheshire East should retain the "Recycle for Cheshire" branding, but to monitor usage.

The next meeting was scheduled to take place on 18 February.

Local Development Framework and Strategic Development

It was noted that no meetings of the above Task Groups had taken place since the last meeting of the Panel.

Development Management

The Above Task Group had met on three occasions and two reports had been produced for consideration by the Panel as follows:-

Proposed arrangements for Governance, Planning Committees and a scheme of delegation for planning functions.

Consideration was given to a report relating to arrangements for Planning Governance, Committees and a scheme of officer delegation across Cheshire East, post vesting day. The Advisory Panel was recommended to propose to the Governance and Constitution Committee that the Council's development control functions be discharged by a Strategic Planning Board,

supported by two Planning Committees and a scheme of officer delegation, details of which were set out in the report.

In considering the report Members of the Panel raised the following issues :-

1. The Portfolio Holder for Prosperity suggested that the Panel might wish to consider making a recommendation to The Governance and Constitution Committee that, whilst the Committees would be politically proportionate, that minority groups with a single representative be allowed to appoint a substitute, if required. It was suggested by Members that it might be more appropriate to increase the number of representatives from the minority groups.
2. It was considered that Town and Parish Councils had a role to play in the consideration of planning applications and that provision should be made for this. However, it was noted that not all Town and Parish Councils would wish to have an enhanced role.
3. It was considered that Ward Members should be consulted on any applications in their ward and that the delegation procedure should include provision for call in by Ward Members. However, it was considered that applications should be called-in for planning reasons only and that there was a need for a Protocol relating to call-in and Member training in respect of this. It was also considered that when Members called in an application they should be required to attend the meeting where it was considered.
4. Concern was expressed that the Strategic Planning Board would have the ability to reverse a decision made by the Planning Committees and it was considered that this should not be the case.
5. Concern was expressed that there would be no Independent or Labour Members for the Macclesfield area and this would result in a lack of local knowledge.

RESOLVED

That, subject to the above comments being taken into account, a recommendation be made to the Governance and Constitution Committee that the Council's development control functions are discharged by a Strategic Planning Board, supported by two Planning Committees and a scheme of officer delegation, as set out in the report.

Planning Protocol

Consideration was given to a report relating to a proposed Planning Protocol for the consideration of planning matters. The Advisory Panel was requested to review and comment on the proposed Protocol and to recommend it for adoption by the Council

It was noted that a number of typographical errors and inconsistencies in terminology would be corrected in the document and paragraph 14.3 deleted.

In considering the report members of the Panel raised the following issues:-

1. It was considered that Members should be required to sign to indicate that they had received a copy of the Protocol.

2. It was felt that the Protocol should only apply to those Members sitting on the Strategic Planning Board and Planning Committees and not all Members.
3. It was suggested that consideration be given to public speaking at the Strategic Planning Board and Planning Committees and the introduction of a Protocol for this.
4. It was considered that training for members of the Strategic Planning Board and Planning Committees should be mandatory. It was noted that training had been arranged and would take place on 17 and 19th March.
5. With reference to paragraph 10.8 of the Protocol, concern was expressed that Members were advised not to enter a site without first having spoken to the Corporate Manager (Planning and Development). It was noted that this wording would be amended to refer to the Head of Planning and Policy and that Members would only be required to notify him/her and not to obtain permission. The paragraph was intended as guidance for Members.
6. It was suggested that the definition of a site should be clarified within the document.

RESOLVED

That the Planning Protocol be recommend to Council for it for adoption.

Crime and Disorder Reduction

Consideration was given to a report advising the Advisory Panel of developments in the partnership and operational Community Safety field, and to seek the advice of the group on future arrangements.

The Task Group had made a series of recommendations, including that the existing Crime and Disorder Reduction Advisory Task Group increase its scope to take in the wider remit of the Safer and Stronger Communities Service and Portfolio (Wardens, CCTV, Regulatory Services and Community Development); that the Council request that the Chairman of the Council invite the new Chief Constable Mr Dave Whatton to a meeting of the full Council; that the Advisory Task Group be requested note the agreed priorities of the new Cheshire East Crime and Disorder Reduction Partnership, which was amended to the report; and that the Advisory Panel seek clarification on the operational and partnership responsibility for road safety.

In considering the report members of the Panel raised the following issues:-

1. The Portfolio Holder for Safer and Stronger Communities reported that discussion had also taken place at the last meeting with regard to the possibility of Community Wardens and Car Parking Wardens carrying out some of the same functions and that legal advice would need to be sought to ascertain whether this would be possible. He referred to the CDRP structure chart and stated that the intention was for the CDRP to be proactive in achieving the required targets. Consideration would also be given to the operation of the CCTV function at a future meeting. Members requested that when this matter was considered that there should be a sufficient number of operatives, in order to ensure that detailed images were available,

2. It was noted that the CDRP Structure Chart referred to the “top 10 priority wards” and it was considered that problems in other wards should also be addressed.
3. Discussion took place with regard to whether the Task Group should be renamed and it was considered that, in view of the short life of the Task groups, this would not be necessary.

Manchester Airport Sub Task Group

The minutes of a joint meeting between the former Macclesfield Borough Council Airport Panel and the Task Group were appended to the agenda. It was noted that the Task Group visit to the Airport, referred to in the minutes, which would form part of the fact finding exercise in respect of the replacements for the Section 106 Agreement had now taken place.

Visitor Economy

The Chairman reported that the above Task Group had met for the first time in the previous week and had agreed the Terms of Reference for the Task Group, had received a presentation outlining the importance of the visitor economy and some of the key issues which needed to be addressed and had discussed various issues, including governance of Tatton Park and had identified priority items, namely the new management structure and the embedded visitor economy and the cross cutting agenda into Cheshire East .

25 CHESHIRE EAST LOCAL DEVELOPMENT SCHEME

Consideration was given to a report, requesting the Advisory Panel to recommend to Cabinet that the Cheshire East Local Development Scheme be brought into effect, with the inclusion of a caveat recommended by the Government Office for the North West.

RESOLVED

That Cabinet be recommended :-

To include a caveat within the Local Development Scheme, alongside the table and profile of the Minerals DPD, highlighting that the timetable/DPD could be changed, should it be decided in future that joint working with Cheshire West and Chester would be more appropriate on this matter.

That the Cheshire East Local Development Scheme, appended to this report, shall come into effect from 4th February 2009 in accordance with Regulation 11(2)(a) of the Town and Country Planning (Local Development) (England)(Amendment) Regulations 2008.

26 CHESHIRE EAST INTERIM PRIVATE SECTOR ASSISTANCE POLICY

Consideration was given to a report, which had been prepared to allow the Advisory Panel to consider and comment on the Cheshire East Interim Private Sector Assistance Policy. Cheshire East Cabinet had approved the Policy in principle at its meeting on 6 January 2009, subject to there being no significant changes following circulation of the Policy for public response.

It was noted that all Members should have received an Executive Summary and questionnaire relating to the document and Members were requested to complete the questionnaire and return it.

With reference to paragraph 7.4 of the report, it was queried whether the safety net in respect of assistance allowed for a fall in property prices, as well as an increase and it was confirmed that this was based on a percentage of the property price.

The fact that funds were repaid and recycled was welcomed, however, it was queried why this did not apply in all cases.

RESOLVED

That the Cheshire East Interim Private Sector Assistance Policy be supported.

27 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

That the press and public be excluded from the meeting during consideration of the following item, pursuant to Section 100 (A) 4 of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 2 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information. (Paragraph 3 relates to information relating to the financial or business affairs of any particular person, (including the Authority holding that information)).

WASTE TREATMENT PFI CONTRACT - FURTHER DE-SELECTION OF PARTICIPANTS

Consideration was given to a report, updating the Advisory Panel on progress with regard to the procurement of new waste treatment facilities and outlining the methodology that had been used to arrive at a shortlist of Participants for the final stage of the Competitive Dialogue and thereafter, the Final Tender stage for the Waste Treatment Services PFI Contract. A fuller report was tabled at the meeting, which indicated the recommendations for de-selection of Participants to a shortlist of two.

RESOLVED

That the Cabinet be advised that the supplementary recommendations for deselection, as set out in paragraph 7.18 of the report, as circulated at the meeting be supported.

The meeting commenced at 2.00 pm and concluded at 4.05 pm

Councillor G M Walton (Chairman)

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 3rd February, 2009 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor W Fitzgerald (Chairman)
Councillor R Domleo (Vice-Chairman)

Councillors D Brickhill, D Brown, P Findlow, F Keegan, A Knowles, J Macrae,
P Mason and B Silvester

In attendance:

Councillors E Howell, L Smetham, A Richardson and A Thwaite

141 APOLOGIES FOR ABSENCE

There were no apologies for absence.

142 DECLARATIONS OF INTEREST

Members gave a general declaration of personal interest in respect of every item on the agenda where an individual member was a Member of Cheshire County Council and/or one of the current Borough Councils. In addition Councillor D Brown declared a personal interest in minute 147 (People into Jobs) by virtue of being a representative on the Groundwork Trust. In accordance with the Constitution they remained in the meeting during consideration of these items.

143 PUBLIC SPEAKING TIME/OPEN SESSION

There were no questions from members of the public.

144 MINUTES OF PREVIOUS MEETING

RESOLVED

The minutes of the meeting held on 6 January 2009 were approved as a correct record.

145 KEY DECISION CE11 HUMAN RESOURCES FLEXIBLE WORKING POLICIES

Consideration was given to policies in respect of flexible working arrangements and flexi-time which would support service delivery and provide benefits for employees in Cheshire East.

RESOLVED

For the reasons set out in the report: -

1. That approval be given to the policies on:
 - Flexible Working Arrangements (Appendix 1); and
 - Flexi-time Policy (Appendix 2)
2. That a further report on Mobile and Home Working be submitted to a future meeting following the completion of consultations with the trade unions.

146 **REDUNDANCY PROVISIONS**

The Cabinet was requested to confirm arrangements in respect of severance provisions for non-teaching employees in the new Council.

RESOLVED

For the reasons set out in the report: -

That approval be given for the severance provisions for non-teaching employees, agreed in July 2008, to continue to apply until 31 March 2010 at which point they will be subject to review.

147 **PEOPLE INTO JOBS**

Councillor D Brown had declared a personal interest in this item by virtue of being a representative on the Groundwork Trust. In accordance with the Constitution he remained in the meeting during consideration of this item.

Consideration was given to the provision of match funding from April 2009 to December 2010 in support of the People into Jobs bid. The bid for European Regional Development funding had been submitted by the Cheshire and Warrington Alliance on behalf of the Cheshire Districts and Warrington Borough Council and had been approved subject to match funding and contract arrangements by the North West Development Agency.

The Cabinet approved the match funding but also requested that in the light of the current economic situation the North West Development Agency be requested to consider what assistance could be given to people made redundant more recently and to preventing the loss of businesses in the area.

RESOLVED

For the reasons set out in the report and as now given: -

That approval be given to the request for match funding from April 2009 – December 2010 in support of the bid, together with contributions from Other partners, equal to the amount from the European Regional Development Fund.

148 **RESPONDING TO THE RECESSION**

Consideration was given to the likely impact of the recession on both Cheshire East as an area and on the new Council, and to the development of a whole Council response. In considering the way forward and the formulation of a strategy for Cheshire East Council it was noted that Cabinet intended to establish a combined Member/Officer Recession Response Task Group, comprising Councillors D Brown, F Keegan and J Macrae and John Nicholson (Strategic Director Places), and that this Group would be able to consider this matter further.

RESOLVED

For the reasons set out in the report and as now given: -

1. That the Recession Response Task Group be set up and that its remit include addressing the recession in a monitoring role and a remedial role, taking into account work already being carried out in this area.
2. That consideration be given to the proactive policies to be developed over the coming months to enable Cheshire East as an area to better weather the economic recession.
3. That as part of the Service Planning process all service areas review the likely impact of the recession on their own service and on their budget and that where appropriate they develop, with Member approval where necessary, proactive policies that will assist individuals, communities and local businesses.
4. That the consequences of the economic downturn be discussed with the Cheshire East Local Strategic Partnership so that strategies to assist individuals, communities and local businesses can be developed at the Local Strategic Partnership level.

149 **HOUSING BENEFIT LOCAL SCHEME**

Consideration was given to the amount of pension to be disregarded when calculating entitlement to Housing Benefit and Council Tax Benefit for people in receipt of income from War Widows (Widowers) and War Disablement Pensions and the Armed Forces and the Reserved Forces Compensation Scheme.

RESOLVED

For the reasons set out in the report: -

That approval be given for Cheshire East Council to wholly disregard War Widows (Widowers) and War Disablement Pensions and the Armed

Forces and Reserved Forces Compensation Scheme payments when assessing entitlement to Housing Benefit and Council Tax Benefit.

150 **DRAFT FINANCE AND CONTRACT RULES OF PROCEDURE**

Consideration was given to the preparation of the Finance and Contract Rules of Procedure in order that they be operational from vesting day; the rules were in the process of being prepared alongside revisions to the Constitution due to be considered by the Governance and Constitution Committee and then by Council.

RESOLVED

For the reasons set out in the report: -

1. That approval be given to the recommended approach to the Finance and Contract Procedure Rules.
2. That Officers be authorised to develop the framework and the Rules for consideration by Members in accordance with the timetable reported.

151 **SECTION 24 SCHEDULES OF CONSENT**

Cabinet were informed that no delegated decisions had been made since the last meeting of the Cabinet.

RESOLVED

That it be noted that no delegated decisions had been made since the last meeting of the Cabinet.

152 **PROGRESS REPORT**

Consideration was given to an update on the Local Government Reorganisation Programme with particular focus on Customer Access and Staffing Issues. Achievements made within the reporting period were recorded and the steps to be taken in the next reporting period were highlighted.

RESOLVED

For the reasons set out in the report:-

That progress made in this reporting period be noted.

153 **REGIONAL FUNDING ADVICE TRANSPORT PRIORITIES**

In accordance with Section 100B (4) (b) of the Local Government Act 1972 the Chairman agreed to allow consideration of this item as a matter of urgency so as to enable a response to be made to the consultation

exercise relating to transport priorities the deadline for which had been extended to 4 February 2009 in order to allow the Cabinet to consider the matter.

Consideration was given to a report on the Regions consultation exercise on the draft Regional Funding Advice for the North West for the period to 2018/19. It provided a summary of the proposed changes from the first process, considered the impact that this might have for Cheshire East, and sought agreement on a Cheshire East response to the draft proposals on transport priorities.

RESOLVED

For the reasons set out in the report: -

1. That the draft Regional Funding Advice on transport priorities and its impact on Cheshire East priorities be noted.
2. That approval be given to the draft response set out in Appendix 3 to the report.

The meeting commenced at 2.00 pm and concluded at 3.00 pm

W Fitzgerald (Chairman)

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Governance & Constitution Committee**
held on Monday, 9th February, 2009 at Committee Suite 1 & 2, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor A Ranfield (Chairman)
Councillor (none)

Councillors M Asquith, D Cannon, R Cartlidge, Mrs S Jones, A Kolker,
Mrs G Merry, A Moran, P Whiteley, G Barton, C Beard and R Westwood

68 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D Topping,
R Walker and R West

69 OFFICERS PRESENT

Mike Flynn, Governance Lead Officer
Chris Chapman, Borough Solicitor
Brian Reed, Democratic Services Manager
Sheila Dillon, Assistant Legal and Democratic Services Manager CBC
Rachel Goddard, Assistant Solicitor C& N BC
Kate Khan, Solicitor MBC
Daniel Dickenson, Solicitor CCC
Dominic Oakeshot, Performance Improvement CCC
Andy Farrow, Planning and Policy Manager

70 DECLARATIONS OF INTEREST

Councillor C Beard declared a personal and prejudicial interest in respect of
Agenda Item 9: Planning Protocol of Conduct in relation to the Determination of
Planning Matters on the ground that he was involved in a Planning matter that
was currently under investigation. In accordance with the Code of Conduct he
left the meeting during consideration of this item.

71 PUBLIC SPEAKING TIME/OPEN SESSION

No member of the public used the public speaking or question time.

72 MINUTES OF PREVIOUS MEETING

RESOLVED - That subject to the inclusion of the names of Councillor R Parker
and P Whiteley in the list of members present, the minutes of the meeting held on
the 12 January 2009 were approved as a correct record.

73 CONSTITUTION-GENERAL POWER

Consideration was given to a report of the Borough Solicitor seeking authority to allow the Borough Solicitor to make such essential additions and changes to the Constitution as might arise following the date of the Council meeting on 24 February 2009.

Over the last few months a number of reports had been brought to the Committee which had resulted in recommendations to Council upon a range of Constitutional matters. The Committee was due to receive further reports on remaining issues which would complete the Constitutional picture.

The meeting of this Committee on 9th February, and the subsequent meeting of Council on 24th February, would be the last opportunity before Vesting Day for Constitutional matters to be dealt with. Whilst officers believed that the work of the Committee would adequately provide Cheshire East Council with a robust Constitution, which would fully enable the Council to undertake all local authority functions with effect from Vesting Day, it was vitally important for a general delegated authority to be agreed which would enable urgent additions and changes to be made to the Constitution.

RESOLVED - That Council be recommended that the Borough Solicitor in consultation with the Political Group Whips be granted delegated authority to make such additions and changes to the Council's Constitution as he considers are necessary in order to ensure the delivery of efficient and effective local authority functions with effect from Vesting Day.

74 DECISION-MAKING AND OVERVIEW AND SCRUTINY STRUCTURE OF THE COUNCIL

Consideration was given to a report of the Borough Solicitor containing recommendations on the remainder of Committees which would form part of the Council's decision-making and Overview and Scrutiny structure after Vesting Day and in respect of the responsibilities of decision-making bodies.

The Committee had already made recommendations to Council on 24 February on the key elements of the Council's decision-making structure. Other reports appeared on the agenda in respect of the appointment of some decision-making bodies.

Appended to the report was a list of committees that had not yet been considered by the Committee, together with suggested powers and committee memberships.

Certain Committees, which were presently operating within Cheshire East Council, were also listed in the Appendix, with an indication as to where it was recommended that the powers and Memberships of these Committees should continue to remain the same as apply during the Shadow Period.

The Appendix also included the current responsibilities of Council and of Cabinet. The Committee was asked to recommend to Council that all of these responsibilities should continue to apply with effect from Vesting Day.

The Shadow Council currently had Staff Employment Procedure Rules which provided for a range of employment issues. These now needed to be amended

to reflect the unitary and full local government status of the Council post Vesting Day. The Committee was therefore asked to recommend to Council that the existing Rules, appropriately amended be adopted by the Council and included in the Constitution.

RESOLVED – That Council be recommended that:

(a) That the following Committees be appointed:

Children and Families Scrutiny Committee
Health and Adult Social Care Scrutiny Committee
Environment and Prosperity Scrutiny Committee
Sustainable Communities Scrutiny Committee
Corporate Scrutiny Committee
Staffing Committee
Lay Members Appointments Committee
Appeals Committee
Standards Committee
Wirral Joint Committee, with terms of reference from agenda item 7
Governance and Constitution Committee

(b) That the appointed committees be granted the decision-making powers and memberships set out in the Appendix, with effect from Vesting Day.

(c) That the Political Groups notify the Borough Solicitor of the Members to be nominated for appointment to the Committees set out in the Appendix and that, where political proportionality applies, the membership numbers be confirmed by the Borough Solicitor in consultation with Group Leaders.

(d) That the responsibilities of the decision-making bodies set out in the Appendix be agreed.

(e) That the Shadow Council's existing Staff Employment Procedure Rules be incorporated into the Council's Constitution with appropriate amendments to reflect the Council's practices and procedures after Vesting Day.

(f) That the Standards Committee powers be as follows:

- by itself or by sub-committee, to discharge the Council's functions under Part III of the Local Government Act 2000, including:
 - assessment of new complaints (discharge any functions under S57A of the Act)
 - review decisions to take no action over a complaint (S57B of the Act)
 - consider final investigation reports and conduct determination hearings
- for considering and granting, or otherwise, dispensations in respect of Members' interests when so enabled under Part III of the Local Government Act 2000.

(g) That the Monitoring Officer be authorised make such additions and amendments to the Council's Constitution as he considers are necessary to give effect to the wishes of Council.

75 JOINT HEALTH SCRUTINY COMMITTEES

Consideration was given to a report of the Governance Lead Officer relating to the establishment of a Joint Scrutiny Committee with Wirral Metropolitan Borough Council and the Cheshire and Wirral partnership NHS Foundation Trust.

The Health and Social Care Scrutiny Committee at its meeting on 20 January 2009 had supported a recommendation that Cheshire East Council should participate in joint arrangements with Wirral MBC to scrutinise the work of the Cheshire and Wirral Partnerships NHS Foundation Trust. This Committee's approval was now sought to formally progress the establishment of the Joint Committee.

RESOLVED – That it be recommended to Council that :

- (i) Cheshire East Council agrees to participate in the joint arrangements with Wirral MBC to scrutinise the work of Cheshire and Wirral Partnership NHS Foundation Trust and to appoint six representatives (with Deputies) to serve:
- (ii) the Group Leaders notify the Chief Executive of these appointees in accordance with political proportionality rules.

76 PLANNING AND DEVELOPMENT CONTROL: COMMITTEE STRUCTURE AND DELEGATIONS

Consideration was given to a report of the Borough Solicitor recommending a scheme of delegation to discharge the Council's development control functions.

The Council was under a statutory duty to determine planning applications and must have a decision making structure in place and working from 1 April 2009.

To maintain the flow of decision-making and to avoid a drop in performance of the four Council's existing Planning Committees, the Council needed to set up a sufficient number of committees which would ;-

- meet frequently
- carry a manageable workload of appropriate complexity and
- be supported by a robust scheme of delegation

In November 2008, Advisory Panel – Places set up a Development Management Task Group comprising experienced Planning Councillors and Development Managers, to develop a proposal for Planning Governance. The Group met three times and reported back to the Panel regarding various options on 27th January 2009. The Panel agreed with the Group's recommendation that the development management function should be discharged by one Strategic Planning Board, supported by two Planning Committees and a full scheme of officer delegation. .

Terms of Reference for the three tiers were approved by the Panel. The Terms were attached as appendices to the report incorporating subsequent amendments to the wording which had not changed their substantive content.

RESOLVED - That it be recommended to Council that that development control functions be discharged by a Strategic Planning Board, supported by two Planning Committees and a scheme of delegation as detailed below:

A.

- creation of a Strategic Planning Board
- with the Terms of Reference set out at Appendix A
- served by a membership of 14 on a politically proportional basis (ie: Conservative 10, Liberal Democrat 2, Labour 1, Independent 1) including the two Portfolio Holders responsible for Development Management and the Local Development Framework
- with a quorum of 5 (as an exception to Standing Order 27)
- comprising councillors to be nominated at full Council on 24th February
- meeting for the 1st time on [date to be fixed] then on a 3-weekly cycle
- operating as a Shadow Committee forthwith and as a fully operational Council committee from 1st April 2009
- included in the Shadow Council's Constitution forthwith and in the Constitution of Cheshire East Council with effect from 1st April 2009.

B.

- creation of two Planning Committees
- with the Terms of Reference set out at Appendix B
- served by a membership of 15 on a politically proportional basis (ie: Conservative 11, Liberal Democrat 2, Labour 1, Independent 1)
- with a quorum of 5 (as an exception to Standing Order 27)
- comprising councillors to be nominated at the first meeting of the Strategic Planning Board
- meeting for the first time on [dates yet to be fixed] and then on a 3-weekly cycle
- operational from and included in the Constitution of Cheshire East Council from 1st April 2009

C

- adoption of the officer delegation scheme at Appendix C
- to be included in the Constitution of Cheshire East Council with effect from 1st April 2009

D

- authority be given to the Borough Solicitor to make such consequential changes to the Constitution as he considers necessary to give effect to the wishes of Council.

77 PLANNING PROTOCOL OF CONDUCT IN RELATION TO THE DETERMINATION OF PLANNING MATTERS

Councillor C Beard had declared personal and prejudicial interest in this item. In accordance with the Constitution he left the meeting during its consideration.

Consideration was given to a report of the Borough Solicitor containing a proposed Planning Protocol of Conduct in relation to the determination of planning matters.

The Planning Protocol provided consistent guidance for Councillors in dealing with planning applications and a useful reference document during day to day functions as a Councillor.

The Planning protocol had been presented to the Development Management Task Group and the Places Advisory Panel and their comments had been incorporated into the version of the protocol attached to the report.

RESOLVED – That it be recommended to Council that the Planning protocol be adopted as part of the Constitution.

78 PUBLIC QUESTIONS/SPEAKING - LICENSING COMMITTEE AND SCRUTINY COMMITTEES

Consideration was given to a report of the Borough Solicitor relating to issues surrounding public questions/speaking at Licensing Committee and Scrutiny Committees.

On 1 December 2008 Governance and Constitution Committee considered a report in relation to the adoption of Council and Committee Procedure Rules. The decision of the Committee was to recommend to Council the adoption of the Procedure Rules. Rule 35 within Part B, dealing with Committee Procedure Rules, which states as follows:

“35.1 The Council has a procedure to enable members of the public to submit questions at ordinary meetings of its Committees and Sub-Committees.”

On 14th January 2009 The Licensing Committee requested that the Governance and Constitution Committee consider an amendment to Procedure Rule 35 to waive the provision for members of the public to ask questions/speak at the commencement of meetings of the Licensing Committee.

On 21st January 2009 the Scrutiny Committee requested that Governance and Constitution Committee consider the removal of public speaking/open session from the rules of procedure for the Scrutiny Committee. The Health and Adult Social Care Scrutiny Committee made a similar resolution at its meeting on 20th January. In making these resolutions Members questioned whether it was appropriate to include public speaking/questions within the agenda of a Committee which is not itself a decision-making body.

RESOLVED –

(a) That it be recommended to Council that the public speaking rule (Rule 35 of the Council Procedure Rules) be disapplied in respect of meetings of the Licensing Committee where it is meeting in a quasi-judicial capacity, either by itself or by Sub-Committee.

(b) That the issue of questions and statements by Members and public be further considered in conjunction with a report by the Borough Solicitor to include the emerging Government guidance relating to Councillor Call for Action and Petitions under the Local Government and Public Involvement in Health Act 2007.

79 DELEGATION OF NON-EXECUTIVE FUNCTIONS - LICENSING AND ENVIRONMENTAL HEALTH

Consideration was given to a report of the Borough Solicitor relating to delegation arrangements to deliver non-executive Licensing and Environmental Health functions from 1 April 2009.

Section 13 of the Local Government Act 2000 made provision for determining which functions of a local authority were to be the responsibility of the Executive and of the Council. The Local Authorities (Functions and Responsibilities)(England) Regulations 2000 set out, by reference to a list within Schedule 1, those functions which were not to be the responsibility of the Executive. These functions must therefore be dealt with through a scheme of delegation from Council or a Committee of the Council.

RESOLVED – That it be recommended to Council that the non-executive functions as set out in the Appendices to the report be delegated to Committee and Officers with the addition of the following :

1. To include within the delegation to Licensing Committee the following functions:

Power to sanction the use of buildings for the storage of celluloid;
and
Power to license the employment of children

2. To include the following within the table of licensing delegations to the Head of Safer and Stronger Communities:

(n)	Sanctioning the use of buildings for the Storage of celluloid	Section 1 of the Celluloid and Cinematograph Film Act 1922
(o)	Licensing employment of children	Part II of the Children and Young Persons Act 1933, Byelaws made under that part, and part II of the Children and Young Persons Act 1963

80 LOCAL ENVIRONMENTAL QUALITY STRATEGY

Consideration was given to a report of the Borough Solicitor relating to the production of a Local Environmental Quality Strategy which would provide guidance for Community Wardens and Environmental enforcement officers and their managers as to how they should deal with local environmental quality issues such as litter, dog fouling, graffiti, fly posting and fly tipping.

RESOLVED – That it be recommended to Cabinet, that the Local Environment Quality Strategy be adopted.

81 ADOPTION OF FINANCE AND CONTRACT PROCEDURE RULES

Consideration was given to a report of the Borough Treasurer and Head of Assets relating to the Council's Finance and Contract Procedure rules which would apply with effect from 1 April 2009.

RESOLVED -

(a) That, it be recommended to Council that the Finance and Contract Procedure Rules which will form part of the Council's Constitution (in the format contained in Appendix 2 of the report) be adopted to take effect on 1st April 2009;

(b) That, it be recommended to Council that the Borough Solicitor be authorised to make such amendments and additions to the Constitution as are necessary to give effect to the Council's wishes.

82 ACCESS TO INFORMATION RULES

Consideration was given to a report of the Borough Solicitor relating to Access to Information Procedure Rules which would apply with effect from 1 April 2009.

RESOLVED –

(a) That subject to the deletion of the two references of the word "Lord" in paragraph 15.1.1, it be recommended to Council that the Access to Information Rules appended to the report be incorporated into the Constitution of Cheshire East Council.

(b) That it be recommended to Council that the Borough Solicitor be authorised to make such changes to the Rules, and such consequential changes to the Council's Constitution, as he considers necessary to give effect to the intentions of Council.

83 PUBLIC RIGHTS OF WAY

Consideration was given to a report of the Borough solicitor relating discharge a number of Public Rights of Way (PROW) functions to the Council .

The duties involved ensuring that the legal record of PROW (the Definitive Map and Statement) was accurate and kept up to date by the addition, deletion, or modification of PROW following prescribed statutory procedures.

The Council would also be responsible for determining statutory applications to extinguish, create or divert PROW as well as maintaining and improving the PROW network and asserting and protecting the public's right to the use and enjoyment PROWs.

It had been estimated that from Vesting Day the Council would become responsible for approximately 60% (1915 km) of the PROW network in Cheshire. An analysis of projected/outstanding work loads from January 2009 indicated between a 55% (PROW search transactions) and 76% (Public Path Orders) bias to Cheshire East.

RESOLVED – That it be recommended to Council that:-

- a bespoke PROW committee be appointed consisting of 7 Members appointed on a politically proportionate basis (5:1:1), and;
- the terms of reference contained in Appendix 1 to the report be adopted in respect of the PROW committee,
- the scheme of delegation to Officers contained in Appendix 2 of the report be adopted,
- the Council's constitution be amended accordingly;
- the Borough Solicitor be authorised to make any further amendments to the Council's constitution as may be required in order to ensure the effectual delivery of a PROW service from Vesting Day.

84 TRADING STANDARDS

Consideration was given to a report of the Borough solicitor relating to the responsibility for discharging a number of regulatory duties in relation to Trading Standards matters .

These duties primarily related to consumer protection, public safety and animal health. Responsibility for the discharge of Trading Standards Functions would rest with the Safer and Stronger Communities Service in the Places Directorate.

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (SI 2000/2853) prohibited the discharge of regulatory functions by an Authority's executive. In addition specific legislation relating to Trading Standards often required that such regulatory functions should be discharged by duly qualified officers. These requirements, in conjunction with the requirements of business efficacy, dictated that the functions which were the subject of this report be delegated directly to officers.

The Trading Standards Service also currently undertook a number of bespoke licensing functions. The specialist nature of these licensing functions, often with prescribed appeals procedures, required that these functions be delegated directly to officers.

These licensing functions would be exercised in the Safer and Stronger Communities Service. This Service was also responsible for discharging the more “traditional” local authority licensing functions.

For the reasons set out above, a full delegation of Trading Standards functions to officers was recommended; consequently there would be no need to constitute a regulatory committee in respect of these functions.

RESOLVED – That it be recommended to Council that:-

- the delegation of functions to officers contained in Appendix 1 to the report be adopted
- the Council’s constitution be amended accordingly,
- the Borough Solicitor be authorised to make any further amendments to the Council’s constitution as may be required in order to ensure the effectual delivery of a Trading Standards Service.

The meeting commenced at 2.00 pm and concluded at 4.10 pm

Councillor A Ranfield (Chairman)

CHESHIRE EAST COUNCIL

COUNCIL

Date of meeting: 24 February 2009
Report of: Borough Solicitor
Title: Election of Mayor and Deputy Mayor 2009/10

1.0 Purpose of Report

- 1.1 To agree the election of Mayor and Deputy Mayor Elect.

2.0 Decision Required

- 2.1 Council is requested to:-

Resolve that Councillor M Simon be designated as the Mayor Elect and that Councillor G Baxendale be designated as the Deputy Mayor Elect, with a view to their formal election as Mayor and Deputy Mayor for Cheshire East for 2009/2010 at the Mayor Making ceremony to be held on 1 April 2009; subject to the grant of royal charter.

3.0 Financial Implications for Transition Costs

- 3.1 None.

4.0 Financial Implications 2009/10 and beyond

- 4.1 None.

5.0 Legal Implications

- 5.1 A Mayor cannot be appointed until Borough status has been granted by royal charter.

6.0 Risk Assessment

- 6.1 In order for preparations to be made for the Mayor Making ceremony on 1 April 2009, to ensure appropriate support is afforded to the incoming Mayoral team, and to facilitate the smooth operation of the Mayoral office in advance of the Mayor Making ceremony, it is felt prudent for a decision to be made at this Council meeting to select the Mayor and Deputy Mayor Elect.

7.0 Background and Options

- 7.1 As Cheshire East Council is a newly formed local authority, at the present time there is no agreed protocol for the selection of Mayor and Deputy Mayor and other Mayoral matters.
- 7.2 For this first municipal year, it is therefore proposed by the Leader of the Council, following consultation with the Group Leaders, that Councillor M Simon be elected as the Mayor for 2009/2010 and that Councillor G Baxendale be elected as Deputy Mayor. For the period between now and the first day of April, they would then be referred to as the Mayor Elect and Deputy Mayor Elect respectively.
- 7.3 Council may also wish in due course to consider the Mayoral Election process for future years. One option would be to consider the use of a Mayoral Panel, elected by full Council, which could consider nominations and could make recommendations to the Council on matters relating to the Mayoralty. Such a process would allow for important matters relating to the Mayoralty to be fully considered with cross party member input.

8.0 Overview of Day One, Year One and Term One Issues

- 8.1 For day one it is important that a Mayor and Deputy Mayor are elected for Cheshire East.
- 8.2 A year one and term one issue will be for Council to agree a protocol for the future selection of the Mayor and Deputy Mayor and to determine other issues affecting the Mayoralty.

9.0 Reasons for Recommendation

- 9.1 The reasons for the recommendations are to ensure that appropriate arrangements can be made for the Mayor Making ceremony on 1 April 2009 and to agree a process to ensure that matters affecting the Mayoralty can be agreed in a timely manner with appropriate Member input.

For further information:

*Portfolio Holder: Councillor R W J Fitzgerald
Officer: Chris Chapman, Borough Solicitor
Tel No: 01270-529637*

Email: chris.chapman@congleton.gov.uk

Background Documents:

None

CHESHIRE EAST

COUNCIL

Date of meeting: 24th February 2009
Report of: Borough Solicitor
Title: Adoption of the Constitution and the Council's decision-making and overview and scrutiny arrangements

1.0 Purpose of Report

- 1.1 For the Council to formally adopt a Constitution, which will take effect on Vesting Day and which will set out the Council's decision-making and overview and scrutiny arrangements.

2.0 Decision Required

- 2.1 That Council agree the recommendations of the Governance and Constitution Committee which are set out in Appendix 1 to the report and which are reflected in the body of the report.
- 2.2 That Council adopt the Constitution, as set out in the appendices to this report, amended where required to reflect the recommendations of the Governance and Constitution Committee, this to take effect on Vesting Day.
- 2.3 That the Shadow Council's existing Member Code of Conduct and Proper Officer provisions continue to have effect on Vesting Day and thereafter.
- 2.4 That the Borough Solicitor shall have delegated authority, in consultation with the political group whips to make such additions and changes to the Council's Constitution as he considers are necessary in order to ensure the delivery of efficient and effective local authority functions with effect from Vesting Day.

3.0 Financial Implications for Transition Costs

- 3.1 There are no such financial implications over and above those which may be expected of any transition to unitary local authority status.

4.0 Financial Implications 2009/10 and beyond

- 4.1 There are no such financial implications over and above those which have been anticipated as part of the preparations for full unitary local authority powers and functions which will take effect on Vesting Day.

5.0 Legal Implications

- 5.1 The Council must have a Constitution which sets out details of the way in which the Council will operate, and its decision-making arrangements. The remainder of legal implications are set out in the body of this report and have been taken into account in the proposed content of the Constitution.

6.0 Risk Assessment

- 6.1 By adopting a Constitution, the Council will be complying with the law. No risks have been identified by officers or Members during the process of bringing recommendations to Council in respect of the proposed adoption of the Constitution.

7.0 Background

- 7.1 During the life of the Shadow Council, many reports have been taken to the Shadow Council's Cabinet, Overview and Scrutiny Committees and finally, to the Governance and Constitution Committee.
- 7.2 The product of these reports is appended to this report and, once adopted by Council, will comprise Cheshire East Council's Constitution. This will take effect on Vesting Day.
- 7.3 In order to gain a full picture of the Council's decision-making arrangements, the appendices to this report, which contain details of the whole of the proposed decision-making and scrutiny arrangements, must be considered in detail. However, it is appropriate for a brief summary to be provided in the body of this report. This should not, however, be taken as a comprehensive record of the very detailed arrangements which will apply with effect from Vesting Day. It should be noted that the appended details take into account the recommendations of the Governance and Constitution Committee. This will enable Members to see the arrangements in context, as proposed by the Committee.
- 7.4 The powers of full Council: the powers of Council are contained in legislation, further details are contained at Appendix 2. Members are referred to a separate report on the Council agenda which deals with the Budget and Policy Framework. The powers of Cabinet are also included in this Appendix.
- 7.5 Local Choice Functions: the legislation gives local authorities some choice over whether certain functions are performed by Cabinet, Council or its committees. Appendix 4 sets out the recommendations of the Governance and Constitution Committee in respect of these functions.
- 7.6 Executive functions: Appendix 3 sets out in detail the portfolio areas of responsibility of each Cabinet Member.

In summary, the Governance and Constitution Committee recommends that Individual Cabinet Members should be empowered to make all

executive decisions in respect of their own portfolio area of responsibility
except:

- Those decisions delegated to an officer (unless the officer refers the decision to the executive member)
- Where the Leader, or the Cabinet, has delegated the decision-making power to a Committee of the Cabinet
- Where the decision is a Key Decision as defined in this Constitution.
- A decision or recommendation on strategy or policy
- A decision that is a departure from any agreed Corporate objective or the approved Budget
- Where the Leader (before a decision has been taken) requires the decision to be taken collectively by the Cabinet
- A decision which any Cabinet Member has asked (before a decision has been taken) to be taken collectively by the Cabinet

The decisions must be made in discussion with one or more of the following as appropriate:

- Chief Executive
- Appropriate Director or Head of Service
- Monitoring Officer
- Chief Finance Officer
- Where there are minor cross-cutting implications - other appropriate Portfolio Holder(s)

The Cabinet Member must take into account professional, legal and financial advice.

If any of the above officers give advice that the decision would fall within one of the relevant exceptions above then the decision in question shall be a decision for the Cabinet acting collectively.

Where it is not clear in which Portfolio an issue sits, the Leader shall decide.

An appropriate audit-trail of the decision-making process will be produced.

It should also be noted that the Governance and Constitution Committee recommended to Council that the “Strong Leader” model of executive arrangements should apply with effect from Vesting Day.

7.7 Powers of Cabinet: The Cabinet is empowered to make all executive decisions, together with decisions upon those Local Choice matters which Council has decided should be made by the Cabinet. Even where the Council’s Executive Arrangements provide for executive decisions to be made by individual Cabinet Members, these may be referred to the collective Cabinet for decision by any Cabinet Member.

7.8 Powers of officers: The Council will operate a scheme of delegation by exception in relation to executive and non-executive matters. Wide ranging operational powers are delegated to “Chief Officers” (Directors, Service Heads, etc and those duly authorised by them) subject to checks and balances in the scheme which constrain the exercise of those powers on the basis of the nature of the decision in question (value/impact) and by the application of a suite of Council policies, procedures rules and codes of practice in different subject areas. Appendix 5 contains the Officer Scheme of Delegation which begins by setting out the principles of, and checks/balances that apply, to the general delegations. It continues to make a number of general delegations in respect of operational needs common to all services, and then makes bespoke provision to specific officers based upon the needs of individual service areas.

7.9 Planning Board and Committees: Council is recommended to appoint a Planning Board which will have three main roles:

- The determination of major planning applications.
- Overview and control of the planning workload.
- Consultation and feedback regarding Planning

The Board will approve a series of protocols, which will govern the way in which planning matters are dealt with, as well as setting the rules for public engagement in the planning process.

Two Planning Committees will be appointed to deal with planning applications which do not have strategic implications but which merit public consideration.

There will be an approximate 50:50 split of all planning applications between the north and the south of the borough and, therefore, there will be a northern and a southern Planning Committee. These Committees will have flexibility to deal with applications from outside of their normal geographical work-areas in order to be responsive to variation in workloads.

The scheme of delegation contained at Appendix 2 directs the majority of smaller, less complex applications towards Officers although applications may be referred up to committee by officers or Members.

The scheme of delegation implements Good Practice Guidance issued by IDeA's Planning Advisory Service 2006.

The Planning Protocol, recommended to Council by the Governance and Constitution Committee is also included at Appendix 2.

7.10 Licensing Board and Committees and Environmental Health:

Council has already established both a full Licensing Committee and Sub-Committees to discharge the licensing functions of the authority, including alcohol and entertainment licensing, and Environmental Health functions relating to registration matters.

The full Licensing Committee will deal with policy matters and matters referred to it from either officers or the sub-committees.

In accordance with the provisions of the Licensing Act 2003, a sub-committee drawn from the full Committee is proposed to be established to deal with matters under the 2003 Act and the Gambling Act 2005.

A further sub-committee would be established to deal with 'general' licensing and registration matters (including taxi licensing, street trading and the Environmental Health registration functions).

Details of the Committee's terms of reference and officer delegations are contained in Appendix 2

7.11 Overview and Scrutiny: Appendix 2 also contains details of the Council's proposed Overview and Scrutiny (O&S) structure, comprising five committees with recommended terms of reference.

These recommendations reflect:

- The need for robust and constructive O&S, focussing not just on post decision scrutiny and review ("holding the Cabinet to account") but also carrying out an advisory role in policy development (the "overview" function).
- The increasing demands of external scrutiny, not only of the NHS, but also scrutiny of Local Area Agreement partners and Crime and disorder Partnerships
- New roles for O&S, including Local Petitions and Councillor's Call for Action.
- The need for O&S to reflect the aspirations and concerns of the public, thereby contributing to the Council's priorities on neighbourhood working and community engagement.
- The provision of sufficient officer support and resources to ensure the O&S arrangements operate effectively.

It is intended that the O&S structures should be clear and readily understood by the whole organisation and by outside bodies. The proposed five committees will between them relate to the Cabinet and specifically as appropriate to the nine individual portfolios. The Committees are:

Children and Families
Health and Adult Social Care
Environment and Prosperity
Sustainable Communities
Corporate Scrutiny

Health and Adult Social Care will fulfil the legally required task of NHS Scrutiny, together with review and advice on jointly commissioned services in Adult Social Care. External scrutiny of the LAA, Crime and Disorder and Community Strategies will be undertaken by the Sustainable Communities Committee. Corporate Scrutiny Committee will review the three “corporate” portfolios, and Cabinet and organisational performance as a whole.

Any of the Committees may be invited to provide advice and recommendations on the development and updating of the Authority’s policies. They may also appoint “Task and Finish” Panels to carry out more intensive reviews of specific issues. O&S is empowered to make recommendations to the Cabinet, other Committees and external organisations for action/improvement where appropriate. The Committees’ detailed terms of reference are set out in Appendix 2.

7.12 Miscellaneous Regulatory Functions: Appendix 2 also contains details of the Council’s proposed decision-making arrangements in respect of regulatory functions. These include Public Rights of Way and Trading Standards and Registrations.

7.13 Procedural Rules and other constitutional documents: A number of additional documents will form part of the Council’s Constitution. These will assist Members, members of the public and officers to understand the way in which the Council works and makes its decisions. These are contained at Appendix 6.

7.14 Member Code of Conduct and “Proper Officer” provisions: The Local Government Act 2000 and related Regulations require all Councils to adopt a Code of Conduct for Members. In 2007 the Government published the latest version of a Model Code based on ten underlying principles. In May 2008 the Shadow Council considered and adopted the Code and principles and, individually, Members undertook to abide by them. Members are familiar with their provisions regarding general standards of conduct and the disclosure of personal and prejudicial interests.

Council is recommended to adopt the Shadow Council’s existing Member Code of Conduct, this to take effect on Vesting Day and to continue to have effect thereafter.

The Shadow Council has also agreed “Proper Officer” provisions as part of its Constitution. These provisions deal with a range of procedural and other matters, and are reproduced at Appendix 7.

7.15 Members are reminded that certain parts of the Appendices have already been agreed by Council at its earlier meetings. However, these are

reproduced in order to provide a comprehensive record for Members of the Council.

7.16 Finally, it should be noted that the appended documents will need to be refined to provide information for the benefit of the public and the organisation. Some arrangements are still developing, which will need to be added under officer delegated powers eg:

- the need for hyperlinks to be added, where possible, to guide enquirers to appropriate points of contact;
- details of the full officer and decision-making structure;
- information on policies as they develop and are adopted.

8.0 Conclusion

8.1 The appendices to this report represent a great amount of work by Members of the Council, and by officers.

8.2 The work of the Governance and Constitution Committee, and of Council, will continue in refining the Constitution to meet the needs of the Council. This document should therefore be regarded as a “living document” which will change from time to time, as required by Council.

Chris Chapman
Borough Solicitor

For further information:

Leader of the Council: Councillor Wesley Fitzgerald

Officer: Brian Reed

Tel No: 01270 529670

Email: brian.reed@cheshire.gov.uk

Background Documents:

- *Reports to Governance and Constitution Committee*
- *Minutes of the above Committee*
- *Modular Constitution document produced by the Government Department*
- *Constitutions of Cheshire local authorities and those of other authorities nationally*

Documents are available for inspection at:

*The Shadow Council Support Office
Congleton Borough Council
Westfields
Middlewich Road
Sandbach, CW11 1HZ*

Appendix 1

APPENDIX 1

COUNCIL
24 FEBRUARY 2009

DECISIONS OF THE GOVERNANCE AND CONSTITUTION COMMITTEE RECOMMENDING CONSTITUTIONAL PROVISIONS TO COUNCIL

[Note: where appropriate, the Council has authorised the Borough Solicitor to make such consequential amendments to the Constitution as are considered necessary to give effect to the decisions of Council.]

GOVERNANCE AND CONSTITUTION COMMITTEE - 14 JULY 2008

13 INDEPENDENT REMUNERATION PANEL

RESOLVED

That arrangements be put in place for a Cheshire East Council Independent Remuneration Panel to be appointed and there be close liaison with Independent Remuneration Panel for Cheshire West and Chester Council.

GOVERNANCE AND CONSTITUTION COMMITTEE - 8 SEPTEMBER 2008

21 UNITARY COUNCIL CONSTITUTION: SUMMARY AND EXPLANATION

RESOLVED

That the draft Summary and Explanation of the emerging Constitution be agreed and the Shadow Council be recommended to agree the document for adoption by the unitary Council at its first meeting in April 2009.

22 PART 2 OF THE CONSTITUTION

RESOLVED

To endorse the current draft content of Part 2 subject to the minor amendments
[set out above]. *(There were certain minor amendments in the report which have been incorporated into the final document.)*

GOVERNANCE AND CONSTITUTION COMMITTEE - 6 OCTOBER 2008

35 WHISTLEBLOWING PROTOCOL

RESOLVED

To endorse the proposed Protocol and to note that, in view of its implications for staff, that there will be consultations with unions before the contents of the draft are finalised for recommendation to the Shadow Council.

(Note: consultations on this matter were concluded and the document circulated with the agenda is in final form for adoption.)

GOVERNANCE AND CONSTITUTION COMMITTEE - 3 NOVEMBER 2008

44 APPOINTMENT OF STATUTORY CO-OPTED MEMBERS TO
SCRUTINY COMMITTEES - ELECTED PARENT GOVERNORS AND
NOMINATED CHURCH REPRESENTATIVES

RESOLVED

1. to recommend to Council that the following decisions of the Committee be incorporated in the Council's Constitution:

- that two parent governor representatives should be appointed to the Scrutiny Committee for the purposes of dealing with education matters; one being drawn from the primary education sector, and the other being drawn from the secondary education sector.
- that the period of office of the parent governor representatives should be 2 years with effect from 1st April 2009.
- that one nominated representative of the Church of England Diocese and one nominated representative of the Roman Catholic Diocese should be co-opted to the Scrutiny Committee for the purposes of dealing with education matters.

2. that Council be recommended to authorise the Interim Monitoring Officer to make such consequential additions and changes to the Constitution as she considers necessary to give effect to the decision of Council.

GOVERNANCE AND CONSTITUTION COMMITTEE - 1 DECEMBER 2008

49 ADOPTION OF COUNCIL PROCEDURE RULES

RESOLVED

(1) Council is recommended to adopt the draft Council Procedure Rules, contained in Appendix B to the report, which will take effect on 1 April 2009, subject to the following changes:

Rule 31.6: this draft Rule to be amended to the effect that the Chairman of a Committee or Sub-Committee shall have a second or casting vote, but that he/she will not be obliged to use it. A note will be added to the Rule indicating that, where there is an equality of votes, and where the Chairman does not use his/her second or casting vote; the motion in question will be lost.

Rule 19: this draft Rule to be amended so that the Constitution will identify the Committees and Panels in question, and their Membership sizes, but without showing the names of individual Committee/Panel Members.

Rule 19: this draft Rule to be amended to exclude reference to the Independent Remuneration Panel.

Rule 19: this draft Rule to be amended to include the Health and Adult Social Care Scrutiny Committee, together with the number of Members of it.

Rule 44.6: this draft Rule to be amended to require that, in circumstances where agreement is reached that an urgent Key Decision should not follow the requirements of Rule 44.5, notification of such decision is provided electronically to all Members of the Council.

Rule 49.1: this draft Rule to be clarified to indicate that hard copies of agenda papers will be provided to Members of committees/executive bodies.

Rule 54.1: This draft Rule to be modified to the effect that, only where suspension of a Procedure Rule is moved and carried, will the Procedure Rule be suspended.

Appendix 3, paragraph 11: the draft Appendix to be modified to provide for the mover of an amendment to have a right of reply before the mover of the original motion sums-up, as follows:

“The mover of the motion shall have a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall have a right of reply at the close of the debate on the amendment but shall not otherwise speak on it. The mover of the amendment shall have a right of reply to the debate on his/her amendment immediately before the mover of the original motion exercises his/her right of reply at the close of the debate on the amendment.”

Appendix 5: the draft Appendix to be modified to the effect that there will be no requirement for Council to approve reserve lists of Members for each political group who will act as reserve Members for each Committee and Sub-Committee, but that any reserve Member will simply be required to notify the Chairman of the Committee or Sub-Committee at the beginning of the meeting in question.

(2) The Interim Monitoring Officer be authorised to produce suitable wording, and to make such consequential amendments to the draft Procedure Rules as she considers are necessary to give effect to the recommended changes.

51 LICENSING COMMITTEE - STRUCTURES, MEMBERSHIP AND DELEGATIONS

RESOLVED

To recommend to Council at its meeting on 9 December 2008 that it considers:

1) the creation of a Licensing Committee on the following terms:

i) A full Licensing Committee of fifteen Members (with a quorum of eight) on a politically proportional basis, i.e. Conservatives 11; Liberal Democrats 2; Labour 1; Independent Group 1 ;

ii) That the Licensing Committee then establishes Sub-Committees of three Members drawn from the full Committee to deal with matters under the Licensing Act 2003 and the Gambling Act 2003;

iii) That Sub-Committees of five Members (with a quorum of three) drawn from the full Committee (of which at least one shall, subject to availability, be the Chairman or Vice Chairman of the full Committee) are established on an ad hoc basis to deal with 'general' licensing matters;

2) the requirement of political proportionality under section 15 of the Local Government and Housing Act 1989 is waived in relation to the subcommittee established under iii) above;

3) to delegate to the Licensing Committee those licensing functions which are the responsibility of Council as set out in Appendix 1, subject to the proviso that before any Councillor who is a member of the Licensing Committee can attend a meeting and participate in the determination of an application or appeal by any individual or body, that Councillor must have attended a suitable training course dealing with the quasi-judicial nature of the role of the Committee; and

4) authorising the Interim Monitoring Officer to make such consequential changes to the Constitution as she considers appropriate to give effect to the decision of Council in relation to 1) above.

53 OFFICER CODE OF CONDUCT

RESOLVED

To recommend that the Council:

- 1) adopts the Officer Code of Conduct appended to the Report (Noting that the Core Values for Cheshire East as a whole are still in draft and will require Cabinet approval in January 2009);
 - 2) agrees that the Officer Code of Conduct will take effect immediately and will apply to all officers appointed by the Shadow Council;
 - 3) agrees that the Officer Code of Conduct will continue to have effect, and will apply to all officers employed by Cheshire East successor authority on 1st April 2009 and thereafter;
 - 4) agrees that the Officer Code of Conduct will be included immediately in the Shadow Council's Constitution and, with effect from 1st April 2009, in Cheshire East successor authority's Constitution; and
 - 5) authorises the Interim Monitoring Officer to make such consequential amendments to the Constitution as she considers are necessary to give effect to the decision of Council.
-

GOVERNANCE AND CONSTITUTION COMMITTEE - 12 JANUARY 2009

62 MEMBER/OFFICER RELATIONS PROTOCOL

RESOLVED

- (a) That the proposed Member/Officer Relations Protocol be endorsed;
- (b) That Council be recommended to adopt the draft Member/Officer Relations Protocol as contained in the appendix to the report into the Constitution.

63 SCRUTINY PROCEDURE RULES

RESOLVED

- (a) That Council be recommended to adopt the draft Scrutiny Procedure Rules contained in appendix B to the report, to take effect on 1st April 2009 subject to the following change:

Rule 3.2 – Co-option. The rule be amended to clarify that statutory co-optees will be voting Members only in respect of education matters as defined in relevant guidance

- (b) That Council be recommended to authorise the Monitoring Officer to make

such consequential changes to the Constitution as he considers are necessary in order to give effect to its intentions.

64 LOCAL CHOICE FUNCTIONS

RESOLVED

That Council be recommended that

- (i) With effect from Vesting Day, the allocation of local choice functions between Cabinet and the Council, and the further delegations to Committees and officers, be as set out in the appendices to the report, subject to the Borough Solicitor being responsible for arrangements for questions at Council on Police Authority Functions
- (ii) the Monitoring Officer be authorised to determine the remaining detail of the allocation of local choice functions in consultation with the Leader and appropriate Cabinet Members and to make such amendments to the Council's emerging Constitution as he considers are necessary to give effect to the decision of Council.

65 DELEGATION OF EXECUTIVE FUNCTIONS

RESOLVED

That Council be recommended that

- (i) With effect from Vesting Day, the approach set out in the appendix to the report be adopted as part of Cheshire East's Executive arrangements and that this be reflected in the Council's Constitution
- (ii) That the Monitoring Officer be authorised to determine the remaining detail of the appendix in consultation with the Leader and appropriate Cabinet Members and to make such amendments to the Council's emerging Constitution as he considers are necessary to give effect to the decision of Council.

66 CABINET DECISION-MAKING ARRANGEMENTS

RESOLVED

(a) That Council be recommended that with effect from Vesting Day:

- (1) The Council shall have a Leader and Cabinet form of Executive

Arrangements, these to include the “Strong Leader” model, in respect of which and amongst other things the Leader :

- a. is elected by Council;
- b. is empowered to appoint Members of the Council to and remove Members of the Council from the Cabinet, subsequent notification being given to Council;
- c. is empowered to determine the extent of the decision-making powers of Cabinet Members and other executive decision-making bodies.

(2) The Council's Executive arrangements shall comprise those arrangements set out in appendices A and B to the report, subject to the following changes :-

- a. reference to Deputy Leader to be removed from the Adult Services Portfolio and that the role of the Deputy Leader be defined;
- b. the following functions listed within the Children and Family Services Portfolio to apply, as appropriate, to the Portfolio Holders for Adult Services, Children and Family Services and Health and Wellbeing :-

- (i) Liaison with NHS Trusts and Health Authorities;
- (ii) Mental Health and Disability;
- (iii) Health Promotion;
- (iv) Development of integrated services with health partners.

- c. The references within the Children and Family Services Portfolio to :-
 - (i) Mental Health and Disability, to be made specific to Children and Young People; and
 - (ii) Connexions to be removed.

- d. In respect of the Health and Wellbeing Portfolio :-
 - (i) Public Rights of Way to be added beneath Countryside;
 - (ii) Tourism to become a dependency rather than being a prime responsibility.

- e. That in respect of the Environmental Services Portfolio :-
 - (i) Health and Safety enforcement to become a dependency rather than being a prime responsibility;
 - (ii) Public Rights of Way maintenance to be deleted and moved to Health and Wellbeing, as Public Rights of Way

- f. That the Prosperity Portfolio shall include Building Control;

- g. That the Safer and Stronger Communities Portfolio shall include Health and Safety enforcement in the list of prime responsibilities;

- h. That Performance and Capacity Portfolio shall include Twinning in the list of prime responsibilities.

(b) That further consideration be given to the definition of a key decision, to potentially include a financial threshold of £1 million, beyond which an Executive decision shall be a key decision; and that a report be made to Members on the implications;

(c) That Council be recommended that the Monitoring Officer be authorised to make such changes to the Council's emerging Constitution as he considers are necessary to give effect to the wishes of Council.

67 CABINET PROCEDURE RULES

RESOLVED

(a) That Council be recommended that :-

1. The Cabinet Procedure Rules appended to the report be adopted by Council with effect from Vesting Day;
2. The issues identified in appendix A to the report be noted and that the Council shall have a Leader and Cabinet form of Executive arrangements, these to include the "Strong Leader" model;
3. Subject to Access to Information provisions, any Member of the Council will be entitled to attend, speak at, and ask questions and supplementary questions at meetings of the Cabinet provided that 3 working days notice has been given of any question which is proposed to be asked;
4. A 3 working day notice period be required in respect of any question which is to be asked at Cabinet by a member of the public.

(b) That a further report be made to Members upon the practical arrangements for individual Cabinet Member decision-making.

GOVERNANCE AND CONSTITUTION COMMITTEE - 9 FEBRUARY 2009

5. CONSTITUTION-GENERAL POWER

RESOLVED

That Council be recommended that the Borough Solicitor in consultation with the Political Group Whips be granted delegated authority to make such additions and changes to the Council's Constitution as he considers are necessary in order to ensure the delivery of efficient and effective local authority functions with effect from Vesting Day.

6. DECISION-MAKING AND OVERVIEW AND SCRUTINY STRUCTURE OF THE COUNCIL

RESOLVED

That Council be recommended that:

(a) That the following Committees be appointed:

Children and Families Scrutiny Committee
Health and Adult Social Care Scrutiny Committee
Environment and Prosperity Scrutiny Committee
Sustainable Communities Scrutiny Committee
Corporate Scrutiny Committee
Staffing Committee
Lay Members Appointments Committee
Appeals Committee
Standards Committee
Wirral Joint Committee, with terms of reference from agenda item 7
Governance and Constitution Committee

(b) That the appointed committees be granted the decision-making powers and memberships set out in the Appendix, with effect from Vesting Day.

(c) That the Political Groups notify the Borough Solicitor of the Members to be nominated for appointment to the Committees set out in the Appendix and that, where political proportionality applies, the membership numbers be confirmed by the Borough Solicitor in consultation with Group Leaders.

(d) That the responsibilities of the decision-making bodies set out in the Appendix be agreed.

(e) That the Shadow Council's existing Staff Employment Procedure Rules be incorporated into the Council's Constitution with appropriate amendments to reflect the Council's practices and procedures after Vesting Day.

(f) That the Standards Committee powers be as follows:

- by itself or by sub-committee, to discharge the Council's functions under Part III of the Local Government Act 2000, including:
 - assessment of new complaints (discharge any functions under S57A of the Act)

- review decisions to take no action over a complaint (S57B of the Act)
 - consider final investigation reports and conduct determination hearings
- for considering and granting, or otherwise, dispensations in respect of Members' interests when so enabled under Part III of the Local Government Act 2000.

(g) That the Monitoring Officer be authorised make such additions and amendments to the Council's Constitution as he considers are necessary to give effect to the wishes of Council.

7. JOINT HEALTH SCRUTINY COMMITTEES

RESOLVED

That it be recommended to Council that :

- (i) Cheshire East Council agrees to participate in the joint arrangements with Wirral MBC to scrutinise the work of Cheshire and Wirral Partnership NHS Foundation Trust and to appoint six representatives (with Deputies) to serve:
- (ii) the Group Leaders notify the Chief Executive of these appointees in accordance with political proportionality rules.

8. PLANNING AND DEVELOPMENT CONTROL: COMMITTEE STRUCTURE AND DELEGATIONS

RESOLVED

That it be recommended to Council that that development control functions be discharged by a Strategic Planning Board, supported by two Planning Committees and a scheme of delegation as detailed below:

A.

- creation of a Strategic Planning Board
- with the Terms of Reference set out at Appendix A
- served by a membership of 14 on a politically proportional basis (ie: Conservative 10, Liberal Democrat 2, Labour 1, Independent 1) including the two Portfolio Holders responsible for Development Management and the Local Development Framework
- with a quorum of 5 (as an exception to Standing Order 27)
- comprising councillors to be nominated at full Council on 24th February

- meeting for the 1st time on [date to be fixed] then on a 3-weekly cycle
 - operating as a Shadow Committee forthwith and as a fully operational Council committee from 1st April 2009
- included in the Shadow Council's Constitution forthwith and in the Constitution of Cheshire East Council with effect from 1st April 2009.

B.

- creation of two Planning Committees
- with the Terms of Reference set out at Appendix B
- served by a membership of 15 on a politically proportional basis (ie: Conservative 11, Liberal Democrat 2, Labour 1, Independent 1)
- with a quorum of 5 (as an exception to Standing Order 27)
- comprising councillors to be nominated at the first meeting of the Strategic Planning Board
- meeting for the first time on [dates yet to be fixed] and then on a 3-weekly cycle
- operational from and included in the Constitution of Cheshire East Council from 1st April 2009

C

- adoption of the officer delegation scheme at Appendix C
- to be included in the Constitution of Cheshire East Council with effect from 1st April 2009

D

authority be given to the Borough Solicitor to make such consequential changes to the Constitution as he considers necessary to give effect to the wishes of Council.

9. PLANNING PROTOCOL OF CONDUCT IN RELATION TO THE DETERMINATION OF PLANNING MATTERS

RESOLVED

That it be recommended to Council that the Planning protocol be adopted as part of the Constitution.

10. PUBLIC QUESTIONS/SPEAKING - LICENSING COMMITTEE AND SCRUTINY COMMITTEES

RESOLVED

That

(a) it be recommended to Council that the public speaking rule (Rule 35 of the Council Procedure Rules) be disapplied in respect of meetings of the Licensing Committee where it is meeting in a quasi-judicial capacity, either by itself or by Sub-Committee.

(b) the issue of questions and statements by Members and public be further considered in conjunction with a report by the Borough Solicitor to include the emerging Government guidance relating to Councillor Call for Action and Petitions under the Local Government and Public Involvement in Health Act 2007.

11. DELEGATION OF NON-EXECUTIVE FUNCTIONS - LICENSING AND ENVIRONMENTAL HEALTH

RESOLVED

That it be recommended to Council that the non-executive functions as set out in the Appendices to the report be delegated to Committee and Officers with the addition of the following :

1. *To include within the delegation to Licensing Committee the following functions:*

*Power to sanction the use of buildings for the storage of celluloid; and
Power to license the employment of children*

To include the following within the table of licensing delegations to the Head of Safer and Stronger Communities:

(n)	<i>Sanctioning the use of buildings for the Storage of celluloid</i>	<i>Section 1 of the Celluloid and Cinematograph Film Act 1922</i>
(o)	<i>Licensing employment of children</i>	<i>Part II of the Children and Young Persons Act 1933, Byelaws made under that part, and part II of the Children and Young Persons Act 1963</i>

13. ADOPTION OF FINANCE AND CONTRACT PROCEDURE RULES

RESOLVED

That

- (a) it be recommended to Council that the Finance and Contract Procedure Rules which will form part of the Council's Constitution (in the format contained in Appendix 2 of the report) be adopted to take effect on 1st April 2009;

- (b) it be recommended to Council that the Borough Solicitor be authorised to make such amendments and additions to the Constitution as are necessary to give effect to the Council's wishes.

14. ACCESS TO INFORMATION RULES

RESOLVED

That

- (a) subject to the deletion of the two references of the word "Lord" in paragraph 15.1.1, it be recommended to Council that the Access to Information Rules appended to the report be incorporated into the Constitution of Cheshire East Council.
- (b) it be recommended to Council that the Borough Solicitor be authorised to make such changes to the Rules, and such consequential changes to the Council's Constitution, as he considers necessary to give effect to the intentions of Council.

15. PUBLIC RIGHTS OF WAY

RESOLVED

That it be recommended to Council that

- a bespoke PROW committee be appointed consisting of 7 Members appointed on a politically proportionate basis (5:1:1), and;
- the terms of reference contained in Appendix 1 to the report be adopted in respect of the PROW committee,
- the scheme of delegation to Officers contained in Appendix 2 of the report be adopted,
- the Council's constitution be amended accordingly;
- the Borough Solicitor be authorised to make any further amendments to the Council's constitution as may be required in order to ensure the effectual delivery of a PROW service from Vesting Day.

16. TRADING STANDARDS

RESOLVED

That it be recommended to Council that:

- the delegation of functions to officers contained in Appendix 1 to the report be adopted
- the Council's constitution be amended accordingly,
- the Borough Solicitor be authorised to make any further amendments to the Council's constitution as may be required in order to ensure the effectual delivery of a Trading Standards Service.

Appendix 2

Strategic Planning Board Terms of Reference

1. To oversee the division of the Council's Development Management functions and workload in order to ensure timely and consistent decision-making at the most appropriate level: and to that end

(a) to monitor the volume and type of applications determined; assessing the performance of the Development Management service, and, if appropriate

(b) to vary the number, size and working arrangements of the Planning Committees, to appoint their membership, to vary the division of functions and delegations between the Board, the Planning Committees and the Head of Planning & Policy

(c) to adopt working protocols and procedures: eg: protocols governing the direction of applications between the Planning Committees, public speaking rights, call-in procedure and others.

2. To exercise the Council's functions relating to town & country planning & development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges set out in the Local Authorities (Functions & Responsibilities)(England) Regulations 2000. Most of these functions are delegated to the Planning Committees and then onwards to the Head of Planning & Policy but the following are reserved to the Board

(a) applications for Large Scale Major Development, defined from time to time by DCLG. Currently this includes

- residential developments of 200 dwellings or more, or 4 ha or more;

- 10,000 square metres or more, or 2ha. or more of retail, commercial or industrial or other floorspace.

(b) applications for major minerals or waste development

(c) applications requiring Environmental Impact Assessments

(d) applications involving a significant departure from policy which a Planning Committee is minded to approve.

(e) any other matters which have strategic implications by reason of their scale, nature or location.

(f) any other matters referred up to it at the discretion of the Head of Planning & Policy

(g) applications involving a significant departure from policy which a Committee is minded to approve

3. To exercise a consultation and advisory role, commenting upon the content of proposed planning policy and upon the effectiveness of existing policies employed in development control decisions

Planning Committees

Terms of Reference

1. To exercise the Council's functions relating to town & country planning & development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges, set out in the Local Authorities (Functions & Responsibilities)(England) Regulations 2000. Some applications have been reserved to the Strategic Planning Board: others are delegated on to the Head of Policy & Planning: the following are retained for the Planning Committees,

applications for Small Scale Major Development, defined from time to time by DCLG. Currently this includes

- residential developments of 10-199 dwellings or between 0.5 and 4ha
- retail or commercial/industrial or other floorspace of between 1,000 - 9,999 square metres. or between 1ha – 2 ha.

2. To determine any other planning & development control matters

- (a) advertised as a departure from policy, which the Head of Planning & Policy is minded to approve.
- (b) submitted by a councillor, senior Council officer (tier 2 or above) or a member of staff employed within the Development Management and Policy service area; or by an immediate family member or partner of these.
- (c) involving the Council either as applicant or land owner. Unless the Head of Planning & Policy identifies some significant factor, this category will not normally include minor developments which accord with planning policy and to which no objection has been made.
- (d) referred up to them by a councillor in accordance with the Committees' call-in procedure.

(e) referred up to them at the discretion of the Head of Planning & Policy.

The Committees will refer up to the Strategic Planning Board matters involving a significant departure from policy which they are minded to approve.

Delegation of Planning Functions to Officers

1. Apart from matters reserved to the Strategic Planning Board and Planning Committees, all those Council functions set out in the Local Authorities (Functions & Responsibilities)(England) Regulations 2000 which relate to town & country planning & development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges are delegated to the Head of Planning & Policy.

Development control functions include decisions regarding planning applications, permitted development, certificates of lawful use & development, enforcement, listed buildings and conservation areas. The planning functions are to be construed purposively and broadly, to include anything which facilitates or is incidental to them. For example, the power to determine planning applications under s70 Town & Country Planning Act 1990 will include powers governing environmental impact assessments under the various TCP (Environmental Impact Assessment) Regulations. It will also include power to impose conditions, limitations or other restrictions or to determine terms to which approvals are subject, and to modify, vary or revoke approvals.

Where legislation is amended or replaced by new provisions or where new development control provisions are enacted, then the relevant authority delegated in this Scheme applies to those new provisions.

2. The Head of Planning & Policy will refer up to a Planning Committee or to the Strategic Planning Board any particular matter which they consider suitable for determination at that level.

Appendix 1

PLANNING PROTOCOL OF CONDUCT IN RELATION TO THE DETERMINATION OF PLANNING MATTERS

This Planning Protocol of Conduct for the determination of planning matters ('the Planning Protocol') substantially follows the Model Code produced by the Association of Council Solicitors and Secretaries following consultation with the Audit Commission, the Local Government Ombudsman and the Standards Board for England.

The aim of the Planning Protocol is to give advice aimed at ensuring the preservation of the integrity of the planning system as open and fair to all parties. It is intended that the Planning Protocol will continue to engender public confidence in the planning system within Cheshire East, whilst avoiding procedural rules which are so rigid and overbearing that observance of them would become an end in itself at the expense of the consideration of the merits of an application.

1 INTRODUCTION

- 1.1 **The aim of this Planning Protocol** is to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well-founded in any way.
- 1.2 **The key purpose of Planning** is to control development in the public interest.
- 1.3 **Your role as a Member of the Planning Authority** is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.
- 1.4 **When the Planning Protocol applies:** this Planning Protocol applies at all times when Councillors are involved in the planning process. (This includes, where applicable, when part of decision-making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings.) It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.
- 1.5 **If you have any doubts about the application of this Planning Protocol to your own circumstances you should seek advice early, from the Monitoring Officer, and preferably well before any meeting takes place.**
- 1.6 In this Planning Protocol "Planning Meeting" covers all meetings of the Strategic Planning Board and the Planning Committees.

2 RELATIONSHIP TO THE MEMBERS' CODE OF CONDUCT

- 2.1 **Do** apply the rules in the Members' Code of Conduct first, which must always be complied with throughout the decision making process.

- 2.2 **Do** then apply the rules of this Planning Protocol, which seeks to explain and supplement the Members' Code of Conduct for the purposes of planning control. If you do not abide by this Planning Protocol you may put :-
- the Council at risk of proceedings on the legality or maladministration of the related decision; and
 - yourself at risk of either being named in a report made to the Standards Committee or Council or, if the failure is also likely to be a breach of the Code of Conduct, a complaint being made to the Standards Committee.

3 DEVELOPMENT PROPOSALS AND INTERESTS UNDER THE MEMBERS' CODE

- 3.1 **Do** disclose the existence and nature of any interest, including any perceived interest, at any relevant meeting, including informal meetings or discussions with officers and other Councillors. This is your responsibility. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter.
- 3.2 **Do** then act accordingly. **Where your interest is personal and prejudicial:-**
- **Don't** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority. You must withdraw from the meeting room when the matter is discussed however please see paragraph 11 for your right to attend and make representations.
 - **Don't** try to represent local, Ward or Area views, get another Member to do so instead.
 - **Don't** get involved in the processing of the application.
 - **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a personal and prejudicial interest in a proposal, using your position to discuss that proposal with Officers or Councillors when other members of

the public would not have the same opportunity to do so.

- **Do** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a personal and prejudicial interest to an appropriate officer, in person or in writing, the Code places greater limitations on you than would apply to a normal member of the public.

3.3 **Do** notify the Monitoring Officer and Head of Planning and Policy in writing of your own application, or if you are employed as an agent and note that:-

- notification to the Monitoring Officer and the Head of Planning and Policy should be made no later than submission of the application;
- the proposal will always be reported to the planning meeting and not dealt with by Officers under the scheme of delegation; and
- it is advisable that you employ an agent to act on your behalf on the proposal in dealing with officers and any public speaking at the planning meeting (*where appropriate.*)
- you do have a right to make written representations to officers about the proposal and may address the planning meeting pursuant to the Public Speaking Protocol subject to certain additional restrictions (see para 11 below for more detailed advice on this point).

4 FETTERING DISCRETION IN THE PLANNING PROCESS

Given the requirement that Councillors of the planning meetings should exercise an independent mind and decide proposals in accordance with the relevant planning considerations, Councillors must not favour any person, company, group or locality or commit themselves to a particular point of view on a planning application prior to its full consideration at the Council's planning meetings.

4.1 **Don't** fetter your discretion and therefore your ability to participate in planning decision-making at this Council by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the planning authority and of your hearing

the officer's presentation and evidence and arguments on both sides.

- 4.2 **Fettering your discretion** in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- 4.3 **Do** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of dual membership, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)
- 4.4 **Do remember** that you are, of course, free to listen to a point of view about a planning proposal, give procedural advice and agree to forward any comments, but should then refer the person to the appropriate planning officer.
- 4.5 **Do not** use any political group meetings prior to the planning meeting to determine how you or other Councillors should vote. There is no objection to a political group having a predisposition, short of predetermination, for a particular outcome or for you to begin to form a view as more information and opinions become available but decisions can only be taken after full consideration of the Planning Officer's report and information and consideration at the planning meeting.
- 4.6 **Don't** speak and vote on a proposal where you have fettered your discretion. You do not also have to withdraw, but you may prefer to do so for the sake of appearances.
- 4.7 **Do** explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes.
- 4.8 **Do** take the opportunity to exercise your separate speaking rights as a Ward/Local Member *where* you have represented your views or those of local electors and fettered your discretion, but do not have a personal and prejudicial interest. Where you do :
- advise the proper officer or Chairman that you wish to speak in this capacity before commencement of the item;

- remove yourself from the member seating area for the duration of that item; and
- ensure that your actions are recorded.

5 MEMBERSHIP OF PARISH COUNCILS AND OUTSIDE BODIES

5.1 **Do** be aware that, whilst the Members' Code of Conduct provides for a presumption that you may regard yourself as not having a prejudicial interest in matters which relate to the organisations mentioned below, you must exercise your discretion in deciding whether or not to participate in each case and where:

- you have been significantly involved in the preparation, submission or advocacy of a planning proposal on behalf of :
 - (a) another local or public authority of which you are a member; or
 - (b) a body to which you have been appointed or nominated by the Council as its representative; or
 - (c) you are a trustee or company director of the body submitting the proposal and were appointed by the Council

- you should always disclose a prejudicial as well as personal interest and withdraw.

5.2 **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example), provided:

- the proposal does not substantially affect the well-being or financial standing of the consultee body;
- you make it clear to the consultee body that:
 - (a) your views are expressed on the limited information before you only;

- (b) you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Planning meetings and you hear all of the relevant information; and
 - (c) you will not in any way commit yourself as to how you or others may vote when the proposal comes before the planning meeting; and
- you disclose the personal interest regarding your membership or role when the planning meeting comes to consider the proposal.

6 CABINET MEMBERS

There is no Constitutional or legal reason why a Cabinet member should not also be a member of the planning meeting and take part in the decision-making processes which are not part of the executive function.

- 6.1 **Be** aware that you should not speak or vote on any matter which you have discussed at Cabinet unless you have demonstrated there and can do so at the relevant planning meeting that you have not predetermined the application.
- 6.2 **Do not** take part in any planning meeting on a matter in which you may have been seen as advocating a proposal as a Cabinet Member.

7 CONTACT WITH APPLICANTS, DEVELOPERS AND OBJECTORS

It is recognised that pre-application discussions can be of great benefit to the planning process provided that they take place within clear parameters and governance arrangements.

- 7.1 **Do** refer those who approach you for planning, procedural or technical advice to officers.

- 7.2 **Don't** agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should never seek to arrange that meeting yourself but should request the Head of Planning and Policy organise it. The officer will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Planning meetings.
- 7.3 **Do** otherwise:
- follow the rules on lobbying;
 - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
 - report to the Head of Planning and Policy any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.
 - ask relevant questions for the purpose of clarifying your understanding of the proposals but do not express any strong view or state how you or other Councillors might vote.
- 7.4 **In addition in respect of presentations by applicants/developers:**
- 7.5 **Don't** attend a planning presentation unless an officer is present and/or it has been organised by officers.
- 7.6 **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- 7.7 **Do** remember that a presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Planning meeting of the planning authority.
- 7.8 **Do** be aware that a presentation is a form of lobbying and you must not express any strong view or state how you or other Councillors might vote.

8 LOBBYING OF COUNCILLORS

- 8.1 **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality and therefore your ability to participate in the planning meetings decision-making to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing.
- 8.2 **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- 8.3 **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to register the gift or hospitality where its value is over £25.
- 8.4 **Do** copy or pass on any lobbying correspondence you receive to the Head of Planning and Policy at the earliest opportunity.
- 8.5 **Do** promptly refer to the Head of Planning and Policy any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- 8.6 **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.
- 8.7 **Do** note that, unless you have a personal and prejudicial interest, you will not have fettered your discretion or breached this Planning Protocol through:
- listening or receiving viewpoints from residents or other interested parties;
 - making comments to residents, interested parties, other Councillors or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
 - seeking information through appropriate channels; or
 - being a vehicle for the expression of opinion or speaking at the meeting as a Ward Member,

provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward/local view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

9 LOBBYING BY COUNCILLORS

- 9.1 **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and are likely to have a personal and prejudicial interest and have to withdraw.
- 9.2 **Do** register your membership of any lobby group.
- 9.3 **Do** declare the existence and nature of your interest in any lobby group at Planning meeting meetings so that members of the public are informed about interests that may relate to your decisions. Often this will be a personal interest and you can continue to participate but note that it can sometimes be a prejudicial interest or lead to allegations of bias or predetermination and in those circumstances you must withdraw from the meeting.
- 9.4 **Do** not take part in any matter which relates directly to the lobby group of which you are a member rather than to the views it holds. If the Planning meeting is discussing a planning application submitted by the group you should consider that you have a prejudicial interest and should act accordingly.
- 9.5 **Do** weigh up the following factors where your lobby group has expressed a public view on a matter and consider whether a reasonable member of the public, knowing the relevant facts, would think that you appear biased. The factors are:
- the nature of the matter to be discussed
 - the nature of your involvement with the lobby group
 - the publicly expressed views of the lobby group
 - what you have said or done in relation to the particular issue
- 9.6 **Do not** become a member of an organisation whose primary purpose is to promote or oppose specific planning proposals or those within a limited geographical area, as you may be perceived as having fettered your discretion.

- 9.7 **Do** remember that if the local branch of a general interest group has been vociferous or active on a particular issue or you are closely associated with the management or decision making process of that organisation such as its Chairperson or a member of the planning meeting, it will become increasingly difficult to demonstrate your ability to judge the matter with an open mind and you may appear biased and therefore you should consider whether it is appropriate for you to take part in the decision making process.
- 9.8 **Do not** publicly support a particular outcome on a proposal within your Ward or actively campaign for it if you wish to take part in the decision making process. It would be very difficult for you to demonstrate that you had the necessary degree of impartiality to properly weigh the arguments presented and the decision would be open to challenge. Again it is a question of maintaining the fine balance between a predisposition where your mind is not totally made up and a predetermination. This would, however, not prevent you from expressing the views of your constituents provided you are capable of determining the Application in accordance with the law.
- 9.9 **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the planning meeting that you have reserved judgement and the independence to make up your own mind on each separate proposal.
- 9.10 **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken. It is difficult to define "excessively" but you need to consider whether a member of the public, knowing the facts, would think that, through your representations, the lobbied member was no longer able to take a view on the matter in the public interest but had predetermined it.
- 9.11 **Don't** decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Councillors should vote on a planning issue.

10 SITE INSPECTIONS

Site Inspections can play a legitimate part in the decision making exercise but must be limited to inspections by viewing and as a fact finding exercise. They are not to be used to determine a proposal prior to the meeting of the Planning meetings. It should be noted that this Section applies to Councillors requests for a Site Inspection and that the Head of Planning and Policy may arrange Site Visits Inspections without prior discussion where, in his professional opinion, there is a real benefit from viewing the site.

It is important to ensure that Councillors taking planning decisions are in possession of all the facts, including matters that may have been pointed out or come to light during a site visit. Attendance of Councillors will not only demonstrate that Councillors are fully informed but will also ensure that high quality consistent and sound decisions are made, and that the risks of legal challenge are minimised. The expectation is that all Planning meeting Members will attend all formal site inspections and a record of attendance will be maintained and monitored.

The Council has a separate protocol that deals with Site Inspections in more detail, the advice contained within this planning protocol is general advice which is developed further by the Site Inspection Protocol.

10.1 **Do** try to attend site inspections organised by the Council where possible.

10.2 **Don't** request a site inspection unless you feel it is strictly necessary because:

- particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
- there are significant policy or precedent implications and specific site factors need to be carefully addressed; or
- details of the proposed development cannot be ascertained from plans and any supporting information to Councillors satisfaction at the planning meeting; or
- where design considerations are of the highest importance particularly in relation to the surrounding locality.

10.3 **Do** ensure that any information that you gained from the site inspection is reported back to the Planning meetings, so that all Councillors have the same information.

- 10.4 **Do** ensure that you treat the site inspection only as an opportunity to seek information and to observe the site.
- 10.5 **Do** ask the officers at the site inspection questions or seek clarification from them on matters which are relevant to the site inspection.
- 10.6 **Do** be prepared to listen to and ask questions of fact from the Applicant or other parties but do not be drawn into arguments or detailed discussions on the individual merits of an application or give the impression that you have made up your mind. The decision can only be made at the Planning meeting and you should make this clear to any applicant or other party and suggest that they make written representations or use of the Public Speaking arrangements and direct them to, or inform, the officer present.
- 10.7 **Don't** express opinions or views to anyone.
- 10.8 **Don't** enter a site, which is subject to a proposal other than as part of an official site inspection, even in response to an invitation, as this may give the impression of bias unless:
- you feel it is essential for you to visit the site other than through attending the official site inspection;
 - you have first spoken to the Head of Planning and Policy about your intention to do so and why (which will be recorded on the file) and
 - you can ensure you will comply with these good practice rules on site inspections.

11 PUBLIC SPEAKING AT MEETINGS

The Council has a separate protocol that deals with Public Speaking at meetings in more detail, the advice contained within this planning protocol is general advice which is developed further by the Public Speaking Protocol.

- 11.1 **Don't** allow members of the public to communicate with you during the planning meeting proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.
- 11.2 **Do** ensure that you comply with the Council's Protocol for Public Speaking at Planning Meetings.

- 11.3 All Councillors are entitled to speak at a planning meeting in accordance with the Public Speaking Protocol either as an individual, representative or ward member. However, where you might be regarded as having a personal and prejudicial interest in the application then you may attend and speak in accordance with the protocol but only for the purpose of making representations, answering questions or giving evidence relating to the matter in the same manner as would apply to a normal member of the public. Immediately after doing so you must leave the meeting room whilst the meeting considers the proposal even though members of the public may remain.

12 OFFICERS

Councillors and officers have different but complementary roles. Both serve the public but Councillors are responsible to the electorate whilst officers are responsible to the Council as a whole. Their relationship is based upon mutual trust and understanding and this must never be abused or compromised. Instructions to officers can only be given through a decision of the Council, the Cabinet, Board or Committee or under delegated powers and not by individual Councillors acting outside those powers.

- 12.1 **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Head of Planning and Policy, which may be incorporated into any committee report.)
- 12.2 **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with the Head of Planning and Policy or those officers who are authorised by the Head of Planning and Policy to deal with the proposal at a Member level.
- 12.3 **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the planning meeting or its Councillors
- 12.4 **Do** be aware of the member/Officer Relations Protocol.

13 DECISION MAKING

The Council has a separate protocol that deals with the Call in of planning applications in more detail, the advice contained within this planning protocol is general advice which is developed further by the Call In Procedure.

- 13.1 **Do** ensure that, if you request a proposal to go before the planning meeting rather than be determined through officer delegation, that your planning reasons are recorded and repeated in the report to the planning meeting.
- 13.2 **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- 13.3 **Do** comply with section 54A of the Town and Country Planning Act 1990 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- 13.4 **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse the application.
- 13.5 **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
- 13.6 **Do** have recorded the reasons for the planning meeting's decision to grant, refuse or defer any proposal.
- 13.7 **Do** delegate to the Head of Planning and Policy the drafting of conditions that the Planning meeting may wish to add or amend when considering an application, ensuring that an explanation of why the change or addition is required is given to the planning meeting.
- 13.8 **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.
- 13.9 **Do**, where necessary, consider the drafting of conditions for sensitive applications that the planning meeting wish to approve against Officer recommendation at the next meeting of the planning meeting to allow Officers to formulate appropriate conditions and provide the planning meeting with any relevant further information.

14 TRAINING

- 14.1 **Don't** participate in decision-making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- 14.2 **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.

15 INVOLVEMENT IN SECTION 106 AGREEMENTS

The guidance in respect of planning obligations is similar to that of planning conditions in that they must be relevant to planning and directly related to the proposed development if they are to be taken into account in making a decision on a planning application. Local Planning Authorities should not grant planning permission for unacceptable development because of unrelated benefits offered by the applicant and should not be unduly influenced by any benefits offered.

- 15.1 **Do** remember that requirements to be included within Section 106 Agreements should be considered and discussed at pre-application stage. The Officers will provide advice on general requirements, but if you are aware of any additional potential requirements please refer these to the Head of Planning and Policy as soon as you become aware of them.
- 15.2 **Do** remember that the purpose of Section 106 Agreements is to help make acceptable, development which would otherwise be unacceptable in planning terms, by prescribing the nature of the development, or compensating for loss or damage created by the development, or to mitigate a developments impact. They must therefore be relevant to planning and relate fairly and reasonably to the development.
- 15.3 **Do** include the content of Section 106 Agreements in the debate that takes place at planning meetings, whether you are a member of the planning meeting or a visiting Member who wishes to speak on the application.
- 15.4 **Don't** hold formal or informal meetings with Applicants, Developers and Objectors over the contents of potential Section 106 agreements. If you feel that a meeting would be useful to clarify the issues, you should ask the Head of Planning and Policy to arrange such a meeting. In this way the relevant Officers can be at the meeting, and those present can be made aware that the discussions will not bind the authority, and that the meeting can be

properly recorded on the application file and the record of the meeting disclosed when the application is considered.

- 15.5 **Do** remember **that it is imperative that** a Ward Councillor's role continues after the completion of the Section 106 Agreement, by assisting Officers in ensuring that Section 106 Agreements are complied with. This includes noting when development is being undertaken and assisting Officers in ensuring triggers within Section 106 Agreements are complied with. Ward Councillors should contact Officers for any information on completed Section 106 Agreements.

16 MONITORING AND REVIEW

- 16.1 The Head of Planning and Policy will report annually to the Standards Committee regarding whether the arrangements set out in this Planning Protocol have been complied with and will include any proposals for amendment in the light of any issues that have arisen during the year.
- 16.2 In particular, the Head of Planning and Policy shall monitor the following:-
- (a) the number of complaints made about breaches of the Planning Protocol and the outcome of those complaints;
 - (b) the number of appeals upheld;
 - (c) any external inspection reports in respect of relevant issues;
 - (d) the level of awareness of the Planning Protocol among Councillors and Officers; and
 - (e) the number of Ombudsman reports finding maladministration by Councillors in the conduct of planning issues.

17 BREACHES OF THE PLANNING PROTOCOL

Maintaining high ethical standards enhances the general reputation of the Council, its Councillors and its officers. Open and transparent decision making enhances local democracy and should lead to better informed citizens. This Planning Protocol, along with Cheshire East's Members Code of Conduct are intended to promote these standards.

- 17.1 **Do** be aware of your responsibilities under this Code and the Members Code of Conduct.
- 17.2 **Do** report any apparent breaches of either the Code of Conduct or the Planning Protocol to the Monitoring Officer.
- 17.3 **Do** seek advice if you are in doubt.

- 17.4 Failure to comply with the Members Code of Conduct may lead to a complaint to the Standards Committee who can, in certain circumstances disqualify a Councillor. Failure to comply with this Planning Protocol may lead to a finding of Maladministration by the Ombudsman or could lead to a decision being challenged in the courts.
- 17.5 Allegations on any breach of this Planning Protocol by Members may be referred to the Monitoring Officer for referral to the Standards Committee, the relevant Leader and/or Chief Whip of the political group.

Licensing

SECTION 2A - Council (Non-Executive) Functions – Summary of Responsibilities

Function	Decision making body	Delegation (to the extent set out in Section 2C)
Taxi and miscellaneous licensing ¹ (i.e. functions relating to licensing and registration other than in relation to Licensing Act 2003, Gambling Act 2005, highways, marriage premises, village greens, trading standards functions and fire safety/safety at sports grounds)	Licensing Committee	Head of Safer and Stronger Communities
Functions relating to licensing under the Licensing Act 2003 and the Gambling Act 2005 ²	Licensing Committee	Head of Safer and Stronger Communities
Power to institute criminal proceedings under the Gambling Act 2005 ³	Licensing Committee	Borough Solicitor
Power to resolve not to issue a	Council	

¹ Items 1-5, 15-18, 20, 24-25, 29-33, 35, 39, 40, 56 –60, 62-68, 71 of paragraph B of Schedule 1 of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000

² Item 14A and items 14AA – 14AC, 14C, 14CA, 14E-14G of paragraph B of Schedule 1 of the 2000 Regulations together with section 154 and 232, Schedule 10 paragraph 6, Schedule 12 paragraph 28, Schedule 13 paragraph 3 and Schedule 14 paragraph 7 of the Gambling Act 2005

³ Item 14D of paragraph B of Schedule 1 of the 2000 Regulations

casino premises licence ⁴		
Health and Safety Functions (otherwise than in the authority's capacity as an employer) ⁵	Licensing Committee	Head of Safer and Stronger Communities
Functions in relation to smoke-free premises ⁶	Licensing Committee	Head of Safer and Stronger Communities
Designated Public Places Orders ⁷	Licensing Committee	
Alcohol Disorder Zones ⁸	Licensing Committee	

SECTION 2B - Council (Non-Executive) Functions - Committees Terms of Reference

Licensing Committees

Matters relating to the administration of licences which are determinable by the Council as set out within the attached Schedule, including the delegation of functional responsibility to individual officers for determination of any application for Consents, Licences, Certificates, Permits, Registrations or the like.

To hear and determine appeals against any decisions of Officers in relation to the grant, renewal, transfer, variation, refusal, revocation, suspension or imposition of condition in accordance with the Council's licensing procedure.

The discharge of the Council's functions under section 13(2) the Criminal Justice and Police Act 2001

The discharge of the Council's functions under section 16 the Violent Crime Reduction Act 2006.

Provided that before any Councillor who is a member of the Licensing Committee can attend a meeting and participate in the determination of an application or appeal by any individual or body, that Councillor must have attended a suitable training course dealing with the quasi-judicial nature of the role of the Committee.

Responsibilities of Full Committee and Sub-Committees

⁴ Item 14B of paragraph B of Schedule 1 of the 2000 Regulations

⁵ Paragraph C of Schedule 1 of the 2000 Regulations

⁶ Paragraph FA of Schedule 1 of the 2000 Regulations

⁷ Item 49 of paragraph I of Schedule 1 of the 2000 Regulations

⁸ Item 50 of paragraph I of Schedule 1 of the 2000 Regulations

The functions of the Licensing Committee (subject to the delegations to officers contained within Section 2C) shall be determined by the Full Committee or Sub-Committees based on the delegations set out below.

These delegations to Sub-Committees shall be subject to the proviso that the Chairman or Vice Chairman of the full Committee may refer a matter up from a Sub-Committee to the full Committee where that matter is significant or controversial in nature

Licensing Act 2003/Gambling Act 2005 Sub-Committee

Function	Full Committee	Sub-Committee
Determination of application for Premises Licence (section 18(3) 2003 Act)		To determine applications where representations have been made and not withdrawn
Determination of application for Provisional Statements (section 31(3) 2003 Act)		To determine applications where representations have been made and not withdrawn
Determination of application for variation of Premises Licence (section 35(3) 2003 Act)		To determine applications where representations have been made and not withdrawn
Determination of application for variation of designated premises supervisor (section 39(3) 2003 Act)		To determine applications where police objection has been made
Determination of application for transfer of Premises Licence (section 44(5) 2003 Act)		To determine applications where police objection has been made
Determination of application relating to an interim authority notice (section 48(3) 2003 Act)		Consideration of police objection to an interim authority notice
Determination of application for a review of a Premises Licence (section 52(2) 2003 Act)		To determine applications for review
Determination of an application for a Club Premises Certificate (section 72(3) 2003 Act)		To determine applications where representations have been made and not withdrawn
Determination of an application to vary a Club Premises Certificate (section 85(3) 2003 Act)		To determine applications where representations have been made and not withdrawn
Determination of an application for the review of a Club Premises Certificate (section 88 2003 Act)		To determine review applications
Decision to give a counter notice to a		To give a counter notice following a

Temporary Event Notice (section 105(2) 2003 Act)		police objection to a temporary event notice
Determination of application for the grant of a Personal Licence (section 120(7) 2003 Act)		To determine applications where police objection has been made
Determination of application for the renewal of Personal Licence (section 121(6) 2003 Act)		To determine applications where police objection has been made
Revocation of Personal Licence (section 124(4) 2003 Act)		To revoke Personal Licence where convictions come to light after the grant/renewal of the Licence
Determination of review following closure order (section 167(5) 2003 Act)		To determine review applications following a closure order where representations are made
Decision to object when the local authority is the consultee not the relevant authority considering an application (2003 Act)		To determine whether to make an objection
Determination of application for Premises Licence (section 163 2005 Act)		To determine applications where representations have been made and not withdrawn
Determination of application for variation of Premises Licence (section 187 2005 Act)		To determine applications where representations have been made and not withdrawn
Determination of application for transfer of Premises Licence (section 188 2005 Act)		To determine applications where objection has been made
Consideration of objection made to application for reinstatement (section 195 2005 Act)		To consider the objection
Determination of an application for the review of a Premises Licence (section 201 2005 Act)		To determine review application
Determination of application for Provisional Statement (section 204 2005 Act)		To determine applications where representations have been made and not withdrawn
Decision to give a counter notice to a Temporary Use Notice (section 224 2005 Act)		To give a counter notice following an objection to a temporary use notice
Consideration of representations in relation to proposed rejection of a club gaming permit or club machine permit (schedule 12 2005 Act)		To consider representations and determine whether permit to be rejected
Cancellation of club gaming permit or club machine permit (schedule 12 2005 Act)		To determine whether to cancel permit
Decision to make an order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises (section		To determine whether an order to be made where representations made by licensee and not

284 2005 Act)		withdrawn.
Power to set fees for Premises Licence (section 212 2005 Act)	To set fees	

General' Licensing Sub-Committee

Subject to the matters reserved to the full Committee below, the 'general'

Licensing Sub-Committee shall deal with the licensing functions set out below

together with any other function within Schedule 1 referred to it by officers

(with the exception of matters under the Licensing Act 2003/Gambling Act 2005).

Function	Full Committee	Sub-Committee
Power to licence (first grant, renewal and transfer) hackney carriages and private hire vehicles		To determine applications where the vehicle does not meet the Council's vehicle conditions or the vehicle does not pass the inspection.
Power to suspend or revoke hackney carriage and private hire vehicle licences		To note reports relating to officer decisions to suspend vehicle licences. The power to revoke vehicle licences.
Power to licence (first grant or renewal) operators licences		To determine applications where the Council's requirements are not met.
Power to suspend or revoke operators licences		To note reports relating to officer decisions to suspend operators licences. Power to revoke operators licences.
Power to licence (first grant or renewal) hackney carriage and private hire drivers		To determine applications where the driver does not meet the Council's requirements.
Power to suspend or revoke hackney carriage and private hire drivers licences		To note reports relating to officer decisions to suspend drivers licences. Power to revoke drivers licences.

Power to set fees in relation to hackney carriage and private hire drivers, vehicles and operators	Power to set fees.	
<i>Power to licence sex shops and sex cinemas (including first grant, renewal, transfer and variation of standard conditions)</i>	<p>First grant: all cases before the Licensing Committee.</p> <p>Renewal: if there are objections which are not withdrawn and which cannot be dealt with under the authority delegated to officers.</p> <p>Transfer: if there are objections which are not withdrawn and which cannot be dealt with under the authority delegated to officers.</p> <p>Variation of standard</p>	
<i>Power to set fees for sex establishments</i>	Power to set fees	
<i>Power to licence street collection</i>		<p>To determine requests for waiver of the Council's street collection regulations.</p> <p>Determines appeals against office refusal.</p>
<i>Power to licence House to House collection</i>		Determines appeals against office refusal.
<i>Power to issue street trading licences or consents</i>		<p>To determine applications for street trading consents where representations have been received (and not withdrawn).</p> <p>To determine applications for street trading licences.</p>
<i>Power to designate streets as consent streets, licence streets or prohibited streets.</i>	Power to designate streets	

<i>Power to set fees in relation to street trading</i>	Power to set fees.	
<i>Power to make a Designated Public Places Order</i>	Power to make order	
<i>Power to designate area as an Alcohol Disorder Zone</i>	Power to make designation	

SCHEDULE

Schedule of functions

All Council (non-executive) functions relating to:

(a) licensing and registration functions in respect of:

- (i) Caravan sites and moveable dwellings/camping sites⁹
- (ii) Hackney carriages and private hire vehicles, drivers and operators¹⁰
- (iii) Sex shops and sex cinemas¹¹
- (iv) Performances of hypnotism¹²
- (v) Acupuncture, tattooing, ear-piercing and electrolysis¹³
- (vi) Pleasure boats and vessels¹⁴
- (vii) Market and street trading¹⁵
- (viii) Premises for the preparation of food¹⁶
- (ix) Scrap yards and motor salvage operators¹⁷
- (x) Dog breeding, pet shops, animal breeding, animal trainers and exhibitors, zoos and wild animals¹⁸
- (xi) Employment of children¹⁹
- (xii) Charitable collections²⁰
- (xiii) Operation of loudspeakers²¹
- (xiv) Storage of celluloid²²
- (xv) Meat product premises and dairy establishments²³
- (xvi) Egg products, butchers and fish products²⁴
- (xvii) Auction and wholesale markets²⁵
- (xviii) Food business premises²⁶

(b) Health and safety at work²⁷ to the extent that those functions are discharged otherwise than in the authority's capacity as an employer;

(c) smoke-free premises under the Health Act 2006 and regulations;²⁸

⁹ Items 2 & 3 of para B of Schedule 1 Local Authorities (Functions and Responsibilities)(England) Regulations 2000

¹⁰ Items 3 – 5 of para B of Schedule 1 to the 2000 Regulations

¹¹ Item 15 of para B of Schedule 1 to the 2000 Regulations

¹² Item 16 of para B of Schedule 1 to the 2000 Regulations

¹³ Item 17 of para B of Schedule 1 to the 2000 Regulations

¹⁴ Item 18 of para B of Schedule 1 to the 2000 Regulations

¹⁵ Item 20 of para B of Schedule 1 to the 2000 Regulations

¹⁶ Item 24 of para B of Schedule 1 to the 2000 Regulations

¹⁷ Item 25 and 71 of para B of Schedule 1 to the 2000 Regulations

¹⁸ Items 29 – 33 of para B of Schedule 1 to the 2000 Regulations

¹⁹ Item 35 of para B of Schedule 1 to the 2000 Regulations

²⁰ Item 39 of para B of Schedule 1 to the 2000 Regulations

²¹ Item 40 of para B of Schedule 1 to the 2000 Regulations

²² Item 56 of para B of Schedule 1 to the 2000 Regulations

²³ Items 57-59 of para B of Schedule 1 to the 2000 Regulations

²⁴ Items 60-65 of para B of Schedule 1 to the 2000 Regulations

²⁵ Item 66 of para B of Schedule 1 to the 2000 Regulations

²⁶ Item 67 of para B of Schedule 1 to the 2000 Regulations

²⁷ Para C of Schedule 1 to the 2000 Regulations

²⁸ Para FA of Schedule 1 to the 2000 Regulations

(d) Designated Public Place Orders under the Criminal Justice and Police Act 2001 and regulations²⁹

(e) Alcohol Disorder Zones under the Violent Crime Reduction Act 2006³⁰

(f) the following functions under the Licensing Act 2003³¹ and the Gambling Act 2005³²:

- (i) section 18(3) of the 2003 Act (determination of application for a premises licence where representations have been made);
- (ii) section 31(3) of the 2003 Act (determination of application for provisional statements where representations have been made);
- (iii) section 35(3) of the 2003 Act (determination of application for variation of premises licence where representations have been made);
- (iv) section 39(3) of the 2003 Act (determination of application to vary designated premises supervisor following police objection);
- (v) section 44(5) of the 2003 Act (determination of application for transfer of premises licence following police objection);
- (vi) section 48(3) of the 2003 Act (consideration of police objection made to an interim authority notice);
- (vii) section 52(2) or (3) of the 2003 Act (determination of an application for review of a premises licence);
- (viii) section 72(3) of the 2003 Act (determination of an application for a club premises certificate where relevant representations have been made);
- (ix) section 85(3) of the 2003 Act (determination of application to vary club premises certificates where representations have been made);
- (x) section 88(2) or (3) of the 2003 Act (determination of application for a review of club premises certificate);
- (xi) section 105(2) (decision to give counter notice following police objection to a temporary event notice);
- (xii) section 120(7) of the 2003 Act (determination of application for grant of personal licence following police objection);
- (xiii) section 121(6) of the 2003 Act (determination of application for renewal of personal licences following police objection);
- (xiv) section 124(4) of the 2003 Act (revocation of licence where convictions come to light after grant or renewal of personal licences);
- (xv) section 167(5) (review following closure order where relevant representations have been made);
- (xvi) section 163 of the 2005 Act (determination of an application for premises licences where representations have been made);

²⁹ Item 49 of para I of Schedule 1 to the 2000 Regulations

³⁰ Item 50 of para I of Schedule 1 to the 2000 Regulations

³¹ Item 14A of para B of Schedule 1 to the 2000 Regulations

³² section 154 and 232, Schedule 10 paragraph 6, Schedule 12 paragraph 28, Schedule 13 paragraph 3 and Schedule 14 paragraph 7 of the Gambling Act 2005

- (xvii) section 187 of the 2005 Act (determination of an application for variation of premises licence where representations have been made);
- (xviii) section 188 of the 2005 Act (determination of application for transfer of premises licence following objection);
- (xix) section 195 of the 2005 Act (consideration of objection made to an application for reinstatement);
- (xx) section 201 of the 2005 Act (determination of review of a premises licence);
- (xxi) section 204 of the 2005 Act (determination of application for a provisional statement where representations have been made);
- (xxii) section 224 of the 2005 Act (decision to give counter notice following an objection to a temporary use notice)
- (xxiii) schedule 12 of the 2005 Act (determination as to cancellation of a club gaming permit or club machine permit)
- (xxiv) schedule 12 of the 2005 Act (consideration of representations in relation to the proposed rejection of a club gaming permit or club machine permit).
- (xxv) section 284 of the 2005 Act (determination of whether an order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises to be made)
- (xxvi) section 212 of the 2005 Act (power to set fees)

SECTION 2C – Council (Non-Executive) Functions – Officer Delegations Scheme

HEAD OF SAFER AND STRONGER COMMUNITIES

Subject to the exceptions listed below, the Head of Safer and Stronger

Communities is authorised to discharge the following Council (non-executive) functions.

Licensing Functions

(a)	Power to licence hackney carriages and private hire vehicles	<p>Hackney carriages: Town Police Clauses Act 1847; section 47, 57, 60 & 79 Local Government (Miscellaneous Provision) Act 1976</p> <p>Private Hire Vehicles: sections 48, 57, 60 & 79 Local Government (Miscellaneous Provision) Act 1976</p>
(b)	Power to suspend hackney carriage and private hire vehicle licences	Hackney carriages: Town Police Clauses Act 1847; section 58 & 60 Local Government (Miscellaneous

		Provision) Act 1976 Private Hire Vehicles: sections 58 & 60 Local Government (Miscellaneous Provision) Act 1976
(c)	Power to suspend hackney carriage and private hire vehicle licences pending inspection	Section 68 Local Government (Miscellaneous Provision) Act 1976
(d)	Power to licence operators licences	Sections 55 – 58 & 79 Local Government (Miscellaneous Provision) Act 1976
(e)	Power to suspend operators licences	Section 62 Local Government (Miscellaneous Provision) Act 1976
(f)	Power to licence hackney carriage and private hire drivers	Hackney carriages: Town Police Clauses Act 1847; section 53, 54, 57, 59, 61 & 79 Local Government (Miscellaneous Provision) Act 1976 Private Hire: sections 51, 53, 54, 61 & 79 Local Government (Miscellaneous Provision) Act 1976
(g)	Power to suspend hackney carriage and private hire drivers licences	Section 61 Local Government (Miscellaneous Provision) Act 1976
(h)	<i>Power to renew or transfer licences for sex shops and sex cinemas</i> [Where (i) there has been no material change to the character of the relevant locality or to the use to which any premises in the vicinity are put or to the layout, character or condition of the premises in respect of which the application is made; and (ii) no objections have been received, or those that have been received should in the officer's opinion be set aside on the ground that the Council could not lawfully take them into account]	Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.

(i)	<i>Power to licence street collections</i>	Section 5 Police, Factories etc (Miscellaneous Provisions) Act 1916
(j)	<i>Power to licence House to House collections</i>	Section 2 House to House Collections Act 1939
(k)	<i>Power to issue street trading consents</i>	Section 3 and Schedule 4 Local Government (Miscellaneous Provisions) Act 1982
(l)	<i>Power to licence performances of hypnotism</i>	Hypnotism Act 1952
(m)	<i>Licensing functions under the Licensing Act 2003 and the Gambling Act 2005 (subject to the exceptions below)</i>	Licensing Act 2003 and Gambling Act 2005
(n)	<i>Sanctioning the use of buildings for the storage of celluloid</i>	Section 1 of the Celluloid and Cinematograph Film Act 1922
(o)	<i>Licensing employment of children</i>	Part II of the Children and Young Persons Act 1933, byelaws made under that Part, and Part II of the Children and Young Persons Act 1963

Exceptions

Licensing Functions ('General')

(i) The determination of applications for hackney carriage or private hire vehicles where the vehicle does not meet the Council's vehicle conditions or does not pass the vehicle inspection be referred to the Licensing Sub-Committee*.

(ii) The determination of applications for operators licences where the Council's requirements are not met be referred to the Licensing Sub-Committee*.

(iii) The determination of applications for hackney carriage or private hire drivers licences where the applicant does not meet the Council's requirements be referred to the Licensing Sub-Committee*

(iv) The determination of applications for the renewal or transfer of licences for sex shops and sex cinemas where there are objections which are not be withdrawn and cannot be dealt with under the authority delegated to officers be referred to the Licensing Committee.

(v) The determination of requests for waiver of the Council's street collection regulations (with the exception of the regulation in relation to processions) shall be referred to the Licensing Sub-Committee.*

(vi) The determination of applications for street trading consents where representations have been received and not withdrawn be referred to the Licensing Sub-Committee.*

(vii) The decision to designate streets (section 3 and Schedule 4 Local Government (Miscellaneous Provisions) Act 1982) shall be reserved to the Licensing Committee.

(viii) The power to set fees in relation to hackney carriages and private hire vehicles, operators and drivers, sex establishments and street trading shall be reserved to the Licensing Committee.

Licensing Functions (Licensing Act 2003 and Gambling Act 2005)

(i) Any licensing function under the Licensing Act 2003 and the Gambling Act 2005 reserved to full Council (i.e the determination of the three year statement of principles and the decision not to licence casinos under the 2005 Act);

(ii) The determination of an application under the Licensing Act 2003 or Gambling Act 2005 where relevant representations have been received and are not withdrawn shall be referred to the Licensing Sub-Committee.*

(iii) The determination of review applications (under sections 52, 88 and 167 of the Licensing Act 2003) shall be referred to the Licensing Sub-Committee.*

(iv) The determination of review applications (under section 201 of the Gambling Act 2005) shall be referred to the Licensing Sub-Committee.*

(v) The decision to object when the local authority is a consultee and not the relevant authority considering an application under the Licensing Act 2003 shall be referred to the Licensing Sub-Committee.*

(vi) The consideration of representations in relation to the proposed rejection of a club gaming permit or club machine permit (schedule 12 of the Gambling Act 2005) is reserved to the Licensing Sub-Committee*

(vii) The decision to cancel a club gaming/club machine permit (schedule 12 of the Gambling Act 2005) shall be referred to the Licensing Sub-Committee.*

(vii) The decision to give a counter notice to a temporary use notice (section 224 of the Gambling Act 2005) shall be referred to the Licensing Sub-Committee.*

(viii) The decision to make an order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises where representations have been made by the licensee shall be referred to the Licensing Sub-Committee.*

(ix) The decision to revoke a personal licence where convictions come to light after grant or renewal (under section 124 of the Licensing Act 2003) shall be referred to the Licensing Sub-Committee.*

(x) The decision to set fees under the Gambling Act 2005 shall rest with the Licensing Committee.

(xi) The power to institute criminal proceedings under the Gambling Act lies with the Borough Solicitor.

*The Chairman and Vice Chairman of the Licensing Committee have the discretion to refer matters from the Licensing Sub-Committee to the full Licensing Committee if the matter is significant or controversial in nature.

Environmental Health Functions

(a)	Power to issue licences authorising the use of land as a caravan site.	Section 3(3) of the Caravan Sites and Control of Development Act 1960
(b)	Power to licence the use of moveable dwellings and camping sites	Section 269(1) of the Public Health Act 1936
(c)	Power to license premises for acupuncture, tattooing, ear piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982
(d)	Power to licence pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907
(e)	Power to licence scrap yards	Section 1 Scrap Metal Dealers Act 1964
(f)	To register motor salvage operators	Part 1 of the Vehicles (Crime) Act 2001
(g)	To register and licence premises for the preparation of food	Section 19 of the Food Safety Act 1990
(h)	Power to licence premises for the breeding of dogs	Section 1 Breeding of Dogs Act 1973 and Section 1 of Breeding and Sale of Dogs (Welfare Act) 1999
(i)	Power to licence pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business	Section 1 of Pet Animals Act 1951, Section 1 Animal Boarding Establishments Act 1964 and 1970, Section 1 of Breeding of Dogs Act 1973 and Sections 1 & 8 of Breeding and Sale of Dogs Act (Welfare) Act 1999.
(j)	To register animal trainers and exhibitors	Section 1 of Performing Animals (Regulation) Act 1925.
(k)	Power to licence zoos	Section 1 of the Zoo Licensing Act 1981
(l)	To licence dangerous wild animals	Section 1 Dangerous Wild Animals Act 1976

(m)	To grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993
(n)	To approve meat product premises	Regulation (EC) 853/2004 (as enforced under the Food Hygiene (England) Regulations 2006)
(o)	To approve premises for the production of minced meat or meat preparations	Regulation (EC) 853/2004 (as enforced under the Food Hygiene (England) Regulations 2006)
(p)	To approve dairy establishments	Regulation (EC) 853/2004 (as enforced under the Food Hygiene (England) Regulations 2006)
(q)	To approve fish products premises	Regulation (EC) 853/2004 (as enforced under the Food Hygiene (England) Regulations 2006)
(r)	To approve dispatch or purification centres	Regulation (EC) 853/2004 (as enforced under the Food Hygiene Regulations 2006)
(s)	Power to register fishing vessels on board which shrimps or molluscs are cooked	Regulation (EC) 853/2004 (as enforced under the Food Hygiene (England) Regulations 2006)
(t)	Power to approve factory vessels and fishery product establishments	Regulation (EC) 853/2004 (as enforced under the Food Hygiene (England) Regulations 2006)
(u)	To register auction and wholesale markets	Regulation (EC) 853/2004 (as enforced under the Food Hygiene (England) Regulations 2006)
(v)	To keep a register of food business premises	Regulation (EC) 852/2004 (as enforced under the Food Hygiene (England) Regulations 2006)
(w)	Duty to enforce Chapter 1 and regulations made under it	Section 10(3) of the Health Act 2006
(x)	Power to authorise officers	Section 10(5) of and paragraph 1 of Schedule 2 to the Health Act 2006
(y)	Functions relating to fixed penalty notices	Paragraphs 13, 15 and 16 of Schedule 1 to the Health Act 2006.
(z)	Power to transfer enforcement functions to another enforcement authority	Smoke Free (Premises and Enforcement) Regulations 2006 (SI 2006/3368)
(aa)	<i>Functions relating to health and safety at work (to the extent that those functions are discharged otherwise than in the authority's capacity as an employer)</i>	Part 1 Health and Safety at Work etc Act 1974

Responsibilities of Council

The following functions are the responsibility of the Council and will be discharged by the full Council unless specified to be delegated to another Committee, Sub-Committee or body under this Constitution. The Council:

1. is accountable to its citizens for the proper discharge of all of its functions and for the delivery of such services as it is responsible for;
2. will keep under review the running of the Council's affairs and will implement changes where it considers there is a need to do so to improve the way in which the organisation operates, its relationships with the Council's citizens and the delivery of any services in the most effective and efficient way;
3. will adopt the Council's Constitution in accordance with the requirements of the Local Government Act 2000 and approve any subsequent amendments to it in whole or in part;
4. will appoint to the following offices
 - Council Mayor
 - Council Deputy Mayor
 - Leader of the Council
 - Chairmen and Vice-Chairmen of Committees, Sub-Committees and Special Committees
 - such other offices as may be required under this Constitution or by the Council;
5. will determine whether functions which are classified as "local choice" functions under the Local Government Act 2000 should be reserved to the Council or delegated to the Cabinet;
6. will adopt the Council's Codes of Conduct for Members and Officers and the Protocol on Member/Officer Relations;
7. will agree the establishment and composition of, and make appointments to, Committees, Sub-Committees other than those which may be established within the Cabinet;
8. will agree and amend the terms of reference of its Committees and Sub-Committees;
9. will consider any matter which has been referred or submitted to it by the Cabinet;
10. where a matter is referred to it for determination by a Committee or Sub-Committee other than a Cabinet body, under this Constitution or under some other approved policy or procedure, to determine that matter;

11. will adopt or otherwise, as provided in the Council Procedure Rules, motions submitted under Standing Order No.12 (Notice of Motion) which do not relate solely to a Cabinet function;
12. will approve the Members Allowance Scheme including any pension provision for elected Members following advice from the Independent Remuneration Panel;
13. will appoint/dismiss the Head of Paid Service, designate an officer to act as Monitoring Officer and Chief Finance Officer.
14. will approve the Council's response to any issues or proposals in relation to local government boundaries including Electoral Wards, the conduct of elections and the discharge of local authority functions;
15. may determine other matters which may from time to time be submitted to it for determination, either by resolution or through approved procedures, where such matters do not fall within the functions of the Cabinet.

Responsibilities of Cabinet

General Responsibility of the Cabinet, Committees and Sub-Committees

These bodies are responsible and accountable to the Council as appropriate in accordance with this Constitution, their terms of reference and under the approved policies, regulations and procedures of the Council for:

1. ensuring the effective and efficient discharge of the functions delegated to them;
2. ensuring that any Council services are appropriate for and responsive to the needs and views of the Council's citizens, and are delivered effectively and efficiently;
3. ensuring that good external relationships and effective local liaison are promoted in relation to any Council services;
6. monitoring the functions of the Council within their remit and contributing to any Council aims, objectives and policies;
7. determining policies and objectives for any Council services, within their remit, reviewing the extent to which they are met, and agreeing any necessary action;
8. determining the Council's views on matters specific to their areas of responsibility and related external matters;
9. ensuring the effective and efficient management of any services and resources falling within their purview in accordance with this Constitution and, where appropriate, the effective and efficient discharge of the responsibilities of any subordinate bodies or person.

Responsibility of the Cabinet

Where the Cabinet is exercising a Cabinet function, in whole or in part, as set out below, the Cabinet is empowered to take all necessary and appropriate decisions to fulfil the obligations placed upon it subject to any restrictions or constraints imposed by the law or this Constitution.

The Cabinet

Insofar as such functions do not fall within the responsibilities of individual Cabinet Members, the Cabinet is responsible for and accountable to the Council, where appropriate, for the following functions, recognising that certain functions discharged by officers or services within its remit fall, by virtue of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any subsequent amendments thereto, to be discharged by the Council:

1. consulting on, developing, monitoring and reviewing the various elements of the Council's plans and policies;
2. subject to consultation with the appropriate Scrutiny body or bodies, advising on Budget setting, including all other related financial matters, plans and proposals;
3. ensuring that proper arrangements exist for the effective and efficient management of the Council's executive affairs;
4. ensuring that the Council prepares for the Performance Management regime and any Government initiatives dealing with such matters which have financial implications.
5. monitoring and auditing the lawful, proper and efficient conduct of the Council's financial affairs, including the extent to which budgets and financial policies are being and will be met, and requiring or approving any remedial action to be taken where it considers it necessary and appropriate;
6. advising the Council where appropriate, and determining such matters as may be prescribed from time to time, under the Council's Constitution as the responsibility of the Cabinet;
7. approving, monitoring and reviewing any Council Corporate personnel and human resources policies;
8. approving, monitoring and reviewing the provision of services to the Council which are delivered by internal and/or external suppliers;
9. overseeing, approving and co-ordinating policies on national and external communications, public and media relations and public affairs generally;
10. overseeing relationships with, participation in and contribution to external organisations and partnerships, Local Government Association, the North West Regional Assembly or their successors or like bodies;

11. ensuring officers exercising delegated powers on behalf of the Cabinet discharge their responsibilities efficiently and effectively;
12. ensuring that officers discharge their responsibilities efficiently and effectively in relation to Cabinet functions;
13. overseeing the exercise of any Council powers and duties in relation to Part 1 of the Local Government Act 2000 (Promotion of Economic, Social or Environmental Well Being etc);
14. advising the Council on strategic matters in relation to corporate governance, community governance and community strategy;
15. monitoring and reviewing issues relating to local working;
16. overseeing the promotion of the Council's image, role and relationships in the European context, particularly with the European Commission and other European institutions;
17. preparing and approving, as appropriate, Regional and Sub-Regional Plans and Strategies;
18. preparing and approving major planning studies;
19. supporting the North West Regional Assembly or any successors or like body, where appropriate, on regional policy, transportation, planning and environmental issues and related matters and any other matters of relevance to the Council and ensuring that the Council's views are made known;
20. promoting employment and investment in the Council's area, including the preparation and approval of any Economic Development and Tourism Strategies;
21. deciding such other matters as may fall to the Cabinet to determine as required by the law or as delegated to it by the Council;
22. dealing with any executive Local Development Framework functions which are given to the Council by the Secretary of State.
23. making decisions upon those executive functions which arise under the Cheshire (Structural Changes) Order 2008.

The Cabinet may discharge these functions itself, through a Task Group/Cabinet Sub-Committee or by delegation to an officer. In addition, the Cabinet may appoint such advisory panels, including any member of the Council, as it considers appropriate to provide advice to it.

Overview and Scrutiny Committees

Five Overview and Scrutiny Committees will be appointed which, between them, will relate to the Cabinet and specifically as appropriate to the nine individual Portfolios:

- Children and Families
- Health and Adult Social Care
- Environment and Prosperity
- Sustainable Communities
- Corporate Scrutiny

Health and Adult Social Care will fulfil the legally required task of NHS Scrutiny, together with review and advice on jointly commissioned services in Adult Social Care and Mental Health.

External scrutiny of the LAA, Crime and Disorder and Community Strategies will be undertaken by the Sustainable Communities Committee.

Corporate Scrutiny Committee will review the three “corporate” portfolios, and Cabinet and organisational performance as a whole.

Any of the Committees may be invited to provide advice and recommendations on the development and updating of the Authority’s policies.

The Committees will consist of 14 or 15 Members (plus appropriate co-option) which will enable all non-Executive Members to have a place on at least one Committee.

The Scrutiny Committees will/may specifically:

1. discharge the Council’s functions under Section 21 of the Local Government Act 2000 (Scrutiny Committees)
2. oversee the Council’s overall scrutiny function including the preparation, implementation, monitoring and review of an annual work programme for scrutiny and arrangements for the scrutiny of other public bodies particularly where required to do so by law and where partners can contribute to Community Plan priorities and to Local Area Agreement outcomes;
3. establish such task and finish groups, appointing the Chairman with such membership as it sees fit, to undertake scrutiny on a task and finish basis;
4. ensure that officers discharge their responsibilities effectively and efficiently in relation to the scrutiny function;
5. scrutinise decisions of the Cabinet, and offer advice or make recommendations on the matter under scrutiny once the Committee have considered the issues;
6. refer to the Council or appropriate Committee/Sub-Committee any matter which, following scrutiny, the Committee determines should be brought to the attention of the Council or the Committee or Sub-Committee;

7. if requested, offer any views or advice to the Cabinet in relation to any matter referred to the Committee for consideration;
8. undertake general policy reviews with a cross-service and multi-organisational approach wherever possible and make recommendations to the Council or the Cabinet to assist in the development of future policies and strategies;
9. in performing its role, the Committee may consult and involve the local community and other local public, private and voluntary bodies or organisations;
10. review the Council's response to its obligations in respect of the overall performance management regime and where appropriate advise the Cabinet and the Council of its findings;
11. scrutinise decisions after implementation to examine their effect and outcomes;
12. review and making recommendations in relation to matters which are not the direct responsibility of the Council but which affect the social, economic and environmental well-being of an area, or the Council's area as a whole, or under any statutory requirement or Council contract, procedure or practice;
13. develop, maintain and monitor policies and procedures for handling complaints made against the Council and monitor on a regular basis the level and nature of complaints received and ensure that advice is formulated regarding action to be taken to address areas of concern;
14. monitor the level and nature of Ombudsman complaints and advise the Cabinet, Committees, Sub-Committees and officers on remedial action as appropriate;
15. ensure in conjunction with the Standards, and Governance and Constitution Committees that the Council has in place appropriate mechanisms to protect organisational Integrity including the development of appropriate policies and guidance;
16. deal with any overview and scrutiny matter which is the subject of a Call-In, a Councillor Call for Action or Local Petition;
17. provide a regular programme of training and development for all Members and Co-opted Members involved in the work of the Committee.

HEALTH AND ADULT SOCIAL CARE SCRUTINY COMMITTEE

The Health and Adult Social Care Scrutiny Committee will:

1. fulfil the Health Scrutiny duties falling on the Authority by virtue of the Health and Social Care Act 2001 (consolidated into the NHS Act 2006) and subsequent relevant legislation and Government Guidance;

2. liaise with NHS Trusts on any matter relating to the planning, provision and operation of Health services in East Cheshire, including commenting on the annual “health check” of the performance of those Trusts;
3. respond to any formal consultations undertaken by relevant NHS Trusts on any substantial development or variation in service;
4. participate with other relevant local authorities in joint scrutiny arrangements of NHS Trusts providing cross-border services to East Cheshire residents, in particular the Cheshire and Wirral Partnership Foundation Trust;
5. prepare an annual Work Programme and commission scrutiny reviews to ensure that all sections of East Cheshire’s local communities have equal access to Health services and have an equal chance of a successful outcome from those services;
6. liaise with the Local Involvement Network (LiNK) for East Cheshire, commissioning work and receiving reports and recommendations as appropriate;
7. deal with any matter referred by the Department of Health, the Local Involvement Network or by the Council;
8. offer advice to the Cabinet on Key Decisions relating to the operation of the Council’s Adult Social Care functions;
9. receive reports from the Council’s external inspectors on its Adult Social Care responsibilities and to offer advice thereon to the Cabinet;
10. keep under review the Council’s performance management arrangements in relation to its Adult Social Care responsibilities and offer advice as appropriate;
11. deal with any Health or Adult Social Care matter which is the subject of a Call-In, a Councillor Call for Action or Local Petition;
12. provide a regular programme of training and development for all Members and Co-opted Members involved in the work of the Committee;

Staffing Committee

7 Members: 5:1:1

1. Undertaking the selection process for the appointment, and formulating recommendations to the Council in relation to:
 - the appointment and dismissal of the Head of the Paid Service;
 - the designation of an officer to act as Monitoring Officer and Chief Finance Officer;

- the appointment/dismissal of Monitoring Officer and Chief Finance Officer;

in accordance with legislation and the appropriate procedures set out in the Staff Employment Procedure Rules;

2. undertaking the selection, appointment and dismissal processes for any staff where so required by law;

(It should be noted that the Chief Executive has powers to appoint all other staff)

3. hearing and determining any appeals by staff under the Council's approved personnel policies and procedures including through any appointed Sub-Committee;
4. hearing and dealing with disputes registered with the Council by recognised Trade Unions.

Lay Members Appointments Committee

7 Members: 5:1:1

Appointing Lay Members (who shall not be Members of the Council) to serve on the Independent Admissions and Exclusion Appeals Panel as required under the relevant legislation.

Appeals Committee

7 Members: 5:1:1

1. Hearing and determining appeals lodged under the Marriage Acts.
2. Hearing and determining any appeals lodged with the Council for determination, as authorised under all relevant education legislation, excluding those duties falling to the Independent Appeals Panel (schools admissions and exclusions).
3. Hearing and determining any appeals lodged with the Council in respect of school transport.
4. Hearing and determining appeals from bus contractors in accordance with contract procedures.
5. Hearing and determining any appeals lodged with the Council as Social Services Authority, and as authorised under all relevant social services legislation.

Standards Committee

(Existing Committee to continue with existing membership and powers):

1. Composition

- 1.1 The Standards Committee will be composed of:

- 1.1.1 8 Councillors
- 1.1.2 5 Statutory Independent Members, who will be entitled to vote at meetings, but who are not Councillors or officers of the Council;
- 1.1.3 3 Parish Members. At least one Parish Member must be present when matters relating to Parish Councils or their Members are being considered;

2. Powers

The Committee will be responsible for

- By itself or by sub-committee, to discharge the Council's functions under Part III of the Local Government Act 2000, including:
 - Assessment of new complaints (discharge of any functions under S57A of the Act).
 - Reviewing decisions to take no action over a complaint (S57B of the Act)
 - Consider final investigation reports and conduct determination hearings.
- considering and granting, or otherwise, dispensations in respect of Members' Interests when so enabled under Part III of the Local Government Act 2000;
- promoting 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) and for employees in accordance with best practice and Government guidance;
- advising the Council on the adoption or revision of the Codes of Conduct for Members and Officers;
- ensuring that Members receive advice and training as appropriate on the Members' Code of Conduct;
- issuing advice to Members on the treatment of personal interests and on conduct matters generally;
- ensuring that the Council maintains appropriate links with the Standards Board for England and the Commission for Local Administration in England (Ombudsman);
- referring issues, which impinge on staff conduct, performance, terms of employment, training and development to the appropriate and responsible Executive Member and/or Manager;
- promoting high standards of responsiveness by the Council to its clients and contacts
 - (a) advising other persons/bodies on probity and ethics as appropriate, particularly where that person or body is exercising functions on behalf of the Council;
 - (b) supporting the Council's statutory officers as appropriate or their authorised deputies, in the performance of their duties;

- the local determination of complaints following any allegations of misconduct by Members;
- the determination of applications for exemption in respect of politically restricted posts;

Governance and Constitution Committee

14 Members: 10:2:1:1

The Governance and Constitution Committee is responsible for:

1. overseeing, monitoring, co-ordinating and implementing the Council's administrative and political business, including electoral matters; administrative boundaries; support for and facilities for Members, including Members' learning and development and party groups for the purpose of their duties as councillors; and administrative arrangements for and the conduct of the Council and other meetings;
2. determining policies and conventions in relation to the political management of the Council, including statutory requirements concerning political balance and rights to information;
3. reviewing the Council's Constitution and recommending any changes to the Council;
4. advising the Council on, and overseeing the promotion of private legislation on behalf of the Council;
5. recommending to the Council, as appropriate, the appointment of Members to Committees and Sub-Committees (including any co-opted members other than in respect of Scrutiny Committees);
6. appointing representatives to serve on outside bodies and organisations (including education bodies and establishments) not falling to the Cabinet to appoint;
7. overseeing and monitoring the Members Allowance budget including pensions and keeping under review the scheme for the payment of allowances to Members;
8. approving annual conference and seminar attendance;
9. recommending to the Council any issues relating to the Honorary Aldermen;
10. approving reasons for absence for Members;
12. approving the overall seating plan for Council meetings;
13. overseeing and agreeing the arrangements for Members to be indemnified for and insured against risks and liabilities arising from the performance of

their duties as Members of the Council, and as the Council's representatives on outside bodies.

14. overseeing the Council's role and responsibilities in respect of Corporate Governance;
15. developing a Code of Corporate Governance and to undertake as appropriate an assessment of wider governance issues;
16. supporting the Council's audit function, both internal and external;
17. ensuring the Council has in place appropriate policies and mechanisms to safeguard the Council's resources;
18. supporting the Chief Financial Officer in relation to the performance of their duties;
19. approving any Council Statement of Accounts as may be required by the relevant Account and Audit Regulations;
20. ensuring any Council's Risk Management process is operating effectively.
21. undertaking work, and making recommendations, upon the Council's political management structure.
22. receiving the Annual Audit Report
23. monitoring performance against the Audit Plan
24. reviewing and making recommendations upon the Statement of Internal Control

Independent Remuneration Panel

The Council's Independent Remuneration Panel has the following responsibilities:

To make recommendations to the Council:

- as to the amount of basic allowances that should be paid to Members;
- about the responsibilities or duties which should lead to the payment of a special responsibility allowance and as to the amount of such allowance;
- about the duties for which a travelling and subsistence allowance can be paid and as to the amount of such allowance;
- as to the amount of the co-optees' allowance;

- as to whether the Council's allowances scheme should include an allowance in respect of the expenses for arranging for the care of children and dependants and, if it does make such recommendation, the amount of such allowance and the means by which it is determined;
- on whether any allowance should be backdated to the beginning of a financial year in the event of the scheme being amended;
- as to whether annual adjustments of allowance levels may be made by reference to an index and, if so, for how long such a measure should run;
- as to which Members of the Council are entitled to pensions, in accordance with a Scheme made under Section 7 of the Superannuation Act 1972;
- as to treating basic allowance and special responsibility allowance as amounts in respect of which such pensions are payable.

**CHESHIRE EAST COUNCIL/CHESHIRE WEST & CHESTER
COUNCIL/METROPOLITAN BOROUGH OF WIRRAL
JOINT SCRUTINY COMMITTEE**

TERMS OF REFERENCE

- 1 to undertake the Scrutiny of, and report on, any matter relating to the planning, provision and operation of services provided by the Cheshire and Wirral Partnership NHS Foundation Trust (including commenting on the annual “health check” of the performance of the Trust) within the areas of Cheshire East Council, Cheshire West & Chester Council and Wirral Metropolitan Borough Council
- 2 to consider and comment upon any proposals submitted by the Trust for substantial development or variation in the provision of its services
- 3 to consider any matters referred to the Joint Committee by Cheshire East Council Health & Adult Social Care Scrutiny Committee, or Cheshire West & Chester Scrutiny Committee, or the Metropolitan Borough of Wirral’s Social Care, Health and Inclusion Overview and Scrutiny Committee
- 4 to consider any matters referred to the Joint Committee by the appropriate Local Involvement Network (LINK)

PUBLIC RIGHTS OF WAY COMMITTEE

1. The Council will appoint a Public Rights of Way Committee which will be a politically balanced body of 7 Councillors (5:1:1).
2. The Public Rights of Way Committee shall discharge all the functions of the Council in relation to all matters relating to public rights of way.³³ Specifically, it shall discharge those functions set out in Part I (1) of Schedule 1 to the Local Authorities (Functions and responsibilities) (England) Regulations 2000 (SI2000/2853) (and any subsequent amendments thereto) that are not specifically delegated to officers namely³⁴:-
 - 2.1 To authorise the creation of footpaths, bridleways and restricted byways by agreement (s25) and by order (S26)
 - 2.2 To authorise the making of applications to Magistrates' Court for the stopping up of public rights of way (S116)
 - 2.3 To determine applications and authorise the making of all public path extinguishment orders (S118, S118ZA, S118A, S118B & S118C; S294 of the Housing Act 1981; S257 & 258 Town and Country Planning Act 1990; S32 of the Acquisition of Land Act 1981)
 - 2.4 To determine applications and authorise the making of all public path diversion orders (S119, S119ZA, S119A, S119B, S119C, S119D & S135A; S257 Town and Country Planning Act 1990)
 - 2.5 To determine that an applicant for a special diversion order shall enter into an agreement in respect of costs (S119C)
 - 2.6 To decline to determine certain applications (S121C)
 - 2.7 To keep the Definitive Map and Statement under review. (S53 Wildlife and Countryside Act 1981) Including the determination of applications for modification orders whether by direction of the Secretary of State or otherwise.
 - 2.8 To include modifications in other orders. (S53A Wildlife and Countryside Act 1981)
 - 2.9 Power to designate footpaths as cycle tracks. (S3 Cycle Tracks Act 1984)
 - 2.10 Power to enter into agreements with respect to means of access. (S35 Countryside and Rights of Way Act 2000)
 - 2.11 Power to provide access in absence of agreement. (S37 Countryside and Rights of Way Act 2000)

³³ Being all highways as defined by the Highways Act 1980 and permissive ways that are not within the remit of the Head of Environmental Services. These include Footpaths, Bridleways, Restricted Byways and Byways Open to All Traffic and are often known collectively as "public paths". This effectively amounts to all highways and paths other than metalled or surfaced "all purpose" public carriageway highways (roads) and most urban paths.

³⁴ Correct as at 16.1.09. Note: Section numbers in brackets refer to the Highways Act 1980 unless otherwise stated.

- 2.12 To determine applications for the making, variation or revocation of Gating Orders relating to public paths. (Part 8A)
- 3 To discharge the authority's functions in respect of Commons and Village Greens.
- 4 To be apprised of, approve, and comment on a range of policies, programmes and practices relating to rights of way, Commons and Village Greens and countryside matters including but not limited to:-
 - 4.1 Annual Report and Work Programme
 - 4.2 Progress reports on implementation of the Rights of Way improvement Plan (part of the Annual Progress Review for the Local Transport Plan)
 - 4.3 Statements of Priorities
 - 4.5 Enforcement Protocols
 - 4.6 Charging Policy for Public Path Order applications (Annual)
 - 4.7 Proposals for changes to legislation
 - 4.8 Commencement of legislation
 - 4.9 Significant case law
 - 4.10 Corporate policies affecting PROW

APPENDIX 2 – PROPOSED DELEGATION TO OFFICERS

The following functions are delegated to the Head of Service³⁵:-

- 1 To keep a register of information with respect to maps, statements and declarations (S31A)
- 2 To keep a register with respect to applications under sections 118ZA, 118C, 119ZA, and 119C of the Highways Act 1980 (S121B).

³⁵ Correct as at 16.1.09. Note: Section numbers in brackets refer to the Highways Act 1980 unless otherwise stated.

- 3 To take all necessary action to assert and protect the rights of the public to the use and enjoyment of public paths (S130)
- 4 To exercise all powers in relation to highways delegated to the Head of Environmental Services (in place of the same) where the highway in question is a public right of way.
- 5 To serve notice of proposed action in respect of obstructions on public paths (S130A).
- 6 To apply for the variation of orders issued under S130B of the Highways Act 1980 (S130B(7))
- 7 To authorise the temporary disturbance of a public path (S135)
- 8 To discharge functions in respect of the making good of damage and the removal of obstructions from public paths. (S135B HA)
- 9 To discharge functions in respect of the removal of things so deposited on public paths so as to be a nuisance. (S149 HA)
- 10 Duty to keep a register of prescribed information with respect to applications under S53(5) OF THE Wildlife and Countryside Act 1981. (S53B Wildlife and Countryside Act 1981)
- 11 Power to prepare a map and statement by way of consolidation of the definitive map and statement. (S57A of the Wildlife and Countryside Act 1981).
- 12 To grant permission for provision of services, amenities, recreation and refreshment facilities on public paths. (S115A – S115K)
- 13 Authorising the use of footpaths and bridleways for motor vehicles and cycle trials. (S33 Road Traffic Regulation Act 1988)
- 14 Certifying extracts from the Definitive Map under the provisions of Section 56 of the Wildlife and Countryside Act 1981.
- 15 Making temporary diversion orders for footpaths and bridleways under the Highways Act 1980.
- 16 Serving notices to require the removal of obstructions from public rights of way, the restoration of public rights of way following ploughing, cropping or other disturbances and the maintenance of stiles, gates or other structures across public rights of way.
- 17 Granting permission to extend the period of restoration following disturbance of the surface of a right of way and the granting of orders that a right of way shall be subject to a condition that the surface may be disturbed by excavation or operations.
- 18 Issuing notices under the provisions of Schedule 12A of the Highways Act 1980.

19 Authorising the erection of stiles and gates across any public right of way.

20 The making of Traffic Regulation Orders in respect of any public right of way.

Note:- It is anticipated that other day to day functions will be delegated by virtue of a general powers of officers section in PT3 of the constitution to be cascaded further by an internal scheme of delegation where appropriate. For instance the power to institute legal proceedings and criminal prosecutions in respect of rights of way matters will be delegated as a general power of officers to the Head of Service. The delegations provided herein are for clarity and are without prejudice to the generality of the powers delegated to officers in the said PT3.

Note:- Checks and balances are built in to the general delegation scheme by reference to an approved policy and budget framework. Further checks and balances are to be built in to delegations relating to notices and enforcement etc where appropriate by requiring the approval of the Borough Solicitor to those types of functions.

Trading Standards

Part 1 – Scheme of Delegation to Officers

1.0 The following powers and functions are delegated to the Head of Safer and Stronger Communities:-

1.1 The role of the Council's Chief Inspector of Weights and Measures under Section 72 of the Weights and Measures Act 1985.

1.2 To appoint and authorise officers of the Council to act as duly authorised persons, proper officers, inspectors, or similar (howsoever statutorily described) to discharge the statutory functions devolving upon the Council under the legislation³⁶ listed in Part 2 to this Appendix including but not limited to the functions of registration, enforcement, inspection or any associated action or granting, amending, varying, refusing, revoking, suspending or transferring any licences, approvals or consents.

1.3 To enter into reciprocal arrangements for the authorisation and appointment of officers for the purposes set out in 1.2 above to facilitate cross-border co-operation in the discharge of the said functions with any other local authority.

1.4 To Amend the functions listed in Part 2 to this Appendix (and any associated officer authorisations issued pursuant to 1.2 and 1.3 above) in accordance with legislation from time to time in force:-

³⁶ Which shall include any Statute extending or amending the same or incorporated therewith, or any re-enactment thereof, or any Statutory Instruments, Regulations, Byelaws or Orders made there under or continued in force thereby and also such other powers and duties under such other Statutes, Statutory Instruments, Regulations, Byelaws or Orders as may from time to time be conferred upon said officers by the Council.

1.4.1 without reference to elected Members in respect of functions which the authority is obliged by legislation to discharge (mandatory functions); or;

1.4.2 following approval from elected members in respect of functions which the authority has discretion to discharge (discretionary functions).

2.0 The following powers and functions are delegated to the Borough Solicitor:-

2.1 To exercise such functions as are conferred on to the authority by agreements or instruments made pursuant to the provisions of the Registration Service Act 1953 (Registration Schemes)

2.2 To exercise such functions as are necessary to effectively discharge the Council's duties in respect of the provision of a Coroners Service

Part 2 – List of Statutory Provisions

- 1) Accommodation Agencies Act 1953
- 2) Administration of Justice Act 1970
- 3) Agriculture Act 1970
- 4) Agriculture (Miscellaneous Provisions) Act 1968
- 5) Agricultural Produce Act 1928
- 6) Agricultural Produce Act 1931
- 7) Agricultural Produce (Grading and Marketing) Act 1928
- 8) Animal Health Act 1981
- 9) Animal Welfare Act 2006
- 10) Business Names Act 1985
- 11) Cancer Act 1939
- 12) Cattle Identification Regulations 1998
- 13) Children and Young Persons Act 1933
- 14) Children and Young Persons (Protection from Tobacco) Act 1991
- 15) Child Resistant Packaging (Safety)(Amendments) Regulations 1993
- 16) Civil Partnerships (Approved Premises) Regulations 2005
- 17) Classification, Packaging and Labelling of Dangerous Substances Regulations 1984
- 18) Clean Air Act 1993
- 19) Companies Act 1985
- 20) Consumer Credit Act 1974
- 21) Consumer Protection Act 1987
- 22) Control of Pollution Act 1974
- 23) Control of Pollution (Anti-Fouling Paints and Treatments) Regulations 1987
- 24) Copyright Designs & Patents Act 1988
- 25) Crime and Disorder Act 1998
- 26) Criminal Attempts Act 1981
- 27) Criminal Damage Act 1971
- 28) Criminal Justice Act 1988
- 29) Criminal Justice Act 1993
- 30) Criminal Law Act 1977
- 31) Crystal Glass (Descriptions) Regulations 1973
- 32) Development of Tourism Act 1969

- 33) Dogs Act 1906
- 34) Education Reform Act 1988
- 35) Eggs (Marking Standards) Regulations 1985
- 36) Electro Magnetic Compatibility Regulations 1992
- 37) Energy Act 1976
- 38) Energy Conservation Act 1981
- 39) Enterprise Act 2002
- 40) Estates Agents Act 1979
- 41) European Communities Act 1972
- 42) Explosives Act 1875
- 43) Explosives Act 1923
- 44) Fair Trading Act 1973
- 45) Farm and Garden Chemicals Act 1967
- 46) Fire Safety & Safety of Places of Sport Act 1987
- 47) Fireworks Act 2003
- 48) Food Act 1984
- 49) Food and Environment Protection Act 1985
- 50) Food Safety Act 1990
- 51) Forgery and Counterfeiting Act 1981
- 52) Fraud Act 2006
- 53) Hallmarking Act 1973
- 54) Health and Safety at Work Act 1974
- 55) Housing Act 2004
- 56) Insurance Brokers (Registration) Act 1977
- 57) Intoxicating Substances (Supply) Act 1985
- 58) Legislative and Regulatory Reform Act 2006
- 59) Licensing Act 1964
- 60) Licensing Act 2003
- 61) Lotteries and Amusements Act 1976
- 62) Malicious Communications Act 1988
- 63) Marriage Act 1949
- 64) Materials and Articles in Contact with Food Regulations 1985
- 65) Measuring Container Bottles (EEC Requirement Regulations) 1977
- 66) Medicines Act 1968
- 67) Mock Auctions Act 1961
- 68) Motor Cycle Noises Act 1987
- 69) National Lottery Act 1993
- 70) Natural Mineral Water Regulations 1985
- 71) Nurses Agencies Act 1957
- 72) Opticians Act 1989
- 73) Offensive Weapons Act 1996
- 74) Performing Animals (Regulation) Act 1925
- 75) Personal Protective Equipment (EC Directive) Regulations 1992
- 76) Petroleum (Consolidation) Act 1928
- 77) Petroleum (Transfer of Licences) Act 1936
- 78) Pigs (Records, Identification and Movement) Order 1995
- 79) Poisons Act 1933
- 80) Poisons Act 1972
- 81) Poultry (Water Content) Regulations 1984
- 82) Prices Acts 1974
- 83) Prices Act 1975
- 84) Proceeds of Crime Act 2002

- 85) Property Misdescriptions Act 1991
- 86) Protection of Animals Acts 1911
- 87) Registration Service Act 1953
- 88) Rent Act 1965
- 89) Rent Act 1977
- 90) Road Traffic Act 1972
- 91) Road Traffic Act 1974
- 92) Road Traffic Act 1988
- 93) Road Traffic (Foreign Vehicles) Act 1972
- 94) Road Traffic Regulation Act 1984
- 95) Road Traffic Offenders Act 1988
- 96) Safety of Sports Grounds Act 1975
- 97) Schedule Prices Act 1974
- 98) Scotch Whisky Act 1988
- 99) Solicitors Act 1974
- 100) Telecommunications Act 1984
- 101) Textile Products (Indication of Fibre Content) Regulations 1986
- 102) Theft Act 1968
- 103) Theft Act 1978
- 104) Timeshare Act 1992
- 105) Tobacco Advertising and Promotions Act 2002
- 106) Trade Descriptions Act 1968
- 107) Trade Marks Act 1994
- 108) Trade Representations Act 1972
- 109) Trading Representations (Disabled Persons) Act 1958
- 110) Trading Stamps Act 1964
- 111) Unsolicited Goods and Services Act 1971
- 112) Unsolicited Goods and Services Act 1975
- 113) Vehicles (Crime) Act 2001
- 114) Video Recordings Act 1984
- 115) Weights and Measures Act 1976
- 116) Weights and Measures Act 1985

Responsibility for executive functions: the Council's executive arrangements

Responsibilities of all Cabinet Members

Preamble

The following are the general responsibilities which apply to all Cabinet Members, and the specific responsibilities which apply to individual Cabinet Members. These responsibilities include various functions which are delegated to each Cabinet Member to discharge.

These responsibilities and delegations are the Council's Executive Arrangements which include the Framework For Decision-Making by Individual Cabinet Members, set out below the lists of responsibilities of each Cabinet Member.

In discharging these functions, the Cabinet Member must act lawfully. This means that he or she must act within the scope of the authority that is delegated in accordance with any limits within the delegation, this Constitution, Council policies, Procedure Rules and the Members' Code of Conduct, taking advice of the Monitoring Officer and the Section 151 Officer.

There are occasions when matters affect more than one portfolio of responsibility. On such occasions, the Cabinet Members concerned shall act in conjunction with one another.

Each Cabinet Member is responsible for:-

1. The proper administration of the Council's services.
2. Ensuring adequate staffing, premises and other resources to secure agreed standards and target outcomes within the scope of their portfolio.
3. The efficient use and day to day maintenance of Council premises insofar as it relates to their portfolio.
4. Ensuring budget control and financial monitoring within the scope of their portfolio.
5. Approving use of specific grants and/or funding from non-governmental sources, and any annual delivery plans and agreements in relation to such funding.
6. The continuous improvement of the Council's services through a programme of work.
7. Liaising with the relevant Council Scrutiny Committee.
8. All decisions proposed and made within the responsibility of the Cabinet Member's portfolio.

9. The promotion of the Council's policies and communication with the public as appropriate through local and other media, ensuring always that publications are compliant with the Council's publications, guidelines and/or any advice provided by the Borough Solicitor.
10. Speaking up on matters of local concern and acting as the main Council spokesperson on issues within the scope of their portfolio..
11. Where permitted by the Procurement and Financial Procedure Rules, approving exemptions to those Rules in conjunction with the Borough Solicitor and Section 151 Officer.
12. Giving approval to proceed to advertisement or other method of securing competition in accordance with Procurement and Financial Procedure Rules; and for inviting and accepting tenders and quotations related to matters within their portfolio in accordance with the Rules, and approving all specifications/tender documentation.
13. Applying for planning permission, conservation area consent, listed building consent or any other permissions or consents necessary to progress the Council's own development schemes.
14. In conjunction with the relevant officer of the Council, setting new external charges and revisiting current ones.
15. In consultation with the Leader, representing and acting as an ambassador for the Council.
16. Representing the Council's views on matters of corporate or strategic policy and any other matters which are within the scope of their portfolio.
17. Request or commissioning research and other studies on any matters of policy or service provision within the scope of their portfolio..
18. Appointing or nominating the Council's representatives on outside bodies/organisations that fall within the scope of their portfolio..
19. Taking up corporate Membership of any appropriate body or organisation whose objectives are considered to be beneficial to the pursuit of the Council's activities.
20. Taking urgent decisions on matters which fall within the scope of their portfolio.
21. Working with other Cabinet Members on matters, as directed by the Leader.
22. Ensuring appropriate consultation and liaison with partners and the community on matters within the scope of their portfolio.
23. Leading on energy savings and reduction in carbon emissions on matters within the scope of their portfolio.
24. Submitting to the Cabinet:-
 - Proposals on how to agree annual budget allocations between services covered within the scope of their portfolio.

- Recommendations in respect of strategic policy concerning matters covered within the scope of their portfolio.
- All responses to consultation papers, relating to matters within the scope of their portfolio., issued by the Government and outside organisations
- Annual estimates of expenditure and income in respect of services within the scope of their portfolio.
- All policy and/or operational matters which have corporate implications or which cross the remits of other individual Cabinet Members.

25. Overseeing the timely progress of Service reviews, and adopting and reviewing Service Plans within the scope of their portfolio..

Responsibilities of the Leader

- To Chair the Cabinet.
- To select the Cabinet Members and determine their Portfolios of responsibility.
- To appoint Committees and sub-committees of the Cabinet and to determine their powers.
- To represent and act as ambassador for the Authority.
- To have overall responsibility for;
 - policy development and design
 - Ministerial and Members of Parliament/European Parliament liaison
 - and act as Head of Cabinet.
- To represent the Council's views on matters of corporate or strategic policy and any other matters which are within the Leader's terms of reference.
- To request or commission research and other studies on any matters of policy or service provision within these responsibilities.
- To submit to the Cabinet:
 - all policy and/or operational matters which have corporate implications or which cross the remits of the individual Cabinet Members
 - any matter which crosses the portfolio of more than one Cabinet Member, and which cannot be resolved, to the Cabinet for decision
- To prepare and publish a Forward Plan of Key Decisions.
- To present to the Council "state of the Borough" reports and to be responsible for related debates.
- To provide appropriate and timely Cabinet responses to Scrutiny Committee recommendations and to monitor the implementation of those responses

Responsibilities of Adult Services Portfolio Holder

The Portfolio Holder is responsible for all matters relating to the Council's affairs in respect of the Adult Services Portfolio and is responsible for liaising with other Members of the Cabinet, particularly where those matters affect other aspects of Council business or the Borough.

In particular, and subject to the Council's Executive Arrangements, which empower officers to make certain decisions, and which require the collective Cabinet to make

other decisions, the Portfolio Holder has individual responsibility to make all decisions in respect of the following matters:

- Reablement
- Support to Informal Carers
- Community Equipment
- Occupational Therapy
- Assistive Technology
- Mobile Meals
- Respite and Short Breaks
- Family Based Care
- Domiciliary Care
- Residential Care
- Nursing Home Care
- Extracare housing
- Supported Employment
- Sensory Impairment Services
- Safeguarding Adults
- HIV/Aids
- DAAT Services
- Domestic Violence service
- Equality in service access and delivery
- Adult Social Care
- Where appropriate to this Portfolio:
 - Liaison with NHS Trusts and Health authorities
 - Mental Health and Disability
 - Health Promotion
 - Development of Integrated Services with Health Partners
- Strategy for Responding to Health Inequalities
- Welfare Rights
- Community Legal Service
- Where appropriate to this Portfolio:
 - Liaison with NHS Trusts and Health Authorities
 - Mental Health and Disability
 - Health Promotion
 - Development of Integrated Services with Health Partners

Responsibilities of Children and Family Services Portfolio Holder

The Portfolio Holder is responsible for all matters relating to the Council's affairs in respect of the Children and Family Services Portfolio and is responsible for liaising with other Members of the Cabinet, particularly where those matters affect other aspects of Council business or the Borough.

In particular, and subject to the Council's Executive Arrangements, which empower officers to make certain decisions, and which require the collective Cabinet to make other decisions, the Portfolio Holder has individual responsibility to make all decisions in respect of the following matters:

- Early Years
- Education, including:
 - School organisation and inclusion
 - Special educational needs
 - School development and improvement
 - School finance buildings (including Capital Monitoring of school project) and catering
 - Building Schools for the Future Programme
 - Maintenance and management of Children's Play Areas
- Children's social care and wellbeing
- Joint use sports and community schemes at schools;
- Youth Services
- Lifelong Learning
- Family Services
- Conway Centre
- In respect of safeguarding children to;
 - ensure that the Council gives appropriate priority to safeguarding children coherently and consistently in service planning and resource allocation
 - ensure the Council appoints an Executive Director to carry social services responsibilities and ensure that the Cabinet receives advice from him/her on all relevant matters
 - Ensure all communities are equally served in this regard.
- Where appropriate to this Portfolio:
 - Liaison with NHS Trusts and Health Authorities
 - Mental Health and Disability (in respect of Children and Young People)
 - Health Promotion
 - Development of Integrated Services with Health Partners
- Strategy for Responding to health Inequalities
- Looked-after Children

Responsibilities of Health and Wellbeing Portfolio Holder

The Portfolio Holder is responsible for all matters relating to the Council's affairs in respect of the Health and Wellbeing Portfolio and is responsible for liaising with other Members of the Cabinet, particularly where those matters affect other aspects of Council business or the Borough.

In particular, and subject to the Council's Executive Arrangements, which empower officers to make certain decisions, and which require the collective Cabinet to make other decisions, the Portfolio Holder has individual responsibility to make all decisions in respect of the following matters:

- Sport
- Archives
- Parks and Recreation

- Children's Play
- Public Health promotion
- Health improvement
- Cultural Services, including:
 - Arts
 - Events
 - Museums
 - Libraries
 - Countryside
 - Public Rights of Way
- Where appropriate to this Portfolio:
 - Liaison with NHS Trusts and Health Authorities
 - Mental Health and Disability
 - Health Promotion
 - Development of Integrated Services with Health Partners

Key dependencies where lead is a different Portfolio Holder:

- Tatton Park
- Joint use sports
- Tourism

Responsibilities of Environmental Services Portfolio Holder

The Portfolio Holder is responsible for all matters relating to the Council's affairs in respect of the Environmental Services Portfolio and is responsible for liaising with other Members of the Cabinet, particularly where those matters affect other aspects of Council business or the Borough.

In particular, and subject to the Council's Executive Arrangements, which empower officers to make certain decisions, and which require the collective Cabinet to make other decisions, the Portfolio Holder has individual responsibility to make all decisions in respect of the following matters:

- Streetscene
- Highways Operational Management including:
 - Management of Highways Register
 - Highways Design, Maintenance, Parking and Decriminalisation of Parking Enforcement
 - Street Lighting, Signals and Signing
 - Traffic Management and Road Safety
 - Civil Engineering and Transport Operations
- Climate change
- Domestic and Commercial Waste collection and Disposal
- Waste PFI
- Markets

- Bereavement services
- Local Agenda 21
- Recycling
- Environmental cleansing and Street Cleaning
- Bulk Waste and Clearance

Key dependencies where lead is a different Portfolio Holder:

- Parks and other open space maintenance
- Contaminated land
- Health and Safety Enforcement

Responsibilities of Prosperity Portfolio Holder

The Portfolio Holder is responsible for all matters relating to the Council's affairs in respect of the Prosperity Portfolio and is responsible for liaising with other Members of the Cabinet, particularly where those matters affect other aspects of Council business or the Borough.

In particular, and subject to the Council's Executive Arrangements, which empower officers to make certain decisions, and which require the collective Cabinet to make other decisions, the Portfolio Holder has individual responsibility to make all decisions in respect of the following matters:

- Strategic highways
- Local Transport Plan
- Strategic Public Transport Issues
- Economic development
- Development management
- Public and Private Sector Housing Strategy and Provision
- Homelessness
- Tourism
- Tatton Park
- Contaminated land
- Industrial and commercial activities
- New deal and other employment initiatives
- Credit Union and co-operatives development
- Building Control

Key dependencies where lead is a different Portfolio Holder:

- Extracare housing
- Local Development Framework

Responsibilities of Safer and Stronger Communities Portfolio Holder

The Portfolio Holder is responsible for all matters relating to the Council's affairs in respect of the Safer and Stronger Communities Portfolio and is responsible for liaising with other Members of the Cabinet, particularly where those matters affect other aspects of Council business or the Borough.

In particular, and subject to the Council's Executive Arrangements, which empower officers to make certain decisions, and which require the collective Cabinet to make other decisions, the Portfolio Holder has individual responsibility to make all decisions in respect of the following matters:

- Civil protection/ emergency planning
- Third sector and community delivery
- Youth offending team
- Crime reduction including CDRP and police/emergency services liaison
- Anti social behaviour reduction including drug abuse and domestic violence
- Community safety wardens
- CCTV
- Trading standards
- Registration services
- Licensing
- Reviewing fares and Licensing Fees
- Environmental Health
- Food safety
- Air Pollution control and monitoring
- Environmental enforcement
- Contaminated land
- Pest and Vermin Control
- Dog wardens
- Cremation and Burial Services
- Health and Safety Enforcement
- Overall responsibility for monitoring all enforcement activity

Key dependencies where lead is a different Portfolio Holder:

- Neighbourhood working implementation
- Domestic Violence

Responsibilities of Resources Portfolio Holder

The Portfolio Holder is responsible for all matters relating to the Council's affairs in respect of the Resources Portfolio and is responsible for liaising with other Members of the Cabinet, particularly where those matters affect other aspects of Council business or the Borough.

In particular, and subject to the Council's Executive Arrangements, which empower officers to make certain decisions, and which require the collective Cabinet to make other decisions, the Portfolio Holder has individual responsibility to make all decisions in respect of the following matters:

- Finance
- Finance service responsibility
- Construction of annual budget
- Treasury Management
- Capital Programme
- Revenues and Exchequer functions, including Benefits
- Revenues and benefits
- HR Strategy
- Transactional HR
- Liaison with employees, organisations and unions
- Organisational Development
- Employee training and development
- Occupational Health
- Corporate Health and safety
- Legal and Democratic Services
- Civic matters
- Electoral Services
- Member Training and Development
- ICT, including internet and ICT monitoring

To submit to the Cabinet:

- proposals on how to agree annual budget allocations between services;
- annual estimates of expenditure and income ;
- proposals on how to agree annual budget allocations between services covered by these terms of reference;
- annual estimates of expenditure and income in respect of services covered by these terms of reference.

In respect of the Council's budget and Council Tax:

- to make recommendations for the proper administration of the Authority's financial affairs;
- to consider the Authority's revenue and capital estimates and to make recommendations on the levels of Council Tax for submission to the Council;
- to consider and make recommendations annually to the Council on the calculation of the Council Tax base.

To consider and make recommendations to Council in respect of the final accounts and balance sheets of the Council and the Annual Reports on the accounts prepared by the relevant officers.

Key dependencies where lead is a different Portfolio Holder:

- Audit

Responsibilities of Procurement, Assets and Shared Services Portfolio Holder

The Portfolio Holder is responsible for all matters relating to the Council's affairs in respect of the Procurement, Assets and Shared Services Portfolio and is responsible for liaising with other Members of the Cabinet, particularly where those matters affect other aspects of Council business or the Borough.

In particular, and subject to the Council's Executive Arrangements, which empower officers to make certain decisions, and which require the collective Cabinet to make other decisions, the Portfolio Holder has individual responsibility to make all decisions in respect of the following matters:

- Property services including county farms
- Corporate Landlord function in respect of all Council property
- Council Property functions including:
 - Council land policy, usage, sales, valuations
 - Markets and vending facilities
 - Facilities management and the allocation of office space.
 - Architectural and design services
 - The Council's conference facilities and allied establishments
 - Security of Council buildings
 - Accessibility within Council buildings
- Cheshire Business Services
- Pensions
- Procurement including subregional hub
- External funding
- European Unit
- Shared services and delivery models
- Procurement and Contract Monitoring of External Providers
- Resource Procurement, SRB, European and Lottery Funding

Key dependencies where lead is a different Portfolio Holder:

- PFI procurement
- E-procurement

Responsibilities of Performance and Capacity Portfolio Holder

The Portfolio Holder is responsible for all matters relating to the Council's affairs in respect of the Performance and Capacity Portfolio and is responsible for liaising with other Members of the Cabinet, particularly where those matters affect other aspects of Council business or the Borough.

In particular, and subject to the Council's Executive Arrangements, which empower officers to make certain decisions, and which require the collective Cabinet to make other decisions, the Portfolio Holder has individual responsibility to make all decisions in respect of the following matters:

- Performance Management and Transformation
- Research and Intelligence
- Customer Access/Services
- Community Plan/Community Strategy
- Third sector and community development
- Local Strategic partnership
- Corporate Plan
- LDF
- Area and neighbourhood working
- Communications, market research and public opinion surveys
- Consultation
- Audit
- Risk management and insurance
- Equality and diversity
- Oversee the Comprehensive Performance Assessment
- The Council's work in respect of the Local Strategic Partnership
- Policy Unit
- Customer Complaints and Responses
- Marketing and Publicity
- Printing and Design
- Business Planning
- Major Policy Development
- Twinning

To submit to the Cabinet:

- recommendations in respect of strategic policy for the Council
- recommendations in respect of the Council's Corporate Plan
- all responses to consultation papers, relating to these terms of reference, issued by the Government and outside organisations
- recommendations in respect of strategic policy concerning matters covered by these terms of reference

Key dependencies where lead is a different Portfolio Holder:

- Organisational development

- External Funding/European Unit
-

OUTLINE FOR DECISION MAKING INDIVIDUAL CABINET MEMBERS

Individual Cabinet Members are empowered to make all executive decisions in respect of their own portfolio area of responsibility **except**

- Those decisions delegated to an officer (unless the officer refers the decision to the executive member)
- Where the decision is a Key Decision as defined in this Constitution.
- A decision or recommendation on strategy or policy
- A decision that is a departure from any agreed Corporate objective or the approved Budget
- Where the Leader (before a decision has been taken) requires the decision to be taken collectively by the Cabinet
- A decision which any Cabinet Member has asked to be taken collectively by the Cabinet

The decisions must be made in discussion with one or more of the following as appropriate:

- Chief Executive
- Appropriate Director or Head of Service
- Monitoring Officer
- Chief Finance Officer
- Where there are minor cross-cutting implications - other appropriate Portfolio Holder(s)

The Executive Member must take into account professional, legal and financial implications.

If any of the above officers give advice that the decision would fall within one of the exceptions above then it shall be a decision for the Cabinet acting collectively.

Where it is not clear in which Portfolio an issue sits, the Leader shall decide.

Decisions must be recorded on a form, countersigned by one of the above officers that professional advice has been given and that legal and financial implications have been made known. In the case of key decisions the reasons for the decision must be identified. The advising officer must keep a record of the decisions he/she has countersigned and a copy of the form sent to the Democratic Services team. The decision will be published electronically and members may exercise call-in in the same manner as for a full executive decision.

Appendix 4

SECTION 1: RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Local Choice Functions³⁷	Decision Making Body	Delegation of functions to Committees or officers (to the extent set out below or in Section {} for Council (non-executive) functions and section {} for executive functions)
Functions under a local Act (other than one specified or referred to in Reg 2 or Schedule 1 of the Regulations 2000)	Cabinet	The relevant Director for the function concerned.
To determine appeals ³⁸ against any decision of the authority.	Full Council	Appeals Panel insofar as not delegated to any other committee, excluding employee appeals delegated to the relevant Director concerned
To appoint review boards under the Social Security Act 1998 ⁵	Full Council	Appeals Panel (probably cascaded to officers)
To make arrangements for appeals against exclusion of pupils from maintained schools	Full Council	Appeals Panel
To make arrangements for appeals regarding school admissions ⁶	Full Council	Appeals Panel
To make arrangements for appeals by governing bodies ⁷	Full Council	Appeals Panel
To make arrangements to enable questions to be put at Council meetings on the discharge of the functions of a police authority ⁸	Full Council	Borough Solicitor
To appoint Members to police authorities ⁹	Full Council	

³⁷ Local Authorities (Functions and Responsibilities) Regulations 2000, Schedule 2

³⁸ Including appeals in relation to access to information by Members under s100F Local Government Act 1972, Regulation 17 Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, and the common law “need to know” rules

⁵ s34(4) Social Security Act 1998

⁶ s94(1), (1A) and (4) School Standards and Framework Act 1998

⁷ s95(2) School Standards and Framework Act 1998

⁸ s20 Police Act 1996

⁹ Paragraphs 2 to 4 of Schedule 2 Police Act 1996

Local Choice Functions¹	Decision Making Body	Delegation of functions to Committees or officers (to the extent set out below or Section 2C for Council (non-executive) functions and section 3D for executive functions)
Any function relating to contaminated land ¹¹	Cabinet	Strategic Director Places
The control of pollution or the management of air quality ¹²	Cabinet	Strategic Director Places
To serve an abatement notice in respect of a statutory nuisance ¹³	Cabinet	Strategic Director Places
To pass a resolution that Schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the authority's area ¹⁴	Full Council	
To inspect the authority's area to detect any statutory nuisance ¹⁵	Full Council	Strategic Director Places
To investigate any complaint about the existence of a statutory nuisance ¹⁶	Full Council	Strategic Director Places
To obtain information about interests in land ¹⁷	Full Council	Planning Committee and Strategic Director Places and Head of Planning and Policy
To obtain particulars of persons interested in land ¹⁸	Full Council	All Strategic Directors in pursuance of their delegated authority

¹¹ Part IIA Environmental Protection Act 1990 and subordinate legislation

¹² Pollution Prevention and Control Act 1999; Part IV Environment Act 1995; Part I Environmental Protection Act 1990; Clean Air Act 1993

¹³ s80(I) Environmental Protection Act 1990

¹⁴ s8 Noise and Statutory Nuisance Act 1993

¹⁵ s79 Environmental Protection Act 1990

¹⁶ s79 Environmental Protection Act 1990

¹⁷ s330 Town and Country Planning Act 1990

¹⁸ s16 Local Government (Miscellaneous Provisions) Act 1976

Local Choice Functions¹	Decision Making Body	Delegation of functions to Committees or officers (to the extent set out below or Section 2C for Council (non-executive) functions and section 3D for executive functions)
To make arrangements for the execution of highways works ¹⁹	Cabinet	Strategic Director Places and Head of Environmental Services ³⁹
To appoint any individual (a) to any office other than an office in which he is employed by the authority (b) to any body other than – (i) the authority; (ii) a joint Committee of two or more authorities; or (c) to any Committee or sub Committee of such a body and to revoke any such appointment	Cabinet in respect of organisations listed at {} below and the Full Council in respect of other organisations	In respect of appointments by Full Council delegated to the Governance and Constitution Committee.
To make agreements with other local authorities for the placing of staff at the disposal of those other authorities	Cabinet	Strategic Directors
Functions relating to local area agreements ⁴⁰	Cabinet	

¹⁹ s278 Highways Act 1980

³⁹ Upon terms acceptable to the Borough Solicitor

⁴⁰ Sections 106,110,111 and 113 of the Local Government and Public Involvement in Health Act 2007

POWERS AND RESPONSIBILITIES OF OFFICERS
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1.0 AN INTRODUCTION TO THE ROLES AND RESPONSIBILITIES OF OFFICERS AND ELECTED MEMBERS

- 1.1** Elected Members set policy priorities and strategies to reflect local interests and needs and are also responsible for allocating funding between individual priority areas.
- 1.2** Officers of the Authority are responsible for implementing these strategies and policies by delivering services and major initiatives. It is Officers therefore, who have responsibility for managing the Authority's day to day operations, within a policy and budgetary framework laid down by Members.
- 1.3** As such, the Chief Executive, Management Board Members⁴¹ and Heads of Service or their nominated representatives are entitled to be notified and represented at all meetings of the Council and Cabinet⁴² and to be consulted in advance on all reports and items of business being submitted to Members.
- 1.4** Under laws introducing "executive arrangements" in the discharge of local authority functions, both the full Council and Cabinet have specific functions which can be delegated to committees or to Officers.
- 1.5** Where Council or Cabinet have established a committee to discharge their respective functions then subject to any limitations they impose, that committee can also delegate its functions to sub-committees or Officers.
- 1.6** This scheme of delegation captures a full range of executive and Council functions by service area. A definition of what constitutes an executive function is set out below.
- 1.7** The majority of the functions set out in this scheme of delegation are executive functions delegated to Officers by the Cabinet. Details of the functions that are

⁴¹ Defined at paragraph 3.2 below

⁴² "Council" and "Cabinet" shall include any committees, sub-committees, special committees, panels, boards or other similarly constituted bodies including briefing meetings and in respect of the Cabinet shall the Cabinet Members sitting *functus officio* whether individually or collectively.

delegated to Officers by full Council and its committees can be found in the sections of this Constitution that relate to Local Choice Functions and Non-Executive Functions.

2.0 EXECUTIVE FUNCTIONS DEFINED

2.1 Executive functions include those Local Choice Functions identified in this Constitution as being the responsibility of the Cabinet, and all the other functions of the Authority that are not specified in the section of this constitution that sets out Non-Executive Functions.

2.2 However, in accordance with the functions Regulations⁴³, the following are NOT functions of the Executive:

2.2.1 Imposing conditions, limitations or restrictions on approvals, licences, permissions or registrations on a non-executive function.

2.2.2 Determining any terms that any such approval etc. is subject to.⁴⁴

2.2.3 determining whether and how to enforce any failure to comply with such approvals or any of the attached conditions etc.⁴⁵

2.2.4 Amending, modifying, varying or revoking any such approval.⁴⁶

2.2.5 Determining whether a charge should be made for such approvals or the amount of such charge.⁴⁷

2.2.6 Making, amending, revoking or replacing the Members Allowance Scheme or determining any amounts or rates in the scheme.⁴⁸

2.2.7 Electoral arrangements.⁴⁹

2.2.8 Governance arrangements.⁵⁰

2.2.9 Community governance reviews.⁵¹

2.2.10 Subject to any Regulations under S20 of the Local Government Act 2000, making arrangements for the joint exercise of functions under S101(5) of the Local Government Act 1972 and making appointments to committees/joint committees under S.102 of the 1972 Act.⁵²

⁴³ The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 SI2000/2853

⁴⁴ Reg. 2(2)

⁴⁵ Reg. 2(3)

⁴⁶ Reg. 2(4)

⁴⁷ Reg. 2(6)

⁴⁸ Reg. 2(5) and 2 (6)

⁴⁹ Reg 2(6A and B)

⁵⁰ Reg2(6Ca) -c),Da) and b), and F)

⁵¹ Reg2(6E)

⁵² Reg. 2(8)

- 2.2.11** Any functions reserved to full Council under legislation which pre-dates the Regulations.⁵³
- 2.2.12** Amending, modifying, varying or revoking any plan or strategy unless it is required to give effect to the requirements of the Secretary of State or Minister submitted for approval or where full Council when approving the plan/strategy authorised the Executive to do so.⁵⁴
- 2.2.13** The adoption/approval of a plan/strategy which is not in the policy framework, if full Council has determined that full Council should take the decision⁵⁵ and where the decision is contrary to or not wholly in accordance with the Budget and Policy Framework.⁵⁶

3.0 OFFICER MANAGEMENT ARRANGEMENTS

- 3.1** The Officer management arrangements for the Authority are overseen by an Officer Management Board comprising the Chief Executive and those other Officers from time to time listed as members of the Management Board on the Authority's website. The Officer Management Board shall be chaired by the Chief Executive.
- 3.2** Each member of the Officer Management Board ("Board Member") is accountable to the Chief Executive for leading the Services within his or her area of responsibility and ensuring that the Services are managed in accordance with the objectives, plans, policies, programmes, budgets and processes of the Authority.
- 3.3** Within these arrangements powers are delegated to Board Members who will establish, operate and keep under review schemes of internal delegation to cascade powers and responsibilities to Heads of Service and other subordinate Officers.
- 3.4** Heads of Service are accountable to the Chief Executive and the appropriate Board Member for effectively and efficiently managing the Services for which he or she is responsible, in accordance with the objectives, plans, policies, programmes, budgets and processes of the Authority. This includes responsibility for the proper exercise of any delegated powers.

4.0 PRINCIPLES UNDERPINNING THE OFFICER SCHEME OF DELEGATION

- 4.1** In addition to the delegations set out in this scheme, the Council and Cabinet can arrange for bespoke delegations on specific matters.
- 4.2** The fact that a function is delegated under these arrangements does not preclude the delegator from exercising the function directly by determining to reserve particular decisions for itself. In respect of Cabinet functions the power to reserve decisions is exercisable by the relevant portfolio holder or the leader of the Cabinet.

⁵³ Reg. 2(11)

⁵⁴ Reg. 4

⁵⁵ Reg. 5(1)

⁵⁶ Reg. 5(1)

- 4.3** Officers with delegated powers under this scheme may, subject to any limitations imposed in the terms of the delegation to them, delegate further to other Officers. Every such sub-delegation shall be recorded in writing within the internal Service schemes of delegations. The sub-delegation of functions shall not in any way diminish the overall responsibility and accountability of the delegator.
- 4.4** Officers shall devolve responsibility for service delivery and management to the nearest practicable point to the service user.
- 4.5** In some circumstances a delegatee (whether officer of committee/sub-committee) may consider a matter to be of such importance that their delegated authority should not be exercised. In these circumstances the delegatee may refer the matter back to the delegator for determination.
- 4.6** Each Officer with power to act under this section is authorised to do so only in relation to the budgets, resources and policies within their areas of responsibility.
- 4.7** Before taking decisions, Officers are under a duty to satisfy themselves that they have the duly delegated power to do so and that they have undertaken any appropriate consultation. Appropriate advice must be taken where the matter in question involves professional or technical considerations that are not within the Officer's sphere of competence.
- 4.8** Officers are under a duty to ensure that they take decisions in accordance with:-
- 4.8.1** Principles of natural justice.
 - 4.8.2** Professional standards.
 - 4.8.3** Statutory powers and requirements, guidance and Codes of Practice.
 - 4.8.4** This Constitution.
 - 4.8.5** The approved budget and policy framework including contract and financial procedure rules.
 - 4.8.6** any other approved policies, procedures and practices.
- 4.9** The scheme of delegation does not delegate to Officers:-
- 4.9.1** Any matter specifically reserved by law or by this Constitution to the Council or to any committee or sub-committee of the Council.
 - 4.9.2** Any matter in respect of which specific provision is made elsewhere in this constitution.
 - 4.9.3** Any matter which in law may not be delegated to an Officer.

4.9.4 Any Key Decision other than those in respect of which specific provision has been made for delegation to Officers.

4.10 Any decision made under this scheme of delegation may be called-in in accordance with the appropriate decision making procedure rules from time to time in force.

5.0 POWERS TO IMPLEMENT DECISIONS OF THE COUNCIL AND CABINET

5.1 Once Cabinet and Council decisions come into effect, Board Members (and Officers duly authorised by them to act on their behalf) have, in accordance with this scheme of delegation, the power to take all necessary actions (including the letting of contracts and incurring expenditure) to implement those decisions, without further reference to the Cabinet or Council, to ensure that all matters of day to day management and administration of the Authority's affairs are carried out effectively and efficiently.

5.2 The powers and responsibilities in the following paragraphs are set out to assist clarity and are without prejudice to the generality of the power set out above.

5.3 The general delegation above and the delegations below include the power to do anything ancillary or incidental to, arising from, or necessary or desirable to give effect to or facilitate the exercise of the powers and functions delegated to Officers including, where not specifically prohibited or available within the Authority, the engagement or retention of any external source of expertise to advice, represent or act for or on behalf of the Officer or Authority.

5.4 References to legislation include any amendments or re-enactments in addition to, where appropriate, any subordinate legislation, regulations, statutory codes of practice or guidance.

6.0 GENERAL FINANCIAL RESPONSIBILITIES

6.1 Board Members are responsible for financial management within their Departments. They shall manage the development of budget policy options with a detailed assessment of financial implications within the budget process and resource framework agreed by the Council

6.2 Board Members shall establish, operate and keep under review schemes of internal financial delegation in consultation with the Borough Treasurer to ensure that:-

6.2.1 The day to day financial management of Services within their Departments is carried out in a secure, efficient and effective manner and in accordance with Financial Procedure Rules and Codes of Practice on Financial Management.

6.2.2 Budgetary problems are contained wherever possible within the Department and if necessary specific in year approval for the transfer of resources between budgets is sought.

- 6.2.3** Reports are made to the appropriate bodies on the management of resources and performance against targets set out in the business plan.
- 6.2.4** Risks are appropriately assessed, reviewed and managed.
- 6.2.5** All members of staff are fully trained, aware and comply with the requirements of the Financial Procedure Rules, the Code of Practice on Financial Management and the Contract Procedure Rules.
- 6.2.6** All allegations of suspected fraud, corruption and financial irregularity are promptly reported to the Borough Treasurer and Borough Solicitor and that any local investigations are undertaken thoroughly, consistently and impartially.

7.0 BAD DEBTS

- 7.1** Board Members shall decide whether to write off debts (other than local taxation) in accordance with Financial Procedure Rules.

8.0 CASH IMPRESTS ACCOUNTS

- 8.1** Board Members shall authorise the establishment and administration of individual cash imprests accounts in accordance with the Financial Procedure Rules.

9.0 FEES AND CHARGES

- 9.1** Board Members shall determine the level of fees or charges payable in respect of any chargeable goods or services supplied, work undertaken, or the loan or use of plant, equipment or machinery whether authorised by specific statutory provision or local authority powers at large.

10.0 PERSONNEL

- 10.1** Board Members are authorised deal with the full range of employment and staff management issues including but not limited to appointments, terms and conditions, training, discipline, dismissal, performance, progression, promotion, shifts and working hours, grievance, grading, emoluments, expenses, allowances, sick pay, leave, equal opportunities and health and safety in accordance with the Authority's approved policies and procedures.

11.0 CHANGES TO STAFFING STRUCTURES

- 11.1** Board Members are authorised, subject to the prior notification of the Head of Human Resources and Organisational Development and prior consultation with all appropriate parties affected by the decision including any Trade Union, to implement changes to staffing structures except where the restructure:

- 11.1.1** Involves the loss of one or more posts not currently vacant.
- 11.1.2** Involves the re-grading of posts or the grading of new posts.

- 11.1.3** Involves changes to existing National or Local Agreements and policies.
- 11.1.4** Cannot be achieved within delegated powers in respect of budgets.
- 11.2** Decisions in respect of restructures which do not fall within the preceding paragraph are delegated to the Head of Human Resources and Organisational Development.
- 11.3** Proposals which involve expenditure outside approved budgets or issues outside approved policy will be referred to the Council or appropriate committee.
- 12.0 MANAGEMENT OF LAND PREMISES VEHICLES EQUIPMENT AND STORES**
- 12.1** Board Members are authorised to manage all land, premises, vehicles, plant, equipment, machinery, stock, stores, supplies, materials, furniture, appliances, and uniforms necessary for the provision of services. For the avoidance of doubt this includes a power to make arrangements for the cleaning, maintenance, hire and letting of the same and authorising the write-off, loss or disposal of the same where obsolete or surplus to operational requirements.
- 12.2** The power in the preceding paragraph in respect of acquiring and disposing of interests in and rights over land or premises is only exercisable in respect of arrangements not exceeding 7 years in duration and on terms negotiated and recommended by the Assets Manager, subject to there being sufficient budgetary provision and in accordance with the Finance and Contract Procedure Rules.
- 12.3** Board Members are authorised to make application for planning permission pursuant to the Town and Country Planning General Regulations 1992 and any other necessary applications for any other consent required for the development of land.
- 13.0 LEGAL AUTHORISATIONS AND COMPLAINTS**
- 13.1** Board Members shall implement and ensure compliance with the Authority's procedures relating to data protection, freedom of information, human rights, and surveillance activities.
- 13.2** Board Members shall authorise⁵⁷ Officers (and such other persons where permitted by law) possessing such qualifications as may be required by law, in accordance with the Authority's policy, or where the Board Member is satisfied that appropriate training has been undertaken to:-
- 13.2.1** Take samples, carry out inspections or surveys, enter land and premises and generally perform the functions of a duly authorised Officer of the Authority (however described).

⁵⁷ which shall include a power to issue such letters or warrants of authorisation and/or identification as is considered necessary or appropriate

13.2.2 to issue any necessary certificates of authority or certify copies of documents.

13.2.3 To enforce the requirements of legislation including by way of fixed penalty notice.

13.3 Board Members shall with the approval of the Borough Solicitor:-

13.3.1 Authorise the issue and service of requisitions for information, any notice, order, or direction.

13.3.2 Approve or issue any licence or regulations which may be required or authorised by or under any legislation or byelaws.

13.3.3 authorise the institution of legal and quasi-legal proceedings and/or other action (including debt recovery) whether in respect of any default in compliance with anything so served or authorised, approved or issued or otherwise as is considered necessary to protect the interests of the Authority.

13.3.4 Sign certificates for contracts pursuant to the Local Government (Contracts) Act 1997.

14.0 SAFEGUARDING CHILDREN

14.1 Board Members shall ensure that arrangements are in place to discharge the responsibilities of the Department in respect of the need to safeguard and promote the welfare of children as required under Section 11 of the Children Act 2004.

15.0 POWERS AND RESPONSIBILITIES OF THE CHIEF EXECUTIVE

15.1 The Chief Executive is the Head of the Authority's Paid Service.

15.2 The Chief Executive is responsible to the Council for:-

15.2.1 Being the Authority's principal Officer representative and point of contact and to promote its good image and reputation.

15.2.2 Exercising the powers and responsibilities of any Board Member in his or her absence.

15.2.3 Leading and directing the strategic management of the Authority

15.2.4 Ensuring the effective pursuit and achievement of the Authority's objectives

15.2.5 Ensuring the Authority's activities are carried out with maximum effectiveness and efficiency

15.2.6 Ensuring the efficient and effective discharge of the decision making and scrutiny functions of the Authority

- 15.2.7** The general supervision of this scheme of delegation
 - 15.2.8** Monitoring and reviewing the Authority's management and general sufficiency of staffing arrangements (including this Scheme of Delegation) and reporting periodically to the Council on the effectiveness of the arrangements and any need for change pursuant to his duty as Head of the Paid Service under the Local Government and Housing Act 1989.
 - 15.2.9** Invoking disciplinary processes for Board Members.
 - 15.2.10** Discharging the Authority's responsibilities under its emergency planning and civil protection functions subject to any constraints/restrictions imposed by the Council.
- 16.0 POWERS AND RESPONSIBILITIES OF THE STRATEGIC DIRECTOR PEOPLE**
- 16.1** The Strategic Director People will provide a professional focus and lead for children's services ensuring that the needs of children and young people are met in the locality.
 - 16.2** The Director has three key roles in this regard:-
 - 16.2.1** Professional accountability for the effectiveness, availability and value for money of all local authority children's services;
 - 16.2.2** A leadership role to secure any necessary changes to culture and practice, so that services are organised around children and young people's needs; and
 - 16.2.3** Building and leading effective partnerships with and between those local bodies who also provide children's services, in order to focus resources jointly on improving outcomes for children and young people.
 - 16.3** The Strategic Director People is appointed to discharge Children's Services functions in four areas:
 - 16.3.1** Education services. The Authority's functions in its capacity as a local authority under the Education Acts, except those certain functions relating to further education, higher education and adult education.
 - 16.3.2** Children's social care. The authority's social services functions within the meaning of the Local Authorities Social Services Act 1970 insofar as they relate to children and young persons, and the local authority's functions for children and young people leaving care.
 - 16.3.3** Health services. Any health related functions exercised on behalf of an NHS body, insofar as they relate to children.

- 16.3.4** Inter-agency co-operation. The new functions of Children's Services set out in the Children Act 2004, in particular building and leading the arrangements for inter-agency co-operation and safeguarding.
- 16.4** The Strategic Director People will in addition be responsible for new functions conferred on Children Services Authorities under the Children Act 2004 and by any subsequent legislation or Regulations.
- 16.5** The Strategic Director People or the duly nominated Officer in respect of Children's Services, is required to observe all policy decisions taken by the Council and its relevant bodies and shall exercise all functions of a Director of Children's Services (DCS) specified in relevant legislation and Government Guidance.
- 16.6** Except where specifically provided for elsewhere in this constitution or precluded by statute the Strategic Director People shall exercise of the powers and duties of the Authority under the enactments listed in Schedule 1 of the Local Authority Social Services Act 1970 (excluding Children and Young Persons).
- 16.7** The Strategic Director People shall:-
- 16.7.1** Apply for orders of receivership under the legislation relating to mental health and for grants of representation in respect of the estates in cases of intestacy arising under the appropriate provisions of the National Assistance Act 1948, non-recoverable expenses to be defrayed by the Authority.
 - 16.7.2** Authorise the removal of parts of the body of a deceased resident in accordance with the wish expressed by the resident during his/her lifetime.
 - 16.7.3** On terms approved by the Borough Treasurer and Borough Solicitor, authorise adaptations to property and the provision of assistance and aids in accordance with the Chronically Sick and Disabled Persons' Act 1970, within the overall budget and policies set by the Authority.
 - 16.7.4** Act as trustee or appointee for the assets of service users for whom the Authority has a statutory responsibility.
 - 16.7.5** Exercise powers to purchase domiciliary, residential and nursing home services vested in the Authority under the National Assistance Act 1948 as amended by subsequent legislation.
 - 16.7.6** Except where therein otherwise provided, exercise the powers and duties of the Social Services Authority under the legislative provisions relating to mental health, including those relating to Guardianship and the institution of Court proceedings.

17.0 STRATEGIC DIRECTOR PLACES

- 17.1** The Strategic Director Places shall be responsible for discharging the operational day to day functions of the Authority in respect of the maintenance and improvement of highways, traffic and street management including but not limited to:-
- 17.1.1** Granting consents and imposing requirements in connection with works in highways or adjacent premises.
 - 17.1.2** Determining, subject to conditions, applications for the placing of plant, structures, trees and equipment in, over or under highways or highway land.
 - 17.1.3** Construction of carriageway crossings over footways and verges, erection of fences, boundary posts, cattle grids and the carrying out of works for the drainage of highways.
 - 17.1.4** Exercising the Authority's responsibilities under the New Road and Street Works Act 1991 and, where appropriate, waiving charges under the provisions of Section 74 of the Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) Regulations 2001.
 - 17.1.5** Authorising urgent repair of private streets under Section 230 of the Highways Act 1980 and the passing of exemption resolutions and the giving of exemption notices on behalf of the Street Works Authority under Section 219 of the Highways Act 1980.
 - 17.1.6** Authorising minor improvements to roads including grass verges, street furniture etc not exceeding £30,000 for which provision has been made in the budget and capital programme.
 - 17.1.7** Setting charges for work and maintenance carried out by the Authority for which the costs are to be met by third parties.
 - 17.1.8** Authorising the installation of sound insulation.
 - 17.1.9** Nominating safety supervisors.
 - 17.1.10** Making observations on planning applications consultations.
 - 17.1.11** Taking of traffic censuses.
 - 17.1.12** On the advice of the Assets Manager or District Valuer, settling claims for borehole damage up to £1,500.
 - 17.1.13** Approving routine traffic management orders, highway stopping-up and alley gating orders and variations to pedestrian crossing schemes under the Road Traffic Regulations Act 1984 and Highways Act 1980.
 - 17.1.14** Accepting blight notices on properties affected by an approved scheme, where all the conditions on the establishment of blight are satisfied.

- 17.1.15** Determining, in appropriate cases, the manner in which the requirements of Schedule 14 to the Highways Act 1980 relating to the serving of notice of application shall be carried out.
 - 17.1.16** Taking emergency measures to protect persons and property from escapes of water from reservoirs.
 - 17.1.17** Granting licences under Sections 142, 176, 177 and 181 of the Highways Act 1980.
 - 17.1.18** Exercising the Highway Authority's powers and duties under Part VIIA of the Highways Act 1980 – Provision of Amenities on certain highways.
 - 17.1.19** Exercising the Authority's powers and duties under the Traffic Management Act 2004 and in particular the appointment from time to time of a Traffic Manager to perform such tasks as are considered will assist the Authority to perform its Network Management duty under that Act.
 - 17.1.20** Accepting land for road improvements by dedication subject to the total consideration whether in works or otherwise not exceeding £30,000.
 - 17.1.21** Entering into agreements for the construction and adoption of estate roads.
 - 17.1.22** All other functions of the Authority as set out in the Schedule to the Local Government (Committees and Political Groups) Regulations 1990 (as amended) and in particular the functions conferred by the Countryside Act 1968, Local Government (Miscellaneous Provisions) Act 1976, Highways Act 1980, Cycle Tracks Act 1984, Road Traffic Regulation Act 1984 and Road Traffic Act 1988.
- 17.2** Without prejudice to the powers and responsibilities delegated in the preceding paragraph the Strategic Director Places shall in consultation with the appropriate Cabinet Portfolio Holder undertaking all necessary external consultation and advertisement associated with the exercise of powers to implement schemes of maintenance of and improvement to the highways infrastructure and in the discharge of the following functions:-
- 17.2.1** Traffic Management and Regulation Orders
 - 17.2.2** Stopping Up and Alley-gating Orders
 - 17.2.3** Street naming proposals
- 17.3** The Strategic Director Places shall be responsible in consultation with the appropriate Cabinet Portfolio Holder for all matters appertaining to the strategic management of the highways network

- 17.4** The Strategic Director Places shall maintain operational oversight in respect of the discharge of the following functions relating to transportation:-
- 17.4.1** Tendering, applications to Traffic Commissioners and other relevant functions under the provisions of the Transport Act 1985.
 - 17.4.2** Negotiations in respect of terms with service operators in respect of concessionary fare/travel and dial-a-ride schemes.
 - 17.4.3** The organisation of (special and non-special) school transport services, including the issue of scholars' passes, and Social Services transport services.
 - 17.4.4** The issuing of minibus permits under the Public Passenger Vehicles Act 1981.
 - 17.4.5** The administration of Car Contract Hire Schemes.
 - 17.4.6** The Management of the client side of vehicle maintenance contracts under the Local Government Act 1988.
 - 17.4.7** The Organisation of School Crossing Patrols.
 - 17.4.8** The holding of Operators Licence(s) on behalf of the Authority and all associated functions and responsibilities.
- 17.5** The Strategic Director Places shall be responsible for the discharge of the functions of the authority relating to waste, waste collection and waste disposal including but not limited to:-
- 17.5.1** Taking any action under the Refuse Collection (Amenity) Act 1978 and the Removal and Disposal of Vehicle Regulations 1986 and to generally manage the refuse collection, disposal, and recycling system of the Authority.
 - 17.5.2** Functions relating to the provision of litter/dustbins and wheeled bins including functions relating to the recovery of charges, expenses and fines
- 17.6** The Strategic Director Places shall be responsible for exercising functions in relation to the general management and operation of the Authority's burial grounds, cemeteries and crematoriums including but not limited to:-
- 17.6.1** The grant of exclusive rights of burial under Section 2 of the Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970.
 - 17.6.2** Determine licence conditions and operating licensing arrangements of memorial stonemasons.
- 17.7** The Strategic Director Places shall be responsible for discharging the following functions in relation to housing.

- 17.7.1** To enforce the functions of the 'local housing authority' within the meaning of the Housing Act 1985 and other housing legislation.
- 17.7.2** To authorise the awarding and payment of grants in accordance with the Authority's Private Sector Housing Renewal Policy.
- 17.7.3** To authorise designated Officers, signatories and administrators.
- 17.7.4** To exercise the powers and duties of the Authority in the development of strategies and policies for Assessment of housing need the provision of social housing private sector housing duties, including condition, improvement and enforcement private tenancy relations advice and assistance to enable people to stay in their own home.
- 17.7.5** Energy conservation advice to residents of the Borough Operational management to Head of Service and Section Manager.
- 17.7.6** To co-ordinate the preparation of the Authority's Housing Strategy Statement prior to its submission to the Government in connection with the annual Housing Investment Programme
- 17.7.7** To meet the Regional Controller of the Government Office and Housing Officials to review the annual Housing Investment Programme submission and resources allocation
- 17.7.8** To liaise with the Housing Corporation as appropriate
- 17.7.9** To advise the Council on the Housing Needs of the Borough and to recommend how to fulfil those needs in accordance with a defined Housing Strategy
- 17.7.10** To work in partnership with other housing providers to meet the housing needs of the Borough and to recommend any financial arrangements to be made between the Authority and other housing providers to carry this out.
- 17.7.11** To act as consultee on issues of acquisition and disposal of land (including interests in land) for the purposes of providing social housing in partnership with Registered Social Landlords
- 17.7.12** To liaise with Housing Associations on the Right to Buy sharing agreement.
- 17.7.13** To administer the Authority's responsibilities for the homeless including the provision of hostels, in accordance with the Housing Act 1996.
- 17.7.14** To administer the Authority's duty to make available accommodation for the homeless, in accordance with the Housing Act 1996.
- 17.7.15** To administer a Housing Advice Service

- 17.7.16** To administer the Authority's Housing and Social and Welfare Policies and initiatives such as Care and Repair
- 17.7.17** To maintain the Housing Waiting List and to make nominations to registered Social Landlords in accordance with the Authority's Allocation Policy.
- 17.7.18** To approve applications for all types of grants other than those specifically

18.0 BOROUGH TREASURER AND HEAD OF ASSETS

18.1 The Borough Treasurer and Head of Assets is:-

- 18.1.1** The financial adviser to the Council, the Cabinet and Officers
- 18.1.2** The Authority's 'responsible financial Officer' under the Accounts and Audit Regulations
- 18.1.3** Responsible for the proper administration of the Authority's affairs as specified in, and undertake the duties required by, Section 151 of the Local Government Act 1972, Section 114 of the Local Government Finance Act 1988, the Local Government and Housing Act 1989, the Local Government Act 2003, and all other relevant legislation.

18.2 The Borough Treasurer and Head of Assets will:-

- 18.2.1** Establish, keep under review and operate (including the reporting of any non-compliance) any such guidance and policy documents in relation to the administration of the Authority's financial affairs as is considered to be necessary or desirable to ensure the proper administration of the Authority's financial affairs so that resources are used in the most efficient and effective manner in order to meet the Authority's objectives.
- 18.2.2** For the avoidance of doubt the guidance and policy documents referred to in the preceding paragraph shall incorporate or apply any national requirements from time to time in force and shall include but not be limited to Financial Procedure Rules, Financial Schemes of Delegation, and any other relevant codes of practice on financial Management.
- 18.2.3** To monitor the Authority's capital and revenue budgets, investments, and financial position generally and maintain an efficient and effective internal audit of the Authority's financial affairs.
- 18.2.4** Secure effective treasury management, including taking all action necessary in relation to all debts, payment of accounts, loans (including guarantees and indemnities), grants, advances, investments, financing and banking generally.

- 18.2.5** Take all action necessary to ensure the safeguarding of assets, the appraisal and management of risk generally, including the taking out and administration of appropriate insurances.
- 18.2.6** Agree the format of capital appraisals for schemes as required under the Finance Procedure Rules.
- 18.2.7** Exercise discretion to apply interest charges against service budgets, where avoidable cash flow losses have been incurred.
- 18.2.8** Agree specific ring-fencing of certain provisions as part of the annual budget setting process.
- 18.2.9** Authorise urgent work to repair, replace or reinstate vehicles, buildings or equipment where the work is fully funded from insurance monies.
- 18.2.10** Agree in consultation with Board Members and the Chief Executive circumstances where normal procurement requirements and or requirements for quotations or tenders should be waived.
- 18.2.11** To take all necessary action in respect of the Authority's role in relation to the administration and operation of the Cheshire Pension Fund.
- 18.2.12** Administering the supply of goods and services to other public authorities and bodies under the Local Authorities (Goods and Services) Act 1970 and all other enabling legislation and setting of prices and collecting and recovering any charges made.
- 18.2.13** To make recommendations to the Council on Council Tax requirements, determine the Council tax base and to administer and manage generally all matters relating to Council Tax, Non Domestic Rates, Community Charge and General Rates including the awarding of discounts, relief, and exemptions and the levying, collection, recovery, and disbursement of all sums due to the Authority in respect of the same in accordance with all governing Regulations.
- 18.2.14** To receive and determine applications for Housing Benefit including rent restrictions, rebates, allowances, backdating requests and overpayment recovery and otherwise exercising all powers and responsibilities of the Authority under legislation relating to Housing Benefit
- 18.2.15** To negotiate, enter into arrangements and act generally on behalf of the Authority in respect of continuing financial matters arising from arrangements and obligations existing between the former Cheshire County and six District Councils.

19.0 BOROUGH SOLICITOR

- 19.1** The Borough Solicitor is the Authority's Monitoring Officer pursuant to Section 5 and 5A of the Local Government and Housing Act 1989 (as amended) and is responsible for exercising the functions of that role.

- 19.2** After consulting with the Chief Executive and the Borough Treasurer the Monitoring Officer will report to the full Council (or to the Executive in relation to an Executive function), if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to a finding of maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- 19.3** The Borough Solicitor shall be responsible for settling of actual or potential uninsured claims or Local Government Ombudsman cases as follows:-
- 19.3.1** Up to £20,000 the Borough Solicitor may authorise settlement
 - 19.3.2** Above £20,000 and below £50,000 the Borough Solicitor and Borough Treasurer may jointly authorise settlement
 - 19.3.3** £50,000 and above - approval by Executive
- 19.4** The Borough Solicitor shall be responsible for:-
- 19.4.1** Conducting and appearing on behalf of the Authority any legal proceedings authorised by or on behalf of the Authority before any court or tribunal and similarly defending the Authority where any proceedings are instituted against it and taking all other action (within such proceedings or otherwise) considered by him or her to be necessary to protect and/or further the Authority's interests.
 - 19.4.2** Save when specifically referred to in this Constitution, to act as the Authority's proper Officer for the purposes of Section 234 of the Local Government Act 1972 (Authorisation of Documents).
 - 19.4.3** Lodging objections to any proposal affecting County interests.
 - 19.4.4** To act as proper Officer under the Access to Information Procedure Rules and in particular for the purposes of the Access to Information provisions of the Local Government Act 1972.
 - 19.4.5** Determining applications for the display of the crest or logo of the Authority.
 - 19.4.6** Determining applications for Certificates of Lawful Development or Interim Development Orders.
 - 19.4.7** Taking all action including the completion of agreements, the service of notices, giving of directions, obtaining or issuing orders, authorising the execution of powers of entry, and the institution and defence of legal proceedings necessary or desirable to protect and advance the interests of or discharge the roles, functions and responsibilities of the Authority.

- 19.4.8** Making orders for the temporary closure of highways and regulation of traffic.
- 19.4.9** To make any Statutory and discretionary payments under Land Compensation Act 1973.
- 19.4.10** To be responsible for the overall monitoring of the operation of the Regulation of Investigatory Powers Act 2000.
- 19.4.11** To exercise such functions as are conferred on to the authority by agreements or instruments made pursuant to the provisions of the Registration Service Act 1953 (Registration Schemes)
- 19.4.12** To exercise such functions as are necessary to effectively discharge the Authority's duties in respect of the provision of a Coroners Service
- 19.4.13** To make minor and consequential amendments to the constitution on account of drafting anomalies and authorised revisions.

21 SOLICITORS, BARRISTER, LEGAL EXECUTIVES AND TRAINEE SOLICITORS

- 21.1** Are authorised to appear in, and conduct legal proceedings in any Court or Tribunal on behalf of the Authority.
- 21.2** Are authorised to prove debts owed to the Authority in bankruptcy and liquidation proceedings.

20.0 ASSETS MANAGER

- 20.1** The Assets Manager shall be responsible for oversight of the day to day control and management of land and buildings in the ownership of the Authority, to ensure compliance with all relevant statutory requirements (including the Health and Safety at Work Act 1974), fitness for purpose, service delivery, maximum asset value and in particular:-

- 20.1.1** Corporate landlord management
- 20.1.2** The provision of fixtures and fittings.
- 20.1.3** Matters relating to energy conservation.
- 20.1.4** Architectural, Estates, Building Maintenance and security services.
- 20.1.5** Promotion of responsibilities relating to improved access and mobility within the built environment with particular reference to people with disabilities under relevant legislation and codes of practice.
- 20.1.6** May maintain an Approved Select List of Building/Engineering Contractors and Suppliers to the Authority.

- 20.1.7** Maintaining an up-to-date terrier of all land and buildings held by the Authority.
- 20.1.8** Undertaking a periodic review of property owned by the Authority.
- 20.1.9** Recommending policies for the acquisition, management and disposal of land and interests in land.
- 20.1.10** Design, preparation and contract management (including Health and Safety issues) of building work (whether new build or restoration) of all corporate property and professional services provided under the Local Authorities (Goods and Services) Act 1970.
- 20.1.11** Technical recommendations relating to derelict land.
- 20.1.12** Co-ordinating land management with economic development.
- 20.1.13** Accepting of title to existing open space land where there is a history of maintenance by the Authority.
- 20.1.14** Authorising of deeds of rectification with Housing Associations

20.2 The Assets Manager shall be responsible for managing the Farms estate including the service of all statutory notices and granting consent to farm estate tenants for:-

- 20.2.1** The provision of fixtures.
- 20.2.2** Ploughing out permanent pasture
- 20.2.3** Investment in improvements to farms up to a maximum value of £20,000
- 20.2.4** The acquisition and sale of Milk Quota.
- 20.2.5** Negotiating and approving tenant right settlements on changes to tenancy.

20.3 The Assets Manager is authorised to:-

- 20.3.1** Approve valuations of the Authority's property assets for all purposes
- 20.3.2** Negotiate and approve (including any subsequent modifications or renewals) the terms of all property transactions entered into by the Authority and to recommend such terms for approval at the appropriate level
- 20.3.3** Negotiate and approve, on the advice of the Borough Solicitor, the content and format of any documents to be entered into by the Authority to give effect to an approved property transaction

- 20.4** The Assets Manager shall be responsible for the general management of markets run or promoted by the Authority and in particular:-
- 20.4.1** The letting of market stalls consistent with maintaining a balanced mix of trades in accordance with the Authority's policy.
 - 20.4.2** The determination of and application of the Market Rules and Regulations.
 - 20.4.3** The maintenance and letting of Community stalls on both markets.
 - 20.4.4** The fixing of market stall charges in accordance with the Authority's approved scale of charges.
 - 20.4.5** To grant leave of absence to regular market traders (of a minimum of two years standing) for medical reasons without financial penalty and without the loss of their regular status.
 - 20.4.6** To allocate market stalls to charities and local fund raising organisations without charge on up to 12 occasions annually, being no more than once per month.
 - 20.4.7** To determine future applications for concessionary waiver applications of market stall charges due to weather conditions up to a limit of £500 per occasion
- 20.5** The Assets Manager shall be responsible for the general management of the Authority's car parks including all signage, planting, maintenance, lay out, the giving of consent for alternative uses or events, the reservation of car parking spaces and the collection of fees and charges.
- 20.6** The Assets Manager shall be responsible for the management of the Authority's vehicle fleet for the acquisition and disposal of vehicles and for their maintenance.
- 21.0 HEAD OF SERVICE FOR CHILDREN AND FAMILIES**
- 21.1** The Head of Service for Children as the duly nominated Officer of the Strategic Director People shall:-
- 21.1.1** Bring forward strategic plans and policies and to develop partnership and commissioning arrangements to ensure the provision of children's services.
 - 21.1.2** Bring forward strategic plans and policies and implement all necessary decisions, including the allocation of resources within approved estimates, so as to maintain the operation and effectiveness of the early years and related services for which the DCS is responsible and which are statutorily covered by Acts of Parliament and related Regulations.

- 21.1.3** Bring forward strategic plans and policies and implement all necessary decisions, including the allocation of resources within approved estimates, so as to maintain the operation, effectiveness and quality of post early years children's education and related services for which the DCS is responsible and which are statutorily covered by Acts of Parliament and related Regulations.
- 21.1.4** In relation to persons under 19 years of age, to bring forward proposals and implement all necessary decisions, as appropriate, including the allocation of resources within approved estimates, so as to maintain the operation and effectiveness of all the children services for which the Director is responsible and which are statutorily covered by Acts of Parliament and related Regulations.
- 21.1.5** Bring forward strategic plans and policies and implement all necessary decisions, including the allocation of resources within approved estimates, so as to maintain the operation and effectiveness of the children's social care and related services for which the DCS is responsible and which are statutorily covered by Acts of Parliament and related Regulations.
- 21.1.6** Institute and defend proceedings in relation to the care of children, the exercise of parental responsibility, provision of secure accommodation and wardship proceedings and to intervene, where appropriate, in matrimonial, guardianship and special guardianship proceedings or any other proceedings pursuant to its functions relating to children and young persons, and to undertake the functions of the Authority as an adoption and fostering agency.
- 21.1.7** Ensure the provision and quality of statutory youth and related Services, and the development of associated strategic plans and partnership arrangements for youth and related services.

22.0 HEAD OF POLICY AND PERFORMANCE

- 22.1** Shall be responsible for monitoring the performance of the Authority, for promoting business quality, public relations and for involving and developing the Authority's employees.
- 22.2** Shall promote the efficiency and effectiveness of the Authority, through the Business Quality Programme.
- 22.3** Shall oversee the Authority's response to "Best Value", including recommendation of targets/service standards, performance indicators and consultation.
- 22.4** Shall consider all formal service reviews and to make recommendations to individual Committees and Council.
- 22.5** Shall advise Council on service changes and to recommend an Annual Performance Plan.

- 22.6** Shall oversee the formal administration of the Authority's Quality System, Risk Management and EFQM.
- 22.7** Shall promote customer care and equality in service delivery and access.
- 23.0 HEAD OF HEALTH AND WELLBEING**
- 23.1** The Head of Health and Wellbeing Shall be responsible for the following services relating to libraries, archives and culture:-
- 23.1.1** Opening and closing of library, information and archive service points including their hours of opening.
 - 23.1.2** Establishing and varying of mobile library schedules.
 - 23.1.3** Promoting cultural activities in libraries and other locations, subject to the cost not exceeding £1,000 for any one event in any one place.
 - 23.1.4** Maintaining the Register of Commons pursuant to the Commons Registration Act 1965.
 - 23.1.5** Acting as lead Officer on behalf of the Authority in relation to the Data Protection Act 1998 and Freedom of Information Act 2000.
- 23.2** The Head of Health and Wellbeing shall be responsible for making grants, under schemes and financial limits approved by or on behalf of the Authority and in accordance with Finance Procedure Rules:-
- 23.2.1** towards the cost of cultural projects and commissions
 - 23.2.2** for the provision of, and improvements to community recreation facilities
 - 23.2.3** for the improvement of the environment
 - 23.2.4** for the promotion of sport and recreation
 - 23.2.5** towards the cost of cultural projects and commissions
 - 23.2.6** towards the cost of voluntary adult sports projects
 - 23.2.7** to other appropriate statutory or voluntary organisations
 - 23.2.8** for archaeological excavations
- 23.3** The Head of Health and Well being shall discharge the following functions⁵⁸ in relation to public rights of way⁵⁹:-

⁵⁸ References to Section numbers in this paragraph are to Sections of the Highways Act 1980 unless otherwise stated.

⁵⁹ Footpaths, Bridleways, Restricted Byways, and Byways Open to All Traffic and other such ways that are within the remit of the Head of Health and Wellbeing

- 23.3.1** To keep a register of information with respect to maps, statements and declarations (S31A)
- 23.3.2** To keep a register with respect to applications under sections 118ZA, 118C, 119ZA, and 119C of the Highways Act 1980 (S121B).
- 23.3.3** To take all necessary action to assert and protect the rights of the public to the use and enjoyment of public paths (S130)
- 23.3.4** To exercise all powers in relation to highways delegated to the Head of Environmental Services (in place of the same) where the highway in question is a public right of way.
- 23.3.5** To serve notice of proposed action in respect of obstructions on public paths (S130A).
- 23.3.6** To apply for the variation of orders issued under S130B of the Highways Act 1980 (S130B(7))
- 23.3.7** To authorise the temporary disturbance of a public path (S135)
- 23.3.8** To discharge functions in respect of the making good of damage and the removal of obstructions from public paths. (S135B HA)
- 23.3.9** To discharge functions in respect of the removal of things so deposited on public paths so as to be a nuisance. (S149 HA)
- 23.3.10** To keep a register of prescribed information with respect to applications under S53(5) of the Wildlife and Countryside Act 1981. (S53B Wildlife and Countryside Act 1981)
- 23.3.11** Power to prepare a map and statement by way of consolidation of the definitive map and statement. (S57A of the Wildlife and Countryside Act 1981).
- 23.3.12** To grant permission for provision of services, amenities, recreation and refreshment facilities on public paths. (S115A – S115K)
- 23.3.13** Authorising the use of footpaths and bridleways for motor vehicles and cycle trials. (S33 Road Traffic Regulation Act 1988)
- 23.3.14** Certifying extracts from the Definitive Map under the provisions of Section 56 of the Wildlife and Countryside Act 1981.
- 23.3.15** Making temporary diversion orders for footpaths and bridleways under the Highways Act 1980.
- 23.3.16** Serving notices to require the removal of obstructions from public rights of way, the restoration of public rights of way following ploughing, cropping or other disturbances and the maintenance of stiles, gates or other structures across public rights of way.

- 23.3.17** Granting permission to extend the period of restoration following disturbance of the surface of a right of way and the granting of orders that a right of way shall be subject to a condition that the surface may be disturbed by excavation or operations.
- 23.3.18** Issuing notices under the provisions of Schedule 12A of the Highways Act 1980.
- 23.3.19** Authorising the erection of stiles and gates across any public right of way.
- 23.3.20** The making of Traffic Regulation Orders in respect of any public right of way.
- 23.3.21** Managing Tatton Park in relation to the terms of the Lease from the National Trust.
- 23.4** The Head of Health and Wellbeing shall be responsible for the general management, hire and letting of sports and leisure facilities for public use, including (but not limited to) sports centres, athletics stadium, swimming pools, sauna suites, community centres, community halls, theatres, parks, lakes, waterways, playing fields, recreation grounds, caravan parks and allotments.
- 24.0 HEAD OF SAFER AND STRONGER COMMUNITIES**
- 24.1** The Head of Safer and Stronger Communities shall discharge the following functions in respect of trading standards and consumer protection:-
 - 24.1.1** To undertake or appoint to the role of the Authority's Chief Inspector of Weights and Measures under Section 72 of the Weights and Measures Act 1985.
 - 24.1.2** To appoint and authorise Officers of the Authority to act as duly authorised persons, proper Officers, inspectors, or similar (howsoever statutorily described) to discharge the statutory functions devolving upon the Authority under the legislation⁶⁰ listed in the Appendix to this section including but not limited to the functions of registration, enforcement, inspection or any associated action or granting, amending, varying, refusing, revoking, suspending or transferring any licences, approvals or consents.
 - 24.1.3** To enter into reciprocal arrangements for the authorisation and appointment of Officers for the purposes set out in the preceding paragraph to facilitate cross-border co-operation in the discharge of the said functions with any other local authority.
 - 24.1.4** To Amend the functions listed in the Appendix to this section (and any associated Officer authorisations) in accordance with legislation from time to time in force:-

⁶⁰ Which shall include any Statute extending or amending the same or incorporated therewith, or any re-enactment thereof, or any Statutory Instruments, Regulations, Byelaws or Orders made there under or continued in force thereby and also such other powers and duties under such other Statutes, Statutory Instruments, Regulations, Byelaws or Orders as may from time to time be conferred upon said officers by the Council.

24.1.4.1 without reference to elected Members in respect of functions which the authority is obliged by legislation to discharge (mandatory functions); or;

24.1.4.2 Following approval from elected members in respect of functions which the authority has discretion to discharge (discretionary functions).

24.2 Subject to the exceptions listed below, the Head of Safer and Stronger Communities is authorised to discharge the following licensing functions:-

24.2.1 Power to licence hackney carriages and private hire vehicles and suspend licences (including suspension pending inspection).

24.2.2 Power to issue and suspend operators licences

24.2.3 Power to licence and suspend hackney carriage and private hire drivers

24.2.4 Power to licence street and House to House collections

24.2.5 Power to renew or transfer licences for sex shops and sex cinemas where:-

24.2.5.1 there has been no material change to the character of the relevant locality or to the use to which any premises in the vicinity are put or to the layout, character or condition of the premises in respect of which the application is made; and

24.2.5.2 No objections have been received, or those that have been received should in the Officer's opinion be set aside on the ground that the Council could not lawfully take them into account.

24.2.6 Power to issue street trading consents

24.2.7 Power to licence performances of hypnotism

24.2.8 Licensing functions under the Licensing Act 2003 and the Gambling Act 2005 (subject to the exceptions below)

24.2.9 Sanctioning the use of buildings for the storage of celluloid

24.2.10 Licensing employment of children

24.3 In the following circumstances, the power delegated to the Head of Safer and Stronger Communities in respect of general licensing functions shall stand referred to body set out below:-

24.3.1 The determination of applications for hackney carriage or private hire vehicles where the vehicle does not meet the Authority's vehicle

conditions or does not pass the vehicle inspection be referred to the Licensing Sub-Committee.

- 24.3.2** The determination of applications for operators licences where the Council's requirements are not met be referred to the Licensing Sub-Committee.
- 24.3.3** The determination of applications for hackney carriage or private hire drivers licences where the applicant does not meet the Council's requirements be referred to the Licensing Sub-Committee.
- 24.3.4** The determination of applications for the renewal or transfer of licences for sex shops and sex cinemas where there are objections which are not be withdrawn and cannot be dealt with under the authority delegated to Officers be referred to the Licensing Committee.
- 24.3.5** The determination of requests for waiver of the Authority's street collection regulations (with the exception of the regulation in relation to processions) shall be referred to the Licensing Sub-Committee.
- 24.3.6** The determination of applications for street trading consents where representations have been received and not withdrawn be referred to the Licensing Sub-Committee.
- 24.3.7** The decision to designate streets (section 3 and Schedule 4 Local Government (Miscellaneous Provisions) Act 1982) shall be reserved to the Licensing Committee.
- 24.3.8** The power to set fees in relation to hackney carriages and private hire vehicles, operators and drivers, sex establishments and street trading shall be reserved to the Licensing Committee.
- 24.4** In the following circumstances, the power delegated to the Head of Safer and Stronger Communities in respect of Licensing Functions (Licensing Act 2003 and Gambling Act 2005) shall stand referred to body set out below.

 - 24.4.1** Any licensing function under the Licensing Act 2003 and the Gambling Act 2005 reserved to full Council (i.e the determination of the three year statement of principles and the decision not to licence casinos under the 2005 Act).
 - 24.4.2** The determination of an application under the Licensing Act 2003 or Gambling Act 2005 where relevant representations have been received and are not withdrawn shall be referred to the Licensing Sub-Committee.
 - 24.4.3** The determination of review applications (under sections 52, 88 and 167 of the Licensing Act 2003) shall be referred to the Licensing Sub-Committee.
 - 24.4.4** The determination of review applications (under section 201 of the Gambling Act 2005) shall be referred to the Licensing Sub-Committee.

- 24.4.5** The decision to object when the local authority is a consultee and not the relevant authority considering an application under the Licensing Act 2003 shall be referred to the Licensing Sub-Committee.
 - 24.4.6** The consideration of representations in relation to the proposed rejection of a club gaming permit or club machine permit (schedule 12 of the Gambling Act 2005) is reserved to the Licensing Sub-Committee.
 - 24.4.7** The decision to cancel a club gaming/club machine permit (schedule 12 of the Gambling Act 2005) shall be referred to the Licensing Sub-Committee.
 - 24.4.8** The decision to give a counter notice to a temporary use notice (section 224 of the Gambling Act 2005) shall be referred to the Licensing Sub-Committee.
 - 24.4.9** The decision to make an order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises where representations have been made by the licensee shall be referred to the Licensing Sub-Committee.
 - 24.4.10** The decision to revoke a personal licence where convictions come to light after grant or renewal (under section 124 of the Licensing Act 2003) shall be referred to the Licensing Sub-Committee.
 - 24.4.11** The decision to set fees under the Gambling Act 2005 shall rest with the Licensing Committee.
 - 24.4.12** The power to institute criminal proceedings under the Gambling Act lies with the Borough Solicitor.
- 24.5** The Head of Safer and Stronger Communities is authorised to discharge the following functions in relation to environmental health:-
- 24.5.1** Power to issue licences authorising the use of land as a caravan site
 - 24.5.2** Power to licence the use of moveable dwellings and camping sites
 - 24.5.3** Power to license premises for acupuncture, tattooing, ear piercing and electrolysis
 - 24.5.4** Power to licence pleasure boats and pleasure vessels
 - 24.5.5** Power to licence scrap yards
 - 24.5.6** To register motor salvage operators
 - 24.5.7** To register and licence premises for the preparation of food
 - 24.5.8** Power to licence premises for the breeding of dogs

- 24.5.9** Power to licence pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business
- 24.5.10** To register animal trainers and exhibitors
- 24.5.11** Power to licence zoos
- 24.5.12** To licence dangerous wild animals
- 24.5.13** To grant consent for the operation of a loudspeaker
- 24.5.14** To approve meat product premises
- 24.5.15** To approve premises for the production of minced meat or meat preparations
- 24.5.16** To approve dairy establishments
- 24.5.17** To approve fish products premises
- 24.5.18** To approve dispatch or purification centres
Power to register fishing vessels on board which shrimps or molluscs are cooked
- 24.5.19** Power to approve factory vessels and fishery product establishments
- 24.5.20** To register auction and wholesale market
- 24.5.21** To keep a register of food business premises
- 24.5.22** To enforce Chapter 1 (Health Act 2006) and regulations made under it
- 24.5.23** Power to authorise Officers
- 24.5.24** Functions relating to fixed penalty notices
- 24.5.25** Power to transfer enforcement functions to another enforcement authority
- 24.5.26** Functions relating to health and safety at work (to the extent that those functions are discharged otherwise than in the authority's capacity as an employer)

25.0 HEAD OF PLANNING AND POLICY

- 25.1** Apart from the matters reserved to the Strategic Planning Board and Planning Committees, all those Council functions set out in the Local Authorities (Functions & Responsibilities)(England) Regulations 2000 which relate to town & country planning & development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges are delegated to the Head of Planning & Policy.

- 25.2** Development control functions include decisions regarding planning applications, permitted development, certificates of lawful use & development, enforcement, listed buildings and conservation areas.
- 25.3** The planning functions are to be construed purposively and broadly, to include anything which facilitates or is incidental to them. For example, the power to determine planning applications under s70 Town & Country Planning Act 1990 will include powers governing environmental impact assessments under the various TCP (Environmental Impact Assessment) Regulations. It will also include power to impose conditions, limitations or other restrictions or to determine terms to which approvals are subject, and to modify, vary or revoke approvals.
- 25.4** Where legislation is amended or replaced by new provisions or where new development control provisions are enacted, then the relevant authority delegated in this Scheme applies to those new provisions.
- 25.5** The Head of Planning and Policy is authorised to exercise all the powers and duties conferred on the Authority in relating to Building Control and without limitation upon those general matters, to be responsible for:-
- 25.5.1** The passing or rejection of plans of proposed work deposited in accordance with Building Regulations or passing them subject to conditions, under the provisions of Section 16 of the Building Act 1984, subject to any other section of this Act or any other Act that expressly requires or authorises the rejection of such plans in certain cases.
 - 25.5.2** The declaration by notice that the deposit of plans is of no effect under the provisions of Section 32 of the Building Act.
 - 25.5.3** The dispensation with the requirements of the Building Regulations in appropriate cases.
 - 25.5.4** Dealing with applications for regularisation certificates in respect of unauthorised building work.
 - 25.5.5** The serving of notice to open up work in cases where a person carrying out building work neglects to notify the Authority of the stages of work referred to in Regulation 14 of the Building Regulations 1985.
 - 25.5.6** Dealing with dangerous structures by:- (i) Taking action under Section 77 of the Building Act 1984 to secure the removal of dangerous conditions in buildings or structures including application to Magistrates Court for an order to remove such dangerous conditions.
 - 25.5.7** Take emergency action under Section 78 of the Building Act in such cases where immediate action is necessary to remove danger.
 - 25.5.8** Dealing with ruinous and dilapidated buildings and neglected sites by taking action under Section 79 of the Building Act 1984.

- 25.5.9** Dealing with private demolitions of the whole or part of a building or buildings by taking action under Section 81 of the Building Act 1984
- 25.5.10** The taking of enforcement action in cases where the provisions of the Building Regulations and other related legislation have not been complied with, including instituting proceedings in the Magistrates Court for contraventions of the Building Regulations
- 25.5.11** Supervision of Building Work etc Otherwise than by Local Authorities
- 25.5.12** The receipt and acceptance or rejection, on prescribed grounds AND, where appropriate, of the various notices referred to in Part II of the Building Act 1984 and the Building (Approved Inspectors) Regulations 1985 in connection with the supervision of plans and work by approved inspectors
- 25.5.13** Variation of the standard fee scales of the Local Government Association model scheme by plus or minus 10% (by a percentage greater than 10% - to portfolio holder)

26.0 HEAD OF HUMAN RESOURCES AND ORGANISATIONAL DEVELOPMENT

- 26.1** The Head of Human Resources and Organisational Development shall be responsible for discharging the following functions:-
 - 26.1.1** To be responsible for the effective implementation and maintenance of Equal Opportunities in Employment Policy.
 - 26.1.2** To apply, in consultation with the Borough Treasurer and Head of Assets the terms of the early retirement/redundancy scheme in those cases where the post is to be deleted.
 - 26.1.3** To determine and pay honoraria in accordance with the NJC Scheme subject to a report to appropriate Members the next available meeting
 - 26.1.4** In consultation with the portfolio holder and chair of the appropriate Scrutiny Committee and the Borough Treasurer and Head of Assets to determine annually the recruitment requirements for trainee positions at a level that can be met within budgetary provisions.
 - 26.1.5** Jointly with the relevant Board Member and on behalf of the Authority to take leasehold interests in appropriate property in order to provide accommodation for the Surestart Partnership subject to prior confirmation from the Partnership that it will reimburse the Authority in respect of its liabilities in relation to any such property.
 - 26.1.6** To approve the Management Structure of each Directorate below Head of Service level after undertaking appropriate consultations.
 - 26.1.7** To approve Job Descriptions/Person Specifications for all employees other than Board Members.

- 26.1.8** To recommend to Council, the development of policies on the full range of Personnel issues, after appropriate consultation with Members.
- 26.1.9** To approve Codes of Conduct in support of Personnel policies as set out in the Authority's Performance Strategy.
- 26.1.10** To have regard to issues relating to the Local Government Pensions Scheme and the Authority's Early Retirement Scheme except where they are applied to individual employees.
- 26.1.11** To monitor staffing information reports.
- 26.1.12** To consider recommendations in respect of the use of the powers in Section 13(4) and 13(5) of the Local Government Act 2000 to place staff at the disposal of other local authorities to facilitate joint arrangements or joint working.
- 26.1.13** Take responsibility for the health and safety of the Authority's employees.

APPENDIX

LIST OF STATUTORY PROVISIONS IN RESPECT OF TRADING STANDARDS FUNCTIONS

- 117) Accommodation Agencies Act 1953
- 118) Administration of Justice Act 1970
- 119) Agriculture Act 1970
- 120) Agriculture (Miscellaneous Provisions) Act 1968
- 121) Agricultural Produce Act 1928
- 122) Agricultural Produce Act 1931
- 123) Agricultural Produce (Grading and Marketing) Act 1928
- 124) Animal Health Act 1981
- 125) Animal Welfare Act 2006
- 126) Business Names Act 1985
- 127) Cancer Act 1939
- 128) Cattle Identification Regulations 1998
- 129) Children and Young Persons Act 1933
- 130) Children and Young Persons (Protection from Tobacco) Act 1991
- 131) Child Resistant Packaging (Safety)(Amendments) Regulations 1993
- 132) Civil Partnerships (Approved Premises) Regulations 2005
- 133) Classification, Packaging and Labelling of Dangerous Substances Regulations 1984
- 134) Clean Air Act 1993
- 135) Companies Act 1985
- 136) Consumer Credit Act 1974
- 137) Consumer Protection Act 1987

- 138) Control of Pollution Act 1974
- 139) Control of Pollution (Anti-Fouling Paints and Treatments) Regulations 1987
- 140) Copyright Designs & Patents Act 1988
- 141) Crime and Disorder Act 1998
- 142) Criminal Attempts Act 1981
- 143) Criminal Damage Act 1971
- 144) Criminal Justice Act 1988
- 145) Criminal Justice Act 1993
- 146) Criminal Law Act 1977
- 147) Crystal Glass (Descriptions) Regulations 1973
- 148) Development of Tourism Act 1969
- 149) Dogs Act 1906
- 150) Education Reform Act 1988
- 151) Eggs (Marking Standards) Regulations 1985
- 152) Electro Magnetic Compatibility Regulations 1992
- 153) Energy Act 1976
- 154) Energy Conservation Act 1981
- 155) Enterprise Act 2002
- 156) Estates Agents Act 1979
- 157) European Communities Act 1972
- 158) Explosives Act 1923
- 159) Fair Trading Act 1973
- 160) Farm and Garden Chemicals Act 1967
- 161) Fire Safety & Safety of Places of Sport Act 1987
- 162) Fireworks Act 2003
- 163) Food Act 1984
- 164) Food and Environment Protection Act 1985
- 165) Food Safety Act 1990
- 166) Forgery and Counterfeiting Act 1981
- 167) Fraud Act 2006
- 168) Hallmarking Act 1973
- 169) Health and Safety at Work Act 1974
- 170) Housing Act 2004
- 171) Insurance Brokers (Registration) Act 1977
- 172) Intoxicating Substances (Supply) Act 1985
- 173) Legislative and Regulatory Reform Act 2006
- 174) Licensing Act 1964
- 175) Licensing Act 2003
- 176) Lotteries and Amusements Act 1976
- 177) Malicious Communications Act 1988
- 178) Manufacture and Storage of Explosives Regulations 2005
- 179) Marriage Act 1949
- 180) Materials and Articles in Contact with Food Regulations 1985
- 181) Measuring Container Bottles (EEC Requirement Regulations) 1977
- 182) Medicines Act 1968
- 183) Mock Auctions Act 1961
- 184) Motor Cycle Noises Act 1987
- 185) National Lottery Act 1993
- 186) Natural Mineral Water Regulations 1985
- 187) Nurses Agencies Act 1957
- 188) Opticians Act 1989
- 189) Offensive Weapons Act 1996

- 190) Performing Animals (Regulation) Act 1925
- 191) Personal Protective Equipment (EC Directive) Regulations 1992
- 192) Petroleum (Consolidation) Act 1928
- 193) Petroleum (Transfer of Licences) Act 1936
- 194) Pigs (Records, Identification and Movement) Order 1995
- 195) Poisons Act 1933
- 196) Poisons Act 1972
- 197) Poultry (Water Content) Regulations 1984
- 198) Prices Acts 1974
- 199) Prices Act 1975
- 200) Proceeds of Crime Act 2002
- 201) Property Misdemeanors Act 1991
- 202) Protection of Animals Acts 1911
- 203) Registration Service Act 1953
- 204) Rent Act 1965
- 205) Rent Act 1977
- 206) Road Traffic Act 1972
- 207) Road Traffic Act 1974
- 208) Road Traffic Act 1988
- 209) Road Traffic (Foreign Vehicles) Act 1972
- 210) Road Traffic Regulation Act 1984
- 211) Road Traffic Offenders Act 1988
- 212) Safety of Sports Grounds Act 1975
- 213) Schedule Prices Act 1974
- 214) Scotch Whisky Act 1988
- 215) Solicitors Act 1974
- 216) Telecommunications Act 1984
- 217) Textile Products (Indication of Fibre Content) Regulations 1986
- 218) Theft Act 1968
- 219) Theft Act 1978
- 220) Timeshare Act 1992
- 221) Tobacco Advertising and Promotions Act 2002
- 222) Trade Descriptions Act 1968
- 223) Trade Marks Act 1994
- 224) Trade Representations Act 1972
- 225) Trading Representations (Disabled Persons) Act 1958
- 226) Trading Stamps Act 1964
- 227) Unsolicited Goods and Services Act 1971
- 228) Unsolicited Goods and Services Act 1975
- 229) Vehicles (Crime) Act 2001
- 230) Video Recordings Act 1984
- 231) Weights and Measures Act 1976
- 232) Weights and Measures Act 1985

Council Procedure Rules

PROCEDURE RULES

PART A –COUNCIL PROCEDURE RULES

1 Council meetings

- 1.1 The Council will decide when its meetings will take place. Details will be contained in a calendar of meetings which will be approved by the Council.
- 1.2 Meetings will be held at a time and a place (or places) to be agreed by the Council. The Chairman, or the Council, can agree to hold a meeting at a different place or time.
- 1.3 A special meeting can be called by resolution or by the Chairman, or 8 members of the Council can ask the Chairman, in writing, to call a special meeting. If the Chairman does not agree, then those Members can call the meeting by giving written notice to the Monitoring Officer. The Monitoring Officer, in consultation with the Chairman, may also call a special meeting.
- 1.4 Before the start and at the end of each meeting, Members and Officers will stand whilst the Chairman and the Vice-Chairman enter and leave the room.

2 Chairman and Vice Chairman of the Council

- 2.1 At its Annual Meeting, the Council will elect its Chairman and appoint its Vice-Chairman for the following year.
- 2.2 The Chairman of the Council, or in his absence the Vice-Chairman (who will have the same powers and duties as the Chairman), will preside at meetings of the Council. Where both the Chairman and Vice-Chairman are absent, the Council will appoint another Member, other than a Member of the Cabinet, to chair the meeting, who will have the same powers and duties as the Chairman.

3 Quorum

- 3.1 No business shall be dealt with at a Council meeting if there are fewer than 21 Councillors present. Where the meeting has started, and the number of Councillors present is fewer than 21, the Chairman will adjourn the meeting. Where the Chairman does not give a date and/or time, all business not completed will be considered at the next meeting.

4 What the Council can decide

- 4.1 The Council will decide such matters as required by the law, and those matters set out in Part 3 of this Constitution.

5 Order Of Business

- 5.1 Business shall be dealt with in the order in which it is set out in the agenda unless the Council decides otherwise.

6 Urgent Business

- 6.1 Business cannot be dealt with at a Council meeting unless it is included in the Summons or unless the Chairman has agreed that it is urgent and cannot wait until the next meeting. The Chairman must give the reasons for urgency, which must be recorded in the Minutes of the meeting.

7 Confirmation of Minutes

- 7.1 Minutes of the last Council meeting must be confirmed at the next ordinary meeting of the Council.
- 7.2 Only matters relating to the accuracy of the Minutes can be raised, which must be done by way of a motion which is proposed, seconded and voted upon. Where no issues are raised, or after the motion has been dealt with, the Chairman shall sign the Minutes.

8 Record of Cabinet Decisions and Minutes of Committees and Sub - Committees

- 8.1 The Record of Decisions of the Cabinet and the Minutes of any other Committees will be submitted to the next ordinary meeting of the Council.
- 8.2 The Record of Decisions will be noted and the Minutes will be received by a decision of the Council.
- 8.6 Any question about the accuracy of any matter before the Council from the Cabinet or a Committee must be considered and determined by the Cabinet or that Committee at its next meeting. It is not a matter for the Council.

9 Matters for Decision by the Council

- 9.1 All matters for decision by the Council (except any Notices of Motion under Procedure Rule 12 and any urgent items) shall be included with the agenda.
- 9.2 When the item is reached on the agenda, the appropriate Cabinet Member or the Chairman of the relevant Committee will, where appropriate, move the recommendation or advice of the Cabinet or Committee, or endorsement of a Cabinet or a Committee decision. Another Member may second the motion and may reserve the right to speak until later in the debate.
- 9.3 The Chairman cannot ask the Council to agree to withdraw a recommendation of the Cabinet or a Committee under, Appendix 3, paragraph No.10, unless new and relevant information has become available after the decision of the body concerned. The information must be disclosed to the Council.

10 Motions Moved Without Notice

- 10.1 Appendix 1 lists those motions and amendments which can be moved at a Council meeting without notice.

11 Public speaking and questions at Council meetings

- 11.1 A Member of the Council may ask the Chairman, 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.
- 11.2 A Member may ask the nominated/designated representative of the Cheshire Fire Authority or the Cheshire Police Authority any question about the responsibilities of his/her respective Authority.
- 11.3 Questions must be sent in writing to the Monitoring Officer at least three clear working days before the meeting.
- 11.4 The Chairman may agree to take urgent questions where he considers that it has not been possible for a Member to give the required notice, provided that a copy of the question is given to the Monitoring Officer before the meeting starts.
- 11.5 Questions will be asked and answered without discussion. In replying, the Member responding will use their reasonable endeavours to address the matters raised in the question. The Member responding may decline to answer any question or may: reply direct, reply by reference to a publication, or reply by written answer with a copy to such other Members of the Council as the Council agrees, or refer the question to an appropriate committee or to the Cabinet.
- 11.6 Following the answer to each question, the questioner may ask a supplementary question which relates to the initial answer. A reply may not be given if the question is: not related to the initial answer; is unduly lengthy; or is inappropriate. The Member answering the supplementary question will decide whether or not to reply.
- 11.7 Where a question submitted under this Procedure Rule relates to a matter that appears on the agenda for that meeting, the question shall be put and answered in accordance with this Procedure Rule, at the start of the consideration of that matter.
- 11.8 A public speaking time and public question facility will apply to Council meetings, as detailed in Appendix 7.

12 Notices of Motion

- 12.1 A notice of motion must relate to matters for which the Council has responsibility or which affect its area.
- 12.2 The arrangements for submitting and dealing with notices of motion are set out in Appendix 2.

13 Rules of Debate

- 13.1 The rules of debate to be followed at Council meetings are set out in Appendix 3.

14 Rescission of Earlier Resolution

- 14.1 Subject to Rule 14.2, at a meeting of the Council, no motion or amendment shall be moved to rescind any resolution of the Council which was passed within the preceding six months or which is to the same effect as one which has been rejected within that period.
- 14.2 Such a motion may be moved if:
- (a) it is recommended by the Cabinet or a Committee; or
 - (b) notice of such motion has been given under Procedure Rule 12 and signed by at least 8 elected Members of the Council.

15 Voting

- 15.1 Voting will be by a show of hands.
- 15.2 When a Member asks for a recorded vote to be taken, and 8 other Members stand in their places to support the request, the vote will be recorded to show whether each Member voted for or against the motion or abstained.
- 15.3 A recorded vote will not be taken if the vote has already begun to be taken by a show of hands.
- 15.4 Members must be in their designated seats for their vote to be counted. The Chairman may agree to waive this requirement before the vote is taken.
- 15.5 A Member may require, after a vote is completed, that the Minutes of the meeting record how he/she voted or abstained.
- 15.6 A Member may, immediately after the item of business is voted upon, request that a lost motion or amendment be recorded in the minutes.
- 15.7 Where there are equal votes cast for a motion or amendment the Chairman or the person presiding will have a second or casting vote.

16 Offices and Appointments

- 16.1 A secret ballot will be held to elect or appoint the Chairman and Vice-Chairman of the Council, the Leader and Deputy Leader of the Council or Members to any office or position where more than one person is nominated.
- 16.2 If a secret ballot is held and no person receives more than half of the votes cast, the name of the person with the least number of votes will be withdrawn. Further ballots will be held until one person receives a clear majority.
- 16.3 The Chairman, or person presiding, will have a second or casting vote where the votes are equal.

17 Election of Chairman of Committees and Sub-Committees

- 17.1 The Chairman and Vice-Chairman of every Committee and Sub-Committee will be elected at the Annual Meeting of Council each year.
- 17.2 The Member elected to each office must be a Member of the relevant Committee or Sub-Committee.
- 17.3 Where a vacancy occurs in any office, an election will be held at the next ordinary meeting of the Council unless the Council decides otherwise.
- 17.4 Unless the Council decides otherwise, the election will be conducted by a show of hands and may relate to a number of offices. Procedure Rule 16 will apply.
- 17.5 Where a Chairman and Vice-Chairman are absent from a meeting of the relevant body, a Chairman will be appointed from those Members of the body present, provided the meeting is quorate and subject to any restrictions on the eligibility of Cabinet Members for appointment.

18 Urgent Business – Non executive Matters

- 18.1 An item of urgent business which has to be decided before the next meeting of the Council and which does not fall within the Cabinet's functions and responsibilities can be determined by the Chief Executive or her nominee, subject to the procedure in Appendix 4.

PART B – COMMITTEE AND SUB-COMMITTEE PROCEDURE RULES

19 Committees and Sub-Committees

19.1 The Committees and Sub-Committees the Council and their membership size will be:-

[These to be changed following Governance and Constitution Committee recommendations]

Committees	Size
Scrutiny Committee	Fourteen Members
Health and Adult Social Care Scrutiny Committee	Fourteen Members
Staffing Committee	Seven Members
Standards Committee	Eight Members
Governance and Constitution Committee	Fourteen Members
Joint Liaison Committee	Five Members
Advisory Panel – People	Fourteen Members
Advisory Panel – Places	Fourteen Members
Advisory Panel – Performance and Capacity	Thirteen Members

19.2 Other Committees and Sub-Committees

The Council may appoint other Committees, Sub-Committees and Special Committees with delegated powers to act under specific terms of reference which must be set out in the Minutes.

20 Co-option

20.1 A Committee or Sub-Committee may co-opt any person as a Member.

20.2 A Scrutiny Committee or Sub-Committee may co-opt persons to advise and/or assist in the scrutiny of particular areas of the Council's functions.

20.3 Co-optees must not be elected Members of the Council. They shall not be entitled to vote at any meeting.

21 Appointment to Committees and Sub-Committees

21.2 Where a by-election takes place during the year, the Council will decide upon the composition of Committees and Sub-Committees to reflect any change in political balance in order to comply with legal requirements.

22 Term of Office – Committees and Sub-Committees

- 22.1 Committee and Sub-Committee Members will remain in office until their day of retirement as set out in the Cheshire (Structural Changes) Order 2008. The Council may, at any time, dissolve, alter or amend the membership of a Committee or Sub-Committee.

23 Change of Committee and Sub-Committee Places

- 23.1 A Political Group may vary its representation on a Committee or Sub-Committee as set out in Appendix 5.

24 Powers of Committees, Sub-Committees and Officers

- 24.1 Subject to Procedure Rule 4.1 relating to the Council (Matters Reserved for Decision by the Council), the functions, powers and duties to be exercised by Committees, Sub-Committees and Officers on behalf of the Council are set out in Part 3 of this Constitution (Responsibility for Functions).
- 24.2 In discharging those functions, powers and duties, the Committees, Sub-Committees and Officers have full delegated powers to take those decisions, subject to any specific reservations or exceptions contained in Part 3.
- 24.3 A Committee, Sub-Committee, or Officer may, at any time, decline to exercise a delegated power. The matter must then be considered and determined by the Council, Committee or Sub-Committee, as appropriate.
- 24.4 Part C of these Procedure Rules and Part 3 of the Constitution deal with those functions which are the responsibility of the Cabinet.

25 Urgent Business – Committees, Sub-Committees and Cabinet

- 25.1 An item of urgent business which has to be decided before the next meeting of a Committee or Sub-Committee can be determined by the Chief Executive or her nominee, subject to the provisions of Appendix 4.
- 25.2 Appendix 4, suitably amended, will also apply to urgent Decisions in respect of all executive functions, including Key Decisions and non Key Decisions.

26 Changes to the Programme of Meetings

- 26.1 Meetings of Committees and Sub-Committees will be set out in the calendar of meetings approved by the Council under Procedure Rule 1.1. There will be a presumption against alterations to the date, time and venue for meetings.
- 26.2 When it is necessary to alter the date, time and/or venue of a meeting, or to arrange a special meeting, the Monitoring Officer will consult the Chairman and Spokesmen of the relevant Committee or Sub-Committee before any action is taken.
- 26.3 The Chairman of the Committee or Sub-Committee will then determine the matter.

27 Quorum at Committees and Sub-Committees

- 27.1 Business cannot be transacted at meetings of Committees and Sub-Committees unless there are at least one quarter of the Members of the body present. However, where the total membership of any Committee or Sub-Committee comprises eleven or fewer Members, the quorate number shall be 3. For the Standards Committee and Sub-Committees, other provisions will apply. The Monitoring Officer will provide further information where this is required.
- 27.2 This may be varied because of a legal requirement or by the Council.

28 Minutes of Committees and Sub-Committees

- 28.1 The Minutes of a Committee or Sub-Committee must be confirmed at its next meeting.
- 28.2 Only matters relating to the accuracy of the Minutes can be raised. Where accuracy is questioned, this must be by a motion which is proposed, seconded and voted upon.
- 28.3 Where no issues of accuracy are raised, or after any motion has been dealt with, the Chairman shall sign the Minutes.
- 28.4 The Minutes of any Sub-Committee must be submitted to the next meeting of the parent Committee by the Sub-Committee Chairman.
- 28.5 Members may ask a question or comment on any Minute. The Chairman of the Sub-Committee will then reply. There will be no debate on any question or comment raised under this procedure and no further motions can be moved.
- 28.6 Where a Member has a question or comment on an exempt, private or confidential Minute, the question or comment must be given in writing to the Monitoring Officer at least one hour before the start of the meeting.
- 28.7 Any question about the accuracy of any Minute of a body must be considered and determined by that body at its next meeting.

29 Motions moved without Notice at Committees and Sub-Committees

- 29.1 Appendix 1 lists those motions and amendments which can be moved without notice.

30 Rules of Debate at Committees and Sub-Committees

- 30.1 Appendix 3 sets out the rules of debate.

31 Voting

- 31.1 Voting at Committee and Sub-Committee meetings will be by a show of hands.

- 31.3 A recorded vote will not be taken if the vote has already begun to be taken by a show of hands.
- 31.4 A Member may require, after a vote is completed, that the Minutes of the meeting record how he/she voted or abstained.
- 31.5 A Member may request that a lost motion or amendment be recorded in the minutes by requesting this immediately after the vote is taken.
- 31.6 Where there are equal votes cast for a motion or amendment, the person presiding at the meeting will be entitled to, and may exercise, a second or casting vote. However, where there is an equality of votes in respect of a motion, the motion will be lost.

32 Offices and Appointments

- 32.1 A secret ballot will be held to elect or appoint Members to any office or position where more than one person is nominated.
- 32.2 If a secret ballot is held where more than two nominations are made and no person receives more than half the votes cast, the name of the person with the least number of votes will be withdrawn. Further ballots will be held until one person receives a clear majority.
- 32.3 Procedure Rule 31.6 will apply in cases where the votes are equal.

33 Mover of a Motion at Council under Procedure Rule 12: Attendance at Committee and Sub-Committee

- 33.1 Where a motion has been referred under Procedure Rule 12 from the Council to a Committee or Sub-Committee for consideration and report, the mover of the motion has the right to attend the meeting and to explain the motion.
- 33.2 The mover of the motion will be advised of the date and time of the meeting at which the matter is to be considered and he/she will be sent a copy of the relevant papers.

34 Requests by Members for items of business to be included on agendas of a Committee or Sub-Committee

Appendix 6 to these Procedure Rules sets out details of the process by which a Member of the Council can ask for an item of business to be included on the agenda of Committee or Sub-Committee meeting.

35 Questions Submitted by Members of the Public

- 35.1 The Council has a procedure to enable members of the public to submit questions at ordinary meetings of its Committees and Sub-Committees. This is set out in Appendix 7.

36 Reference of a Decision to the Parent Committee or Council

- 36.1 Where a decision is made by a Committee or Sub-Committee, the resolution may be referred, by notice, to the Council or parent Committee, as appropriate, for reconsideration.
- 36.2 The notice must be in writing and be signed by 8 Members of the Council. The notice must be given to the Monitoring Officer, in writing, not later than 5.00pm on the fifth full working day after the meeting.
- 36.3 No action must be taken on the decision prior to its determination by the Council or Committee. Where action is necessary before the relevant meeting, the Chief Executive will consider whether a special meeting of the Committee or the Council, as appropriate, should be convened.
- 36.4 No resolution of a Committee or Sub-Committee can be subject to a notice under this Standing Order if, in the preceding twelve months, a similar resolution had been the subject of a notice under this Standing Order.
- 36.5 These provisions do not apply to decisions taken by the Cabinet where the 'call in' procedure is set out in the Scrutiny Procedure Rules.

37 Committee and Sub-Committee Agenda - Urgent Items of Business

- 37.1 Generally, business will only be transacted at meetings of Committees and Sub-Committees which appears on the agenda and which has been available for public inspection at least five clear working days before the meeting or, where the meeting is convened at short notice, from the time the meeting is convened.
- 37.2 The Chairman of the Committee or Sub-Committee may agree to deal with an item of business at the meeting if, in his/her opinion, the matter is urgent given the circumstances requiring a decision. The Chairman's ruling and the reasons for urgency will be recorded in the Minutes of the meeting.

38 Attendance of Members at Committees and Sub-Committees of which they are not Appointed Members

- 38.1 Notwithstanding their rights as a member of the public, a Member may attend any meeting of a Committee or Sub-Committee to which he/she has not been appointed, for the purposes of performing his/her duties as a Councillor, including when exempt or private and confidential business is transacted.
- 38.2 A Member will be given, when he/she arrives at the meeting a copy of the agenda and relevant papers, subject to any restrictions imposed under Procedure Rule 49.
- 38.3 The Member has no right to vote, but may speak with the consent of the Chairman of the meeting.

39 Scrutiny Committees/Sub-Committees

- 39.1 In applying these Procedure Rules to Scrutiny Committees and Sub-Committees, regard shall be had to the Scrutiny Procedure Rules which are contained in Part 4 of this Constitution.

PART C – PROCEDURE RULES RELATING TO EXECUTIVE ARRANGEMENTS

General

This Part sets out the Council's executive arrangements. It should be read in conjunction with the appropriate paragraphs of Part 1 of this Constitution and the Cabinet Procedure Rules contained in the Constitution.

40 The Executive Framework

- 40.1 The Council shall have a Leader and Deputy Leader who will be Members of the Cabinet. The Council will make these appointments at its first meeting.
- 40.2 The Cabinet's responsibilities will consist of the following portfolios as agreed by the Council:-
- Leader (Community Leadership and Partners)
 - Deputy Leader (Community Empowerment)
 - Performance
 - Finance and Assets
 - Human Resources
 - Community Safety
 - Environment and Prosperity
 - Health and Wellbeing
 - Older and Vulnerable People
 - Children, Young People and Families
- 40.3 The Cabinet will comprise ten Members including the Leader and Deputy Leader. The Council will appoint an elected Member of the Council to each of the portfolios and will fill any vacancies which may arise from time to time.
- 40.4 The Leader and Deputy Leader may take a portfolio responsibility.
- 40.5 The Leader will chair meetings of the Cabinet or in his absence, the Deputy Leader will preside. Where both the Leader and Deputy Leader are absent, the Members present, may appoint one member of the Cabinet to chair that meeting.
- 40.6 The Cabinet cannot vary the portfolio responsibilities as listed in 40.2 above without the consent of the Council.
- 40.7 A member of the Cabinet can only be removed from office in year by a resolution of the Council. This does not preclude an office holder from resigning his/her position at any time. Where there is a delay between a resignation being tendered and the date of the next Council meeting in the case of the Leader's resignation, the Deputy Leader will chair Cabinet meetings. Where both the Leader and the Deputy Leader resign, the Monitoring Officer in consultation with the Chairman of the Council will call a special meeting of the Council. Where a Member of the Cabinet resigns and holds a portfolio responsibility, the Cabinet will reallocate that responsibility within its number until the Council has appointed a replacement.

41 The Executive Role

- 41.1 The executive functions will comprise the executive responsibilities under the Local Government Act 2000, and associated legislation.
- 41.2 The role and responsibilities of the Cabinet are set out in more detail in Part 3 of the Council's Constitution.

42 Business Process and Decisions of the Cabinet

- 42.1 The Cabinet, must ensure, and be satisfied, that they have appropriate and adequate legal, financial and other relevant professional advice from officers before taking a decision on any matter before them. Advice from the Council's Monitoring Officer and Chief Finance Officer should always be obtained where there is doubt about vires or probity.
- 42.2 All items for decision by the Cabinet will be contained in a formal agenda as required by the Local Government Acts and Regulations in relation to confidential and exempt information.
- 42.3 Full agendas for meetings of the Cabinet will be made available, electronically, in advance of the respective meeting, to all Members of the Council and in accordance with the Council's current policy.
- 42.4 Cabinet decisions, including those taken under delegated powers, shall not take effect until they have been recorded in writing, as required under the Council's procedures, and shall not be implemented where the right of call-in has been exercised until the call-in process has been concluded.
- 42.5 A written record will be kept of all Cabinet decisions by the Monitoring Officer and these will be made available publicly as soon as practicable after the decision has been taken (excluding the disclosure of confidential and exempt information and in accordance with the Scrutiny Procedure Rules).

43 Procedural Matters Relating To Cabinet Meetings

- 43.1 No items of business shall be conducted at a Cabinet meeting where, at the beginning or during the meeting, there are fewer than 50% of Cabinet Members present.
- 43.2 Meetings of the Cabinet will be programmed into the Council diary prepared under Procedure Rule 1.1. The Cabinet can agree to change the date of any programmed meeting, to cancel a meeting or to arrange additional meetings as it sees fit.
- 43.3 The order of business at Cabinet meetings is a matter for the Cabinet to determine.
- 43.4 Records of Cabinet decisions must be confirmed at the next meeting.

- 43.5 In recording decisions of the Cabinet under Rule 42.4, the Monitoring Officer will set out the decision, the reasons for the decisions and alternative options considered as required under the Access to Information Procedure Rules in the Constitution.
- 43.6 An item of business which requires a decision cannot be dealt with by the Cabinet at a meeting unless it is included in the agenda for the meeting, or the Leader (or the person presiding) has agreed that it is urgent and cannot await the next meeting of the Cabinet. The reasons for taking the item as urgent business must be recorded in the Record of the Cabinet's meeting.
- 43.7 Voting at Cabinet meetings will be by a show of hands and any Member may require, after the vote is completed, that the Record of the meeting shows how he/she voted or abstained. Where there are equal votes cast, the Leader or the person presiding will have a second and casting vote. Voting for any office or appointment, including any paid appointment, where more than one person is nominated shall be by secret ballot conducted in accordance with Procedure Rule 16 in the Council Procedure Rules.
- 43.8 The Cabinet Procedure Rules set out the rights of the Chairmen and Spokespersons of Scrutiny Committees to attend Cabinet meetings and to speak.
- 43.9 The Cabinet may invite any person it/he/she consider appropriate, to its meetings to discuss matters of mutual interest or concern or to advise. Such persons may only be given access to confidential and/or exempt information on terms to be decided by the Monitoring Officer so as to ensure that the Council's obligations under the Local Government Acts in respect of Access of Information are observed.
- 43.10 A mover of a motion under Procedure Rule 12 which has been referred to the Cabinet for consideration shall have the right to attend the meeting when the motion is under consideration and to explain the motion. The mover of the motion will be advised of when the matter is to be considered and will be sent a copy of the papers. This does not affect the right of the mover of the motion to attend a Scrutiny body when his/her motion is being considered.
- 43.11 In the case of any dispute during the proceedings of any Cabinet meeting, the Council's Constitution will apply and, after considering the application of the relevant Procedure Rule, the person presiding at the meeting will rule on the issue in question as set out in Procedure Rule 55.

44 The Forward Plan and Key Decisions

- 44.1 The Leader will ensure that the requirements of the Access to Information Procedure Rules in relation to the publication of the Cabinet's Forward Plan of Key Decisions are met.
- 44.2 Those decisions which are Key Decisions are defined in **[Cross refer with relevant paragraph of Part 2]**.

- 44.3 Where the Cabinet as a body is making Key Decisions, that meeting shall be held in public. Where a matter is to be considered and Regulation 7 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 is applicable then the meeting will be held in public. In both cases the public may be excluded from the meeting where confidential or exempt information is likely to be disclosed.
- 44.4 Where an officer exercising an executive function under delegated powers, receives a report which he/she intends to take into consideration when making a Key Decision that decision shall not be taken until the report has been made available for inspection by the public for three clear working days following receipt of the report by the decision taker. A copy of such report must be supplied as soon as reasonably practicable to the Chairman of the relevant Scrutiny Committee. The report must also include the list of background papers.
- 44.5 Where the inclusion of a matter in the Forward Plan is impracticable and the matter would be a Key Decision, that decision shall only be made:-
- (a) where the Monitoring Officer has informed the Chairman of the relevant Scrutiny Committee of the matter about which the decision is to be made;
 - (b) where the Monitoring Officer has made available for public inspection a copy of the notice given under (a) above; and
 - (c) after five clear working days have elapsed following the day on which the Monitoring Officer made available the notice referred to in (b) above.
- 44.6 Where the date by which a Key Decision must be made makes compliance with the requirements under 44.5 above impracticable, the decision shall only be made where the decision maker has obtained agreement from:-
- (a) the Chairman of the relevant Scrutiny Committee; or
 - (b) if there is no such person, or if the Chairman of the relevant Scrutiny Committee is unable to act, the Chairman of the Council; or
 - (c) where there is no Chairman of either the relevant Scrutiny Committee or of the Council, the Vice-Chairman of the Council.
- that the making of the decision is urgent and cannot reasonably be deferred. Such decisions when made are not subject to the provisions relating to call-in. All Members will be sent electronic notification of the agreement reached that compliance with the requirements of Rule 44.5 above was impractical.
- 44.7 The Leader shall submit a quarterly report to the Full Council containing details of each Key Decision taken during the preceding three months under 44.6 above and agreed as urgent. The report will include particulars of each such Key Decision and a summary of the matters in respect of which each decision was made.
- 44.8 Where an executive decision which was not classified as being a Key Decision has been made and the relevant Scrutiny Committee is of the opinion that the

decision should have been so classified that Committee may require the Cabinet to submit a report to the Full Council within such reasonable period as the Committee may specify, containing the following details:-

- (i) the decision and the reasons for it;
- (ii) the decision maker; and
- (iii) if the Cabinet is of the opinion that the decision was not a Key Decision, the reasons for it.

PART D – PROCEDURE RULES: GENERAL PROVISIONS

45 Records of Attendance

- 45.1 Members of the Council attending a meeting of which they are a Member must sign their name on the attendance sheet provided.

46 Disclosure of Confidential/Exempt Matters

46.1 Matters not open to the Public or Press

No Member shall disclose to any person the whole or any part of the contents of any agenda, report or other document which is marked “confidential” or “not for publication” unless and until the document has been made available to the public or the press by or on behalf of the Council, the Cabinet, a Committee or Sub-Committee.

46.2 Matters which may prejudice the interest of the Council

No Member shall disclose to any person other than a Member of the Council any matter arising during the proceedings of the Council, the Cabinet, any Committee, Sub-Committee, Panel or Board and which comes to his/her knowledge by virtue of his/her office as a Member where such disclosure would prejudice the interest of the Council or would be contrary to law.

46.3 Decisions or Proceedings of the Council, the Cabinet, Committees, Sub-Committees, Panels and Boards

No Member shall, without the consent of the Chairman of the appropriate body, disclose to any person any decision or proceedings of that body except:

- (a) when a report on the matter has been circulated to the Council by that body; or
- (b) when the decision has become public knowledge; or
- (c) when the matter comes within the powers of that body and a final decision has been made upon it;

provided that this paragraph shall not authorise any disclosure which would contravene paragraphs 46.1 or 46.2.

46.4 Prohibited Disclosure

The press and public shall be excluded during the consideration of any item of business which would be likely to disclose information which:-

- (a) has been furnished to the Council by a Government Department on terms which forbid disclosure; or
- (b) would be prohibited by law or by an order of the Court.

47 Disorderly Conduct

47.1 Motion to end Disorderly Conduct

If at a meeting any Member of the Council, in the opinion of the person presiding, misconducts themselves in any way, the person presiding or any other Member may move "That the Member be not further heard". The motion, if seconded, shall be put and determined without discussion.

47.2 Persistent Misconduct

If the Member continues the misconduct after a motion under the foregoing paragraph has been carried, the person presiding may: either move "That the Member do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or adjourn the meeting.

47.3 General Disturbance

In the event of general disturbance at any meeting which, in the opinion of the person presiding, renders the due and orderly dispatch of business impossible, the person presiding, will have the power to adjourn the meeting.

48 Disturbance by Members of the Public

48.1 If a member of the public interrupts the proceedings at any meeting, the person presiding shall warn him/her. If he/she continues, the person presiding shall order his/her removal from the meeting. In cases of general disturbance in any part of the meeting room open to the public, the person presiding shall order that part to be cleared.

49 Inspection of Documents

49.1 Supply of Agenda papers to Members of the body in question

Members of Council decision-making and other bodies will be provided with hard copies of agenda papers.

49.2 Supply of Agenda and Minutes to those Members who are not Members of that particular body

To help a member perform his/her duties as a member, agenda papers and records of decisions, or minutes of decision-making bodies will be made available to them electronically. Private, confidential and exempt reports will not be made available but may be requested from the Monitoring Officer who will have discretion to provide or withhold such reports.

49.3 Minutes of the decision making bodies - Open for Inspection

Subject to Procedure Rules 46 and 49.1 the Minutes of the Council, Committees or Sub-Committees, and Cabinet Decision Records shall be open for inspection by any Member of the Council.

50 Provisions relating to Personnel Matters

- 50.1 The recruitment and appointment of staff and the responsibilities for Personnel matters will be governed by the Staff Employment Procedure Rules.

51 Sealing of Documents

51.1 Authority

The Common Seal of the Council shall not be affixed to any document unless the sealing has been properly and lawfully authorised. A resolution of the Council (or of a Committee or Sub-Committee where such body has the power) or a decision of the Cabinet authorising the acceptance of any tender, the purchase, sale, letting, or taking of any property, the issue of any stock, the presentation of any petition, memorial or address, the making of any rate of contract, or any other matter or thing, shall be a sufficient authority for sealing any document necessary to give effect to the resolution.

51.2 Attestation

The seal shall be attested by the Monitoring Officer or his/her authorised deputy, designated for this purpose, as required by this Constitution and a record of the sealing of every document shall be kept.

52 Signature of Documents

- 52.1 Subject to special requirements relating to Contracts, where any document will be a necessary step in any legal process or proceedings on behalf of the Council it shall, unless any enactment otherwise requires or authorises, or the Council shall have given the necessary authority to some other person for the purpose of such process or proceedings, be signed by the Monitoring Officer or his/her authorised deputy (designated for this purpose).

53 Variation and Revocation of Procedure Rules

- 53.1 Any motion to vary or revoke these Rules shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

54 Suspension of Procedure Rules

54.1 Motion Required

Subject to Rule 54.2, any of the preceding Procedure Rules may be suspended in respect of any business at a meeting of the Council, a Committee or Sub-Committee where its suspension is moved and carried.

54.2 Notice of Motion

A motion to suspend Procedure Rules shall not be moved without notice (that is under Procedure Rule 10) unless there shall be present at least one-third of the Members of the Council or that Committee or Sub-Committee respectively.

55 Interpretation of Procedure Rules

55.1 The ruling of the person presiding as to the construction or application of any of these Procedure Rules, or as to any proceedings of the Council, shall not be challenged at any meeting.

56 Submission of Notices by Members – Electronic Means

56.1 A Member of the Council may communicate, by electronic means, any notice under any of the Constitution's Procedural Rules to initiate any process or procedure provided it is clear that the notice has been originated by that Member.

PROCEDURE RULES RELATING TO THE COUNCIL: PROCEDURE RULES 10 AND 29 - MOTIONS WHICH MAY BE MOVED WITHOUT NOTICE

1. Appointment of a Chairman of the meeting at which the motion is made.
2. Motions relating to the accuracy of the minutes of the Council, a Committee or Sub-Committee.
3. That an item of business specified in the summons should have precedence.
4. Reference to the Council, a Committee, Sub-Committee, or the Cabinet.
5. Appointment of or appointment to Committees, Sub-Committees, or the Cabinet occasioned by an item mentioned in the summons to the meeting.
6. Receipt of Records of Decisions and Minutes of Committees and Sub-Committees
7. Adoption of recommendations of the Cabinet, Committees and Sub-Committees and any consequent resolutions.
8. That leave is given to withdraw a motion.
9. Receipt of reports of officers and any consequent resolutions.
10. Extending the time limit for speeches.
11. Amendment to motions.
12. That the Council proceed to the next business.
13. That the question be now put.
14. That the debate be now adjourned.
15. That the Council do now adjourn.
16. Authorising the sealing of documents.
17. Suspending Procedure Rules, in accordance with Procedure Rule 54.
18. Motion under Section 100A(4) of the Local Government Act 1972 to exclude the press and public.
19. That a Member named under Procedure Rule 47 should not be heard further or should leave the meeting.
20. Giving consent of the Council where consent of the Council is required by these Procedure Rules.

PROCEDURE RULES RELATING TO THE COUNCIL: PROCEDURE RULES 12 - NOTICES OF MOTION

1 Procedure

Notice of every motion (other than a motion which under Procedure Rule 10 may be moved without notice) shall be given in writing, signed by the Member(s) of the Council giving the notice, and delivered, at least seven clear working days before the next meeting of the Council, to the office of the Monitoring Officer by whom it shall be dated, in the order in which it is received.

2 Motions to be set out in Summons

The summons for every ordinary meeting of the Council will set out all motions of which notice has been duly given, unless the Member giving the notice has intimated in writing, when giving it, that he/she proposed to move it at some later meeting, or has since withdrawn it. The motions will be listed in the summons according to whether they relate to executive or non-executive functions but otherwise in the order in which they have been received.

3 Withdrawal of Motion which is before the Council

Where a notice of motion is before the Council having been formally moved and seconded and the mover wishes subsequently to withdraw it, he/she with the consent of the seconder may do so in writing and with the consent of the Chairman of the Council again in writing.

4 Motions Not Moved

If a motion set out in the summons is not moved either by a Member who gave notice of it or by some other Member on his/her behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

5 Automatic reference to Cabinet, Committee/Sub-Committee – Non executive Function

If the subject of any motion (which does not relate solely to any executive function or part of a function) comes within the powers, duties and responsibilities of any Committee or Sub-Committee or the Cabinet, it shall, when it has been moved and seconded, stand referred without discussion to such of those bodies as the Chairman may determine, for consideration and report. However, if the Chairman considers it conducive to the despatch of business, the motion may be dealt with at the meeting at which it is brought forward. Unless the Chairman has indicated that he/she proposes to deal with the motion at the meeting, the mover may formally move the motion and reserve the right to speak until the report on the motion comes before the Council.

Advice to the Council on any referred Notice of Motion under this section will be formulated by the Cabinet and by such other bodies (Committees, Sub-Committees, or Panels) as are deemed appropriate. The report to Council will set out the views of all bodies consulted on the Notice of Motion. The Minutes of a Committee or Sub-

Committee containing advice to the Council on any referred Notice of Motion shall be dealt with separately from the other Minutes of those bodies.

6 Automatic reference to the Cabinet – executive Function

If the subject of any motion of which notice has been duly given comes solely within the powers, duties and responsibilities of the Cabinet, it shall, when it has been moved and seconded, stand referred to the Cabinet to determine subject to the advice from any other body whose views are sought as determined by Council. The mover on formally moving the motion has the right to speak to the Motion. The seconder may also speak to the Motion. The Chairman will allow a period of fifteen minutes for a debate on any such notices of motion. This period shall include any speeches made by the mover and seconder of the motion in question. At the end of the debate if sooner or upon the expiration of the fifteen minutes, the appropriate Cabinet Member shall have an opportunity to respond. No speeches including the response shall exceed five minutes. No amendments to the motion may be moved. The motion will then stand referred to the Cabinet.

There are no rights of “call in” or “reference to the Council” where the Cabinet has discharged a motion submitted under this Procedure Rule.

7 Deferment of a Notice of Motion

Where a notice of motion has been moved and seconded, and referred for advice, the consideration of the motion may be deferred where the mover and seconder signify in writing his/her agreement to the deferral and the Chairman of the Council indicates, in writing, his/her agreement on behalf of the Council. The matter would then come to a subsequent meeting of the Council for report and decision.

PROCEDURE RULES RELATING TO THE COUNCIL: COMMITTEES AND SUB-COMMITTEES PROCEDURE RULES 13 AND 30 - RULES OF DEBATE

1 Motions and Amendments

No motion or amendment shall be discussed unless it has been proposed and seconded. Where required by the Chairman, motions or amendments shall be put in writing and handed to the Chairman before they are further discussed or put to the meeting. At meetings other than those of the full Council, the Chairman of that meeting may, at his/her discretion, allow a motion or amendment to be put which is not in writing, provided that the Chairman has concluded that the wording of the motion or amendment is understood by all members of the body concerned. This requirement does not apply to motions submitted under Procedure Rule 12.

2 Seconded's Speech

When seconding a motion or amendment a Member may advise the Chairman that he/she will reserve his/her right to speak until a later period in the debate.

3 Only One Member to Stand at a Time

When speaking at a Council meeting a Member shall stand and address the Chairman. While a Member is speaking the other Members will remain seated, unless rising on a point of order or in personal explanation.

4 Content and Length of Speeches

A Member will confine his/her speech to the question under discussion, a personal explanation or a point of order. Except as indicated below, in the case of speeches made by Members when the Council is agreeing a budget, or where the Council, Committee or Sub-Committee otherwise agrees, no speech will exceed five minutes. In advance of the meeting at which the Council is due to agree a budget, the Council's Political Groups may agree a protocol which makes provision for a limited number of speeches to be made on behalf of each Political Group, and which exceed the five minute limitation contained in these Rules. The Chairman will have discretion as to how such a protocol will be implemented at the meeting and, where no agreement can be reached between the Political Groups, whether and (if so) how any extension of the five minute limitation might be permitted to operate.

5 When a Member may speak again

At a Council meeting a Member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Member;
- (b) if the motion has been amended since he/she last spoke, to move a further amendment;

- (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which he/she spoke was carried;
- (d) in exercise of a right of reply given by paragraph 11 or 13 of this Appendix;
- (e) on a point of order referring to the specific Procedure Rule;
- (f) by way of personal explanation;
- (g) to move one of the motions specified in 12(b) to (j), below when the procedure in those paragraphs shall be followed.

At Committees or Sub-Committees Members may, at the discretion of the Chairman, speak more than once.

6 Amendments to Motions

An amendment must be relevant to the motion and shall be either:

- (a) to leave out words;
- (b) to leave out words and add others;
- (c) to insert or add words;

but such amendment shall not have the effect of negating the motion before the Council.

7 Number of Amendments

Only one amendment may be moved and discussed at a time. No further amendment shall be moved until the amendment under discussion has been disposed of, although the Chairman may allow two or more amendments to be discussed (but not voted on) together if this would facilitate the proper conduct of the business before the meeting.

8 Status of Amendments

If an amendment is lost, another amendment may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

9 Alterations to Motions or Amendments

A Member may alter a motion or amendment of which he/she has given notice and may also, with the consent of the seconder, alter a motion or amendment which he/she has moved. In both cases, the consent of the Council (the Committee or Sub-Committee) is required. There should be no discussion on whether consent should or should not be given.

10 Withdrawal of Motion

A motion or amendment may be withdrawn by the mover provided the seconder and the meeting, without discussion, agree. Once the mover has asked for permission to withdraw, there should be no further discussion, unless the meeting refuses to agree to the request.

11 Right of Reply

The mover of the motion shall have a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall have a right of reply at the close of the debate on the amendment but shall not otherwise speak on it. The mover of the amendment shall have a right of reply to the debate on his/her amendment immediately before the mover of the original motion exercises his/her right of reply at the close of the debate.

12 Motions which may be moved during debate

When a motion is under debate no other motion shall be moved except the following:

- (a) to amend the motion;
- (b) to adjourn the meeting;
- (c) to adjourn the debate;
- (d) to proceed to the next business;
- (e) to suspend Procedure Rules;
- (f) to refer a matter to the Council, Cabinet, a Committee or Sub-Committee for consideration or reconsideration;
- (g) that the question be now put;
- (h) that a Member be not further heard;
- (i) by the Chairman under Procedure Rule 47, that a Member do leave the meeting;
- (j) a motion under Section 100A(4) of the Local Government Act 1972 to exclude the public.

13 Closure Motions

A Member may move, without comment, at the conclusion of a speech of another Member, "That the Council proceed to the next business", "That the question be now put", "That the debate be now adjourned", or "That the Council do now adjourn". When one of these Motions has been seconded the Chairman shall proceed as follows:

- (a) on a motion to proceed to next business - unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall first give the

mover of the original motion the right of reply, and then put to the vote the motion to proceed to next business;

- (b) on a motion that the question be now put - unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall put to the vote the motion that the question be now put and, if it is passed, give the mover of the original motion the right of reply before putting the motion to the vote;
- (c) on a motion to adjourn the debate or the meeting - if in his/her opinion the matter before the meeting has been insufficiently discussed on that occasion he/she shall put the adjournment motion to the vote without giving the mover of the original motion the right of reply on that occasion.

14 Points of Order

A Member may rise on a point of order or in personal explanation and shall be entitled to be heard immediately. A point of order shall relate only to an alleged breach of a Procedure Rule or statutory provision, and the Member shall specify the Procedure Rule or statutory provision and the way in which he/she considers it has been breached. A personal explanation shall be confined to some material part of a former speech by him/her which may appear to have been misunderstood in the current debate.

15 Ruling of Chairman on a Point of Order/Personal Explanation

The ruling of the Chairman of the meeting on a point of order or on the admissibility of a personal explanation shall not be open to discussion and shall be final.

16 Respect for the Chair

At the Council meeting whenever the Chairman rises during a debate a Member then standing shall sit down and the Council shall be silent. In Committee or Sub-Committee meetings, whenever the Chairman rises from his/her seat, the Members should remain in their seats and the Committee or Sub-Committee shall be silent.

PROCEDURE RULES RELATING TO THE COUNCIL, COMMITTEES AND SUB-COMMITTEES: PROCEDURE RULES 18 AND 25 - URGENT BUSINESS

Non-executive Functions

1 Approval of Urgent Business

Where any matter is urgent and cannot await the next meeting, the Chief Executive or her nominee may take the necessary action, provided that he/she has first consulted the relevant Chairman (or Vice-Chairman if he/she is not available).

2 Consultation

A copy of the consultation document shall be sent to the appropriate Cabinet Member, the Chairman and Spokespersons of the appropriate Scrutiny Committee, the party group leaders and the local Member.

3 Written Approval

Any such approval shall be in writing, consideration being given after consultation with the Chief Finance Officer and the Monitoring Officer.

4 Obligations of the Monitoring Officer

The Monitoring Officer shall forthwith supply a copy of any approval requiring a report to a Committee or Sub-Committee which has been given by him/her to the Chief Executive and the Chief Finance Officer.

5 Report to Committee

A report of any action under paragraphs 1 to 4 above shall be made available by electronic means to all Members of the Council.

Executive Functions

6 Consultation

Where any matter is urgent and cannot await the next meeting of Cabinet, the Chief Executive or her nominee shall have sole discretion to decide the matter, having first taken into account any views of Members consulted under this procedure. A copy of the consultation document under this Procedure Rule shall also be sent to the Chairman and Spokespersons of the appropriate Scrutiny Committee, the appropriate Cabinet Member and the local Member.

7 Written Approval

Any such approval shall be in writing, and shall only be given after consultation with the Chief Finance Officer and the Monitoring Officer.

8 Obligations of the Monitoring Officer

A copy of any approval which has been obtained under paragraphs 6 to 8 above shall be supplied forthwith to the Monitoring Officer and Chief Finance Officer.

9 Report to Cabinet

A report of any decision under paragraphs 6 to 8 above shall be made available by electronic means to all Council Members.

10 Access to Information

In processing and deciding any matter under paragraphs 6 to 10 above, the relevant requirements of the Access to Information Procedure Rules will apply, as set out in this Constitution.

**PROCEDURE RULES RELATING TO COMMITTEES AND SUB-COMMITTEES:
PROCEDURE RULE NO 23**

Procedure Rule 23 - Change of Committee/Sub-Committee Places

- 1 All Members of a Political Group will be regarded as being reserve Members, who may take the place of an appointed Member to a committee or sub-committee, except in respect of the Planning and Licensing Committees.
- 2 In respect of the Planning and Licensing Committees, each Political Group will, by notice to the Monitoring Officer, nominate appropriately trained Members to be reserve Members for those Committees. Such reserve Members may take the place of an appointed Member of the Planning or Licensing Committee.
- 3 Members of the Cabinet shall not sit on or be nominated substitutes/reserve members for any Scrutiny bodies.
- 4 Any reserve member shall inform the chairman at the beginning of the meeting. The outgoing member shall cease to be the Political Group's representative on that Committee or Sub-Committee for the duration of that meeting or any adjournment of it, and that reserve Member shall become the representative on the Committee or Sub-Committee for the same period. At the end of the meeting, the outgoing Member shall resume his/her representation on the Committee or Sub-Committee in question and the reserve Member who had been appointed in his/her place shall revert to being a reserve Member.
- 5 The Monitoring Officer shall give notice and distribute agendas to all members of the Committee or Sub-Committee. Agendas will be made available to all other members by electronic means. Agendas will also be made available at the meetings in question.
- 7 For the avoidance of doubt, there are no change of places arrangements in respect of the Cabinet.

**PROCEDURE RULES RELATING TO COMMITTEES AND SUB COMMITTEES:
PROCEDURE RULE NO 34 - AGENDA ITEMS SUBMITTED BY MEMBERS**

- 1 This facility does not apply to special meetings of Committees and Sub-Committees or to the Cabinet.
- 2 A Member of the Council may, by notice given to the Monitoring Officer no later than ten clear working days before the appropriate meeting, request that an item of business be included on the agenda of a Committee or Sub-Committee.
- 3 A Member may not give notice of more than one item of business for any one meeting. The notice shall state the nature of the business and shall include the signature of that Member.
- 4 This procedure shall not apply where the item of business, if agreed, would have the effect of rescinding or amending any resolution passed by a Committee or Sub-Committee of the Council within the preceding 12 months.
- 5 Items arising from such notices shall appear on the agenda at the end of the Part 1 or 2 business.
- 6 This procedure will apply to Members of Scrutiny Committees or Sub-Committees exercising their rights under Section 21(8) of the Local Government Act 2000 to have an item, within the remit of that particular body, included on the Agenda and discussed at the next meeting of that body. Where a Member is exercising their rights under Section 21(8), the restrictions in paragraph 3 on the number of items shall not apply.

PROCEDURE RULES RELATING TO COUNCIL MEETINGS, COMMITTEES AND SUB-COMMITTEES: PROCEDURE RULES NO 11 AND 35

1. A total period of 15 minutes will be allocated for members of the public to speak at Council meetings.
2. A total period of 10 minutes will be allocated for members of the public to speak at meetings of the Cabinet, committees and sub committees.
3. Members of the public may speak on any matter relating to the work of the Council.
4. Members of the public will normally be allowed up to 5 minutes each to speak, but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.
5. During public speaking time, members of the public may ask questions of the appropriate Cabinet member or Chairman of the committee or sub committee which has responsibility for the matter in question.
6. Where a member of the public wishes to ask a question of a Cabinet member at a Cabinet meeting, 3 working days' notice must be given to the Democratic Services Manager.
7. The Member responding to the question may answer the question, may decline to do so, may agree to reply at a later date or may refer the question to an appropriate committee, or to the Cabinet. Questions will be asked and answered without discussion.

Cabinet Procedure Rules**CABINET PROCEDURE RULES****1 Composition of the Cabinet**

- 1.1 As provided by Section 11(3) and (8) of the Local Government Act 2000, the Council's Cabinet shall consist of the Leader of the Council and two or more Members of the Council. The number of Members appointed to the Cabinet including the Leader shall not exceed ten.
- 1.2 The Council operates a model of Executive Arrangements which empowers the Leader to decide the Membership of the Cabinet and the responsibilities and decision-making powers of each Cabinet Member. Part 3 of this Constitution contains details of the delegations made by the Leader to each Cabinet Member.
- 1.3 At the Annual Meeting of Council, the Leader will present to the Council a written record of delegations made by him for inclusion in the Council's scheme of delegation at Part 3 of this Constitution. The document presented by the Leader

will contain the following information about executive functions in relation to the coming year:

- 1.3.1 the names, addresses and electoral divisions of the people appointed to the Cabinet by the Leader;
- 1.3.2 the extent of any authority delegated to Cabinet Members individually, including details of the limitation on their authority;
- 1.3.3 the terms of reference and constitution of such Cabinet committees as the Leader appoints and the names of Cabinet Members appointed to them;
- 1.3.4 The nature and extent of any delegation of executive functions to area committees, any other authority or any joint arrangements, and the names of those Cabinet Members appointed to any joint committee for the coming year; and
- 1.3.5 the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.
- 1.4 Where the Cabinet, a committee of the Cabinet, or an individual Member of the Cabinet is responsible for an executive function, they may delegate further to a committee of the Cabinet, an area committee, joint arrangements, or an officer.
- 1.5 Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person of body who delegated them.

2 The law and executive functions

- 2.1 Those responsible for discharging executive functions will ensure that they are acting within the law and this Constitution.
- 2.2 The functions in question are set out in Part 3 of this Constitution. This also sets out the body or individual responsible for taking decisions in respect of executive functions.
- 2.3 The Cabinet may appoint whatever task or advisory groups it deems necessary, comprising some or all of its own membership, any other member or non-member of the Council.

3 Conflicts of Interest

- 3.1 Where the Leader or any Cabinet Member has a conflict of interest, he will follow the requirements of the Council's Code of Conduct for Members.
- 3.2 If all (or a majority) of the Members of the Cabinet present have a conflict of interest then consideration will be given to applying to the Standards Committee for a dispensation from the provisions of the Code.
- 3.3 If the discharge of an executive function has been delegated to another body or individual and a conflict of interest arises, then it will fall to the body or individual

who delegated the matter to take the decision. Where that body or individual also has a conflict of interest, then action set out in 3.2 shall be considered.

4 Meetings of the Cabinet

- 4.1 The Cabinet will meet as indicated in the Council's programme of meetings. The Cabinet or the Leader may agree to change the date of any programmed meeting, to cancel a meeting or to arrange additional meetings as it/he sees fit. Locations of meetings will be published in the calendar of meetings.
- 4.2 The Cabinet may meet in public or in private, subject to legal requirements and the Access to Information Procedure Rules contained in the Constitution.
- 4.3 The Leader will preside at meetings of the Cabinet. If the Leader is absent then the Deputy Leader will preside.
- 4.4 All Members of the Cabinet shall be entitled to attend meetings of the Cabinet unless the Cabinet determine otherwise.
- 4.5 Attendance by other Members of the Council or the public shall be in accordance with the Access to Information Procedure Rules, by invitation, or as set out in paragraphs 7.1 to 7.2 below.

5 Quorum at Cabinet Meetings

- 5.1 The quorum at a meeting of the full Cabinet, or a Committee or Sub-Committee established by the Cabinet, shall be 50% of its membership.

6 Taking of Decisions by the Cabinet

- 6.1 Decisions by the Cabinet, a committee of the Cabinet, or a sub committee of the Cabinet, will be taken in accordance with the Council's Access to Information Procedure Rules.

7 Members attending and speaking at Cabinet Meetings

- 7.1 The Chairman and Spokespersons of the Council's Scrutiny Committees shall be entitled at any formal public meeting of the Cabinet to speak to any matter on the agenda for that meeting.
- 7.2 Other Members not previously described above may also speak at such meetings with the permission of the Leader or person presiding in his/her absence.

8 Business at Cabinet Meetings

- 8.1 The business to be transacted at meetings of the Cabinet will be set out in an Agenda for the meeting in question, subject to any requirements or exemptions under the Access to Information Procedure Rules.

- 8.2 The Agenda may be supported by additional papers prepared by the Officers or by or on behalf of other bodies, subject to requirements about disclosure of confidential or exempt information.
- 8.3 The Cabinet is obliged to consider matters referred to it by a Scrutiny Committee, or by the Full Council for consideration under the Scrutiny Rules.
- 8.4 The Cabinet will, at each formal meeting, confirm the record of decisions taken at its previous meeting as a correct record.
- 8.5 The Democratic Services Manager, or his/her nominated officer shall be responsible for preparing and distributing the Agenda for Cabinet meetings, attending meetings for the purpose of advising the Cabinet on matters within his/her area of responsibility and recording decisions as required under this Constitution.
- 8.6 In taking decisions, the decision-maker must satisfy itself that it has before it adequate and appropriate advice from its service, legal and financial advisers who shall be present at any meeting where a decision is being taken and that that advice is taken into consideration in determining the matter. Where there is any doubt about vires or probity then advice must be obtained from the Monitoring Officer and the Chief Finance Officer.
- 8.7 Any Member of the Cabinet may require the Monitoring Officer to place an item on the Agenda for a stipulated meeting of the Cabinet.
- 8.8 The Democratic Services Manager will ensure that any matters referred to the Cabinet by the Council or the Council's Scrutiny committee are placed on the Agenda for the next appropriate meeting of the Cabinet.
- 8.9 Any Member of the Council may request the Leader to place an item on the Agenda of a meeting of the Cabinet. The Leader shall have sole discretion as to whether or not to accede to such a request and, if such a request is granted, whether the Member in question can speak to the item at the meeting in question.
- 8.10 The Head of the Paid Service, the Monitoring Officer and/or the Chief Finance Officer can include an item for consideration on the Agenda of a Cabinet Meeting. In pursuance of their statutory duties they can require that a special meeting of the Cabinet be convened.
- 8.11 Except where it is urgent, business cannot be conducted at formal meetings of the Cabinet unless it is included in the Agenda for the meeting. Where there urgent business must be dealt with, the requirements of the Access to Information Procedure Rules must be complied with.
- 8.12 The Cabinet will report to the Council, as required under the Access to Information Procedure Rules, on any matter which is classified as a key decision and which is dealt with under special urgency procedures.
- 8.13 Subject to 3 working days' notice being provided to the Democratic Services Manager, questions can be submitted by members of the public at meetings of

the Cabinet, in accordance with Council Procedure Rule No.35 and Appendix 7 of the Council Procedure Rules.

9 Voting at Cabinet Meetings

- 9.1 Voting at Cabinet meetings will be by a show of hands and any Member may require, immediately after the vote is taken, that the Minutes of the meeting record how he/she voted or abstained. Where there are equal votes cast, the Leader or in his/her absence, the person presiding will have a second and casting vote. Voting for any office or appointment, including any paid appointment, where more than one person is nominated shall be by secret ballot conducted in accordance with Council Procedure Rules.

10 Cabinet Committees/Sub-Committees

- 10.1 The Leader or the Cabinet may appoint such Committees or Sub-Committees as are considered necessary and appropriate to assist in the discharge of executive functions. In making such appointments, the name of the Committee/Sub-Committee must be specified, along with its membership (including its Chairman and, if appropriate, Vice-Chairman) and its powers.

11 Motion Under Standing Order 12

- 11.1 As prescribed in Rule 43.10 of Part C of the Council Procedure Rules, a mover of a motion under Standing Order 12 which has been referred to the Cabinet for consideration may attend the meeting of the Cabinet when his/her motion is under consideration and explain the motion. The mover of the motion will be advised of the date and time of the meeting when the matter is to be considered and he/she will be sent a copy of the relevant papers.

12 Resolving Disputes

- 12.1 In the case of any dispute during the proceedings of the Cabinet the relevant parts of this Constitution will apply and, after considering the application of the relevant provisions, the person presiding at the meeting will rule on the issue in question and his/her ruling will be final.

13 Reserves/substitute members

- 13.1 There shall be no reserve or substitute members of the Cabinet.

14 Approval of Urgent Business

- 14.1 Where any matter is urgent and cannot await the next meeting, the Chief Executive may take the necessary action, provided that she has first consulted the Leader (or Deputy Leader if he/she is not available). Appendix 4 of the Council Procedure Rules apply.

SCRUTINY PROCEDURE RULES

1 Scrutiny Arrangements

- 1.1 The Council has established Scrutiny arrangements in accordance with the Local Government Act 2000.
- 1.2 It is recognised that these arrangements are an important and integral part of the Council's functions, not only in relation to calling the Cabinet to account but in allowing all Members of the Council to participate in the development of the Council's policies, plans and strategies, including budgetary work, and to contribute to decision making in the Council, and to work with partners in developing services and improving outcomes for local people.
- 1.3 The role of the Council in scrutinising other public bodies such as the National Health Service is recognised and the Council's arrangements reflect these statutory responsibilities.
- 1.4 The Council's political structure seeks to provide a wide-ranging, robust and well managed Scrutiny function with particular emphasis on ensuring that the Council and its successors can meet obligations and deliver services effectively and as efficiently as possible to its citizens. The monitoring, reviewing and developing of the Council's policies, plans and strategies is also recognised as a key and important function for the authority on both the Cabinet and Scrutiny sides of the organisation.
- 1.5 The Council will keep under review its Scrutiny arrangements and will make changes where it considers these are appropriate and will lead to improvements and an improved Scrutiny function.

2 Scrutiny Structure

- 2.1 Subject to any matters reserved to the Council, the Scrutiny Committees will oversee the discharge of the Council's Scrutiny functions and responsibilities. The detailed responsibilities of the Committees are set out in Part 3 of this Constitution.
- 2.2 The Committees may appoint such task and finish panels as they consider appropriate to undertake specific tasks on their behalf, with the same powers as those Committees. Whilst these will be on a task and finish basis in most cases, the Committees are not precluded from establishing such Panels on a more permanent basis subject to regular review. Task and finish panel members do not have to be members of the Scrutiny Committees, but may not be members of the Cabinet.
- 2.3 Where the Committees establish any Panel under 2.2 above, they will set out the name of the Panel, its membership (including the Chairman and, if appropriate, the Vice-Chairman) and the terms of reference including relevant dates for completion of the task or review.
- 2.4 The Council may from time to time, as it considers appropriate, review and change its Scrutiny arrangements.
- 2.5 The functions of the Council's Scrutiny Committees are set out in detail in Part 3 of this Constitution.

- 2.6 Any body established under these Scrutiny arrangements will be a politically proportionate body reflecting the overall political representation on the Council.
- 2.7 The Council will appoint the Chairman and Vice-Chairman of the Scrutiny Committees at its Annual meeting.
- 2.8 A Member who is appointed to and sits on the Cabinet shall not be appointed as a Member of any Scrutiny Committee, or any task and finish panel.
- 2.9 No Member of the Council shall be involved in scrutinising a decision where he/she has been directly involved.
- 2.10 The Council has appointed the following Scrutiny Committees:

[Insert details of the appointed Committees as further details emerge]

3 Co-option

- 3.1 There are four statutory co-optees in respect of the Council's Education function as follows:
- A Church of England Diocese representative
 - A Roman Catholic Diocese representative
 - Two parent governor representatives
- 3.2 In respect of education matters only, as defined in the relevant guidance, the statutory co-optees will be voting members of the Scrutiny Committee. They will be invited to attend other Scrutiny Committee meetings (excluding Full Council) where Children's Services matters are under consideration, subject to any exclusions in law or statutory guidance.
- 3.3 At those other bodies to which they have not been appointed, they shall be entitled only to speak on matters relating to Children's Services issues. They may speak on other issues only with the consent of the Chairman.

The Scrutiny Committees shall be entitled to appoint persons to be non-voting co-optees taking into account any advice or guidelines issued from time to time by the Council. Such co-options may relate to a prescribed period of office or to specific issues under consideration. Any person co-opted under these arrangements will be entitled to participate fully in the work of the Committees subject to any conflicts of interests.

4 Work Programme

- 4.1 The Scrutiny Committees will consult with other parts of the organisation as appropriate, including the Cabinet, on the preparation of any work programme.
- 4.2 The Committees will take into account any views expressed following consultation under 4.1 above in drawing-up and agreeing any work programme. It should also take into account the resources, both officer and financial, available to support its proposals.

4.3 Once any programme has been approved, a copy will be sent to all Members of the Council and all relevant officers.

4.4 The Scrutiny Committees shall respond, as soon as they may consider it is possible to do so, to requests from the Council and the Cabinet, to review particular areas of Council activities. Where they do so, they will report their findings and any recommendations back to the Cabinet and/or Council.

5 Agenda for Scrutiny Committees

5.1 Matters to be considered will be set out in an Agenda, together with appropriate and relevant supporting papers.

5.2 Any Member of a Scrutiny Committee shall be entitled to require, in writing, that an item be included on the agenda, and such item shall appear on the agenda for the next meeting of the Committee in question. The Committee will decide how the item should be considered and whether or not it can be included in its work programme.

5.3 Similarly, the Leader of the Council or a Cabinet Member with specific portfolio responsibilities may give notice in writing requiring an item to appear on an agenda of a Scrutiny Committee, relating to their area of responsibilities. The Committee will decide how the item should be considered and whether or not it can be included in its work programme.

5.4 Subject to Council Procedure Rule 34 and Appendix 6 of the Council Procedure Rules, any other Member may give notice in writing to the Monitoring Officer, requesting an item to appear on an agenda of a Scrutiny Committee. The item shall be included after consulting the Chairman of the Committee.

5.5 Any Member raising an item under 5.2, 5.3 and 5.4 above shall be precluded from raising the matter again for a period of six months from the date it is considered by the Committee in question.

6 Policy Review and Development

6.1 The Scrutiny Committees have a key role in policy and budget development.

6.2 The Budget and Policy Planning Framework contains details of the process by which the Scrutiny Committees may perform that role.

6.3 In relation to the development of the Council's approach to other matters not forming part of its Policy and Planning and Budget Framework, the Scrutiny Committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.

6.4 Scrutiny Committees may hold enquiries and investigate options for future direction in policy development and may appoint specialists to assist them in this process. They may visit sites, conduct public surveys, hold public meetings, commission research and undertake such other things they consider reasonable

and necessary to inform their deliberations. They may call witnesses on any matter under consideration and may pay to any specialists and witnesses a reasonable fee and expenses for doing so within budgetary provision.

7 Reports from the Scrutiny Committees

- 7.1 The Council or Cabinet (as appropriate) shall consider any report from the Committees at its next programmed meeting.

8 Access to the Forward Plan

- 8.1 The Scrutiny Committees will have access to the Cabinet's Forward Plan and timetable for decisions and intentions for consultation.

9 Rights of Scrutiny Members to documents

- 9.1 In addition to their rights as Councillors, Members of Scrutiny Committees have the additional right of access to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- 9.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Scrutiny Committees depending on the particular matter under consideration.

10 Members and Officers giving account

- 10.1 The Scrutiny Committees may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function. As well as reviewing the documentation, in fulfilling its scrutiny role, it may require any Member of the Cabinet, to attend before it to explain in relation to matters within their remit:

- any particular decision or series of decisions;
- the extent to which the actions taken implement Council policy; and/or
- their performance.

and it is the duty of those persons to attend if so required.

- 10.2 Where any Scrutiny Committee requires an officer to attend to answer questions or discuss issues, this will be agreed with the Chief Executive.

Where it is agreed that an officer should appear to answer questions, their evidence should, as far as possible, be confined to questions of fact and explanation relating to policies and decisions. Officers may explain:-

- what the policies are;
- the justification and objectives of those policies as the Cabinet sees them;
- the extent to which those objectives have been met; and
- how administrative factors may have affected both the choice of policy measures and the manner of their implementation.

- 10.3 Officers may be asked to explain and justify advice they have given prior to executive decisions being taken. They may also be asked to explain and justify executive decisions they have taken under delegated powers.
- 10.4 Officers should not be expected and should avoid being drawn into discussions of politically contentious matters and any officer input should be consistent with the requirements for political impartiality.
- 10.5 The requirements of any protocols on Member/Officer relationships and the Officer Code of Conduct must be adhered to where an officer is attending the Scrutiny Committees.
- 10.6 Where any Member or Officer is required to attend a Scrutiny Committee under this provision, the Chairman of that Committee will inform the Monitoring Officer, who will inform the Member or Officer in writing giving, at least ten clear working days notice of the meeting. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Member or Officer concerned will be given reasonable and sufficient notice to allow for its preparation.
- 10.7 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Committee shall, in consultation with the Member or Officer, arrange an alternative date for attendance.

11 Attendance by others

- 11.1 The Scrutiny Committees may invite individuals other than those referred to in paragraph 10.1 and 10.2 above to address it, discuss issues of local concern and/or answer questions.

12 Call-in

- 12.1 When a decision is made by the Cabinet, or a Committees or Sub-Committees of the Cabinet, by an individual Cabinet Member, or when a key decision is made by an officer with delegated authority from the Cabinet, the decision shall be published, by electronic means, and shall be available at the main offices of the Council normally within 2 clear working days of being made. All Members of the Council will be sent an electronic record of all such decisions within the same timescale.
- 12.2 Subject to paragraphs 12.3 and 12.4 below a decision taken and to which paragraph 12.1 above refers will not come into force, and may not be implemented, until the expiry of 5 clear working days after the decision was made and recorded.
- 12.3 Where a decision referred to in paragraph 12.1 has been made, any 8 or more Members of the Council may submit a call-in notice, in writing, within the period specified in paragraph 12.2 above, to the Monitoring Officer. Where the notice is valid, the decision cannot be implemented until the procedures in this section

have been followed. Where a valid notice is received the decision shall stand referred to the appropriate Scrutiny Committee for advice.

- 12.4 Where as a result of a corporate electronic system failure or planned shutdown, which prevents the issuing of or access to Cabinet decisions or the submission of a call-in notice by electronic means in accordance with the Council's call-in provisions, the periods for notification or submission shall be extended by the period of delay, provided that period is in excess of four hours. When, in the opinion of the Monitoring Officer, the period of delay is likely to extend beyond two clear working days, he/she shall agree with the Chairman of the appropriate Scrutiny Committee, alternative arrangements to avoid any delay in implementing Cabinet decisions not subject to "call-in".
- 12.5 The decision will be referred to the first available meeting of the appropriate Scrutiny Committee, subject to the Access to Information Procedure Rules.
- 12.6 The Committee may decide to offer no advice, in which case the decision may be implemented. Where advice is offered, the Cabinet will reconsider the decision as set out in paragraph 12.8 below.
- 12.7 Once the Scrutiny Committees has decided to offer advice or not to offer advice, no further call-in notices may be served in respect of that matter subject to the decision in question. This does not prevent the matter being scrutinised further by the appropriate Committee after the decision has been implemented in accordance with these rules.
- 12.8 Where a matter is considered and advice is offered by a Scrutiny Committee, its advice will be submitted to the Cabinet for a decision to be made on the matter. The Cabinet shall consider the advice but shall not be bound to accept it in whole or in part. It shall have sole discretion to decide on any further action to be taken in relation to the decisions in question, including confirming with or without amendment, of the original decision or deferment pending further consideration, or making a different decision. There are no further rights to enable a Member of the Council to submit a call-in notice. The decision may then be implemented.
- 12.9 If under this procedure the Scrutiny Committee, having considered the matter, indicates that it does not wish to offer any advice to the Cabinet, then the decision can be implemented immediately.
- 12.10 A submitted call-in notice can only be withdrawn with the written consent of all of its signatories.
- 12.11 The "call-in" facility does not apply to the determination of a Motion under Standing Order 12 (Notices of Motion) – Appendix 2.

13 Call-in and Urgency

- 13.1 The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay, caused by the call-in process, would be likely to seriously prejudice the Council's or the public's interests. The Chairman of the appropriate Scrutiny committee or, in his/her absence, the Chairman of the Council must agree that the decision

should be treated as urgent, and that the call-in procedure should not apply. In the absence of the Chairman, the Vice-Chairman's consent shall be required. In the absence of both, the Chief Executive or her nominee's consent shall be required. Where such agreement is reached, all Members of the Council shall be notified by electronic means.

14 The Party Whip

- 14.1 It is generally accepted that the Party Whip should be suspended in respect of Scrutiny matters. However, when considering any matter in respect of which a Member of the Scrutiny Committees is subject to a formal party whip, the Member must declare the existence of the Whip, and the nature of it before the commencement of the Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the Minutes of the meeting.

15 Procedure at Scrutiny Committees Meetings

- 15.1 Scrutiny Committees shall consider the following business:

- record of the last meeting;
- consideration of any matter referred to the Committee by the Council or by the Cabinet;
- consideration of any matter referred to the Committees for advice in relation to call-in or a decision;
- responses of the Cabinet on reports of the Scrutiny Committees; and
- the business otherwise set out on the agenda for the meeting.

- 15.2 Where a Scrutiny Committee conducts investigations (e.g. with a view to policy development), it may also ask people to attend to give evidence at its meetings, which are to be conducted in accordance with the following principles:

- the investigation is to be conducted fairly and all Members of the Committees are to be given the opportunity to ask questions of attendees, and to contribute and speak;
- those assisting the Committees by giving evidence are to be treated with respect and courtesy; and
- the investigation to be conducted so as to maximise the efficiency of the investigation or analysis.

- 15.3 Following any investigation or review, the Committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall, unless there are exceptional reasons, make its report and findings public.

16 Matters within the remit of more than one Scrutiny Committee

- 16.1 Where a matter before a Scrutiny Committee also falls within the remit of one or more Scrutiny Committee, the decision as to which body will consider it, including any arrangements for joint working or sharing information, will be resolved by the Chairmen and Vice Chairmen of the Scrutiny Committees concerned.

Access to Information Procedure Rules

ACCESS TO INFORMATION PROCEDURE RULES

INTRODUCTION

The access to information rules which apply to Council meetings and committees of the Council are set out in sections 100A-H and Schedule 12A of the Local Government Act 1972. As the Council is functioning under an executive form of governance it is bound by further access to information rules contained in The Local Authorities (Executive Arrangements) (Access to Information) (England)

Regulations 2000 (as amended). These rules comply with both statutory provisions.

1.0 SCOPE

- 1.1 These rules cover all meetings of the Council and its Committees, Sub-Committees, Advisory Panels, Cabinet (together called meetings) and (where specified) executive decisions made by individual Members and Key Decisions made by Officers.
- 1.2 These rules also cover Members' rights of access to information.
- 1.3 These rules do not cover public rights of access to information under the Freedom of Information Act 2000, and the Data Protection Act 1998. These can be found on the Council's website or obtained from the Westfields
- 1.4 These rules do not affect any more specific right to information contained elsewhere in this Constitution in any Act.

2.0 PUBLIC ACCESS TO MEETINGS

- 2.1 Members of the public may attend all meetings subject only to the exceptions in these rules.

3.0 NOTICE OF MEETINGS

- 3.1 The Council will give at least five clear days notice of any meeting by posting details of the meeting at Westfields, Middlewich Road, Sandbach, CW11 1HZ (the designated office) and on its website. The notice will specify the business proposed to be transacted at the meeting.

- 3.2 Members entitled to attend a meeting, will receive a summons giving five clear days notice to attend and specifying the business proposed to be transacted at the meeting. Except in the case of business required by law to be transacted at the annual meeting, or other business brought before the meeting as a matter of urgency in accordance with the Constitution, no business shall be transacted at a meeting other than that specified in the summons.

4.0 PUBLIC ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

- 4.1 The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least 5 clear days before the meeting, except that where a meeting is convened at shorter notice, the copies of the agenda and reports shall be open to inspection from the time the meeting is convened.

- 4.2 Where an item is added to the agenda, and the report is open to the public, copies of any report for the meeting relating to the item, and the revised agenda shall be available for inspection from the time the item is added to the agenda.

- 4.3 Where copies of the agenda and reports open to the public are not made available for inspection in this way, an item of business will not be considered unless by reason of special circumstances, which shall be specified in the minutes, the chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency

5.0 PUBLIC ACCESS TO COPIES

- 5.1 The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda;
and
- (c) if the Proper Officer thinks fit, copies of any other documents supplied to Members in connection with an item to any person on payment of a charge for postage, copying and any other costs.
- (d) Copies of the agendas of Cabinet meetings will be circulated to all Members

- 5.2 The Council will make available for the use of members of the public present at meetings, a reasonable number of copies of the agenda and of those reports which are open to the public.

6.0 PUBLIC ACCESS TO MINUTES ETC AFTER THE MEETING

6.1 The Council will make available for inspection copies of the following for six years after a meeting:

- (a) the minutes of the meeting excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information (as defined in Rules 9 and 10);
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public

7.0 PUBLIC ACCESS TO BACKGROUND PAPERS

7.1 List of background papers

The author of a report will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report

but this does not include published works or those which disclose exempt or confidential information (as defined in Rules 9 and 10), nor in respect of executive reports, does this include the advice of a political advisor, or any draft report or document.

7.2 Public inspection

- (a) A copy of each of the documents listed will be available for inspection at the same time as the report is available for public inspection.
- (b) The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

8.0 EXCLUSION OF PUBLIC ACCESS TO REPORTS

- 8.1 The Proper Officer will exclude access by the public to reports which in his opinion contain confidential information, (as defined in Rule 9).
- 8.2 If the Proper Officer thinks fit, access by the public may also be excluded to reports which in his opinion relate to items during which, in accordance with Rule 10 (Exempt Information) the meeting is likely not to be open to the public.
- 8.3 Such reports will be marked “Not for publication” together with “confidential information” or the exemption relied upon.
- 8.4 Where an exemption is relied upon, any such report must contain the reasons why, as in all in the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

9.0 CONFIDENTIAL INFORMATION – REQUIREMENT TO EXCLUDE PUBLIC ACCESS

- 9.1 **The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.**

9.2 Confidential information means

- (a) information given to the Council by a Government Department on terms which forbid its public disclosure or
- (b) information the disclosure of which to the public is prohibited by or under another Act or by Court

10.0 EXEMPT INFORMATION – DISCRETION TO EXCLUDE PUBLIC ACCESS TO MEETINGS

- 10. 1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed provided:
 - (a) **the meeting resolves so to exclude the public, and that resolution identifies the proceedings or part of the proceedings to which it applies, and**
 - (b) that resolution states, by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (paragraph 10.4 below) the

description of the exempt information giving rise to the exclusion of the public.

- (c) that resolution states, by reference to reasons given in a relevant report or otherwise, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.2 In these circumstances, public access to reports, background papers and minutes will also be excluded.

10.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.4 Exempt information means information falling within the following categories (subject to any condition):

Category	Condition
1. Information relating to any individual.	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
2. Information which is likely to reveal the identity of an individual.	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information). "Financial or business affairs" includes contemplated, as well as past or current, activities	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information Information within paragraph 3 is not exempt if it must be registered under (a) the Companies Act 1985; (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (d) the Industrial and Provident Societies Acts 1965 to 1978; (e) the Building Societies Act 1986; or (f) the Charities Act 1993.
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the

Category	Condition
<p>with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.</p> <p>“Labour relations matter” are as specified in paragraphs (a) to (g) of section 218(1) of the Trade Unions and Labour Relations (Consolidation) Act 1992, i.e. matters which may be the subject of a trade dispute within the meaning of that Act or any dispute about any such matter</p>	<p>exemption outweighs the public interest in disclosing the information</p>
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>	<p>Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p>
<p>6. Information which reveals that the authority proposes –</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) to make an order or direction under any enactment</p>	<p>Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p>
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</p>	<p>Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p>

EXCEPT THAT

Information falling within any of paragraphs 1-7 is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission under regulation 3 of the Town and Country Planning General Regulations 1992.

The following will also be exempt information for some meetings of the Standards Committee or a Sub-Committee of it¹

¹ Where a Standards Committee is convened to consider a matter referred under regulations 13 or 16 to 20 of the Standards Committee (England) Regulations 2008 or referred under section 58 (1)(c) of the Local Government Act 2000.

Category	Condition
7A. Information which is subject to any obligation of confidentiality.	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
7B. Information which relates in any way to matters concerning national security.	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
7C. Information presented to a standards committee, or to a sub-committee of a standards committee, set up to consider any matter under regulations 13 and 16 to 20 of the Standards Committee (England) Regulations 2008, (referrals to and references from Monitoring Officers) or referred under section 58(1)(c) of the Local Government Act 2000 (failure to comply with Code of Conduct).	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information

10.5 Procedure at Standards Committee (Complaints and reviews)

When a meeting of a Sub-Committee of the Standards Committee is convened to consider a written complaint⁶¹ or to review a decision⁶² then Part 5A of the Local Government Act 1972 does not apply to those meetings. Regulation 8 of the Standards Committee (England) Regulations 2008 applies to those meetings generally and Regulation 8(5)(a) governs the production and publication of a written summary of the sub-committees decision.

10.6 Disorderly Conduct – discretion to exclude public

The public may also be excluded from meetings, where the meeting so resolves, in the exercise of a lawful power of exclusion in order to maintain orderly conduct or to prevent misbehaviour at a meeting

11.0 PUBLIC ACCESS TO CABINET MEETINGS

⁶¹ Received under Section 57A(1) of the Local Government Act 2000

⁶² Under Section 57B of the Local Government Act 2000

11.1 The Cabinet has decided that all of its meetings and its Committees are to be held in public whether or not a Key Decision is to be made and the preceding rules 1 – 10 therefore apply.

11.2 However if a **Key Decision** is to be made Rules 11 to 16 below also apply

A “key decision” means an executive decision which, is likely

- (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority’s budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

11.3 If the Cabinet or its Committees meet to **discuss** a key decision that is due to be taken collectively and

- a) **an Officer (other than a political adviser) is present at the discussion**
- b) the discussion is within 28 days of the date by which, according to the Forward Plan, the decision is to be made

then Rules 1 – 11 must be complied with unless Rule 15 (general exception) or Rule 16 (special urgency) applies or the principal purpose of the meeting is for the Officer to brief the decision maker on matters connected with the making of the executive decision.

12.0 PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 14 (general exception) and Rule 15 (special urgency), a Key Decision may not be taken unless:

- (a) a notice (called here a Forward Plan) has been published in connection with the matter in question;
- (b) at least 5 clear days have elapsed since the publication of the Forward Plan; and
- (c) where the decision is to be taken at a meeting of the Cabinet or its Committees, notice of the meeting has been given in accordance with Rule 3

13.0 THE FORWARD PLAN

13.1 Period of Forward Plan

Forward plans will be prepared by the Leader to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan. They will contain outstanding matters from the previous forward plan.

13.2 Content of Forward Plan

13.2.1 The Forward Plan will contain matters which the Leader has reason to believe will be subject of a Key Decision to be taken by the Cabinet, a Committee of the Cabinet, Officers, Area Committees or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan. The Forward Plan must be published at least 14 days before the start of the period covered and made available to the relevant Scrutiny Committees. It will describe the following particulars in so far as the information is available or might reasonably be obtained

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;

- (e) the means by which any such consultation is proposed to be undertaken;
- (f) the steps any person might take who wishes to make representations to the Cabinet or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- (g) **a list of the documents submitted to the decision taker for consideration in relation to the matter.**

13.2.2 The Proper Officer will publish once a year a notice in at least one newspaper circulating in the area, stating:

- (a) that Key Decisions are to be taken on behalf of the Council;
- (b) that a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
- (c) that the plan will contain details of the Key Decisions to be made for the four month period following its publication;
- (d) that each plan will be available for inspection at reasonable hours free of charge at the Council's offices;
- (e) that each plan will contain a list of the documents submitted to the decision takers for consideration in relation to the Key Decisions on the plan;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the forward plan is available;
- (g) that other documents may be submitted to decision takers;
- (h) the procedure for requesting details of documents (if any) as they become available; and
- (h) the dates on each month in the following year on which each forward plan will be published and available to the public at the Council's offices.

13.2.3 Exempt information (as defined in Rule 10) and the advice of political advisers need not be included in a forward plan and confidential information (as defined in Rule 9) cannot be included, but the Forward Plan should contain particulars of the matter.

14.0 GENERAL EXCEPTION

14.1 If a matter which is likely to be a Key Decision has not been included in the Forward Plan, then subject to Rule 15 (special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next Forward Plan relates;
- (b) the Proper Officer has informed the chair of a relevant Scrutiny Committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made;
- (c) the Proper Officer has made copies of that notice available to the public at the offices of the Council; and
- (c) at least 5 clear days have elapsed since the Proper Officer complied with (b) and (c).

14.2 Where such a decision is taken collectively, it must be taken in public.

15.0 SPECIAL URGENCY

15.1.1 If by virtue of the date by which a decision must be taken Rule 14 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision, obtains the agreement of the chair of a relevant Scrutiny Committee that the taking of the decision cannot be reasonably deferred and the decision is urgent. If there is no chair of a relevant Scrutiny Committee, or if the chair of the relevant Scrutiny Committee is unable to act, then the agreement of the Mayor of the Council, or in his/her absence the Deputy Mayor will suffice.

16.0 REPORTS TO COUNCIL

16.1 When a Scrutiny Committee can require a report

Where an executive decision has been made and was not treated as a Key Decision and a relevant Scrutiny Committee thinks that it should have been treated as a Key Decision the Scrutiny Committee may require the Cabinet to submit a report to the Council within such reasonable time as the Scrutiny Committee specifies. The power to require a report rests with the Committee but is also delegated to the Chief Executive who shall require such a report on behalf of the Committee when so requested by the Chair of the Committee or any 5 Members. Alternatively, the requirement may be raised by resolution passed at a meeting of the relevant Scrutiny Committee.

16.2 The Cabinet's report to Council

The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the resolution of the Scrutiny Committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the leader is of the opinion that it was not a key decision, the reasons for that opinion.

16.3 Quarterly reports on special urgency decisions

In any event the Leader will submit quarterly reports to the Council on the executive decisions taken in the circumstances set out in Rule 15 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

17.0 PUBLIC ACCESS TO CABINET DECISIONS - RECORD OF DECISIONS

- 17.1** After any meeting of the Cabinet or any of its Committees, the Proper Officer or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as reasonably practicable and make it available for inspection by the public. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

18.0 DECISIONS BY INDIVIDUAL MEMBERS OF THE CABINET OR OFFICERS

18.1 Public access to reports intended to be taken into account

Where an Individual Cabinet Member or Officer receives a report which he/she intends to take into account in making any Key Decision, then he/she will not make the decision until the report has been available for public inspection for at least five clear days.

18.2 Provision of copies of reports to Scrutiny Committees

On giving such a report to an individual decision maker, the person who prepared the report will give a copy of it to the chair of every relevant Scrutiny Committee as soon as reasonably practicable, and make it publicly available at the same time.

18.3 Public access to record of individual decision

As soon as reasonably practicable after any executive decision has been made by an individual member of the Cabinet or a Key Decision has been taken by an officer, he/she will prepare, or instruct the Proper Officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered

and rejected. The provisions of Rules 6 and 7 (inspection of documents after meetings) will also apply to the making of Key Decisions by Directors. This does not require the disclosure of exempt or confidential information, or advice from a political adviser or assistant.

19.0 MEMBERS ACCESS – ADDITIONAL STATUTORY RIGHTS

19.1 All Members will be entitled to inspect any document which is in the possession or under the control of the Council and contains material relating to

- (a) any future business to be transacted at a public meeting or
- (b) any business which has previously been transacted at any private meeting or
- (c) an executive decision previously made by an individual Member or
- (d) a Key decision already made by an Officer

19.2 Members have no right to inspect a document which discloses:

- (a) exempt information, unless it relates to category 3 (and is not information relating to terms proposed by or to the Council in the course of negotiation for a contract) or category 6 in paragraph 10.4; or
- (b) the advice of a political adviser or assistant

20.0 SCRUTINY MEMBERS ACCESS– ADDITIONAL STATUTORY RIGHTS

20.1 Subject to the limits below, a member of a Scrutiny Committee (including its Sub-Committees) will be entitled to copies of any document which is in the possession or control of the Cabinet or its Committees and contains material relating to

- (a) business transacted at any meeting of the Cabinet or its committees; or**
- (b) a executive decision made by an individual member**
- (c) a Key Decision made by an Officer**

20.2 A Scrutiny member will not be entitled to:

- (a) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- (b) the advice of a political adviser or assistant.

21. Nature of Additional Rights

The members rights of access in Rules 19 and 20 are additional to any other statutory or common law rights they have including the right to access to information on a 'need to know' basis in order assist in the proper discharge of their duties as a member of the Council

Whistleblowing Protocol

[CHESHIRE EAST][CHESHIRE WEST] COUNCIL

WHISTLE BLOWING PROTOCOL

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1.0 INTRODUCTION

- 1.1.1 As an employee, Member or contractor, supplier to or consultant with, the Council you may, from time to time, witness practices that seem suspicious. However, you may be deterred from expressing your concerns because you fear harassment or victimisation. You may feel that it may be easier to ignore the concern rather than to report your suspicions.
- 1.1.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees and others with serious concerns about any aspect of the Council's work to come forward and voice those concerns without fear of reprisals. This policy document makes it clear that you can do so, without the fear of victimisation, subsequent discrimination or disadvantage.
- 1.1.3 These procedures are intended to encourage and enable you to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside. Premature or unnecessary publicity may damage the Council's reputation, impede proper investigations, or hurt individuals unnecessarily.
- 1.1.4 A Member shall not disclose confidential information, using the public interest exemption in the Council's Member Code of Conduct without first considering using the procedure in this Whistle Blowing Protocol to raise concerns about an issue, unless it is necessary for the disclosure to be made to the Police or a Regulatory Body.

2.0 PURPOSE & SCOPE

- 2.1.1 These procedures have been introduced to provide employees, Members and contractors, suppliers or consultants with a secure basis for reporting suspicions of impropriety, in the knowledge that the matter will be treated confidentially.
- 2.1.2 This policy covers the reporting of a malpractice, the information that will need to be recorded and the steps that need to be followed to ensure that you do not suffer any recriminations or victimisation.
- 2.1.3 These procedures are intended to supplement, rather than replace, existing Council policies and procedures (for example the Council's grievance procedures and the policies dealing with harassment) whereby employees of the Council may already raise complaints or matters of genuine concern with the Council. They are therefore designed to provide for those instances where the person reporting the matter feels that, for any reason, they cannot make use of other procedures.

2.1.4 This policy has been designed to take into account Human Rights considerations.

2.2 CONTRACTORS, SUPPLIERS AND CONSULTANTS

- 2.2.1 In your dealings with the Council you will often work very closely with Council employees and Councillors. You will also operate under the Council's procedures and policies. The Council is fully aware that if you notice anything suspicious, or come across malpractice, you may be concerned about your relationship or future

relationship with the Council if you raise this. As with employees and Councillors, the Council wants to encourage you to voice any concerns you may have, secure in the knowledge that the matter will be taken seriously and investigated, and that you and your organisation will not suffer any disadvantage.

3.0 LEGISLATION

3.1.1 The Public Interest Disclosure Act 1998 has been introduced to protect employees who expose serious wrongdoing in the workplace. It applies where a malpractice is disclosed involving:-

- a crime or breach of regulatory, administrative and common law;
- a miscarriage of justice;
- danger to health and safety;
- damage to the environment;
- unauthorised use of public funds;
- possible fraud and corruption; and
- sexual, physical or financial abuse of clients

3.1.2 The Act protects you from victimisation where you reasonably believe the information, and are acting in good faith.

3.1.3 A disclosure is protected if you have an honest and reasonable suspicion that a malpractice has occurred, is occurring or is likely to occur. As an employee you can raise the matter with your line manager who will refer it to one of the named below, or if you prefer direct to:-

- Head of Paid Service;
- Monitoring Officer;
- [Relevant Director];
- [Audit Manager].

3.1.4 Councillors can report suspicions to:-

- Head of Paid Service
- Monitoring Officer
- [Relevant Director];
- [Audit Manager]

A confidential record will be maintained by the [Audit Manager] of all concerns raised (except if the complaint is against the [Audit Manager's] Team).

3.1.5 It is important to note that in response to concerns raised with any of the above, they will initially act independently of each other when making investigations, except for the Audit Manager who may be asked to carry out the investigation.

4.0 SAFEGUARDS

4.1 HARASSMENT OR VICTIMISATION

4.1.1 The Council is committed to good practice and high standards, and wants to be supportive of employees.

4.1.2 The Council recognises that the decision to report a concern can be a difficult one to make. It will not tolerate any harassment or victimisation and will protect you if you raised a concern in good faith.

4.1.3 If you happen to be involved in any disciplinary or redundancy procedures these will be kept separate from the investigation of your complaint.

4.2 CONFIDENTIALITY

4.2.1 The Council will protect the confidentiality of all matters raised by concerned employees and Councillors.

4.2.2 If there is any breach of confidentiality by any of the four named officers in paragraph 3.1.3, the employee raising the concern can take the appropriate action under the grievance procedures.

4.2.3 ANONYMOUS ALLEGATIONS

4.3.1 This policy encourages you to put your name to your allegation whenever possible.

4.3.2 This is because concerns expressed anonymously are much less powerful than those raised by an identified individual. Anonymous allegations will, however, be considered at the discretion of the Council.

4.3.3 In exercising this discretion the factors to be taken into account would include:-

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

4.4 UNTRUE ALLEGATIONS

4.4.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, as an employee you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you. In the case of Members, the Standards Committee will consider the matter and make recommendations to the Council.

5.0 PROCEDURES

5.1 RAISING A CONCERN

5.1.1 You can raise your concern orally, (i.e. face to face or over the phone) or in writing. If you write, mark the envelope 'personal, private and confidential' and if the concern is of a serious nature, hand deliver the envelope to the person you wish to report the matter to.

5.1.2 Whichever way you choose, please give as much information as you can. Remember also to give your name, job and say if you do not want to be contacted at work (if so, give your home address and phone number).

5.1.3 You should include the following:-

- background information;
- information as to why you are concerned;
- details of any other procedures which you have already used, and what happened;

- the names of the employee/Members involved and where they work (if applicable);
- dates or periods of time relating to the matter;
- the names and jobs of any other employees/Members who may support your concern.

5.1.4 The earlier you express your concern, the easier it will be to take action.

5.1.5 Although you will not be expected to prove beyond doubt the truth of an allegation, you will need to demonstrate that there are reasonable grounds for the concern.

5.1.6 You may find it easier to raise the matter jointly if there is another employee/Member who has the same concern, and will support your allegation.

5.1.7 You would be advised to invite your trade union representative, or another person, to be present during any meetings or interviews in connection with the concern raised. In this case you can remain anonymous when the concern is first raised, but you may have to be involved personally if the matter goes further.

5.2 HOW THE COUNCIL WILL RESPOND

5.2.1 One of those named in paragraphs 3.1.3 will firstly decide whether to carry out an investigation and determine which Council procedure it is appropriate to use.

5.2.2 If it is decided that the matter should be taken further under Whistleblowing procedures, the concern raised will be:-

- investigated by the Monitoring Officer, Management or [Internal Audit];
- referred to the police;
- referred to the external auditor;
- considered to become the subject of an independent inquiry;
- considered under the Council's Member Code of Conduct.

You may be interviewed by the person investigating the matter.

5.2.3 In order to protect individuals accused of a possible malpractice, enquiries will be made to decide whether an investigation is appropriate. Some concerns may be resolved by agreed action without the need for an investigation. If urgent action is required, this will take place before an investigation is undertaken.

What You Will be Told

5.2.4 The person to whom you have raised your concern will contact you in writing within 10 working days detailing the following:

- acknowledging that the concern has been received;
- indicating how the Council intends to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- detailing any initial enquiries that have been made; and
- informing you whether further investigations will take place (and if not, why not).

5.2.5 The amount of contact you have with the people considering the matter will depend on the type of concern, the potential difficulties of the investigation and the availability of information. Wherever possible, you will be told the final outcome of any investigation.

5.2.6 The Council will take steps to minimise any difficulties you may experience as a result of raising a concern. For example, if required to give evidence in criminal or disciplinary proceedings, the Council will arrange for you to receive advice about the procedure.

5.3 THE RESPONSIBLE OFFICER

5.3.1 The Council's Monitoring Officer has overall responsibility for the maintenance and operation of this policy.

5.4 IF YOU ARE NOT SATISFIED WITH THE COUNCIL'S RESPONSE

5.4.1 This procedure is meant to give everyone an effective way to raise a concern within the Council (and if possible resolve it internally). However, if you are still unhappy after using the procedure (and getting a final written response) you are entitled to consider taking your concern elsewhere. If you do this, these are some of the contacts that are available:

- the Council's external auditors [insert link/contact details]
- UNISON Whistle blowing Hotline – 0800 597 9750
- Audit Commission Anti Fraud and Corruption Unit – 020 7630 1019
- The independent charity Public Concern at Work – 020 7404 6609
- a Citizens Advice Bureau
- the Standards Board for England – 0845 0788181
- a relevant professional or regulatory body
- a relevant voluntary organisation
- the police

Officer Code of Conduct

CESHIRE EAST

CODE OF CONDUCT

FOR EMPLOYEES

CONTENTS

- 1. Code of Conduct - Core Principles**
- 2. Code of Conduct - Core Standards**
- 3. Code of Conduct - Core Standards - Guidance**
- 4. Code of Conduct - Associated Forms & Referral Points**
- 5. Other Standards relevant to different groups of employees throughout the Council**
- 6. Cheshire East Core Values**

1. CORE PRINCIPLES

The following core principles underpin the concept of public service and apply to all employees of the Council regardless of the nature of the job they do.

SELFLESSNESS

Employees should take decisions solely in the terms of the public interest. They should not do so nor use their position in order to gain financial or other material benefits for themselves, their family or their friends.

INTEGRITY

Employees should not place themselves under any financial or other obligations to outside individuals or organisations that might influence them in the performance of their official duties.

OBJECTIVITY

In carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits, employees should make decisions on merit.

ACCOUNTABILITY

Employees are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS

Employees should be as open as possible about all decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it.

HONESTY

Employees have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

RESPECT FOR OTHERS

Employees must treat other people with respect and not discriminate unlawfully or unfairly against any person. They must treat Councillors and other co-opted members of the authority professionally.

TRUST

Employees must, at all times, act in accordance with the trust that the public is entitled to place on them. Employees must use any public money or service users' money entrusted

to or handled by them, in a responsible and lawful manner and not make personal use of the Council resources unless properly authorised to do so.

LEADERSHIP

Employees should promote and support these principles by leadership and example.

The Code of Conduct principles operate within the overall framework of the Core Values Our Values for Cheshire East are depicted by the acronym **A S P I R E** (Explained further in section 6 of the Guidance Notes).

2. CORE STANDARDS

Our customers, the general public, are entitled to expect the highest Standards of Conduct from us. The aim of this code is to tell you about the standards which are expected and to help you avoid any misunderstanding or criticism.

- 1. GIFTS AND HOSPITALITY**
- 2. SPONSORSHIP**
- 3. USE OF FINANCIAL RESOURCES**
- 4. USE OF COUNCIL FACILITIES**
- 5. INTELLECTUAL PROPERTY**
- 6. POLITICAL NEUTRALITY**
- 7. OTHER EMPLOYMENT AND EXTERNAL ACTIVITIES**
- 8. FINANCIAL AND NON-FINANCIAL INTERESTS**
- 9. RELATIONSHIPS**
- 10. APPOINTMENTS & OTHER EMPLOYMENT MATTERS**
- 11. TENDERING & CONTRACTS**
- 12. PRIVATE USE OF FIRMS DEALING WITH THE COUNCIL**
- 13. DISCLOSURE OF INFORMATION**
- 14. COMPLIANCE WITH THE CODE & CONFIDENTIAL REPORTING**

You should also be aware of and abide by Service specific Standards or Regulations, especially when working with vulnerable adults and children or working in a school. The rules within the Standards of Conduct, for staff in Community Services, for example, if you are offered a gift, are much stricter than those included in this standard Code of Conduct.

Please liaise with your Manager who should refer you to the appropriate Standards. At the end of the Code of Conduct Guidance notes, you will also find a matrix to help sign post you to other relevant Standards

3. CODE OF CONDUCT STANDARDS – GUIDANCE

1. GIFTS AND HOSPITALITY

1.1. If we accept gifts from people who are or may be dealing with the Council, the Council and its employees could be open to criticism. If you are declining hospitality please do so courteously and explain that the Council's rules do not allow you to accept.

1.2. You must refuse offers of hospitality where suggestions of improper influence is possible. Employees must be sensitive to the timing of any decisions being made between the Council and third party.

1.3. You should only accept hospitality where it is on a scale appropriate to the circumstances, and where it is apparent that no cause could reasonably arise for adverse criticism about the acceptance of the hospitality. Hospitality is usually acceptable when the invitation is corporate not personal.

1.4. Whatever gift/hospitality is provided to you, other than hospitality of nominal value only such as drink or small item of stationery, you should report the circumstances and the type of hospitality to your Head of Service.

1.5. It is a serious criminal offence to corruptly receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

! If you are presented with a gift or offer of hospitality you must seek authorisation in advance, where possible, from your Head of Service, who will record every request on the relevant form. (Consider the decision checklist in section 4 of the Guidance Notes)

2. SPONSORSHIP - Giving and Receiving

2.1. If an organisation wants to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic rules about accepting gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

2.2. If the Council sponsors an event or service, you or anyone connected with you may not benefit from the sponsorship. Similarly, if the Council, gives financial support in the community, please ensure that impartial advice is given and that you have no conflict of interest.

! You must inform your Head of Service of any personal interest you may have and complete a declaration of interest form.

3. USE OF FINANCIAL RESOURCES

You must ensure that you use public funds entrusted to you in a responsible and lawful manner. Please try to ensure value for money to the local community and to avoid the risk of legal challenge to the Council.

! Employees must follow Standing Orders, Financial Regulations and operating procedures and advise management where they consider changes can be made to increase value for money.

4. USE OF COUNCIL FACILITIES

4.1 At work you have access to facilities which include office equipment, computers, stores, transport etc. These facilities are provided purely for work and you must not use them for your own purposes.

4.2 There are certain minor exceptions to these rules - the use of telephones, fax machines and photocopiers.

4.3. Telephones

Ideally, private telephone calls should not be made or received. In practice, you may need to make or receive essential calls but these should be kept to a minimum and costs reimbursed to the Council, unless it is an emergency.

4.4. Fax machines and photocopiers

If necessary, personal fax messages may be despatched to locations within Great Britain. Photocopies of personal documents (up to a maximum of 10 copies at any one time) may be taken and costs reimbursed to the Council.

! Costs must be reimbursed to the relevant person using the Council's reimbursement process.

5. INTELLECTUAL PROPERTY

Intellectual property mean products of the mind, for example inventions, designs, trade marks, creative writings, programs and drawings (referred to in short as 'inventions'). It will normally be the case that the ownership of all 'inventions' and the copyright of all written material created during work for the Council, belong to the Council.

! This is a complex area, further guidance must always be sought from the Legal Services in any particular case.

6. POLITICAL NEUTRALITY

6.1. Employees work for the Council as a whole. You must therefore work for all the councillors and not just those of any controlling group or particular political party.

6.2 You must follow every lawful policy of the authority and must not allow your own personal or political opinions to interfere with your work.

6.3. Certain employees hold politically restricted posts (PoRPs). If your job is politically restricted, you will be notified. You are disqualified from membership of any local authority, other than a parish or community council or from being an MP or MEP.

! Employees who are politically restricted must observe the restrictions imposed. A register of PoRPs is maintained by HR.

7. OTHER EMPLOYMENT & EXTERNAL ACTIVITIES

7.1 As a general rule you must not undertake any type of private work which conflicts with the Council's interests or prevents you from fulfilling the terms of your employment contract.

7.2 If you are above NJC Grade 7 or equivalent, you must obtain the consent of your Head of Service before you do private work.

7.3 Whether or not you need to obtain consent before doing private work, **you must not**;

- Do private work during working hours nor on the Council premises nor use Council equipment.
- Undertake any private work which prevents you from carrying out your duties with the Council or including any requirements to do contractual overtime.
- Undertake private work for any person, firm or company if it will involve the Council.
- Prepare or assist with any applications, for example, planning or building, in any private capacity if you deal with these normally.
- Access Council Services, for example, if you want to make a planning application personally, unless you declare your employment in writing, in a covering letter with your application and submit this via your line manager.
- Undertake private work that needs approval or consent from the Council
- Undertake private work for any person, firm or company who have a contractual relationship with or who are commissioned by the Council for any type of work.
- Undertake private work for another employee responsible for supervising you or whom you supervise, or for an elected member of the Council.

7.4 Employees must ensure they understand and can comply with both Working Time and Health and Safety regulations before considering other employment.

! Employees must seek consent from their line manager before undertaking other work. All employees must declare an interest where a conflict may arise.

8. FINANCIAL AND NON-FINANCIAL INTERESTS

8.1. The Local Government Act 1972, section 117, requires you to disclose any direct or indirect financial interest in any contract involving the Council. Failure to declare the interest may be a criminal offence.

8.2. If you have any direct or indirect interest in an organisation or company that is doing business with the Council, which you think conflicts with your job role, then you should inform your Head of Service.

8.3. You may have a conflict of interest even if you have no financial interest. For instance, relationships might be seen to influence judgements and give the impression of a personal motive E.g. a Council employee who is an Honorary Officer of an Association and who is involved in dealing with an application for a grant by the Association. In such a case, again you should inform your Head of Service.

8.4 Employees are able to act as a member of another local authority, a school governor, or member of a community organisation but may still be required to declare their interest if any potential conflict.

8.5 Membership of organisations with secrecy about rules, membership or conduct may be incompatible with your work. If, in connection with your employment with the Council, you use such membership for either your own, or someone else's personal or business gain, you will be in breach of the Code.

8.6 Employees who are members of other associations or bodies that have dealings with the Council should declare their interest, if there is any potential conflict.

8.7 Employees who during the course of attending a meeting believe they that may be in conflict with an item on the agenda should advise the Chair and leave the meeting for all or part of the meeting as appropriate.

! Declare an interest on the Declaration form if there is a potential conflict.

9. RELATIONSHIPS

9.1 Councillors

Mutual respect between employees and councillors is essential. Close personal familiarity between employees and individual councillors can damage this relationship. You must be professional at all times and not allow your work and private interests to conflict.

9.2 The Local Community and Service Users

You should always remember your responsibilities to the Community and give efficient and impartial service to all groups and individuals within that community as defined by the policies of the Council.

9.3 Contractors

If you have a business or private relationship with external contractors or potential contractors you should tell your manager. Orders and contracts must be awarded on merit,

by fair competition against other tenders and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

9.4 If you engage or supervise contractors or work with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, you should declare that relationship to the appropriate manager.

! Declare an interest on the Declaration form if there is a potential conflict.

10. APPOINTMENTS & OTHER EMPLOYMENT MATTERS

10.1. If you are involved in the recruitment and selection of employees, appointments should be made on the basis of merit and in accordance with our Recruitment and Selection Policy and Procedures obtainable from HR. To avoid any possible accusation of bias, you should not be involved in an appointment where you are related to an applicant, or have a close personal relationship outside work with him or her.

10.2. Similarly, you should not be involved in decisions about discipline, promotion or pay adjustments for any employee who is a relative, partner etc

! Declare an interest on the Declaration form if there is a potential conflict.

11. TENDERING AND CONTRACTS

11.1. During the Tendering process, if you are involved in the 'in-house' bid (except Executive Directors and, apart from when their own service is tendered, legal, financial and professional advisers) you must not at the same time be involved in certain client tasks e.g. selecting tenderers. You should seek guidance from your Head of Service as to how the CCT process is to be conducted and how the 'in-house contractor' and client responsibilities are to be discharged.

11.2. Employees working for 'in-house' contractors or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

11.3. If you are privy to confidential information on tenders or costs for either internal or external contractors you should not disclose that information to any unauthorised party or organisation.

11.4. If you are responsible for selecting contractors to tender or supply quotations, you should ensure that you are not also responsible for the receipt and opening of the tender or quotation except where the sums involved are minor.

! Refer to the appropriate Corporate Procurement rules and guidance.

12. PRIVATE USE OF SERVICES OF FIRMS DEALING WITH THE COUNCIL

12.1 You should be cautious when using the services of firms you know have dealings with the Council. You should ensure that the goods or services bought from such firms are at a price readily available to the general public. This is a difficult and sensitive area. Please try to avoid offending anyone and if necessary, explain the Council's policy.

12.2 If you think that any offer of preferential terms is designed to promote a firm's interest, you should not deal with the firm.

12.3 You should not use your position with the Council to obtain a discount. However, you may purchase goods at discount terms under a scheme or arrangement which applies to e.g. your trade union.

! If you require further guidance please refer to the Corporate Procurement Team.

13. DISCLOSURE OF INFORMATION

13.1 You must not:

- Use information about work which is confidential, for personal gain or benefit or pass it on to others who might use it in this way.
- Give information to the media unless you are authorised to do so.
- Disclose confidential information to someone else, unless it is a request from an approved source, e.g.. HMRC, Department of Social Security and, where authorised, from bank managers or building societies. It is normal practice to ask the person requiring the information to put their request in writing use advance knowledge of a Council decision, particularly about investment decisions or proposed developments to benefit yourself or someone else.

13.2 Data Protection Act (Disclosing information)

You must use personal data held on computer in accordance with the Data Protection Act. For example, the data must be held only for specified and lawful purposes and must not be used or disclosed for any other purposes.

! If you are unsure please seek guidance from the Data Protection Officer or Communications Team ,depending on the nature of the request.

14. COMPLIANCE WITH THE CODE

14.1. It is important that local government employees are exemplary in their conduct at work. Non-compliance with this Code will be dealt with in accordance with our Disciplinary Code.

14.2 Employees who consider other employees to be guilty of misconduct must report this to their Line Manager or raise through one of the other available procedures e.g. grievance.

14.3 Employees must not treat employees who report (or who intend to report or are suspected of reporting) potential misconduct any less favourably than other employees.

14.4 If in some instances, the employee cannot make use of the existing procedures, for any reason then they should raise complaints or genuine matters of concern with the relevant person through the Whistle Blowing Policy.

! This code is reviewed annually. Employees should therefore ensure they regularly familiarise themselves with the Code and its Guidance Notes.

4. ASSOCIATED FORMS & REFERRAL POINTS

DRAFT – These forms may have to be redrafted and referral points established post vesting day

The forms can be found on the HR website under the Code of Conduct.

Name	Action taken by :	Held By/Refer to
Declaration of interest form	Employee to Head of Service	
Ext. Gifts/Hosp/Spons form	Employee to Head of Service	
Reimbursement of Costs	Employee to Business Support	
Register of PoRP	N/A	HR
Whistle Blowing Policy	N/A	HR intranet

Checklist for Assessing Potential Conflict – Gifts and Hospitality

Employees should consider the following Checklist:

- (a) Have you obtained the prior approval of your Chief Officer?
- (b) Is the donor, or the event, significant in the community or in the Council's area?
- (c) Are you expected to attend because of your position in the Authority?
- (d) Will the event be attended by others in the Authority or in other Authorities?
- (e) Have you considered the motivation behind the invitation?
- (f) Would the acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future matter involving this Council?
- (g) Could you justify the decision to the Council, press and public?
- (h) Is the extent of the hospitality or the nature of the gift reasonable and appropriate?
- (i) How will you respond to the hospitality?

5. CODE OF CONDUCT – MATRIX OF REGULATIONS AND STANDARDS RELEVANT TO SPECIFIC DIRECTORATES

In determining acceptable standards, employees are asked to familiarise themselves not only with those included in the Code of Conduct but also those included in Service specific Codes, corporate policies or operational procedures used by their own Services.

This matrix signposts employees to other key Regulations & Standards, although this should only be used for guidance. Each heading is not mutually exclusive and an employee may find that all headings could apply to them.

NOTE – These policies have yet to be developed for the new Council.

APPLIES TO ALL EMPLOYEES	WORKING WITH THE PUBLIC	WORKING WITH SERVICE USERS	WORKING WITH RESOURCES	USING COMMUNICATIONS	WORKING WITH PARTNERS/OTHER ORGANISATIONS	WORKING WITH INFORMATION
Recruitment and Selection Diversity Dignity at Work Health and Safety Cheshire Standards Confidentiality Core Values Working time regulations Whistle Blowing	R & S Diversity Freedom of Information	Confidentiality Code Standards of Conduct for Staff in Community Services (Vulnerable Adults) Code of Conduct (Children) <i>tbc</i> Integrity Code for Schools Code of Conduct (schools)	Anti-fraud & Corruption Financial Regulations	Acceptable Use Policy IT Code of Practice	Confidentiality	Confidentiality Data Protection Freedom of Information

6. CHESHIRE EAST CORE VALUES “ASPIRE FRAMEWORK”

Values are the things in life that we consider to be important. In relation to work, values are what give purpose to our jobs; guiding our behaviours and the decisions we make. Values underpin the culture of our authority and the way we conduct ourselves at work.

Action – take responsibility for making the right things happen	Support – work and learn together in order to succeed	People – put customer and community needs at the heart of what we do
We will: <ul style="list-style-type: none"> • Implement agreed changes as quickly as possible • Balance urgency with quality and efficiency in delivery • Take responsibility for solving problems where possible • Be flexible about the way we work 	We will: <ul style="list-style-type: none"> • Communicate clearly and openly • Share information and best practice with others • Work together being prepared to compromise • Encourage and support others to achieve their potential 	We will: <ul style="list-style-type: none"> • Do our best to understand people's needs and requirements • Treat each person as an individual providing choice where possible • Work hard to make our processes simple • Agree realistic timescales and keep people informed
Integrity – be open, honest and fair, expecting the same of others	Recognition – value all views, efforts and achievements	Excellence – strive to improve all that we do
We will: <ul style="list-style-type: none"> • Treat everyone with dignity and respect • Speak up when others are behaving inappropriately • Face up to difficult or awkward questions and situations • Separate personal feelings from 	We will: <ul style="list-style-type: none"> • Involve all members of our team, valuing their differences • Acknowledge everyone's efforts and contributions • Give and receive feedback positively and constructively • Celebrate success 	We will: <ul style="list-style-type: none"> • Take the initiative and make suggestions • Keep up to date with new developments • Try new ideas and approaches • Reflect and learn from our own and others' experiences

professional requirements			
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Member/Officer relations protocol

MEMBER/OFFICER RELATIONS PROTOCOL

1.0 INTRODUCTION

- 1.1 The aim of this Protocol is to guide Members and Officers of Cheshire East Council in their relations. It is hoped the Protocol will help build good working relationships between Members and Officers as they work together to build the new authority.
- 1.2 A strong, constructive, and trusting relationship between Members and Officers is essential to the effective and efficient working of the Council.
- 1.3 It is recognised that relationships between Members and Officers are very varied and can often be complex. Therefore, this Protocol does not seek to be comprehensive and may not cover all situations. However, it is hoped that framework it provides will serve as a guide to dealing with a wide range of circumstances.
- 1.4 This Protocol forms a key part of the Council's approach to corporate governance and its commitment to uphold standards in public life.

2.0 INTERPRETATION OF THE PROTOCOL

- 2.1 Members and Officers must observe this Protocol at all times.
- 2.2 The provisions of this Protocol will be interpreted having regard to the requirements of the Members' Code of Conduct, the Officers' Code of Conduct, the Council's Whistleblowing Protocol and the Council's policies, procedures and processes.
- 2.3 Where there is a conflict or discrepancy between this Protocol and the Codes and Policies referred to in 2.2 above then those Codes and Policies shall have precedence. Conventions will also be taken into account in cases of conflict or discrepancy. Any questions over interpretation will be decided by the Monitoring Officer in consultation with the Chief Executive.
- 2.4 It is recognised that, in the period preceding any Council Election or by-election, specific protocols are in place. These protocols will take

precedence over this Protocol where there is again conflict or a discrepancy.

- 2.5 This Protocol does not affect or interfere with any rights or protection which a person may have in law.

3.0 THE ROLE OF MEMBERS

- 3.1 Members are accountable to the electorate who determine every four years the people they wish to represent them on the authority. Therefore, this Protocol recognises that Members are elected to serve the people of Cheshire East.

- 3.2 Members, as politicians, may express the values and aspirations of their party political groups but they must recognise that in their role as Members they have a duty to always act in the public interest.

- 3.3 Members may have a number of roles within the Council and need to be alert to the possible conflicts of interest that may arise.

- 3.4 At all times Members should be aware that the role they are performing may impact upon the nature of their relationship with Officers and the expectations that Officers may have of them.

- 3.5 Members are mainly responsible for:

- the political direction and leadership of the Authority
- the determination of policies, plans and strategies
- deciding matters to give effect to or implement those policies, plans and strategies particularly in service delivery terms
- performing the Council's regulatory functions
- monitoring and reviewing, primarily through the Executive and Overview and Scrutiny functions, the Council's performance in implementing its policies, plans and strategies and in delivering its services
- participation in partnership working
- representing the Council on national regional and local bodies and organisations

- representing the views of their communities and individual constituents
- 3.6 Some Members will have additional responsibilities relating to their membership of the Executive, Scrutiny Boards or other committees and sub-committees. The holding of these roles will involve a different relationship with certain Officers in areas where the Member has particular roles and responsibilities.
- 3.7 Members who serve on committees and sub-committees collectively have delegated responsibilities. These responsibilities may include deciding quasi-judicial matters which by law are excluded from the remit of the Cabinet.
- 3.8 Officers can expect Members:
- to act within the policies, practices, processes and conventions established by the Council
 - to work constructively in partnership with Officers acknowledging their separate and distinct roles and responsibilities
 - to understand and support the respective roles and responsibilities of Officers and their associated workloads, pressures and reporting lines
 - to give political leadership and direction and to seek to further their agreed policies and objectives with the understanding that Members have the right to take the final decision in issues based on advice
 - to treat them fairly and with respect, dignity and courtesy
 - to act with integrity, to give support and to respect appropriate confidentiality
 - to recognise that Officers work to the instructions of their senior Officers and not to individual Members
 - not to subject them to intimidation, harassment, or put them under undue pressure. Members will have regard to the seniority of Officers in determining what are reasonable requests, having regard to the relationship between the Member and Officer, and the potential vulnerability of Officers, particularly at junior levels

- not to request them to exercise discretion which involves acting outside the Council's policies and procedures
- not to authorise, initiate, or certify any financial transactions or to enter into any contract, agreement or undertaking on behalf of the Council or in their role as a Member without proper and lawful authority
- not to use their position or relationship with Officers to advance their personal interest or those of others or to influence decisions improperly
- to comply at all times with the Members Code of Conduct, the law, the Constitution and such other policies, procedures, protocols and conventions agreed by the Council.

3.9 It is important that Members of the Authority:

- respect the impartiality of Officers and not undermine their role in carrying out their duties
- do not ask Officers to undertake work, or act in a way, which seeks to support or benefit a particular political party or gives rise to an Officer being criticised for operating in a party political manner
- do not ask Officers to exceed their authority where that authority is given to them in law, by the Council or by their Managers

3.10 The Head of Paid Service, the Monitoring Officer and the Chief Finance Officer (section 151 Officer) and other Statutory Officers have specific responsibilities placed on them by law. These responsibilities go beyond their obligations as employees of the Council. Where an Officer is discharging his/her responsibilities under any statutory office a Member or Members shall not:

- interfere with or obstruct the Officer in exercising those responsibilities
- victimise any Officer who is discharging or has discharged his/her responsibilities of the Statutory Office

4.0 THE ROLE OF OFFICERS

4.1 The primary role of Officers is to advise, inform and support all members and to implement the lawfully agreed policies of the Council.

- 4.2 Officers are responsible for day-to-day managerial and operational decisions within the Council. Members should avoid inappropriate involvement in such matters.
- 4.3 In performing their role Officers will act professionally, impartially and with political neutrality. Whilst Officers will report a Members' view on an issue, the Officer should not be influenced or pressured to make comments, or recommendations which are contrary to his professional judgement or views.
- 4.4 Officers should:
- implement decisions of the Council and its subordinate bodies which are lawful, which have been properly approved in accordance with the requirements of the law and the Council's constitution, and are duly recorded.
 - work in partnership with Members in an impartial and professional manner
 - assist and advise all parts of the Council. Officers must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
 - respond to enquiries and complaints in accordance with the Council's standards
 - be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Members, the media or other sections of the public.
 - act with honesty, respect, dignity and courtesy at all times
 - provide support and learning and development opportunities for Members to help them in performing their various roles
 - not seek to use their relationship with Members to advance their personal interests or to influence decisions improperly
 - comply, at all times, with the Officer Code of Conduct, and such other Policies or Procedures approved by the Council
- 4.5 Officers have the right not to support Members in any role other than that of Member, and not to engage in actions incompatible with this Protocol. In particular, there is a statutory limitation on Officers' involvement in political activities.

- 4.6 Some Officers may be appointed to local, regional or national bodies because of their particular skills and expertise. They may be appointed specifically to represent the Council or in their personal capacity.

5.0 THE RELATIONSHIP: GENERAL

- 5.1 Members and Officers are servants of the public. They are indispensable to one another. However, their responsibilities are distinct. Members are accountable to the Public, whereas Officers are accountable to the Council as a whole.
- 5.2 At the heart of the Codes, and this Protocol, is the importance of mutual respect. Member/Officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between Members and Officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position nor seek to exert undue influence on the other party.

6.0 THE RELATIONSHIP: OVERVIEW AND SCRUTINY BODIES

- 6.1 It is accepted that in carrying out the Council's overview and scrutiny functions Members may require an Officer to attend to answer questions or to discuss issues.
- 6.2 It is recognised by this Protocol that challenge in a constructive and non-confrontational way is important in ensuring policies and performance are meeting the Council's strategic objectives. Therefore, nothing in this Protocol is intended to stop Members holding Officers to account for decisions made under delegated powers. Nor is it intended to affect the Council's overview and scrutiny functions
- 6.3 When deciding whether to require an Officer to attend, the body will consider the seniority of the Officer it would be appropriate to invite. There is a presumption against inviting Officers outside the senior Officers' range to attend in this capacity. Requests for Officer attendance should be made to the Director concerned. Such requests should indicate in broad terms the areas which Members will want to discuss, and should give reasonable notice of the dates when attendance is needed
- 6.4 Where an Officer attends such a body his/her contribution should be confined to matters of fact and explanation. However, an Officer may be asked to explain and justify advice which he/she has given prior to a decision having been taken, including decisions taken by him/her under delegated powers.

- 6.5 Officers should not be drawn, overtly or covertly, into discussions of a political nature which would be inconsistent with the political neutrality requirement. Any questioning of an Officer should not be reasonably interpreted as constituting harassment.
- 6.6 In overview and scrutiny proceedings the capability or competence of Officers must not be questioned. The distinction needs to be drawn between reviewing the policies, performance and decisions of the Council or its services and the appraisal of staff's individual performance. The latter is not a function of overview and scrutiny bodies.
- 6.7 The approach here is consistent with the Overview and Scrutiny Procedure Rules as set out in the Council's Constitution.
- 6.8 In applying this part of the Protocol, account will be taken of any guidance agreed by Overview and Scrutiny bodies provided that guidance is consistent with the principles of this Protocol.

7.0 POLITICAL GROUPS

- 7.1 The Chief Executive, together with Directors and Heads of Service and occasionally other employees all with the permission of the Chief Executive may at times decide that it is appropriate to attend a political group meeting with a view to briefing and advising on the formulation of policy. This may be of his/her own initiative or at the request of a political group. However, the decision on whether he/she should attend is the Chief Executive's, in either case.
- 7.2 If the Chief Executive decides that he/she or another Officer may attend a political group meeting and it concerns a proposed significant policy change which is about to be presented to a meeting of the Council, Executive Group or committee, then he/she must offer the facility to all other political groups within the Authority, indicating the area of policy upon which he/she is offering to brief/advise. He/she will inform the leader of the political group with whom he/she is having the meeting that he/she will be offering the facility to the other political groups.
- 7.3 Certain points must be clearly understood by all those participating in this process, Members and Officers alike. In particular:
 - (a) Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if Officers are not expected to be present at meeting, or parts of meeting, when matters of party business are to be discussed;

(b) political group meetings, whilst they form part of the preliminaries to Council decision-making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and

(c) similarly, where Officers provide information and advice for a political group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the Cabinet or relevant committee when the matter in question is considered.

7.4 Special care needs to be exercised whenever Officers are involved in providing information and advice to a political group meeting which includes persons who are not Members of the Council. Such persons will not be bound by the Model Code of Local Government Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons Officers may not be able to provide the same level of information and advice as they would to a Members only meeting.

7.5 Officers must respect the confidentiality of any political group discussions at which they are present in the sense that they should not relay the content of any such discussions to another political group.

8.0 ACCESS TO PREMISES

8.1 Officers have the right to enter the Council land and premises to carry out their work. Some Officers have the legal power to enter property in the ownership of others.

8.2 Members have the right of access to Council land and premises to fulfil their duties.

8.3 When making visits as individual Members, Members should:

- notify and make advance arrangement with the appropriate manager or Officer in charge (unless this is not practicable);
- comply with health and safety, security and other workplace rules;
- not interfere with the services or activities being provided at the time of the visit; and

- notify ward Members beforehand if visiting somewhere outside his/her own ward.

9.0 USE OF COUNCIL RESOURCES

9.1 All Members are provided with services such as typing, printing and photocopying and goods such as stationary and computer equipment, to assist them in discharging their roles as Members. These goods and services are paid for by public funds and should only be used for Council purposes.

9.2 Members should not ask Officers to provide resources or support which they are not permitted to give, for example support or resources

- which are to be used for business which is solely to do with a political party;
- for work in connection with a ward or constituency party political meeting or electioneering;
- for work associated with an event attended by a Member in a capacity other than as a Member of the Council;
- for private personal correspondence;
- for work in connection with another body or organisation where a Member's involvement is other than as a member of the Council; and
- which constitutes support to a Member in his/her capacity as a member of another authority.

10.0 BREACHES OF THE PROTOCOL

10.1 Where a Member is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised with the appropriate Director or Head of Service. Where the Officer concerned is a Director, the matter should be raised with the Chief Executive, and in the case of a Head of Service with the appropriate Director. Where the employee concerned is the Chief Executive, the matter should be raised with the Monitoring Officer.

10.2 On the Members' side, where the relationship between Members and Officers breaks down or becomes strained, every effort will be made to resolve matters informally, through conciliation by an appropriate senior manager or Members. Officers will also have recourse to the Grievance

Procedure or to the Council's Monitoring Officer, as appropriate, in certain circumstances. In the event of a grievance or complaint being upheld, the matter will be referred to the Chief Executive who, having advised the Leader of the Council and the other appropriate Group Leaders, will decide on the course of action to be taken, following consultation with the Standards Committee if appropriate.

- 10.3 Breaches of the protocol by a Member may also constitute a breach of the Members Code of Conduct.

11.0 STATUS OF THIS PROTOCOL

- 11.1 This Protocol was approved by Full Council on 24 February 2009. It now forms part of the Council's Constitution. As such, it is binding on all Members including co-opted and independent Members, and Officers.
- 11.2 This Protocol shall apply, as appropriate and necessary, to any person appointed individually or on behalf of a body or organisation to advise support or assist the Authority in its work.

12.0 TRANSITIONAL PERIOD

- 12.1 Prior to 1 April 2009 this Protocol will apply to relationships between Cheshire East Council Members and Officers of the following organisations:
- 12.1.1 Cheshire County Council
 - 12.1.2 Chester City Council
 - 12.1.3 Congleton Borough Council
 - 12.1.4 Crewe and Nantwich Borough Council
 - 12.1.5 Ellesmere Port and Neston Borough Council;
 - 12.1.6 Macclesfield Borough Council and
 - 12.1.7 Vale Royal Borough Council
- 12.2 Prior to 1 April 2009 reference to the 'Council' should be interpreted as to include the 'Shadow Authority'.



FINANCE AND CONTRACT PROCEDURE RULES



FINANCE AND CONTRACT PROCEDURE RULES

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FINANCE AND CONTRACT PROCEDURE RULES

Foreword

- 1 Finance and Contract Procedure Rules provide the framework for managing the authority's financial affairs. They apply to every Member and Officer of the Authority and anyone acting on its behalf.
- 2 The Rules identify the financial responsibilities of the full Council, Cabinet and Scrutiny members, the Head of Paid Service, the Monitoring Officer, the Borough Treasurer and Head of Assets and other Chief Officers. Cabinet Members and Chief Officers should maintain a written record where decision making has been delegated to members of their staff, including seconded staff. Where decisions have been delegated or devolved to other responsible Officers, such as School Governors, references to the Chief Officer in the Rules should be read as referring to them.
- 3 All Members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.
- 4 The Borough Treasurer and Head of Assets is responsible for maintaining a continuous review of the Finance and Contract Procedure Rules and submitting any additions or changes necessary to the full Council for approval. The Borough Treasurer and Head of Assets is also responsible for reporting, where appropriate, breaches of the Finance and Contract Procedure Rules to the Council and/or to the Cabinet Members.
- 5 Chief Officers are responsible for ensuring that all staff in their departments are aware of the existence and content of the authority's Finance and Contract Procedure Rules and other internal regulatory documents and that they comply with them. They must also ensure that an adequate number of copies are available for reference within their departments.
- 6 The Borough Treasurer and Head of Assets is responsible for issuing advice and guidance to underpin the Finance and Contract Procedure Rules that Members, officers and others acting on behalf of the Authority are required to follow.
- 7 The Rules set out the framework for managing the authority's financial affairs and although they can not cover every eventuality, the spirit of the Rules should always be followed. Where there is any uncertainty in



matters of interpretation, you are advised to consult the Borough Treasurer and Head of Assets and/or the Monitoring Officer. You are also advised to consult the Employee Code of Conduct or Members Code of Conduct .



A Financial Management

Why is this important?

Financial Management covers all financial accountabilities in relation to the running of the Authority, including the policy framework and budget.

What's covered in this Section?

The roles and responsibilities of:

- The full Council
- The Cabinet
- The committees of the Cabinet
- The statutory officers
- The chief officers

Other financial accountabilities:

- Virement
- Supplementary estimates
- Treatment of year end balances
- Accounting policies
- Accounting records and returns
- The annual statement of accounts



A	Financial Management
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The Full Council

A.1 The full Council is responsible for:

- Adopting and changing the Council's constitution and members' code of conduct;
- Approving the policy framework and budget within which the Cabinet operates;
- Approving and monitoring compliance within the Authority's overall framework of accountability and control. The framework is set out in its constitution.
- Monitoring compliance with the agreed policy and related Cabinet decisions;
- Approving procedures for recording and reporting decisions taken. This includes those key decisions delegated by and decisions taken by the Council and its committees. These delegations and details of who has responsibility for what decisions are set out in the constitution.

The Cabinet

A.2 The Cabinet is responsible for:

- Proposing the policy framework and budget to the full Council;
- Discharging cabinet functions in accordance with the policy framework and budget.

A.3 Cabinet decisions can be delegated to:

- A committee of the Cabinet;
- An individual Cabinet member;
- An officer, or
- A joint committee.

A.4 The Cabinet is responsible for establishing protocols to ensure that individual Cabinet members consult with relevant officers before taking a decision within his or her delegated authority. In doing so, the individual member must take account of legal and financial liabilities and risk management issues that may arise from the decision.

Cabinet Members



- A.5** Individual Cabinet Members have decision making powers in accordance with the Constitution and the Scheme of Delegation.

Committees

Scrutiny Committee

- A.6** The Scrutiny Committee is responsible for:

- scrutinising cabinet decisions before or after they have been implemented;
- holding the cabinet to account;
- making recommendations on future policy options;
- reviewing the general policy and service delivery of the authority.

Governance and Constitution Committee

- A.7** The Governance and Constitution Committee is an advisory body and reports to the full council. It has right of access to all the information it considers necessary and can consult directly with internal and external auditors.

- A.8** The committee is responsible for :

Reviewing:

- the external auditor's reports;
- the annual audit letter;
- internal audit's annual and interim reports.

Approving:

- the Council's Statement of Accounts;
- for signature by the Leader and the Chief Executive, the Council's Annual Governance Statement.

Standards Committee

- A.9** The Standards Committee is established by the full council and is responsible for :

- promoting and maintaining high standards of conduct amongst councillors;
- advising the Council on the adoption and revision of the members' code of conduct;



- monitoring the operation of the code.

Other Regulatory Committees

- A.10** Planning, conservation and licensing are not Cabinet functions but are exercised through the multi-party planning and licensing committee under powers delegated by the full council. The planning and licensing committee reports to the full Council.

Statutory Officers

Head of Paid Service (Chief Executive)

- A.11** The Head of Paid Service is responsible for:
- the corporate and overall strategic management of the authority as a whole;
 - establishing a framework for management direction, style and standards;
 - monitoring the performance of the organisation;
 - together with the monitoring officer, the system of record keeping in relation to all the full Council's decisions (see below).
- A.12** The Head of Paid Service must report to and provide information for the Cabinet, the full Council, the Scrutiny Committee and other committees.

Monitoring Officer

- A.13** The Monitoring Officer for the Council is the Borough Solicitor. The Monitoring Officer is responsible for promoting and maintaining high standards of financial conduct and therefore provides support to the standards committee. The monitoring officer is also responsible for reporting any actual or potential breaches of the law or maladministration to the full council and/or to the Cabinet, and for ensuring that procedures for recording and reporting key decisions are operating effectively.
- A.14** The Monitoring Officer must ensure that cabinet decisions and the reasons for them are made public. He or she must also ensure that council members are aware of decisions made by the Cabinet and of those made by officers who have delegated responsibility.
- A.15** The Monitoring Officer is responsible for advising all councillors and officers about who has authority to take a particular decision.
- A.16** The Monitoring Officer is responsible for advising the Cabinet or full



Council about whether a decision is likely to be considered contrary or not wholly in accordance with the policy framework.

A.17 The Monitoring Officer (together with the Borough Treasurer and Head of Assets) is responsible for advising the Cabinet or full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include:

- initiating a new policy which may have financial implications;
- committing expenditure in future years to above the budget level;
- incurring interdepartmental transfers above virement limits;
- causing the total expenditure financed from council tax, grants and corporately held reserves to increase, or to increase by more than a significant amount ("Significant" to be defined by the Borough Treasurer and Head of Assets or their representative).

A.18 The Monitoring Officer is responsible for maintaining an up-to-date constitution.

Borough Treasurer and Head of Assets

A.19 The Borough Treasurer and Head of Assets has statutory duties in relation to the financial administration and stewardship of the authority. This statutory responsibility cannot be overridden. The statutory duties arise from:

- Section 151 of the Local Government Act 1972
- The Local Government Finance Act 1988
- The Local Government and Housing Act 1989
- The Accounts and Audit Regulations, as updated.

A.20 The Borough Treasurer and Head of Assets is responsible for:

- in conjunction with the other chief officers, the proper administration of the authority's financial affairs;
- setting and monitoring compliance with financial management standards.
- advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
- providing financial information
- preparing the revenue budget and capital programme
- treasury management.

A.21 **Section 114** of the Local Government Finance Act 1988 includes a requirement of the director of finance to report to the full council, cabinet



and external auditor if the authority or one of its officers:

- has made, or is about to make, a decision which involves incurring unlawful expenditure
- has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the authority
- is about to make an unlawful entry in the authority's accounts.

Section 114 of the 1988 Act also requires:

- the Borough Treasurer and Head of Assets to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under section 114 personally
- the authority to provide the Borough Treasurer and Head of Assets with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under section 114.

Money Laundering Reporting Officer

A.22 The Internal Audit Manager is appointed as the Council's Money Laundering Reporting Officer and will maintain and advise on Anti-Money Laundering procedures.

A.23 They will be responsible for notifying the National Criminal Intelligence Service (NCIS) of any suspected cases of money laundering committed within the accounts of the Council as soon as possible and fulfil other duties as defined by legislation or regulation related to the post. Simultaneously, the Cabinet Member for Finance will be kept informed of any notifications to NCIS and of any issues arising from them.

Schemes of Delegation

A.24 Schemes of Delegation are the documents that set out, for each Service, all authorisations and approval limits as delegated by the Heads of Service to Authorised Officers within their Service. Heads of Service are responsible for maintaining up to date and accurate Schemes of Delegation.

Chief Officers

A.25 Chief officers are the Chief Executive or any Director of the Council to whom there has been specific delegation in writing by the Council or the Chief Executive. Chief officers must operate efficient systems of financial



control.

A.26 Chief officers are responsible for:

- ensuring that cabinet members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Borough Treasurer and Head of Assets.
- ensuring that cabinet members are advised of legal implications of all proposals and that the legal implications have been agreed with the Monitoring Officer.
- signing contracts on behalf of the Authority.
- consulting with the Borough Treasurer and Head of Assets and seek approval on any matter liable to affect the authority's finances materially, before any commitments are incurred.
- in conjunction with the Borough Treasurer and Head of Assets, the proper administration of the authority's financial affairs;
- ensuring that appropriate Schemes of Delegation are in place.

Heads of Service

A.27 Heads of Service are those Officers that report directly to Chief Officers and are responsible for maintaining up to date Schemes of Delegation (A.24) in their service.

Authorised Officers

A.28 Authorised Officers are those officers given specific delegated authority by their Head of Service as documented in that service's Scheme of Delegation and Financial Scheme of Delegation.

Managing Expenditure

Scheme of Virement

A.29 A virement constitutes the movement of existing approved budgets from one area to another and is not an increase in overall budgets through the addition of new monies.

A.30 The Scheme of Virement is intended to enable the Cabinet, chief officers and their staff to manage budgets with a degree of flexibility within the overall policy framework determined by the full council, and therefore to optimise the use of resources.

A.31 The full Council is responsible for agreeing procedures for virement of expenditure between budget headings.



- A.32** Chief officers are responsible for agreeing in-year virements within delegated limits, in consultation with the Borough Treasurer and Head of Assets where required.

Key controls for the scheme of virement are:

(a) It is administered by the Borough Treasurer and Head of Assets within guidelines set by the full council. Any variation from this scheme requires the approval of the full council

(b) The overall budget is agreed by the Cabinet and approved by the full council. Chief officers and budget managers are therefore authorised to incur expenditure in accordance with the estimates that make up the budget. Income received cannot be used to defray expenditure. The rules below cover virement; that is, switching resources between approved estimates or heads of expenditure. For the purposes of this scheme, a budget head is considered to be a line in the approved estimates report, or, as a minimum, at an equivalent level to the standard service subdivision as defined by CIPFA's Service Expenditure Analysis.

(c) Virement does not create additional overall budget liability. Chief officers are expected to exercise their discretion in managing their budgets responsibly and prudently. For example, they should aim to avoid supporting recurring expenditure from one-off sources of savings or additional income, or creating future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources. Chief officers must plan to fund such commitments from within their own budgets.

- A.33** Approval limits for virements are as follows:

Approval Level	Virement Amount/Percentage
Head of Service	Up to £100,000 or 10% of a net Service budget, whichever is the lowest. (Revenue)
Chief Officers	Greater than 10% of a net Service budget but less than £100,000 (Revenue)



	Up to £100,000 between net Service budgets (Revenue)
	Up to £100,000 funded from underspends within the approved Service budget (Capital)
Chief Officers in consultation with relevant Cabinet Member and Resources Member	Over £100,000 and up to and including £500,000 (Revenue/Capital)
Cabinet	Over £500,000 and up to and including £1,000,000 (Revenue/Capital)
Council	<ul style="list-style-type: none"> ▪ £1,000,000 or more; and/or ▪ Significant ongoing financial implications; and/or ▪ Significant policy change. (Revenue/Capital) "Significant" to be defined by the Borough Treasurer and Head of Assets or their representative.

- No virements are permitted from ringfenced budgets.

Supplementary Estimates

- A.34** Where services wish to undertake an activity not originally identified in the budget or extend an existing capital scheme where additional income becomes available in year, approval must be sought for a fully funded supplementary capital or revenue estimate.
- A.35** Any request for a supplementary capital or revenue estimate for £1,000,000 or more, whether or not the scheme is fully funded, must be approved by Council.
- A.36** Supplementary estimates which are not fully funded and are to be funded from general reserves or balances, regardless of value, must be approved by Council. Council approval is also required where there are significant implications (as determined by the Borough Treasurer and Head of Assets) for future year's budgets.
- A.37** Approval limits for fully funded supplementary capital and revenue estimates, (and schemes where funding is borrowed from reserves and which are subject to a guaranteed repayment plan and are therefore considered to be fully funded), are as follows:



Approval Level	Supplementary Estimate Amount
Chief Officers	Up to £100,000
Chief Officers in consultation with relevant Cabinet Member and Cabinet Member for Resources.	Between £100,000 and £500,000
Cabinet	Between £500,000 and £1,000,000
Council	Over £1,000,000

Treatment of Year End Balances

- A.38** The full Council is responsible for agreeing procedures for carrying forward under- and overspendings on budget headings.
- A.39** A budget head is considered to be a line in the approved estimates report, or, as a minimum, at an equivalent level to the standard service subdivision as defined by CIPFA's Service Expenditure Analysis.
- A.40** Any residual overspending on a Service budget will be carried forward as the first call on the following year's budget.
- A.41** Any revenue underspending at the year end may be carried forward, subject to the agreement of the Cabinet on the advice of the Cabinet Member for Finance, except where any specific approval has already been given or where there is a specific grant condition requirement. All carryforward proposals must be supported by an appropriate business case demonstrating that the underspend was planned and that the resources carried forward will be earmarked for a specific purpose or issue. Chief Officers should include provisional indications of likely carry forward requests in their reports on the mid-year and three-quarter review of performance.
- A.42** Capital block provisions are allocations within which the full starts value of approved schemes must be contained. Any uncommitted sum at the year end may, exceptionally, be carried forward subject to consideration by the Cabinet Member for Finance of the business case supporting the proposal. Any uncommitted sum which is not justified on this basis will be returned to Council balances. Equally, any overspending will be carried forward as the first call on the following year's provision.

Accounting Policies

- A.43** The Borough Treasurer and Head of Assets is responsible for selecting accounting policies and ensuring that they are applied consistently.
- A.44** The Borough Treasurer and Head of Assets is responsible for the



preparation of the authority's statement of accounts, in accordance with proper practices as set out in the format required by the *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice* (CIPFA/LASAAC), for each financial year ending 31 March.

A.45 The key controls for accounting policies are:

- Systems of internal control are in place that ensure financial transactions are lawful.
- Suitable accounting policies are selected and applied consistently.
- Accurate and complete accounting records are maintained.
- Financial statements are prepared which present fairly the financial position of the Council and its expenditure and income.

A.46 The Borough Treasurer and Head of Assets is responsible for:

- selecting suitable accounting policies and ensuring that they are applied consistently.
- exercising supervision over financial and accounting records and systems.
- preparing and publishing reports containing the statements on the overall finances of the Council including the Council's Annual Report and Accounts.

A.47 Chief officers are responsible for adhering to the accounting policies and guidelines set by the Borough Treasurer and Head of Assets.

Accounting Records and Returns

A.48 The Borough Treasurer and Head of Assets is responsible for determining the accounting procedures and records for the authority.

A.49 All accounting procedures will be approved by the Borough Treasurer and Head of Assets.

A.50 All accounts and accounting records will be compiled by the Borough Treasurer and Head of Assets or under his/her direction. The form and content of records maintained in other Directorates will be approved by the Borough Treasurer and Head of Assets.

A.51 The key controls for accounting policies are:

- calculating, checking and recording of sums due to or from the Council will be separated as completely as possible from their collection or payment.



- officers responsible for examining and checking cash transaction accounts will not process any of these transactions themselves.
- reconciliation procedures are carried out to ensure transactions are correctly recorded.
- procedures are in place to enable accounting records to be reconstituted in the event of systems failure.
- prime documents are retained in accordance with legislative and other requirements.

The Annual Statement of Accounts

A.52 The Borough Treasurer and Head of Assets is responsible for ensuring that the annual statement of accounts is prepared in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice* (CIPFA/LASAAC). The full Council is responsible for approving the annual statement of accounts.



B Financial Planning

Why is this important?

The full Council is responsible for agreeing the Authority's policy framework and budget, which will be proposed by the Cabinet. In terms of financial planning, the key elements are:

- **The Corporate Plan** – this sets out the Authority's long term aims and objectives. It is regularly revisited to ensure that the Council's priorities remain relevant to its overall aims and to assess the progress being made in achieving these.
- **The Budget** - The authority is a complex organisation responsible for delivering a wide variety of services. It needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with carefully weighed priorities. The budget is the financial expression of the authority's plans and policies.
- **The Capital Strategy** - Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the authority, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.
- **Specific Service Plans and Strategies** which have a financial implication (see B.1)

What's covered in this Section?

- Policy Framework
- Strategic Planning Framework
- Budgeting
 - Format of the Budget
 - Revenue Budget Preparation, Monitoring and Control
 - Determination, Monitoring & Control of Affordable Borrowing
 - Resource Allocation
 - Capital Programmes
- Leasing and Rental Agreements
- Maintenance of Reserves
- Reporting



Policy Framework

B.1 The full Council is responsible for approving the policy framework and budget. The policy framework comprises the following statutory plans and strategies:

- Adult Learning Plan
- Annual Library Plan
- Capital Management Strategy
- Capital Programme
- Children and Young People Plan
- Contaminated Land Inspection Strategy
- Council's Corporate Plan
- Crime and Disorder Reduction Strategy
- Economic Strategy
- Housing Investment Programme (including Plans and Strategies within it)
- Licensing Authority Policy Statement
- Lifelong Learning Development Plan
- Local Area Agreement
- Local Development Framework
- Local Transport Plan
- Medium Term Financial Strategy
- Social Exclusion Strategy
- Sustainable Community Strategy
- Waste Strategy
- Youth Justice Plan

B.2 The full Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework. Decisions should be referred to the full Council by the Monitoring Officer.

B.3 The full Council is responsible for setting the level at which the Cabinet may reallocate budget funds from one service to another. The Cabinet is responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework within the financial limits set by the Council.

Strategic Planning Framework



B.4 Each year the Council produces:

- A Corporate Plan detailing its objectives and targets over a 3 to 4 year planning horizon.
- A Medium Term Strategy, including a Capital Strategy, detailing the financial and service scenario over a 3 to 4 year planning horizon and the policy and expenditure options required to respond to this scenario.

B.5 The Borough Treasurer and Head of Assets will advise the Council on the financial environment, financial policies (including the appropriate levels of reserves and contingencies, prudential borrowing and treasury management) and the policy and expenditure options to assist in the determination of its Budget. Individual Chief Officers and Heads of Service will support this process by assessing and advising on the service scenario and policy and expenditure options for Revenue and Capital, in their area of responsibility, in a form determined by the Borough Treasurer and Head of Assets.

B.6 The Cabinet, advised by the Borough Treasurer and Head of Assets, Chief Officers and Heads of Service, will develop a budget package including financing options, policy and expenditure options and capital programme. This will be subject to scrutiny by the Scrutiny Committee before the Cabinet finalises its recommendations to Council. The final Budget policy and Council Tax precept will be determined by Council.

Budgeting

Format of the Budget

B.7 The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around virement operate, the operation of cash limits and sets the level at which funds may be reallocated within budgets.

B.8 The general format of the budget will be approved by the full Council and proposed by the Cabinet on the advice of the Borough Treasurer and Head of Assets. The draft budget should include allocation to different services and projects, proposed taxation levels and contingency funds.

Revenue Budget Preparation, Monitoring and Control



Revenue expenditure

- B.9** Revenue expenditure is broadly defined as any expenditure incurred on the day to day running of the Council. Examples of revenue expenditure include salaries, energy costs, and consumable supplies and materials.

Preparation

- B.10** The Borough Treasurer and Head of Assets is responsible for ensuring that a revenue budget is prepared on an annual basis and a general revenue plan on a three-yearly basis for consideration by the Cabinet, before submission to the full Council. The full Council may amend the budget or ask the Cabinet to reconsider it before approving it in accordance with the Constitution.
- B.11** The Cabinet is responsible for issuing guidance on the general content of the budget in consultation with the Borough Treasurer and Head of Assets as soon as possible following approval by the full Council.
- B.12** It is the responsibility of chief officers to ensure that budget estimates reflecting agreed service plans are submitted to the Cabinet and that these estimates are prepared in line with guidance issued by the Cabinet.
- B.13** The Cabinet will then submit a 'final budget' to the full Council for approval.
- B.14** The Borough Treasurer and Head of Assets is responsible for reporting to the full Council on the robustness of estimates contained within the budget proposed by the Cabinet and the adequacy of reserves allowed for in the budget proposals.
- B.15** The Council shall not approve additional net expenditure to either revenue or capital budgets without first having considered the advice of the Cabinet and the Borough Treasurer and Head of Assets on the financial implications arising.

Monitoring and Control

- B.16** The Borough Treasurer and Head of Assets is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He or she must monitor and control expenditure against budget allocations at a corporate level and report to the Cabinet on the overall position on a regular basis.
- B.17** It is the responsibility of chief officers to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Borough Treasurer and Head of Assets. They should report on variances within their own areas. They should also take



any action necessary to avoid exceeding their budget allocation and alert the Borough Treasurer and Head of Assets to any problems.

B.18 The Borough Treasurer and Head of Assets is responsible for the following:

(a) To establish an appropriate framework of budgetary management and control that ensures that:

- budget management is exercised within annual cash limits unless the full council agrees otherwise
- each chief officer has available timely information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities
- expenditure is committed only against an approved budget head
- all officers responsible for committing expenditure comply with relevant guidance, and Finance and Contract Procedure Rules
- each cost centre has a single named manager, determined by the relevant chief officer. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure
- significant variances from approved budgets are investigated and reported by budget managers regularly.

(b) To administer the authority's scheme of virement.

(c) To submit reports to the cabinet and to the full council, in consultation with the relevant chief officer, where a chief officer is unable to balance expenditure and resources within existing approved budgets under his or her control.

(d) To prepare and submit reports on the authority's projected income and expenditure compared with the budget on a regular basis.

B.19 Chief officers are responsible for the following:

(a) To maintain budgetary control within their departments, in adherence to the principles in B.17, and to ensure that all income and expenditure are properly recorded and accounted for.

(b) To ensure that an accountable budget manager is identified for each item of income and expenditure under the control of the chief officer (grouped together in a series of cost centres). As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.



(c) To ensure that spending remains within the service's overall cash limit, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.

(d) To ensure that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and is operating effectively.

(e) To prepare and submit to the cabinet reports on the service's projected expenditure compared with its budget, in consultation with the Borough Treasurer and Head of Assets.

(f) To ensure prior approval by the full council or cabinet (as appropriate) for new proposals, of whatever amount, that:

- create financial commitments in future years
- change existing policies, initiate new policies or cease existing policies
- materially extend or reduce the authority's services.

(g) To ensure compliance with the scheme of virement.

(h) To agree with the relevant chief officer where it appears that a budget proposal, including a virement proposal, may impact materially on another service area or chief officer's level of service activity, after having consulted with the Borough Treasurer and Head of Assets and the Cabinet Member for Resources.

(i) To ensure Schemes of Delegation are maintained for that service.

(j) A general duty to ensure best value is obtained.

Determination, Monitoring & Control of Affordable Borrowing

B.20 Under the Local Government Act 2003 the Council is required by regulation to have regard to the Chartered Institute of Public Finance and Accountancy's (CIPFA) Prudential Code for Capital Finance in Local Authorities. The key objectives of the Prudential Code are to ensure that within a clear framework, the capital investment plans of local authorities are affordable, prudent and sustainable. A further objective is to ensure that treasury management supports prudence, affordability and sustainability.

B.21 The Council is responsible for approving prior to the commencement of



the financial year the prudential indicators for the forthcoming financial year and at least the two subsequent financial years required by the Code. The indicators required as a minimum are:

For the three year period:

- Estimates of the ratio of financing costs to net revenue stream
- Estimates of capital expenditure
- Estimates of the Council Tax that would result from the totality of the estimated capital expenditure
- Estimate of capital financing requirement (underlying need to borrow for a capital purpose)
- Authorised limit for external debt
- Operational boundary for external debt

After the year end actual values are to be calculated for:

- Ratio of financing costs to net revenue stream
- Capital expenditure
- Capital financing requirement
- External debt

B.22 The Borough Treasurer and Head of Assets is responsible for:

- establishing procedures to both monitor performance against all forward looking prudential indicators and for ensuring that net external borrowing does not exceed the capital financing requirement.
- reporting to Council any significant deviations from expectations.
- ensuring that regular monitoring is undertaken in year against the key measures of affordability and sustainability, by reviewing estimates of financing costs to revenue and the capital financing requirement.
- reporting to Council, setting out management action, where there is significant variation in the estimates used to calculate these prudential indicators, for example caused by major overruns of expenditure on projects or not achieving in-year capital receipts.

Resource Allocation

B.23 The Borough Treasurer and Head of Assets is responsible for developing and maintaining a resource allocation process that ensures due consideration of the full council's policy framework.

B.24 The Borough Treasurer and Head of Assets is responsible for:

- Advising on methods available for the funding of resources, such as grants from central government and borrowing requirements.



- Assisting in the allocation of resources to budget managers.

B.25 Chief officers are responsible for:

- To work within budget limits and to utilise resources allocated, and further allocate resources, in the most efficient, effective and economic way.
- To identify opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery.

Capital Programmes

Capital Expenditure

- B.26** Capital expenditure is broadly defined as expenditure in excess of £10,000, on the acquisition of a tangible asset, or expenditure which adds to (rather than merely maintains), the value of an existing asset and/or extends the useful life of an asset and increasing usability, provided that the asset yields benefits to the Council and the services it provides is for a period of more than one year.

Capital Approvals

- B.27** Capital approvals referred to in these Finance Procedure Rules relate to the total cost or "starts value" of each provision or scheme rather than the anticipated expenditure in each year. Individual items estimated to cost in excess of £250,000 will be treated as separate schemes or provisions.
- B.28** An Option Appraisal in the form of a detailed Business Case Template, in a form agreed by the Borough Treasurer and Head of Assets, must be prepared for all capital proposals with a gross estimated cost in excess of £250,000, including the replacement of individual vehicles or items of equipment, before being submitted for inclusion in the Capital Programme or before approval is sought from Members in year. A summarised version of the Business Case Template will also be required for all schemes over £100,000. These will be used as the basis for assessing the affordability and deliverability of the scheme, as well as for monitoring, reporting and post-implementation review.
- B.29** Option Appraisals, in the form of a Business Case Template, must also be prepared for all revenue proposals with a significant financial impact, risk profile or policy change, as specified by the Borough Treasurer and Head of Assets. The proforma, in a form agreed by the Borough Treasurer and Head of Assets, must include an assessment of the Service consequences, risk and impact on users, and include any differential



impact on particular groups or localities.

Capital Block Provisions

- B.30** As part of the annual policy and planning process, schemes in the capital programme which have not reached an advanced state will be reconsidered.
- B.31** Departments are expected to develop reserve capital schemes which can be brought forward in the event of changes in the approved programme, subject to approval via the normal routes.
- B.32** Block provisions will be approved within the Capital Programme for schemes costing less than £250,000. Except in the case of provisions for blight on non-programmed capital schemes, a detailed breakdown of the expenditure proposed must be submitted for approval by the appropriate Cabinet Member as part of the policy and planning process. This requirement will also apply to block provisions included in the vehicle and equipment replacement programme.

Capital Monitoring and Amendments to the Capital Programme

- B.33** Where possible, all capital schemes contained within the block provision should be approved through the annual capital programme setting process, within the timetable set out by the Borough Treasurer and Head of Assets and approved by Council in February. Any subsequent further breakdown of block approvals must follow the appropriate approval route, with completion of a delegated decision proforma where necessary.
- B.34** Any 'in year' approval sought for capital schemes in excess of £250,000 must be supported by a complete Business Case Template, in the format prescribed by the Borough Treasurer and Head of Assets, which has been endorsed by the officer Capital Appraisal Panel prior to submission to the appropriate Members.
- B.35** Project managers must ensure that the project specification remains consistent with the approved capital appraisal and continues to represent value for money for the Authority. Where project outcomes or costs alter significantly from those set out in the original appraisal a revised Business Case Template must be completed and submitted to the officer Capital Appraisal Panel.

Capital Receipts



- B.36** The Borough Treasurer and Head of Assets must be informed of all proposed sales of land and buildings so that the effect on financial and property management can be assessed.
- B.37** The Borough Treasurer and Head of Assets will be responsible for the negotiations of all such sales.
- B.38** The Council will determine the amount of receipts to be set aside for the repayment of debt and how the balance of such receipts is to be used.

Leasing and Rental Agreements

- B.39** Leasing or renting agreements must not be entered into unless the service has established that they do not constitute a charge against the Council's prudential borrowing limits. Advice can be obtained from the Borough Treasurer and Head of Assets on general leasing arrangements and on whether the lease is a finance or operating lease. Borough Treasurer and Head of Assets approval must be obtained for all agreements which may involve a leasing charge.
- B.40** Leases relating to land or property also require the approval of the Chief Property Officer. Only the Monitoring Officer or his/her authorised deputies, or persons specifically authorised by the Service Scheme of Delegation, may sign such agreements.

Maintenance of Reserves

- B.41** It is the responsibility of the Borough Treasurer and Head of Assets to advise the Cabinet and/or the full Council on prudent levels of reserves for the authority.
- B.42** The key controls are:
- To maintain reserves in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice* (CIPFA/LASAAC) and agreed accounting policies.
 - For each reserve established, the purpose, usage and basis of transactions should be clearly identified.
 - Authorisation and expenditure from reserves by the appropriate chief officer in consultation with the Borough Treasurer and Head of Assets.
- B.43** The Borough Treasurer and Head of Assets is responsible for:
- Advising the Cabinet and/or the full council on prudent levels of



reserves for the Authority, and to take account of the advice of the external auditor in this matter.

B.44 Chief officers are responsible for:

- Ensuring that resources are used only for the purposes for which they were intended.

Reporting

B.45 Heads of Service are responsible for preparing regular reports on overall financial and non-financial performance and progress against service plan targets, and for submitting these to the Cabinet, collectively and individually, and the Scrutiny Committee after consulting the Borough Treasurer and Head of Assets in accordance with procedures agreed from time to time. These reports must include specific reference to the implementation of policy changes and new developments agreed as part of the budget setting process and other specific requirements as notified in the reporting guidance. Capital Project Managers will report periodically to their relevant Cabinet Member on the progress and forecast of all capital expenditure and income against the approved programme.

B.46 These regular reports are also to include specific reference to Service performance against the expected non-financial outcomes in the form of key performance targets. Heads of Service are expected to achieve value for money in the delivery of services and the reports should demonstrate how this has been achieved together with an analysis of how Policy and Expenditure proposals have been implemented.

The key reporting stages are:

- Approval of the service plan, including budget statement and performance targets.
- Approval of the Business Case, which will be in a form prescribed by the Borough Treasurer and Head of Assets for any scheme estimated to cost in excess of £250,000, before it can be included in the Capital Programme.
- Quarterly reviews of revenue and capital expenditure with the first quarter report concentrating on the emerging budget issues resulting from a budget risk analysis, together with details of the action plans in place to mitigate budget risk.
- Final outturn reports for both revenue and capital expenditure, including full post-implementation review, on all major capital schemes completed during the year. This will also include a report on the use of block provisions.
- Summary quarterly reviews and outturn position statements of both capital and revenue expenditure will also be reported to Council



through its relevant subordinate bodies.

B.47 In addition, the reports will be specifically required to give details in respect of the following:-

- Potential overspends and proposed remedial action, including any impact on future year's budgets which may need consideration in the on-going Medium Term Strategy for Policy and Financial Planning.
- Items identified in Finance Procedure Rule re: approvals.
- Amendments to approved budgets (virements, SCE's etc) where member approval is required.



C	Risk Management and Control of Resources
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Why is this important?

It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the authority. This should include the proactive participation of all those associated with planning and delivering services.

What's covered in this Section?

- Risk Management
- Insurance
- Internal Controls
- Audit Requirements
 - Internal Audit
 - External Audit
- Preventing Fraud and Corruption
- Financial Irregularities
- Assets
 - Property
 - Security
 - Inventories
 - Stocks and Stores
 - Cash
 - Intellectual Property
 - Asset Disposal
 - Write offs
- Treasury Management
 - Treasury Management and Banking
 - Investments and Borrowings
 - Trust Funds and Funds held for Third Parties
- Staffing
 - Salaries and Wages
 - Early Retirement/Severance
 - Travelling and Subsistence
 - Code of Conduct
- Third Party Funds
- Retention of Records



Risk Management and Insurance

- C.1** The Cabinet is responsible for approving the authority's risk management policy statement and strategy and for reviewing the effectiveness of risk management. The Cabinet is responsible for ensuring that proper insurance exists where appropriate.
- C.2** The Borough Treasurer and Head of Assets is responsible for preparing the authority's risk management policy statement, for promoting it throughout the authority and for advising the Cabinet on proper insurance cover where appropriate.

Insurance

- C.3** The Borough Treasurer and Head of Assets will maintain and administer the Council's insurances in accordance with the Risk Financing Strategy, agreed by Members, which describes the Council's approach to the financing of risk, its overall risk appetite and the level of funding available. The Borough Treasurer and Head of Assets is responsible for authorising the settlement or repudiation of insurance claims and associated costs. Advice will be sought from the Authority's insurance solicitors and insurers.
- C.4** Chief Officers and Heads of Service are responsible for informing the Borough Treasurer and Head of Assets immediately of:
- Any insurance claims received
 - Any events which may result in an insurance claim against the Council
 - The terms of any indemnity which the Council is required to give prior to entering into any contracts etc.
 - Any new risks which might require to be insured, together with any changed circumstances affecting existing risks. Consideration should be given to new projects, new ways of working, changes in legislation requiring new ways of delivery etc where the insurance impact is often overlooked.
- C.5** No new insurances may be taken out without prior consultation with the Borough Treasurer and Head of Assets.
- C.6** Chief Officers must ensure that there is co-operation with the Insurance Team in providing the correct documentation and that the correct retention of documents is observed.
- C.7** Service budgets will be charged with the cost of legal penalties or losses incurred by the Council as a result of any failure to comply with the



requirements of the Civil Procedure Rules and these Finance and Contract Procedure Rules relating to claims.

Risk Management

- C.8** The Council's approach to Risk Management is that it should be embedded throughout the organisation at both a strategic and an operational level, through integration into existing systems and processes.
- C.9** The Governance and Constitution Committee is responsible for determining the Risk Management Strategy, for implementing it, and monitoring and reviewing its effectiveness.
- C.10** The Borough Treasurer and Head of Assets develops the strategy and supporting framework on behalf of the Management Board. Governance and Constitution Committee scrutinise the Risk Management Process ensuring the Council's risks are managed effectively and that strategic decisions are informed by, and influence the Risk Register.
- C.11** Chief Officers are responsible for ensuring the Risk Management Strategy is implemented and that the Full Risk Management Cycle operates within their Department.

The full cycle consists of:

- Identification of risks, both negative and positive, in relation to the objectives of the Council.
- Evaluation of risks scored for likelihood and impact, both gross (before any controls) and net (with existing controls)
- Treatment of the risk either by: avoidance, mitigation, transfer or to consciously accept the risk.
- Actions and risks monitored and reviewed on a regular basis.
- The Council's Risk Register will be maintained and co-ordinated by the Borough Treasurer and Head of Assets.

- C.12** There are two levels to the Risk Register:

Corporate - those risks that impact on the organisation's overall objectives either because of their frequency of occurrence or the significance of the impact.

Service - those risks that impact on the service objectives. There should be a movement of risks both upwards and downwards throughout the levels and treatment addressed at the most appropriate level of the organisation.



- C.13** Heads of Service are responsible for ensuring Risk Management is carried out at both an operational and strategic level in accordance with the agreed guidance and procedures.
- C.14** Service strategic risk assessments will be carried out annually to inform the service plan. These risk assessments will form the basis of the Service element of the Council's Risk Register.
- C.15** Heads of Service will take account of, and address, corporate risks where appropriate and inform Internal Audit of any Service risks that should be considered significant enough to raise to the corporate level.
- C.16** Service Risk Registers, and associated actions, will be monitored and reviewed on a regular basis (at least quarterly) as part of the performance management process.
- C.17** The corporate risk register will be reported to the Management Board and to the Governance and Constitution Committee in accordance with the budget reporting cycle.

Internal Controls

- C.18** Internal control refers to the systems of control devised by management to help ensure the authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the authority's assets and interests are safeguarded.
- C.19** The Borough Treasurer and Head of Assets is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.
- C.20** It is the responsibility of chief officers to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

Audit Requirements

Internal Audit



- C.21** The requirement for an internal audit function for local authorities is implied by section 151 of the Local Government Act 1972, which requires that authorities “make arrangements for the proper administration of their financial affairs”. The Accounts and Audit Regulations 2003 more specifically require that a “relevant body shall maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control”.

- C.22** The CIPFA Internal Audit Code of Practice defines Internal Audit as “an assurance function that primarily provides an independent and objective opinion to the organisation on the control environment comprising risk management, control and governance by evaluating its effectiveness in achieving the organisation’s objectives.”

- C.23** Internal Audit fulfils the role of the Internal Audit function in the Council and provides assurance to the Section 151 officer, with regard to the effectiveness of the Councils internal control environment.

- C.24** The Council must, on an annual basis, produce an Annual Governance Statement. This statement must provide a description of the system of internal control within the Council, a description of any work undertaken to assess the effectiveness of the internal control framework, and any significant internal control weaknesses.

- C.25** To contribute to the production of the Annual Governance Statement, the Internal Audit Manager is responsible for planning and delivering a programme of independent review of the Council’s activities, the scope of the programme being based on the Councils objectives and an assessment of the risk which may affect the achievement of these objectives.

- C.26** The Internal Audit Manager is also responsible for reporting to those charged with Governance and currently satisfies this requirement by presenting an annual report to the Governance and Constitution Committee, summarising the audit plans for the coming year and a commentary on audit activity which is completed or in progress. A mid year report setting out progress against the annual audit plan is taken to the Governance and Constitution Committee. In addition any matters of material importance in relation to audit matters are also reported to the Cabinet and Governance and Constitution Committee.

- C.27** Audit staff will have full access to all premises, assets, records and third party fund transactions. With regards to organisations participating in partnering arrangements Audit staff shall have such access to premises, assets and records of the partner as is necessary for the purposes of the partnering arrangement, as detailed in Procedure Rule F.17. Partners will



be required to grant reasonable access when requested and details of such access should be agreed with the partner and set down in the Partnering Agreement. Where the right of access has not been specified in existing arrangements then appropriate discussions with partners should take place.

External Audit

- C.28** The Audit Commission is responsible for appointing external auditors to each local authority. The basic duties of the external auditor are governed by section 15 of the Local Government Finance Act 1982, as amended by section 5 of the Audit Commission Act 1998.
- C.29** The authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs,, who have statutory rights of access.

Preventing Fraud and Corruption

- C.30** The Borough Treasurer and Head of Assets is responsible for the development and maintenance of an anti-fraud and anti-corruption policy.
- C.31** The Council has an approved Safeguarding Resources Strategy (LINK)) which places responsibility for maintaining an anti fraud culture with all Members, Managers and individual members of staff. Any matters which involve, or are thought to involve, any fraud or other significant irregularity involving Council assets or those of a third party fund, must be notified immediately to the Internal Audit Manager, in conjunction with other officers detailed in the Councils Investigation Protocols, will decide what steps are necessary.
- C.32** In line with the Safeguarding Resources Strategy and Investigation Protocols the Borough Treasurer and Head of Assets, Borough Solicitor and the Head of HR and Organisational Development, where appropriate, will, in consultation with the appropriate Chief Officer, decide whether any matter under investigation should be recommended for referral by the Chief Executive to the Police or the appropriate enforcement agency.

Assets

- C.33** In the context of these Rules, assets are defined as the resources, other than people, that the Council uses to deliver its service functions. Assets include buildings, land and infrastructure; furniture; equipment; plant; stores and “intellectual property” such as computer software, data and



information of all kinds.

- C.34** Chief Officers and Heads of Service are responsible for the care, control and proper and economical use of all assets used in connection with the operation and delivery of their Services. Proper records should be maintained for these assets, together with appropriate arrangements for their management and security.
- C.35** Heads of Service are responsible for ensuring that assets are used only for official purposes and that all appropriate rights, licenses and insurances are obtained
- C.36** Heads of Service are responsible for ensuring that all computer software used is properly licensed.
- C.37** Chief Officers are expected to have policies in place for:
- the effective disposal of surplus assets
 - asset replacement programme
 - compilation of and regular review of Asset inventories.

Property

- C.38** The Council's approach to property asset management is based on two main principles:
- Property is a corporate resource, owned by the Council, not by individual Departments. This principle underpins the fact that property is the Council's most expensive resource and that it needs to be managed proactively to support service delivery and improvement across all Departments.
 - Property is held only for the effective delivery of services to the Community. This is linked to a rigorous policy on property review and the disposal of any properties that are no longer needed or become unsuitable for current service requirements.
- C.39** The Council's policies, aims and objectives relating to property asset management are explained further in the Corporate Property Strategy and Asset Management Plan.
- C.40** Property assets are comparatively "illiquid" and changes necessarily take time to implement. Heads of Service should be aware of this when planning new initiatives or changes to service delivery patterns and must ensure that the Borough Treasurer and Head of Assets is consulted at the earliest possible stage of the planning process in order that appropriate advice and support can be given.



- C.41** Heads of Service are responsible for ensuring that property under their day to day control is occupied/used in accordance with all appropriate legal and regulatory requirements and that nothing occurs which might diminish the value of the asset. Particular care is required when carrying out alterations to a building and where any form of shared use with another organisation is planned. The advice of the Borough Treasurer and Head of Assets must be obtained before this is permitted.
- C.42** All property acquisitions, lettings and disposals must be negotiated and approved by the Borough Treasurer and Head of Assets and Borough Solicitor. Separate rules apply to specific processes, such as the use of capital receipts from property sales to pay for new schemes, and guidance should be sought from the Borough Treasurer and Head of Assets where this arises.

Inventories

- C.43** Heads of Service must ensure that proper arrangements are made to maintain inventories of all valuable and transportable items, including vehicles, furniture, computer and other equipment (including software), visual aids, expensive tools and sports equipment.
- C.44** The inventory must be updated for all acquisitions and disposals and checked at least annually. Items acquired under leasing arrangements must be separately identified for disclosure in the published final accounts.

Stocks

- C.45** Stock is defined as consumable items constantly required and held by a Service centre in order to fulfil its functions. Heads of Service are responsible for the control of stocks. They must ensure that stocks are appropriately recorded, do not exceed reasonable requirements and that all significant stock is accounted for in the year end accounts. Stocks should be checked at least once a year, more frequently in the case of expensive items.

Cash

- C.46** Cash held on any Council premises should be held securely and should not exceed any sums for which the Council is insured. (Detailed guidance on limits is available from the Council's Insurance Section). If this is unavoidable in exceptional circumstances, the Chief Officer is responsible for making appropriate security arrangements.



Asset disposal/Write off

- C.47** Chief officers and Heads of Service or their authorised officers, as specified in the Scheme of Delegation, may authorise the write off of losses up to £5,000, or disposals, of obsolete or surplus equipment, materials, vehicles or stores up to a disposal value of £5,000. Where the sum exceeds £5,000 approval must be sought from the Cabinet Member for Resources. Any write off which arises as a result of theft or fraud must be notified to the Internal Audit Manager immediately.

Treasury Management

- C.48** The authority has adopted CIPFA's *Code of Practice for Treasury Management in Local Authorities*.
- C.49** The full Council is responsible for approving the treasury management policy statement setting out the matters detailed in paragraph 15 of CIPFA's *Code of Practice for Treasury Management in Local Authorities*. The policy statement is proposed to the full Council by the Cabinet. The Borough Treasurer and Head of Assets has delegated responsibility for implementing and monitoring the statement.
- C.50** All money in the hands of the authority is controlled by the Borough Treasurer and Head of Assets as designated for the purposes of section 151 of the Local Government Act 1972, referred to in the code as the finance director.
- C.51** The Borough Treasurer and Head of Assets is responsible for reporting to the Cabinet a proposed treasury management strategy for the coming financial year at or before the start of each financial year.
- C.52** All Cabinet decisions on borrowing, investment or financing shall be delegated to the Borough Treasurer and Head of Assets, who is required to act in accordance with CIPFA's *Code of Practice for Treasury Management in Local Authorities*.
- C.53** The Borough Treasurer and Head of Assets is responsible for reporting to the Cabinet not less than four times in each financial year on the activities of the treasury management operation and on the exercise of his or her delegated treasury management powers. One such report will comprise an annual report on treasury management for presentation by 30 September of the succeeding financial year.

Banking



- C.54** It is the responsibility of the Borough Treasurer and Head of Assets to operate bank accounts as are considered necessary. Opening or closing any bank account shall require the approval of the Borough Treasurer and Head of Assets.

Investments and Borrowings

- C.55** It is the responsibility of the Borough Treasurer and Head of Assets to:
- To ensure that all investments of money are made in the name of the authority or in the name of nominees approved by the full Council.
 - To ensure that all securities that are the property of the authority or its nominees and the title deeds of all property in the authority's ownership are held in the custody of the appropriate chief officer.
 - To effect all borrowings in the name of the authority.
 - To act as the authority's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the authority.

Trust Funds and Funds Held for Third Parties

- C.56** It is the responsibility of the Borough Treasurer and Head of Assets to:
- To arrange for all trust funds to be held, wherever possible, in the name of the authority (e.g. 'Cheshire East Council on behalf of.....'). All officers acting as trustees by virtue of their official position shall deposit securities, etc relating to the trust with the Borough Treasurer and Head of Assets, unless the deed otherwise provides.
 - To arrange, where funds are held on behalf of third parties, for their secure administration, approved by the Borough Treasurer and Head of Assets, and to maintain written records of all transactions.
 - To ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.

Staffing

Salaries and Wages

- C.57** Chief Officers and Heads of Service are responsible, in consultation with the Head of Service for Human Resources (HR), for providing accurate and appropriate information and instructions to the HR Head of Service to enable the calculation and prompt payment of salaries, expenses and pensions, including details of appointments, promotions, regradings,



resignations, dismissals, retirements and absences from duty. Personnel will advise the Borough Treasurer and Head of Assets of relevant changes in respect of employee's pensions. The HR Head of Service will make arrangements for payment to the appropriate bodies, of all statutory, including taxation, and other payroll deductions.

- C.58** Time sheets and other pay documents which are used to generate payment of salaries, wages or other employee-related expenses must be on official forms or via authorised electronic inputs. Heads of Service are responsible for ensuring that they are certified by an authorised officer and that they are submitted to the HR Head of Service in accordance with the specified timetable. This includes on-line input entered locally. The names and specimen signatures of authorised officers must be secured by Chief Officers and Heads of Service and included in the Service Scheme of Delegation notified to the Borough Treasurer and Head of Assets.
- C.59** The Head of HR and Organisational Development will implement national and local pay agreements as soon as possible after their notification from the appropriate body. Arrangements for funding such awards will be determined each year as part of the budgetary process.

Early Retirement/Severance

- C.60** Where Heads of Service wish to bring forward proposals under the Council's policies on severance and early retirement, they must be accompanied by a full cost and affordability assessment, in a form agreed by the Chief Executive, the Borough Treasurer and Head of Assets and the Head of HR and Organisational Development. Appropriate Cabinet Member and Cabinet Member for Resources approval is required for proposals relating to SM1 and above.
- C.61** Heads of Service will generally be required to meet the costs of severance and early retirement from within their approved budget, subject to phasing over an agreed period.

Travelling and Subsistence

- C.62** Heads of Service are responsible for instructing the HR Head of Service and for providing appropriate and accurate information to enable the prompt and accurate payment of travelling, subsistence and other expenses to authorised employees in accordance with the terms of employment agreed by the Council.
- C.63** Heads of Service are responsible for ensuring that Council employees who use their cars for official business are properly insured to indemnify the



Council against any loss and for ensuring that payments are only made in respect of journeys which are necessary and actually undertaken.

- C.64** All claims for reimbursement must be made using appropriate official claim forms or via authorised electronic inputs.

Code of Conduct

- C.65** The Code of Conduct for Employees applies to and will be followed by all officers. It covers:
Standards, disclosure of information, political neutrality, relationships, Appointments and other Employment Matters, Outside Commitments, Personal Interests, Equality Issues, Separation of Roles during Tendering, Gifts and Hospitality, Use of Financial Resources and Sponsorship.
- C.66** Where an outside organisation wishes to sponsor or is asked to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts and hospitality applies, as detailed in the Code of Conduct for Employees.

Third Party Funds

- C.67** A third party fund is defined as any fund financed other than by the Council, controlled wholly or partly by a member of the Council's staff in connection with the clients, establishments or activities of the Council such as School Funds, Amenity Funds or Criminal Injuries Compensation Payments for children in care.
- C.68** Officers maintaining third party funds are responsible for informing the Internal Audit Manager of their nature and purpose.
- C.69** Money or goods belonging to the third party fund must be kept completely separate from other money or goods belonging to the Council. Similarly, completely separate records must be kept of the money or goods involved.
- C.70** An independent auditor must be appointed who has suitable qualities though not necessarily professionally qualified, to audit the third party fund on an annual basis. The Internal Audit Manager will advise on such appointments. Annual Statements of Account and Audit Certificates must be formally presented to a Management Committee or other appropriate governing body.
- C.71** Chief Officers are responsible for ensuring that any third party funds controlled by Council staff are:-
- formally declared to the Internal Audit Manager as part of a register



kept by the Department/Service

- maintained separately and correctly in accordance with these Finance Procedure Rules, and
- subject to the same standards of stewardship and probity as Council funds.

C.72 The Returning Officer will be responsible for maintaining complete and accurate records and for reconciliation with regard to elections accounts.

Retention of Records

C.73 The Council, in common with other public and private organisations, has certain statutory obligations it has to meet for the retention of its records. It also has to fulfil the requirements of HM Revenue and Customs, other legislative requirements and the external auditors in respect of its financial records.

C.74 All records held should have an appropriate retention period assigned to them, which meet the statutory obligations to retain financial records, but also takes into account legislative requirements such as the Limitation Act and Data Protection Act; Freedom of Information requirements; and the business needs of the department.

C.75 The majority of financial records must be kept for 6 years from the end of the tax year to which they relate. Some records however, may need to be kept for longer periods e.g. if required to defend future insurance claims. It is possible others can be destroyed within shorter periods.



D Financial Systems and Procedures

Why is this important?

Sound systems and procedures are essential to an effective framework of accountability and control.

What's covered in this Section?

- Income and Expenditure
 - Income
 - Banking Arrangements
 - Generating Income
 - Collection of Income
 - Bad Debts
 - Ordering and paying for work, goods and services
 - General Principles
 - Payment of Invoices
 - Non-invoice payments
 - Purchase Cards/Credit Cards
 - Imprest Accounts
 - Payments to Members
- Taxation
- Trading Accounts and Business Units



Income and Expenditure

Banking Arrangements

- D.1** The Council will approve the terms under which banking services, including overdraft facilities, are provided.
- D.2** All bank accounts must be titled impersonally in the name of Cheshire East Council.
- D.3** Subject to any directions given by the Council, all arrangements with the Council's bankers must be made solely through the Borough Treasurer and Head of Assets. No bank accounts may be opened or arrangements made with any other bank except by agreement with the Borough Treasurer and Head of Assets.
- D.4** Bank transfers from the General Fund and subsidiary accounts must be signed by the Borough Treasurer and Head of Assets, or those officers authorised to sign through the agreed Scheme of Delegation.
- D.5** Cheques drawn must bear the mechanically impressed or facsimile signature of the Borough Treasurer and Head of Assets or be signed by the Borough Treasurer and Head of Assets or other officer authorised to sign through the agreed Scheme of Delegation.

Income

Generating Income

- D.6** Local Authorities do not have general powers to trade with, or levy charges upon, other organisations or private individuals. The use of flexibilities in the Local Government Act 2003, its interpretation and application needs to be agreed in consultation with the Borough Solicitor. Chief Officers are responsible for ensuring that the appropriate legal authority for all income generating activities has been identified.
- D.7** Where it is possible to charge for goods or services, the charges must be based on the principle of full-cost recovery, including all service and corporate overheads. Where Chief Officers wish to charge more or less than the full cost, or where the proposal constitutes a new policy or a variation on previous practice the Borough Treasurer and Head of Assets must be consulted in advance. Member approval is required when the financial impact of any change is:

Approval Level	Financial Impact of Change in Charges
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Chief Officer	Up to and including £100,000
Borough Treasurer and Head of Assets in consultation with Cabinet Member for Resources	More than £100,000 and up to and including £500,000
Cabinet	Over £500,000 and up to and including £1,000,000
Council	£1,000,000 or more

- D.8** Charges must be reviewed annually in light of all relevant information, including consideration of appropriate inflation factors.

Collection of Income

- D.9** Council officers must comply with arrangements determined by the Borough Treasurer and Head of Assets for the safe and efficient collection and recording of all money due to the Council.
- D.10** Chief Officers are responsible for ensuring that accounts for income due to the Council, including grant claims, reimbursements and third party contributions, are raised immediately and accurately in a form approved by the Borough Treasurer and Head of Assets. These must include VAT where appropriate.
- D.11** The cost of collection should be taken into account when raising accounts. Chief Officers must ensure that the method of collection is appropriate to the value of the transaction.
- D.12** Chief Officers are responsible for ensuring that all income received is receipted, where required, recorded correctly against the appropriate budgets, and in the case of cash and cheques, banked with the minimum of delay. The frequency of banking should follow the guidelines provided by the Borough Treasurer and Head of Assets to avoid incurring disproportionate banking charges on relatively low value transactions, taking into account local security arrangements.
- D.13** Chief Officers are responsible for monitoring income collection and ensuring appropriate recovery action is taken. A summary of the position on the level of outstanding debt and collection issues should be included in mid year and outturn reports. Full provision for income still outstanding six months after the due date should be made in Service accounts. This should not however preclude pursuit of the debt.
- D.14** The Borough Treasurer and Head of Assets will monitor compliance with



Finance Procedure Rules D.11 and D13 and may, in circumstances where avoidable adverse cash flow has resulted, determine an appropriate interest charge against departmental budgets.

- D.15** Credit notes must be authorised by appropriate officers nominated in the local Scheme of Delegation.
- D.16** Any receipts, tickets or other documents used as receipts should be in a format agreed by the Borough Treasurer and Head of Assets. All controlled stationery issued to a Head of Service must be recorded in a register, which is held by a single officer within each Service.

Bad Debts

- D.17** Bad debts may be written off as follows:

Approval Level	Bad Debt Amount
Chief Officers and Heads of Service, or Authorised Officer as contained in the Scheme of Delegation, in consultation with the Borough Treasurer and Head of Assets.	Up to and including £2,500
Chief Officers and Heads of Service, in consultation with the Borough Treasurer and Head of Assets and Borough Solicitor.	Over £2,500 and up to and including £5,000.
Chief Officers and Heads of Service, in consultation with the Borough Treasurer and Head of Assets and Borough Solicitor and Cabinet Member.	Over £5,000 and up to and including £10,000.
Chief Officers and Heads of Service, in consultation with the Borough Treasurer and Head of Assets, Borough Solicitor, relevant Cabinet Member, and Cabinet Member for Resources.	Over £10,000 and up to and including £50,000.
Cabinet	Over £50,000.

Each Chief Officer shall provide an annual report to Scrutiny Committee as to bad debts and written off debts.

- D.18** Chief Officers are responsible for ensuring that an adequate provision for bad debt is made in the Council's accounts at year end and that contributions to this provision are included in budgetary projections and outturn reports.



Ordering and paying for work, goods and services

General Principles

- D.19** Chief Officers and Heads of Service are responsible for providing all appropriate information and instructions to the Head of Service responsible for the payment of creditors to allow for prompt and accurate payment for goods and services provided and for the analysis of expenditure.
- D.20** Except for purchases by visa purchase card, all purchases must be supported by an official requisition and purchase order unless previously agreed with the Borough Treasurer and Head of Assets. All purchases, including by visa purchase card, must have regard to these Finance Procedure Rules.
- D.21** All requisition and purchase orders must be authorised in accordance with the relevant service Scheme of Delegation to ensure that funds are available to pay for the purchase.
- D.22** Where a requisition for the purchase of goods or services exceeds £10,000 in value Finance and Contract Procedure rules E.33 – E.36 apply.
- D.23** All official purchase orders must include, as a minimum, the order number, the price agreed with the supplier, description of the goods or services to be provided, the delivery address, the address where invoices must be received and the terms and conditions for the goods and services to be provided.
- D.24** Heads of Service must ensure that there is adequate separation of duties in the raising and authorisation of requisitions, authorising of purchase orders, receipt of goods and authorisation of payments to creditors.
- D.25** Heads of Service must ensure robust processes to continually maintain service HR records and Schemes of Delegation so that electronic workflows associated with core financial systems are not compromised.
- D.26** All purchasing activity must be carried out in accordance with the Council's Procurement Strategy and advice issued about efficient and effective use of the Council's core financial and e-procurement systems and processes. Such processes will include the deployment of VISA purchase cards.
- D.27** Approval of the Borough Treasurer and Head of Assets must be sought in advance of entering into any supply agreement with a commercial creditor who has not been set up on the Council's core financial system.



- D.28** Heads of Service must consult the the Borough Treasurer and Head of Assets on appropriate arrangements for purchases of goods and services which can not be accommodated within standard ordering and payment processes.

Payment of Invoices

- D.29** All invoices must be sent directly by the creditor to the address stated on the official purchase order to enable prompt payment.
- D.30** All invoices, as a minimum, must include the official purchase order number, the description of the goods or services provided, the quantity delivered, the delivery address, the date of the invoices and/ or date of delivery of the goods or services, the address and VAT registration number of the supplier and the price and VAT at the prevailing rate.
- D.31** Invoices received without a valid purchase order number will be returned to the creditor as unauthorised for payment.
- D.32** The Council's standard payment terms are 30 days from receipt of a correct invoice by BACS (Bankers Automated Clearing System). Alternative terms may not be negotiated or agreed with suppliers without the explicit approval of the Borough Treasurer and Head of Assets. Heads of Service are responsible for notifying suppliers of these terms and for ensuring that they are observed by all those involved in the purchasing and payment processing.
- D.33** Payment will only be made for goods and services which have been formally receipted in accordance with receipting procedures set out by the Borough Treasurer and Head of Assets .
- D.34** All purchasing activity must be carried out in accordance with the Council's Procurement Strategy and advice issued about efficient and effective use of the Council's core financial and e-procurement systems and processes. Invoices received for payment must comply with the Council's best practice processes.

Non-invoice payments

- D.35** Where Heads of Service wish to initiate a payment to a third party without a supporting invoice, an official request for payment must be submitted to the Borough Treasurer and Head of Assets.
- D.36** Any such requests must be authorised by an officer designated with an appropriate approval limit in the relevant service Scheme of Delegation. They are responsible for ensuring that all payment details provided are



accurate and that supporting records and documentation are available to substantiate the payment, including an official VAT receipt to allow for the reclaim of any VAT element.

- D.37** Appropriately authorised requests for payment will be processed by the Borough Treasurer and Head of Assets and paid by BACS. Cheques will only be used in exceptional cases and by prior agreement.
- D.38** Non-invoice payments should be requested on an exceptional basis only. Where payments of this type need to be made on regular basis Heads of Service must consider, in conjunction with the Borough Treasurer and Head of Assets, other alternative options which may be more appropriate.
- D.39** Payments or reimbursements in respect of salaries and wages, travelling expenses or other employment allowances must be processed through the Payroll system and not treated as a non-invoice payment.

Purchase Cards

- D.40** Heads of Service are responsible for the appropriate deployment and management of VISA purchase cards within their service.

Local Bank and Imprest Accounts

- D.41** Local bank and imprest accounts may only be used as alternatives to purchase orders and VISA purchase cards by prior consent and in accordance with specific guidance and instructions issued by the Borough Treasurer and Head of Assets.
- D.42** Heads of Service are responsible for ensuring that where local arrangements are in place:
 - Local schemes of delegation set out clearly the responsibilities and approval limits of individual officers in respect of these arrangements; and that these are reviewed and updated regularly.
 - They are operated in accordance with guidance issued and that appropriate management supervision and compliance monitoring is undertaken.
 - Adequate records are maintained to allow for the verification and reconciliation of all payments made to the Council's general ledger and bank accounts, and to allow for the proper treatment of VAT.
 - Arrangements are being operated for legitimate Council business only.
- D.43** Local arrangements may not be used in any circumstances to circumvent either the Councils Corporate Procurement Strategy or agreed approval



and authorisation procedures, nor must they be used for any payments in respect of salaries and wages, travelling or other employment expenses, or payments for work carried out under the Construction Industry Tax Deduction Scheme.

Payment to Members

- D.44** The Borough Treasurer and Head of Assets is responsible for paying all allowances to members.
- D.45** The Borough Treasurer and Head of Assets will make payments to any members entitled to claim allowances on receipt of the proper form, completed and certified in accordance with the Council's scheme for allowances.

Taxation

- D.46** It is the responsibility of the Borough Treasurer and Head of Assets to:
- To complete all Inland Revenue returns regarding PAYE.
 - To complete a monthly return of VAT inputs and outputs to HM Revenue and Customs.
 - To provide details to HM Revenue and Customs regarding the construction industry tax deduction scheme.
 - To maintain up-to-date guidance for authority employees on taxation issues.
- D.47** It is the responsibility of chief officers to:
- To ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Revenue and Customs regulations.
 - To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.
 - To ensure that all persons employed by the authority are added to the authority's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.
 - To follow the guidance on taxation issued by the Borough Treasurer and Head of Assets.

Trading Accounts and Business Units

- D.48** Separate Trading Accounts are required when services are provided to either internal or external clients, on a basis other than a straightforward



recharge of full cost. These accounts are also required where there is a minimum turnover of £1,000,000.

D.49 It is the responsibility of the Borough Treasurer and Head of Assets to advise on the establishment and operation of trading accounts and business units.

D.50 It is the responsibility of chief officers to:

- To consult with the Borough Treasurer and Head of Assets and Borough Solicitor where a business unit wishes to enter into a contract with a third party where the contract expiry date exceeds the remaining life of their main contract with the authority. In general, such contracts should not be entered into unless they can be terminated within the main contract period without penalty.
- To observe all statutory requirements in relation to business units, including the maintenance of a separate revenue account to which all relevant income is credited and all relevant expenditure, including overhead costs, is charged, and to produce an annual report in support of the final accounts.
- To ensure that the same accounting principles are applied in relation to trading accounts as for other services or business units.
- To ensure that each business unit prepares an annual business plan.

E	Contract Procedure Rules
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<p>Why is this important?</p>

<p>This section covers all aspects of procurement and Contracts procedures in relation to EU and National legislation.</p>
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What's covered in this Section?

The roles and responsibilities of:

- The Cabinet
- The Committees of the Cabinet
- The Statutory Officers
- All Officers procuring goods and services on behalf of the Authority

Introduction

- E.1** These Rules set a clear framework for the procurement of goods, works and services for the Council. This aims to ensure a system of openness, integrity and accountability where the probity and transparency of the process will be beyond reproach. Working within the Rules in turn leads to better value for money and gives confidence to all concerned that the Council is fulfilling its fiduciary responsibilities. These Rules apply to all



quotations (informal procurement with a value up to £50,000) and tenders (formal procurement over £50,000)]

- E.2** Any dispute or difference as to the interpretation of these procurement procedure rules shall be resolved by the Borough Solicitor in consultation with the Borough Treasurer and Head of Assets.
- E.3** There is a clear requirement for the Council to achieve Value for Money in its purchase of goods, works or services. These Contract Procedure Rules have been written to ensure that this requirement is achieved on behalf of the whole Council. Any procurement decision by a Service must therefore be made in the context of this overall Value for Money aims of the Council. It is a requirement that in all cases these Rules will be applied.
- E.4** These Rules will ensure that the Council will:
- get value for money;
 - keep within the law;
 - maintain standards of conduct;
 - be fair to suppliers;
 - protect officers;
 - demonstrate accountability for public money ;
 - meet its corporate and directorate aims and policies; and
 - comply with the Council's Procurement Strategy.
- E.5** Officers must procure goods and services in the first instance through Corporate Contracts, where these have been awarded. Details of current Corporate Contracts can be obtained from the Borough Treasurer and the Head of Assets. Failure to comply with this Rule may be considered a breach of the Officer Code of Conduct.

Compliance and Officer Responsibilities

- E.6** Every contract made by or on behalf of the Council must comply with these Contract Procedure Rules and the associated detailed guidance.
- E.7** All Council employees and third parties/contractors engaged to act in any capacity to manage or supervise a Contract must comply with these Rules, and each Head of Service must ensure such compliance in the Service for which they are responsible. Failure to comply with these Rules or the associated detailed guidance maybe considered a breach of the Officer Code of Conduct and may result in disciplinary action and legal proceedings against the officers or third parties concerned. All Council employees and third parties engaged on the Council's behalf must ensure



that any conflicts of interest are avoided. Any conflict of interest must be declared to appropriate line managers in the Council as defined and in line with the Officer Code of Conduct.

- E.8** Where a Chief Officer or his designated representative intends to seek an exception to these Rules, as they apply to contracts and tenders, he/she shall arrange for a report to be prepared and submit it for consideration and approval by the Borough Solicitor and the Borough Treasurer and Head of Assets prior to the start of the relevant procurement process.
- E.9** All such exceptions should be recorded in the delegated decisions register and available for inspection as required.
- E.10** National or European Union legislation overrides these Finance and Contract Procedure Rules.
- E.11** Where it becomes apparent that a Service has failed to comply with these Rules then the Chief Officer or his designated representative shall issue a report outlining the reasons for the non-compliance and the steps taken to prevent a re-occurrence. The Chief Officer or his designated representative will be required to submit the report to the Borough Treasurer and Head of Assets and Borough Solicitor before reporting to Governance and Constitution Committee.
- E.12** When any employee either of the Council or of a service provider may be affected by any transfer arrangement. Officers must ensure that Transfer of Undertaking (Protection of Employment) Regulations (TUPE) issues are considered and obtain legal advice before proceeding with inviting tenders and quotations.

Appointment of Consultants

- E.13** Any appointment of a consultant or consultancy body is subject to these Rules and any detailed guidance. Advice should be sought from the Borough Treasurer and the Head of Assets prior to entering into any such arrangement.

Pre Contract Requirements

- E.14** The Council's Service Schemes of Delegation set out the approvals necessary for different types of contract.
- E.15** Before beginning a purchase, the Authorised Officer responsible for letting the contract must:
 - make sure that the appropriate authority is in place to start the



process and spend the money in accordance with the appropriate Scheme of Delegation;

- make sure that there is enough money in the budget to cover the total whole-life financial commitment being made (including any consultant's or other external charges or fees);
- make sure that the Forward Plan requirements have been followed where the purchase is a Key Decision.

E.16 The Authorised Officer must ensure when entering into supply agreements that the requisition order and payment processes to be provided by the supplier are in accordance with Section D (Ordering and paying for work, goods and services) of these Finance and Contract Procedure Rules.

E.17 For procurements above £10,000 advice should be sought from the Borough Solicitor as to the relevant form of Contract to be employed for the procurement.

General Requirements

E.18 Before beginning a purchase, the Authorised Officer responsible for it must also:

- Where the proposed value of the procurement is estimated to be over £50,000 where it is necessary due to the nature of the procurement, the appropriate Officer should seek advice from The Borough Treasurer and the Head of Assets and where appropriate enquire whether the service is able to be provided by an 'in-house' Provider;
- Carry out an options appraisal, to decide what procurement method is most likely to achieve the purchasing objectives, in a form specified by the Borough Treasurer and the Head of Assets;
- Assess the risks associated with the purchase and how to manage them;
- Prepare a procurement plan where the value of the purchase exceeds £50,000 or where the purchase poses a significant risk to the Council and send a copy to the Borough Treasurer and the Head of Assets;
- If the procurement is subject to European Procurement Rules, advice should be sought from the Borough Treasurer and the Head of Assets.
- Ensure that all bid evaluation criteria have been determined in advance; and
- Ensure that these Rules and any detailed guidance have been complied with, and that the proposed contract represents value for money.



Contract Procedures

- E.19** The table below sets out which procedures must be followed for different contract values.

The Total Value of the contract is the Yearly contract value x Contract period in years (including any extension periods).

	Total Value	Procedure to follow where no Contract exists
Informal	Below £10,000	E-mail /telephone quotation(s)
	Above £10,000 but below £50,000 for goods, services and works.	Comparison of written quotations from at least 3 bidders.
Formal	Above £50,000 but below the EU threshold* for goods, services and works.	Formal tender process from at least 3 suppliers.
	Above the EU threshold* for goods, services and works.	Tender process in accordance with EU Procurement Rules.

* See E.35 for EU thresholds.

Exceptions to Requirements of Competition

Framework Agreements

- E.20** Government and Local Government Framework Agreements may only be used for the procurement of goods or services if they can be clearly identified on contract schedules held by those bodies. The framework agreement must allow the Council to participate in such an agreement and must adhere to the principles of these Rules. Before starting any procurement guidance should be sought from the Borough Treasurer and the Head of Assets.
- E.21** Examples of Government Frameworks are found on the "Catalist" and the Office of Government Commerce (OgC Buying Solutions) website www.ogcbuyingsolutions.gov.uk. Under these Framework Agreements already tendered under EU Rules value for money can be determined following the Catalist "mini competition" process set out on their website. Advice on the process should be sought from the Borough Treasurer and the Head of Assets.
- E.22** Framework agreements must be for a maximum of four years. If there is any doubt about their duration advice should be sought from the Borough Treasurer and the Head of Assets.



Other Exceptions to Requirements of Competition

- E.23** A Delegated Decision form must be completed by the Chief Officer or his designated representative for every exemption listed below and sent for approval to the Borough Treasurer and Head of Assets and the Borough Solicitor. Any request to approve waiving of any Finance and Contract Procedure Rule is also subject to such approvals by the Borough Treasurer and Head of Assets and the Borough Solicitor.
- E.24** Provided that a proposed contract award complies with national and EU legislation and any other Finance and Contract Procedure Rule and subject to the Chief Officer or his designated representative keeping a record of the reasons, reported annually to the Borough Treasurer and the Head of Assets, then the competition requirements may not apply to:
- The purchase of goods or services or the execution of works which in the opinion of the appropriate Chief Officer or his/her Authorised Officer and the Borough Treasurer and the Head of Assets is certain are obtainable only from one source or contractor, and where no reasonably satisfactory alternative is available;
 - The purchase of a product required being compatible with an existing installation and procurement from any other source would be uneconomic given the investment in previous infrastructure as approved by the Chief Officer;
 - The instruction of, advice from, or service provided by Counsel or, by exception, Solicitors to act on the Council's behalf;
 - Procurements made from "Call Off" Contracts and Framework Agreements that have been subjected to competition or through ,or on behalf of, any local authority or Government consortium, association or similar body provided that tenders or quotations have been invited by these bodies and contracts placed in accordance with their procedures which are broadly equivalent to these Rules and also comply with any National or EU legislation;
 - Special education or social care contracts if, in the opinion of the Chief Officer, following consultation with the Borough Solicitor and the Borough Treasurer and the Head of Assets, it is considered the Client's interests are best met if there is exemption from the competition rules;
 - The exercise of statutory grant aid powers delegated to a Chief Officer or his/her Authorised Officer (which shall be specified by that Chief Officer or his designated representative in each case);
 - Circumstances which in the opinion of both the Borough Treasurer and Head of Assets and Borough Solicitor warrant an exception to the requirements for competition, to include, but not limited to when an emergency requires an immediate contract (which should in any



event be procured from an approved list of suppliers where available) or when exceptionally the Chief Officer his/her Authorised Officer considers that is inappropriate in the interests of the efficient management of the service;

- Any other general circumstances, up to the EU threshold, as agreed by both the Borough Treasurer and Head of Assets and the Borough Solicitor.

E.25 If in written circumstances requiring only 3 quotations or tenders, quotations or tenders cannot be obtained due to lack of suitable contractors prepared to quote/tender then a record of the reasons for this action must be kept and be reported annually to the Borough Treasurer and the Head of Assets.

E.26 The Chief Officer or his/her Authorised Officer must be satisfied that if three quotations/tenders have not been received that the offer accepted offers the Council best value and the prices are competitive. Advice from the Borough Treasurer and the Head of Assets should be sought as to the most appropriate form of Contract to employ for the procurement.

Variations and Contract Extensions

E.27 All variations must be in the form of written instruction to the contractor. Any such variation should be agreed, documented and signed by both parties.

E.28 The Contract term cannot be extended where this would result in the value of the contract exceeding the European Procurement threshold. In such circumstances the advice of the Borough Treasurer and the Head of Assets should be sought.

E.29 The term of a Contract may be extended with the approval of the Chief Officer or his/her Authorised Officer if there is provision within the Contract terms and conditions to extend and the agreement of the Borough Treasurer and Head of Assets has been received with regards to the budgetary provision. If the contract has already been extended to the full extent provided in the contract it cannot be extended further.

E.30 If there is no provision within the contract terms and conditions for the Contract to be extended the approval of the Borough Solicitor and the Borough Treasurer and Head of Assets must be sought to any proposed extension of the term of contract, and a record kept by the Chief Officer and the reasons why.

Advertising of Procurement Opportunities



- E.31** To determine the market for each procurement in excess of £10,000 the Chief officer should identify the most appropriate method of advertisement including but not restricted Local press, relevant trade journals, council websites and other websites. The Borough Treasurer and the Head of Assets will facilitate advertisement in the OJEU.

Competition Requirements below £10,000

- E.32** Officers must seek quotations so as to demonstrate Value For Money. Procurement of goods and services below £10,000 must be in accordance with 'Ordering and paying for work, goods and services' (D.19 – D.43).

Competition Requirements for Procurements between £10,000 and £50,000

- E.33** Procurement of goods and services must not be split to avoid a formal tender award procedure, or to have the effect by such a split indicate that the value of the goods or services would if not split breach the European Procurement Rules threshold.
- E.34** Records required to be kept under Contract Procedure Rules E.20 – E.26 and E.32 – E.53 shall be in a format to be determined by the Borough Treasurer and Head of Assets.

Competition Requirements for Procurements over £50,000 but below the EU Procurement threshold

- E.35** Where contracts have an aggregate value over the life of the contract estimated at £50,000 or more, a formal tendering procedure must be undertaken in a format to be approved by the Borough Treasurer and the Head of Assets. The invitation to tender must be advertised in an appropriate manner and tenders received must be dealt with and evaluated in accordance with these Rules. Subject to E37, either the Open or Restricted Procedures, described below, should be used as practicable. The full European Procurement Regime does not apply below the financial threshold (shown below) it is not imperative to publish an OJEU notice in these circumstances, however advertising in the OJ may be a consideration. Further advice can be sought from the Borough Treasurer and the Head of Assets.

Competition Requirements under European Procurement Rules (currently applicable for Contracts valued as follows, until January 2010)

Services	Goods	Works
£139,893	£139,893	£3,497,313



(€206,000)

(€206,000)

(€5,150,000)

These levels are set by the Public Sector Directive 2004/18/EC, The Public Contracts Regulations 2006, Council Regulation 1422/2007 (L317/34 5/12/07) Sterling Equivalents were published in C301/07 dated 13/12/07. Thresholds are net of VAT.

E.36 The procedures set out below follow the model set out in the European Procurement Rules. They represent best practice and should be adopted as the norm for all exercises over the threshold values. Either the Open or Restricted Procedure must be used as practicable. The Negotiated Procedure and Competitive Dialogue Procedure may only be used in exceptional circumstances and with the approval of the Borough Solicitor. Advice on the appropriate procedure to apply may be obtained from the Borough Treasurer and the Head of Assets or the Borough Solicitor.

Negotiated and Competitive Dialogue Tendering Procedure

E.37 The Negotiated and/or the Competitive Dialogue procedure should only be used in exceptional cases where advice has been sought from the Borough Treasurer and the Head of Assets and the Borough Solicitor.

General Procedure

E.38 Contracts that are subject to the EU procurement rules (and other contracts where that is appropriate) generally follow a three-stage process:

- **Stage 1 - PQQ**

This stage uses a Pre-Qualification Questionnaire (PQQ) to short-list those tenderers to be invited to submit a tender. Templates are available from the Borough Treasurer and the Head of Assets and;

- **Stage 2 – Tender**

This stage involves the preparation of a detailed tender specification and instructions which explains what is required to be provided and how tenders will be managed and evaluated. Bidders will submit their tenders based on the information provided in this document and give contract specific proposals (including as to delivery and price) and;

- **Stage 3 - Evaluation**

This will usually lead to the award of the contract. It is at this stage that any contract specific proposals (e.g. price and how the contract will be delivered) are assessed. Evaluation is dealt with in more detail below.



- E.39** Stage 1 PQQ - the only considerations are those matters which are relevant to the performance of the contract in question (e.g. financial standing, expertise, experience and technical capacity). There can be no consideration of the suppliers' proposals as to *how* the contract would be delivered.
- E.40** Once an organisation has been selected through the PQQ stage, they are deemed to be suitable to undertake the contract and they cannot be failed on the same criteria at the Tender and Evaluation stage (Stage 2 & 3) unless relevant changes occur during the later stages of the procurement process (e.g. a change in a supplier's financial standing).
- E.41** A minimum number of short-listed suppliers are then invited to submit tenders within a strict timetable. At the close of the period of time allowed for tender submission, each tender is evaluated against the criteria identified in the tender instructions/specification document sent out at Stage 3. (See paragraph E.42 below).
- E.42** If following the PQQ stage less than 3 organisations meet the selection criteria consideration should be given as to whether continuing with the process will achieve a competitive price, value for money and quality of services. A further advertisement may be required to achieve a better response and more tenderers.
- E.43** The Chief Officer or his/her Authorised Officer must keep a record of the reasons for this action and report these annually to the Borough Treasurer and the Head of Assets.

Open Tendering Procedure

- E.44** All companies expressing an interest will receive an invitation to tender. There is no restriction or selection process prior to the dispatch of tenders.
- E.45** Public Notice must be given in relevant trade journals, newspapers, websites and the Official Journal of the European Union (OJEU) if the EU threshold is breached or exceeded, and where appropriate on the Council's Web-Site. At least 52 days public notice must be given in one or more local newspapers or trade journals circulating amongst such firms who undertake such contracts, and on the Council's Web-Site, setting out details of the proposed contract, inviting tenders from applicants and stating the last date on which tenders will be received. Tenders must be sent out within 6 days of a request. The OJEU must state the date and time of the opening of tenders whether or not the supplier is to be allowed to attend the tender opening.



- E.46** The time limits referred to in E.45 may be reduced by 5 days where electronic versions of the contract documents are made available or be reduced to a shorter period of generally not less than 36 days and in any event not less than 22 days where a prior information notice has been published in accordance with the EU Regulations. These two reductions in the periods of time may be combined. No decision to reduce those time limits must be taken without consulting the Borough Treasurer and the Head of Assets and the Borough Solicitor.
- E.47** If an alternative (variant) bid is to be permitted, the OJEU must say this. The Instructions for tendering specification document must give details of what is to be regarded as the minimum requirements of a variant bid. If these requirements are not met, a variant bid cannot be accepted.
- E.48** Evaluation of tenders submitted through the Open Procedure must be undertaken in accordance with the EU Procurement Regulations. All tenders submitted must be evaluated. The Open Procedure does not allow any negotiation with bidders.
- E.49** The Open Procedure may not be suitable where it is anticipated that there may be a large number of potential contractors interested in bidding for the contract. The Open Procedure is the most suitable for the procurement of non specialist goods such as stationary. The selection stage and the award stage can be undertaken simultaneously.

The Restricted Procedure

- E.50** This is a two stage process involving the invitation of expressions of interest from interested bidders. A contract notice must be published in the OJEU allowing at least 37 days for receipt of expressions of interest from prospective bidders. A shortlist of bidders is then drawn up in accordance with qualification criteria. At least 5 bidders must be selected at this stage, based on economic standing and professional or technical ability. If an alternative (variant) bid is to be permitted, the OJEU must say this. The Instructions for tendering and specification document must give details of what is to be regarded as the minimum requirements of a variant bid. If these requirements are not met, a variant bid cannot be accepted.
- E.51** Those bidders on the shortlist must be invited to tender, allowing at least 40 days for receipt of completed tenders. Tenders are evaluated at the end of the 40 day period. No negotiation with bidders is allowed.
- E.52** The contract will be awarded in accordance with the criteria specified in the OJEU notice. An award notice must be published within 48 days. Unsuccessful tenderers must be de briefed.



- E.53** In circumstances of urgency, the time limits can be reduced. The 37 day period for expressions of interest may be replaced by a period of not less than 15 days. The time for inviting short listed suppliers to tender can be reduced from 40 to 10 days. No decision to reduce the time limits must be taken without first consulting with the Borough Treasurer and the Head of Assets and the Borough Solicitor.

Despatch of Tenders

- E.54** If an invitation to tender is required such invitations can be made using any available form of communication providing all invited parties receive identical information despatched at the same time.

Submission and Receipt of Tenders

- E.55** Tenders should be submitted as instructed in the tender documentation. Non compliance with this requirement will result in the tender not being considered. Electronic tenders should only be sought following advice from the Borough Treasurer and the Head of Assets.
- E.56** The tender must be submitted to the location, and by the time and date specified in the invitation to tender as being the last time and date for the receipt of tenders in the envelope provided bearing " Tender " or carrying any Tender label supplied with the Invitation to Tender.
- E.57** Where the Council estimates the tender value to be £50,000 or more, all tenders must be submitted to the Borough Solicitor.
- E.58** Unless it forms part of an electronic tender process tenders will be submitted in hard copy in the first instance and must bear no details of name, mark, slogan or logo of the contractor on the tender envelope. Non compliance with this requirement may result in the tender not being considered. The Borough Treasurer and the Head of Assets will in such circumstances determine whether it is in the interests of the Council to consider the relevant tender. Electronic versions of tenders must not be delivered or opened before the opening of hard copy tenders.
- E.59** The Council is not bound to accept the lowest (E.83) or any tender.
- E.60** Each tender submitted in accordance with the procedures detailed in E.55 – E.62 will remain in the custody of the Borough Solicitor until the time appointed for opening.
- E.61** Upon receipt of a hard copy tender the receiving officer must indicate on the envelope the date and time of its receipt.



- E.62** Tenders received after the date and time indicated for the receipt of tenders will not normally be considered except with the agreement of the Borough Solicitor and Borough Treasurer and Head of Assets. Such tenders will be opened and returned to the tenderer if they are not to be considered.

Opening and Registration of Tenders/Quotations

- E.63** Tenders shall be opened at one time by the Borough Solicitor or his/her Authorised Officer, in the presence of the purchasing Chief Officer or his/her designated representative and Borough Treasurer and Head of Assets or his/her designated representative and any electronic tenders service provider, where applicable.

- E.64** The Authorised Officer must at the time the tenders are opened, record on the Register:

- the type of goods or materials to be supplied or disposed of, or the work or services to be carried out;
- the name of each contractor submitting a tender;
- the amount of each tender where appropriate
- the date of the opening of a tender
- the signatures of all persons present at the opening of each tender
- the reason for any disqualification of any tender
- the name of each contractor invited to tender but who did not submit a tender.

- E.65** Every written quotation obtained for each proposed contract must be opened at one time and details recorded by the Chief Officer or his/her Authorised Officer.

- E.66** Any request for an extension to the tender period must (in normal circumstances) be no later than 5 working days before the tender closing date. If the date is to be extended the revised date must be advised to all tenderers.

Errors in Tenders

- E.67** Errors in Tenders shall be dealt with in one of the following two ways:

- the tenderer shall be given details of the error(s) found during the examination of the tender and shall be given the opportunity of confirming without amendment or withdrawing the tender; or
- Amending the tender to correct genuine error(s) provided that in this



case, apart from these genuine errors, no other adjustment, revision or qualification is permitted.

- E.68** Tender documents must state which method will be used for dealing with errors in tenders.

Exclusions of Tenders

- E.69** No valid tender received should be excluded from the tender process without the approval of the Borough Solicitor and the Borough Treasurer and Head of Assets.

Evaluation of Tenders and criteria for selecting a supplier

- E.70** All the procedures, with the exception of the Open Procedure, anticipate a selection process which involves at least two stages. The first stage is to draw up a shortlist of candidates who will be invited to submit tenders, and a second stage when the contract is awarded to one (or more) of the bidders. Where the procedure is a Negotiated Procedure or Competitive Dialogue Procedure when there may be an intermediate stage which allows further refinement of the shortlist.

- E.71** The following criteria (set out in Public Contracts Regulations 23, 24, 25 and 26) may be used to draw up the shortlist of those who are to be invited to tender:

- Suppliers who have, or whose directors have been convicted of certain offences listed in Public Contracts Regulation 23 are ineligible to submit bids and must not be included in the short list;
- A public authority can (but does not have to) refuse to shortlist businesses which are insolvent, have been convicted of a criminal offence relating to the running of the business, or committed grave misconduct in the running of the business
- Businesses can be excluded if they have not paid all their taxes or social security contributions
- Businesses can be excluded if they are not included on the appropriate trade register in their home state
- Public authorities are allowed to request evidence from prospective bidders to allow them to assess whether any of the above factors apply.
- Public authorities may make an assessment of bidders' economic and financial standing by taking into account all or any of the following:-
 - statements from the bidders' bankers or evidence of relevant professional indemnity insurance;
 - published accounts where publication of such accounts are a legal requirement;



- a statement covering the 3 previous financial years setting out the overall turnover of the bidder's business and the turnover in respect of the goods or services being provided.
- Technical or professional ability which can only be assessed against the criteria set out in the Regulations.

Acceptance of Tenders/Quotations

- E.72** The award of a contract to the successful tenderer must be conditional upon the tender costs being within budgetary limits and subject to any prior Member decision making procedures.
- E.73** For goods and services procured in accordance with EU Procurement Rules notification to the successful tenderer of the award of the contract is subject to the 10 day "Alcatel" standstill period, (the Borough Treasurer and the Head of Assets can provide advice), and may, if a decision by Cabinet Members was required, involve the 5 working day 'call in' period. (see E.84)

Criteria for Awarding the Contract

- E.74** There are only two possible criteria:

- Lowest price; or
- Most economically advantageous tender

NB where the selection is based on price the contract must be awarded to the bidder offering the lowest price unless it is made clear in its invitation to tender that it reserves the right not to award the contract at all.

- E.75** Where the winning bid is to be selected on the basis of the most economically advantageous tender, this is assessed from the point of view of the contracting authority. Criteria linked to the subject matter of the contract must be used to determine the most economically advantageous tender. These might include:

- quality;
- price;
- technical merit;
- aesthetic and functional characteristics;
- environmental characteristics;
- running costs;
- cost effectiveness;
- after sales service;
- technical assistance;
- delivery date;



- delivery period;
- period of completion

E.76 The criteria to be used to evaluate bids and the weightings to be attached to them, or if weightings cannot be established, their relative importance, must be set out in the invitation to tender. However, it is not possible to take into account tenderer's experience, staffing levels, equipment or ability to perform the contract within a set timescale. These factors can only be considered at PQQ stage.

Specifications

- E.77**
- Any technical specifications to be met by the goods, services or works to be provided must be set out in the contract documentation.
 - Technical specifications can include requirements relating to quality, environmental performance and accessibility or usability by the disabled (among others)
 - Any reference to British Standards in the specification must be followed by the words "or equivalent"
 - A public authority is only allowed to consider bids which vary from the requirements set out in the specification if the OJEU notice states that variants are permissible
 - Where variants are to be permitted the public authority must set out its minimum requirements.

E.78 Subject to E.72 and E.73 above:

- in the case of a tender the Chief Officer or his/her Authorised Officer authorise the acceptance of the tender on behalf of the Council, such acceptance to be notified in writing to the successful tenderer in a manner specified by the Borough Solicitor; or
- in the case of a quotation the Chief Officer or his/her Authorised Officer may accept the quotation by issuing either an official order (which should be signed by the Chief Officer or his/her Authorised Officer (as set in the Scheme of Delegation) or an Agreement signed by the Borough Solicitor or his/her Authorised Officers, as set out in E.98 - E.111.

E.79 If a decision is taken to abandon or to recommence a tender process in respect of which a contract notice has been published, each tenderer must be informed of the decision and the reasons for it, as soon as possible after it has been made.

Post Tender Negotiations (Open and Restricted Procedure)



- E.80** Providing clarification of matters in the Invitation to Tender to potential or actual bidders or seeking clarification of a Tender, whether in writing or by way of a meeting, is permitted. However, the discussion with tenderers after submission of a Tender and before the award of a Contract with a view to obtaining adjustments in price, delivery or content (i.e. post-tender negotiations) must not be conducted. There are special rules relating to procurements using the Negotiated and Competitive Dialogue Procedures.
- E.81** Negotiations post-award of the Contract are only permissible in exceptional circumstances and should only be commenced after the Borough Treasurer and Head of Assets and the Borough Solicitor have given written approval of the procedure(s) to be adopted in any negotiation. The Borough Treasurer and the Head of Assets or the Borough Solicitor must be involved in the negotiation process and any consequent amendments to the contract terms and conditions must be approved by the Borough Solicitor.
- E.82** Where post-tender negotiation results in a fundamental change in specification (or contract terms) the Contract must not be awarded but re-tendered.

Best Offer

- E.83** As a rule the award of a contract will be made to the organisation offering the lowest price, or in the case of a sale the highest price. The lowest price may not then be the “best offer” and may not merit award of the Contract. In assessing the tender however consideration may be given to quality, service and other determining factors as well as price. Where this is intended then this must be clearly set down in the tender documentation and the evaluation criteria. The Chief Officer or his/her Authorised Officer will record the detail of the contract award where the basis of the award is “best offer” rather than lowest price, which should then be reported to the appropriate Member. Advice should always be sought from the Borough Treasurer and the Head of Assets as to whether the “best offer” approach is appropriate in the circumstances.

Disclosure of Tender information and debriefing Tenderers

Procedure for Notification of Contract Award for EU Contracts

- E.84**
- All participants in a tender procedure must be notified in writing as soon as possible after the successful bidder has been chosen.
 - The notice must set out the name of the successful bidder, the contract award criteria, the score received by the recipient of the notice and the score received by the successful bidder



- An unsuccessful bidder who makes a written request to the public authority for details of the reasons why it was unsuccessful by midnight on the second working day after despatch of notification that it has been unsuccessful, must be provided with this information within 7 days of the despatch of the original notice. If a request is made outside of this deadline, information must be made available within 15 days of the date of receiving the request. In both cases, the information to be provided is -
 - a) the reason(s) why the bidder was unsuccessful and;
 - b) the characteristics and relative advantages of the successful tender including the name of the successful tenderer.
- There must be a period of 10 days between the notification to the bidders of the successful bidder and the signature of the contract. This is to allow time for aggrieved parties to challenge the contract award process. This is the "Alcatel" standstill period referred to above
- A contract award notice must be published in OJEU within 48 days after the award of the contract
- Information may be withheld if disclosure would :
 - a) improve law enforcement;
 - b) otherwise be contrary to public interest;
 - c) prejudice the legitimate commercial interests of any economic operator or
 - d) might prejudice fair competition.

Challenging the award of a Contract

E.85 Any person who was eligible to bid for the contract (even if they did not bid) or actually bid for the contract can challenge the award of the contract on the basis that the Regulations have not been complied with:

- A person proposing to bring proceedings must notify the public authority concerned of that fact;
- The proceedings must be brought promptly, and in any event within 3 months from the date when the grounds for bringing proceedings first arose unless the Court considers there is good reason for extending the period;
- There are two possible remedies available to a party who wishes to challenge the award of a contract. The remedies available for a successful challenge are either the set aside of the award of the contract or damages. The contract can only be set aside prior to signature. After that the only remedy available is damages;
- Where the contract is set aside it may be necessary to carry out a



further procurement process to award the contract.

- E.86** Advice as to the extent and detail necessary for debriefing tenderers should be sought from the Borough Treasurer and the Head of Assets.

Keeping Written Records

- E.87** The Chief Officer or his/her designated representative must keep proper written records of:

- the different stages of the tendering process including all the quotes and letters you have received, and notes of phone calls and meetings about selecting suppliers;
- the awarding of the contract;
- any information provided to tenderers or contractors; and
- any decisions made, together with the reasons for those decisions.

- E.88** Records must be kept for the periods set out in E.91.

Contracts Register

- E.89** The Chief Officer or his/her designated representative must record on the Contracts Register held by the Borough Treasurer and the Head of Assets details of all contracts it has awarded with a total value of £50,000 or above including contracts above the EU threshold for goods and services.

Changes to Contracts

- E.90** Contract Extensions/Variations which take place must be consistent with the term specified in the OJEU notice. Any extension provision must be consistent with the OJEU notice, otherwise it is a breach of the Regulations. Similarly any substantial variation of the contract may amount to a breach of the Regulations, such as a change to include the provision of additional services.

Storing Documents

- E.91** All documents relating to a tender award must be kept at least 12 years. Officers must consider confidentiality when storing contracts and other information relating to tenders and agreements.

Requests for Information under the Freedom of Information Act



- E.92** Before making any disclosures to third parties on any element of a procurement following a request under the Freedom of Information Act advice should be sought from the Borough Treasurer and the Head of Assets and the Borough Solicitor.

Contracts where the Council is the supplier

- E.93** Any Service, including Cheshire Business Services where such exists whose goods, works or services have been subjected to competition and who has now been approved as a nominated supplier, or are included on the Council's electronic marketplace, or where there is a Corporate Contract in place, in accordance with the Procurement Strategy, for those particular goods or services must be the first choice for that particular procurement.

Collaborative and Partnership working

- E.94** Collaborative and partnership arrangements are subject to all UK and EU procurement legislation and must also follow these Finance and Contract Procedure Rules (Section F).
- E.95** Collaborative and partnership arrangements include joint working where one partner takes the lead and awards contracts on behalf of the other partners, long term collaborative partnerships, pooled budgets and joint commissioning.
- E.96** Further guidance can be obtained from the Borough Treasurer and the Head of Assets and the Borough Solicitor.

E Procurement

- E.97** The use of e-procurement technology does not negate the requirement to comply with all elements of these Finance and Contract Procedure Rules, particularly those relating to competition and value for money.

Written Contracts and Signing of Contracts

- E.98** Every contract must be in writing and advice should be sought from the Borough Solicitor.
The table below sets out which procedures must be followed for different contract values:

Total	Form of Contract
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Value	
Below £10,000	As per Section D – Ordering and paying for work, goods and services (D.19 – D.28).
Above £10,000	As for Below £10,000, plus: The advice of the Borough Solicitor must be sought to agree an appropriate form of contract or written agreement which must be signed by the successful third party and on behalf of the Council by the Borough Solicitor and/or one of his/her authorised signatories, or by two of his/her authorised signatories.
Above £50,000	Formal contract executed under seal and attested by the Borough Solicitor or his/her authorised signatory.

Content of Contracts

E.99 The appropriate Chief Officer or his/her Authorised Officer must ensure that in addition to terms and conditions set out in E.103 every contract details:

- The goods, works and services, materials, matters to be carried out or supplied;
- The price to be paid and/or the amounts and frequency or the method of calculation of contract payments including the treatment of inflation, with a statement of discounts or other deductions including terms of payment and settlement periods;
- The time(s) within which the contract is to be performed;

E.100 Every contract with an estimated value of £50,000 or more must state that if the third party fails to comply with its contractual obligations in whole or in part, the Council may:

- cancel all or part of the contract
- perform the contract
- recover from the firm any additional costs in completing the contract
- take other legal action against the contractor

Contract Terms and Conditions

E.101 A glossary set out in Annex 1 defines the terms used throughout this Section.

E.102 The Rules set out below will apply to all contracts entered into by the Council involving goods, works or services, with the exception of



contracts of employment and contracts relating to the purchase or disposal of land and property. They will also apply to contracts entered into as where the Council acts as agent for another body, subject to the specific terms of the agency agreement.

E.103 Advice should be sought from the Borough Solicitor, prior to taking action to secure quotations and tenders referred to in the following paragraphs, on the specific Conditions of Contract, in addition to any standard terms and conditions, appropriate in each individual case. They may include some or all of the following:

- Form of Contract
- Authorised Officer
- Modifications
- Bonds and Guarantees
- Contractors Obligations
- Contractors Employees
- Control and Supervision of Staff
- Complaints
- Confidentiality
- Health and Safety
- Agency
- Standards
- Observance of Statutory Requirements
- Gratuities and Inducements
- Indemnities and Insurance
- Use of Authority's Premises and Facilities
- Security
- Equipment and Materials
- Freedom of Information and Data Protection
- Royalties and Patent Rights
- Certificates and Payments
- VAT
- Equality and Diversity
- Fluctuations
- Review of Prices
- Assignment and Sub-Contracting
- Emergencies
- Default
- Termination
- Recovery of Sums Due (set off)
- Notices
- Waiver
- Special Conditions



All contracts must also include appropriate clauses referring to:

- Prevention of Corruption
- Assignment or sub-contracting without the Council's agreement
- Quality Standards
- Indemnities and Insurance
- Compliance with Council policies and procedures where appropriate (see E.105 to E.111)
- Where possible application of TUPE or a successor provision could apply then the Personnel and Pensions Services must be consulted.

E.104 Unless the Borough Solicitor and the Chief Officer or his/her designated representative considers it to be unnecessary or impractical, every contract must provide that:

- Where under any contract, one or more sums of money are to be received by the Council, the contractor responsible for the payment of such sum or sums must pay interest at the rate stated in the contract from the date when payment is due until the date when payment is received;
- In the performance of the contract, the contractor must not act incompatibly with the rights contained within the European Convention on Human Rights or the Disability Discrimination Act;
- The contractor must provide any information reasonably requested relating to the performance of the contract to ensure that the Council meets its statutory obligations including under: Section 71 of the Race Relations Act 1976; Race Relations Amendment Act 2000; Best Value Legislation; Transfer of Undertakings and Protection of Employment Regulations; Code of Practice on Workforce Matters in Local Authority Service Contracts;
- In the performance of the contract, the Contractor must comply with the requirements of the Health and Safety at Work Act 1974, and of any other relevant Acts, Regulations, Orders or Rules of Law pertaining to health and safety;
- without prejudice, and subject to any other condition of the contract, no sub-letting by the contractor will relieve the contractor of its liability to the Council for the proper performance of the contract;
- the contractor must not sub-contract the contract or any part of the contract, without the prior written consent of the appropriate Chief Officer or his/her Authorised Officer who will take advice from the Borough Solicitor where appropriate.

E.105 The contractor is responsible to the Council for the proper performance



and observance of all sub-contractors of all the Contractor's obligations under the contract as if references in the contract to "the contractor" were references to the sub-contractors. Failure or neglect by a sub-contractor is deemed to be failure or neglect by the contractor;

- E.106** The contractor is prohibited from transferring or assigning directly or indirectly to any person or persons whatsoever any part of its contract, without the prior written consent of the appropriate Chief Officer or his/her Authorised Officer (following consultation with the Borough Solicitor and the Borough Treasurer and Head of Assets);
- E.107** All goods, works and services must comply with any appropriate European Union Specification or Code of Practice or British Standard Specification or British Standard Code of Practice or European Union equivalents in force at the date of tender/quotation;
- E.108** The Council is entitled to cancel the contract and to recover from the contractor the amount of any direct loss resulting from such cancellation, if the contractor or its employees or agents (with or without its knowledge):
 - does anything improper to influence the Council to give the contractor any contract;
 - commits an offence under the Prevention of Corruption Acts 1889 to 1916 or under Section 117(2) of the Local Government Act 1972;
- E.109** Whenever under the contract any sum of money is recoverable from or payable by the contractor, this sum may be deducted from any sum due or which at any time may become due to the contractor under this or any other contract with the Council. Exercise by the Council of its rights under this clause will be without prejudice to any other rights or remedies available to the Council under the contract.
- E.110** The contractor must provide evidence of adequate insurance to cover both Public Liability and Employers' Liability. Indemnity Levels to reflect the risk to the Council which typically will be £10m for both public and employer liability policies. In some cases where the contract is of low risk this may be reduced to £5 million but advice should be sought from the Insurance team on indemnity levels before the issue of Invitations to Tender have been despatched.
- E.111** Any standard terms and conditions of contract submitted by contractors must not be accepted without advice from the Borough Solicitor. Proposed payment arrangements under a contract must be discussed



with and agreed by the Borough Treasurer and Head of Assets in advance of any contract being entered into.

Parent Company Guarantees and Performance Bonds

E.112 Advice of the Borough Treasurer and Head of Assets whether a parent company guarantee or performance bond is needed in cases where;

- there is doubt about the suppliers financial standing
- the contract poses a high risk to the Council

Performance Monitoring

E.113 During the life of the contract, the Authorised Officer should monitor the contract in respect of the following:

- Performance;
- Compliance with specification and contract;
- Cost;
- Any Best Value requirements;
- User satisfaction; and
- Risk management

E.114 Where the contract is to be re-let this information should be available early enough to inform the approach to re-letting the subsequent contract.



F	External Arrangements
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Why is this important?

The Council provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area.

What's covered in this Section?

- Partnerships and Jointly Funded Projects
- Support to Other Organisations



Partnerships and Jointly Funded Projects

F.1 The Council is involved in a wide range of different 'Partnership' arrangements involving joint/external funding. The main reasons for this are:

- The ability to provide new and better ways of delivering services.
- The ability to access new resources
- The desire to find new ways to share risk
- The ability to forge new relationships

F.2 The Cabinet will agree periodically a policy in respect of joint/external funding, which will establish the general framework within which proposals and bids should be developed. Any financial impact falling on the Council through such an arrangement should be met through existing budgetary resources without any overspending resulting from the Council's involvement.

F.3 Any partnership arrangement which involves the creation of, or participation in, separate legal entities such as joint ventures, trusts or limited companies requires the prior agreement of the Borough Treasurer and Head of Assets and the Borough Solicitor. This approval will also be required where any agreement requires the Council to act as guarantor for a third party or accountable body.

Definitions

F.4 Legally a partnership is an arrangement entered into under the Partnership Act, and is heavily regulated as to the liabilities of partners. However, the majority of the partnerships entered into by the Council are more correctly called partnership arrangements and are, at their simplest, where the Council agrees to work with one or more external agencies to deliver common aims and objectives. These partner agencies could potentially be from a government department, any public, private, community or voluntary sector body or related party.

F.5 The nature and scope of Partnership arrangements can be very different. To define their roles in terms of these Rules the definitions listed below have been used. These definitions apply to all partnerships, whether the Council is contributing financially or not, including the use of fully funded grants or grants that have been earmarked for a specific purpose or are time limited.

F.6 The Rules set out in this section deal with the approach to Partnerships. Issues relating to the financial administration of such schemes are



described in the detailed guidance. Detailed partnership guidance is available in the separate documents 'Partnering Guidance' and 'European Transnational Project Handbook'.

Public/Public Partnerships

- F.7** Defined as involvement with another public sector body or bodies or with the voluntary/not for profit sector. Within this category it is important to recognise that the Council can have a different role, outlined below, depending on the exact nature of the Partnership.

Contributing Partner

- F.8** Where the Council is contributing funding or other resources, to a wider partnership involving a partner or group of partners and where the 'Accountable Body' role is undertaken by another partner.

Lead Authority or Lead Partner

- F.9** Where the Council leads on behalf of the Partnership or consortium and is responsible for the wider management of the Partnership.

Accountable Body

- F.10** The Council may, in certain circumstances, need to act as the 'Accountable Body'; even when the Council will not directly incur expenditure on behalf of the Partnership. The role assumes the responsibility for 'looking after another parties monies' and will require the putting in place of appropriate and robust financial accounting and monitoring systems with the aim of safeguarding resources and minimising any risks and potential liabilities falling to the Council.

Public/Private Partnerships

- F.11** Defined as involvement with a private sector organisation or commercial enterprise, excluding those where a formal contract has been agreed when Section E on Contract Procedure Rules of these Rules will apply. Any such involvement would be considered a non-accredited partnership and Rule F.12 would apply. Those contracts known as 'Partnering Contracts' and those funded by Private Finance Initiative (PFI's) are not covered by this rule and fall under Section E of the Rules.

Accredited Partners

- F.12** All public sector bodies that have a proven track record of successful working in collaboration with the Council in various partnership arrangements have been identified as 'Accredited Partners', a list of which is held by the Borough Treasurer and Head of Assets. It is the responsibility of the Borough Treasurer and Head of Assets, in conjunction



with the External Funding and European Unit, to maintain this list and review it on an annual basis. Any subsequent changes, including additions and deletions will need approval from the Cabinet.

Non-Accredited Partners

- F.13** Non Accredited partners include public bodies not specifically identified on the accredited list or private sector organisations. Where the Head of Service wishes to enter into a partnership or jointly funded project with another body not on the accredited list then he/she is required to consult with the Borough Treasurer and Head of Assets, Borough Solicitor and Head of HR and Organisational Development before following the approval route identified in F.19.

Key Controls

- F.14** The key controls to be considered before the funding of partnerships or other joint projects is agreed consist of:
- ensure that the key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood.
 - ensure that funds are acquired only to meet the priorities, aims and objectives approved by the Council, and to add value to the services provided to the local community.
 - ensure any finance (including any match funding), staffing, legal and audit requirements are given due consideration prior to entering into long term arrangements and that revenue budgets reflect these requirements.

Responsibilities of Officers

Chief Officers

- F.15** Chief Officers are responsible for ensuring that all funding notified by external bodies is received and properly recorded in the authority's accounts and that appropriate standards of probity, stewardship and best value are secured. This will include ensuring that audited accounts are prepared and presented on an annual basis and that all appropriate claims and returns are promptly and accurately submitted.
- F.16** Chief Officers are responsible for developing a policy framework for partnership working and joint funding, identifying key principles to ensure probity and value for money and obtaining the appropriate Member approval. The annual policy submission should identify any potential future partnerships and a risk assessment of the potential impact on services and budgets that may arise.



Heads of Service

F.17 Before entering into any Partnership agreement involving joint funding, Heads of Service must consult the Borough Solicitor and the Borough Treasurer and Head of Assets, who will advise on the appropriate form of agreement or contract taking into account the nature and scale of the proposed arrangement and the extent of the legal and financial commitment involved. As a measure of good practice and as a minimum requirement, Heads of Service need to consider and apply all the following points, which are not exhaustive, to the agreement:

- the overall purpose and objectives of the arrangement, including appropriate performance standards and output measures;
- the constitutional and representational arrangements including procedures for decision making and the extent to which Cabinet powers and financial authority are to be delegated to individual officers;
- the period of the agreement, exit strategies, notice and termination arrangements including redundancy costs and other potential liabilities on termination;
- roles and responsibilities of the various parties including arrangements for banking, taxation and VAT matters, employment contracts, insurances and ownership of assets;
- auditing and reporting requirements and the applicability of these Finance Procedure Rules, other Council Regulations and Codes of Conduct;
- financial and non-financial contributions to be made by the respective parties and, where the arrangement is to extend beyond one year, the method for calculating and collecting payments in future years;
- the named contact officer or project manager who will be responsible (within specified limits) for the Council's rights and obligations under the terms of the agreement and accountable for overall outcomes;
- A clear exit strategy, for example, in terms of any residual ongoing costs;
- Default procedures to be applied where the terms of the agreement are broken;
- Arrangements for Internal Audit staff to have sufficient access to partner's premises, assets and records as is necessary for the purposes of the partnership;
- As a measure of best practice, all partnership agreements should be subject to a complete review at least every four years.

Approval Routes



- F.18** The Council's gross contributions to Partnerships may include capital and revenue expenditure, cash flow costs, support in kind (including staff time) and the cost of preparing and submitting bids. It is particularly important to identify support in kind, both to ensure that all such costs are recovered, where grant conditions allow, and to enable service and corporate managers to plan effectively. Capital funding must also meet the specific capital appraisal requirements as set out in Section B of these Rules.
- F.19** Following the officer consultation process and prior to entering into any agreement ,appropriate Member approval, based on the Councils gross contribution over the life of the partnership,* should be sought by the Head of Service as listed below.

** For the purpose of this Rule the assumption is that a lifespan of no more than 4 years should be the norm, consistent with the Councils financial planning cycle.*

Accredited Body

- F.20** The following can approve partnership proposals:

Approval level	Amount
Chief Officers	Up to and including £100,000
Chief Officer In consultation with Cabinet Member	Over £100,000 and up to £500,000
Cabinet	Over £500,000 and up to and including £1,000,000;
Council	£1,000,000 or more.

Non-Accredited Body

- F.21** The following can approve partnership proposals:

Approval level	Amount
Chief Officer in consultation with Cabinet Member for Finance	Up to £250,000
Cabinet	Over £250,000 and up to and including £500,000
Council	£500,000 or more

Additional Funding Allocations or Policy Variations

- F.22** Partnerships often attract additional funding over and above their original levels of funding. If additional funding is made available which will result in the aggregate value remaining within the original approval limit then no



further approval is required. Conversely if the additional funding increases the aggregate value to more than the original approval limit, then further approval is required in line with the routes identified in F.19 above. Where the additional funding constitutes a variation from the policy originally agreed by the Cabinet, then further approval from the Cabinet is required.

- F.23** If the contribution is to come from Council sources it will constitute a virement and Section B applies. Where the additional funding comes from an external source then approval for a fully funded supplementary estimate is required and Section B applies.

Bidding for grant funding

- F.24** In some circumstances there may be specific grant funds available, where these are aligned with the Council's priorities, accessed through some form of bidding process. Officers must seek the appropriate Member approval prior to any bid being submitted. Approval for 'in principle' Supplementary Revenue or Capital Estimates should be sought at the same time.

Reporting requirements

- F.25** Where the Council participates in any partnership or external funding arrangement either as a contributor or as an Accountable Body, an annual report must be presented to the appropriate Cabinet Member, outlining how sums have been used and the key outcomes and achievements. The report should also review the affordability and continued relevance of the arrangement to Service policies and objectives and seek appropriate Business Plan approval.
- F.26** Notwithstanding any statutory reporting requirement, the Head of Service will be required to provide, regular reports on progress and outcomes, financial and non-financial, for each major partnership to the relevant Cabinet Member.

Accredited Partner List

- F.27** This is a list that has been developed to support the approval process for partnership arrangements within the Council. It contains organisations with whom the Council has shared objectives and who have strong financial standing either individually, or through recognised established guarantors.
- F.28** A detailed list is held (and maintained) by the Borough Treasurer and Head of Assets and as a guide includes:
- All Local Authorities



- All Government Departments
- National Government Agencies
- Fire and Police Authorities
- Primary Care Trusts
- A number of Colleges and Universities
- Major National Voluntary Associations/Charities

F.29 Additions to or deletions from the list require the express prior consent of the Cabinet. Approval will be subject to the completion of the relevant justification from the sponsoring Department.

F.30 Please check with the Borough Treasurer and Head of Assets, or his/her nominated representative, prior to any partnership agreement, whether the organisation you are considering going into partnership with is on this list.

Support to Other Organisations

F.31 The Cabinet Member will on a periodical basis, agree a policy setting down the approach to be taken to the allocation of grants, donations and other contributions to outside bodies. This should specify the scale, nature and terms of such support, criteria for prioritisation and the process for allocation.

F.32 Grants, donations and contributions will be paid by the Council in accordance with the policies determined under Finance Procedure Rule E.31 above, subject to there being adequate provision in service budgets.

F.33 All financial support to other organisations should be supported by the appropriate written agreement template contained in the detailed guidance. This should be approved by the Borough Solicitor and signed by the relevant Head of Service (subject to any limits specified in local Schemes of Delegation) and the recipient body and include:

- terms of the agreement (i.e. service to be provided or delivered, management arrangements, performance standards, etc);
- date of payment, and frequency of instalments where appropriate;
- where the agreement extends beyond one year, arrangements for payments in future years;
- fallback position where the terms of the agreement are broken;
- arrangements for a report to be made to the Authority as to how the sums paid have been used in accordance with the principles set out in S137A of the Local Government Act 1972.

F.34 Heads of Service will report on the outcomes achieved through the provision of support to outside bodies on an annual basis to the appropriate Member Group and Cabinet Member, with interim reporting on an



exception basis or where the sums involved are significant.

Glossary of Terms/Definitions

Alcatel – A ruling of the European Court of Justice which means there must be a period of time between the contract award decision and the formal award of the contract to let unsuccessful tenderers, if justified, try and set aside the contract award decision. There is now a requirement to give a **minimum of ten calendar days** standstill period between advising tenderers of the contract award decision and entering into a contractually binding agreement. Further information is available from the Procurement Unit.

Appropriation – Amounts transferred between the Revenue account and revenue or capital reserves.

Bad Debt - A debt becomes bad if it has not been collected within 6 months. Full provision for all bad debts has to be made within the revenue account, but the debt is still pursued until it is either recovered or written off as unrecoverable.

Balances (Revenue Account) - The accumulated surplus of income over expenditure. Members may agree that Balances be used to reduce future Council Tax precepts although a minimum level, consistent with prudence and best practice will be maintained. Amounts in excess of that required for day-to-day cash management and to finance working capital can be invested to generate interest income to the Authority.

Blight - An individual's property may be blighted if there is a proposal to build nearby and this will adversely affect the property. The Authority may be required to purchase the property under a Blight Notice.

Block Provisions - Annual capital allocations made to cover minor schemes with starts values of less than £250,000.

Business Case Template – This is a proforma to be completed for all Capital schemes over £250,000 and all significant Revenue proposals. It will provide details on the expected outcomes falling from the proposed investment and identify how the proposal will meet corporate objectives. Each proposal will also be required to detail the risks involved, the impact on service users and how it feeds the Gershon efficiency targets.

Capital Approval - The capital programme provision as amended by any supplementary estimates or virements.

Capital Expenditure - Expenditure over £10,000 on the purchase, construction or replacement of capital (fixed) assets or expenditure which adds to the life or value of an existing fixed asset.

Capital Programme - The Authority's plan of capital projects and spending over



future years. Included in this category are the purchase of land and buildings, the erection of new buildings and works, Highway Improvement schemes and design fees, and the acquisition of vehicles and major items of equipment.

Capital Project / Scheme - These terms mean the same thing and are used interchangeably within these Rules. A project/scheme may be separately identified in the capital programme or be an item within a block provision.

Capital Receipts - Income received from the sale of capital assets and available, subject to rules laid down by the Government, to finance new capital expenditure or to repay debt.

Carryforward - An increase or reduction in a Service's new financial year budget, stemming from either an under or overspend in the previous year. All carryforwards (except for Schools) need the approval of the Cabinet upon the presentation of a business case.

Chief officers - Chief officers are the Chief Executive or any Director of the Council to whom there has been specific delegation in writing by the Council or the Chief Executive. Chief officers must operate efficient systems of financial control.

Commitment - The value of any order or contract placed, prior to payment for goods / services having been made.

Contingencies - Sums set aside to meet either:

- the potential costs of activities expected to occur during the year over and above those costs included in Service budgets (pay and price contingency); or
- items which are difficult to predict in terms of financial impact or timing (contingency for uncertain items).

Contract - An agreement to supply goods, services or works for a price. A contract is normally in writing however a contractual arrangement may, inadvertently be entered into orally.

Contractor - Any person or organisation awarded a Contract. This includes any consultant appointed by the Council to advise on any project.

Council Fund - The Council's main revenue fund to which all revenue receipts are credited, and from which revenue liabilities are discharged. The movement on the fund in the year represents the excess of income over expenditure within the Consolidated Revenue Account. The level of balances held is based on the Council's assessment of the level of risk and uncertainty and the potential call on such reserves.

Debt Write-Off - Realising the cost of debt which is considered to be "bad"



(unrecoverable) by writing it off against the revenue account or bad debt provision.

Earmarked Reserves – these reserves represent monies set aside that can only be used for a specific use or purpose.

Financial Schemes of Delegation – Financial Schemes of Delegation are the documents that set out, for each Service, all specific financial authorisations and approval limits as delegated by the Heads of Service to Authorised Officers within their Service. Heads of Service are responsible for maintaining up to date and accurate Financial Schemes of Delegation.

Financial Year - The Council's accounting period covers the 12 months from April 1 to March 31.

Forward Plan – as defined in the Constitution.

Internal Control - A procedural system designed to manage risk to an acceptable level whereby different staff members perform different parts of a task, so that no one person is entirely responsible for processing a transaction from start to finish.

Key Decision - as defined in the Constitution.

Leases – Agreements covering the hire/rental of equipment or buildings, generally for a specified period of time and at a specified rate. There are two types of leases:

Operating Leases – where the risks and rewards of ownership remain with the lessor.

Finance Leases – most of the risks and rewards associated with ownership are transferred to the lessee (responsibility for maintenance, insurance etc will fall to the Council)

Official Journal of the European Union - The daily publication of tender the European notices issued by the European Union.

Option Appraisal/Business Case – This is required for all Capital schemes over £250,000 and all significant revenue proposals and takes the form of a Business Case Template. This will be used to assess whether the scheme is affordable and deliverable. Consequences to the Service are considered and evaluated and it will also provide a basis for monitoring and reporting progress. In the case of revenue proposals it will also take into account the risk and impact on users.

Policy and Expenditure Planning - The Council's annual cycle of planning for the medium and short-term future, aimed at achieving optimal allocation of available resources.

Policy and Expenditure Proposals - Proposals, including new policies, which have resource implications and will be subject to appraisal by Members, Management Board and consultees before inclusion in annual budget



preparation.

Procurement - The process of acquiring goods and services, which includes the choice of supplier, the specification of goods / services required and the initiation of a purchase order or contract agreement.

Provision - An amount set aside by the Authority for any liabilities of uncertain amount or timing that have been incurred.

The main category is estimates of liabilities or losses already incurred but whose exact amount will be determined in the future (e.g. bad debts, obsolete stock). See also Capital Provision and Provision for Doubtful Debt.

Provision for Doubtful Debt - An allocation of funds set aside from Service revenue budgets to cover amounts which may not be recoverable from debtors.

Prudential Borrowing Limits – is the maximum amount of borrowing that the Council can enter into at any one point in time during the year. This limit is set by Council prior to the start of the year to which it relates and cannot be breached under any circumstances.

Quotation - Informal priced offer where the value is less than £50,000.

Revenue Account - The Account which sets out the Council's income and expenditure for the year for non-capital spending.

Revenue Expenditure - Spending on the day-to-day running expenses of the Council. It includes expenditure on employees, premises, transport and supplies and services.

Ring Fencing - Certain budgets agreed by the Borough Treasurer and Head of Assets are "ring-fenced". This means that under-spends on these budgets will return to balances and overspends will be met centrally. This is to reflect the fact that certain items of expenditure are either demand-led or so significantly influenced by extraneous factors that they are beyond the direct control of managers. Ring-fenced budgets include planning levies, external audit fees and election expenses.

Schemes of Delegation - Schemes of Delegation are the documents that set out, for each Service, all authorisations and approval limits as delegated by the Heads of Service to Authorised Officers within their Service. Heads of Service are responsible for maintaining up to date and accurate Schemes of Delegation. (See also: Financial Schemes of Delegation)

Select List of Tenderers - A list of persons or organisations selected to receive an Invitation to Tender (ITT) in respect of a specific contract.

Service Plan - A plan which outlines measurable Service aims for the year ahead, encompassing both core purpose and specific key objectives for any given year. The Plan will consider both inputs and outputs.



Standing Offer Contract - A contract entered into with the Council whereby the Contractor(s) guarantees offering a service or supplying goods at a Contract Price against an undetermined service level or quantity.

Starred Items – being those items of policy or general provision identified within the policy and planning process, that need to be considered in further detail by Members before their implementation.

“Starts value” - represents the full value of the Council’s contribution to a Capital Scheme irrespective of the timing of the payments.

Supplementary Capital Estimate (SCE) - Additional resources approved by Members with funds either provided by a third-party (e.g. developer contributions, receipts, government grant), by the use of Council reserves or from the Revenue budget.

Supplementary Revenue Estimate (SRE) - An approved increase to a Service revenue budget during the financial year, funded centrally from reserves, contingencies or external funding sources such as grants or partner contributions.

Tender - A formal priced offer where the value is greater than £50,000.

Tenderer - Any person or organisation invited to submit a Tender.

Third Party Funds - Funds provided by outside bodies or individuals in support of Council activities, establishments or clients. Can sometimes be known as trust funds.

Threshold - The financial level at which award of contract regimes under prevailing European Union Procurement Directives are applicable.

Underspend - An underspend results when the net costs of a budget holder are lower than the net budget for the year.

Virement - A Revenue virement is a transfer of amounts from one budget heading to another within, or between, Heads of Service. Capital virements cover any changes to Capital budgets funded from within the existing Capital programme.





Appendix 7

Summary and Explanation, introductory chapters
and other matters

Summary of how Cheshire East
Council operates and makes
decisions



Summary of how Cheshire East Council operates and makes decisions

Our Constitution

This document is our Constitution which sets out the basic rules of how the Council operates and makes its decisions.

The Council is responsible for an area of [] square miles, for [] people and a budget of []. We make thousands of decisions each year affecting local people and have many powers which come from legislation. As a result, our decision-making and the structure of the Council are complex.

This Summary provides a brief guide to how we make our decisions and how we operate. Much more detail is contained in the rest of this Constitution and you should make contact with [] by e-mail [Hyperlink] or by telephone [] if you need any more information.

The Council is committed to operating in a way which is efficient, transparent and accountable to local people. If you have comments or suggestions, please make contact with [].

When the Council was established

The Council started its life on 1st April 2009, when the former Cheshire County Council, Macclesfield Borough Council, Congleton Borough Council and Crewe and Nantwich Borough Councils were abolished.

On that date, the Council took responsibility for all local authority functions which had previously been dealt with by the County and district councils.

Our Councillors

We have 81 elected Councillors who are Members of the Council until their terms of office end in 2011. Each Councillor represents the residents in their Ward, of which there are 27 in the Council's area.

The names, addresses and contact details of our Councillors can be found here [hyperlink].

Our Councillors are directly accountable to citizens for the running of the Council. Whilst they have a very broad role, they have a duty to represent the interests of all constituents in their ward. They may also represent the Council on external bodies at national, regional and local levels.



Councillors work closely with employed officers of the Council to develop policies and do other work so that the Council can deliver its vision, and to ensure that services are delivered to residents, businesses and visitors.

Councillors are expected to observe a Code of Conduct and Protocol on Member/officer Relations which are contained in this Constitution (see Part 5). We have a Standards Committee which is responsible for maintaining high standards of conduct amongst Councillors. The Committee also has responsibility for Town and Parish Councillors.

The Council and its decision-making structure

All of our Councillors meet together a number of times each year as the Full Council. The Council has appointed a Cabinet and a number of committees to make decisions. The Council's programme of meetings can be viewed here [hyperlink].

Full Council appoints a Mayor and Deputy Mayor [hyperlink to Mayor and Deputy Mayor's details] of the Council and the Leader of the Council [hyperlink to Leader's details].

The Leader appoints 9 other Members who, together with him, form the Cabinet. The Cabinet can appoint committees, working groups or panels to carry out work on its behalf.

The following Councillors are Cabinet Members and have responsibilities in the following areas:
[Insert hyperlinks to Members and list their Portfolios].

The law requires many of the Council's decisions to be made by the Council's Cabinet, Cabinet committees, or officers acting on its behalf. Other decisions, such as planning and licensing decisions, have to be made by committees of the Council, or officers acting on their behalf. Part 3 of this Constitution explains where the responsibility for decision-making rests.

We have 5 Overview and Scrutiny Committees which hold the Cabinet to account. These Committees report direct to the Council.

The Council's decision-making structure is set out in Table 1 below.

Your rights

Everyone has an equal right to access Council services and to enjoy high standards of service in all that the Council does.

Members of the public have rights to:

- Vote at local elections;



- Attend the Council's meetings except where confidential or exempt information is being discussed;
- Contact local Councillors about any matters of concern;
- Contribute to investigations by the Overview and Scrutiny Committees;
- Complain where there are problems with Council services;
- Complain to the Commission for Local Administration (the Ombudsman) if the Council has not followed its procedures properly;
- Complain to the Council if they believe there is evidence that a Councillor has not followed the Council's Code of Member Conduct;
- Inspect the Council's accounts.

You also have rights to view public reports to the Council, the Cabinet and the Council's Committees. These rights are set out in more detail in the Access to Information Rules in Part 4 of this Constitution.

The Council's staff

Councillors are supported by the Council's employees (officers) who provide advice, implement decisions and manage the day to day delivery of services.

Some officers have specific duties to ensure that the Council acts within the law, and uses resources wisely [[insert hyperlink to Monitoring Officer and S151 Officer contact details](#)].

The Council has a Management Board of the Chief Executive and two Directors. The Management Board provides strategic advice to the Council and co-ordinates the Council's activities to ensure high standards of performance. [[Hyperlink to Management Team contacts](#)].

Heads of Service report to the Management Board [[Hyperlink to Heads of Service contacts](#)].

The Council's management structure is set out in Table 2 below.

What's in the Constitution?

Part 2 of the Constitution contains different sections. Each section provides more information about the way the Council works and its values. The rights of Councillors and members of the public are also explained, as are the Council's decision-making arrangements.

[Note-all hyperlinks to contain an information-note that this method may not be the best means by which contact can be made with Members/officers by members of the public]



Table 1

[Insert Council structure chart]

[Insert Management Structure chart]

Chapter 1-The Constitution

Introduction

Legislation requires the Council to prepare a document known as a “Constitution” which must contain a broad range of information, including details of the way the Council makes decisions and information about its Members (elected Councillors).

The Constitution

This document is the Council’s Constitution which sets out details of how the Council operates, how decisions are made, and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, whilst others are chosen by the Council.

The Constitution is a document which explains how the Council’s decisions are made and the rules which apply to the Council’s business. It includes details of:

- the way in which meetings are conducted;
- the responsibilities of the Council, the Cabinet, the scrutiny committees and other committees;
- how Members are appointed to the Cabinet and other decision-making bodies;
- what allowances Members are paid;
- how Members and employed officers should behave;
- the work of the Council in its neighbourhoods, and with partner organisations;
- audit, financial and contract rules and procedures.

The Council will exercise all of its powers and duties according to the law and this Constitution.

Purpose of the Constitution

The Council has a Corporate Plan, which contains details of its aims, objectives and targets.

The objectives of this Constitution are:

- To support the intentions of the Corporate Plan.
- To provide a framework for clear leadership to the community in partnership with its people, businesses and other organisations.



- Encourage the involvement of citizens in the Council's decision-making.
- To help Councillors effectively represent their constituents.
- To enable decisions to be taken efficiently and effectively.
- To create a powerful and effective means of holding decision-makers to public account.
- To ensure that those responsible for decision-making are identifiable and that the reasons for their decisions are explained.
- To provide a way in which the delivery of services to the community can be improved.
- To ensure that no one will review or scrutinise a decision for which they were responsible.

Interpretation

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose the option which it considers to be closest to the objectives set out above.

Chapter 2-Cheshire East Council

Composition of the Council

The Council has 81 Members who are elected as Councillors. Each of them represents one of the Council's Wards, of which there are 27.

Politics

The political composition of the Council is as follows:

[insert numbers of Members representing the different political groups]

[Insert the following details]

Council Leader and Conservative Group Leader
Deputy Council Leader
Labour Group Leader
Deputy Labour Group Leader
Liberal Democrat Group Leader
Deputy Liberal Democrat Group Leader
Independent Group Leader
Deputy Independent Group Leader

[Insert table providing hyperlinks to political party, ward and contact details against the name of each Member]

Elections and Term of Office



The Cheshire (Structural Changes) Order 2008 states that all of the Council's Members will retire in May 2011, after which there will be further elections. Elections will take place every four years afterwards.

Responsibilities and duties of all Councillors

Councillors have the following responsibilities and duties:

- Together, they will set the Council's major plans, policies, strategies and the budget. They will take decisions together where required by law, or where the Council decides that collective decisions should be taken.
- To oversee the Council's strategic and corporate management.
- To represent their communities and the views of the people in their Wards, in the decision-making process.
- To support individuals in their dealings with the Council and to represent them in resolving concerns or grievances.
- To balance the different views of people within their Wards, with a view to representing their Ward as a whole.
- Participating in the decision-making and scrutiny processes of the Council.
- Where required, to represent the Council on national, regional and local bodies.
- To maintain the highest standards of conduct, and to observe the Council's Member Code of Conduct.

Councillors representing their communities

All Councillors represent their constituents, and the Council sees this to be an important responsibility under this Constitution.

Councillors have an important job in consulting their communities on the development of policies, plans, strategies and other local initiatives. To enable Councillors to do this, the Council will ensure that suitable procedures and processes are in place.

Rights of Councillors

Councillors will have access to any document, information, land or buildings of the Council where this is necessary to enable them to properly perform their role as a Councillor. This Council will act according to the law and this Constitution in this respect.

Councillors are not permitted to make available to the press or public any confidential or exempt information provided to them. Please see the Access to Information Rules in Part 4 of this Constitution and the Members' Code of Conduct in Part 5 of this Constitution for further information. These rules also apply to any person who is co-opted onto or appointed to serve on a body established by the Council.



Mayor and Deputy Mayor of the Council

At its first meeting in April 2009, and at each Annual Council meeting afterwards in May of each year, the Council will elect a Councillor to serve as the Council's Mayor. In the same way, it will also appoint a Deputy Mayor.

Where either office becomes vacant, the Council will elect/appoint a successor at its next meeting.

A Member of the Cabinet cannot be elected/appointed to either office.

Where both the Mayor and Deputy Mayor are absent from a meeting of the Council, the Council will appoint one of their non-executive Members to preside.

The Mayor is [insert hyperlink to name and contact details of the Mayor]. The Deputy Mayor is [insert hyperlink to name and contact details of the Vice Chairman].

Councillors' Scheme of Allowances

All Councillors are entitled to receive those allowances which are contained in the Scheme of Allowances which is agreed by Council. The Scheme forms part of this Constitution at Part 6.

Chapter 3-Citizens and the Council

Citizens' rights

Citizens have a number of rights when dealing with the Council. Where dealing with specific services eg applying for a licence or housing benefit, they have additional rights. These are not referred to in this Constitution.

Citizens have the right to:

- Vote at local elections if they are registered to do so.
- Contact their local Councillor at reasonable times about matters of concern to them.
- Obtain a copy of this Constitution (at a reasonable cost).
- Inspect agendas for all Council meetings, either at the Council's offices, or on-line [insert hyperlink to the Council's website].
- Attend meetings all Council, Committee, Cabinet, and Scrutiny meetings, except where these are discussing exempt or confidential information.
- Speak at meetings, subject to certain rules contained in the Council Procedure Rules at Part 4 of this Constitution.



- Find out, from the Forward Plan [insert hyperlink], what major decisions (known as “Key Decisions”) are to be discussed by the Cabinet, its committees or by officers.
- Inspect all reports, including background papers used in preparing them, except where they contain exempt or confidential information.
- Inspect all Council decisions [insert hyperlink to minutes pages of website].
- Complain to the Council under the Council’s complaints scheme.
- Complain to the Commissioner for Local Administration (the Ombudsman) [insert hyperlink to Ombudsman’s website] if they think that the Council has not followed its procedures properly. However, the Ombudsman will usually only deal with complaints where the Council’s own complaints process has first been followed.
- Complain to the Council [insert hyperlink to Monitoring Officer] if they have evidence which they think shows that a Councillor has not followed the Council’s Members’ Code of Conduct.
- Inspect the Council’s accounts during the published inspection period each year, and make their views known to the External Auditor.

Citizens’ Responsibilities

Citizens must not be violent, abusive or threatening to Councillors or officers of the Council, and must not wilfully harm property of the Council, Councillors or officers.

Chapter 4-The Full Council

Policy Framework

4.1 By law, the Council must have a Policy Framework. This is a list of plans and strategies which are relevant to the Council’s functions:

- 4.1.1 Annual Library Plan
- 4.1.2 Best Value Performance Plan
- 4.1.3 Children’s Services Plan
- 4.1.4 Community Care Plan
- 4.1.5 Community Strategy
- 4.1.6 Crime and Disorder Reduction Strategy
- 4.1.7 Early Years Development Plan
- 4.1.8 Education Development Plan
- 4.1.9 Local Transport Plan
- 4.1.10 Development Plan documents
- 4.1.11 Youth Justice Plan
- 4.1.12 [Annual Plan]
- 4.1.13 [Annual Report]
- 4.1.14 [Budget Strategy]
- 4.1.15 Corporate Plan
- 4.1.16 Housing Investment Programme documents



- 4.1.17 Local Agenda 21 Strategy
- 4.1.18 [Treasury Management Policy Statement and Treasury Management Strategy]
- 4.1.19 Licensing Authority Policy Statements under the Licensing Act 2003 and Gambling Act 2005
- 4.1.20 [Air Quality Strategy]
- 4.1.21 [Art Strategy]
- 4.1.22 [Benefit Fraud Strategy]
- 4.1.23 [Capital Programme]
- 4.1.24 [Capital Strategy and Asset Management Plan]
- 4.1.25 [Cheshire Waste Strategy]
- 4.1.26 [Consultation Strategy]
- 4.1.27 [Cultural Strategy]
- 4.1.28 [Derelict Land Strategy]
- 4.1.29 [Drug Action Strategy]
- 4.1.30 [Energy Efficiency Strategy]
- 4.1.31 [Enforcement Concordat]
- 4.1.32 [Equal Access Policy]
- 4.1.33 [Food Law Enforcement Service Plan]
- 4.1.34 [Health Improvement Plan]
- 4.1.35 [Information Systems Strategy]
- 4.1.36 [Investors in People Strategy]
- 4.1.37 [Lifelong Learning Strategy]
- 4.1.38 [Medium Term Financial Strategy]
- 4.1.39 [Organisational Development Plan]
- 4.1.40 [Play Strategy]
- 4.1.41 Procurement Strategy]
- 4.1.42 [Social Inclusion Strategy]
- 4.1.43 [Sport strategy]
- 4.1.44 [Strategy for Sport]
- 4.1.45 [Structure Plan Input]
- 4.1.46 [Youth Strategy]

- 4.2 The Budget comprises the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.
- 4.3 Decisions to approve or adopt applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under Sections 32 or 43 of the Housing Act 1985.

Functions of the Full Council

- 4.4 Only the Council will exercise the following functions:



- 4.4.1 electing/appointing the Council's Mayor and Deputy Mayor;
- 4.4.2 adopting and approving the Policy Framework and any of the policies in it, the Budget and those decisions in 4.3 of this Chapter;
- 4.4.3 subject to the urgency procedure in the Access to Information Procedure Rules (Part 4 of this Constitution), making decisions about any matter in the discharge of an executive function which is covered by the Policy Framework or the Budget, where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget;
- 4.4.4 appointing the Leader;
- 4.4.5 taking decisions in respect of functions which are not the responsibility of the Executive, and which have not been delegated by the Council to Committees, officers or elsewhere;
- 4.4.6 agreeing and/or amending the terms of reference for Committees, deciding on their composition, and making appointments to them;
- 4.4.7 adopting a Scheme of Member Allowances;
- 4.4.8 changing the name of the area and conferring the title of Honorary Alderman or Freedom of the District;
- 4.4.10 confirming the appointment of the Head of Paid Service and, if appropriate, his/her dismissal;
- 4.4.11 making, amending, revoking, re-enacting, adopting or enforcing byelaws and promoting or opposing the making of local legislation or personal bills;
- 4.4.12 all local choice functions which the Council decides should be undertaken by itself, rather than the Cabinet;
- 4.4.13 all other matters which, by law, must be reserved to Council;
- 4.4.14 appointing the Council's Monitoring Officer and Section 151 Officer and, if appropriate, approving their dismissal;
- 4.4.15 adopting the Council's Codes of Conduct for Members and Officers; and
- 4.4.16 adopting the Council's Protocol on Member/Officer Relations.
- 4.4.17 adopting and changing the Constitution.

Council Meetings

4.5 The following are the different types of Council meeting:

- 4.5.1 the Annual Meeting of the Council, which will be held in May;
- 4.5.2 ordinary meetings;
- 4.5.3 extraordinary meetings, which will be called as and when required in accordance with the Council Procedure Rules;

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

Responsibility for Functions



4.6 The Council will keep a record of responsibilities for functions of its decision-making bodies. These are set out in Part 3 of this Constitution.

Chapter 5-Chairing the Council

1. Civic Role

- 1.1 The Council's Mayor, supported by the Deputy Mayor will perform the Council's civic role.
- 1.2 This entails raising and maintaining the profile of the Council's area and its citizens. The aims and values of the Council will be promoted in an apolitical manner.
- 1.3 The Mayor will decide which civic and ceremonial functions to promote following consultations, where appropriate, with officers of the Council. These functions may include representing the Council at events organised by other local authorities or organisations.

2. Council Role

- 2.1 The Council's Mayor in 2009 was elected at the Council's first meeting in April 2009. In subsequent years, the Mayor will be elected at the Annual Council meeting in May. The Deputy Mayor is appointed at the same meeting.
- 2.2 The Mayor is responsible for:
 - 2.2.1 upholding and promoting the purposes of this Constitution and interpreting it, where necessary, with advice;
 - 2.2.2 presiding over meetings of the Full Council to ensure that business is carried out efficiently and effectively, whilst preserving the rights of Councillors and the interests of the Council's citizens;
 - 2.2.3 ensuring that, at Council meetings, matters of concern to local people can be debated through the appropriate Councillors;
 - 2.2.4 ensuring that Councillors not on the Cabinet, or who do not hold the Chairmanship of a main committee, are able to hold those office holders to account;
 - 2.2.5 promoting public involvement in the Council's activities and acting as a contact between members of the public and organisations and the Council;
 - 2.2.6 carrying out other roles on behalf of the Council;
 - 2.2.7 to be the conscience of the Council.
- 2.3 The Deputy Mayor will:



- 2.3.1 support the Mayor in his/her civic role and will also carry out civic duties on behalf of the civic office;
- 2.3.2 deputise for the Mayor in his/her absence .

3. Who may become Chairman or Vice Chairman

- 3.1 Any elected Member of the Council shall be eligible for election to the office of Mayor, or appointment as Deputy Mayor, except for Members of the Cabinet.

Chapter 6-Scrutiny Committees

- 1.1 As is required by the Local Government Act 2000, the Council has established an effective, robust and constructive overview and scrutiny function. This comprises [] Scrutiny Committees.
- 1.2 The Council fully supports the role of its Scrutiny Committees in holding the Cabinet and others to account in discharging their functions. The Council believes that the important parts of the role are:
 - To assist the Council and Cabinet in developing and reviewing its major plans, policies and strategies, which will set the climate in which the Cabinet and other decision-making bodies are required to operate
 - To undertake specific reviews of the Council's organisation and service provision so that improvements can be made to service delivery.
- 1.3 The Council's overview and scrutiny functions include responsibility for reviewing the health service provision within its area and beyond, health promotion and the health and well-being of local communities. This may be done in conjunction with other bodies/agencies.
- 1.4 This Chapter goes on to provide details of the Council's overview and scrutiny arrangements. For those seeking further information, this can be found in the Scrutiny Procedure Rules in Part 4 of this Constitution.

2 The Council's Scrutiny Committees

- 2.1 The Council has established these Committees to oversee and develop the Council's overview and scrutiny function. They are politically balanced bodies and will discharge the duties contained in Section 21 of the Local Government Act 2000 (in the case of the Scrutiny Committee) and the Health and Social Care Act 2001 (in the case of the Health and Adult Social Care Scrutiny Select Committee), and under any relevant Regulations.



- 2.2 A Health and Adult Social Care Scrutiny Committee has been established to undertake the scrutiny role in relation to health service provision to the Council's people through the National Health Service and associated bodies. The Committee discharges the duties imposed on the Council under the Health and Social Care Act 2001.
- 2.3 The Minutes of meetings of the Scrutiny Committees will be submitted to the full Council at the appropriate meeting. Reporting lines to the full Council in respect of specific issues will be on an exception basis.

3 Review Panels

- 3.1 The scrutiny committees may establish Review Panels which they consider necessary, after taking into account the availability of resources, the work programme and scope of the review in question. The role of Review Panels is to carry out in-depth examinations of particular aspects of the Council's functions, roles, responsibilities and service delivery.
- 3.2 The Committees will appoint Chairmen (and Vice Chairmen, if appropriate) of each Panel and agree the membership. This must be politically balanced.
- 3.3 Review Panels will be established normally on an ad hoc basis with specific time limited tasks. They may vary in size.
- 3.4 The reporting lines from Review Panels to other bodies shall be set at the scoping report stage. However, as a principle, major reviews and those of a cross cutting nature will normally be presented to the full Council.

4 Role of the Scrutiny Committees

- 4.1 The Scrutiny Committees:
 - 1. will discharge the Council's functions under Section 21 of the Local Government Act 2000 (Overview and Scrutiny Committees);
 - 2. will be responsible for the Council's scrutiny function including the preparation, implementation, monitoring and review of an annual work programme for scrutiny and arrangements for the scrutiny of other public bodies particularly where required to do so by law;



3. may establish such Review Panels, appointing the Chairman in accordance with the Council's criteria and with such membership as it sees fit, to undertake scrutiny on a task and finish basis;
4. may ensure the Chief Executive and Management Board discharge their responsibilities effectively and efficiently in relation to the overview and scrutiny function;
5. will scrutinise decisions of or actions taken by the Cabinet, and offer advice or make recommendations on the matter under scrutiny once the Committee have considered the issues;
6. may scrutinise matters coming before the Cabinet for decision and respond appropriately to the Cabinet on the matter once the Committee has considered the issues fully;
7. will review or scrutinise decisions or actions taken in respect of any functions which are not the responsibility of the Cabinet and make reports or recommendations to the Council, or appropriate body of the Council;
8. may refer to the Council or appropriate Committee/Sub-Committee any matter which, following scrutiny, the Committee determines should be brought to the attention of the Council or the Committee or Sub-Committee;
9. may, if requested, offer any views or advice to the Cabinet in relation to any matter referred to the Committee for consideration;
10. may undertake general policy or other reviews with a cross-service approach wherever possible and make reports and recommendations to the Council (or other appropriate Council body) or the Cabinet to assist in the development of future policies and strategies;
11. may offer advice and make recommendations to the appropriate body of the Council on the development and review of policy;
12. may, in performing its role, the Committee may consult and involve the local community and other local public, private and voluntary bodies or organisations;
13. may review the Council's response to its obligations in respect of the overall performance management regime and, where appropriate, to advise the Cabinet or appropriate body of the Council of its findings;



14. may advise the Cabinet and Council, as appropriate, of the Scrutiny response to the formulation of the Council's Budget and performance management reports;
15. may recommend that a decision made but not yet implemented, and taken in respect of a function which is the responsibility of the Cabinet be reconsidered by the Cabinet;
16. may scrutinise decisions after implementation to examine their effect and outcomes;
17. may make reports or recommendations to the appropriate body of the Council in respect of any matters which affect the Council's area or its inhabitants;
18. may review and make recommendations in relation to matters which are not the direct responsibility of the Council but which affect the social, economic or environmental well-being of an area or the Council's area as a whole or under any statutory requirement or Council contract, procedure or practice;
19. will develop, maintain and monitor policies and procedures for handling complaints made against the Council and monitor on a regular basis the level and nature of complaints received and ensure that advice is formulated regarding action to be taken to address areas of concern;
20. will monitor the level and nature of Ombudsman complaints and advise the Cabinet, Committees, Sub-Committees and Departments and Services on remedial action as appropriate;
21. will ensure, in conjunction with the Standards and Governance and Constitution Committees, that the Council has in place appropriate mechanisms to protect organisational integrity, including the development of appropriate policies and guidance.
22. will consider and advise the Cabinet in respect of "call-in" notices under the Council's relevant procedures.

5 Role of the Health and Adult Social Care Scrutiny Select Committee

The Health and Adult Social Care Scrutiny Select Committee will:-

1. fulfil the Health Scrutiny duties falling on the Authority by virtue of the Health and Social Care Act 2001 (consolidated into the NHS Act 2006) and subsequent relevant legislation and Government Guidance;



2. liaise with NHS Trusts on any matter relating to the planning, provision and operation of Health services in East Cheshire, including commenting on the annual "health check" of the performance of those Trusts;
3. respond to any formal consultations undertaken by relevant NHS Trusts on any substantial development or variation in service;
4. participate with other relevant local authorities in joint scrutiny arrangements of NHS Trusts providing cross-border services to East Cheshire residents, in particular the Cheshire and Wirral Partnership Foundation Trust;
5. prepare an annual Work Programme and commission scrutiny reviews to ensure that all sections of East Cheshire's local communities have equal access to Health services and have an equal chance of a successful outcome from those services;
6. liaise with the Local Involvement Network (LINK) for East Cheshire, commissioning work and receiving reports and recommendations as appropriate;
7. deal with any matter referred by the Department of Health, the Local Involvement Network or by the Council;
8. offer advice to the Cabinet on Key Decisions relating to the operation of the Council's Adult Social Care functions;
9. receive reports from the Council's external inspectors on its Adult Social Care responsibilities and to offer advice thereon to the Cabinet;
10. keep under review the Council's performance management arrangements in relation to its Adult Social Care responsibilities and offer advice as appropriate;
11. deal with any Health or Adult Social Care matter which is the subject of a Call-In, a Councillor Call for Action or Local Petition;
12. provide a regular programme of training and development for all Members and Co-opted Members involved in the work of the Committee;

6 Chairmen and Vice Chairmen of Scrutiny Committees

- 6.1 Appointments to these offices shall be made by the Council at its first and at each Annual Meeting.

7 Membership of Scrutiny Committees



- 7.1 The Scrutiny Committee will comprise 15 Members.
- 7.2 The Health and Adult Social Care Scrutiny Select Committee will comprise 14 Members.
- 7.3 The Scrutiny Procedure Rules, contained in Part 4 of this Constitution, set out arrangements for co-option to Scrutiny Committees.

8 Proceedings of Committees

- 8.1 Conduct of the proceedings at Scrutiny Committees shall be in accordance with the Council and Scrutiny Procedure Rules as appropriate.

Chapter 7-The Cabinet

1. Role

- 1.1 The Cabinet carries out those duties and responsibilities which are not the responsibility of any other part of the Council.
- 1.2 Some of the Cabinet's responsibilities are "local choice" functions, which Council has chosen to delegate to the Cabinet.
- 1.3 Other functions are the responsibility of the Cabinet because the law says so.

2. Composition

- 2.1 The Cabinet consists of the Leader of the Council, and 9 other Councillors. The Leader of the Council is appointed by Full Council, but the Leader is responsible for appointing the other 9 Members of the Cabinet, and for notifying Council of such appointments.
- 2.2 No deputy or substitution arrangements will apply to the Cabinet, and neither the Mayor or Deputy Mayor may be appointed to the Cabinet.

3. The Leader

- 3.1 The Leader will hold office until:
 - 3.1.1 he/she resigns from the office of Leader;
 - 3.1.2 he/she becomes ineligible to be a Councillor of the Council, either for a specific period, or indefinitely;
 - 3.1.3 he/she ceases to be a Councillor;
 - 3.1.4 he/she is removed from office by a resolution of the Council;
- 3.2 Where there is a vacancy in the office of Leader, the Deputy Leader will assume the responsibilities of the Leader until the next meeting of the Council.



- 3.3 Where both the Leader and Deputy Leader cease to hold office at the same time, the Council's Mayor shall call a meeting of the Full Council as soon as possible.

4. Other Cabinet Members

- 4.1 Other Members of the Cabinet will hold office until any of the events listed in 3.1.1-3.1.3 above, which apply to ending the term of office of the Leader, apply to them collectively or individually as Cabinet Members; or until the Leader brings their term of office to an end.

5. Proceedings of the Cabinet

- 5.1 Proceedings of the Cabinet shall be conducted in accordance with the Council and Cabinet Procedure Rules, which are part of this Constitution.

6. Responsibility for Functions

- 6.1 The Leader will ensure that a record is kept of the executive functions which are the responsibility of individual Cabinet Members, any Cabinet Committee or Sub-Committee, officers or joint arrangements.

6.2

7. Policy Advisory Panels

- 7.1 The Cabinet is supported on policy development issues by three Policy Advisory Panels, chaired by representatives of the Cabinet.
- 7.2 The role of these Panels is to advise the Cabinet on policy development or strategic issues with policy implications. The focus of their work is upon strategic policy direction rather than operational issues.
- 7.3 The Panels are not decision-making bodies and do not fall within the Access to Information Rules. They report to the Cabinet on an exception basis.
- 7.4 The Panels deal with three distinct areas of work, headed: People, Places and Performance & Capacity.

8. Cabinet Members

- 8.1 The following are the Council's Cabinet Members:

Councillor Wesley Fitzgerald (Leader)



Councillor Roland Domleo (Deputy Leader)-Adult Services Portfolio
Councillor David Brickhill-Environmental Services Portfolio
Councillor Paul Findlow-Children and Family Services Portfolio
Councillor Peter Mason-Procurement, Assets and Shared Services Portfolio

Councillor David Brown-Performance and Capacity Portfolio
Councillor Frank Keegan-Resources Portfolio
Councillor Andrew Knowles-Health and Wellbeing Portfolio
Councillor Jamie Macrae-Prosperity Portfolio
Councillor Brian Silvester-Safer and Stronger Communities Portfolio

Chapter 8-Regulatory and Other Committees

1. Regulatory Committees

- 1.1 The Council will appoint those Committees which are listed in Part 3 of this Constitution: Responsibility for Council Functions.
- 1.2 These committees of the Council must be politically balanced.
- 1.3 The powers and duties of these Committees are set out in Part 3.

2. Other Committees

- 2.1 The Council will appoint such other Committees as it considers are needed to exercise any of its functions and take those decisions which are not the responsibility of the Cabinet.
- 2.2 Details of these Committees are also set out in Part 3 of this Constitution.

Chapter 9-The Standards Committee

3. Establishment of the Committee

Part III of the Local Government Act 2000 requires the Council to establish a Standards Committee.

4. Composition

- 4.1 The Standards Committee will be composed of:
 - 4.1.1 8 Councillors
 - 4.1.2 5 Statutory Independent Members, who will be entitled to vote at meetings, but who are not Councillors or officers of the Council;
 - 4.1.3 3 Parish Members. At least one Parish Member must be present when matters relating to Parish Councils or their Members are being considered;
- 4.2 A Member of the Cabinet may not chair the Standards Committee.

5. Role and Functions



The Committee will be responsible for

- discharging the Council's functions under Part III of the Local Government Act 2000;
 - considering and granting, or otherwise, dispensations in respect of Members' Interests when so enabled under Part III of the Local Government Act 2000;
 - promoting 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) and for employees in accordance with best practice and Government guidance;
 - advising the Council on the adoption or revision of the Codes of Conduct for Members and Officers;
 - ensuring that Members receive advice and training as appropriate on the Members' Code of Conduct;
 - issuing advice to Members on the treatment of personal interests and on conduct matters generally;
 - ensuring that the Council maintains appropriate links with the Standards Board for England and the Commission for Local Administration in England (Ombudsman);
 - referring issues, which impinge on staff conduct, performance, terms of employment, training and development to the appropriate and responsible Executive Member and/or Manager;
 - promoting high standards of responsiveness by the Council to its clients and contacts
- (a) advising other persons/bodies on probity and ethics as appropriate, particularly where that person or body is exercising functions on behalf of the Council; and
- (b) supporting the Council's statutory officers as appropriate or their authorised deputies, in the performance of their duties.

4 Standards Complaints Sub-Committee

- 4.1 The Standards Committee may delegate the conduct of a local standards hearing to a Standards Complaints Sub-Committee in accordance with the Council's approved procedure.



Chapter 10-[Area][Neighbourhood] Working

[As Area/Neighbourhood working arrangements emerge, full details need to be provided here. These should include:

- *Core Purpose*
- *Operating Principles*
- *Terms of Reference*
- *Public Involvement*
- *Conflicts of Interest*
- *Access to Information]*

Chapter 11-Joint Arrangements

11.1 ARRANGEMENTS TO PROMOTE WELL BEING

The Council or the Cabinet, in order to promote the economic, social or environmental well-being of its area, may:-

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

11.2 JOINT ARRANGEMENTS

- (a) The Council may establish joint arrangements with one or more local authorities and/or their Executives to exercise functions which are not executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities;
- (b) The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities;
- (c) Except as set out below, the Cabinet may only appoint Cabinet members to a joint committee and those members need not reflect the political composition of the local authority as a whole;
- (d) The Cabinet may appoint members to a joint committee from outside the Cabinet in the following circumstances:-



- the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Cabinet may appoint to the joint committee any Councillor who is a member for a ward which is wholly or partly contained within the area;

The political balance requirements do not apply to such appointments.

- (e) Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

11.3 ACCESS TO INFORMATION

- (a) The Access to Information Rules in Part 4 of this Constitution apply.
- (b) If all the members of a joint committee are members of the Cabinet in each of the participating authorities, then its access to information regime is the same as that applied to the Cabinet.
- (c) If the joint committee contains members who are not on the Cabinet of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

11.4 DELEGATION TO AND FROM OTHER LOCAL AUTHORITIES

- (a) The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority;
- (b) The Cabinet may delegate executive functions to another local authority or the Executive of another local authority in certain circumstances;
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

11.5 CONTRACTING OUT

The Council (for non-executive functions) and the Cabinet may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under



usual contracting principles, provided there is no delegation of the Council's discretionary decision-making.

Chapter 12-Officers of the Council

1 Definition

- 1.1 The term “officers” means all employees and staff employed or engaged by the Council to carry out its functions. It includes those under short-term, agency or other non-employed situations. It does not apply to any person employed by contractors who are carrying out work or duties for the Council under contracts.

2 Management Structure

- 2.1 The Council will employ/engage such officers as it considers necessary to carry out its functions.

3 Management Board

- 3.1 The Council's Management Board comprises the following officers who shall be regarded as “Chief Officers”

- Chief Executive
- Director-People
- Director-Places
- Section 151 Officer
- Monitoring Officer
- Head of Human Resources
- Head of Policy and Performance

4 Head of the Paid Service

- 4.1 The Head of the Paid Service is the Chief Executive.
- 4.2 The Head of the Paid Service cannot be appointed as the Council's Monitoring Officer.
- 4.3 The Head of the Paid Service may hold the position of the Section 151 Officer if he/she is a qualified accountant.

5 Monitoring Officer

- 5.1 The Borough Solicitor is designated as the Council's Monitoring Officer.
- 5.2 The [insert titles] are designated as the Deputy Monitoring Officers.



- 5.3 The Monitoring Officer may appoint, in writing, further deputies as he/she considers appropriate.

6 Section 151 Officer

- 6.1 The Borough Treasurer and Head of Assets is designated as the Section 151 Officer. He or she may appoint, in writing, a deputy as appropriate.

7 Functions of the Head of the Paid Service

- 7.1 The Head of the Paid Service will report to the full Council on the manner in which the Council develops its functions and the co-ordination of those functions as well as the number and grade of officers, (and their organisation), required to support the Council in delivering its services. He/she also has statutory functions in relation to staff.

8 Functions of the Monitoring Officer

- 8.1 The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available to Members, staff and the public.
- 8.2 After consulting with the Head of Paid Service and the S151 Officer, the Monitoring Officer will report to the full Council, (or to the Cabinet in relation to an executive function), if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission would give rise to a finding of maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- 8.3 The Monitoring Officer will help to promote and maintain high standards of conduct by providing support to the Standards Committee.
- 8.4 The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of case tribunals.
- 8.5 The Monitoring Officer will conduct investigations into matters referred by ethical standards officers and make reports or recommendations in respect of them to the Standards Committee.
- 8.6 The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the Policy Framework.



- 8.7 The Monitoring Officer will provide advice to all councillors on issues in relation to the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy and Planning Framework.
- 8.8 The Monitoring Officer cannot be the Section 151 Officer or the Head of Paid Service.
- 8.9 The Monitoring Officer will ensure that executive decisions, the reasons for those decisions, relevant officer reports and background papers are made publicly available as soon as possible.

9 Functions of the Borough Treasurer and Head of Assets (Section 151 Officer)

- 9.1 After consulting with the Head of Paid Service and the Monitoring Officer, the Borough Treasurer and Head of Assets will report to the full Council (or to the Cabinet in relation to an executive function) and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- 9.2 The Borough Treasurer and Head of Assets will have overall responsibility for the administration of the financial affairs of the Council.
- 9.3 The Borough Treasurer and Head of Assets will contribute to the corporate management of the Council, in particular, by providing professional financial advice.
- 9.4 He/she will provide advice on issues to all councillors in relation to the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues and will support and advise councillors and officers in their respective roles.
- 9.5 He/she will provide, as appropriate, financial information to the media, members of the public and the community.

10 Duty to provide sufficient resources to the Monitoring Officer and Section 151 Officer

- 10.1 The Council will provide the Monitoring Officer and S151 Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed in their statutory roles.



11 Returning Officer

- 11.1 The Chief Executive has been appointed by the Council as the Returning Officer for Council Elections.

12 Conduct

- 12.1 Officers will comply with the Officers' Code of Conduct and the Protocol on Member/Officer Relations as set out in this Constitution.

13 Employment

- 13.1 The recruitment, selection and dismissal of officers will comply with the Staff Employment Rules as set out in this Constitution.

Chapter 13-Decision-making

1. Responsibility for decision-making

- 1.1 The Council makes many decisions relating to matters within its area. So that members of the public are clear about what decisions are made and what part of the Council or individual has responsibility for particular types of decisions, the Council will keep a record of these things. This record is set out in Part 3 of this Constitution.
- 1.2 The Council, the Cabinet, the Leader of the Council and any Committee or Sub-Committee of the Council may delegate a function or decision to a Committee, Sub-Committee or officer on a permanent or one-off basis. Permanent delegations are explained in Part 3 of this Constitution, including in various Schemes of Delegation which can be found there.
- 1.3 The Cabinet has delegated decision-making powers to individual members of the Cabinet, and details can also be found in Part 3.

2. Principles of decision-making

- 2.1 The following principles will apply to the way in which the Council makes its decisions:
- The Council will take into account all relevant considerations and will ignore those which are not relevant.
 - A realistic evaluation of alternatives will be made and consultation will take place through access by the public to those making decisions.
 - The Council will take decisions which are proportionate to the desired outcome.



- When it makes decisions, the Council will take professional advice from officers.
- Human rights will be respected.
- The Council makes a presumption that its decision-making processes will be open.
- The Council will be clear in its aims and desired outcomes.
- When executive decisions are taken, the options available will be explained, as well as the reasons for the decision.

3. Types of decision and the decision-takers

3.1 Decision-making by the Full Council

When the Council makes decisions, it will follow the Council Procedure Rules which can be found in Part 4 of this Constitution.

3.2 Decision-making by the Cabinet

Part 4 of this Constitution contains the Cabinet Procedure Rules, which will be complied with when the Cabinet makes decisions.

3.3 Decision-making by Scrutiny Committees

The Council's Scrutiny Committees must follow the Scrutiny Procedure Rules when they make decisions. These Rules are contained in Part 4 of this Constitution.

3.4 Decision-making by other Committees and Sub-Committees established by the Council

The Council Procedure Rules, contained in Part 4 of this Constitution, will be followed when Committees and Sub-Committees of the Council make decisions.

3.5 Decision-making by Council bodies acting as tribunals

On occasions, the Council, a Councillor or officer act as a tribunal or in a quasi-judicial manner when they determine the civil rights, obligations or criminal responsibility of individuals. When this happens, they will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

4. Key decisions



- 4.1 Certain types of decisions made by the Cabinet, individual Cabinet Members, Committees, Sub-Committees of the Cabinet and officers are “Key Decisions”. Except in cases of urgency, these types of decision receive special advance publicity so that members of the public and Councillors are able to consider the implications of the decision. They may also seek to influence the decision by making contact with the decision-maker. Key Decisions appear on the Council’s Forward Plan, which can be viewed on the Council’s website, or in hard copy form at the Council’s offices.
- 4.2 The statutory definition of a Key Decisions, as contained in paragraph 8 of Part III of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, is as follows:-

“an executive decision which, is likely –

- (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority’s budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.”

[this to be updated according to any revised definition of Key Decision]

- 4.3 *[The Council has decided that the letting of any contract by the Council’s [Business Services Officer] or the Council’s [Policy Officer], which involves the provision of services to, or the purchase of goods and services by the Council shall be excluded from the definition of a Key Decision where such contracts relate mainly to the internal workings of the authority and do not therefore have a significant impact directly on local communities in the same way as other Key Decisions. Such contracts include advertising, library books, vehicles, consumables, food, gas, electricity and cleaning of Council premises.]*

Chapter 14-Finance, Contracts and Legal Matters

1. Financial Management

- 1.1 The Council has agreed certain financial rules which are contained in Part 4 of this Constitution. The Council will manage its financial affairs in accordance with these rules.

2. Contracts



- 2.1 The Council has also agreed a set of rules for contracts. Every contract made by the Council will comply with these rules, which can be found in Part 4 of this Constitution.

3. Legal Proceedings

- 3.1 The Borough Solicitor is authorised to institute, defend or participate in any legal proceedings or to take other action where this is necessary to give effect to decisions of the Council or in any case where he/she considers that it is necessary to protect or further the Council's interests.

4. Signing etc of documents

- 4.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Borough Solicitor or other person authorised by him/her unless any enactment otherwise authorises or requires, or the Council has given the required authority to some other person.
- 4.2 Any contract entered into on behalf of the Council shall be made in accordance with the Council's Finance Procedure Rules. In the absence of any authority given to a specific officer all such contracts must either be signed by at least the Borough Solicitor or his/her authorised deputy, plus another of his/her authorised deputies or be made under the common seal of the Council.

5. The Council's Common Seal

The Common Seal of the Council will be kept in a safe place in the custody of the Borough Solicitor. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which, in the opinion of the Borough Solicitor, should be sealed. The affixing of the Common Seal will be attested by the Borough Solicitor or one of his/her authorised deputies.

Chapter 15-Management of the Constitution

1 Review

- 1.1 The Governance and Constitution Committee, in consultation with other appropriate Members, the Monitoring Officer and Section 151 Officer, will monitor and review the Constitution to make sure that its aims and principles are given full effect.



- 1.2 In doing this, the Committee will need to be aware of the strengths and weaknesses of the Constitution, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. To do this, the Committee may require:

- meetings between Members and officers of the Council;
- an audit-trail of a sample of decisions to be carried out;
- issues raised by Members, officers, the public and other relevant stakeholders to be recorded and assessed;
- the Council's practices to be compared with those in other local authorities, or national examples of best practice.

2 Changing the Constitution

- 2.1 Changes to the Constitution will only be approved by the full Council after consideration of the proposal by the Governance and Constitution Committee.
- 2.2 The Council will take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals to change the "Leader and Cabinet" style of government set out in this Constitution.

3 Suspension of the Constitution

- 3.1 The Articles of this Constitution may not be suspended. However the Procedure Rules set out in this Constitution may be suspended by the full Council to the extent permitted by those Rules and the law.
- 3.2 A motion to suspend any rules cannot be moved, without notice, unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking into account the purposes of the Constitution set out in Article 1.

4 Interpretation

- 4.1 The ruling of the Council's Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution.

5 Publication



5.1 The Borough Solicitor:

- will give a printed copy of this Constitution to each Member of the authority upon delivery of that individual's declaration of acceptance of office on the Member first being elected to the Council;
- will ensure that copies are available for inspection at council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee;
- will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.



Proper Officer Provisions

PROPER OFFICER PROVISIONS

LOCAL GOVERNMENT ACT 1972		
SECTION	SUBJECT MATTER	PROPER OFFICER
83	Declaration of acceptance of office by chairman, vice-chairman or councillor	Lead Officer of Joint Implementation Team
84	Receipt of resignation of office by person elected	Lead Officer of Joint Implementation Team
88(2)	Convening of meeting of Shadow Council to fill casual vacancy in office of chairman	Interim Monitoring Officer
89(1)(b)	Receipt of notice of casual vacancy of councillor from two local government electors	Lead Officer of Joint Implementation Team
96(1)	Receipt of notice of interests in contracts or proposed contracts	Interim Monitoring Officer
96(2)	Recording of disclosures of interests made under section 94 and of notices under section 96(1)	Interim Monitoring Officer
100B(7)(c)	Supply of documents to press	Interim Monitoring Officer
100C(2)	Written summary of exempt proceedings	Interim Monitoring Officer
100D(1)(a)	Compilation of list of and inspection of background papers	Each Member of Joint Implementation Team
100F(2)	Exclusion of document containing exempt information	Interim Monitoring Officer
151	Arrangements for proper	Interim Chief Finance



	administration of Shadow Council's financial affairs	Officer
223(1)	Appearance of Council in legal proceedings	Interim Monitoring Officer
225	Deposit of documents	Interim Monitoring Officer
228(3)	Accounts to be open to inspection	Interim Chief Finance Officer
229(5)	Certification of photographic copies of documents	Interim Monitoring Officer
234(1) and (2)	Authentication of documents	Interim Monitoring Officer
Schedule 12 para 4(2)(b)	Signature of summons to council meeting	Interim Monitoring Officer
Schedule 12 para 4(3)	Receipt of notices regarding address to which summons to meeting is to be sent	Interim Monitoring Officer
Schedule 14 para 25(7)	Certification of resolutions under para 25	Interim Monitoring Officer
LOCAL GOVERNMENT FINANCE ACT 1988		
114	Officer responsible as regards reports	Interim Chief Finance Officer

LOCAL GOVERNMENT AND HOUSING ACT 1989

2(4)	Deposit of list of politically restricted posts	Lead Joint Implementation Team Officer for Human Resources
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15-17	Receipt of various notices relating to political groups under relevant Regulations	Interim Monitoring Officer
	Local Authorities (Standing Order) England Regulations 2001	Lead Joint Implementation Team Officer for Human Resources

Representation of the People Act 1983		
Section 8	Electoral Registration Officer for the registration of electors	Chief Executive
Section 35	Returning Officer for the election of Councillors for the District and parishes within the District	Chief Executive

CHESHIRE EAST

Council

Date of meeting: 24th February 2009

Report of: Martin Smith, Executive Office

Title: Cheshire East Council: Corporate Plan - Improving services together

1.0 Purpose of Report

- 1.1 To enable the Council to consider Cheshire East's draft Corporate Plan as recommended by the Cabinet following their discussion on 17 February. Any suggested amendments to the draft plan will be reported to Council, the document accompanying this report is the version considered by Cabinet.

2.0 Decision Required

- 2.1 To approve the Corporate Plan and a decision as to whether the Corporate Plan should in future be reserved to Council as part of its Policy Framework.

3.0 Legal Implications

- 3.1 There are no specific legal implications related to the issues raised in this paper.

4.0 Risk Assessment

- 4.1 A council's Corporate Plan is an important document providing a strategic overview which will underpin a wide range of work across the Authority. By having a robust Corporate Plan in place Cheshire East Council will minimise the risk of inconsistency of approach across service areas and provide a clear focus for the deployment of resources.

5.0 Background

- 5.1 The Corporate Plan is an essential part of the Council's policy and delivery planning framework. It will inform the Council's business and service plans and therefore ensure that the day to day work of the Council is focused on local priorities. The Plan will be an important influencing factor in the development of the Authority's Workforce

Development Strategy and underpin the development or refinement of a range of other strategies and policies over the coming months.

- 5.2 An equality impact assessment has been completed on the Corporate Plan.
- 5.3 The starting point for developing the Plan were the Corporate Plans of the four constituent predecessor Authorities and the draft Cheshire East Sustainable Community Strategy. However, the draft plan in its current form is a different document to any of these plans. The Plan has evolved to reflect the unique nature of Cheshire East as an area and the challenges facing the new Council over the first twelve months of its life. The Plan has been influenced by feedback from a wide range of stakeholders, including Town and Parish Councils, local businesses and employee Trade Unions and has been developed alongside the Medium Term Financial Strategy.
- 5.4 The Corporate Plan is in effect an interim document which will serve the Council in 2009/10. Work on developing a Plan for the period 2010/11 to 2012/13 will begin in summer 2009 once Local Area Agreement have been reviewed and agreed and work has commenced on a revised Sustainable Community Strategy.
- 5.5 A second document, currently at a late stage of development, will accompany the Corporate Plan. The Annual Performance Plan will be a more detailed document which will provide information on all relevant Performance Indicators. This document will be the subject of a report to future meetings of the Cabinet and Council.

6.0 Reasons for Recommendation

- 6.1 To enable Cheshire East Council to have a Corporate Plan in place from 1st April 2009.

Cheshire East Council

Corporate Plan 2009 - 2010



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*Improving services
together*

www.cheshireeast.gov.uk

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Welcome to Cheshire East Council

Cheshire East is a new Council; it will build on the best of its four constituent predecessor Authorities, but will establish its own distinctive characteristics, priorities and ways of working. The creation of the new unitary council gives a real opportunity to remove many of the barriers that have in the past hindered the delivery of high quality, joined up public services. We will embrace that opportunity with enthusiasm.

This Corporate Plan has been developed as an interim Plan to allow Cheshire East to set the budget for 2009/10.

We have used the wider community priorities, outlined in the draft Cheshire East Sustainable Community Strategy (this can be found at www.cheshireeast.gov.uk), as the starting point and have also taken into account the priorities and objectives of the four local authorities that will come together to form Cheshire East. Those priorities were based on consultation with communities and partners at the time.

By setting out Cheshire East Council's objectives and priorities within this Corporate Plan, individual Departments and Services will be able to develop delivery plans which will enable staff to understand the contributions that they make to improving everyday outcomes for individuals and the wider community.

This Corporate Plan is split into two sections; the first (this publication) sets out Cheshire East's strategic direction for 2009/10, it also sets out our priorities for our first year. The second part (a separate publication) contains targets and performance data and aligns the National Indicator Set (Government targets which the Council has to adopt) against the relevant priority area.

This new Council will listen and consult with the public, partners and stakeholders and then review and refine its objectives and priorities for subsequent years.



Wesley Fitzgerald
Leader



Erika Wenzel
Chief Executive



Our vision is to...

Work together to improve community life

- We will enable all children and young people to fulfil their potential.
- We will improve the wellbeing, health and care of people.
- We will ensure that people in local communities have a greater say about how resources are targeted in their area.
- We will work with others to make all of our communities safer places to live, work and play.
- We will enable people to have a good quality of life irrespective of where they live or their social or economic background.
- We will shape and maintain strong and prosperous neighbourhoods in which our residents are skilled and economically active, where businesses want to invest and where people want to visit.
- We will provide an attractive and sustainable environment which communities can be proud of.

Political Structure

Political Composition

There are 81 Councillors, representing the 27 wards of the new authority. The political composition of Cheshire East is: 59 Conservative Members, 12 Liberal Democrat Members, 6 Labour Members and 4 Independents.

Councillors are directly accountable to citizens for the running of the Council and the overriding duty of Councillors is to the whole community. They are required to agree and follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises Councillors on ethical issues.

Meetings of the Council are normally open to the public. Councillors, when they meet as 'the Council' will decide the Council's overall policy framework and prepare the annual budget.

The two main areas of the Council's political structure comprise the Executive and Scrutiny.

The Cabinet

The Council appoints the Executive (to be known as the Cabinet at Cheshire East Council), which comprises of the Leader together with nine other Members. The Cabinet is responsible for most of the day to day decisions about how the Council is run and is required to act within the policy and budgetary framework which has been decided by the Council.

Scrutiny

The Council's scrutiny arrangements ensure that Members of the Council who are not in the Cabinet may be involved in the scrutiny of the Cabinet and Council decisions. The Council has appointed five

Scrutiny and Overview Committees to oversee the Council's scrutiny functions. These Committees, which will also advise the Cabinet on policy development, cover the areas of:

- Children and Families
- Health and Adult Social Care
- Environment and Prosperity
- Sustainable Communities
- Corporate Scrutiny

Other decision-making Bodies

The Council has also appointed the following decision making bodies:

- Standards Committee
- Governance and Constitution Committee
- Staffing Committee
- Planning Committee
- Licensing Committee

We are also developing innovative plans for neighbourhood working which will be finalised by March 2009.

Details of the Calendar of Meetings and copies of meeting papers are available on the Council's Website at www.cheshireeast.gov.uk

Our Values

The overall aim of the authority is to have a positive impact on all sections of the communities that we serve. Cheshire East Council has developed a set of core values and key behaviours to underpin this aim.

Our values mean that we will:

- **Action** - take responsibility for making the right things happen
- **Support** - work and learn together in order to succeed
- **People** - put customer and community needs at the heart of what we do

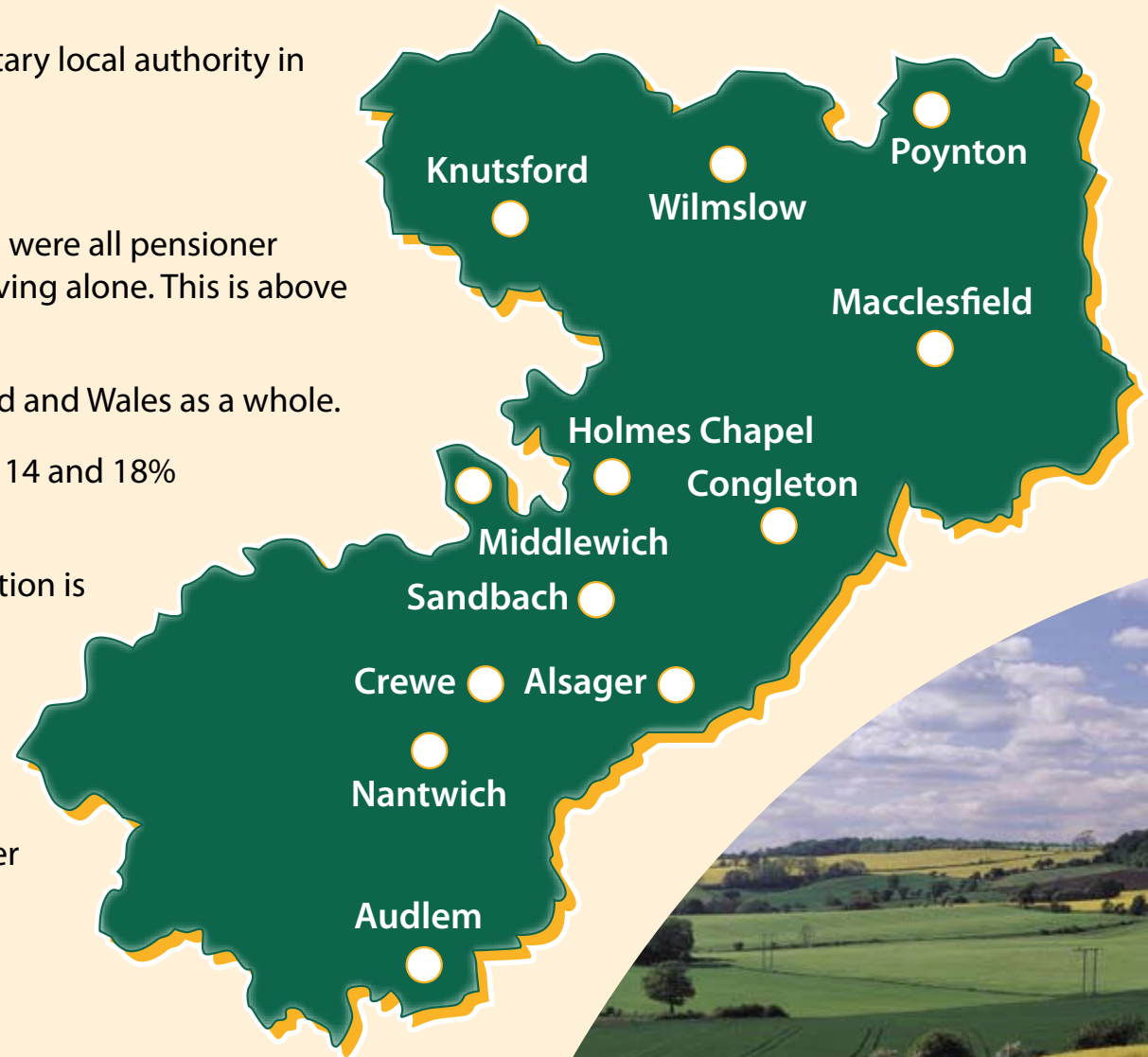
- **Integrity** - be open, honest and fair, expecting the same of others
- **Recognition** - value all views, efforts and achievements
- **Excellence** - strive to improve all that we do

These core values will underpin everything we do by defining how the Council will achieve its **ASPIRATIONS**.



Cheshire East in Context

- Population of 360,700; the third largest unitary local authority in the North West.
- Area of 116,638 hectares.
- 147,144 households (in 2001), 25% of these were all pensioner households in which 57% of people were living alone. This is above the national average.
- Slightly older age structure than for England and Wales as a whole.
- 5% of population is under 5, 12% aged 5 to 14 and 18% aged 65 or over.
- Economic output (GVA) per head of population is above the national average.
- High performing schools, with results above the national average.
- Projected that by 2026 there will be 5% fewer children than in 2006, those 85 or over will double between 2006 and 2026.



The Corporate Plan in the Community Context



Cheshire East's Corporate Plan fits into a strategic planning framework for the whole community, which is influenced by what our local communities want and need and by national factors. The Council supports the local partnership's Sustainable Community Strategy for the whole area and as part of this we have developed a Local Area Agreement with our partners, which includes specific targets for improvement.

This Corporate Plan feeds into these targeted community outcomes but focuses specifically on what we as a Council will do to deliver these and what we will do to improve our services and get better outcomes for local residents, businesses and visitors.

Other local organisations, such as the Police and the Primary Care Trust have their own specific Corporate Plans and in addition many local organisations work together with the Council to develop joint strategies and improvement plans, for example, the Children and Young People's Plan.

Set in this wider context the Corporate Plan keeps a tight focus on what Cheshire East will deliver for local people.

The Challenges

Generally speaking, people in Cheshire East enjoy a good quality of life and a high standard of living but there is another side to this picture with important challenges to be addressed.

Some people in the borough are not doing so well. There are still 14 Lower Level Super Output Areas¹ in Cheshire East that rank within the 20% most deprived in England, according to the Government's measure of deprivation (Index of Multiple Deprivation 2007); 6% of Cheshire East's population live in these 14 areas. They are concentrated in north and west Crewe, east Congleton, east and south Macclesfield and north Wilmslow. Some individual residents and families across the Borough have complex needs that will create challenges for the Authority.

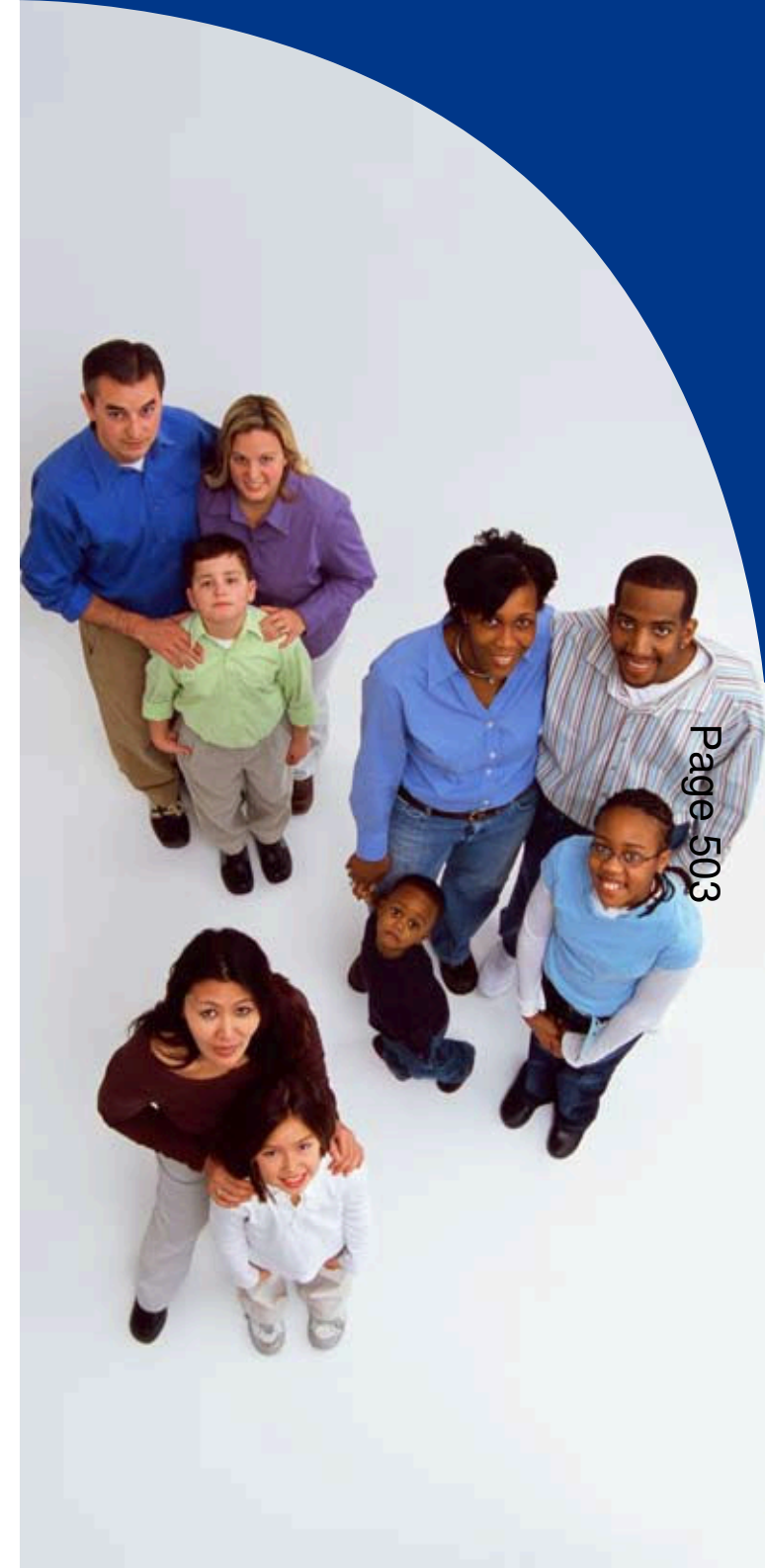
Disadvantage is strongly correlated with health problems, e.g. high mortality rates, higher rates of mental illness, respiratory and circulatory diseases. The Cheshire East Primary Care Trust Strategic Needs Assessment draws attention to risk factors contributing to ill health such as tobacco use, physical inactivity, excessive alcohol consumption, poor diet with secondary factors such as hypertension and being very overweight. Also identified is fuel poverty, most likely to be a problem for older people, people with disabilities, households with dependent children or someone who is unemployed, and for members of black, minority and ethnic groups. Fuel poverty becomes an increasing challenge as the price of fuel increases, as it has over recent years.

Over the coming year Cheshire East will face a number of challenges brought about by the national economic downturn. We have already seen unemployment rates increase, with over 4,000 people across the Borough now claiming Job Seekers Allowance. We are acutely aware that some sectors of the economy, such as financial services, those related to housing and building and the automotive and transport sectors are more vulnerable and face greater challenges than others.

Whilst levels of crime are low across the Borough there is an understandable expectation from the public that they are driven down still further. Fear of crime and of anti-social behaviour are very real concerns for many people across Cheshire East.

This Corporate Plan will help the Council address these many and varied challenges.

¹ Super Output Areas (SOAs) are a geography designed area for the collection and publication of small area statistics. SOAs give an improved basis for comparison across the country because the units are more similar in size of population than, for example, electoral wards. They are also intended to be stable, enabling the improved comparison and monitoring of policy over time.



Building for the Future

This is an interim Plan; a new Corporate Plan will be developed in the summer of 2009 once the Sustainable Community Strategy and Local Area Agreement have been reviewed and agreed. We will develop the Corporate Plan into a three-year rolling plan, spanning the period 2010 - 2013. This will enable us to align the plan with the Medium Term Financial Strategy (MTFS). The MTFS will span the same period of time as the Corporate Plan, providing the funding for the Council to deliver its stated objectives. The objectives and priorities within the Corporate Plan will drive the MTFS and the two plans will then be developed in tandem.

This Corporate Plan will set out the Council's top priorities, bringing together our responsibilities around the Community Strategy, the Local Area Agreement, key regional and national priorities and our aim to deliver excellent services to the people and communities of Cheshire East.

We will refresh and update the Corporate Plan each year to ensure that new priorities and objectives are incorporated to enable the Council to respond to emerging issues and community views. We will develop, in parallel, a detailed Annual Performance Plan to show how well the Council performed against its key measures of success and how improvements for the future will be prioritised and targeted.

We will engage with staff to raise awareness of the priorities and to gather thoughts on outcomes and actions, including how services will contribute towards the achievement of the priorities. Key stakeholders, including partners, will also be consulted.

Future plans will be strongly based on a detailed understanding of different areas and communities in the Borough and their different needs. Further mapping will take place to show how the Council's priorities take account of local and national priorities to create Strong and Prosperous Communities and fit with the emerging Comprehensive Area Assessment requirements.

Departmental and Service Plans will be expected to detail how the Corporate Plan will be delivered.



Developing our vision... our Objectives and Priorities

The Council's vision is to:

Work together to improve community life

To achieve this vision the Council has set the following objectives and priorities to guide service delivery:

We will enable all children and young people to fulfil their potential by:

- Promoting their safety, care and stability
- Improving their educational attainment

We will improve the wellbeing, health and care of people by:

- Encouraging healthier lifestyles
- Increasing for older and disabled people their choices and their control over the resources made available to them.

We will ensure that people in local communities have a greater say about how resources are targeted in their area by:

- Devolving service provision, decision making and where appropriate budgets to create greater local choice

We will work with others to make all of our communities safer places to live, work and play by:

- Reducing crime and the fear of crime by targeting anti-social behaviour and drug and alcohol abuse
- Improving both traffic flow and road safety

We will enable people to have a good quality of life irrespective of where they live or their social or economic background by:

- Improving service provision to rural areas
- Facilitating appropriate transport for the public and service users

We will shape and maintain strong and prosperous neighbourhoods in which our residents are skilled and economically active, where businesses want to invest and where people want to visit by:

- Supporting the local economy and tourism to increase prosperity
- Improving roads and highways
- Where practical reducing the impact of the recession on both businesses and individuals

We will provide an attractive and sustainable environment which communities can be proud of by:

- Reinforcing the distinctive characteristics of our towns, villages and rural areas.
- Managing waste
- Tackling climate change

Building a New Council

Cheshire East is a brand new Council and it is essential that it "hits the ground running" and continues to provide services that residents and communities have been used to. In doing so it must be responsive to changing needs and increasing demands, with a view to improving value for money. This will be a priority for the Council.

When brought together the vision, objectives and priorities constitute the Council's Corporate Plan.

Children and Young People

The prospects for children and young people in Cheshire East are good; the majority enjoy a good quality of life and academic attainment continues to be higher than the national average. However, there are some children and young people for whom the future is less bright. Therefore, it is our intention to deliver education and learning, youth services and assessment, care, support and protection for all children and young people, regardless of who they are or where they live.

Our services will be integrated with other public sector agencies, through the Children's Trust, we will work to tackle issues such as child poverty, teenage pregnancies, obesity and children exposed to domestic abuse. We will also ensure that children in care are given the best possible life chances and ensure that the individual needs of vulnerable children and their families are assessed and acted upon to enable all people to be healthy, stay safe, enjoy and achieve, make a positive contribution and achieve economic well-being.

The Council's objectives and priorities for Children and Young People are that:

We will enable all children and young people to fulfil their potential:

- Promoting their safety, care and stability
- Improving their educational attainment

These will contribute to the Cheshire East Sustainable Community Strategy objectives of:

- Addressing the priority services for children and young people.
- Tackling the adverse impact of alcohol on children and young people.

We will measure our success against key indicators in the National Indicators Set - please refer to the Cheshire East Council Annual Performance Plan for detailed information on all Performance Indicators.



Adult Health and Well-being

People in Cheshire East, in general terms, have a good quality of life and enjoy where they live, as evidenced by the 2008 Community Survey. Similarly, the majority of people describe their health as good and smoking rates and life expectancy are also better than the national average. Despite this, however, there are a number of challenges for the Council and our partners in maintaining a high level of adult health and well-being across all communities. For example, there are important differences between current male life expectancy between local towns, ranging from 75.4 years in Middleswich to 80.7 years in Poynton. Similar differences can also be seen in levels of alcohol consumption which is a key area of focus, particularly in relation to criminal incidents.

In addition, recent figures show that the number of people aged over 85 will double between 2006 and 2026, increasing the demands for support for vulnerable people. These trends will therefore not only put pressure on the caring services but will also impact on the labour market. It is vital, therefore, to focus our work on increasing independence, reducing hospital and institutional care, improving housing for older people, tackling fuel poverty and empowering all people to have a greater influence on decisions that affect them.

The Council's objectives and priorities for Adult Health and Well-being are that:

We will improve the wellbeing, health and care of people by:

- Encouraging healthier lifestyles
- Increasing for older and disabled people their choices and their control over the resources made available to them.

These will contribute to the Cheshire East Sustainable Community Strategy objectives of:

- Addressing the key issues surrounding our ageing population
- Tackling the adverse impact of alcohol on adults and older people

We will measure our success against key indicators in the National Indicators Set - please refer to the Cheshire East Council Annual Performance Plan for detailed information on all Performance Indicators.



Stronger Communities

We want to give local people and local communities more influence and power to improve their lives and create stronger communities by strengthening the relationships between ourselves, our partners and local people. We also want to promote and reinforce community cohesion through local leadership, greater resident participation in decisions and an enhanced role for community groups. It is therefore important to engage all citizens, particularly those who are hardest to reach, in influencing the decisions that will affect them and provide more opportunity to get directly involved in managing and shaping how local services are delivered.

Through closer partnership working and a fuller understanding of our communities needs and aspirations we want to build strong, confident and prosperous communities where people of different backgrounds get on well and build a positive future together.

The Council's objectives and priorities for Stronger Communities are that:

We will ensure that people in local communities have a greater say about how resources are targeted in their area by

- Devolving service provision, decision making and where appropriate budgets to create greater local choice

These will contribute to the Cheshire East Sustainable Community Strategy objectives of:

- Reducing inequalities between the most disadvantaged and successful areas of Cheshire East (also a priority within the theme of Tackling exclusion and promoting equality)

We will measure our success against key indicators in the National Indicators Set - please refer to the Cheshire East Council Annual Performance Plan for detailed information on all Performance Indicators.



Safer Communities

Cheshire East is a relatively safe place to live with recorded crime levels well below the national average. However, it is still a top concern for our residents, which is why we want to work closely with the Police, Fire and other partners in reducing anti-social behaviour, arson, drunk and rowdy behaviour and the number of young offenders.

We will also focus effort on reducing re-offending as a relatively small number of repeat offenders are responsible for a significant proportion of the crimes committed. This is also closely linked to the work of Cheshire Drugs and Alcohol Action Team in reducing drug related crime. In addition, we want to increase the number of criminal justice outcomes for offenders and reduce the incidence of domestic abuse.

It is vital to ensure that there is a continued reduction on the number of killed and seriously injured children and adults on our roads and we will target those roads with particularly high incidence. In doing this, we also want to increase public awareness and educate people about the contributing factors that cause road traffic collisions.

The Council's objectives and priorities for Safer Communities are that:

We will work with others to make all of our communities safer places to live, work and play by:

- Reducing crime and the fear of crime by targeting anti-social behaviour and drug and alcohol abuse
- Improving both traffic flow and road safety

These will contribute to the Cheshire East Sustainable Community Strategy objectives of:

- Reducing anti-social behaviour, arson and criminal damage
 - Reduce re-offending
 - Improving road safety

We will measure our success against key indicators in the National Indicators Set - please refer to the Cheshire East Council Annual Performance Plan for detailed information on all Performance Indicators.

Tackling Exclusion and Promoting Equality

This is a key theme running through all that we do. Together with our partners, we want to ensure that all people have the same equality of opportunity, quality of life and can influence what happens within their communities. Whilst most residents in Cheshire East enjoy a good standard of life, there are a number of areas that are more deprived, particularly concentrated in north and west Crewe, east Congleton, east and south Macclesfield and north Wilmslow. In these areas, there are generally higher rates of illness and mortality rates and lower levels of educational attainment and employment.

We want to decrease the gap between the most deprived neighbourhoods and the rest of Cheshire East in all areas particularly health, housing, education and the local economy.

In addition, the recent influx of economic migrants from Eastern Europe highlights the need to work together to build cohesion and ensure that all people, regardless of background, can directly influence, manage and benefit from decisions that affect them.

We want to make improvements to the public transport network. This will also help ensure that no-one is disadvantaged by where they live and is intended to give everyone access to the services they need and the lifestyle they choose.

The Council's objectives and priorities for Tackling Exclusion and Promoting Equality are that:

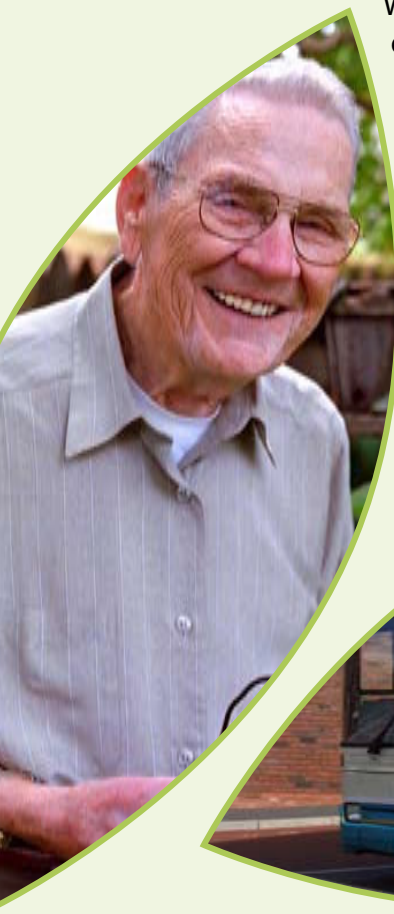
We will enable people to have a good quality of life irrespective of where they live or their social or economic background by:

- Improving service provision to rural areas
- Facilitating appropriate transport for the public and service users

These will contribute to the Cheshire East Sustainable Community Strategy objectives of:

- Reducing inequalities between the most disadvantages and successful areas of Cheshire East

We will measure our success against key indicators in the National Indicators Set - please refer to the Cheshire East Council Annual Performance Plan for detailed information on all Performance Indicators.



The Local Economy

Cheshire East has a strong local economy, but it is not one that is immune from the national economic recession. During the twelve months to November 2008, the number of Job Seeker Allowance (JSA) claimants across Cheshire East rose by 54.1%; the national increase over the same time period was 34.4%. In November 2008 there were 4,300 JSA claimants, compared to only 2,800 a year before. These figures mask important neighbourhood differences. Cheshire East contains 85 former District Council Wards: 24 of these (spanning all parts of the Borough) saw their claimant count rise by 100% or more in the year to November 2008. These figures are a form of proxy for taking a snapshot of the changing health of the area.

The current economic downturn poses a much greater risk to some industries than others; those sectors particularly at risk are:

- Financial services.
- Housing, construction and businesses that supply household appliances, furniture and other durable goods.
- Automotive and transport related industries.

It is estimated that the Borough has over 20,000 people employed in these sectors.

Economic output (GVA) per head is higher than the national average. The demographic profile of the area also highlights an ageing population in the 45 to 65 age group, meaning that there will be a significant number reaching retirement age in the near future.

Reducing worklessness and improving skills is a key challenge and targeting resources into this area means that we can promote lifelong learning, increase the number of qualified adults and decrease the number of people out of work, particularly in the neighbourhoods identified as priorities for improvement.

Affordable and appropriate housing is also a key issue in improving the quality of life for our residents, providing everyone with the opportunity of a decent home. This means providing a wide choice of housing to meet the needs of the whole community in terms of tenures and price ranges. It is recognised that this is a particular challenge at a time of difficulty for the housing market.

We also want to ensure that we generate and strengthen inward investment, tourism and regeneration as key aspects of economic and social well-being of local people and their environment.

The Council's objectives and priorities for the Local Economy are that:

We will shape and maintain strong and prosperous neighbourhoods in which our residents are skilled and economically active, where businesses want to invest and where people want to visit by:

- Supporting the local economy and tourism to increase prosperity
- Improving roads and highways
- Where practical reducing the impact of the recession on both businesses and individuals

These will contribute to the Cheshire East Sustainable Community Strategy objectives of:

- Improving access to, and availability of affordable and appropriate housing.
- Reducing worklessness and improving skills.
- Maintaining an efficient transport network.
- Improving business and enterprise.

We will measure our success against key indicators in the National Indicators Set - please refer to the Cheshire East Council Annual Performance Plan for detailed information on all Performance Indicators.

Environmental Sustainability

It is vital to ensure that, together, we improve the environment for the future whilst using our present resources efficiently to make sure that we all have a good standard of living today. Climate change, for example, will affect us all and current studies indicate that, by 2080, it is possible that the North West will experience an average increase in temperature of 4 or 5 degrees centigrade, have 40% - 60% less rain in the summer and 15% - 30% more rain in the winter. In addition, consideration needs to be given to the rising levels of carbon dioxide in the way we design and deliver services, including our transport infrastructure and the development of new homes.

Waste management and recycling is also a key focus as waste levels in Cheshire East are high when compared with other local council areas. We will deliver year on year decreases in the amount of waste sent to landfill coupled with increases in the amount of waste recycled and composted. This will help to ensure our comparative position improves and will enable us to meet strict Government targets. We also want to ensure that our public realm is clean, green and contributes to the overall sustainability of the area so that it can be enjoyed by all who work, visit and play in Cheshire East both now and in the future.

The Council's objective and priorities for Environmental Sustainability are that:

We will provide an attractive and sustainable environment which communities can be proud of by:

- Reinforcing the distinctive characteristics of our towns, villages and rural areas
- Managing waste
- Tackling climate change

These will contribute to the Cheshire East Sustainable Community Strategy objectives of:

- Achieving sustainable management of waste resources
- Responding to the challenge of climate change
- Improving environmental cleanliness

We will measure our success against key indicators in the National Indicators Set - please refer to the Cheshire East Council Annual Performance Plan for detailed information on all Performance Indicator.



Building the Council

To support these priorities we will build a council that is responsive to changing needs and delivers value for money:

We will...

- Put customers first
- Provide value for money
- Enhance partnership working
- Develop our workforce
- Be locally responsive

How will we achieve these?

- ***We will deliver*** cost-effective and high quality services and put our customers first in the way we design and deliver everything we do
- ***We will maintain*** strong relationships with all of our partners, develop and support our staff, manage our resources and support our Elected Members effectively to deliver better outcomes and ensure a commitment to continuous improvement

and:

- ***We will ensure*** continuity of service from the four constituent predecessor Authorities
- ***We will build*** the Cheshire East Council into a flagship authority fit for the 21st century

We will measure our success against key indicators in the National Indicators Set - please refer to the Cheshire East Council Annual Performance Plan for detailed information on all Performance Indicators.





Overall performance management of the Council and Partners

The Corporate Plan is central to the performance management of the Council.

Departmental and Service Plans will all be developed to deliver the targets set against the priorities in this Corporate Plan and other service areas delivered by the Council either on its own or in partnership. Performance will be monitored on a regular basis by managers and Cabinet Members to make sure that it is on track and to ensure that where it isn't action is taken to bring things back into line. The Council and its partners will be required to submit regular performance National Indicator Set data returns to central Government.

Overall the Cheshire East's Partnership performance against the National Indicator Set will provide the focus for the new Comprehensive Area Assessment. This means that we will be assessed against all of the Government-set National Indicators and the targets we set within our jointly-agreed Local Area Agreement.

The computerised Excelsis performance management systems will be used to record performance against LAA indicators where our partners are the lead organisation.

Cheshire East Council
Westfields, Middlewich Road
Sandbach, Cheshire CW11 1HZ
www.cheshireeast.gov.uk

This information is available in other formats on request

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CHESHIRE EAST COUNCIL

Council

Date of meeting: 24th February 2009
Report of: Borough Treasurer & Head of Assets
Title: Budget 2009/10

1.0 Purpose of Report

- 1.1 To set the Cheshire East Council Budget for 2009/10.

2.0 Decision Required

- 2.1 That Council, in accordance with the recommendation from Cabinet, approve a Revenue Budget Requirement for 2009/10 of £234,113,000.
- 2.2 That Council approve all Revenue and Capital Budgets as reported.
- 2.3 That the fees and charges detailed in the report in Appendix 1 are approved with the exception of those prices for services and facilities where the setting of fees and charges is already delegated to other Committees, Panels or individuals, as indicated.
- 2.3 That Council approve the Reserves Policy and Strategy as reported.

3.0 Budget 2009/10

- 3.1 In accordance with the Budget and Policy Framework Rules of Procedure, Cabinet will approve the Draft Budget for 2009/10 on 24th February 2009. At the same meeting, the Cabinet will receive the final Formula Grant Settlement and the draft Capital Programme. A copy of the report is attached in Appendix 1.
- 3.2 The Borough Treasurer and Head of Assets (Chief Financial Officer) reports that, in accordance with Section 25 of the Local Government Act 2003 and Sections 32 and 43 of the Local Government Finance Act 1992, she is satisfied with the robustness of the estimates making up the Budget Requirement of £234,113,000, and she is satisfied with the adequacy of the financial reserves for the Council.

4.0 Conclusion and Reasons for Recommendation

- 4.1 This report enables Cheshire East Council to set its Budget for 2009/10. The 2009/10 Budget will be reported to Cabinet on 17th February 2009. Any changes made as part of this process will be amended in the final report made available to Members ahead of the Council meeting on 24th February 2009.

Appendices:

Appendix 1 – Medium Term Financial Strategy – Budget Setting 2009/10 – Change Control Document

Appendix 2 – Cabinet Report – 17th February 2009 – Medium Term Financial Strategy – Budget Setting 2009/10

For further information:

Portfolio Holder: Councillor Frank Keegan

Officer: Lisa Quinn, Borough Treasurer & Head of Assets

Tel No: 01270 529628

Email: lisa.quinn@cheshireeast.gov.uk

Background Documents:

Cheshire East Council Draft Budget 2009/10 – Working Papers

Documents are available for inspection at:

Cheshire East Democratic Services

Westfields

Middlewich Road

Sandbach

CW11 1HZ

Appendix 1

Medium Term Financial Strategy (MTFS) – Budget Setting 2009/10**Change Control Document****Main Report**

Section	Change	Officer
7.1	Pay inflation – projection for pay inflation for 2010/11 and 2011/12 had not been changed from the original wording in the MTFS, projection for both years is based on 2.5% not 3%	Chris Mann
9.1	Updated the table in Section 9.1 to reflect the grants added to Appendix B, we have taken the opportunity to update the Specific Revenue grants table to reflect newly confirmed grants	Chris Mann
10.3	Pupil numbers used for planning purposes – wording changed from ‘actual October 2008 pupil census numbers’ to ‘actual January 2009 pupil census numbers’	Chris Mann
13.6	Updated Budget Requirement table handed out on the day at Cabinet and added note with regard to the link to the Reserves Policy & Strategy	Lisa Quinn
14.2.2	Rounding difference amended on 2010/11 Prudential Indicators	Joanne Wilcox
14.3.2	Formatting of percentage signs amended	Joanne Wilcox
15.5	Original wording: ‘The Council will undertake Prudential Borrowing to support the Transforming Learning Communities Initiative, Extra Care Housing, Building & Highways Maintenance and various ICT initiatives. In all these cases the costs of borrowing will be funded from revenue savings.’ Amended wording: ‘The Council will undertake Prudential Borrowing to support the Transforming Learning Communities initiative, Extra Care Housing, Building and Highways Maintenance and various ICT initiatives, subject to the availability of revenue funding for the revenue consequences of borrowing.’	John Nicholson

Appendices

Appendix	Change	Officer
B	Capital Grants tab – missing from Cabinet report and print area amended to include appendix heading	Chris Mann
B	Revenue & ABG tab – opportunity taken to add newly notified grants and amended grants (highlighted in green), original printed twice in Cabinet report, appendix headings added, reformatted for better printing	Chris Mann
C	Contents – wrong order in Cabinet report, reformatted to ensure it prints on one page and appendix heading isn't repeated	Paul Goodwin
C	Schedule – updated for amended and missing fees & charges as detailed in Annex 1 of this document Schedule – further updated for amended and missing fees & charges as detailed in Annex 2 of this document	Paul Goodwin
D	DSG Budget Appendix – missing from printed version of report, handed out at Cabinet meeting – print area amended to include appendix heading, appendix heading added to second page and reformatted to make sure it prints on two pages	Lisa Quinn
E	Table 4 – amended sub-total for 2009/10 from 1,742 to 3,490 Table 5 – added description to Strategic Reserve '2% of Net Revenue Budget' Final Page – of main text, added name and title Annex 1 – added appendix heading	Lisa Quinn
F	Added appendix letter to heading	Lisa Quinn
F Annex A	Changed appendix/annex heading	Lisa Quinn
F Annex B	Changed appendix/annex heading	Lisa Quinn
F Annex C(i)	Changed appendix/annex heading	Lisa Quinn

F Annex C(ii)	Changed appendix/annex heading	Lisa Quinn
F Annex C(iii)	Changed appendix/annex heading	Lisa Quinn
F Annex C(iv)	Missing from Cabinet report – changed appendix/annex heading	Lisa Quinn
F Annex D	Changed appendix/annex heading	Lisa Quinn
F Annex E	Changed appendix/annex heading	Lisa Quinn
F Annex F	Changed appendix/annex heading	Lisa Quinn
F Annex G	Changed appendix/annex heading	Lisa Quinn
G	Health & Wellbeing – Amber/Red – remove Lyceum Theatre proposal and increase the savings from the rationalisation of services proposal by the same value	John Weeks

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AMENDMENTS TO THE SCALE OF FEES AND CHARGES 2009/10

Appendix 1 - Annex 1

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
CREWE AND NANTWICH SWIMMING POOLS					
Free swimming will be available to children under 17 years old and senior citizens aged 60 or over subject to registration. If not registered then charges will apply.					
Swimming					
** Junior (if not registered for free swim)	2.20			2.16	
** OAP (if not registered for free swim)	2.20			2.16	
Family Swim - minimum 1, maximum 2 adults & minimum 2, maximum 3 Juniors (if children not registered for free swim)	8.10			7.93	
Monthly Contract					
Junior & OAP (if not registered for free swim)	22.10			21.53	
Family (if children not registered for free swim)	50.20			48.94	
Season 6 Month Contract					
Junior & OAP (if not registered for free swim)	95.30			92.98	
CONGLETON AREA LEISURE CENTRES					
Membership Annual Agreements:					
Old Existing Subscriptions					
1 month membership with Leisure Pass	21.80	21.29			
1 month membership - 16/17 year olds	19.40	18.94			
1 month membership Senior Citizen	19.40	18.94			
Swimming - General					
Free swimming will be available to children under 17 years old and senior citizens aged 60 or over subject to registration. If not registered then charges will apply.					
Junior (if not registered for free swim)	2.40	2.25			
OAP (if not registered for free swim)	2.40	2.25			
Family Swim (if children not registered for free swim)	9.70	9.20			
Monthly:					
Junior (if not registered for free swim)	14.20	13.70			
OAP (if not registered for free swim)	14.20	13.70			
3 Months:					
Junior (if not registered for free swim)	35.50	34.26			
OAP (if not registered for free swim)	35.50	34.26			
6 Months:					
Junior (if not registered for free swim)	63.50	61.66			
OAP (if not registered for free swim)	63.50	61.66			
Annual:					
Junior (if not registered for free swim)	125.00	121.36			
OAP (if not registered for free swim)	125.00	121.36			
Swimming Instruction					
** Adult Swim Lessons	6.20	6.00			
** Personal Survival & Lifesaving	5.60	5.40			
** Lifesaving	4.20	4.05			
Fitness Suite					
** Admittance - Adult	5.00	4.84			
Fitness Activities					
** Aerobics - Junior	2.40	2.30			
** Circuit Training - Junior	2.40	2.30			
** Yoga - Junior	2.40	2.30			
Pool Parties					
Slide Party	97.40	95.28			
MACCLESFIELD AREA LEISURE CENTRES					
Free swimming will be available to children under 17 years old and senior citizens aged 60 or over subject to registration. If not registered then charges will apply.					
Swimming - General					
Junior - under 16 years old (if not registered for free swim)	1.85				1.80
OAP (if not registered for free swim)	1.85				1.80
Family Swim (if children not registered for free swim)	7.70				7.50
WESTON COMMUNITY CENTRE					
Hall Hire					
Xmas eve & NewYears eve - per hour	38.30				37.35
REFUSE AND RECYCLING					
Sale of 240 litre wheeled bin	28.00			27.40	

AMENDMENTS TO THE SCALE OF FEES AND CHARGES 2009/10

Appendix 1 - Annex 1

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
CAR PARKING					
Crewe & Nantwich Area					
Charges for 2009/2010 are subject to further review by the Parking Task Group					
Car Park Fees					
0 - 1 Hours (Tariff A)	0.70			0.70	
2 - 4 Hours	1.50			1.50	
4 - 5 Hours	2.20			2.20	
4 - 10 Hours	2.20			2.20	
Except:					
Delamere Street					
0 - 1 Hours	0.70			0.70	
1 - 2 Hours	1.50			1.50	
Railway Street					
0 - 10 Hours (Tariff C)	3.00			3.00	
Crewe Alexandra					
0 - 10 Hours (Tariff C)	2.50			2.50	
Pedley Street					
0 - 1 Hours (Tariff C)	0.70			0.70	
1 - 2 Hours (Tariff C)	1.00			1.00	
2 - 10 Hours (Tariff C)	3.00			3.00	
Lyceum Square (Maximum stay - 3 Hours)					
Mon & Wed (3pm - 6pm) + Tues & Thurs (8am - 6pm)					
0 - 1 Hours (Tariff A)	0.70			0.70	
1 - 2 Hours	1.50			1.50	
2 - 3 Hours	1.60			1.60	
Church Lane. Market Area Manor Road.					
0 - 1 Hours (Tariff A)	0.70			0.70	
1 - 2 Hours	1.50			1.50	
Dysart Buildings					
0 - 1 Hours (Tariff A)	0.70			0.70	
2 - 4 Hours	1.50			1.50	
4 - 5 Hours	2.20			2.20	
PEST CONTROL					
Commercial					
Out of Hours Nuisance Treatments	79.10				77.20
Cancellation Charge (at time of visit)	25.60				25.00
Contracts (regular visits) - per hour	51.40				50.25
REGISTRATION					
Authority for setting non-statutory fees and charges is delegated to the Manager of the Registration service. The charges for 2009/2010 are subject to further review in line with market conditions					
Marriage & Partnership Fees (fixed to March 2010)					
Marriages at Approved Premises Mon-Thursday	250.00		250.00		
Marriages at Approved Premises Friday	270.00		270.00		
Marriages at Approved Premises Saturday	330.00		330.00		
Marriages at Approved Premises Sunday & Bank Holidays	320.00		320.00		
Civil Partnership at Approved Premises Mon-Thursday	250.00		250.00		
Civil Partnership at Approved Premises Friday	270.00		270.00		
Civil Partnership at Approved Premises Saturday	330.00		330.00		
Civil Partnership at Approved Premises Sunday & Bank Holidays	320.00		320.00		
Naming Ceremonies					
Naming Ceremony at Register Office Mon-Fri	80.00		80.00		
Naming Ceremony at Register Office Saturday	105.00		105.00		
Naming Ceremony at Approved Premises Mon - Fri	140.00		140.00		
Naming Ceremony at Approved Premises Saturday	160.00		160.00		
Naming Ceremony at Approved Premises Sunday	170.00		170.00		
Naming Ceremony at Home or other Premises Mon-Fri	185.00		185.00		
Naming Ceremony at Home or other Premises Saturday	195.00		195.00		
Naming Ceremony at Home or other Premises Sunday	205.00		205.00		
Renewal of Vows					
Renewal of Vows at Register Office Mon-Fri	80.00		80.00		
Renewal of Vows at Register Office Saturday	105.00		105.00		
Renewal of Vows at Approved Premises Mon - Fri	140.00		140.00		
Renewal of Vows at Approved Premises Saturday	160.00		160.00		
Renewal of Vows at Approved Premises Sunday	170.00		170.00		
Renewal of Vows at Home or other Premises Mon-Fri	185.00		185.00		
Renewal of Vows at Home or other Premises Saturday	195.00		195.00		
Renewal of Vows at Home or other Premises Sunday	205.00		205.00		
Funerals					
Civil Funeral (meet at Register Office)	135.00		135.00		
Civil Funeral (meet at Client's home)	175.00		175.00		
Civil Funeral (scatter ashes)	65.00		65.00		
Premises					
Approved Premises 3 year licence	480.00		480.00		
Approved Premises alteration to existing licence, admin fee	20.00		20.00		
Approved Premises additional site visit due to change in existing licence	80.00		80.00		

AMENDMENTS TO THE SCALE OF FEES AND CHARGES 2009/10

Appendix 1 - Annex 1

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
REGISTRATION (continued)					
Citizenship					
Private Citizenship Ceremony	34.00		34.00		
Private Citizenship Ceremony - per additional applicant	17.00		17.00		
Group Citizenship Ceremony - per applicant (stat fee recov'd from Home Office)	80.00		80.00		
Statutory Fees					
Civil Partnership Notice	30.00		30.00		
Marriage Notice	30.00		30.00		
Marriage or Civil Partnership at the Register Office (includes certificate)	43.50		43.50		
Copy of birth Certificate from current Register SHORT	3.50		3.50		
Copy of birth Certificate from current Register LONG	3.50		3.50		
Copy of birth Certificate from deposited Register SHORT	5.50		5.50		
Copy of birth Certificate from deposited Register LONG	7.00		7.00		
Copy of Certificate (death, marriage) from current Register	3.50		3.50		
Copy of Certificate (death, marriage) from deposited Register	7.00		7.00		
Copy of Certificate (civil partnership) ordered in advance	3.50		3.50		
Copy of Certificate (civil partnership) ordered after the date	7.00		7.00		
Registration of building for worship	28.00		28.00		
Registration of building for solemnization of marriage	120.00		120.00		
General Search (indexes)	18.00		18.00		
Attendance for Housebound notice of marriage/civil partnership	47.00		47.00		
Attendance for Housebound marriage/civil partnership	47.00		47.00		
Entering notice of marriage/civil partnership Registrar General's Licence	3.00		3.00		
Attending marriage/civil partnership by Registrar General's Licence	2.00		2.00		
Other Fees					
Nationality Checking Service Single Application (adult)	40.00		39.15		
NCS Husband and Wife Application (apply at same time)	60.00		58.72		
NCS Family (Husband & Wife and up to 2 children) (apply at same time)	70.00		68.51		
NCS Family (One parent and up to 2 children) (apply at same time)	65.00		63.62		
NCS Family (One parent and up to 3 children) (apply at same time)	70.00		68.51		
NCS Family (Extra children on parents)	15.00		14.68		
NCS Applicant under 18 who apply separately from parent	15.00		14.68		
SCHOOL MEALS					
Individual schools can set their own prices for paid meals but the advisory prices set by County Business Services are:					
Secondary	2.15		2.05		
Primary/Special	2.00		1.90		
GENERAL NOTES					
Prices quoted include VAT, where applicable, at the standard rate of 15% unless otherwise stated					

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AMENDMENTS TO THE SCALE OF FEES AND CHARGES 2009/10

Appendix 1 - Annex 2

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
NANTWICH CIVIC HALL					
Peggy Killick Suite Hire - if booked with Main Hall					
Evenings					
With Bar - over 50 guests (incorrectly stated as 60 guests)	Free			Free	
With Bar - under 50 guests (incorrectly stated as 60 guests)	90.00			85.00	
Additional Charges					
Use of Extended Stage (service not available)	N/A			N/A	
CEMETERIES AND CREMATORIUM					
Cremation Fees					
Medical Referee (subject to national agreement)	18.50			18.00	18.50
Service over runs (after 40 minutes at Crewe, 30 minutes at Macclesfield)	60.00			58.50	
Burial Fees					
Right of Burial for cremated remains in Wall of Remembrance - Macclesfield (change of wording from Internment)	346.00				338.00
General Fees					
Transfer of ownership to resident of borough	N/A			38.50	42.00
Service overruns	60.00			58.50	
Music System - Crewe Crematorium	10.00				
Memorials					
Right to enclose grave space with kerbing of stone or other approved material	N/A	67.00			
Right to place vase or bowl of stone or other approved material	N/A	41.00			
Headstone including foundation - Childrens Cemetery, Macclesfield	333.00				285.00
Memorial Kerbs					
Provision of lettered kerbs, mowing, stone & vase (for 10 years)	211.00				206.50
Provision of blank kerb for future lettering, mowing stone & vase	211.00				206.50
Rear mowing stone if purchased seperately	44.00				43.00
Flower vase for rear mowing stone	12.00				11.50
Double rear mowing stone	72.00				70.50
Babies kerbstone, lettering, vase and mowing stone	108.00				105.00
Cleaning and repointing letters on memorial kerbstone	37.00				36.00
Cleaning rear mowing stone	27.00				26.00
Moving kerbstone	27.00				26.00
Kerbstone Formal Garden Remembrance inc inscription& vase	310.00				302.00
Wall mounted english oak	111.00				108.00
CAR PARKING					
Crewe & Nantwich Area					
Nantwich Town Football Club					
(deleted from list - no agreement in place)					
GENERAL NOTES					
Prices quoted include VAT, where applicable, at the standard rate of 15% unless otherwise stated					

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CHESHIRE EAST COUNCIL

Cabinet

Date of meeting: 17th February 2009
Report of: Borough Treasurer & Head of Assets
Title: Medium Term Financial Strategy – Budget Setting 2009/10

1.0 Purpose of Report

- 1.1 The purpose of the report is to demonstrate that Cheshire East Council has set a balanced budget for 2009/10 in line with its corporate priorities, to provide a summary view of the Medium Term Financial Strategy in light of the Budget Setting proposals and to inform Members of future financial pressures and risks.
- 1.2 The Financial Planning process was reported to Cheshire East Cabinet on 16th June 2008. It detailed the four stages of the process as follows:

Stage 1 – Apr to Jun 2008 – 2008-09 Baseline

Stage 2 – Jun to Sep 2008 – High Level Planning

Stage 3 – Oct to Dec 2008 – Refinement and Adjustment of Options

Stage 4 – Jan to Feb 2008 – Finalisation of 2009-10 Budget

Stages one to three are complete and this report is part of the finalisation of Stage 4. Stage four also includes the Budget consultation events that were held in January 2009, full details of which are provided in this report.

2.0 Decision Required

- 2.1 That the 2009/10 Budget as detailed in the report is recommended to Council for approval (Section 13).
- 2.2 That the draft three-year Capital Programme for 2009/10 to 2011/12 is recommended to Council for approval (Section 15 and Appendix J).
- 2.3 That a Band D Council Tax of £1,196.01 (1.14% increase, based on Crewe & Nantwich Band D for 2008/09 of £1,182.56) is recommended to Council for approval.
- 2.4 That the view of the Borough Treasurer and Head of Assets (Chief Finance Officer), regarding the level of reserves held by the Council based on this budget, is noted (Section 11).

- 2.5 That the Reserves Policy & Strategy as detailed in Section 11 and Appendix E is recommended to Council for approval.
- 2.6 That the fees and charges detailed in Section 9.2 and Appendix C are recommended to Council for approval with the exception of those prices for services and facilities where the setting of fees and charges is already delegated to other Committees, Panels or individuals, as indicated.
- 2.7 That the 2009/10 Specific Grants (excluding DSG) as detailed in Section 9.1 and specified in Appendix B are agreed.
- 2.8 That Portfolio Holders be authorised to agree any necessary amendment to particular grants within their area of responsibility in the light of further information received from Government Departments or other funding bodies.
- 2.9 That the 2009/10 Dedicated Schools Grant (DSG) of £194.101m (including central expenditure of £26.179m) and incorporating the policy proposals as specified in Appendix D and outlined Section 10 be agreed.
- 2.10 That the Children and Family Service Portfolio Holder be authorised to agree any necessary amendment to the DSG position in the light of further information received from DCSF and the actual balance brought forward from 2008/09.
- 2.11 That the results of the Budget Consultation exercises undertaken by the Council are noted (Section 12 and Appendix F).
- 2.12 That the Prudential Indicators for capital financing as detailed in Section 14 of the report are recommended to Council for approval.
- 2.13 That the risk assessment detailed in Section 17 of the report is noted.

3.0 Corporate Planning Process

- 3.1 The Cheshire East Council Corporate Plan is on the same agenda today and has been developed as an interim Plan to help the Council develop its Medium Term Financial Strategy (MTFS) and to set its Budget for 2009/10. It will be reported to Council on 24th February 2009.
- 3.2 A new Corporate Plan will be developed further during 2009/10 once the Sustainable Community Strategy and Local Area Agreement have been reviewed and agreed. The Corporate Plan will be developed into a three-year rolling plan, spanning the period 2010 – 2013. This will enable the Council to align the plan with the MTFS. The MTFS spans the same period of time as the Corporate Plan, and provides the funding for the Council to deliver its stated objectives. The objectives and priorities within the Corporate Plan will drive the MTFS and the two plans will then be developed in tandem.
- 3.3 The Corporate Plan sets out Cheshire East's strategic direction for 2009/10 and also sets out the priorities for its first year. The Council has 15 priorities that

directly support the seven Community Strategy themes, and reflect our areas of responsibility:

We will enable all children and young people to fulfil their potential by:

- Promoting their safety, care and stability
- Improving their educational attainment

We will improve the wellbeing, health and care of people by:

- Encouraging healthier lifestyles
- Increasing for older and disabled people their choices and their control over the resources made available to them

We will ensure that people in local communities have a greater say about how resources are targeted in their area by:

- Devolving service provision, decision making and where appropriate budgets to create greater local choice

We will work with others to make all of our communities safer places to live, work and play by:

- Reducing crime and the fear of crime by targeting anti-social behaviour and drug and alcohol abuse
- Improving both traffic flow and road safety

We will enable people to have a good quality of life irrespective of where they live or the social or economic background by:

- Improving service provision to rural areas
- Facilitating appropriate transport for the public and service users

We will shape and maintain strong and prosperous neighbourhoods in which our residents are skilled and economically active, where businesses want to invest and where people want to visit by:

- Supporting the local economy and tourism to increase prosperity
- Improving roads and highways
- Where practical reducing the impact of the recession on both businesses and individuals

We will provide an attractive and sustainable environment which communities can be proud of by:

- Reinforcing the distinctive characteristics of our towns, villages and rural areas
- Managing waste
- Tackling climate change

Cheshire East is a brand new Council and it is essential that it 'hits the ground running' and provides high quality, cost effective services to residents and communities. In doing so it must be responsive to changing needs and increasing demands, with a view to improving value for money. This will be a priority for the Council.

- 3.4 As the MTFs is developed, recognition must be given to the importance of the Comprehensive Area Assessment (CAA) in terms of assessing the effectiveness of the Council's partnerships in service delivery. Funding is increasingly being directed towards regional and local partnerships and this requires a different approach to the application of available resources. Further work will be undertaken to ensure that there are effective links with the development of the Local Area Agreement (LAA).

4.0 Financial Planning Process

- 4.1 Cheshire East Cabinet approved the Financial Planning Process on 16th June 2008. The Financial Planning Process has been aligned with the Corporate Planning process to ensure that budget proposals are designed to deliver the Council's Corporate Priorities as described in Section 3. The Financial Planning Process includes four stages briefly described as follows:

Stage 1 – Apr to Jun 2008 – 2008/09 Baseline

Work to disaggregate the County Council's 2008/09 Budget and to aggregate those of the District Councils was completed during this stage. This provides a notional baseline Budget for 2008/09 for Cheshire East Council and gave an indication of the scale of its financial responsibilities.

Stage 2 – Jun to Sep 2008 – High Level Planning

This stage involved making some high level planning assumptions to establish the overall financial envelope, both revenue and capital, within which the Council will need to operate and then setting financial parameters for the design of individual services. The overall financial envelope took into account factors such as inflation, government grant, Council Tax, transitional costs and any appropriation to/from reserves.

Stage 3 – Oct to Dec 2008 – Refinement and Adjustment of Options

This stage involved making any necessary adjustments to the high-level options and then undertaking detailed planning and budget modelling. This included the outcome of the grants and balance sheet disaggregation and discussions with Cheshire West & Chester. It also involved work on Fees & Charges, including harmonisation issues, and the development of the Capital Programme for 2009/10 to 2011/12. This work has been aligned with the Corporate Plan priorities. The output from this stage was detailed budget proposals which the Council consulted on in January 2009.

Stage 4 – Jan to Feb 2009 – Finalisation of 2009/10 Budget

This stage involves budget consultation, final adjustments and refinements and the setting of a balanced Budget and Council Tax for 2009-10. Budget Consultation events were held in January and targeted at Cheshire East

Council's key stakeholders. The Financial Planning process is now in the final phase of Stage 4.

- 4.2 The initial financial position, identified at Stage 2, for the next three financial years i.e. the net position on the Council's General Fund if no targeted additions or reductions were made to any of the budgets was as follows:

2009/10	£15.342m deficit
2010/11	£ 5.487m surplus
2011/12	£ 3.262m surplus

- 4.3 The table below shows a summary of the initial view of the potential funding gap for 2009/10:

Financial Scenario 2009/10 Budget	£m
Financial Envelope (Council Tax/Formula Grant)	234.774
Less: Inflationary Impact, Capital Financing and Business Case Assumptions	31.689
Amount Available at Current Year Prices	203.085
Base Budget (Net of Specific Grants and Income)	232.450
Gross Funding Gap	29.365
Adjusted by: Growth Pressures, Savings, New Income and Exceptional Inflation	14.023
Net Funding Gap	15.342

- 4.4 Cheshire East Cabinet set an ambitious target of £35m savings for the three-year planning period. This has addressed the funding gap in year 1 and will enable re-investment in Cheshire East's priority service areas over the three-year period. The 'Lean Systems' concept will be pursued during the Council's first year of operation to spotlight potential savings areas. Service processes will be examined to identify unnecessary procedures and work practices that add little to the service to the customer and cause inefficiencies and higher costs.
- 4.5 In addition the Cabinet has set a new income generation target of £30m over the three-year period through working closely with our partners and the business community to develop innovative projects, in the main using existing and new technologies. Although this has not yet been factored into the three-year financial scenario, work has already commenced in earnest to achieve this target through initial meetings with our partners and the identification of technological innovations that can be pursued.

5.0 Update on Cheshire County Council Disaggregation

5.1 Disaggregation of County Budget

The disaggregation of the County budget was undertaken during Stage 1 of the Financial Planning Process and was finalised at the start of Stage 2. The exercise was undertaken on a formulaic basis to establish a 2008/09 budget that could be aggregated with the Cheshire East District budgets to provide a base position for 2009/10 and for the ongoing financial scenario as part of the MTFS.

This exercise did not, however, determine the budget for funding for Cheshire East. The financial envelope is determined by the disaggregation of Grant funding and the Council Tax Base for Cheshire East.

5.2 Disaggregation of County Grant Funding

The disaggregation of the County Formula Grant and Specific Grants was agreed locally, in accordance with the delegation approved at Cheshire East Cabinet on 17th July 2008, by the Department for Communities and Local Government (DCLG) deadline of 24th October 2008. This exercise is described in more detail in Section 6.2 and Section 9.1.

5.3 Disaggregation of County Balance Sheet

The County Council's assets and liabilities, as at 31st March 2009, need to be allocated to the two new Authorities on a fair, equitable and transparent basis. The balance sheet by its very nature will not be finalised until the County's accounts are closed for 2008/09 (September 2009). Hence the 2007/08 balance sheet position has been used as a basis for agreeing the principles by which the assets and liabilities will be distributed. The final balances will not be known until later, but this in itself does not affect the ability of both organisations to agree a basis of allocation.

The DCLG set out guidelines for the process, and a date for local agreement to be achieved by 31st December 2008, in the Local Government (Structural Changes) (Transfer of Functions, Property, Rights and Liabilities) Regulations 2008. This deadline was achieved and the County Finance Officer submitted a letter to DCLG on 19th December 2008 detailing the significant progress made and the work still to be completed ahead of 31st March 2009. The letter stated that both Councils are confident that a full Local Agreement will be in place prior to 31st March 2009 (or earlier) on the outstanding issues. It is anticipated that there will be little or no need for arbitration, however, if any matters were to require this facility the arrangements are in place as detailed in the report to Cheshire East Cabinet on 17th December 2008.

Local agreements have been reached on the principles to be applied to disaggregate the vast majority of the individual components of the balance sheet, including major categories such as Operational Properties (Schools, Libraries etc), Infrastructure (Roads, Bridges etc), Vehicles, Furniture & Equipment, Liabilities such as Long Term Borrowing through to Earmarked Reserves. Agreement has also been reached as to how the significant level of Debtors and Creditors associated with the County Council at 31st March 2009 will be dealt with. Cheshire West & Chester will be the nominated Council which takes responsibility for this activity.

The next meeting of the Balance Sheet Disaggregation Group will be held on 18th February 2009 to look at the finalisation of the agreement of the disaggregation of the County balance sheet in accordance with the delegation made by Cheshire East Cabinet on 6th January 2009. The meeting will be attended by the Performance & Capacity Portfolio Holders, the equivalent Members from

Cheshire West & Chester Council, the S151 Officers and the relevant finance, property and legal officers. This will enable an agreement to be made ahead of the 31st March 2009 deadline. The outcome will be reported to Cabinet once the agreement has been finalised.

6.0 Update on Council Tax and Formula Grant

6.1 Council Tax

Council Tax will be harmonised from day one to the lowest Band D level of the predecessor authorities, which is Crewe & Nantwich (£1,182.56). The Council Tax Base has increased by 1% and was approved at Council on 9th December 2008. The Council Tax Base increase has been assumed at 0.7% for 2010/11 and 2011/12.

A 1% change in Council Tax income equates to approximately £1.7m. Obviously the Council can choose to decrease or increase the Band D level, however, Members will be aware that the government has legal powers to 'cap' any Council's budget where it is considered that the level of increase is deemed to be unreasonable. In his statement on 26th November 2008 Local Government Minister John Healey stated that:

'Last year, I made clear that the Government expected the average council tax increase in 2008/09 to be substantially below 5%. The actual increase was 3.9 per cent – the lowest increase for 14 years and the second lowest ever.'

'We also kept our promise to deal with excessive increases by taking capping action against eight authorities.'

'For 2009/10 the Government again expects the average council tax in England to be substantially below 5 per cent.'

'And again, we will not hesitate to use our capping power as necessary to protect council tax payers from excessive increases.'

A recent LGA survey suggested that Council Tax is likely to rise by an average of more than 3.5%. Looking back to 2008/09 the average increase for England was 4.0%, English unitary authorities 4.0% and metropolitan districts 3.3%.

The recommended level for Council Tax for 2009/10 is well below any national average increase at a Band D level of £1,196.01. This results in an estimated Council Tax income of £172.363m for 2009/10 and the following percentage change in each area:

Congleton (08/09 £1,208.09)	1.00% decrease
Crewe & Nantwich (08/09 £1,182.56)	1.14% increase
Macclesfield (08/09 £1,196.01)	0.00% no change

The proposal also includes the removal of Green Waste charges at Crewe & Nantwich. The current annual income for Green Waste charges is approximately £0.4m. This will harmonise the Green Waste policy for Cheshire East.

6.2 Council Tax Base

The Council approved the Council Tax Base to be applied in the setting of the Council Tax for 2009/10 on 9th December 2008. The gross tax base (before making an allowance for non-collection) for 2009/10 is calculated as 146,223.69. After taking into account current collection rates, a non-collection rate was set at 1.0%. This results in a tax base after an allowance for bad debts of 144,761.46. The justification for setting the collection rate at 99.0% is that this represents the best harmonised position based on the non-collection assumptions currently made by the existing Cheshire East District authorities.

6.3 Collection Fund

On 15th January 2009 the estimated balance on the Collection Fund was calculated and is expected to be a deficit of £899,818 as at 31st March 2009. The deficit has been declared and the precepting authorities have been notified of the reduction in their 2009/10 precept. The Cheshire East share of this deficit is £773,175.

6.4 Formula Grant

In July 2007 DCLG stated that its intention was to constrain the amount of Formula Grant that goes to any restructured area to the sum of the proposed formula grant for its constituent authorities. In areas where the new unitary authorities are created along sub-county boundaries DCLG suggested that the best method of splitting the formula grant, that would have gone to the County Council, is through negotiation by the shadow authorities, with help from the existing County Council. DCLG indicated that the split would then be added to the sum of the formula grant intended to go to its constituent District Councils. DCLG required the data on the split of Formula Grant to be provided no later than 24th October 2008. This ensured that the split was included in the provisional settlement for 2009/10 that was published for consultation to the usual timetable.

Cheshire East Cabinet delegated the agreement of the split of the Formula Grant to the Portfolio Holder Resources in consultation with the Leader and the other Performance & Capacity Portfolio Holders on 17th July 2008. In discussions with Cheshire West & Chester it was agreed that, where possible, the local agreement would be based on the fall back figures provided by DCLG. The final agreement included a local calculation of the Capital Financing element of the formula, based on the current estimated property split identified as part of the disaggregation of the Cheshire County Council Balance Sheet. The locally agreed formula for Cheshire East and Cheshire West & Chester was submitted to DCLG on 23rd October 2008. This resulted in Formula Grant funding for Cheshire East of £61.75m for 2009/10 and £63.487m for 2010/11. A prudent 2% increase has been projected for 2011/12, as this settlement will be part of the next comprehensive spending review.

7.0 Update of Inflationary Projections

7.1 Pay Inflation

The initial financial scenario included pay inflation of 3%. This was a prudent initial estimate of the likely pay award for 2009/10. The pay award for 2008/09 has not been settled yet but a provisional pay award based on a main increase of 2.45% has been made. Given this position, and the current economic environment, the pay inflation projection for 2009/10 has been reduced to 2.5%. The projections for 2010/11 and 2011/12 have also been reduced to 2.5%.

7.2 Pension Increase

Based on a current view of the Cheshire Pension Fund, and the expected harmonised pension contribution for 2009/10, the projected increase is £0.91m. It is expected that there will be no increase for 2010/11 and a relatively modest increase in pension costs of £0.646m in 2011/12.

7.3 Non-Pay Inflation

The initial financial scenario included non-pay inflation of 2.5%. The scenario also included exceptional inflation for key pressure areas of expenditure related to various contractual agreements e.g. Residential/Domiciliary Care, Roads Maintenance, Landfill and Household Waste contracts. This projection was made before the current economic difficulties came to light. Based on current Government inflationary expectations the main non-pay inflation projection has been reduced to 0.5%. Exceptional inflation of £3.52m has been included in the financial scenario to mainly reflect the inflationary impact of contractual obligations. The inflation projections for 2010/11 and 2011/12 have been maintained at 2.5% with provision for exceptional inflation to cover the risk of future volatility.

8.0 Capital Financing Costs

- 8.1 The capital financing budget for 2009/10 is set out in the Table below. The capital financing budget includes the following; amounts charged in respect of the repayment of outstanding debt, contributions from the income and expenditure account towards the cost of capital expenditure and the amount of interest payable on the Council's portfolio of long term loans. These budgeted costs are partly offset by the interest the Council anticipates earning from the temporary investment of its cash balances during the year.
- 8.2 The Local Government and Public Involvement in Health Act 2007 places a requirement of all councils to approve a policy on how the amount provided in respect of the repayment of debt is calculated prior to the start of the financial year concerned. The Policy for the year 2009/10 is contained in Appendix A. The

budgeted provision for the repayment of debt in the year 2009/10 has been broadly calculated as 4% of the estimated outstanding debt at the end of the year 2008/09 with a small number of exceptions. These exceptions comprise capital expenditure on capital projects that has been funded through unsupported borrowing by the Legacy Authorities.

- 8.3 The amount charged in respect of the repayment of debt is currently just above the generally accepted prudent minimum. The amount provided is also below the amount of capital expenditure being funded from borrowing in each of the next few years. As a consequence the amount of debt outstanding is increasing each year. As the level of outstanding debt increases the amount that needs to be provided for the repayment of debt in future years also increases. The aim from year two of the Medium Term Financial Strategy will be to reverse this trend.

8.4 **Capital Financing Budget 2009-10**

	£m
Provision for debt repayment	6.22
Direct revenue funding	3.05
Interest on long term loans	7.84
Other interest payable	0.21
Revenue contribution from Services	<u>(4.10)</u>
Total Debt Repayment	13.22
<u>Less</u> Interest receivable on cash balances	<u>(0.90)</u>
Net Capital Financing Budget	12.32

- 8.5 The amount of interest paid on the Council's portfolio of long term loans is mainly at fixed rates of interest (circa 4.9%). This provides a degree of certainty to the capital financing budget. The rate of interest payable on the £25 million of new long term loans that it is planned to raise during the year 2009-10 is budgeted to be 4.5%. Currently long term interest rates are around 4.65%. However, within the Treasury Management Strategy, the Council will use internal balances where possible to reduce the costs in the short term of external borrowing.
- 8.6 The rate of interest to be earned on the Council's cash balances that are temporarily invested pending their being used (estimated at £140 million) is budgeted to be 0.65%, depending on external cashflows and levels of inherited reserves. This compares with an original assumption in the Financial Scenario of £6.3m before interest rates started to plummet.
- 8.7 Currently the conditions in the world's money and capital markets are very uncertain. This uncertainty has prevailed for a number of months now and is likely to prevail for a long while yet. A high degree of caution therefore needs to be exercised in respect of the estimated rates of interest mentioned above. The Borough Treasurer and Head of Assets will be monitoring this position and its impact on the budget carefully throughout the year.

9.0 Update on Major Income Streams

9.1 Specific Grants

DCLG originally indicated that the disaggregation of the County Specific Grants for Cheshire East and Cheshire West & Chester would have to be agreed locally for each grant by 31st July 2008. In the event of no local agreement by this date DCLG indicated that they would implement fallback allocations. Following further discussions with DCLG recognition was given to the complexity of the exercise and the deadline was extended to 24th October 2008 in line with the deadline for Formula Grant agreement. This was agreed on the basis of the fallback position being made available by the various Government departments and local agreement in the main being based on the fallback position.

Accordingly the proposed County disaggregation of each specific grant was examined and compared with the Government department fallback calculation in order to take a view on the best way forward in each case. The proposed County disaggregations generally reflected current spending patterns and locally determined needs, whereas the Government fallback calculations were determined nationally by formulae based on the important factors for a particular grant. Specific Grants that were not from the main Government departments (e.g. Learning and Skills Council) were excluded from this exercise and are being considered separately, but the same approach is being followed.

In the majority of cases it was agreed that the Specific Grants would be split in accordance with the Government department fallback calculation. There were a small number of grants where Government departments did not provide a fallback position and therefore a local agreement was reached based on the suggested County split. For a small number of other grants it was decided that a local agreement would provide a fairer split of grant, would enable the authorities to meet their service commitments more effectively and would ensure that the value of the grant available to the two authorities collectively was maximised. Overall a roughly balanced position was reached between Cheshire East and Cheshire West & Chester, however, there are some cases where there is a disadvantage for Cheshire East. A key example of this is the grant for services for people with mental health problems.

There are a number of grants where the organisations that provide the service operate on a pan Cheshire basis. The organisations concerned are Connexions, Cheshire YOT (Youth Offending Team), Cheshire DAAT (Drug & Alcohol action Team). It was agreed that, although these Specific Grants will be disaggregated between the two authorities, they will be passported to the pan Cheshire organisations concerned.

Excluding Dedicated Schools Grant, which is dealt with in Section 10, the agreed disaggregation of specific grants to Cheshire East is as follows:

	2009/10	2010/11
	£m	£m
Area Based Revenue Grants	14.9	14.9
Specific Revenue Grants (excluding Dedicated Schools Grant)	68.7	48.6
Specific Capital Grants	19.3	22.9

9.2 Service Income and Fees & Charges

9.2.1 Income from customers is an important element of the Council's finances and contributes greatly to achieving a reasonable net Budget and Council Tax level. The sensitivity of income (e.g. to upturns or downturns in demand) is a significant factor in the risk assessment that supports our budgeting process and the determination of the appropriate level of General Fund balance.

The setting of prices for 2009/10 has been particularly challenging, in the light of current local, national and international economic circumstances. Nevertheless, the Council has been mindful of the need to harmonise pricing policies as soon as is practical and to maintain or increase income from services, to help improve budget sustainability.

9.2.2 Harmonisation

Each Borough Council has been responsible for setting its own fees and charges based on their own policies; this means that in a number of cases there were different prices for the same service provided in different areas of Cheshire East.

With regard to harmonisation, it is accepted that this is not achievable (or necessarily desirable) for Day 1, in respect of certain services. In those cases, plans are being made to achieve harmonisation over an appropriate timeframe. For example, charges for leisure activities have generally not been harmonised yet, as each Leisure Centre offers a different range of services, operates in a different geographical location and prices can be influenced by demand and local factors.

In contrast, some services, such as Licensing, are required to set prices based on the costs of providing the function, meaning that a standard scale of charges now needs to be applied across the Cheshire East area. In order to progress where necessary and/ or feasible, harmonisation has taken place in the following areas:

- Refuse Collection charges
- Pest Control fees
- Market rents
- Planning charges
- Land Charges search fees

- Bereavement Services fees and charges
- Environmental Health-related fees and charges
- Licence fees (NB. these are subject to the agreement of the Licensing Committee)

9.2.3 Price Setting

In determining fees and charges for 2009/10, the general approach has been that prices would be increased by 2.5%, unless there are other over-riding factors (e.g. effects of price harmonisation, actual or anticipated changes in market demand, changes in service design etc.). In the light of such considerations, a Scale of Fees and Charges has been prepared and is attached at Appendix C.

A number of service-specific matters are worthy of highlighting:

- **Green Waste Collection** – Congleton and Macclesfield Boroughs provided a free service, in respect of the first bin, whereas Crewe & Nantwich charged £23.00 per year – collection from the first bin will be provided free across Cheshire East, from 1 April 2009
- **Car Parking** - Crewe & Nantwich and Macclesfield Boroughs charged for car parking on most car parks whereas Congleton did not make any charges - charges will be introduced in the Congleton area during 2009/10
- **Libraries** - Fees and charges have remained the same for the last two years - for 2009/10 prices will be increased by 5% to cover the effects of inflation over that period
- **Trading Standards** – this service will operate in a joint arrangement with *Cheshire West & Chester Council* - the prices set are standard across both East and West Councils
- **Tatton Park** – The General Manager of the Park has delegated authority to set fees and charges, most of which are determined well in advance of the start of the financial year and are set within the policy framework approved by the Tatton Park Select Panel

All prices are shown at their normal rate, including VAT where applicable, unless otherwise indicated. Concessions are available in Leisure Centres to card holders and although each concessionary amount has not been shown separately, all activities to which concessions apply have been indicated.

It is recommended that the Scale of Fees and Charges as shown in Appendix C is approved, with the exception of those prices for services and facilities where the setting of fees and charges is already delegated to other Committees, Panels or individuals, as indicated.

10.0 Dedicated Schools Grant and Schools Budgets

- 10.1 The Government has announced the revised indicative allocations of the DSG for 2009-10 and 2010-11. These revised allocations update the indicative allocations for 2009-10 and 2010-11 announced in the School Funding Settlement 2008-2011 in November 2007. They are based on the Guaranteed Units of Funding for

2009-10 and 2010-11 for each local authority announced in November 2007 as adjusted for disaggregation, but using the Department's revised projections of pupil numbers for January 2009 and January 2010 which make use of the January 2008 numbers. The guaranteed unit of funding per pupil through DSG will increase on average, nationally, by 3.7% in 2009-10 and 4.3% in 2010-11.

- 10.2 Allocations of DSG for the two year period continue to be based on the "spend plus" method, which uses authorities' historical levels of expenditure as the basis for distribution. Members may be aware that this has helped to protect Cheshire County Council's historic top-up to school funding over and above the former Formula Spending Share, the benefit of which will pass on to the new authority. However, Ministers are considering reviewing the basis for 2011-12 onwards.
- 10.3 As with previous years, final allocations for the 2009-10 DSG will depend on actual pupil numbers using the January 2009 Pupil Level Annual School Census (PLASC) and the March Early Years Census (EYC) dates. Hence, final allocations will not be known until May/June 2009. Schools must be issued with their budgets by the end of March 2009, so for planning purposes, at this stage, actual January 2009 pupil census numbers and projected early years numbers are being used. This is in preference to the numbers behind the indicative DSG allocation provided by the DCSF as historically they have been found to be over-inflated. Schools' individual budgets will be calculated using January 2009 pupil numbers.
- 10.4 It is currently estimated that there will be an under spend of £2.321m on Cheshire County Council's DSG for 2008-09. Regulations permit the carry-forward of DSG underspends and overspends to the following year, so the baseline funding needs to be adjusted to reflect the share due to Cheshire East of £1.170m.
- 10.5 The table below shows the total DSG funding available for Cheshire East for 2009-10 and 2010-11:

	2009-10	2010-11
	£m	£m
Baseline DSG	192.931	198.441
Add estimate share of underspend from 2008-09	1.170	0
TOTAL DSG	194.101	198.441

- 10.6 Consequently, the Authority is assuming DSG funding of £194.101m in 2009-10 and £198.441m in 2010-11.
- 10.7 The Minimum Funding Guarantee (MFG) increase for primary, secondary and special schools will be set at 2.1% per pupil for 2009-10, the same as for 2008-09. The MFG, whilst offering protection to schools, can sometimes restrict local authorities' ability to direct funding to schools in the way they feel best meets

local needs and priorities. MFG protection for schools which should be strictly time-limited becomes locked into formula budgets “in perpetuity”, and effectively acts as a top-slice upon all other schools. The cost of the MFG in Cheshire has increased significantly since the concept was introduced and this will need to be reviewed in the light of the new authority’s experiences. The School’s Forum has the power to make decisions over the local operation of MFG which may help to manage this situation.

- 10.8 The Authority will also have to agree the amount of central expenditure within total Schools Budgets for each financial year, which is also funded by DSG. Central expenditure covers those items which are not delegated to schools’ budgets through the funding formula, and include early years (SureStart), costs of Special Educational Needs such as Out of County placements, and education other than at school.
- 10.9 Central expenditure is cash-limited in accordance with a DCSF formula, and can normally only be exceeded with the approval of the School’s Forum. For the first financial year of Cheshire East and all new authorities, this requirement has been removed and School’s Forum approval is not necessary.

Indicative DSG Allocations for 2009-10

		£m
1	Final DSG allocation 2008-09 (Outturn Prices)	188.609
2	Pay & Price Changes	4.930
3	Policy & Expenditure Proposals	(0.608)
4	Projected under spend from 2008-09	1.170
	Estimated available DSGI	194.101
	Including : Central expenditure	£26.179

Note: For 2009-10 the indicative allocations of DSG above are based on a more accurate Cheshire East estimate as outlined above. Local data from the January 2009 Pupil Level Annual School Census (PLASC) should be available during February/March to further refine the estimate. However, the final DSG allocation to local authorities will not be confirmed until May/June 2009.

- 10.10 Several transfers have been made in and out of the DSG, in line with regulations from the DCSF for 2009-10. These, together with the other components of the DSG budget, have been summarised in the table above and are detailed in Appendix D and include:
- Inflation from Outturn 2008-09 to Outturn 2009-10 of £4.930m. This has been calculated on the basis of 3% for non teaching staff pay, 2.36% for teaching staff pay (actual), additional Employer’s Superannuation contributions (0.5%) and 2.5% for non-staffing costs with the exception of certain items that have been increased at specific rates as follows:

- Rates - 5% - increased statutorily in line with September 2008 RPI
- Water – 106.4% - phased migration by United Utilities for surface water charges being based on school footprint (sq metres) rather than rateable value
- Exam fees – 10.3%
- Policy & Expenditure Proposals of - £608,000 for 2009-10. This includes:
 - Contingency of £1.424m for pupil number fluctuations. The provisional grant is based upon an estimate of pupil numbers which will not be finalised until May/June. If actual numbers are less than those used in the estimate the Council will need to fund the difference between the Unit of Funding and the Age Weighted Pupil Unit (AWPU). This can either be done by the creation of a contingency or carry forward to be funded from the 2010-11 DSG.
 - Savings arising from school amalgamations and closures to support prudential borrowing to fund an element of the Transforming Learning Community capital schemes. This is subject to the agreement of the School's Forum which is due to meet on 23rd February 2009. The position will be confirmed to Members in advance of the Council meeting.

11.0 Reserves Policy & Strategy

11.1 Sections 32 and 43 of the Local Government Finance Act 1992 require billing authorities to have regard to the level of reserves needed for meeting estimated future expenditure when calculating the budget requirement. Section 25 of the Local Government Act 2003 requires the Chief Financial Officer to report on the robustness of the estimates included in the budget and the adequacy of the reserves.

11.2 The Cheshire East Council Reserves Policy and Strategy is contained at Appendix E. When reviewing their Medium Term Financial Strategies, and preparing their annual budgets, local authorities have to consider the establishment and maintenance of reserves. These can be held for three main purposes:

- A **working balance** to help manage the impact of uneven cash flows and avoid unnecessary temporary borrowing – this forms part of general reserves
- A **contingency** to cushion the impact of unexpected events or emergencies – this also forms part of general reserves
- A means of building up funds, often referred to as **earmarked** reserves, to meet known or predicted liabilities

11.3 To assess the adequacy of unallocated general reserves when setting the budget, the Chief Finance Officer takes account of the strategic, operational and financial risks facing the authority. Setting the level of general reserves is just one of several related decisions in the formulation of the MTFS and the budget for a particular year. Account has to be taken of the key financial assumptions

underpinning the budget alongside a consideration of the authority's financial management arrangements.

- 11.4 At 1st April 2009 Cheshire East Council is initially forecast to hold general reserves, after funding transitional costs, totaling £15.882m. The table below shows the anticipated position for each local authority contributing to the reserves for Cheshire East Council. County's Reserves have been split to reflect the position for Cheshire East only based on an estimated proportion pending the agreement of the Balance Sheet disaggregation position.

	General Reserves
Contributing Authority	£000
Cheshire CC	15,142
Macclesfield BC	2,444
Congleton BC	2,446
Crewe & Nantwich BC	1,755
Less Voluntary Redundancy Severance Costs (Forecast)	(5,905)
Total at 1/4/09	15,882

- 11.5 The Transitional Costs incurred in 2008/09 have been taken account of in the above forecast inherited position and it is also intended that Transitional Costs for 2009/10 will be met from the Cheshire East general reserves. However, contributions will be made each year to replace those reserves if required. The following table provides a forecast of the closing General Reserves balance as at 31st March 2009:

Detail of Movements	£000	£000
Opening General Reserves at 1/4/09		15,882
<i>2009/10</i>		
Projected Use of Reserves		
- Transition Costs - Staff Relocation (Budget)	-1,400	
-		
- Voluntary Redundancy - Actuarial Costs (Forecast)	-1,079	
Projected Addition to Reserves		
- Repayment of Transition Costs (Budget 2009/10)	2,750	
- Business Finance Loan Repayments	392	
- Repayment to Reserves (Forecast)	2,827	1,742
Closing Balance 31/3/10		19,372

- 11.6 The reserves position for 2009/10, as detailed in the Table above, demonstrates the aim of Cheshire East Council to repay Transitional Costs and Voluntary Redundancy costs over the three-year planning period.

- 11.7 Following the first round of Voluntary Redundancies, which has been conducted by the existing Cheshire authorities, a further round of voluntary redundancies is now being considered for the Cheshire East Council. The requirement for the use of reserves, in the first instance, to fund the associated costs will be carefully analysed. The pay back period will be assessed for any additional cases to ensure that, overall, the Council can replenish reserves to the required level over a three year period.
- 11.8 Local Authorities have previously adopted a broad principle that General Fund Reserves would be prudent if equivalent to 5% of the net revenue budget requirement. Based on current budget estimates for 2009/2010 this would equate to £11.7m rising to £12.5m for 2011/2012. However, as part of the Reserves Policy & Strategy a more detailed risk assessment has been undertaken to establish the adequate level of reserves for Cheshire East Council. Risks taken into account include the financial impacts of incidents including:
- Health and safety violations
 - Other breaches of legislation
 - Disruption to services as a result of fire, flood or other incidents
 - Impacts of industrial action within the Council or its suppliers
 - Interest rate falls or adverse changes in the general economy that are greater than as assumed when preparing the budget
 - Failure of market investments
 - Unforeseen service pressures
 - Non-achievement of expected income levels
 - Loss of external funding
 - Late delivery of savings/efficiency/income generation projects
- 11.9 From this detailed risk assessment, a copy of which is included at Appendix E, a current minimum reserves level of £17.6m has been calculated. The risk analysis in Table 5 of Appendix E demonstrates that, because the forecast level of reserves is higher than required, the repayment to reserves of £2.827m could be reduced by £1.768m and the sum could be reinvested in line with the Council's priorities.
- 11.10 Earmarked reserves have also been reviewed to establish the likely opening balance for Cheshire East. For each reserve held by a local authority there should be a clear protocol setting out:
- the reason for/purpose of the reserve
 - how and when the reserve can be used
 - procedures for the reserve's management and control
 - a process and timescale for review of the reserve to ensure continuing relevance and adequacy
- 11.11 The Council's earmarked reserves will be reviewed annually as part of the budgets setting process. At 1st April 2009 Cheshire East Council is anticipated to hold earmarked reserves to the value of £5.4m. It is proposed that £1.096m of earmarked reserves, no longer required for their original purpose, will be applied

to investment in service areas where there may be a time lag in the delivery of efficiencies or the obtaining of funding. A key example of this is the investment of £0.65m in the establishment of a fit for purpose Economic Development Unit that will have a big say in the economic development initiatives for the region. External funding and joint funding from partners will be sought in this area to reduce costs in the future.

- 11.12 From the evidence supporting this report and with regard to the current economic climate the Borough Treasurer & Head of Asset's (Chief Finance Officer's) assessment is that reserves levels at 1st April 2009 are within tolerance levels and can be considered adequate. I also consider them to be adequate in terms of working balances.
- 11.13 The estimates contained within the Medium Term Financial Strategy are sufficiency robust to achieve the required repayment of reserves in the medium term following transition. The Borough Treasurer & Head of Assets (Chief Finance Officer) takes this view based on the assessment of risk particularly in regard to efficiency saving assumptions within the draft 2009/2010 Budget.

12.0 Budget Consultation

12.1 Background

Cheshire East Council has recently completed its first round of Budget Consultation for the 2009-10 Budget. This followed on from the processes operated by the County and District Councils to share their budget options with stakeholder groups and meet the relevant statutory and best practice requirements.

Local authorities have a statutory duty to consult on their budget with certain stakeholder groups such as the Schools Forum. In addition other groups have also been consulted by the existing Councils including social care users/carers, Connexions, Primary Care Trusts, Local Strategic Partnerships, Police and Fire. In the case of Cheshire County Council this has taken the style of formal meetings and has been based around a document setting out draft budget and policy options.

Given the scale of the task of local government re-organisation a detailed set of Budget options has not been produced. However, the budget and service redesign process has resulted in a number of headline budget issues set in the context of the new Corporate Plan priorities and the overall ambitions of the new Authority which could be shared with stakeholders for their views.

12.2 Agreed Approach

The Cheshire East Cabinet agreed that a practical level of Budget Consultation should be adopted for 2009-10 with a series of events taking place in January. They also made a clear commitment to improve the process and involve stakeholders at an early stage in the future as an integral part of the Financial Planning Process.

All current Stakeholders were invited and advised of the approach for 2009-10. This required existing address lists to be updated and disaggregated in the case of the County.

The following Budget Consultation meetings took place in 2009:

12 January Town and Parish Councils
13 January Trade Unions as part of the Staffing Committee
14 January People and Places, i.e. User / Carers, LSP members etc
19 January Schools' Forum
20 January Business Breakfast

12.3 Consultation Material

To provide a framework for the meetings a series of documents was produced, circulated in advance of the meetings and available to delegates on the day. These took the form of:

- a general background briefing and Cheshire East profile common to all consultee groups
- a specific briefing tailored to the consultee group

A briefing document was also produced for members of the public and made available in libraries and public areas of the existing Councils' buildings. All these documents were placed on the Cheshire East Council website. The documents and website included details of how to comment on the issues.

12.4 Outcomes & Feedback

The meetings were well attended, attracting some 400 people to them. The Cheshire East Council Cabinet and Management Team were also well represented with the Leader and Chief Executive attending nearly all of the events.

The key consultation outcomes are as follows:

- Participatory budget pilot being undertaken
- 3rd Sector funding confirmed for 2009/10
- Shared Services being discussed with key partners
- Business Portal will be developed working with the Chamber of Commerce
- Initiatives to improve engagement with the local economy
- Cheshire East Council team being established to engage with the community to address the impact of the economic downturn

A summary of all the feedback is provided in Appendix F in the form of minutes of the relevant meetings / discussion groups and feedback received via the website. All delegates were asked to complete a questionnaire at the end of the meetings. The feedback from these forms has been analysed and the results are also included in Appendix F. These will be used to inform future events.

12.5 Conclusions

Cabinet Members have given a clear undertaking to improve consultation arrangements for the 2010/11 Financial Planning process and this will start early in the new Financial year.

Cabinet Members reviewed all the feedback from the events and, where possible, have factored these into their detailed budget deliberations. However, given the time and resource constraints it has not been possible to address all the issues and the debate over service levels, in light of the feedback received, will continue into 2009/10.

13.0 Financial Scenario and Budget Requirement

13.1 As part of the main three-year financial scenario a budget scenario has been built for People, Places and Performance & Capacity. Each budget scenario has been developed from the estimated 2008/09 Base Budget, the financial impact of existing authority MTFS assumptions, Business Case assumptions and exceptional inflation expectations. The scenarios also included target savings to meet the funding deficit and the longer-term reprioritisation of resources. A significant amount of work was done through the project workstreams and then the new management teams to establish a deliverable budget for each service taking account of the following key dependencies:

- The development of the Interim Sustainable Community Strategy and Corporate Plan and work with partners and stakeholders (e.g. Health)
- The HR Workstream (staff structures, aggregation and disaggregation of existing staff, appointments and severance)
- Organisation design principles and decisions
- Service design principles and decisions
- Decisions on shared services
- Parallel work with Cheshire West & Chester including grant, capital programme and balance sheet disaggregation

13.2 In order to prepare the Budget for 2009/10, and develop projections for the MTFS, a number of budget proposals were considered. A range of service re-design, improvement and efficiency options have been identified reflecting Community and Corporate objectives and particularly realising the aspirations of the *People & Places* Business Case. The main budget proposals for the two main Directorates and the Performance & Capacity services are detailed in the following sections.

13.3 People Directorate

13.3.1 The purpose of the People Directorate is to work, together with partners, to improve the wellbeing and health of all Cheshire East's residents particularly those who are most disadvantaged. To deliver this purpose the Directorate aims to ensure that people:

- Live healthy lives
- Be helped to stay safe
- Learn, develop and achieve
- Maintain personal dignity and respect
- Have increased choice and control
- Make a positive contribution
- Achieve economic wellbeing
- Experience freedom from discrimination

13.3.2 The People Directorate brings together a number of Council responsibilities to deliver these outcomes. These are structured into three Services:

- **Children & Family**
Support for schools and provision of a range of services to schools, children's social care, family support and children's safeguarding
- **Adults Services**
Commissioning and provision of Social care services for adults of all ages including adults safeguarding
- **Health & Wellbeing**
Cultural services, including libraries & arts alongside leisure strategy and provision and the Council's green spaces.

13.3.3 The Directorate will work very closely with Central and Eastern Cheshire Primary Care Trust (PCT). One of the key products of that joint work will be a common strategy between the PCT and the Council for improving health and reducing health inequalities. In developing the 2009/10 budget the Directorate has begun to consider budgetary priorities to support delivery of the targeted outcomes although there is still a great deal to do to enhance cohesion between needs, commissioning and delivery.

The People Directorate budget for 2009/10 is as follows:

	£000
Base Budget (**)	128,138
Net Guideline Reduction:	-5,374
Target Budget 2009/10	122,764

** The budget is net of £194m for schools, which is funded by ring fenced Dedicated Schools Grant (DSG) – see Section 10 of this report.

13.3.4 Full details of the proposals to deliver the net guideline reduction are shown in Appendix G. The key issues within the budget are assessed as follows:

Children & Family

- A need to review children's social care services in the light of inspection feedback, partner engagement and to address the inherited cost base
- Children's Safeguarding will be at the heart of this review and the Council has increased safeguarding resources

- Changes will require a managed transformation programme and the Council has provided additional funding in 2009/10 to enable time for this to happen

Adults Services

- The service is implementing major transformation in the management and delivery of adults' social care to achieve the Government's personalisation agenda which gives individuals greater control for over their own care
- The budget includes investment in re-ablement and prevention services to improve earlier intervention and better outcomes for service users
- Safeguarding resources will be increased to reflect local and national imperatives for investment in these critical services
- Managing demographic growth pressures on the budget will be an issue, particularly in learning disability services

Health & Wellbeing

- During 2009/10 the Council will review leisure services provision
- There will be a review of libraries including working with local communities to explore the potential for a wider network of local libraries
- The budget requires reductions in spending on supplies. The impact this has on service standards and income levels will need to be closely monitored
- The Service has been tasked with finding additional savings opportunities to reflect the impact of aggregating services from the outgoing councils

13.4 Places Directorate

13.4.1 The Places Directorate brings together a number of Council responsibilities. These are structured into four Services:

- **Environmental Services**
Waste, Refuse & Recycling; Highways Operations, Parking and Markets; Grounds and Cleansing services
- **Safer & Stronger Communities Service**
Community Safety; Regulatory Services (Trading Standards, Environmental Health & Licensing); Community Development
- **Planning & Policy Service**
Spatial Planning; Building Control; Development Management; Heritage and Design and Housing Strategy
- **Regeneration Service**
Strategic Highways and Transportation; Visitor Economy and Economic Development

The Places Directorate budget for 2009/10 is as follows:

	£000
Base Budget	57,517
Net Guideline Reduction:	-8,363
Target Budget 2009/10	<u>49,154</u>

Full details of the proposals to deliver the net guideline reduction are shown in Appendix H.

13.4.1 Environmental Services

The 2009/10 Environmental Services net budget is £31.8m. The key areas of expenditure for 2009/10 for each service include the following:

- Waste, Refuse and Recycling will deliver the Landfill Disposal Contract, Household Waste Recycling Centre Contract, Refuse Collection service, Green Waste Collection service and Recycling Service contracts (Including green waste composting).
- Highways Operations will deliver; the Highways Term Maintenance Contract; Provision of a safe and accessible highway network; Improvement of road safety by delivering of our statutory obligations and in partnership with others; Development of a highway network management regime that is effective in scheduling essential works, planned events and traffic movements in order to promote better community connectivity and support economic activity.
- Parking and Markets will deliver the following services throughout Cheshire East; Provision, management and maintenance of cars; Provision of indoor and outdoor market facilities; Promotion of town centres by improving and maintaining the physical environment.
- Grounds & Cleansing will deliver the following services throughout Cheshire east; Provision of street sweeping; Provision and maintenance of public conveniences; Provision of both cemeteries and crematorium services; Delivery of grounds maintenance work for both internal and external customers.

The emerging budget pressures in 2009/10 for the Service, as a result of the economic downturn, will be the reduction in both car park and market income, anticipated to be in the region of £400k. In addition there are further budget pressures arising from:

- exceptional inflation on both Waste contracts (£791k), Highway road maintenance contracts (£616k)
- delivery of further savings targets against Waste Contract costs (£806k)
- Potential additional costs associated with the roll out of free of charge green waste collection service in the former Crewe and Nantwich Borough Council area (£130k)

The budget pressures will form part of a Departmental Risk Assessment and will be monitored in year and reported to members as appropriate.

13.4.2 Safer & Stronger Communities Service

The 2009/10 Safer & Stronger Communities Service net budget is £5.4m. The key areas of expenditure for 2009/10 for each service include the following:

- Ensuring that Cheshire East's statutory duty to enable successful delivery of a Crime and Disorder Partnership is met, supported through provision of both a community warden and CCTV service to prevent and reduce crime and anti-social behaviour.
- Ensuring that Cheshire East is prepared for, and resilient to emergencies and major incidents.
- Promoting safer and stronger communities by providing high quality/high value services which help to protect and safeguard people who live and work in Cheshire, by preventing and resolving consumer problems, improving levels of business compliance and identifying and reducing consumer fraud and unfair and unsafe trading practices
- Delivering a Community Development service that works closely with communities to enhance residents' knowledge, skills and confidence to address issues that impact on them and improve their quality of life.

Emerging budget pressures in 2009/10 for the Service will be delivering within the net budget of £5.4m, which is supplemented by £169k of one off funding in 2009/10 for Regulatory Services, whilst pursuing further saving options to meet the funding reduction in 2010/11 and the associated risk of reduced service delivery in meeting those savings. The budget pressures will form part of a Departmental Risk Assessment and will be monitored in year and reported to Members as appropriate.

13.4.3 Planning & Policy Service

The 2009/10 Planning and Policy Service net budget is £3.7m. The key areas of expenditure for 2009/10 for each service include the following:

- Creating the evidence base for the statutory core of the Local Development Framework;
- Delivering the statutory Building Control and Local Planning Authority functions with the management of both Building Control and planning applications, related appeals and enforcement;
- Promoting the conservation and protection of the natural and built environment, including CE's response to the climate change and sustainability agenda; and
- Increase affordable and supported housing, the provision of homelessness services, improving private sector housing and linking these to the priorities within the Sustainable Communities Strategy.

The emerging budget pressures in 2009/10 for the Service, as a result of the economic downturn, will be the reduction in planning application and land charges income, anticipated to be in the region of £1.2m. In addition there are likely to be budget pressures arising within Private Sector Housing and the

delivery of the Choice Based Lettings scheme, approximated at £98k. The budget pressures will form part of a Departmental Risk Assessment and will be monitored in year and reported to members as appropriate.

13.4.4 Regeneration Service

The 2009/10 Regeneration Service net budget is £9m. The key areas of expenditure for 2009/10 for each service include the following:

- Develop and implement the authorities policies and investment programmes relating to highways and transportation, ensuring the safe condition of the highway asset and supporting the local bus network;
- Economic Development will work to address the current recessionary economic climate and prepare the ground for future growth through promoting inward investment, providing business support and the developing programmes to deliver area-wide regeneration schemes; and
- Support the Cheshire East visitor economy through the management of Tatton Park and partnership working to support the local economy, increase prosperity and reduce the impact of the recession.

The emerging budget pressures for 2009/10 are likely to arise from a risk of a reduction in Service delivery within the Strategic Highways and Transportation function, in the region of £430k. In addition there are likely to be budget pressures arising in the developing and promoting of high value business sectors of finance, pharmaceutical and Bio-tech, and for the delivery of the area based regeneration programmes. The budget pressures will form part of a Departmental Risk Assessment and will be monitored in year and reported to members as appropriate.

13.5 Performance and Capacity

13.5.1 The Performance and Capacity functions will provide a range of services to both internal and external customers. Revenue and Benefits and Customer Access are important outward facing services linking directly to the public; support to the rest of the Council and Members will be provided by services such as Property, ICT, Human Resources, Finance and Legal and Democratic services.

The Performance & Capacity budget for 2009/10 is as follows:

	£000
Base Budget	47,224
Net Guideline Reduction:	<u>-11,387</u>
Target Budget 2009/10	<u>35.837</u>

Full details of the proposals to deliver the net guideline reduction are shown in Appendix I.

13.5.2 The People and Places business case projected over £10m of efficiency savings from stripping out duplication amongst support service areas, adoption of best practice and improved economies of scale. The budget proposals for the Performance and Capacity Directorate will deliver over £9.6m of these projected savings, primarily from a reduction of over 200 existing posts to release major efficiencies in the following areas:

- ICT – Over £3m of savings from streamlining existing IT systems and fully utilising technology across all services to improve processes and reduce costs.
- Finance and Revenue and Benefits – savings of over £2.3m from amalgamating and streamlining existing services and systems in the 4 existing councils.
- Human Resources – Savings of £0.9m from removal of roles duplicated in the current councils.
- Legal and Democratic Services – Savings of £1.2m reflecting the reduction in the number of elected Members and more efficient working.
- Policy and Performance – Savings of £1m on staff costs and £0.4m on supplies and services through rationalisation of existing corporate teams.

13.5.3 In addition to the savings included in the LGR Business Case, the P&C Directorate will deliver further savings of £2.6m from:

- Use of modern procurement methods including e-procurement and Framework Agreements to drive down unit costs.
- A major initiative to improve energy efficiency by eliminating waste across all sites.
- Further improvements in the use of technology including the telephone system to realise efficiency savings.
- A saving of 0.5m on existing Property Maintenance budgets.

These last three budget proposals have been identified as high risk areas to deliver in 2009/10 and have therefore been considered and factored into the Treasurer's assessment of the adequacy of the level of general reserves.

13.5.4 It is anticipated that the majority of growth pressures impacting on the Performance & Capacity functions in 2009/10 will be absorbed within existing budgets. However, an allowance for growth pressures and exceptional inflation of £1m is included in the proposals; the majority of this will be used to finance the prudential borrowing costs of new capital investment (£522,000) and growth within the Legal and Democratic services to safeguard current service levels and improve support to the Scrutiny function. In addition temporary funding of £177,000 has been provided to ensure service levels in the Customer Access service are protected during the period of transition.

13.6 The detailed budget setting exercise is now complete and the proposed 2009/10 Budget for Cheshire East Council is summarised in the table below:

2009/10 Net Budget Requirement	£m	£m
People	122.764	
Places	49.154	
Performance & Capacity	35.837	
Corporate	31.504	
Net Expenditure		239.259
Severance Costs Funding {Forecast to reduce in light of up front funding by existing Councils*}	(5.400)	
Relocation Costs Funding {Currently being reviewed*}	(1.400)	
Repayment to Reserves {3-year pay back*}	2.750	
Earmarked Reserves {Pump priming*}	(1.096)	
Add/(Deduct) Balances/Reserves		(5.146)
Net Budget Requirement		234.113
Financed by:		
Council Tax	172.363	
NNDR	50.170	
Revenue Support Grant	11.580	
		234.113
Deficit/(Surplus)		0.000

* The Reserves Policy & Strategy reviews the position with regard to the use of reserves for Transitional Cost purposes. The Budget retains the Business Case assumptions pending finalisation of the cost and savings budgets associated with the actual Voluntary Redundancy exercise. The Reserves Policy & Strategy recognises that the up front severance costs will be funded initially from the existing Council reserves. The increased cost of redundancy related to higher staff numbers has been reflected in the Strategy but also the increased savings expectation in the form of pay back to reserves.

The three-year Financial Scenario has been updated to project the likely financial position in each year based on current budget assumptions and prudent inflationary projections. The scenario reflects a modest projected surplus in 2010/11 and 2011/12. The surpluses do not include future year savings and income generation targets, which will be reinvested in the Council's Corporate Priorities. It is therefore assumed that the current projected surpluses will be used to replenish reserves if required. The three-year projection for the three-year financial planning period is:

2009/10	£0.000m balanced position
2010/11	£2.170m surplus
2011/12	£3.049m surplus

14.0 Prudential Indicators for Capital Financing

14.1 Background

There is a requirement under the Local Government Act 2003 for local authorities to have regard to CIPFA's Prudential Code for Capital Finance in Local Authorities (the "CIPFA Prudential Code") when setting and reviewing their Prudential Indicators. It should be noted that CIPFA undertook a review of the Code in early 2008. The outcome from that review has yet to be published.

14.2 Estimates of Capital Expenditure

14.2.1 This indicator is set to ensure that the level of proposed capital expenditure remains within sustainable limits and, in particular, to consider the impact on Council Tax levels.

No. 1	Capital Expenditure	2008-09 Approved £m	2008-09 Revised £m	2009-10 Estimate £m	2010-11 Estimate £m	2011-12 Estimate £m
	Total	90	87	97	67	53

14.2.2 Capital expenditure will be financed as follows:

Capital Financing	2008-09 Approved £m	2008-09 Revised £m	2009-10 Estimate £m	2010-11 Estimate £m	2011-12 Estimate £m
Capital receipts	19	18	13	5	4
Capital Reserve	5	4	2	3	3
Government Grants	30	29	44	42	31
External Contributions	5	4	6	0	0
Revenue contributions	3	3	3	1	1
Supported borrowing	19	17	13	13	13
Unsupported borrowing	9	12	16	3	1
Total	90	87	97	67	53

14.3 Ratio of Financing Costs to Net Revenue Stream

14.3.1 This is an indicator of affordability and highlights the revenue implications of existing and proposed capital expenditure by identifying the proportion of the revenue budget required to meet borrowing costs. The definition of financing costs is set out at paragraph 87 of the Prudential Code.

14.3.2 The ratio is based on costs net of investment income.

No. 2	Ratio of Financing Costs to Net Revenue Stream	2009-10	2010-11	2011-12
		Estimate	Estimate	Estimate
		%	%	%
	Total	5.26	6.28	5.95

14.4 Capital Financing Requirement

- 14.4.1 The Capital Financing Requirement (CFR) measures the Council's underlying need to borrow for a capital purpose. The calculation of the CFR is taken from the amounts held in the Balance Sheet relating to capital expenditure and its financing. It is an aggregation of the amounts shown for Fixed and Intangible assets, the Revaluation Reserve, the Capital Adjustment Account, Government Grants Deferred and any other balances treated as capital expenditure.

No. 3	Capital Financing Requirement	31/3/09	31/3/09	31/3/10	31/3/11	31/3/12
		Approved £m	Revised £m	Estimate £m	Estimate £m	Estimate £m
	Total CFR	153	153	175	181	186

- 14.4.2 In order to ensure that over the medium term net borrowing will only be for a capital purpose, the Council should make sure that net external borrowing does not, except in the short term, exceed the Capital Financing Requirement in the preceding year plus the estimates of any additional capital financing requirement for the current and next two financial years.

- 14.4.3 The Borough Treasurer reports that this Council does not envisage difficulties in meeting this requirement in future financial years.

14.5 Actual External Debt

- 14.5.1 This indicator is obtained directly from the Council's balance sheet. It is the closing balance for actual gross borrowing plus other long-term liabilities. This Indicator is measured in a manner consistent for comparison with the Operational Boundary and Authorised Limit.

No. 4	Actual External Debt as at 31/3/2008	£m
	Borrowing	136
	Other Long-term Liabilities	0
	Total	136

14.6 Incremental Impact of Capital Investment Decisions

- 14.6.1 This is an indicator of affordability that shows the impact of capital investment decisions on Council Tax and Housing Rent levels. The incremental impact is calculated by comparing the total revenue budget requirement of the current approved capital programme with an equivalent calculation of the revenue budget requirement arising from the proposed capital programme.

No. 5	Incremental Impact of Capital Investment Decisions	2009-10	2010-11	2011-12

	Estimate £	Estimate £	Estimate £
Increase in Band D Council Tax	3.10	9.76	8.39

The increase in Band D council tax in 2009/10 reflects the increases in the provision for Capital Financing Charges of £0.45m to undertake borrowing of £31m arising from the proposed capital programme.

14.7 Authorised Limit and Operational Boundary for External Debt

14.7.1 The Council has an integrated treasury management strategy and manages its treasury position in accordance with its approved strategy and practice. Overall borrowing will therefore arise as a consequence of all the financial transactions of the Council and not just those arising from capital spending reflected in the CFR.

14.7.2 The **Authorised Limit** sets the maximum level of external borrowing on a gross basis (i.e. not net of investments) for the Council. It is measured on a daily basis against all external borrowing items on the Balance Sheet (i.e. long and short term borrowing, overdrawn bank balances and long term liabilities. This Prudential Indicator separately identifies borrowing from other long term liabilities such as finance leases. It is consistent with the Council's existing commitments, its proposals for capital expenditure and financing and its approved treasury management policy statement and practices.

14.7.3 The Authorised Limit has been set on the estimate of the most likely, prudent but not worst case scenario with sufficient headroom over and above this to allow for unusual cash movements.

14.7.4 The Authorised Limit is the statutory limit determined under Section 3(1) of the Local Government Act 2003 (referred to in the legislation as the Affordable Limit).

No. 6	Authorised Limit for External Debt	2008-09	2008-09	2009-10	2010-11	2011-12
		Approved £m	Revised £m	Estimate £m	Estimate £m	Estimate £m
	Borrowing	149	149	218	222	226
	Other Long-term Liabilities	0	0	0	0	0
	Total	149	149	218	222	226

14.7.5 The **Operational Boundary** links directly to the Council's estimates of the CFR and estimates of other cash flow requirements. This indicator is based on the same estimates as the Authorised Limit reflecting the most likely, prudent but not worst case scenario but without the additional headroom included within the Authorised Limit.

- 14.7.6 The Borough Treasurer has delegated authority, within the total limit for any individual year, to effect movement between the separately agreed limits for borrowing and other long-term liabilities. Decisions will be based on the outcome of financial option appraisals and best value considerations. Any movement between these separate limits will be reported to the future meetings of the Cabinet.

No. 7	Operational Boundary for External Debt	2008-09	2008-09	2009-10	2010-11	2011-12
		Approved £m	Revised £m	Estimate £m	Estimate £m	Estimate £m
	Borrowing	149	149	210	216	220
	Other Long-term Liabilities	0	0	0	0	0
	Total	149	149	210	216	220

14.8 Adoption of the CIPFA Treasury Management Code

- 14.8.1 This indicator demonstrates that the Council has adopted the principles of best practice.

No. 8 Adoption of the CIPFA Code of Practice in Treasury Management	
	The Council will consider the adoption of the CIPFA Treasury Management Code at its Shadow Council meeting on 26 February 2009

14.9 Upper Limits for Fixed Interest Rate Exposure and Variable Interest Rate Exposure

- 14.9.1 These indicators allow the Council to manage the extent to which it is exposed to changes in interest rates. This Council calculates these limits on net principal outstanding sums, (i.e. fixed rate debt net of fixed rate investments).
- 14.9.2 The upper limit for variable rate exposure has been set to ensure that the Council is not exposed to interest rate rises which could adversely impact on the revenue budget. The limit allows for the use of variable rate debt to offset exposure to changes in short-term rates on investments.

		2008-09	2008-09	2009-10	2010-11	2011-12
		Approved	Revised	Revised	Revised	Revised
		%	%	%	%	%
No. 9	Upper Limit for Fixed Interest Rate Exposure	100	100	100	100	100
No. 10	Upper Limit for Variable Rate	100	100	100	100	100

	Exposure					
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- 14.9.3 The limits above are set at 100% for fixed and 100% for variable to allow the Council the necessary flexibility within which decisions will be made for drawing down new loans on a fixed or variable rate basis; the decisions will ultimately be determined by expectations of anticipated interest rate movements as set out in the Council's treasury management strategy.

14.10 Maturity Structure of Fixed Rate Borrowing

- 14.10.1 This indicator highlights the existence of any large concentrations of fixed rate debt needing to be replaced at times of uncertainty over interest rates and is designed to protect against excessive exposures to interest rate changes in any one period, in particular in the course of the next ten years.

- 14.10.2 It is calculated as the amount of projected borrowing that is fixed rate maturing in each period as a percentage of total projected borrowing that is fixed rate. The maturity of borrowing is determined by reference to the earliest date on which the lender can require payment.

No. 11	Maturity structure of fixed rate borrowing	Lower Limit %	Upper Limit %
	under 12 months	Nil	25%
	12 months and within 24 months	Nil	25%
	24 months and within 5 years	Nil	35%
	5 years and within 10 years	Nil	35%
	10 years and above	Nil	100%

14.11 Upper Limit for total principal sums invested over 364 days

- 14.11.1 The purpose of this limit is to contain exposure to the possibility of loss that may arise as a result of the Council having to seek early repayment of the sums invested.

No. 12	Upper Limit for total principal sums invested over 364 days shown as a % of the portfolio	Maturing beyond 1 year	Maturing beyond 2 years	Maturing beyond 3 years
		40%	40%	40%

15.0 Capital Programme

- 15.1 As part of the budget setting process the Council also approves a 3-year Capital Programme. The capital planning process for Cheshire East has involved:

- a review of the schemes that the Council will inherit from existing authorities which it is committed to deliver;

- a review of the proposals that were in the Medium Term Financial Strategies of the existing authorities;
 - identification of capital Transitional Costs;
 - the inclusion of new priorities for Cheshire East Council.
- 15.2 The programme has been developed using existing Capital Programmes for the District councils of Congleton, Crewe & Nantwich and Macclesfield and disaggregation of the County's Capital Programme. The review has also taken account of the agreed distribution of capital Specific Grants and any agreements arising out of the County's Balance Sheet disaggregation.
- 15.3 The Capital Programme for 2009/10 amounts to £97.2m. This includes commitments arising out of the 2008/09 programme of £53.3m and additional new starts totalling £43.9m.
- 15.4 The discretionary element of the programme largely covers essential replacement and maintenance of the existing assets base and is funded from government borrowing allocations (supported borrowing), grants, contributions, capital receipts, revenue contributions and reserves.
- 15.5 In order to supplement the funding available for capital investment the Council can undertake Prudential Borrowing (unsupported borrowing). This is borrowing which an authority can take out, in excess of government allocations, so long as it can be shown to be both prudent and affordable. The Council will undertake Prudential Borrowing to support the Transforming Learning Communities initiative, Extra Care Housing, Building and Highways Maintenance and various ICT initiatives, subject to the availability of revenue funding for the revenue consequences of borrowing.
- 15.6 A full review of the capital investment for 2009-10 has been completed to ensure that ongoing schemes and proposed new starts are in accordance with the aims and priorities of the new Council. The new starts have been supported by business cases, which have been scrutinised by officers and Portfolio Holders. This process has ensured that schemes have been considered against the following criteria:
- Corporate priorities
 - Available capital resources, pump priming and external funding
 - Benefit to all or part of the community
 - Links to value for money principles
 - Revenue consequences including staffing/repairs and maintenance costs/savings
 - Risk associated with the scheme

The Capital Programme is summarised in the table below and the detailed analysis of Capital schemes is provided in Appendix J,

Capital Programme 2009/10 - 2011/12

	2009-10 £000	2010-11 £000	2011-12 £000
People			
<i>New Starts</i>			
Children & Families	9,789	16,111	12,606
Adult Services	1,456	376	4,402
Health & Well-being	45	110	165
<i>Committed Schemes from earlier year starts</i>	25,972	14,442	3,826
Total Capital Programme - People	37,262	31,039	20,999
Places			
<i>New Starts</i>			
Environmental Services	8,627	8,522	7,349
Safer & Stronger Communities	130	155	105
Regeneration	4,913	5,191	5,167
Planning & Policy	2,840	1,884	1,884
<i>Committed Schemes from earlier year starts</i>	24,235	14,501	9,440
Total Capital Programme - Places	40,745	30,253	23,945
Performance & Capacity			
<i>New Starts</i>			
Borough Solicitor	60	0	0
Borough Treasurer & Assets	14,294	1,791	2,633
Policy & Performance	1,705	0	0
<i>Committed Schemes from earlier year starts</i>	3,178	3,580	5,372
Total Capital Programme - P&C	19,237	5,371	8,005
Total Capital Expenditure	97,244	66,663	52,949
FINANCING:			
Sources of funding			
Non Specific Supported Borrowing (Single Capital Pot)	10,412	12,900	12,188
Ringfenced Supported Borrowing	3,545	334	334
Unsupported (Prudential Borrowing)	14,230	2,586	1,294
Government Grant	44,208	42,209	31,297
Capital Reserve	2,101	3,005	2,692
Linked/Earmarked Capital Receipts	13,102	4,929	4,544
External Contributions	6,388	200	100
Other Revenue Contributions	3,258	500	500
Total Sources of Funding	97,244	66,663	52,949

15.7 Capital Strategy

The Capital Strategy for Cheshire East will be reported to Cabinet on 24th March 2009 and to Council on 2nd April 2009 and will set out the process for developing

the Capital Programme in future years. It will ensure that the prioritisation of investment is clearly aligned to the Corporate Plan priorities, which allows for a three year Capital Programme to be developed through Service Delivery Plans.

The Capital Strategy will be drawn from the best practice of the four existing Cheshire East authorities and the latest national and regional direction in this important area of strategy. Links will also be made with the Council's other key strategies to ensure that there is a coordinated Business Planning approach to the three-year planning cycle. The Asset Management Plan will be reported alongside the Capital Strategy as this plan demonstrates the intention to deliver the Strategy through the effective management of the Council's assets. The Capital Strategy will broadly cover the following areas:

- The Policy Framework and the Corporate Priorities
- Key Partnerships
- Links to the Council's Key Strategies
- Links to Corporate Improvement Initiatives
- Approach to Prioritisation & Programme Management
- Resourcing the Capital Programme

Further prioritisation also takes place to reflect statutory requirements, health and safety issues, community consultation outcomes, invest to save or income generation possibilities. Major items of repair, maintenance and renewal are identified by the asset management process, and fed into the three-year Capital Programme. The Capital Programme is developed by this process and matched to available finance identified from the Disposal Programme and other capital resources. The process for monitoring the capital programme with officer and Member involvement will also be identified in the Capital Strategy.

16.0 Legal Implications

16.1 None.

17.0 Risk Assessment

17.1 A detailed risk assessment, including mitigation measures, has been undertaken as part of the budget setting process. The risk assessment broadly follows the risks associated with setting the levels of general reserves. The following are key areas of potential risk which have been built in to the budget assumptions:

17.2 Inflation Risk

Although the inflation forecasts are on the downside for 2009/10 the current volatility in the economy makes this a higher risk than in recent years.

Mitigating Action: Inflation forecasts will be reviewed and contract renewals will be monitored. Care has been taken with inflation projections in years two and three, the general inflation provision remains at 2.5% until a further review can be undertaken as part of the 2010/11 planning process.

17.3 Investment Risk

The failure of the Icelandic Banks, and the subsequent freezing of their assets in the UK, has demonstrated the current risk to investments. In his statement on 26th November 2008 John Healey said the following:

'Mr Speaker, turning to Icelandic Banks. Authorities are very uncertain about how much they will recover as they prepare their budgets so soon after the failure of these banks.

I therefore propose – exceptionally – to make a regulation which will mean they need not make provision in their 2009/10 budgets for any possible loss on these investments. This will give them time to adjust their medium term financial plans and be clearer about recovering their money before making decisions which affect their budgets or council tax.'

However, the possible future impact, based on the recovery of the Cheshire East share of the affected County investments, still needs to be included as a risk against the Cheshire East reserves. There is also a risk to the Council's projected investment income given the current low interest rates and the continuing downward forecast.

Mitigating Action: The Council's Treasury Management Strategy will treat exposure to risk as high priority, and estimates of investment income will remain prudent

17.4 Collection Rate Risk

The Council's collection rates for local taxation and fees & charges could suffer in 2009/10 for a number of reasons:

- Impact on individuals and businesses due to the current recession
- Revenues Service delivering transformational change to move from three Revenues systems to one system within the first financial year

Mitigating Action: Income estimates remain prudent and service transformation will be project managed to reduce impact on current high performance

17.5 Transitional Cost Risk

The risks associated with Transitional Costs have been managed closely throughout the current financial year. A management framework is in place and Cabinet has been given regular updates on the Transitional Cost position. An initial share agreement has been made with regard to the contribution from each existing Council. This is also being closely monitored to assess the affordability position in each Council.

Mitigating Action: Continue using a viable business case approach to expenditure

17.6 Grant Funding Risk

Cheshire East Council has relatively good certainty around its Specific Grant position for 2009/10 and 2010/11. However, care must be taken in placing too much reliance on Specific Grant funding for the support of core services. The risk to the availability of funding from 2011/12 needs to be considered.

Mitigating Action: Officers will be tasked with maximising the Council's options for grant funding. The Council's External Funding unit will play a key role in obtaining new and improved funding packages to contribute to the delivery of service priorities and to keep the burden on local tax payers low.

17.7 Risk to Reserves

The Reserves Policy & Strategy includes a detailed risk assessment as part of the identification of the Council's adequate level of reserves. Each of the broad risks included in this section will be translated into a financial impact to ensure that the 2009/10 Budget and the MTFS is based on a robust financial position.

17.7.1 Base Budget Risk

The establishment of a base budget for Cheshire East has been a complex and detailed exercise. There is still further work to be done as part of the refinement of the budget to ensure that each service budget has been properly identified and mapped to the Council's new structure.

Mitigating Action: Close monitoring of relevant control totals and maintaining close links between finance staff and budget managers

17.7.2 Budget Proposal Risk

Many of the budget proposals that have been identified through the budget setting process are ambitious and transformational. There are a number of risks associated with the major projects that will be required to deliver these proposals including:

- Late delivery of projects
- Non-achievement of expected cost reductions/income generation
- Availability of resources to deliver
- Impact on existing service delivery

Mitigating Action: Delivery of Oracle Financials project to deliver one Financial Management System from the Council from day one and early introduction of accurate budget monitoring processes. Strong programme management for the delivery of major budget proposal schemes.

17.7.3 Capital Programme Risk

Cheshire East Council will need to reconsider the risks associated with the existing Council capital commitments from 2008/09 and also the impact of new proposed schemes on the revenue budget. New schemes will have to be based on a business case that fully assesses the revenue impact as well as the availability of capital resources. Consideration will also have to be given to the availability of staffing resources to deliver the Capital Programme.

Mitigating Action: To embed a structured approach to awarding and monitoring funding for capital projects driven by the Capital Strategy.

18.0 Improvement, Efficiency and Value for Money

- 18.1 The Government has set a challenge for the public sector: to build on the progress already made in enhancing value for money and further embed a culture of innovation.

All public services have been set a target of achieving at least 3% net cash-releasing value for money gains per annum over 2008/09 to 2010/11.

2007 Comprehensive Spending Review

Councils will no longer have an individual efficiency target, unless agreed as one of the Local Area Agreement (LAA) targets.

- 18.2 Achievement will be monitored by a single national indicator for Value for Money, NI179. In addition to other reporting and scrutiny arrangements, Councils are now required to show the achievements in the NI179 measure on the face of Council Tax bills, to further increase public awareness and accountability; the performance of the predecessor authorities in this regard will be presented on the first Council Tax bills for Cheshire East.
- 18.3 The Government's Value for Money (VFM) Plan is developed from its National Improvement and Efficiency Strategy. The focal points of support for Councils are Regional Improvement and Efficiency Partnerships (RIEPs); these are developing and leading the implementation of Regional Strategies for achieving the national VFM efficiency targets for public services.

18.4 Value for Money in Cheshire East

The Government has stated that there is considerable potential from effective harnessing of efficiency and innovation techniques, such as smart procurement and service redesign. The reorganisation of local government in Cheshire creates a fantastic opportunity for change and the realisation of improvements and Cheshire East has the scale, capacity and commitment to deliver on this agenda.

The *People and Places* Business Case identified the scope of organisational and financial savings achievable from the creation of two new Unitary Authorities for Cheshire. In the early design of its operating structures and services, Cheshire East is realising those ideas.

As reflected in these Budget proposals, significant savings have been achieved in Corporate Management costs (from the natural process of recruitment and appointment to senior posts), in corporate support services - e.g. ICT staffing and systems costs (£3m); Finance, Revenues and Benefits staffing (£2.2m); Legal and Democratic Services staffing (£800k) - and in supplies and services (e.g. audit fees, banking charges, consultancy/advisory services, printing, publications, etc.).

Again as reflected in the Budget and our medium/long-term planning, the Council has further proposals for major service re-design (e.g. in Social Care) and in Invest to Save projects (e.g. the pan-Cheshire Waste Management Private Finance Initiative project).

Looking forward, the development of Cheshire East's Business Transformation Strategy will further inform the Council's awareness and approach to new opportunities for achieving improvement and efficiencies, through innovation.

The Council is committed to providing strong leadership and making a full contribution to the Value for Money agenda, working with colleagues and partners from all services and sectors in the local area, sub-regionally and in the Region to achieve – and where possible exceed – the efficiency targets as set, for the benefit of its taxpayers, customers and stakeholders.

19.0 Conclusion and Reasons for Recommendation

- 19.1 The report sets out a balanced budget for 2009/10 in line with the local priorities of the Council and having considered the national priorities that are required. Careful consideration has also been taken of the current economic situation and the known and possible impact on the Council's financial position.
- 19.2 The report provides an update of the Medium Term Financial Strategy (MTFS) and informs Members of future financial pressures. The MTFS ensures that the revenue budget fully supports the delivery of the Council's Corporate Priorities for 2009/10.
- 19.3 The report provides the latest update on the Dedicated Schools Grant and the budget implications for 2009/10.
- 19.4 The report presents the 3-year Capital Programme and recommends the 2009/10 capital commitments that can be delivered within the Council's available capital resources. The work that has been undertaken also ensures that the revenue budget fully reflects the revenue consequences of the approved capital schemes.
- 19.5 The report sets out the proposed level of Council Tax for 2009/10, the background to the proposal and the national context.
- 19.6 The report presents the Council's Reserves Policy and Strategy in line with the requirements of Local Authority Accounting Panel (LAAP) Bulletin 55 – Guidance Note on Local Authority Reserves and Balances.
- 19.7 The report sets out the proposed Fees & Charges for the Council. The setting of prices for 2009/10 has been particularly challenging, in the light of current local, national and international economic circumstances. Harmonisation of fees has been undertaken where practically possible.
- 19.8 The report recommends the appropriate Prudential Indicators for the Council for 2009/10.

Appendices:

Appendix A – Annual MRP Policy Statement 2009/10
Appendix B – Specific Grants 2009/10
Appendix C – Fees & Charges Schedule 2009/10
Appendix D – Schools Block through DSG (ISB) – Policy Proposals for 2009/10
Appendix E – Reserves Policy & Strategy 2009/10
Appendix F – Budget Consultation 2009/10
Appendix G – People Directorate Budget Proposals
Appendix H – Places Directorate Budget Proposals
Appendix I – Performance & Capacity Budget Proposals
Appendix J – Capital Programme

For further information:

Portfolio Holder: Councillor Frank Keegan
Officer: Lisa Quinn, Borough Treasurer & Head of Assets
Tel No: 01270 529628
Email: lisa.quinn@cheshireeast.gov.uk

Background Documents:

Cabinet Report – Financial Planning Process – 16th June 2008
Cabinet Report – The Management and Funding of Transitional Costs – 16th June 2008
Cabinet Report – Disaggregation of Specific Grants and Formula Grant – 17th July 2008
Cabinet Report – Disaggregation of Cheshire County Council Balance Sheet – 4th November 2008
Cabinet Report – Review of Transitional Costs Mid-Year – 4th November 2008
Cabinet Report – Council Tax Base 2009/10 – 2nd December 2008
Cabinet Report – Medium Term Financial Strategy – 17th December 2008
Cabinet Report – Disaggregation of Cheshire County Council Balance Sheet – 6th January 2009
Cabinet Report – Transitional Costs Three Quarter Review – 17th February 2009
Cabinet Report – Treasury Management Strategy 2009/10 – 17th February 2009
Local Government (Structural Changes) (Transfer of Functions, Property, Rights and Liabilities) Regulations 2008

Documents are available for inspection at:

Cheshire East Democratic Services
Westfields
Middlewich Road
Sandbach
CW11 1HZ

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ANNUAL MINIMUM REVENUE PROVISION STATEMENT 2009/10**Introduction**

Under 2003 Regulations¹, local authorities are required to charge to their revenue account for each year a Minimum Revenue Provision (MRP) to account for the cost of their debt in that financial year.

Debt is created where capital expenditure has been financed by borrowing or other credit arrangements (e.g. finance leases); it may be self-financed or Government-supported. Supported Capital Expenditure means expenditure taken into account by Government in the calculation of the Revenue Support Grant due to the authority.

Prior to its amendment by the 2008 Regulations², the method authorities were required to follow in calculating MRP was prescribed. For the financial year 2007/08 and subsequent years, the detailed calculation has been replaced with a requirement that local authorities calculate an amount of MRP which they consider to be “prudent”.

At the same time the Secretary of State issued guidance³ on the duty to make a prudent provision and local authorities are legally obliged to “have regard” to this guidance.

Authorities are required to prepare an annual statement of their policy on making MRP for submission to their Full Council. The aim is to give elected Members the opportunity to scrutinise the proposed use of freedoms conferred by the arrangements, following a shift in emphasis from regulations to guidance.

Meaning of “Prudent Provision”

The broad aim of a prudent provision is to ensure that debt is repaid over a period that is either reasonably commensurate with that over which the capital expenditure provides benefits, or in the case of borrowing supported by Government Revenue Support Grant, reasonably commensurate with the period implicit in the determination of that grant. The Secretary of State considers that the methods of making prudent provision include the options set out below.

For capital expenditure incurred before 1 April 2008 and incurred on or after that date if it forms part of Government-Supported Capital Expenditure:

Option 1: Regulatory Method - MRP is equal to the amount determined in accordance with the 2003 Regulations (as amended), as if they had not been revoked by the 2008 Regulations

¹ Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 [SI 2003/3146, as amended]

² Local Authorities (Capital Finance and Accounting) (England) (Amendment) Regulations 2008 [SI 2008/414]

³ Guidance on Minimum Revenue Provision, issued by the Secretary of State for Communities and Local Government, under Section 21(1A) of the Local Government Act 2003, 28 February 2008

This calculation would include any technical adjustments, as statutorily required.

Option 2: CFR Method - MRP is equal to 4% of the Capital Financing Requirement (CFR), as derived from the balance sheet at the end of the preceding financial year

This produces a similar MRP charge to Option 1, but is technically simpler.

Option 3: Asset Life Method - MRP is determined by reference to the life of the asset, by equal instalment method or annuity method

MRP should commence in the financial year following the one in which expenditure was incurred, or the year following the one in which the asset becomes operational.

Option 4: Depreciation Method - MRP is to be equal to the provision required in accordance with depreciation accounting

For capital expenditure incurred on or after 1 April 2008 and which does not form part of Government-Supported Capital Expenditure, only *Options* 3 and 4 are considered prudent under the guidance issued by the Secretary of State.

Finance Leases

In the case of finance leases, the MRP is equal to the amount that goes to write down the Balance Sheet liability; thus *Option* 3 will apply in a modified form.

Policy Statement

The Council adopts the following policies in respect of calculating its annual Minimum Revenue Provision (MRP) for 2009/10 and subsequent years.

For capital expenditure incurred before 1 April 2008 and incurred on or after that date if it forms part of Government-Supported Capital Expenditure: ***EITHER Option 1 (Regulatory Method) OR Option 2 (CFR Method)*** - to be determined following a study of the aggregated position for Cheshire East

For capital expenditure incurred before 1 April 2008 and which does not form part of Government-Supported Capital Expenditure: ***EITHER Option 1 (Regulatory Method), Option 2 (CFR Method) AND/ OR Option 3: Asset Life Method*** - to be determined following a study of the aggregated position for Cheshire East and consideration of inherited practices

For capital expenditure incurred on or after 1 April 2008 and which does not form part of Government-Supported Capital Expenditure: ***Option 3: Asset Life Method*** - where MRP is charged in equal annual instalments over the estimated useful life of the asset, commencing in the financial year following the one in which expenditure was incurred, or the year following the one in which the asset becomes operational

Other approaches may be developed, but they will be fully consistent with the statutory duty to make prudent revenue provision. These may relate to large, complex or novel schemes. Legal advisors and external auditors will be consulted if significant departures from the guidance are proposed and any alternative approaches

developed will be incorporated in future annual policy statements, for approval by Council prior to application.

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Appendix B

Capital Grants2009-10
£'000**Department for Communities and Local Government - Capital Grants**

Disabled Facilities Grant	478
---------------------------	-----

Department for Children, Schools and Families - Capital Grants

Devolved Formula Capital (VA and non VA)	6,929
--	-------

Primary Capital Programme	2,901
---------------------------	-------

Extended Schools	568
------------------	-----

Fair Play Pathfinder	TBC
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Fair Play Playbuilders	TBC
------------------------	-----

General Sure Start Grant	1,305
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Harnessing Technology (ICT)	1,425
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Locally Co-ordinated VA Programme	1,131
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Short Breaks (AHDC)	168
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Targeted Capital Fund 14-19	1,010
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Youth Capital	156
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Modernisation - non VA	
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Department of Health - Capital Grants

Mental Health	104
---------------	-----

Social Care	189
-------------	-----

Social Care IT Infrastructure	96
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Department for Transport - Capital Grants

Local Transport Plan Remainder	1,770
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Road Safety	220
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PRN Bridges and Exceptional Maintenance	70
---	----

Department for Environment, Food and Rural Affairs - Capital Grants

Waste Infrastructure Capital Fund	658
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Building Safer Communities Fund	105
---------------------------------	-----

TOTAL CAPITAL GRANTS	19,283
-----------------------------	---------------

Note - the figures for the two Fair Play grants highlighted above have yet to be confirmed.

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Appendix B

Financial Settlement 2009-10 - Allocation of Specific Grants for Cheshire East

GRANT	2009-10 £'000
Education and Children's Personal Social Services	
LSC For 6th Forms	17,527
Schools Standards Grant (Including Personalisation)	9,914
Ethnic Minority Achievement	133
Music Grant	408
Playing for Success	80
Extended Schools - Sustainability	845
School Development Grant	11,591
School Lunch Grant	504
Early Years: Increasing Flexibility for 3 - 4 Year Olds	518
Sure Start, Early Years and Childcare	6,819
Early Years	1,293
Short Breaks	348
Youth Opportunity Fund	180
Contact Point	230
R2BC4	163
Parenting Support Strategy grant	50
Staying Put Pilots	111
Diploma Formula/Consortia Support funding	542
Integrated Childrens Grant	88
Cheshire YOT grant	387
Mobile Working Grant	32
Extended Schools Subsidy	158
Newly Qualified Social workers	11
Peer Support and Mentoring	30
Making Good Progress	818
Targeted Support for Primary Strategy	1,234
Targeted Support for Secondary Strategy	608
Adult's Personal Social Services	
Social Care Reform	1,147
Learning Disability Campus Closure Programme	72
Stroke Strategy	60
Others	
Area Based Grant (See attached)	14,928
Concessionary Fares	984
Homelessness	140
Supporting People (core grant)	9,129
LPSA2 Performance Reward Grant	2,530
TOTAL SPECIFIC REVENUE GRANTS (including ABG)	83,612

Notes

1. The highlighted grants shown above are estimated figures and have yet to be confirmed.
2. Adult and Community Learning Grant - the split of the grant between the two

authorities has not yet been determined.

Appendix B

Area Based Grants (ABG)

	2009-10 £'000
Cohesion	49
Climate Change (Planning Policy Statement)	23
Connexions	2,491
Extended Schools - Start Up	918
School Development Grant (LA retained element)	416
Children's Fund	663
Care Matters	185
Secondary National Strategy: Central Co-ordination	150
School Improvement Partners	154
Primary National Strategy: Central Co-ordination	171
Secondary Behaviour and Attendance: Central Co-ordination	63
School Intervention	108
Teenage Pregnancy	92
Flexible 14 to 19 Partnerships Funding	100
Children's Social Care Workforce	69
Education Health Partnerships	69
Extended Rights for Free Travel	164
Positive Activities for Young People	308
School Travel Advisers	48
Child Death Review Processes	29
General Duty on Sustainable Travel To School	28
Choice Advisers	21
Child Trust Fund Top Up	4
Designated Teacher Funding	23
CAMHS (Children & Adolescents Mental Health Service)	372
Young People's Substance Misuse Grant	45
Adult Social Care workforce	813
Carers	1,341
Learning Disability Development Fund	225
Local Involvement Networks	126
Mental Capacity Act & IMCAS	174
Mental Health	800
Preserved Rights	1,134
Supporting People Admin.	236
Stronger Safer Communities Fund	349
Young People Substance Misuse Partnership	45
Road Safety	907
Rural Bus Subsidy	816
Detrunking	1,199
TOTAL	14,928

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CONTENTS - SCALE OF FEES AND CHARGES 2009/2010

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SCALE OF FEES AND CHARGES 2009/10

Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
TRANSPORT - CHILDRENS SERVICES					
16+ Charges for Transport to School					
* Term 1 (Sept)	155.00		155.00		
* Term 2 (Jan)	155.00		155.00		
Term 3 (Apr)	90.00		90.00		
Spare seats for ineligible on school transport contracts					
U16 in zone					
* Term 1 (Sept)	92.00		92.00		
* Term 2 (Jan)	92.00		92.00		
Term 3 (Apr)	61.00		61.00		
U16 out of zone					
* Term 1 (Sept)	133.00		133.00		
* Term 2 (Jan)	133.00		133.00		
Term 3 (Apr)	96.00		96.00		
O16 on zone					
* Term 1 (Sept)	180.00		180.00		
* Term 2 (Jan)	180.00		180.00		
Term 3 (Apr)	105.00		105.00		
O16 out of zone					
* Term 1 (Sept)	245.00		245.00		
* Term 2 (Jan)	245.00		245.00		
Term 3 (Apr)	170.00		170.00		
Denominational charges (for pupils ineligible under standard policy but eligible on denominational grounds)					
* Term 1 (Sept)	100.00		100.00		
* Term 2 (Jan)	100.00		100.00		
Term 3 (Apr)	91.00		91.00		
Replacement of passes lost/damaged	12.00		12.00		
* Charges are set in advance of the academic year - Sept 2009 and Jan 2010 charges to be reviewed					
LIBRARIES					
Multimedia Loan Charges					
* Talking books and Language Courses - Adults per 3 weeks	1.37		1.30		
Talking books and Language Courses - Adults per 3 weeks - CLCH rate	1.00		0.95		
* Talking books and Language Courses - Children per 3 weeks	0.73		0.70		
Talking books and Language Courses - Children per 3 weeks - CLCH rate	0.58		0.55		
no charge for people who have difficulty reading print or handling books					
* CD's - per week	1.37		1.30		
CD's - per week - CLCH rate	1.00		0.95		
* DVD's, titles classified 12, 15 & 18 - per week	2.73		2.60		
DVD's, titles classified 12, 15 & 18 - per week - CLCH rate	2.00		1.90		
* DVD's, titles classified Ex, Uc, U & PG - per week	1.37		1.30		
DVD's, titles classified Ex, Uc, U & PG - per week - CLCH rate	1.00		0.95		
* Videos, titles classified 12, 15 & 18 - per week	2.73		2.60		
Videos, titles classified 12, 15 & 18 - per week - CLCH rate	2.00		1.90		
* Videos, titles classified Ex, Uc, U & PG - per week	1.37		1.30		
Videos, titles classified Ex, Uc, U & PG - per week - CLCH rate	1.00		0.95		
* Computer Games	3.36		3.20		
Computer Games - CLCH rate	2.47		2.35		
* CD-ROMS including Language Courses on CD-ROM	3.36		3.20		
CD-ROMS including Language Courses on CD-ROM - CLCH rate	2.47		2.35		
Overdue Items					
Books:					
* Adult - per item per day (up to maximum)	0.14		0.13		
* Adult - per item (maximum charge)	5.60		5.20		
Children - per item per day (up to maximum)	0.07		0.06		
Children - per item (maximum charge)	1.40		1.20		
CLCH - per item per day (up to maximum)	0.07		0.06		
CLCH - per item (maximum charge)	2.10		1.80		
Multimedia Items					
* Adult - per item per day (up to maximum)	0.27		0.26		
* Adult - per item (maximum charge)	5.40		5.20		
Children - per item per day (up to maximum)	0.14		0.13		
Children - per item (maximum charge)	2.80		2.60		
CLCH - per item per day (up to maximum)	0.20		0.19		
CLCH - per item (maximum charge)	4.00		3.80		
Administration charge for overdue reminder	0.31		0.30		
Music Scores and Choral Sets					
1 - 20 items	7.35		7.00		
21 - 40 items	14.70		14.00		
41 - 60 items	22.05		21.00		
61 - 80 items	29.40		28.00		
81 - 100 items	36.75		35.00		
Reservations					
Items from Within Cheshire (East and West)	0.84		0.80		
Items from Within Cheshire (East and West) - CLCH rate	0.47		0.45		
Items from Uk libraries outside Cheshire	1.78		1.70		
Items from Uk libraries outside Cheshire - CLCH rate	0.89		0.85		
Items from outside UK	15.75		15.00		
Note: children may reserve items free of charge					
no charge for people who have difficulty reading print or handling books					

SCALE OF FEES AND CHARGES 2009/10

Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
LIBRARIES (continued)					
Personal Computer Bookings					
Computer bookings - 1 hour per day (subject to availability)	free		free		
Adult (after 1 hour) - per hour or part hour	1.54		1.50		
Adult (after 1 hour) - per hour or part hour - CLCH rate	0.77		0.75		
Children (after 1 hour) - per hour or part hour	0.77		0.75		
Printing:					
Black & White - per page	0.13		0.12		
Black & White - per page (children & CLCH)	0.07		0.06		
Colour - per page	0.53		0.50		
Colour - per page (children & CLCH)	0.26		0.25		
Photocopying					
Black & White					
Photocopies - A4	0.10		0.10		
Photocopies - A4 (if supplied by staff)	0.15		0.15		
Photocopies - A3	0.20		0.20		
Colour					
Photocopies - A4	1.00		1.00		
Photocopies - A3	1.50		1.50		
Fax Charges					
Fax - per sheet received	0.57		0.55		
* Fax (UK) - for first sheet	1.13		1.10		
Fax (UK) - for first sheet - CLCH rate	0.57		0.55		
* Fax (UK) - per sheet after first sheet	0.57		0.55		
Fax (UK) - per sheet after first sheet - CLCH rate	0.31		0.30		
* Fax (to the world) - for first sheet	2.25		2.20		
Fax (to the world) - for first sheet - CLCH rate	1.13		1.10		
* Fax (to the world) - per sheet after first sheet	1.13		1.10		
Fax (to the world) - per sheet after first sheet - CLCH rate	0.57		0.55		
Lost & Damaged Items					
* Lost Borrower Tickets - Adult	1.58		1.50		
Lost Borrower Tickets - CLCH rate	0.79		0.75		
Lost Borrower Tickets - Children	0.79		0.75		
Lost / damaged items - minimum charge per item	2.20		2.00		
Administrative charge deducted from refund	2.20		2.00		
Meeting Room Hire					
Community use per hour - weekdays before 10pm	12.60		12.00		
Community use per hour - weekdays after 10pm & weekends	17.85		17.00		
Commercial use per hour - weekdays before 10pm	22.05		21.00		
Commercial use per hour - weekdays after 10pm & weekends	31.50		30.00		
Small Advertisements					
Postcard size - per week	0.26		0.25		
Postcard size - per year	10.50		10.00		
Larger than postcard size - per week	1.30		1.25		
Larger than postcard size - per year	52.50		52.00		
* denotes services where discounts are available for Cheshire Leisure Card Holders available to persons receiving benefits					
CREWE POOL					
Free swimming will be available to children under 17 years old and senior citizens aged 60 or over subject to registration. If not registered then charges will apply.					
Swimming					
** Adult	3.20			3.14	
** Junior (if not registered for free swim)	2.20			2.16	
** OAP (if not registered for free swim)	2.20			2.16	
Children under 5	free			free	
Family Swim- minimum 1, maximum 2 adults & minimum 2, maximum 3 Juniors	8.10			7.93	
(if children not registered for free swim)					
Monthly Contract					
Adult	29.10			28.38	
Junior & OAP (if not registered for free swim)	22.10			21.53	
Family (if children not registered for free swim)	50.20			48.94	
Season 6 Month Contract					
Adult	140.40			137.02	
Junior & OAP (if not registered for free swim)	95.30			92.98	
Family Fun Sessions					
** Adult	3.20			3.14	
** Junior	2.20			2.16	
Family Swim - minimum 1, maximum 2 adults & minimum 2, maximum 3 Juniors	8.10			7.93	
Club					
Adult	2.70			2.64	
Junior	1.80			1.76	
School Swim					
Primary School	1.10			1.10	
High School	1.20			1.20	
Swimming Instruction per hour	15.40			15.00	
Spectators	0.50			0.49	

SCALE OF FEES AND CHARGES 2009/10

Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
CREWE POOL (continued)					
Swimming Instruction					
Adult	54.40			53.00	
** Adult - Options (low income and 60+ categories)	27.20			26.50	
Junior - Levels One and Two	51.40			50.00	
Junior - Level Three and above	48.20			47.00	
** Junior - Levels One and Two - Options (low income categories)	25.70			25.00	
** Junior - Level Three and above - Options (low income categories)	24.10			23.50	
Parent & Baby swim	3.20			3.20	
** Aqua Fit	4.10			4.00	
Fitness Suite					
Induction	7.20			7.00	
** Casual	5.10			5.00	
Individual Month to Month by Direct Debit (Peak)	35.90			35.00	
Joint Month to Month by Direct Debit (Peak)	53.30			52.00	
Youth (14 to 17 years) month to month by Direct Debit (off peak)	20.00			19.50	
Annual Agreements:					
Individual by Direct Debit (off peak)	26.10			25.50	
Individual by Direct Debit (Peak)	32.30			31.50	
Joint Membership by Direct Debit (Peak)	50.20			49.00	
Sauna					
** Adult	5.00			4.90	
** OAP	3.00			2.94	
Hire of Pools					
Main indoor pool					
per hour - casual	77.20			75.36	
per hour - regular	57.40			56.00	
Learners pool					
per hour - casual	48.20			46.98	
per hour - regular					
** Denotes Activities available for discount with the Options Card.					
NANTWICH POOL					
Free swimming will be available to children under 17 years old and senior citizens aged 60 or over subject to registration. If not registered then charges will apply.					
Swimming - Indoor					
** Adult	3.20			3.14	
** Junior (if not registered for free swim)	2.20			2.16	
** OAP (if not registered for free swim)	2.20			2.16	
Children under 5	free			free	
Family Swim - minimum 1, maximum 2 adults & minimum 2, maximum 3 Juniors (if children not registered for free swim)	8.10			7.93	
Monthly Contract					
Adult	29.10			28.38	
Junior & OAP (if not registered for free swim)	22.10			21.53	
Family (if children not registered for free swim)	50.20			48.94	
Season 6 Month Contract					
Adult	140.40			137.02	
Junior & OAP (if not registered for free swim)	95.30			92.98	
Family Fun Session					
** Adult	3.20			3.14	
** Junior	2.20			2.16	
Family Swim- minimum 1, maximum 2 adults & minimum 2, maximum 3 Juniors	8.10			7.93	
Club					
Adult	2.70			2.64	
Junior	1.80			1.76	
Swimming - Outdoor					
** Adult	3.20			3.14	
** Junior	2.20			2.16	
** OAP	2.20			2.16	
Children under 5	free			free	
Family Swim - minimum 1, maximum 2 adults & minimum 2, maximum 3 Juniors	8.10			7.93	
School Swim					
Primary School	1.10			1.10	
High School	1.20			1.20	
Swimming Instruction per hour	15.40			15.00	
Spectators	0.50			0.49	
Swimming Instruction					
Adult	54.40			53.00	
** Adult - Options (low income and 60+ categories)	27.20			26.50	
Junior - Levels One and Two	51.40			50.00	
Junior - Level Three and above	48.20			47.00	
** Junior - Levels One and Two - Options (low income categories)	25.70			25.00	
** Junior - Level Three and above - Options (low income categories)	24.10			23.50	
Parent & Baby swim	3.20			3.20	
** Aqua Fit	4.10			4.00	
Aqua Natal	3.70			3.60	
Serious Swimming Hour	4.10			4.00	

SCALE OF FEES AND CHARGES 2009/10

Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
NANTWICH POOL (continued)					
Fitness Suite					
Induction	7.20			7.00	
** Casual	5.10			5.00	
Individual month to Month by Direct Debit (Peak)	35.90			35.00	
Couple Month to Month by Direct Debit (Peak)	53.30			52.00	
Youth (14 to 17 years) Month to month by Direct Debit (Off Peak)	20.00			19.50	
Annual Agreements:					
Individual by Direct Debit (Off Peak)	26.10			25.50	
Individual by Direct Debit (Peak)	32.30			31.50	
Couple Membership by Direct Debit (Peak)	50.20			49.00	
Hire of Pool					
Main indoor pool - <i>per hour - casual</i>	77.20			75.36	
- <i>per hour - regular</i>	57.40			56.00	
Learners pool - <i>per hour - casual</i>	48.20			46.98	
Outdoor pool - <i>per hour - casual</i>	82.00			80.00	
** Denotes Activities available for discount with the Options Card.					
ALSAGER LEISURE CENTRE					
Leisure Pass	5.00	4.89			
Membership Annual Agreements:					
Old Existing Subscriptions					
** 1 month membership	24.00	23.49			
1 month membership with Leisure Pass	21.80	21.29			
1 month membership - 16/17 year olds	19.40	18.94			
1 month membership Senior Citizen	19.40	18.94			
12 month membership	216.00	211.40			
12 month membership (16/17 yrs)	170.00	166.38			
** 12 month membership - Senior Citizen	160.00	156.60			
12 month membership - Senior Citizen with Leisure Pass	130.00	127.23			
12 month joint membership	390.00	381.70			
** 12 month joint membership - Senior Citizen	290.00	283.83			
12 month joint membership - Senior Citizen with Leisure Pass	235.00	230.00			
Pulse Memberships:					
12 Months Platinum Membership - Adult	348.00	340.60			
12 Months Platinum Membership - OAP/Junior/Active Start	228.00	223.15			
Month - Month DD Platinum Membership - Adult	29.00	28.38			
Month - Month DD Platinum Membership - OAP/Junior	19.00	18.60			
Month - Month DD Platinum Membership - Adult Joint	52.00	50.89			
Month - Month DD Platinum Membership - OAP/Junior Joint	32.70	32.00			
Lifestyle Memberships (6 Monthly Agreements)					
Adult - Monthly	25.00	24.00			
Junior / Senior Citizen - Monthly	16.00	15.00			
Concessions	16.00	15.00			
Swimming - General					
Free swimming will be available to children under 17 years old and senior citizens aged 60 or over subject to registration. If not registered then charges will apply.					
** Adult	3.50	3.33			
** Junior (if not registered for free swim)	2.40	2.25			
** OAP (if not registered for free swim)	2.40	2.25			
Children under 4	free	free			
** Family Swim (if children not registered for free swim)	9.70	9.20			
Monthly:					
Adult	24.50	23.49			
** Junior (if not registered for free swim)	14.20	13.70			
** OAP (if not registered for free swim)	14.20	13.70			
3 Months:					
** Adult	61.00	58.72			
** Junior (if not registered for free swim)	35.50	34.26			
** OAP (if not registered for free swim)	35.50	34.26			
6 Months:					
** Adult	112.50	107.66			
** Junior (if not registered for free swim)	63.50	61.66			
** OAP (if not registered for free swim)	63.50	61.66			
Annual:					
Adult	210.00	200.64			
Junior (if not registered for free swim)	125.00	121.36			
OAP (if not registered for free swim)	125.00	121.36			
Hire of Pool					
Main Indoor Pool - Casual	56.00	54.81			
Main Indoor Pool - Casual (Junior)	38.50	37.68			
Main Indoor Pool - Regular	47.00	45.41			
Junior Special	29.00	27.89			
Pool Parties					
Basic Pool Party	55.00	53.83			
Slide Party	75.00	73.40			
Gauntlet Pool Party	75.00	73.40			

SCALE OF FEES AND CHARGES 2009/10

Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
ALSAGER LEISURE CENTRE (continued)					
Swimming Instruction					
** Adult Swim Lessons	6.20	6.00			
** Junior Swim Lessons	4.10	4.00			
** Toddlers & Advanced Toddlers (age 3-5)	4.50	4.40			
** Personal Survival & Lifesaving	5.60	5.40			
** Aqua Fit	3.50	3.43			
School Swim					
Instruction per hour	12.00	11.74			
** Sauna	4.60	4.50			
Fitness Suite					
** Induction - Adult	15.00	14.68			
** Induction - Junior/OAP	10.00	9.79			
** Admittance - Adult	5.00	4.84			
Admittance - Junior/senior citizen	3.50	3.43			
Month to Month Agreements:					
** Individual - Monthly Direct Debit	35.00	34.26			
Youth (16-17)	28.00	27.40			
** Senior Citizen	30.80	30.14			
Squash (per court)					
** Adult - peak	6.80	6.66			
** Adult - off peak	5.60	5.48			
** Junior	4.30	4.21			
** Family	5.00	4.89			
** Adult, regular - peak	6.20	6.07			
** Adult, regular - off peak	5.00	4.89			
** Junior, regular	3.80	3.72			
Badminton (per court)					
** Adult - peak	9.00	8.81			
** Adult - off peak	7.60	7.44			
** Junior	5.80	5.68			
** Family	7.20	7.05			
Adult, regular - peak	8.20	8.03			
Adult, regular - off peak	6.80	6.66			
Junior, regular	5.00	4.89			
Table Tennis (per table)					
** Adult	6.00	5.87			
** Adult - off peak	5.30	5.14			
** Junior	4.00	3.87			
** Family	4.60	4.50			
Adult, regular	5.30	5.19			
** Adult, regular - off peak	4.50	4.40			
Junior, regular	3.20	3.13			
Indoor Football					
** Full Hall - Casual	45.00	44.04			
** Full Hall - Regular	42.50	41.11			
Basketball					
Adult	29.50	28.38			
Adult off-peak	24.00	23.00			
Junior / Senior Citizen	19.00	18.11			
Volleyball - half hall	29.50	28.38			
Hall / Room Hires					
Main Sports Hall, regular booking - Adult	42.50	41.11			
Main Sports Hall, regular book (off-peak) - Adult	35.50	34.26			
Main Sports Hall, regular booking - Junior	27.50	26.43			
** Main Sports Hall, Casual - Adult	45.00	44.04			
** Main Sports Hall, Casual (off-peak) - Adult	38.00	37.00			
** Main Sports Hall - Junior	30.00	29.12			
Half Sports Hall, regular booking - Adult	29.50	28.38			
Half Sports Hall, regular book (off-peak) - Adult	24.00	23.00			
Half Sports Hall, regular booking - Junior	19.00	18.11			
** Half Sports Hall, Casual - Adult	31.00	30.34			
** Half Sports Hall, Casual (off-peak) - Adult	25.00	23.98			
** Half Sports Hall - Junior	19.20	18.79			
** Minor Hall - Adult	26.50	25.94			
** Minor Hall - Adult off peak	22.00	21.29			
** Minor Hall - Junior/OAP	17.00	16.44			
Drama Hall / Theatre Unit					
General Hire - Adult	20.00	19.57			
General Hire - Adult off peak	15.50	15.17			
General Hire - Junior/OAP	13.00	12.72			

SCALE OF FEES AND CHARGES 2009/10

Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
ALSAGER LEISURE CENTRE (continued)					
Football / Hockey - Synthetic/Astroturf Pitches					
Winter:					
** A - Full Pitch - Adult per hour	57.50	55.78			
** B - Full Pitch - Junior per hour	45.50	44.04			
** C - 7-a-side Pitch - Adults	48.00	46.49			
D - 7-a-side Pitch - Juniors	36.00	34.74			
** - 5-a-side Pitch - Adults	32.00	30.83			
- 5-a-side Pitch - Juniors	22.00	21.04			
Summer:					
** A - Full Pitch - Adult per hour	52.50	51.38			
** B - Full Pitch - Junior per hour	40.50	39.64			
** C - 7-a-side Pitch - Adults	43.00	42.09			
D - 7-a-side Pitch - Juniors	31.00	30.34			
** - 5-a-side Pitch - Adults	27.00	26.43			
- 5-a-side Pitch - Juniors	17.00	16.64			
** Denotes Activities available for discount with the Leisure Pass					
CONGLETON LEISURE CENTRE					
Leisure Pass	5.00	4.89			
Membership Annual Agreements					
Old Existing Agreements:					
** 1 month membership	24.00	23.49			
1 month membership with Leisure Pass	21.80	21.29			
1 month membership - 16/17 year olds	19.40	18.94			
1 month membership Senior Citizen	19.40	18.94			
12 month membership	216.00	211.40			
12 month membership (16/17 yrs)	170.00	166.38			
** 12 month membership - Senior Citizen	160.00	156.60			
12 month membership - Senior Citizen with Leisure Pass	130.00	127.23			
12 month joint membership	390.00	381.70			
** 12 month joint membership - Senior Citizen	290.00	283.83			
12 month joint membership - Senior Citizen with Leisure Pass	235.00	230.00			
Pulse Memberships:					
12 Months Platinum Membership - Adult	348.00	340.60			
12 Months Platinum Membership - OAP/Junior/Active Start	228.00	223.15			
Month - Month DD Platinum Membership - Adult	29.00	28.38			
Month - Month DD Platinum Membership - OAP/Junior	19.00	18.60			
Month - Month DD Platinum Membership - Adult Joint	52.00	50.89			
Month - Month DD Platinum Membership - OAP/Junior Joint	32.70	32.00			
Lifestyle Memberships (6 Monthly Agreements)					
Adult - Monthly	25.00	24.00			
Junior / Senior Citizen - Monthly	16.00	15.00			
Concessions	16.00	15.00			
Swimming - General					
Free swimming will be available to children under 17 years old and senior citizens aged 60 or over subject to registration. If not registered then charges will apply.					
** Adult	3.50	3.33			
** Junior (if not registered for free swim)	2.40	2.25			
** OAP (if not registered for free swim)	2.40	2.25			
Children under 4	free	free			
** Family Swim (if children not registered for free swim)	9.70	9.20			
Monthly:					
Adult	24.50	23.49			
** Junior (if not registered for free swim)	14.20	13.70			
** OAP (if not registered for free swim)	14.20	13.70			
3 Months:					
** Adult	61.00	58.72			
** Junior (if not registered for free swim)	35.50	34.26			
** OAP (if not registered for free swim)	35.50	34.26			
6 Months:					
** Adult	112.50	107.66			
** Junior (if not registered for free swim)	63.50	61.66			
** OAP (if not registered for free swim)	63.50	61.66			
Annual:					
Adult	210.00	200.64			
Junior (if not registered for free swim)	125.00	121.36			
OAP (if not registered for free swim)	125.00	121.36			
Hire of Pool					
Main Indoor Pool - Casual	56.00	54.81			
Main Indoor Pool - Casual (Junior)	38.50	37.68			
Main Indoor Pool - Regular	47.00	45.41			
Junior Special	29.00	27.89			
Pool Parties					
Basic Pool Party	67.00	65.57			
Inflatable Party	79.00	77.31			
Slide Party	97.40	95.28			
Power Paddler Boats (opt Inflatables)	120.00	117.45			

SCALE OF FEES AND CHARGES 2009/10

Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
CONGLETON LEISURE CENTRE (continued)					
Swimming Instruction					
** Adult Swim Lessons	4.70	4.55			
** Junior Swim Lessons	4.10	4.00			
** Toddlers & Advanced Toddlers (age 3-5)	4.10	4.00			
** Personal Survival & Lifesaving	4.10	4.00			
** Aqua Fit	3.50	3.33			
School Swim					
Primary School	0.43	0.43			
Instruction per hour	12.00	11.74			
** Sauna	4.60	4.50			
Fitness Suite					
** Induction - Adult	15.00	14.68			
** Induction - Junior/OAP	10.00	9.79			
** Admittance - Adult	5.00	4.84			
Admittance - Junior/Senior Citizen	3.50	3.43			
Month to Month Agreements:					
** Individual - Monthly Direct Debit	35.00	34.26			
Youth (16-17)	28.00	27.40			
** Senior Citizen	30.80	30.14			
Squash (per court)					
** Adult - peak	6.80	6.66			
** Adult - off peak	5.60	5.48			
** Junior	4.30	4.21			
** Family	5.00	4.89			
** Adult, regular - peak	6.20	6.07			
** Adult, regular - off peak	5.00	4.89			
** Junior, regular	3.80	3.72			
Badminton (per court)					
** Adult - peak	9.00	8.81			
** Adult - off peak	7.60	7.44			
** Junior	5.80	5.68			
** Family	7.20	7.05			
Adult, regular - peak	8.20	8.03			
Adult, regular - off peak	6.80	6.66			
Junior, regular	5.00	4.89			
Table Tennis (per table)					
** Adult	6.00	5.87			
** Adult - off peak	5.30	5.14			
** Junior	4.00	3.87			
** Family	4.60	4.50			
** Adult, regular	5.30	5.19			
Adult, regular - off peak	4.50	4.40			
** Junior, regular	3.20	3.13			
Indoor Football					
** Full Hall - Casual	45.00	44.04			
** Full Hall - Regular	42.50	41.11			
Basketball					
Adult	29.50	28.38			
Adult off-peak	24.00	23.00			
Junior / Senior Citizen	19.00	18.11			
Volleyball - half hall	29.50	28.38			
Hall / Room Hires					
Main Sports Hall, regular booking - Adult	42.50	41.11			
Main Sports Hall, regular book (off-peak) - Adult	35.50	34.26			
Main Sports Hall, regular booking - Junior	27.50	26.43			
** Main Sports Hall, Casual - Adult	45.00	44.04			
** Main Sports Hall, Casual (off-peak) - Adult	38.00	37.00			
** Main Sports Hall - Junior	30.00	29.12			
Half Sports Hall, regular booking - Adult	29.50	28.38			
Half Sports Hall, regular book (off-peak) - Adult	24.00	23.00			
Half Sports Hall, regular booking - Junior	19.00	18.11			
** Half Sports Hall, Casual - Adult	31.00	30.34			
** Half Sports Hall, Casual (off-peak) - Adult	25.00	23.98			
** Half Sports Hall - Junior	19.20	18.79			
** Minor Hall - Adult	26.50	25.94			
** Minor Hall - Adult off peak	22.00	21.29			
** Minor Hall - Junior/OAP	17.00	16.44			
** Denotes Activities available for discount with the Leisure Pass					

SCALE OF FEES AND CHARGES 2009/10

Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
SANDBACH LEISURE CENTRE					
Leisure Pass	5.00	4.89			
Membership Annual Agreements:					
Old Existing Subscriptions					
1 month membership	24.00	23.49			
1 month membership with Leisure Pass	21.80	21.29			
1 month membership - 16/17 year olds	19.40	18.94			
1 month membership Senior Citizen	19.40	18.94			
12 month membership	216.00	211.40			
12 month membership (16/17 yrs)	170.00	166.38			
12 month membership - Senior Citizen	160.00	156.60			
12 month membership - Senior Citizen with Leisure Pass	130.00	127.23			
12 month joint membership	390.00	381.70			
12 month joint membership - Senior Citizen	290.00	283.83			
12 month joint membership - Senior Citizen with Leisure Pass	235.00	230.00			
Pulse Memberships:					
12 Months Platinum Membership - Adult	348.00	340.60			
12 Months Platinum Membership - OAP/Junior/Active Start	228.00	223.15			
Month - Month DD Platinum Membership - Adult	29.00	28.38			
Month - Month DD Platinum Membership - OAP/Junior	19.00	18.60			
Month - Month DD Platinum Membership - Adult Joint	52.00	50.89			
Month - Month DD Platinum Membership - OAP/Junior Joint	32.70	32.00			
12 Months Gold Membership - Adult	252.00	246.64			
12 Months Gold Membership - OAP/Junior/Active Start	168.00	164.43			
Month - Month DD Gold Membership - Adult	21.00	20.55			
Month - Month DD Gold Membership - OAP/Junior	14.00	13.70			
Month - Month DD Gold Membership - Adult Joint	38.00	37.19			
Month - Month DD Gold Membership - OAP/Junior Joint	24.10	23.59			
Lifestyle Memberships (6 Monthly Agreements)					
Adult - Monthly	25.00	24.00			
Junior / Senior Citizen - Monthly	16.00	15.00			
Concessions	16.00	15.00			
Swimming - General					
Free swimming will be available to children under 17 years old and senior citizens aged 60 or over subject to registration. If not registered then charges will apply.					
** Adult	3.50	3.33			
** Junior (if not registered for free swim)	2.40	2.25			
** OAP (if not registered for free swim)	2.40	2.25			
Children under 4	free	free			
** Family Swim (if children not registered for free swim)	9.70	9.20			
Monthly:					
Adult	24.50	23.49			
** Junior (if not registered for free swim)	14.20	13.70			
** OAP (if not registered for free swim)	14.20	13.70			
3 Months:					
** Adult	61.00	58.72			
** Junior (if not registered for free swim)	35.50	34.26			
** OAP (if not registered for free swim)	35.50	34.26			
6 Months:					
** Adult	112.50	107.66			
** Junior (if not registered for free swim)	63.50	61.66			
** OAP (if not registered for free swim)	63.50	61.66			
Annual:					
Adult	210.00	200.64			
Junior (if not registered for free swim)	125.00	121.36			
OAP (if not registered for free swim)	125.00	121.36			
Hire of Pool					
Main Indoor Pool - Casual	56.00	54.81			
Main Indoor Pool - Casual (Junior)	38.50	37.68			
Main Indoor Pool - Regular	47.00	45.41			
Junior Special	29.00	27.89			
Pool Parties					
Basic Pool Party Less than 20 swimmers	56.00	54.81			
Basic Pool Party more than 20 swimmers	68.00	66.55			
Bozo Pool Party less than 30 swimmers	74.00	72.43			
Bozo Pool Party more than 30 swimmers	93.00	91.02			
Treasure Island Aquarun Party	74.00	72.43			
Swimming Instruction					
** Adult Swim Lessons - 1/2 hour	4.60	4.50			
** Junior Swim Lessons - 1/2 hour	4.10	4.00			
** Parents and Babes	4.30	4.20			
** Dolphin Club	3.80	3.70			
** Lifesaving	4.20	4.05			
** Aqua Fit	3.50	3.33			
School Swim					
Instruction per hour	12.00	11.74			

SCALE OF FEES AND CHARGES 2009/10

Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
SANDBACH LEISURE CENTRE (continued)					
Squash (per court)					
** Adult - peak	6.80	6.66			
** Adult - off peak	5.60	5.48			
** Junior	4.30	4.21			
** Family	5.00	4.89			
** Adult, regular - peak	6.20	6.07			
** Adult, regular - off peak	5.00	4.89			
** Junior, regular	3.80	3.72			
Badminton (per court)					
** Adult - peak	9.00	8.81			
** Adult - off peak	7.60	7.44			
** Junior	5.80	5.68			
** Family	7.20	7.05			
Adult, regular - peak	8.20	8.03			
Adult, regular - off peak	6.80	6.66			
Junior, regular	5.00	4.89			
Table Tennis (per table)					
** Adult	6.00	5.87			
** Adult - off peak	5.30	5.14			
** Junior	4.00	3.87			
** Family	4.60	4.50			
Adult, regular	5.30	5.19			
** Adult, regular - off peak	4.50	4.40			
Junior, regular	3.20	3.13			
Indoor Football					
** Full Hall - Casual	45.00	44.04			
** Full Hall - Regular	42.50	41.11			
Basketball					
Adult	29.50	28.38			
Adult off-peak	24.00	23.00			
Junior / Senior Citizen	19.00	18.11			
Volleyball - half hall	29.50	28.38			
Hall / Room Hires					
Main Sports Hall, regular booking - Adult	42.50	41.11			
Main Sports Hall, regular book (off-peak) - Adult	35.50	34.26			
Main Sports Hall, regular booking - Junior	27.50	26.43			
** Main Sports Hall, Casual - Adult	45.00	44.04			
** Main Sports Hall, Casual (off-peak) - Adult	38.00	37.00			
** Main Sports Hall - Junior	30.00	29.12			
Half Sports Hall, regular booking - Adult	29.50	28.38			
Half Sports Hall, regular book (off-peak) - Adult	24.00	23.00			
Half Sports Hall, regular booking - Junior	19.00	18.11			
** Half Sports Hall, Casual - Adult	31.00	30.34			
** Half Sports Hall, Casual (off-peak) - Adult	25.00	23.98			
** Half Sports Hall - Junior	19.20	18.79			
** Minor Hall - Adult	26.50	25.94			
** Minor Hall - Adult off peak	22.00	21.29			
** Minor Hall - Junior/OAP	17.00	16.44			
Drama Hall / Theatre Unit					
General Hire - Adult	20.00	20.00			
General Hire - Adult off peak	15.50	15.50			
General Hire - Junior/OAP	13.00	13.00			
Tennis					
** Adult - per court	5.40	5.29			
** Junior - per court	3.70	3.57			
** Family - per court	4.40	4.31			
Adult regular booking - per court	4.80	4.80			
Junior regular booking - per court	3.00	3.00			
Tennis Racket Hire	1.00	0.98			
Netball					
** Adult - per Court per hour	15.00	14.68			
** Junior - per Court per hour	10.00	9.79			
** Denotes Activities available for discount with the Leisure Pass					

SCALE OF FEES AND CHARGES 2009/10

Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
HOLMES CHAPEL LEISURE CENTRE					
Leisure Pass	5.00	4.89			
Membership Annual Agreements:					
Old Existing Subscriptions					
** 1 month membership	24.00	23.49			
1 month membership with Leisure Pass	21.80	21.29			
1 month membership - 16/17 year olds	19.40	18.94			
1 month membership Senior Citizen	19.40	18.94			
12 month membership	216.00	211.40			
12 month membership (16/17 yrs)	170.00	166.38			
** 12 month membership - Senior Citizen	160.00	156.60			
12 month membership - Senior Citizen with Leisure Pass	130.00	127.23			
12 month joint membership	390.00	381.70			
** 12 month joint membership - Senior Citizen	290.00	283.83			
12 month joint membership - Senior Citizen with Leisure Pass	235.00	230.00			
Pulse Memberships:					
12 Months Platinum Membership - Adult	348.00	340.60			
12 Months Platinum Membership - OAP/Junior/Active Start	228.00	223.15			
Month - Month DD Platinum Membership - Adult	29.00	28.38			
Month - Month DD Platinum Membership - OAP/Junior	19.00	18.60			
Month - Month DD Platinum Membership - Adult Joint	52.00	50.89			
Month - Month DD Platinum Membership - OAP/Junior Joint	32.70	32.00			
12 Months Gold Membership - Adult	252.00	246.64			
12 Months Gold Membership - OAP/Junior/Active Start	168.00	164.43			
Month - Month DD Gold Membership - Adult	21.00	20.55			
Month - Month DD Gold Membership - OAP/Junior	14.00	13.70			
Month - Month DD Gold Membership - Adult Joint	38.00	37.19			
Month - Month DD Gold Membership - OAP/Junior Joint	24.10	23.59			
Lifestyle Memberships (6 Monthly Agreements)					
Adult - Monthly	25.00	24.00			
Junior / Senior Citizen - Monthly	16.00	15.00			
Concessions	16.00	15.00			
Month to Month Agreements:					
Individual - Monthly Direct Debit	35.00	34.26			
Youth (16-17)	28.00	27.40			
Senior Citizen	30.80	30.14			
Fitness Suite (Interactive)					
** Induction - Adult	15.00	14.68			
** Induction - Junior/OAP	10.00	9.79			
** Admittance - Adult	5.00	4.84			
Admittance - Junior/Senior Citizen	3.50	3.43			
Fitness Activities					
** Aerobics - Adult	3.10	3.00			
** Aerobics - Junior	2.40	2.30			
** Circuit Training - Adult	3.10	3.00			
** Circuit Training - Junior	2.40	2.30			
** Yoga - Adult	3.10	3.00			
** Yoga - Junior	2.40	2.30			
Badminton (per court)					
** Adult - peak	9.00	8.81			
** Adult - off peak	7.60	7.44			
** Junior	5.80	5.68			
** Family	7.20	7.05			
Adult, regular - peak	8.20	8.03			
Adult, regular - off peak	6.80	6.66			
Junior, regular	5.00	4.89			
Table Tennis (per table)					
** Adult	6.00	5.87			
** Adult - off peak	5.30	5.14			
** Junior	4.00	3.87			
** Family	4.60	4.50			
Adult, regular	5.30	5.19			
** Adult, regular - off peak	4.50	4.40			
Junior, regular	3.20	3.13			
Indoor Football					
** Full Hall - Casual	45.00	44.04			
** Full Hall - Regular	42.50	41.11			
Cricket					
** Cricket Nets (2) - per hour	28.40	27.70			
Basketball					
** Adult	29.50	28.38			
** Adult off-peak	24.00	23.00			
** Junior / Senior Citizen	19.00	18.11			
Volleyball - half hall	29.50	28.38			
Netball					
** Adult	15.00	14.68			
** Junior / Senior Citizen	10.00	9.79			

SCALE OF FEES AND CHARGES 2009/10

Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
HOLMES CHAPEL LEISURE CENTRE (continued)					
Hall / Room Hires					
** Main Sports Hall, regular booking - Adult	42.50	41.11			
** Main Sports Hall, regular book (off-peak) - Adult	35.50	34.26			
** Main Sports Hall, regular booking - Junior	27.50	26.43			
** Main Sports Hall, Casual - Adult	45.00	44.04			
** Main Sports Hall, Casual (off-peak) - Adult	38.00	37.00			
** Main Sports Hall - Junior	30.00	29.12			
** Half Sports Hall, regular booking - Adult	29.50	28.38			
** Half Sports Hall, regular book (off-peak) - Adult	24.00	23.00			
** Half Sports Hall, regular booking - Junior	19.00	18.11			
** Half Sports Hall, Casual - Adult	31.00	30.34			
** Half Sports Hall, Casual (off-peak) - Adult	25.00	23.98			
** Half Sports Hall - Junior	19.20	18.79			
** Minor Hall - Adult	26.50	25.94			
** Minor Hall - Adult off peak	22.00	21.29			
** Minor Hall - Junior/OAP	17.00	16.44			
Childrens Parties/ Activities					
Small Hall Castle Party	65.00	63.62			
Small Hall Equipment	48.00	46.98			
Full Sports Hall + Ancillary Room	42.50	41.60			
Sports Parties	38.00	37.19			
Party Leader	14.50	14.19			
Tennis					
** Adult, peak - per court	5.40	5.29			
** Junior, peak - per court	3.70	3.57			
** Family, peak - per court	4.40	4.31			
** Adult, off-peak - per court	5.40	5.29			
** Junior, off-peak - per court	3.70	3.57			
** Family, off-peak - per court	4.40	4.31			
Adult regular booking - per court	4.80	4.70			
Junior regular booking - per court	3.00	2.94			
Tennis Racket Hire	1.00	0.98			
** Denotes Activities available for discount with the Leisure Pass					
MIDDLEWICH LEISURE CENTRE					
Leisure Pass	5.00	4.89			
Membership Annual Agreements:					
Old Existing Subscriptions					
** 1 month membership	24.00	23.49			
1 month membership with Leisure Pass	21.80	21.29			
1 month membership - 16/17 year olds	19.40	18.94			
1 month membership Senior Citizen	19.40	18.94			
12 month membership	216.00	211.40			
12 month membership (16/17 yrs)	170.00	166.38			
** 12 month membership - Senior Citizen	160.00	156.60			
12 month membership - Senior Citizen with Leisure Pass	130.00	127.23			
12 month joint membership	390.00	381.70			
** 12 month joint membership - Senior Citizen	290.00	283.83			
12 month joint membership - Senior Citizen with Leisure Pass	235.00	230.00			
Pulse Memberships:					
12 Months Platinum Membership - Adult	348.00	340.60			
12 Months Platinum Membership - OAP/Junior/Active Start	228.00	223.15			
Month - Month DD Platinum Membership - Adult	29.00	28.38			
Month - Month DD Platinum Membership - OAP/Junior	19.00	18.60			
Month - Month DD Platinum Membership - Adult Joint	52.00	50.89			
Month - Month DD Platinum Membership - OAP/Junior Joint	32.70	32.00			
12 Months Gold Membership - Adult	252.00	246.64			
12 Months Gold Membership - OAP/Junior/Active Start	168.00	164.43			
Month - Month DD Gold Membership - Adult	21.00	20.55			
Month - Month DD Gold Membership - OAP/Junior	14.00	13.70			
Month - Month DD Gold Membership - Adult Joint	38.00	37.19			
Month - Month DD Gold Membership - OAP/Junior Joint	24.10	23.59			
Lifestyle Memberships (6 Monthly Agreements)					
Adult - Monthly	25.00	24.00			
Junior / Senior Citizen - Monthly	16.00	15.00			
Concessions	16.00	15.00			
Fitness Suite (Interactive)					
** Induction - Adult	15.00	14.68			
** Induction - Junior/OAP	10.00	9.79			
** Admittance - Adult	5.00	4.84			
Admittance - Junior/Senior Citizen	3.50	3.43			
Badminton (per court)					
** Adult - peak	9.00	8.81			
** Adult - off peak	7.60	7.44			
** Junior	5.80	5.68			
** Family	7.20	7.05			
Adult, regular - peak	8.20	8.03			
Adult, regular - off peak	6.80	6.66			
Junior, regular	5.00	4.89			

SCALE OF FEES AND CHARGES 2009/10

Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
MIDDLEWICH LEISURE CENTRE (continued)					
Table Tennis (per table)					
** Adult	6.00	5.87			
** Adult - off peak	5.30	5.14			
** Junior	4.00	3.87			
** Family	4.60	4.50			
Adult, regular	5.30	5.19			
** Adult, regular - off peak	4.50	4.40			
Junior, regular	3.20	3.13			
Indoor Football					
** Full Hall - Casual	45.00	44.04			
** Full Hall - Regular	42.50	41.11			
Basketball					
Adult	29.50	28.38			
Adult off-peak	24.00	23.00			
Junior / Senior Citizen	19.00	18.11			
Volleyball - half hall	29.50	28.38			
Hall / Room Hires					
Main Sports Hall, regular booking - Adult	42.50	41.11			
Main Sports Hall, regular book (off-peak) - Adult	35.50	34.26			
Main Sports Hall, regular booking - Junior	27.50	26.43			
** Main Sports Hall, Casual - Adult	45.00	44.04			
** Main Sports Hall, Casual (off-peak) - Adult	38.00	37.00			
** Main Sports Hall - Junior	30.00	29.12			
Half Sports Hall, regular booking - Adult	29.50	28.38			
Half Sports Hall, regular book (off-peak) - Adult	24.00	23.00			
Half Sports Hall, regular booking - Junior	19.00	18.11			
** Half Sports Hall, Casual - Adult	31.00	30.34			
** Half Sports Hall, Casual (off-peak) - Adult	25.00	23.98			
** Half Sports Hall - Junior	19.20	18.79			
Tennis					
** Adult - per court	5.40	5.29			
** Junior - per court	3.70	3.57			
** Family - per court	4.40	4.31			
Adult regular booking - per court	4.80	4.70			
Junior regular booking - per court	3.00	2.94			
Tennis Racket Hire	1.00	1.00			
Football / Hockey - Synthetic/Astroturf Pitches					
Winter					
** A - Full Pitch - Adult per hour	57.50	55.78			
** B - Full Pitch - Junior per hour	45.50	44.04			
** C - 7-a-side Pitch - Adults	48.00	46.49			
D - 7-a-side Pitch - Juniors	36.00	34.74			
** - 5-a-side Pitch - Adults	32.00	30.83			
- 5-a-side Pitch - Juniors	22.00	21.04			
Summer:					
** A - Full Pitch - Adult per hour	52.50	51.38			
** B - Full Pitch - Junior per hour	40.50	39.64			
** C - 7-a-side Pitch - Adults	43.00	42.09			
D - 7-a-side Pitch - Juniors	31.00	30.34			
** - 5-a-side Pitch - Adults	27.00	26.43			
- 5-a-side Pitch - Juniors	17.00	16.64			
** Denotes Activities available for discount with the Leisure Pass					
KNUTSFORD LEISURE CENTRE					
Membership - Monthly Direct Debit					
Adult - Premium	25.95				25.95
Adult - Standard	18.10				18.10
Leisure Card	13.20				13.20
* Junior Premium	13.20				13.20
* OAP Premium	13.20				13.20
Couple Premium	46.00				46.00
Couple Standard	31.80				31.80
Family Premium	58.75				58.75
Family Standard	46.50				46.50
* Junior and OAP charges to be reviewed due to availability of free swimming					
Free swimming will be available to children under 17 years old and senior citizens aged 60 or over subject to registration. If not registered then charges will apply.					
Swimming - General					
Adult	2.80				2.70
Junior - 16 & 17 year olds	1.85				1.80
Junior - under 16 years old (if not registered for free swim)	1.85				1.80
Children under 3	free				free
OAP (if not registered for free swim)	1.85				1.80
Family Swim (if children not registered for free swim)	7.70				7.50
Swim after an Activity	1.90				1.80
Lunchtime (30mins)	1.45				1.40
Dawn Dipper	2.80				2.70
Women Only	2.80				2.70
Leisure card enrolment	1.00				1.00
Leisure card	1.90				1.80
Spectators	1.00				1.00
Changing / Shower Only	1.00				1.00

SCALE OF FEES AND CHARGES 2009/10

Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
KNUTSFORD LEISURE CENTRE (continued)					
Hire of Pool					
Main Indoor Pool - Private	51.00				50.00
Main Indoor Pool - Club	41.00				40.00
Pool Hire - Gala	49.20				48.00
Cost of Staff - Gala Lifeguard	13.00				13.00
Cost of Staff - dryside parties	13.00				13.00
Pool Parties					
Basic Pool Party	53.00				52.00
Swimming Instruction					
Adult Swim Lessons	4.60				4.50
Junior Swim Lessons	4.40				4.30
Aquarobics Pk	4.20				4.10
Sauna					
Standard rate	3.50				3.50
Offer rate	1.85				1.80
Solarium					
3 minutes	2.10				2.10
6 minutes	3.50				3.50
9 minutes	5.10				5.10
12 minutes	6.20				6.20
saver 30 minutes	15.00				15.00
saver 60 minutes	25.00				25.00
Fitness Suite					
Induction - Adult	15.00				15.00
Induction - GP referral & leisure card	9.25				9.25
Admittance - Casual	4.10				4.00
Admittance - 50+	2.87				2.80
Replacement user card	2.75				2.75
Fitness Activities					
Aerobics - Adult	4.30				4.10
Teen Trainers	3.20				3.10
Lyengar yoga	4.20				4.10
Yoga - Adult	4.20				4.10
50+ Fitness Session	1.90				1.80
Child Sessions	1.90				1.80
Squash (per court)					
Adult	6.05				6.00
Junior	4.30				4.20
Equipment Hire - Rackets	1.50				1.50
Badminton (per court)					
Adult (after 5pm) - Doubles	10.25				10.00
Adult (after 5pm) - Singles	7.50				7.30
Adult (before 5pm + weekend)	6.15				6.00
Junior (after 5pm)	7.50				7.30
Junior (before 5pm + weekend)	6.15				6.00
Family (before 5pm + weekend)	6.15				6.00
Badminton Lesson - Junior	4.10				4.00
Equipment Hire - Racquets	1.50				1.50
Table Tennis (per table)					
Adult	3.60				3.50
Junior	2.55				2.50
Equipment Hire - Table Tennis Bats	1.00				1.00
Indoor Football					
Full Hall	50.00				50.00
Equipment Hire - Football	2.00				2.00
Basketball					
Adult	30.75				25.00
Junior / Senior Citizen	25.75				18.00
Netball / Volleyball - half hall					
Adult	30.75				23.00
Junior / Senior Citizen	25.75				18.00
Racketball - Equipment Hire	1.50				1.50
Trampolining					
Lesson - Junior	4.10				4.00
Hall / Room Hires					
Main Sports Hall	50.00				50.00
Half Sports Hall	30.75				30.00
Drama Room Studio	30.00				29.00
Music Room	12.80				12.50
Party Room	12.80				12.50
Dance Studio (1 hour)	12.80				12.50
Childrens Parties/ Activities					
Childrens Party (half hall + 1 leader)	41.00				40.00

SCALE OF FEES AND CHARGES 2009/10

Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
KNUTSFORD LEISURE CENTRE (continued)					
Tennis					
Adult - per court	4.60				4.50
Junior - per court	3.70				3.60
Tennis Racket Hire	1.50				1.50
Synthetic Pitch					
Clubs:					
Full Pitch - with lights	45.00				44.00
Full Pitch - without lights	43.00				42.00
One third Pitch - with lights	35.00				34.00
One third Pitch - without lights	34.00				33.00
Casual Use:					
Full Pitch - with lights	52.00				52.00
Full Pitch - without lights	47.00				47.00
One third Pitch - with lights	39.40				39.40
One third Pitch - without lights	36.70				36.70
MACCLESFIELD LEISURE CENTRE					
Membership - Monthly Direct Debit					
Adult - Premium	25.95				25.95
Adult - Standard	18.10				18.10
Leisure Card	13.20				13.20
* Junior Premium	13.20				13.20
* OAP Premium	13.20				13.20
Couple Premium	46.00				46.00
Couple Standard	31.80				31.80
Family Premium	58.75				58.75
Family Standard	46.50				46.50
* Junior and OAP charges to be reviewed due to availability of free swimming					
Free swimming will be available to children under 17 years old and senior citizens aged 60 or over subject to registration. If not registered then charges will apply.					
Swimming - General					
Adult	2.80				2.70
Junior - 16 & 17 year olds	1.85				1.80
Junior - under 16 years old (if not registered for free swim)	1.85				1.80
Children under 3	free				free
OAP (if not registered for free swim)	1.85				1.80
Family Swim (if children not registered for free swim)	7.70				7.50
Swim after an Activity	1.90				1.60
Dawn Dipper	2.80				2.70
Women Only	2.80				2.70
Leisure card enrolment	1.00				1.00
Leisure card	1.90				1.80
Spectators	1.00				1.00
Changing / Shower Only	1.00				1.00
Hire of Pool					
Pool Hire - Private	99.50				97.00
Pool Hire - Club	52.30				51.00
Pool Hire - Gala	88.20				86.00
Cost of Staff - Gala Lifeguard	10.00				9.60
Learners Pool - Casual	56.50				55.00
Pool Parties					
Basic Pool Party	99.50				97.00
Basic Pool Party (small pool only)	82.00				80.00
Inflatable Party	99.43				97.00
Other Sessions					
Monster Swim Session (90 min)	2.80				2.70
Monster Swim Session (additional 90 min)	2.40				2.30
Monster fun Session - Adult	2.80				2.70
Monster fun Session - Junior	2.40				2.30
Activity & Swim - Adult	1.65				1.60
Activity & Swim - Junior	free				1.00
Electronic Timing (3 hrs)	76.88				75.00
Snorkelling (no equipment)	3.85				3.75
Snorkelling (inc equipment)	7.35				7.15
Swimming Instruction					
Adult Swim Lessons	4.70				4.60
Junior Swim Lessons	4.40				4.30
Parent & Baby Swim	2.80				2.70
Masters Swim	3.00				2.90
Aquarobics Pk	4.20				4.10
Aquarythmics	3.20				3.05
Aquarythmics - OAP	2.30				2.25
School Swim	1.05				1.00
Solarium					
3 minutes	2.30				2.25
6 minutes	4.20				4.10
9 minutes	6.00				5.90
12 minutes	7.60				7.45
saver 30 minutes	N/A				15.50
saver 60 minutes	N/A				26.50

SCALE OF FEES AND CHARGES 2009/10

Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
MACCLESFIELD LEISURE CENTRE (continued)					
Fitness Suite					
Induction - Adult	19.00				18.50
Induction - Leisure card + GP referral	9.25				9.25
Fitness zone	4.15				4.05
Replacement user card	2.75				2.75
Admittance - 50+	2.70				2.60
Fitness Activities					
Aerobics - Adult	4.30				4.10
Aerobics - Junior	3.10				3.00
Step Aerobics	4.30				4.10
Circuit Training - Adult	4.10				4.00
Teen Trainers	3.20				3.10
Soft play session	2.15				2.10
Lyengar yoga	4.10				4.00
Yoga - Adult	4.10				4.00
Pilates	5.90				5.75
50+ Fitness Class	2.90				2.80
50+ Fitness Session	2.70				2.60
Squash (per court)					
Adult	6.05				5.90
Junior	4.30				4.20
Squash School	3.65				3.55
Squash Lesson - Adult	4.05				3.95
Squash Lesson - Junior	3.30				3.20
Equipment Hire - Rackets	1.50				1.55
Badminton (per court)					
Adult	8.20				8.00
Junior	5.15				5.00
Badminton Lesson - Adult	4.55				4.45
Badminton Lesson - Junior	3.95				3.85
Equipment Hire - Racquets	1.50				1.40
Table Tennis (per table)					
Adult	4.20				4.10
Junior	2.55				2.50
Equipment Hire - Table Tennis Bats	1.00				1.00
Indoor Football					
Half Hall	41.00				40.00
Equipment Hire - Football	2.00				2.00
Cricket Nets (2) - per hour	42.00				41.00
Basketball					
Adult	41.00				40.00
Junior / Senior Citizen	20.50				20.00
Netball					
Adult	41.00				40.00
Junior / Senior Citizen	20.50				20.00
Racketball					
Equipment Hire - rackets	1.50				1.55
Trampolining					
Lesson - Adult	4.40				4.30
Lesson - Junior	4.15				4.05
Hall / Room Hires					
Main Sports Hall, Casual - Adult	82.00				80.00
Half Sports Hall, Casual - Adult	41.00				40.00
Half Sports Hall, 3/4 hour	31.50				30.50
Half Sports Hall - Junior	20.50				20.00
Lecture Room	13.50				13.00
Childrens Parties/ Activities					
Childrens Party - General	41.50				40.50
Soft Play Party	39.50				38.50
Party Leader	13.00				13.75
Schools curriculum	1.90				1.85
Athletics Track & In-Field					
Track Adult	3.00				2.90
Track Junior	1.60				1.55
Season Adult	66.00				64.40
Season Adult Club Member	60.00				58.00
Season Junior	32.00				31.20
Season Junior Club Member	28.70				28.00
Track Club - per hour	35.60				34.75
School - per hour	28.20				27.50
Athletics Meet - per hour	44.00				43.00
Floodlighting - 1/2 hour training	6.20				6.00
Floodlighting - 1/2 hour full lux	11.70				11.40
Pavillion - per hour	14.40				14.00
Prices are inclusive of use of clubhouse/ pavillion & staff					

SCALE OF FEES AND CHARGES 2009/10

Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £

SCALE OF FEES AND CHARGES 2009/10

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SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
POYNTON LEISURE CENTRE					
Membership - Monthly Direct Debit					
Adult - Premium	25.95				25.95
Adult - Standard	18.10				18.10
Leisure Card	13.20				13.20
* Junior Premium	13.20				13.20
* OAP Premium	13.20				13.20
Couple Premium	46.00				46.00
Couple Standard	31.80				31.80
Family Premium	58.75				58.75
Family Standard	46.50				46.50
* Junior and OAP charges to be reviewed due to avaiability of free swimming					
Free swimming will be available to children under 17 years old and senior citizens aged 60 or over subject to registration. If not registered then charges will apply.					
Swimming - General					
Adult	2.80				2.70
Junior - 16 & 17 year olds	1.85				1.80
Junior - under 16 years old (if not registered for free swim)	1.85				1.80
Children under 3	free				free
OAP (if not registered for free swim)	1.85				1.80
Family Swim (if children not registered for free swim)	7.70				7.50
Dawn Dipper	2.80				2.70
Women Only	2.80				2.80
Leisure card enrolment	1.00				1.00
Leisure card	1.90				1.80
Spectators	1.00				1.00
Changing / Shower Only	1.00				1.00
Hire of Pool					
Pool Hire - Private	53.00				52.00
Pool Hire - Club	38.00				38.00
Pool Hire - Gala	38.00				38.00
Cost of Staff - Gala Lifeguard	10.00				9.50
Pool Parties					
Basic Pool Party	64.00				62.50
Other Sessions					
Monster Swim Session (90 min) - Adult	2.90				2.80
Monster Swim Session (90 min) - Junior	2.25				2.20
Activity & Swim - Adult	1.65				1.60
Swimming Instruction					
Junior Swim Lessons	4.40				4.30
Aquarobics Pk	4.10				4.00
Fitness Suite					
Induction - Adult	19.00				18.50
Induction - GP referral + leisure card	9.25				9.25
Fitness zone	4.15				4.05
Replacement user card	2.75				2.75
Admittance - Casual	4.15				4.05
Fitness Activities					
Aerobics - Adult	4.30				4.10
Step Aerobics	4.30				4.20
Teen Trainers	3.20				3.10
Yoga - Adult	4.50				4.40
Pilates	4.50				4.40
50+ Fitness Class	2.70				2.50
50+ Fitness Session	2.70				2.60
Squash (per court)					
Adult	6.05				5.90
Junior	4.30				4.20
Equipment Hire - Rackets	1.50				1.50
Badminton (per court)					
Adult - peak	8.20				8.00
Adult - off peak	5.15				5.00
Junior	5.15				5.00
Badminton Lesson - Junior	3.60				3.50
Equipment Hire - Racquets	1.50				1.50
Table Tennis (per table)					
Adult	3.60				3.50
Junior	2.55				2.50
Equipment Hire - Table Tennis Bats	1.00				1.00
Indoor Football					
Full Hall	55.00				54.00
Equipment Hire - Football	2.00				2.00
Cricket Nets (2) - per hour	29.20				28.50
Basketball					
Adult	30.75				30.00
Junior / Senior Citizen	30.75				30.00

SCALE OF FEES AND CHARGES 2009/10

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SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
POYNTON LEISURE CENTRE (continued)					
Racketball					
Equipment Hire - rackets	1.50				1.50
Trampolining					
Lesson - Junior	4.30				4.20
Hall / Room Hires					
Main Sports Hall - Adult	55.00				54.00
Half Sports Hall, 3/4 hour	41.00				40.00
Half Sports Hall - Junior	20.50				20.00
Dance Studio	17.50				17.00
Childrens Parties/ Activities					
Childrens Party - General	61.50				60.00
Party Leader	13.00				12.50
Tennis					
Adult, peak - per court	3.60				3.50
Junior, peak - per court	3.10				3.00
Tennis Racket Hire	1.50				1.50
Football / Hockey - Synthetic/Astroturf Pitches					
Full Pitch - with lights	17.60				17.60
WILMSLOW LEISURE CENTRE					
Membership - Monthly Direct Debit					
Adult - Premium	25.95				25.95
Adult - Standard	18.10				18.10
Leisure Card	13.20				13.20
* Junior Premium	13.20				13.20
* OAP Premium	13.20				13.20
Couple Premium	46.00				46.00
Couple Standard	31.80				31.80
Family Premium	58.75				58.75
Family Standard	46.50				46.50
* Junior and OAP charges to be reviewed due to availability of free swimming					
Free swimming will be available to children under 17 years old and senior citizens aged 60 or over subject to registration. If not registered then charges will apply.					
Swimming - General					
Adult	2.80				2.70
Junior - 16 & 17 year olds	1.85				1.80
Junior - under 16 years old (if not registered for free swim)	1.85				1.80
Children under 3	free				free
OAP (if not registered for free swim)	1.85				1.80
Family Swim (if children not registered for free swim)	7.70				7.50
Dawn Dipper	2.80				2.70
Leisure card enrollment	1.00				1.00
Leisure card	1.90				1.80
Spectators	1.00				1.00
Changing / Shower Only	1.00				1.00
Hire of Pool					
Pool Hire - Private	56.00				54.50
Pool Hire - Club	48.00				46.50
Pool Hire - Gala	67.00				65.00
Cost of Staff - Gala Lifeguard	13.00				12.50
Pool Parties					
Basic Pool Party	79.50				77.50
Other Sessions					
Monster fun Session - Adult	2.90				2.80
Monster fun Session - Junior	2.40				2.30
Activity & Swim - Adult	1.65				1.60
Activity & Swim - Junior	free				1.00
Snorkelling (no equipment)	4.30				4.20
Snorkelling (inc equipment)	7.40				7.20
Scuba	26.15				25.50
Swimming Instruction					
Adult Swim Lessons	4.60				4.50
Junior Swim Lessons	4.40				4.30
Parent & Baby Swim	2.80				2.70
Drop-in Swim Coaching	4.50				4.40
Aquarobics Pk	4.30				4.20
Airline Ditch training	67.00				65.00
School Swim					
School per pupil with equipment	1.00				0.94
School per pupil without equipment	0.95				0.92

SCALE OF FEES AND CHARGES 2009/10

Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
WILMSLOW LEISURE CENTRE (continued)					
Solarium					
3 minutes	1.00				0.99
6 minutes	1.90				1.86
9 minutes	2.60				2.61
12 minutes	3.30				3.24
saver 30 minutes	7.20				7.00
saver 60 minutes	12.30				12.00
Fitness Suite					
Induction - Adult	19.00				18.50
Induction - GP referral with leisu card	9.25				9.25
Personal induction	30.00				30.00
Admittance - Casual	4.15				4.05
Fitness Zone	4.15				4.05
Replacement User Card	2.75				2.75
Fitness Activities					
Spin Cycling (evening)	4.95				4.80
Two class offer (daytime)	5.20				5.05
Aerobics - Adult	4.30				4.10
Aerobics - Junior	3.10				3.00
Step Aerobics	4.30				4.20
Aerobics - Daytime workout	3.70				3.60
Legs, Bums & Tums - lunchtime 45 min	3.70				3.60
Circuit Training	4.30				4.20
Teen Trainers	3.20				3.10
Body Pump	4.60				4.50
Total Abs & Swiss ball	3.70				3.60
Cardio Kick Box (1 hour)	4.60				4.50
Yoga	4.80				4.70
Pilates (per class)	5.60				5.50
Pilates 6 week course	34.00				33.00
50+ Fitness Class	2.70				2.60
50+ Fitness Session	2.70				2.60
50+ Exercise (1 hr)	3.10				3.00
Squash (per court)					
Adult	6.05				5.90
Junior	4.30				4.20
Adult - 30 min lunchtime court	5.15				5.00
Squash School	3.50				3.40
Squash Lesson - Adult	3.80				3.70
Squash Lesson - Junior	3.00				2.95
Equipment Hire - Rackets	1.50				1.50
Badminton (per court)					
Adult - peak	8.20				8.00
Adult - off peak	5.15				5.00
Junior	5.15				5.00
School rate	3.60				3.50
Badminton Lesson - Adult	4.30				4.20
Badminton Lesson - Junior	3.30				3.20
Equipment Hire - Racquets	1.50				1.50
Table Tennis (per table)					
Adult	4.20				4.10
Junior	2.55				2.50
Equipment Hire - Table Tennis Bats	1.00				1.00
Indoor Football					
Full Hall	40.50				39.50
Equipment Hire - Football	2.00				2.00
Basketball					
Adult (see hire of MUGA below)	N/A				27.50
Junior / Senior Citizen (see hire of MUGA below)	N/A				18.00
Netball					
Adult (see hire of MUGA below)	N/A				39.50
Racketball					
Equipment Hire - rackets	1.50				1.50
Trampolining					
Lesson - Adult	4.20				4.10
Lesson - Junior	4.10				4.00

SCALE OF FEES AND CHARGES 2009/10

Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
WILMSLOW LEISURE CENTRE (continued)					
Hall / Room Hires					
Main Sports Hall	40.50				39.50
Rectory Suite (Half Pk)	29.20				28.50
Rectory Suite (Commercial Pk)	56.50				55.00
Meeting Room / Creche	13.80				13.50
Evans Suite	10.80				10.50
Evans Suite (Commercial)	21.50				21.00
Foyer (display/day)	65.00				63.50
Theatre (per day)	740.00				722.00
Theatre (per week)	2736.75				2670.00
Childrens Parties/ Activities					
Childrens Party - General	41.00				40.00
Multi Use Games Area (MUGA)					
Hire with floodlights	37.00				36.50
Hire Without Floodlights	28.00				27.50
Team Sport Junior	18.00				18.45
Cricket					
Cricket Pitch - per match	30.20				30.20
Cricket Practice - per season	80.00				80.00
SHAVINGTON LEISURE CENTRE					
Fitness suite					
Induction fee	7.20			7.00	
** Casual	5.10			5.00	
Individual Month to Month by Direct Debit (Peak)	35.90			35.00	
Couple Month to Month by Direct Debit (Off Peak)	53.30			52.00	
Youth (14 to 17 years) Month to Month by Direct Debit (Off Peak)	20.00			19.50	
Annual agreements					
Individual by Direct Debit (Off Peak)	26.10			25.50	
Individual by Direct Debit (Peak)	32.30			31.50	
Couple membership by Direct Debit (Peak)	50.20			49.00	
Fitness Activities					
** Spin cycling	3.90			3.80	
** Centre Aerobics	3.60			3.50	
Circuit training					
** Adult	3.60			3.50	
Junior	2.20			2.10	
Ladies recreation	2.70			2.64	
Yoga	3.50			3.40	
Pilates	3.50			3.40	
Squash					
Adult					
after 5pm per court	7.40			7.24	
** before 5pm & weekends per court	5.60			5.48	
Junior - at all times per court	4.20			4.11	
1 Adult 1 Jnr - before 5pm & weekends per court	4.50			4.40	
Equipment hire - rackets	1.20			1.17	
Badminton					
Adult					
4 players per court	9.60			9.40	
2 players per court	8.40			8.22	
** Before 5pm & weekends per court	6.60			6.46	
Junior					
Peak per court	6.50			6.36	
Before 5pm & weekends per court	4.30			4.21	
Family - before 5pm & weekends per court	5.40			5.29	
Equipment hire - rackets	1.20			1.17	
Tennis - Outdoor					
Peak (Summer after 5pm and weekends)					
Adult per court	5.00			4.89	
Junior per court	2.80			2.74	
Family per court	3.20			3.13	
Off-peak (weekdays before 5pm)					
** Adult per court	3.20			3.14	
** Junior per court	2.20			2.16	
** Family per court	2.80			2.74	
<i>Winter season = 1st September to 30th April</i>					
<i>Summer season 1st May to 31st August</i>					
Equipment Hire - Racquets	1.20			1.17	
Table Tennis					
Adult	3.10			3.03	
Juniors	2.10			2.06	
Equipment Hire - Table Tennis Bats	0.80			0.78	
Indoor Football					
Full Hall - Casual	43.10			42.09	
Full Hall - Regular	41.10			40.13	
Equipment Hire - Football	1.50			1.47	

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SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
SHAVINGTON LEISURE CENTRE (continued)					
Basketball - half hall	26.10			25.45	
Volleyball- half hall	26.10			25.45	
Netball - half hall	26.10			25.45	
Theatre unit					
Meetings	15.00			14.68	
Function	26.10			25.45	
Sports activity	21.10			20.55	
Ancillary Room - Meetings & rehearsals	9.50			9.30	
Social Area	8.00			7.83	
General room hire	5.20			5.09	
Spectators	0.50			0.49	
Martial Arts					
Room Hire	21.10			20.55	
Junior activities					
Saturday Club	2.00			1.96	
** Saturday Club - with Junior Options card	1.00			0.98	
Holiday Sports Club 9 - 5 (per day)	16.10			15.66	
Holiday Sports Club 9 - 5 (1 week)	70.20			68.51	
Holiday Sports Club (per 2 hr session)	5.10			5.00	
** Holiday Sports Club (per 2 hr session) - with junior Options Card	2.60			2.50	
Children's parties					
Theatre Unit - 2 hours minimum	24.10			23.49	
Half Sports Hall and Ancillary Room	31.10			30.34	
Full Sports Hall and Ancillary Room	41.10			40.13	
Synthetic Pitch and Ancillary Room - from	25.10			24.47	
Synthetic Grass Pitch - Football					
Winter Peak					
A - Full Pitch - Adult per hour	57.20			55.79	
B - Full Pitch - Junior per hour	41.10			40.13	
C - 7-a-side Pitch - Adults	35.10			34.26	
D - 7 a-side Pitch - Juniors	21.10			20.55	
Winter Off Peak					
A - Full Pitch - Adult per hour	38.10			37.19	
B - Full Pitch - Junior per hour	25.10			24.47	
C - 7-a-side Pitch - Adults	27.10			26.43	
D - 7-a-side pitch - juniors	13.50			13.21	
Summer Peak					
A - Full Pitch - Adult per hour	46.10			45.02	
B - Full Pitch - Junior per hour	30.10			29.36	
C - 7-a-side Pitch - Adults	31.10			30.34	
D - 7 a-side Pitch Juniors	16.60			16.15	
Summer Off Peak					
A - Full Pitch - Adult per hour	36.10			35.23	
B - Full Pitch - Junior per hour	23.10			22.51	
C - 7-a-side Pitch - Adults	24.10			23.49	
D - 7 a-side Pitch Juniors	12.50			12.23	
Winter season = 1st September to 30th April					
Summer season = 1st May to 31st August					
Football Leagues - per team per match (7 a side)	14.00			12.72	
Football Leagues - per team per match (5 a side)	12.00			-	
Synthetic Grass Pitch - Hockey	negotiable			negotiable	
** Denotes Activities available for discount with the Options Card.					

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Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
VICTORIA COMMUNITY CENTRE					
OAKLEY					
Spectators	0.50			0.49	
Fitness Suite					
** Adult - peak	3.20			3.14	
Junior	2.00			1.96	
** Adult - off peak	2.70			2.64	
Group Adult	20.10			19.57	
Group Junior	10.50			10.28	
Monthly Contract	20.50			20.00	
Fitness Activities					
** Hi & Low Aerobics	3.00			2.90	
** 50+ Fitness Session	2.80			2.70	
Badminton					
Peak (after 5pm Monday to Friday)					
Adult - 4 players per court	9.60			9.40	
Adult - 2 players per court	8.40			8.22	
Junior - per court	6.50			6.36	
Off Peak (before 5pm Monday to Friday & weekends)					
** Adult - per court	6.60			6.46	
Junior - per court	4.30			4.21	
Family	5.40			5.29	
Equipment Hire - Racquets	1.20			1.17	
Table Tennis					
** Adult per court	3.10			3.04	
Junior per court	2.10			2.06	
Equipment Hire - Table Tennis Bats	0.80			0.78	
Archery Nets	25.10			24.47	
Martial Arts					
Martial Arts - room hire	21.10			20.55	
Bowling/ Long Mat Bowls					
Long Mat Bowling per mat - Adult	12.30			12.04	
Long Mat Bowling per mat - OAP	10.30			10.08	
Short Mat Bowling per mat - Adult	9.00			8.81	
Short Mat Bowling per mat - OAP	8.40			8.22	
Short Mat Social Bowls (inc woods)	3.00			2.94	
Bowls league	negotiable			negotiable	
Hall / Room Hires					
Full Sports Hall Main Hall (Sport) - Adult	34.10			33.28	
Full Sports Hall Main Hall (Sport) - Junior	22.60			22.02	
Minor Hall (Sport)					
Movement Area	14.50			14.19	
Activity Area	7.50			7.34	
Complete	21.10			20.55	
Outdoor - Floodlit area - Casual bookings & Club rates					
Winter - Adult	12.00			11.74	
Winter - Junior	6.00			5.87	
Summer - Adult	7.50			7.34	
Summer - Junior	5.00			4.89	
Winter season = 1st September to 30th April					
Summer season = 1st May to 31st August					
Tennis					
Peak (Summer after 5pm Monday to Friday & weekends)					
Adult per court per hour	5.00			4.89	
Junior per court per hour	2.80			2.74	
Family per court per hour	3.20			3.13	
Off-peak (summer before 5pm Monday to Friday & winter)					
** Adult per court per hour	3.20			3.14	
** Junior per court per hour	2.20			2.16	
** Family per court per hour	2.80			2.74	
Winter season = 1st September to 30th April					
Summer season = 1st May to 31st August					
Equipment Hire - Racquets	1.20			1.17	
Courses and Activities					
** Playscheme - per full day	10.00			9.80	
** Playscheme - per 2 hour session	5.00			4.90	
Children's parties					
Fun Gym Parties - Minor Hall	36.10			35.23	
Sport Parties supervised by hirer - Main Hall	42.10			41.11	
Disco Party - Minor Hall	36.10			35.23	
Centre Catering per head	negotiable			negotiable	

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SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
OAKLEY (continued)					
Facilities Hires (non commercial)					
Main Hall					
Sunday to Thursday - evenings	200.60			195.74	
Friday - evenings	290.90			283.83	
Saturday - evenings	316.00			308.30	
Saturday - Mornings/ Afternoons	negotiable			negotiable	
Bank Holidays	negotiable			negotiable	
Minor Hall - when used with Main Hall					
All evenings	58.20			56.77	
Gallery					
Sunday to Thursday - evenings	98.30			95.91	
Friday and Saturday - evenings incl. dance floor	160.50			156.60	
All Mornings/ Afternoons	68.20			66.55	
Minor Hall					
All Evenings	88.30			86.13	
All Mornings / Afternoons	55.20			53.83	
Bank Holidays	negotiable			negotiable	
Rooms - Lounge Bar/ Classrooms (per hour)	10.00			9.79	
Additional Charges	variable			variable	
Doorkeepers, Cloakroom Attendants and Lighting Technicians					
** Note : Door Security is mandatory for all evening functions and is charged at actual cost					
For information on Catering, licensed facilities, floral decorations, chairs and deposits etc, please contact the Centre.					
** Denotes Activities available for discount with the Options Card.					
LUDFORD					
Pre School per session	4.40			4.31	
Martial Arts - Room hire rate	16.10			15.66	
Facilities Hires (non commercial)					
Hall for social use - per hour (negotiable minimum)	17.60			17.13	
Family Centre Rooms - per hour	10.00			9.79	
Parents and Toddlers Room - per hour	10.00			9.79	
Classroom - per hour	10.00			9.79	
Courses and Activities					
** Music & Movement	2.20			2.10	
Music & Movement - Concessions	1.50			1.50	
** Yoga	3.50			3.40	
Yoga - Concessions	2.60			2.50	
Children's Parties					
Soft Play Party for under 3 yr olds (2 hours)	27.10			26.43	
Activity Party for under 8 yr olds (2 hours)	48.20			46.98	
Hall Disco Party	35.10			34.26	
Centre Catering per head	negotiable			negotiable	
Self catering available for children's parties at no additional cost					
** Denotes Activities available for discount with the Options Card.					

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SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
CUMBERLAND					
Track and In-Field Meetings and Club Hire					
Weekdays - Adult per hour (minimum 5 hours)	50.20			48.94	
Weekdays - Junior per hour (minimum 5 hours)	33.10			32.30	
Weekends - Adult per hour (minimum 5 hours)	60.20			58.72	
Weekends - Junior per hour (minimum 5 hours)	42.10			41.11	
Bank Holidays per hour (minimum 5 hours)	85.30			83.19	
Regional and national meetings, school meetings, club sessions, courses and clinics	negotiable			negotiable	
Groups entering a concession with outside caterers	negotiable			negotiable	
Football - 3rd Generation Astroturf Pitch					
11-a-side					
Winter Peak (after 5pm Monday to Friday & weekend)					
Adult per hour	62.20			60.68	
Junior	42.10			41.11	
Winter Off-peak (before 5pm Monday to Friday)					
Adult	41.10			40.13	
Junior	25.10			24.47	
Summer Peak (after 5pm Monday to Friday and weekends)					
Adult	52.20			50.89	
Junior	34.10			33.28	
Summer Off Peak (before 5pm Monday to Friday)					
Adult	42.10			41.11	
Junior	23.10			22.51	
7-a-side					
Winter Peak (after 5pm Monday to Friday & weekends)					
Adult	39.10			38.17	
Junior	22.10			21.53	
Winter Off-peak (before 5pm Monday to Friday)					
Adult	29.10			28.38	
Junior	15.00			14.68	
Summer Peak (after 5pm Monday to Friday and weekends)					
Adult	32.10			31.32	
Junior	17.10			16.64	
Summer Off Peak (before 5pm Monday to Friday)					
Adult	25.10			24.47	
Junior	12.50			12.23	
Football Leagues	negotiable			negotiable	
Winter season = 1st September to 30th April					
Summer season = 1st May to 31st August					
Grass Soccer Pitches					
Cumberland Arena - Main Pitch Casual (AA Grade)	75.20			73.40	
Cumberland Arena - Main Pitch Regular (AA Grade)	60.20			58.72	
Cumberland Arena - Main Pitch Junior (AA Grade)	35.10			34.26	
Razzer - Junior	23.10			22.51	
Razzer - Adult (B Grade)	39.60			38.66	
COPPENHALL LEISURE CENTRE					
Spectators	0.50			0.49	
Badminton					
Adult					
** 4 players per court (Peak)	9.60			9.40	
** 2 players per court (Peak)	8.40			8.22	
** Before 5pm & weekends per court	6.60			6.46	
Junior before 5pm & weekends per court	4.30			4.21	
Family before 5pm & weekends per court	5.40			5.29	
Equipment Hire - Racquets	1.20			1.17	
Table Tennis					
** Adult per table	3.10			3.04	
** Junior per table	2.10			2.06	
Equipment Hire - Table Tennis Bats	0.80			0.78	
Football					
Five-a-side Football (Full Hall)	43.10			42.09	
Equipment Hire - Football	1.50			1.47	
Basketball per indoor court	24.10			23.49	
Equipment Hire - Basketball	1.50			1.47	
Rollerdisco/ skating - Promotions					
Rollerdisco					
** Adult	4.20			4.12	
** Junior	2.70			2.64	
Rollerskating general					
** Adult	3.40			3.34	
** Junior	2.50			2.46	
Beginners					
** Adult	2.60			2.54	
** Junior	1.50			1.48	
Family "Roller" Ticket					
1 Adult/ 1 Junior	4.50			4.40	
4 incl. 1 Adult minimum	8.00			7.83	
Under 5's	Free				
Hire of skates	0.70			0.69	

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SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
COPPENHALL LEISURE CENTRE (continued)					
Roller skating					
Roller skating parties	57.20			55.79	
Rollerhockey					
Senior	42.10			41.11	
Junior	30.10			29.36	
Indoor Athletics - Junior	30.10			29.36	
Room hires					
Drama Hall - Activity	21.10			20.55	
Drama Hall - Social	26.10			25.45	
Drama - Stage when booked with drama hall	6.00			5.87	
Meeting Room - Band practices, Aerobics etc	10.00			9.79	
Children's parties	21.10			20.55	
Martial Arts (Room hire rate)	21.10			20.55	
Playschemes					
** per 2 hour session	5.00			4.90	
** Full day	10.00			9.80	
Grass Soccer Pitch - Adult (B Grade)	39.60			38.66	
Equipment Hire - Football	1.50			1.47	
** Denotes Activities available for discount with the Options Card.					
BARONY SPORTS COMPLEX					
Fitness Suite					
Induction	7.20			7.00	
** Casual	5.10			5.00	
Individual Month to Month by Direct Debit (Peak)	35.90			35.00	
Couple Month to Month by Direct Debit (Peak)	53.30			52.00	
Youth (14 to 17 years) Month to Month by Direct Debit (Off Peak)	20.00			19.50	
Annual Agreements:					
Individual by Direct Debit (Off Peak)	26.10			25.50	
Individual by Direct Debit (Peak)	32.30			31.50	
Couple Membership by Direct Debit (Peak)	50.20			49.00	
Football / Hockey - Astro Turf					
Winter Peak (after 5pm Monday to Friday)					
Adult	29.10			28.38	
Junior	21.10			20.55	
Winter Off-peak (before 5pm Mon to Fri & weekend)					
Adult	18.10			17.62	
Junior	11.00			10.77	
Summer Peak (after 5pm Monday to Friday)					
Adult	23.10			22.51	
Junior	11.00			10.77	
Summer Off-peak (before 5pm Mon to Fri & weekend)					
Adult	14.00			13.70	
Junior	8.00			7.83	
Winter season = 1st September to 30th April					
Summer season = 1st May to 31st August					
Football - Grass Pitches					
A Grade					
Adult - peak	45.10			44.04	
Adult - off-peak	42.10			41.11	
Junior	23.10			22.51	
Other					
** Floodlit tarmac area - Juniors	5.00			4.90	
Child's party - Off-peak only (including use of function room & kitchen)	12.00			11.74	
Tennis					
Peak (Summer after 5pm Monday to Friday & weekends)					
Adult per court per hour	5.00			4.89	
Junior per court per hour	3.00			2.94	
Family per court per hour	3.50			3.43	
Off-peak (12pm to 5pm Monday to Friday & Winter)					
** Adult per court per hour	4.00			3.92	
** Junior per court per hour	2.50			2.46	
** Family per court per hour	3.00			2.94	
Winter season = 1st September to 30th April					
Summer season = 1st May to 31st August					
Equipment Hire - Racquets (deposit required)	1.20			1.17	
Bowls					
** Adult per hour	2.40			2.36	
Junior per hour	1.50			1.48	
OAP	1.80			1.76	
Pavilion function room - hire per hour	5.00			4.89	
** Denotes Activities available at a reduced price with the Options Card.					

SCALE OF FEES AND CHARGES 2009/10

Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
NANTWICH CIVIC HALL					
** 50+ Club	2.80			2.64	
** Tea Dances	3.00			2.94	
Table Tennis					
** Adult - per table per hour	3.20			3.04	
** Junior - per table per hour	2.20			2.06	
** Family - per table per hour	3.20			3.04	
Clubs					
Table Tennis - per person	1.80			1.76	
** Short Mat Bowling	1.80			1.76	
Main Hall Hire - Minimum Charges					
Evenings					
Monday/ Tuesday/ Wednesday/ Thursday	170.00			165.00	
Friday	280.00			270.00	
Saturday	320.00			310.00	
Sunday	165.00			160.00	
Morning/ Afternoon					
Weekdays	90.00			85.00	
Weekends	165.00			160.00	
Peggy Killick Suite Hire - if booked with Main Hall					
Mornings or Afternoons - all days	50.00			45.00	
Evenings					
With Bar - over 50 guests	Free			Free	
With Bar - under 50 guests	90.00			85.00	
Without Bar (until 9pm) Monday - Thursday	55.00			55.00	
Without Bar (until midnight) Monday - Thursday	130.00			125.00	
Without Bar (until midnight) Friday - Sunday	145.00			140.00	
Additional Charges					
Use of Hall for Rehearsals	price on application			price on application	
Door Keepers	as invoiced			as invoiced	
Catering - Use of Full Kitchen Facilities	145.00			141.91	
** Denotes Activities available for discount with the Options Card.					
THE GABLES					
Hire of Rooms - maximum 3 hour sessions	26.00			25.00	
LYCEUM THEATRE					
Commercial Hires					
Per Day - Monday - Friday	2960.00			2885.00	
Per Day - Saturday, Sunday or Public Bank Holidays	3690.00			3600.00	
Full Week - Monday - Saturday inclusive	14865.00			14500.00	
Community Hires					
Per Day - Monday - Friday	1155.00			1125.00	
Per Day - Saturday, Sunday or Public Bank Holidays	1305.00			1275.00	
Full Week - Monday - Saturday inclusive	5230.00			5100.00	
Other Room hires					
GRASS SOCCER PITCHES					
CREWE & NANTWICH AREA					
King George V Playing Fields, Crewe & Barony Park, Nantwich					
Grass Soccer Pitch (A Grade) - Peak	45.10			44.04	
Grass Soccer Pitch (A Grade) - Off Peak	42.10			41.11	
Grass Soccer Pitch (B Grade) (Audlem, Brookhouse, Wybunbury, Brookfield, McLaren Street & Haslington) - Peak	39.60			38.66	
- Off Peak	35.10			34.26	
Grass Soccer Pitch - Junior	23.10			22.51	
Peak - Sat afternoons, Sun mornings & Midweek Evenings					
Off Peak - Sat mornings, Sun afternoons					

SCALE OF FEES AND CHARGES 2009/10

Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
GRASS SOCCER PITCHES (continued)					
CONGLETON AREA					
Sutton Lane & Back Lane (inc changing facility):					
* Adult - per match	57.00	55.00			
* Junior - per match	34.00	33.00			
Forge Fields, Wheelock (inc changing facility):					
Junior - per season	280.00	270.00			
* Junior - per match	23.00	22.00			
Newall Ave, Sandbach (inc changing facility):					
* Adult - per match	40.00	39.00			
* Junior - per match	25.00	24.50			
Other Pitches without changing:					
Adult - per season	220.00	210.00			
Junior - per season	140.00	134.00			
* Adult - per match	36.00	34.50			
* Junior - per match	21.50	21.00			
Pitch overmarking (except Sutton Lane & Back lane):					
Adult - per season	95.00	90.00			
Junior - per season	75.00	70.00			
* charge includes standard rate VAT - for block bookings these are exempt from Vat and the charge reduced accordingly.					
MACCLESFIELD AREA					
Adult per season (alternate weeks)	214.90				209.65
Changing	128.00				124.85
Junior	85.00				82.90
Changing	85.00				82.90
Single match without changing	44.20				43.10
Single match with changing	59.60				58.15
MACCLESFIELD PARKS					
Tennis					
Adult per person per half hour	1.70				1.65
Junior per person per half hour	1.15				1.10
Adult per person per hour	2.80				2.70
Junior per person per hour	1.60				1.55
Club use	negotiable				negotiable
Tennis Racket Hire	1.60				1.55
Tennis Racket Hire (deposit)	11.35				11.05
Hockey					
Pitch per season	242.80				236.85
Changing	118.75				115.85
Table Tennis					
Table tennis per person, per hour (West Park only)	1.15				1.10
Table tennis bat hire (West Park only)	1.15				1.10
Table tennis bat hire (deposit) (West Park only)	5.55				5.40
Bowls					
Adult - per hour	2.15				2.10
Concessionary OAP and league junior - per hour	1.45				1.40
Junior - per hour	1.45				1.40
Adult - per season	27.90				27.20
Junior - per season	13.35				13.00
Golf					
Pitch & Putt - 18 holes	2.35				2.25
Putting & Novelty Golf	1.30				1.25
Cricket					
Per Wicket	44.20				43.10
Per Wicket including changing	56.30				54.90
Bollington CC - Junior Games	25.40				24.75
Bollington CC - use of wicket and changing	49.20				48.00
Bollington CC - use of cricket field for practice	24.25				23.65
Bollington CC - use of changing facilities only	12.15				11.85
Pavilions (non sporting use)					
Monday to Thursday per hour, minimum of 2 hours	14.95				14.55
Friday, Saturday & Sunday	17.15				16.70
Association - excluding Summer - Monday to Thursday 1pm - 4.30pm	12.80				12.45
Per session (Senior Citizens) etc. Friday 1pm - 4pm	12.80				12.45
Miscellaneous Charges					
Hire of trestle tables (per table)	1.85				1.80
Hire of band chairs (per chair)	1.15				1.10
Transport on tables and charges at cost + vat	negotiable				negotiable
Hire of parks (fair or circus per day)	424.25				413.90
Deposit (fair or circus - returnable if site left in tidy condition)	576.80				562.70
Other site hire (smaller events)	negotiable				negotiable
Deposit for other sites	106.40				103.80
Middlewood Way	33.55				32.70

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SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
MALKINS BANK GOLF COURSE					
18 Hole - Summer					
Weekend all users exc juniors	15.20	14.68			
Weekday Adult	12.70	12.23			
Weekday Junior	6.30	6.12			
Weekday over 60/ Pass	8.60	8.32			
Weekend Juniors	8.10	7.83			
9 Hole - Summer					
Weekend all users exc juniors	11.20	10.77			
Weekday Adult	9.70	9.30			
Weekday Junior	5.30	5.14			
Weekday over 60/ Pass	6.70	6.41			
Weekend Juniors	6.10	5.87			
Season Tickets - All Users (no daily fees)					
7 day Adult / Over 60 / Pass - annual	465.00	450.21			
7 day Junior - annual	125.00	122.34			
5 day Adult - annual	365.00	352.34			
5 day Junior - annual	95.00	92.98			
5 day Over 60/ Pass - annual	280.00	269.15			
Practice Ground					
One Hour	3.00	2.94			
Society Booking Fee (additional charge)	5.00	4.89			
18 Hole - Winter 2008/09					
Weekend all users exc juniors	14.20	13.70			
Weekday Adult	12.20	11.74			
Weekday Junior	5.80	5.63			
Weekday over 60/ Pass	7.30	7.05			
Weekend Juniors	6.10	5.87			
9 Hole - Winter 2008/09					
Weekend all users exc juniors	10.20	9.79			
Weekday Adult	8.60	8.32			
Weekday Junior	4.90	4.75			
Weekday over 60/ Pass	6.30	6.12			
Weekend Juniors	4.90	4.75			
All charges reduced for Bonus Card Holders					
QUEENS PARK					
Bowls					
** Bowls - Adult, half hour	3.10			3.03	
** Bowls - Junior, half hour	1.80			1.76	
Bowls - OAP	1.80			1.76	
Bowls - OAP Permit	17.60			17.13	
Bowls Options - Adult & Junior	1.60			1.58	
Putting					
** Putting - single round	1.50			1.47	
Putting Options - Adult & Junior	0.80			0.78	
Giant Chess/Draughts					
** Giant Chess/Draughts	1.50			1.47	
Giant Chess/Draughts Options - Adult & Junior	0.80			0.78	
Boules					
** Boules - 1 hr	3.10			3.03	
** Boules - 1/2 hr	1.80			1.76	
Boules - OAP	1.80			1.76	
Boules Options - Adult & Junior	1.60			1.58	
Boats - Hire period for all boats: Monday to Saturday 40mins, Sunday 30mins					
Adult Boats - Row Boats & Large Canoes(Per Adult)	3.30			3.23	
Family Charge - Max. 6 persons	6.40			6.26	
Junior Boats - Paddle Boats, Pelican Boats and Junior Canoes(Per child)	1.70			1.66	
Deposit returnable	2.10			2.06	
** Boating Options - Adult	1.70			1.66	
** Boating Options - Junior	1.70			1.66	
Fishing					
Adult	6.20			6.07	
Junior	3.10			3.03	
Matches	6.20			6.07	
2nd Rod	3.10			3.03	
** Denotes Activities discounted with the Options Card.					
FAIRS & CIRCUSES					
Tipkinder per operational day	256.30			250.00	

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SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
ALSAGER CIVIC HALL					
Hall / Room Hires					
Main Hall - per Hour	30.50	29.50			
Main Hall (from 5pm Friday to end of function Saturday evening) - per hour	40.00	38.00			
preparation of hall - 50% of the above charges					
Bar / Lounge per hour	13.00	12.33			
Meeting Room - per hour	21.00	20.50			
Meeting Room for other events - per hour	24.60	24.00			
Meeting Room (Catering Lounge) - per hour	12.50	12.00			
Kitchen tea/coffee making - per session	6.70	6.50			
Kitchen cold food preparation - per session	17.00	16.50			
Kitchen hot food preparation - per session	28.00	27.00			
MIDDLEWICH CIVIC HALL					
Hall / Room Hires					
Main Hall - per Hour	25.00	24.00			
Main Hall (Saturday evenings after 5pm) - per hour	30.00	28.00			
Bar / Lounge - per hour	12.00	11.74			
Kitchen tea/coffee making - per session	6.70	6.50			
Kitchen cold food preparation - per session	11.30	11.00			
Kitchen hot food preparation - per session	23.00	22.00			
SANDBACH TOWN HALL					
Hall / Room Hires					
Main Hall - per Hour	25.00	24.00			
Main Hall (Saturday evenings after 5pm) - per hour	30.00	28.00			
Other Rooms					
Bar / Lounge per hour	12.00	11.74			
Boardroom - per hour	19.50	19.00			
Kitchen tea/coffee making - per session	6.70	6.50			
Kitchen cold food preparation - per session	17.00	16.50			
Kitchen hot food preparation - per session	28.00	27.00			
BOLLINGTON CIVIC HALL					
Hall Hire					
Main Hall weekdays (9.00 - 6.00) - per hour	9.05				8.80
Main Hall weekdays (other times) - per hour	17.35				16.90
Main Hall weekend (9.00 - 6.00) - per hour	14.05				13.70
Main Hall weekend (other times) - per hour	28.70				28.00
Main Hall (Xmas eve & NewYears eve) - per hour	53.20				51.90
Other Rooms					
Large Room weekdays (9.00 - 6.00) - per hour	5.85				5.70
Large Room weekdays (other times) - per hour	9.05				8.80
Large Room weekend (9.00 - 6.00) - per hour	9.05				8.80
Large Room weekend (other times) - per hour	13.85				13.50
Small Room - per hour	3.20				3.10
Use of Room as bar	53.20				51.90
Kitchen light catering - per session	6.35				6.20
Kitchen full catering - per session	31.95				31.15
Weddings					
Hire of Rooms for Weddings	266.00				259.50
ST JOHN'S WOOD MILLENIUM COMMUNITY CENTRE					
Hall Hire (Room 9)					
Main Hall weekdays - per hour	16.05				15.65
Main Hall weekend (9.00 - 5.00) - per hour	15.00				14.65
Main Hall weekend (other times) - per hour	22.10				21.55
Large Rooms (Rooms 7 & 9)					
Weekdays (12 noon - 5.00) - per hour	5.80				5.65
Weekdays (other times) - per hour	8.85				8.60
Weekends (9.00 - 5.00) - per hour	8.85				8.60
Weekends (other times) - per hour	14.05				13.70
Large Rooms (Rooms 5 & 6)					
Weekdays (9.00 - 5.00) - per hour	5.80				5.65
Weekdays (other times) - per hour	8.85				8.60
Weekends (9.00 - 5.00) - per hour	8.85				8.60
Weekends (other times) - per hour	14.05				13.70
Offices - per hour	5.35				5.20
Other Charges					
Kitchen - General	5.35				5.20
Service Charge for office rooms - per week	8.50				8.30
Service Charge for Large Rooms - per week	13.85				13.50

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SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
DISLEY COMMUNITY CENTRE					
Hire of large Rooms					
Weekdays (9.00 - 6.00) - per hour	5.80				5.65
Weekdays (other times) - per hour	8.75				8.50
Weekends (9.00 - 6.00) - per hour	8.90				8.65
Weekends (other times) - per hour	13.55				13.20
Hire of Small Rooms					
Weekdays (any time) - per hour	4.20				4.10
Weekends (any time) - per hour	5.35				5.20
Other Charges					
Kitchen - General	5.35				5.20
Use of Room as bar	53.20				51.90
WESTON COMMUNITY CENTRE					
Hall Hire					
Weekdays (9.00 - 6.00) - per hour	6.25				6.10
Weekdays (other times) - per hour	9.70				9.45
Weekends (9.00 - 6.00) - per hour	10.80				10.50
Weekends (other times) - per hour	14.90				14.55
Xmas eve & NewYears eve - per hour	38.30				37.35
Library Room					
Weekdays (any time) - per hour	4.25				4.15
Weekends (any time) - per hour	5.45				5.30
Other Charges					
Kitchen light catering - per session	5.45				5.30
Kitchen full catering - per session	10.05				9.80
Use of Room as bar	53.20				51.90
KNUTSFORD CIVIC CENTRE					
Studio Cinema - film use					
Evening Adult	5.65				5.50
Evening concession	4.65				4.50
Matinee adult	4.30				4.20
Matinee concession	3.75				3.65
Studio Cinema - Lectures and Other Uses					
Weekdays (9.00 - 6.00) - per hour	12.80				12.45
Weekdays (Other Times) - per hour	30.85				30.10
Weekend (9.00 - 6.00) - per hour	18.10				17.65
Weekend (other times) - per hour	38.35				37.40
Cranford Suite					
Weekdays (9.00 - 6.00) - per hour	9.70				9.45
Weekdays (Other Times) - per hour	33.00				32.20
Weekend (9.00 - 6.00) - per hour	16.50				16.10
Weekend (other times) - per hour	44.70				43.60
Room Xmas / New Year	335.20				327.00
Tatton Room					
Weekdays (9.00 - 6.00) - per hour	6.65				6.45
Weekdays (Other Times) - per hour	9.60				9.35
Weekend (9.00 - 6.00) - per hour	8.85				8.60
Weekend (other times) - per hour	15.45				15.05
Other Charges					
Meeting Room (weekdays) - per hour	6.40				9.25
Meeting Room (weekend) - per hour	9.60				9.35
Kitchen light catering - per session	6.40				6.25
Kitchen full catering - per session	31.95				31.15
Stage Production	79.80				77.85
Use of Room as bar	53.20				51.90
Weddings					
Hire of Cranford Suite for Weddings	372.40				363.30
HONFORD HALL					
Hall Hire					
Weekdays (9.00 - 6.00) - per hour	9.80				9.55
Weekdays (Other Times) - per hour	19.60				19.10
Weekend (9.00 - 6.00) - per hour	14.05				13.70
Weekend (other times) - per hour	27.95				27.25
Room Xmas / New Year	38.30				37.35
Other Charges					
Kitchen - General	16.50				16.10

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SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
MACCLESFIELD SENIOR CITIZENS HALL					
Hall Hire					
Weekday morning / afternoon	45.80				44.65
Weekday evenings	91.10				88.85
Weekend morning / afternoon	85.10				83.00
Weekend evenings	159.60				155.70
Additional Hours - weekdays - day	11.60				11.30
Additional Hours - weekdays - evening	23.10				22.50
Additional Hours - weekend - day	17.25				16.80
Additional Hours - weekend - evening	39.90				38.90
Xmas / New Years Eve	266.00				259.50
Commercial Hire Charge (08.00 - 17.00)	319.20				311.40
Committee Room					
Weekday morning / afternoon	17.70				17.25
Weekend morning / afternoon	18.60				18.15
Additional hours (daytime) - weekdays	6.05				5.90
Additional hours (daytime) - weekends	6.75				6.55
Evening - per hour (min 2 hours) - Weekdays	6.05				5.90
Evening - per hour (min 2 hours) - Weekends	6.75				6.55
Other Charges					
Kitchen light catering	5.60				5.20
Kitchen full catering	21.30				20.75
Use of Room as bar	53.20				51.90
Stage Production	74.50				72.65
Weddings					
Hire of Hall for Weddings	338.25				330.00
REFUSE AND RECYCLING					
Trade Refuse Sacks					
Batch of 50	N/A	66.34		110.00	
Per bag	N/A			2.20	
Special Collection (vehicle, driver & loader-assume 1/2 tonne collected) - per hour	112.80	108.39			
Hire of Mechanical Sweeping Vehicle (Vehicle & driver per hour, min 2 hours inc disposal of waste)	127.40	124.26			
Removal of Fly Tipping (charged to person responsible where posecution not possible)		108.39			
Sale of 240 litre wheeled bin	28.00			27.40	
Refuse Charges - domestic collections					
Collection of bulky domestic items		}			17.50
Collection of bulky domestic items per 1/2 hour				30.00	
Collection of bulky domestic items (3 max)	25.20	}			
additional item charge			8.20		
Collection of domestic fridge/freezer		15.38		15.00	
Note: Persons receiving one of the following benefits qualify for a concessionary rate					
Income Support, Income based Job Seekers Allowance, Council Tax Benefit (not single resident), Housing Benefit					
Collection of bulky domestic items		}			5.00
Collection of bulky domestic items per 1/2 hour				24.00	
Collection of bulky domestic items (3 max)	12.60	}	12.30		
Collection of domestic fridge/freezer			7.69	12.00	
Green/ garden Waste Collections per annum	free	free		20.00	free
Additional bins	20.00	15.38		12.00	N/A
HIGHWAYS					
Provision of Data / Information to External Bodies					
Searches – Adopted Highway Extents (minimum charge)	62.00		60.00		
Searches – Property CON29	15.00		15.00		
Traffic Signal Data - per site	60.00		59.00		
Traffic Signal Data - additional sites	16.00		16.00		
Traffic Counts:					
Link Count	88.00		86.00		
T Junction	111.00		108.00		
Crossroads	165.00		161.00		
Video	220.00		215.00		
Supply of data on accidents on receipt of a completed application form					
Basic Search	111.00		108.00		
Large Search	220.00		215.00		
Provision of plans, data and research work etc. for members of the public or for commercial purposes.	Full cost recovery		Full cost recovery		
Traffic Modelling	Full cost recovery		Full cost recovery		
Environment reports	Full cost recovery		Full cost recovery		
Provision of Aids to Movements					
Provision of direction signs to establishments and village name	Cost of sign plus 20% Admin and 25% for future maintenance		Cost of sign plus 20% Admin and 25% for future maintenance		
Tourism Signs - initial inspection	88.00		86.00		
Provision of access protection markings e.g. H Bars	77.00		75.00		
Fixed Charges Relating to Use / Obstruction of part of Highway					
Skip licence - consideration of an application for permission to deposit a skip on the highway.	28.00		27.00		

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SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
HIGHWAYS (continued)					
Temporary Traffic Regulation (TTR) Order Private apparatus placed in the highway – installation of new sewer connections and other services:					
Emergency Notice (21 days)	386.00		377.00		
Temporary Order	£325 plus advertising costs plus 8% admin.		£317 plus advertising costs plus 8% admin.		
Temporary Notice (5 days)	149.00		145.00		
Temporary Traffic Regulation Order Repair to private apparatus placed in the highway – sewers and other services:					
Emergency Notice (21 days)	386.00		377.00		
Temporary Order	£325 plus advertising costs plus 8% admin.		£317 plus advertising costs plus 8% admin.		
Temporary Notice (5 days)	149.00		145.00		
Application for a temporary road closure order – (full order) closure required for a period of 3 days and over:					
Emergency Notice (21 days)	386.00		377.00		
Temporary Order	£325 plus advertising costs plus 8% admin.		£317 plus advertising costs plus 8% admin.		
Temporary Notice (5 days)	149.00		145.00		
Application for a temporary road closure order – closure required for a period of 3 days or less:					
Emergency Notice (21 days)	386.00		377.00		
Temporary Order	£325 plus advertising costs plus 8% admin.		£317 plus advertising costs plus 8% admin.		
Temporary Notice (5 days)	149.00		145.00		
Pavement Café Licence					
Initial Licence	264.00		258.00		
Annual Renewal	67.00		65.00		
Plastic highway edge markers	Full cost recovery		Full cost recovery		
Furniture placed on the highway – (benches/ memorials or similar within the highway).	Full cost recovery		Full cost recovery		
Scaffolding / Hoarding licence - Consideration of an application for a licence to erect scaffolding / hoarding etc on or over the highway:					
per visit per week (minimum 2 weeks)	44.00		43.00		
admin cost for setting up the licence	55.00		54.00		
Cables over Highway	292.00		285.00		
Crane Over-sailing highway	18.00		18.00		
Charges for Publications					
Housing Roads Design Aid	30.00		30.00		
"The Zone" – Road Safety Magazine (per copy)	Free to Schools		Free to Schools		
Up to 1,000	0.34		0.34		
1,000 - 5,000	0.32		0.32		
over 5,000	0.30		0.30		
Charges for Services Relating to New Development					
Section 38 road making agreements including approval or vetting of agreement plans	8.5% of estimate price of construction. Minum flat fee £2,000		8.5% of estimate price of construction. Minum flat fee £2,000		
Licence to construct a bridge over the Highway	Full cost recovery		Full cost recovery		
Licence to construct a building over a Highway	Full cost recovery		Full cost recovery		
Section 278 road improvement.	Full cost recovery		Full cost recovery		
Amending Section 38 Agreement	Legal Services may charge for amendments to an agreement		Legal Services may charge for amendments to an agreement		
Re-inspection of site (over and above those covered in Section 38 agreement)	83.00		81.00		
Extension of Agreement	Charges may be raised for specific requests to extend agreements		Charges may be raised for specific requests to extend agreements		
Commuted sum	16 x estimated cost of annual maintenance		15 x estimated cost of annual maintenance		
Street Lighting Design	Full cost recovery		Full cost recovery		
Section S106	Negotiable		Negotiable		
Charges Relating to Damage to Highway Infrastructure / Equipment					
Claims against 3rd parties for damage to Highway structures	Full cost recovery		Full cost recovery		
Recovery of costs of making safe dangerous land or retaining walls	Full cost recovery		Full cost recovery		
Other Charges					
Recovery of costs of carrying out drainage works to maintain flow in a watercourse upon default by owner/occupier	Full cost recovery		Full cost recovery		
Drain Clearance	Full cost recovery		Full cost recovery		
Section 228 adoptions + Deed of Dedications	No Charge made.		No Charge made.		
Switching off and bagging over traffic signals/pelican crossings:					
General switch off/on signal junction or crossing	200.00		195.00		
Switch off/on plus bagging over crossing heads and buttons	292.00		285.00		
Switch off/on plus bagging over small junction heads	349.00		340.00		
Switch off/on plus bagging over large junction heads	420.00		410.00		
Vehicle crossing applications	67.00		65.00		

SCALE OF FEES AND CHARGES 2009/10

Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
HIGHWAYS (continued)					
Footway / Vehicular crossings as part of improvement scheme - only as part of a footway scheme	Recovery of any additional costs incurred.		Recovery of any additional costs incurred.		
Utility Defects	Nationally set charges		Nationally set charges		
Section 74 NRSWA	As per table of standard charges		As per table of standard charges		
Storage of Materials - consideration of an application for consent to temporarily deposit materials etc on the highway or to make temporary excavations, and for carrying out site inspections to monitor compliance with the consent - per month	55.00		54.00		
Sponsorship on roundabouts	1,025.00 (minimum)		1,000.00 (minimum)		
Planting Licences	No Charge		No Charge		
Installation of new apparatus in c/w or f/w	£165.00 admin plus 3 inspections at £25.00 each		£161.00 admin plus 3 inspections at £25.00 each		
Maintain existing apparatus in c/w or f/w - per inspection (min 3 inspections)			25.00		
Stopping Up Orders	Deposit of £513.00 (plus VAT) plus legal and advertising costs Full cost Recovery		Deposit of £500.00 (plus VAT) plus legal and advertising costs Full cost Recovery		
CAR PARKING					
Former Cheshire County Car Parks:					
Crewe Civic Centre car park - daily (Tariff A)	2.50		1.70		
Crewe Civic Centre car park - annual permit	400.00		350.00		
Crewe & Nantwich Area					
Charges for 2009/2010 are subject to further review by the Parking Task Group					
Car Park Fees					
0 - 1 Hours (Tariff A)	0.70			0.70	
1 - 2 Hours	1.00			1.00	
2 - 4 Hours	1.50			1.50	
4 - 5 Hours	2.20			2.20	
4 - 10 Hours	2.20			2.20	
Except:					
Delamere Street					
0 - 1 Hours	0.70			0.70	
1 - 2 Hours	1.50			1.50	
Railway Street,					
0 -10 Hours (Tariff C)	3.00			3.00	
Crewe Alexandra					
0 -10 Hours (Tariff C)	2.50			2.50	
Pedley Street					
0 - 1 Hours (Tariff C)	0.70			0.70	
1 - 2 Hours (Tariff C)	1.00			1.00	
2 -10 Hours (Tariff C)	3.00			3.00	
Lyceum Square (Maximum stay - 3 Hours)					
Mon & Wed (3pm - 6pm) + Tues & Thurs (8am - 6pm)					
0 - 1 Hours (Tariff A)	0.70			0.70	
1 - 2 Hours	1.50			1.50	
2 - 3 Hours	1.60			1.60	
Church Lane. Market Area Manor Road.					
0 - 1 Hours (Tariff A)	0.70			0.70	
1 - 2 Hours	1.50			1.50	
Dysart Buildings					
0 - 1 Hours (Tariff A)	0.70			0.70	
1 - 2 Hours	1.00			1.00	
2 - 4 Hours	1.50			1.50	
4 - 5 Hours	2.20			2.20	
Sunday Charging.					
All day parking on all pay and display car parks except:-	free			0.50	
Christchurch West, Church Lane, Bowling Green, Bowers Row.					

SCALE OF FEES AND CHARGES 2009/10

Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
CAR PARKING (continued)					
Macclesfield area					
Tariff A					
0 - 1 Hours	0.60				0.60
1 - 2 Hours	1.00				1.00
2 - 3 Hours	2.20				2.10
3 - 4 Hours	3.00				2.90
4 - 6 Hours	3.80				3.70
Over 6 Hours	4.90				4.80
Season Ticket - Quarterly	260.00				250.00
Season Ticket - Annual	980.00				960.00
Tariff B					
0 - 1 Hours	0.50				0.50
1 - 2 Hours	0.90				0.90
2 - 3 Hours	2.00				2.00
3 - 4 Hours	2.70				2.60
4 - 6 Hours	3.40				3.30
Over 6 Hours	3.80				3.70
Season Ticket - Quarterly	200.00				195.00
Season Ticket - Annual	760.00				740.00
Tariff C					
0 - 1 Hours	0.40				0.40
1 - 2 Hours	0.80				0.80
2 - 3 Hours	1.70				1.70
3 - 4 Hours	2.20				2.10
4 - 6 Hours	2.70				2.60
Over 6 Hours	2.90				2.80
Season Ticket - Quarterly	155.00				150.00
Season Ticket - Annual	570.00				560.00
Tariff D					
0 - 1 Hours	0.30				0.30
1 - 2 Hours	0.70				0.70
2 - 3 Hours	1.60				1.50
3 - 4 Hours	1.90				1.80
4 - 6 Hours	2.30				2.20
Over 6 Hours	2.50				2.40
Season Ticket - Quarterly	135.00				130.00
Season Ticket - Annual	495.00				480.00
Excess Charges - THESE HAVE NOW BEEN REPLACED BY PENALTY CHARGES					
Various offences as defined	N/A			60.00	60.00
Reduced if paid within 7 days of date of offence to	N/A			30.00	
Reduced if paid within 14 days of date of offence to					30.00
Penalty Charges (Statutory fees):					
Higher Level Contraventions	70.00			70.00	
Reduced if paid within 14 days of date of offence to	35.00			35.00	
Lower Level Contraventions	50.00			50.00	
Reduced if paid within 14 days of date of offence to	25.00			25.00	
CREWE RETAIL MARKET					
Stall rental					
Fri - Full day Covered mkt - Shed trestle	29.36			29.36	
Mon - 1/2 day Covered mkt - Shed trestle	17.81			17.81	
Sat - Full day Covered mkt - Shed trestle	31.32			31.32	
Outside Market - rent calculated based on area. Charges are as follows approx					
	2009/10 £/Sq m	approx £/sqft		approx £/sqft	
Sat Up to 46.45 sqm (500sqft) - Single Pitch	0.59	0.06		0.06	
46.45- 90.90 sqm (501 - 1000sqft)	0.41	0.04		0.04	
90.90 sqm + (over 1000sqft)	0.29	0.03		0.03	
Service charge		10.03		10.03	
Fri Up to 46.45 sqm (500sqft) - Single Pitch	0.54	0.05		0.05	
46.45- 90.90 sqm (501 - 1000sqft)	0.38	0.04		0.04	
90.90 sqm + (over 1000sqft)	0.27	0.03		0.03	
Service charge		10.03		10.03	
Mon Up to 46.45 sqm (500sqft) - Single Pitch	0.40	0.04		0.04	
46.45- 90.90 sqm (501 - 1000sqft)	0.27	0.03		0.03	
90.90 sqm + (over 1000sqft)	0.27	0.03		0.03	
Service charge		6.46		6.46	
Car Boot income					
Car boot half trestle - 1/2 day	11.06			11.06	
Car boot shed trestle - 1/2 day	20.94			20.94	
Car boot outside pitch - 1/2 day	9.69			9.69	
New Shed Trestle - 1/2 day	11.45			11.45	
Table Hire - 1/2 day	2.74			2.74	
Shop style trading units					
	2009/10 £/Sq m	approx £/sqft		approx £/sqft	
Per area / week	6.91	0.64		0.64	
Per length frontage/week	2.41	0.73		0.73	
Electricity recharges					
recharge of trader usage - per unit	0.125			0.12	
recharge of trader usage - standing charge	15.90			15.17	

SCALE OF FEES AND CHARGES 2009/10

Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
NANTWICH RETAIL MARKET					
NOTE: method of rent calculation for the trestle tables changed to pence per area. Charges are as follows:					
Outside Market - rent calculated based on area. Charges are as follows: approx					
Stall income 2009/10 £/Sq m	approx £/sqft			approx £/sqft	
Single Stall - Full day Thur	2.21	0.21		0.21	
Single Stall - Full day Sat	2.21	0.21		0.21	
Single Pitch - Full day Thur	0.64	0.06		0.06	
Single Pitch - Full day Sat	0.64	0.06		0.06	
Service Charge - Per pitch only		10.28		10.28	
Note - Average Charge per Outside Unit		25.94		25.94	
Rent of collapsible stall units					
Stall Units measure 3.05m x 2.44m or 10ft x 8ft					
Saturday - Per stall per day (incl boards & cover)		15.66		15.66	
Thursday - Per stall 1/2 day (incl boards & cover)		15.46		15.46	
Tuesday (1/2 day) - Per stall per day (incl boards & cover)		9.44		9.44	
approx					
INSIDE 2009/10 £/Sq m	approx £/sqft			approx £/sqft	
Standard trestle (3.7m x 2.5m) - Full day Thur	2.21	0.21		0.21	
Standard trestle (3.7m x 2.5m) - Full day Sat	2.21	0.21		0.21	
Average Trestle charge		20.55		20.55	
approx					
2009/10 £/Sq m	approx £/sqft			approx £/sqft	
Standard trestle (3.7m x 2.5m) - 1/2 day Tues	2.10	0.20		0.20	
Shop style trading units					
Per area /week	3.66	0.34		0.34	
Per length frontage /week	5.86	0.54		0.54	
Note - Average charge per Trading Unit		53.75		53.75	
approx					
2009/10 £/Sq m	approx £/sqft			approx £/sqft	
Rent storage space - Toilet block (per area) per week		0.33		0.33	
Alternative Fee per unit per week		5.35		5.14	
Farmers Market		35.00		34.00	
Electricity recharges					
recharge of trader usage - per unit		0.125		0.12	
recharge of trader usage - standing charge		5.350		5.09	
ALSAGER RETAIL MARKET					
Annual rent from Managing Agent to 31/07/09 (new contract to be arranged from 31/7/09)	3450.00	3450.00			
CONGLETON RETAIL MARKET					
Annual rent from Managing Agent	11000.00	11000.00			
Electricity recharge of trader usage - per unit	0.10	0.10			
Other stalls	800.00	800.00			
MIDDLEWICH RETAIL MARKET					
Annual rent from Managing Agent to 31/07/09 (new contract to be arranged from 31/7/09)	1520.00	1520.00			
SANDBACH RETAIL MARKET					
Annual rent from Managing Agent to 31/07/09 (new contract to be arranged from 31/7/09)	39550.00	39950.00			
Rent of shop units to 31/07/09 (new contract to be arranged from 31/7/09)	15700.00	15700.00			
Electricity recharge of trader usage - per unit to 31/07/09 (new contract TBA from 31/7/09)	0.12	0.12			
NOTE: The current contracts with Managing Agents at Alsager, Middlewich and Sandbach end on 31st July 2009. New contracts are currently being negotiated					
MACCLESFIELD RETAIL MARKET					
Stall rental					
Indoor - Individual stalls assessed separately	various				various
Electricity recharges					
recharge of trader usage - per unit	0.07				0.06465
Outdoor stalls - per stall per day Tuesday, Friday, Saturday)	16.00				15.60
Street Trader licence - per week	100.00				97.50
Street Trader licence - per day	20.00				19.50
KNUTSFORD RETAIL MARKET					
Stall rental					
Indoor - Individual stalls assessed separately	various				various
Outdoor stalls - per stall per day - Tuesday	9.00				8.85
Outdoor stalls - per stall per day - Friday, Saturday	13.30				13.00
Farmers Market stalls - per stall - 1st Saturday each month	16.00				15.60
WILMSLOW RETAIL MARKET					
Stall rental					
Outdoor stalls - per stall	16.00				15.60
Street Trader licence - per week	100.00				97.50
Street Trader licence - per day	20.00				19.50

SCALE OF FEES AND CHARGES 2009/10

Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
ALLOTMENTS					
Congleton					
Annual rent per square metre	0.22	0.21			
Crewe & Nantwich					
Annual rental of single plot	22.60			22.00	
Annual rental of single plot (OAP/Registered Disabled)	13.30			13.00	
Macclesfield - Annual rental per square metre					
Without water or roads *	0.72				0.70
With either water or roads *	1.13				1.10
With both water and roads *	1.44				1.40
Without water or roads - senior citizens	0.36				0.35
With either water or roads - senior citizens	0.56				0.55
With both water and roads - senior citizens	0.72				0.70
* charges reduced by 30% for Allotment Association					
CEMETERIES AND CREMATORIUM					
Cremation Fees					
Adult	369.00			360.00	353.00
Child under 16yrs	92.00				90.00
Child under 12yrs	N/A			57.50	
Surcharge for after hours cremation (e.g. Saturday AM)	738.00			720.00	180.00
Cremation of body parts exc Chapel Hire	92.00				90.00
Cremation of blocks & slides	33.00			32.00	
Cremation of NVF	6.00			5.50	
Medical Referee (subject to national agreement)	18.50			18.00	18.50
Removal of cremated remains (inc certificate and suitable container)	19.00			18.50	
Placement of cremated remains from other Crematoria	44.00			33.00	43.00
Cremation certificate	11.00			10.50	11.00
Storage of cremated remains per month to be applied after 28 days	39.00			38.50	
Postage of cremated remains (inc labelling, packaging, certificate etc)	53.00			52.00	cost + 33.3%
Exhumation of cremated remains	88.00	77.00		86.00	46.00
Cremated remains collected within 24 hours of cremation	31.00			30.50	
Service over runs (after 40 minutes at Crewe, 30 minutes at Macclesfield)	60.00			58.50	
Burial Fees					
Class "A" grave - Resident (including the right to erect a memorial)	863.00	650.00		720.00	842.00
Class "C" grave - Resident (including the right to erect a memorial)	572.00			233.00	558.00
Class "D" grave - Resident (cremated remains plot - inc right for memorial)	349.00	215.00		340.00	
Teddies (including either burial or cremation of an infant)	649.00			633.00	
Exclusive Rights of Burials (inc right to erect a memorial)		650.00			610.00
Exclusive Rights of Burials - childrens section (inc right to erect a memorial)		430.00			
Exclusive Rights of Burial - family plot - 4 caskets (inc right to erect a memorial)		215.00			
Exclusive Rights of Burial - family plot - 2 caskets (inc right to erect a memorial)		170.00			
Exclusive Rights of Burial - single plot - 1 caskets (inc right to erect a memorial)		125.00			
Renewal of Right Of Burial	234.00	65.00		228.00	
Renewal of Right Of Burial (caskets)	38.00	37.00			
Columbaria for two	397.00			387.00	
Columbaria for four	793.00			774.00	
Tower with plaque and posey holder	141.00				137.00
Ash Vaults	564.00				550.00
Interment fees - LTM private graves - depth 9'0"	N/A				768.00
Interment fees - LTM private graves - depth 7'6"	N/A				650.00
Interment fees - LTM private graves - depth 6'0"	N/A				522.00
Interment fees - LTM private graves - depth 4'6"	N/A				398.00
Interment fees - Traditional graves - depth 9'0"	N/A				843.00
Interment fees - Traditional graves - depth 7'6"	N/A				730.00
Interment fees - Traditional graves - depth 6'0"	N/A				618.00
Interment fees - Traditional graves - depth 4'6"	N/A				505.00
1st Interment - Macclesfield	787.00				768.00
2nd interment - Macclesfield; 1st Congleton	666.00	375.00			650.00
3rd interment - Macclesfield; 2nd Congleton, 1st Crewe & Nantwich	535.00	320.00		456.00	522.00
4th interment - Macclesfield; 3rd Congleton, 2nd Crewe & Nantwich	434.00	270.00		424.00	398.00
Public Graves - Adult	N/A				558.00
Public Graves - Child under 17	236.00	190.00			230.00
Private Graves for a Child (1 - 16 years) - depth 9'0"	N/A				363.00
Private Graves for a Child (1 - 16 years) - depth 7'6"	N/A				306.00
Private Graves for a Child (1 - 16 years) - depth 6'0"	N/A				248.00
Private Graves for a Child (1 - 16 years) - depth 4'6"	N/A				187.00
Burial of body parts, tissues, etc	158.00				154.00
Interment of cremated remains in a wooden casket	158.00	128.00		95.00	154.00
Interment of Cremated Remains in a grave space	N/A	98.00			
Interment of Cremated Remains in earth plot (Garden of Remembrance)	N/A	67.00			
Interment of Cremated Remains in a plot space	158.00	97.00			154.00
Right of Burial for cremated remains in Wall of Remembrance - Macclesfield	346.00				338.00

SCALE OF FEES AND CHARGES 2009/10

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SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
CEMETERIES AND CREMATORIUM (continued)					
General Fees					
Supply of oak casket	35.00			34.00	25.00
Supply of poly urn	31.00			30.00	
Eco container	19.00			18.50	
Use of chapel for burial service up to 40 minutes	84.00			54.50	83.00
Grave gardening - topsoil and general tidy up	16.00			13.50	
Winter and summer planting of graves with annuals	47.00			46.00	
Grave maintenance scheme	price on application				
Copy deed for right of burial	41.00			38.50	
Transfer of ownership to non resident of borough	41.00			38.50	21.00
Transfer of ownership to resident of borough	N/A			38.50	42.00
Register Probate of Will or transfer of grave space	N/A	32.00			
Reservation of adjoining grave space	65.00	32.00		62.50	
Extract from Register per single grave space	41.00	32.00		38.50	15.00
Search fee if year unknown	33.00	32.00		16.15	
Search fee after 6 months from burial for each year	N/A	32.00			
Papers not received in accordance with rules and regulations	41.00			38.50	
Incorrect coffin size - for burial purposes	86.00			83.50	
Late arrival of burials - applies after 15 minutes	86.00			83.50	
Service overruns	60.00			58.50	
Mercury emissions	45.00			40.00	43.50
Music System - Crewe Crematorium	10.00				
Memorials					
Right to memorial plaque inc fitting	121.00	118.00			
Right to place Headstone not exceeding 4'6" high x 3' wide	N/A	98.00			
Right to place Headstone - each additional 6" in height	N/A	21.00			
Right for every additional inscription on headstone, tomb or monument	35.00	32.00			34.00
Right to enclose grave space with kerbing of stone or other approved material	N/A	67.00			
Right to place vase or bowl of stone or other approved material	N/A	41.00			
Right to erect Headstones (max 3') with inscription	N/A				142.00
Additional inscription after first	N/A				34.00
Foundation for Headstones	N/A				90.00
Certified copy of approved records	N/A				15.00
Headstone including foundation - Childrens Cemetery, Macclesfield	333.00				285.00
Foundation for Headstone - Childrens Cemetery, Macclesfield	N/A				38.00
Inscriptions per letter (Childrens cemetery headstone - Macclesfield)	N/A				1.85
Inscriptions per letter (columbaria, petals, teddies)	4.00			3.91	1.80
Inscriptions per design (columbaria, petals, teddies)	32.00			30.83	
Memorial Kerbs					
Provision of lettered kerbs, mowing, stone & vase (for 10 years)	211.00				206.50
Provision of blank kerb for future lettering, mowing stone & vase	211.00				206.50
Rear mowing stone if purchased seperately	44.00				43.00
Flower vase for rear mowing stone	12.00				11.50
Double rear mowing stone	72.00				70.50
Babies kerbstone, lettering, vase and mowing stone	108.00				105.00
Extra lettering - over 36 (per letter)	N/A				2.00
Cleaning and repointing letters on memorial kerbstone	37.00				36.00
Cleaning rear mowing stone	27.00				26.00
Moving kerbstone	27.00				26.00
Kerbstone Formal Garden Remembrance inc inscription & vase	310.00				302.00
Granite kerb including inscription & vase	N/A				252.00
Columbaria: single chamber with plaque	N/A				302.00
Columbaria: double chamber with plaque	N/A				603.00
Wall mounted english oak	111.00				108.00
Caskets					
Miniature caskets	N/A				21.00
Plain caskets	N/A				25.50
Nameplate	N/A				11.00
Book of Remembrance					
Two line entry	61.00			59.00	50.00
Each additional line	12.00				
Five line entry	97.00			93.50	73.00
Eight line entry	133.00			127.00	95.00
Floral emblem (only with min 5 line entry)	51.00			45.50	50.00
Full Coat of Arms (only with min 5 line entry)	74.00				73.00
Miniature Book of Remembrance					
Two line entry	53.00				50.00
Each additional line	12.00				13.00
Floral emblem (only with min 5 line entry)	51.00				50.00
Full Coat of Arms (only with min 5 line entry)	74.00				73.00
Token entry	21.50				21.00
Memorial Cards					
Two line entry	26.00			21.50	25.00
Each additional line	12.00			8.00	13.50
Floral emblem (only with min 5 line entry)	51.00				50.00
Full Coat of Arms (only with min 5 line entry)	74.00				73.00

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SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
CEMETERIES AND CREMATORIUM (continued)					
Childrens Book of Remembrance					
Two line entry	18.00				12.00
Each additional line	4.00				
Five line entry	30.00				17.00
Eight line entry	42.00				22.50
Illustration - Teddy/Cherub etc	30.00				34.00
Memorial Garden of Remembrance					
Leather panel memorial ten year lease (includes inscription)	172.00				168.00
Leather panel inscription	N/A				56.00
Seats and Plaques (inc VAT and installation)	price on application				877.00
Trees and Plaque	223.00				223.50
Rose and Plaque	154.00				154.00
Granite Bench	584.00				584.00
Wall plaque	211.00				
Granite boulder	256.00				
Book Plaque	154.00				
Commemorative plaque	83.00				
Memorial vase & tablet (5 year)	302.00				
Memorial vase & tablet (10 year)	419.00				
Recycled wooden seat and plaque (subject to manufacturers cost)	1249.00				-
Bird or Bat Box and nameplate:					
3 year lease	33.00				34.00
6 year lease	51.00				40.00
10 year lease	69.00				45.00
DOG CONTROL					
Returning of Stray Dog	40.00	35.00		48.50	33.00
Combined Dog release Fee including Kennelling	80.00	50.00		66.00	102.50
Kennel Fees - per day	N/A	included above		14.00	N/A
Rates for 2009/2010 will be dependant on kenneling costs incurred by the Council					
PEST CONTROL					
Commercial					
Contracts per hour	50.00			59.23	51.25
Charge Per Hour - non contractual	50.00			59.23	58.00
Out of Hours Nuisance Treatments	79.10				77.20
Cancellation Charge (at time of visit)	25.60				25.00
Contracts (regular visits) - per hour	51.40				50.25
Domestic - per treatment					
Wasps Nests	50.00			50.40	50.00
Ants	50.00			50.40	50.00
Mice	50.00			free	50.00
Rats	free	free		free	free
Fleas	50.00			50.40	50.00
Bed Bugs	free			free	free
Cluster Flies	50.00			50.40	
Cockroaches	free			free	free
House Crickets	50.00			50.40	
Insects of PH Significance	50.00				50.00
Hire of Squirrel trap + emptying	50.00				50.00
Note: Congleton BC had outsourced its pest control service but is responsible for the costs in respect of rats.					
ENVIRONMENTAL HEALTH CHARGES					
Food Safety					
Food Health Certificates For Exported Food	55.00	55.00		55.00	
Basic Food Hygiene Course	N/A			50.00	
Food Safety Training	50.00				50.00
Intermediate course	N/A				180.00
Advanced course	N/A				300.00
Basic food safety update	N/A				30.00
Level 2 award in butrition (healthy eating and special diets)	N/A				50.00
Disposal unsaleable foods - per hour	N/A			93.00	
Voluntary surrender of food - per hour + disposal costs	35.00	various			
Butchers Game & Venison	N/A	6.00			
Environmental Permitting Charges					
All fees set by Statute					
Private water supply	51.50 + analysis	50.00 + analysis		0.00	50.00 + analysis
	& courier costs	& courier costs			& courier costs
Swimming pool sampling (resamples)	Recharge of costs				Recharge of costs
Provision of Information					
Freedom of information	to be confirmed	free		free	free
Environmental information requests	to be confirmed	35 per hour		25.00	80.00
Contaminated Land requests	to be confirmed	35 per hour			80.00

SCALE OF FEES AND CHARGES 2009/10

Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
LICENSING					
Gambling - premises licences [Non statutory fees set by the Council]					
New premises licence / provisional statement	see below	3000.00		785.00	
Variation	see below	1500.00		785.00	
Transfer / Reinstatement	see below	1200.00		630.00	
Provisional statement (stage 2)	see below			630.00	
First annual fee	see below	600.00		400.00	
Annual fee	see below	600.00		400.00	
Copy of licence	see below	25.00		15.00	
Change of name	see below	50.00		20.00	
Existing Casinos	see below				2355.00
New casino - small	see below				3925.00
New casino - large	see below				7850.00
New casino - regional	see below				11775.00
Bingo Club	see below			785.00	785.00
Betting Premises (exc tracks)	see below	3000.00		785.00	470.00
Tracks	see below				785.00
Family Entertainment Centres	see below	2000.00			600.00
Adult Gaming Centre	see below			785.00	785.00
All the above fees were set at the discretion of each Council but subject to a maximum level					
Proposed Fees for Cheshire East:					
Adult Gaming Centre Initial Application	900.00				
Adult Gaming Centre Annual Fee	600.00				
Betting Shops Initial Application	900.00				
Betting Shops Annual Fee	600.00				
Bingo Initial Application	900.00				
Bingo Annual Fee	600.00				
Track Betting Initial Application	600.00				
Track Betting Annual Fee	600.00				
Family Entertainment Centre Initial Application.	900.00				
Family Entertainment Centre Annual Fee	600.00				
Club Gaming Permits Initial Application	150.00				
Club Gaming Permits Annual Fee	50.00				
Licensed premises gaming machine permits initial appl	150.00				
Licensed premises gaming machine permits annual fee	50.00				
Gambling Permits - All permit fees are set statutorily:					
Gambling - gaming machine permits (in alcohol licensed premises)					
New - 3 or more machines	150.00	150.00		150.00	150.00
New - Max of 2 machines - one off fee	50.00	50.00		50.00	50.00
Variation - 3 or more machines	100.00	100.00		100.00	100.00
Transfer	25.00	25.00		25.00	25.00
First annual fee - 3 or more machines	50.00	50.00		50.00	50.00
Annual fee - 3 or more machines	50.00	50.00		50.00	50.00
Copy of permit	15.00	15.00		15.00	15.00
Change of name	25.00	25.00		25.00	25.00
Gambling - gaming machine notification (in alcohol licensed premises)	50.00	50.00		50.00	50.00
Gambling - gaming machine permit (in unlicensed FEC)					
New	300.00	300.00		300.00	300.00
Renewal	300.00	300.00		300.00	300.00
Gambling - prize gaming permit					
New	300.00	300.00		300.00	300.00
Renewal	300.00	300.00		300.00	300.00
Gambling - club gaming permit 10 yr duration					
New	200.00	200.00		200.00	200.00
Renewal	200.00	100.00		100.00	100.00
Annual fee	50.00	50.00		50.00	50.00
Gambling - club machine permit 10 yr duration					
New	200.00	200.00		200.00	200.00
Renewal	200.00	100.00		100.00	100.00
Annual fee	50.00	50.00		50.00	50.00

SCALE OF FEES AND CHARGES 2009/10

Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
LICENSING (continued)					
Fees relating to vehicle and private hire operator licences, marked (*) below are subject to consultation and approval by the Licensing Committee. Charges are proposed to be the same throughout the Cheshire East area although the licencing zones will remain as the previous District boundaries until a further review in 2009/2010.					
Hackney Carriage and Private Hire Vehicles					
* Hackney Carriage - 1 year	300.00	230.00		345.00	210.00
* Private Hire Vehicle - 1 year	300.00	230.00		335.00	210.00
* Hackney Carriage/ Private Hire 6 month test (purpose built vehicles over 10 years old non purpose built vehicles over 7 years old)	100.00				100.00
Joint Hackney Carriage/ Private Hire Driver - 3 years	240.00	109.00		240.00	75.00
Joint Hackney Carriage/ Private Hire Driver - 1 year	N/A	48.17			
* Private Hire Operator - 2 years, 1-4 vehicles	300.00	163.00			
* Private Hire Operator - 2 years, 5+ vehicles	N/A	216.00			
* Private Hire Operator - 5 years	345.00	407.00		345.00	330.00
Criminal Records Bureau check (in addition to above fees)	Inc above	36.00		Inc above	
Replacement Driver Badge	15.00	21.00			10.00
Vehicle Inspection - on replacement vehicle	N/A	46.00			
Re-test for vehicle inspection	N/A	46.00			
Replacement Plates	20.00	21.00			10.00
Admin fee for less than 7 days notice of cancelled test	N/A	21.00			
Replacement Licence	N/A	21.00			5.00
Replacement window stickers	10.00				8.00
Replacement plugs, keys, rivets, seals	N/A				1.00
Transfer of licence	25.00	21.00			25.00
Street Traders	364.00	364.00			330.00
Sex Shop - 1 year					
Grant (initial)	2260.00			2260.00	500.00
Renewal	1130.00			1130.00	500.00
Motor Salvage Operators	72.00			75.00	
Animal Health					
Dog Breeders (+ vet fee)	74.00	65.00		72.00	
Dog Breeders (per number of breeding bitches):					
1 - 20	N/A				58.10
21 - 40	N/A				116.00
41 - 60	N/A				173.80
61 - 80	N/A				231.75
81 - 100	N/A				285.70
over 100	N/A				327.20
Home Boarding - Licence (+ vet fee)	74.00	65.00			68.25
Home Boarding - renewal	N/A	65.00			61.40
Home Boarding (if kennel and cattery at same premises)	N/A	100.00			
Animal Boarding Establishments (+ vet fee)	74.00	65.00		72.00	68.25
Pet Shops (+ vet fee)	74.00			72.00	68.25
Riding Establishments (+ vet fee)	74.00	100.00		72.00	89.90
Riding Establishments (per number of horses)					
1 - 10	N/A				191.75
11 - 20	N/A				232.40
21 - 30	N/A				272.70
31 - 40	N/A				319.20
over 40	N/A				
Zoo Licence					
General (per hour + vet and expert fees - min £300.00)	35.00			600.00	
1st application & 4 year licence (per hour + vet and expert fees - min £300.00)	35.00				127.30
renewal 6 year duration (per hour + vet and expert fees - min £300.00)	35.00				190.70
Dangerous Wild Animals (Domestic Premises) (+ vet fee)	74.00	125.00			63.85
Dangerous Wild Animals (Commercial Premises) - exc vets fees	N/A	190.00			63.85
Administration fee	N/A			24.47	
Public Health (Registration)					
Ear Piercing, acupuncture, tattooist					
Personal	40.00			40.00	58.20
Personal - additional person once premises licence granted	N/A	15.00			
Premises & initial applicant	75.00	70.00		55.00	
Premises - more than 1 person on register	N/A	85.00			

SCALE OF FEES AND CHARGES 2009/10

Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
LICENSING (continued)					
Liquor Licences (Statutory Fees)					
Premises					
Rateable value					
£0 to £4300 - New	100.00	100.00		100.00	100.00
- Annual Fee	70.00	70.00		70.00	70.00
£4301 to £33000 - New	190.00	190.00		190.00	190.00
- Annual Fee	180.00	180.00		180.00	180.00
£33001 to £87000 - New	315.00	315.00		315.00	315.00
- Annual Fee	295.00	295.00		295.00	295.00
£87001 to £125000 - New	450.00	450.00		450.00	450.00
- Annual Fee	320.00	320.00		320.00	320.00
£125000 + - New	635.00	635.00		635.00	635.00
- Annual Fee	350.00	350.00		350.00	350.00
Additional fees for exceptionally large events of a temporary nature					
Number of persons present					
5000 - 9999 - New	1000.00	1000.00		1000.00	1000.00
- Annual fee	500.00	500.00		500.00	500.00
10000 - 14999 - New	2000.00	2000.00		2000.00	2000.00
- Annual fee	1000.00	1000.00		1000.00	1000.00
15000 - 19999 - New	4000.00	4000.00		4000.00	4000.00
- Annual fee	2000.00	2000.00		2000.00	2000.00
20000 - 29999 - New	8000.00	8000.00		8000.00	8000.00
- Annual fee	4000.00	4000.00		4000.00	4000.00
30000 - 39999 - New	16000.00	16000.00		16000.00	16000.00
- Annual fee	8000.00	8000.00		8000.00	8000.00
40000 - 49999 - New	24000.00	24000.00		24000.00	24000.00
- Annual fee	12000.00	12000.00		12000.00	12000.00
50000 - 59999 - New	32000.00	32000.00		32000.00	32000.00
- Annual fee	16000.00	16000.00		16000.00	16000.00
60000 - 69999 - New	40000.00	40000.00		40000.00	40000.00
- Annual fee	20000.00	20000.00		20000.00	20000.00
70000 - 79999 - New	48000.00	48000.00		48000.00	48000.00
- Annual fee	24000.00	24000.00		24000.00	24000.00
80000 - 89999 - New	56000.00	56000.00		56000.00	56000.00
- Annual fee	28000.00	28000.00		28000.00	28000.00
90000 and over - New	64000.00	64000.00		64000.00	64000.00
- Annual fee	32000.00	32000.00		32000.00	32000.00
Notification of change of name or address of premises licence holder or club	10.50	10.50		10.50	10.50
Application to vary to specify individual as designated premises supervisor	23.00	23.00		23.00	23.00
Notification of change of address of designated premises supervisor	10.50	10.50		10.50	10.50
Notification of alteration of club rules	10.50	10.50		10.50	10.50
Application to transfer premises licence	23.00	23.00		23.00	23.00
Interim authority notice	23.00	23.00		23.00	23.00
Application for copy or summary	10.50	10.50		10.50	10.50
Application for making of a provisional statement	315.00	315.00		315.00	315.00
Personal					
Application for grant	37.00	37.00		37.00	37.00
Application for copy	10.50	10.50		10.50	10.50
Notification of change of name or address	10.50	10.50		10.50	10.50
Temporary Event Notice					
Notification of a temporary event	21.00	21.00		21.00	21.00
Application for copy	10.50	10.50		10.50	10.50
Lottery					
Grant (initial)	40.00	40.00		40.00	40.00
Renewal	20.00	20.00		20.00	20.00

SCALE OF FEES AND CHARGES 2009/10

Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
TRADING STANDARDS - WEIGHTS & MEASURES FEES					
These charges have been set in conjunction with Cheshire West & Chester Council and cannot be changed without their approval.					
Calibration of weights 1mg to 25kg, per weight	17.75		17.32		
Calibration & adjust: Weights 1mg to 25kg, per weight	18.96		18.50		
Calibration of weights >25kg<50kg, per weight	27.21		26.55		
Calibration of weights >50kg<500kg, per weight	54.16		52.84		
Calibration of weights >500kg <1000kg	54.16		52.84		
Calibration of glass volumetric flask	49.71		48.50		
Calibration of glass measuring cylinder	49.71		48.50		
Calibration of glass measuring cylinder - each additional graduation	12.42		12.12		
Calibration of glass graduated pipette	73.98		72.18		
Calibration of glass graduated pipette - each additional graduation	12.42		12.12		
Calibration of glass graduated burette	73.98		72.18		
Calibration of glass graduated burette - each additional graduation	12.42		12.12		
Calibration of bubble flow meter	47.36		46.20		
Calibration of checkpump measures (2.5,10,20 or 25 litre) incl adjustment	50.23		49.00		
Calibration of length bar up to 5 metres	20.13		19.64		
Calibration of rigid measure up to 5 metres	24.27		23.68		
Calibration of tapes up to 5 metres	29.29		28.58		
Calibration of tapes over 5 metres	34.34		33.50		
Hire of Weighbridge Test Unit Mon - Friday 9am to 5pm, per day	441.26		430.50		
Hire of Weighbridge Test Unit Mon - Friday before 9am after 5pm, per hour	68.37		66.70		
Hire of Weighbridge Test Unit Saturday 9am to 5pm, per day	495.08		483.00		
Hire of Weighbridge Test Unit Saturday before 9am after 5pm, per hour	74.03		72.22		
Hire of Weighbridge Test Unit Sunday 9am to 5pm, per day	551.04		537.60		
Hire of Weighbridge Test Unit Sunday before 9am after 5pm, per hour	79.11		77.18		
Hire of Weighbridge Test Unit requiring overnight stop by Operator, per night	64.58		63.00		
Hire of Weighbridge Test Unit Local Auth Mon - Friday 9am to 5pm, per day	389.87		380.36		
Hire of Weighbridge Test Unit LA Mon - Friday before 9am after 5pm, per hour	32.80		32.00		
Hire of Weighbridge Test Unit Local Auth Saturday 9am to 5pm, per day	438.03		427.35		
Hire of Weighbridge Test Unit Local Auth Saturday before 9am after 5pm, per hour	54.33		53.00		
Hire of Weighbridge Test Unit Local Auth Sunday 9am to 5pm, per day	487.00		475.12		
Hire of Weighbridge Test Unit Local Auth Sunday before 9am after 5pm, per hour	61.35		59.85		
Hire of Weighbridge Test Unit LA requiring overnight stop by Operator, per night	64.58		63.00		
Hire of Bulk Fuel Reference Meter Mon- Friday 9am to 5pm, per day	344.40		336.00		
Hire of Bulk Fuel Reference Meter Mon- Friday before 9am after 5pm, per hour	53.81		52.50		
Hire of Bulk Fuel Reference Meter Saturday, per day	386.43		377.00		
Hire of Bulk Fuel Reference Meter Local Auth Mon- Friday 9am to 5pm, per day	291.66		284.55		
Hire of Bulk Fuel Reference Meter Mon- Friday before 9am after 5pm, per hour	45.10		44.00		
Hire of Bulk Fuel Reference Meter Saturday, per day	324.93		317.00		
Hire of Weights per tonne, per day	66.63		65.00		
Hire of weights per tonne, per week	312.63		305.00		
Hire of Boxed Weights Set (1g to 2kg), per day	48.43		47.25		
Verification Fee Linear measure ,3 metres	15.97		15.58		
Verification Fee Capacity Measures without divisions <1 litre	7.72		7.53		
Verification Fee Capacity Measures without divisions >1 litre & Measures with divs	13.79		13.45		
Verification Fee Cubic Ballast Measure	158.16		154.30		
Verification Fee Liquid Capacity Measure (avg quantity)	27.57		26.90		
Verification Fee Templet per scale, first item	44.30		43.22		
Verification Fee Templet per scale, subsequent item	17.04		16.62		
Verification Fee Weights between 1mg up to and incl 25 kg	7.72		7.53		
Verification Fee Meas. Instr Intoxication Liquor < 5 fl oz / 140 ml	17.04		16.62		
Verification Fee Meas. Instr Intoxication Liquor > 5 fl oz / 140 ml	19.27		18.80		
Verification Fee Meas. Instr Intoxication Liquor > 5 fl oz / 140 ml 10-79 items	7.72		7.53		
Verification Fee Meas. Instr Intoxication Liquor > 5 fl oz / 140 ml 80+ items	6.50		6.34		
Verification Fee Weighing Inst < 50kg	48.45		47.27		
Verification Fee Weighing Inst > 50kg to 250kg	57.61		56.20		
Verification Fee Weighing Inst > 250kg to 1 tonne	95.84		93.50		
Verification Fee Weighing Inst > 1 tonne to 10 tonne	157.08		153.25		
Verification Fee Weighing Inst > 10 tonne to 30 tonne	329.61		321.57		
Verification Fee Weighing Inst > 30 tonne to 60 tonne	479.50		467.80		
Verification Fee Auto / Totalising Weighing Machine & in motion per officer/ per hour	67.91		66.25		
Verification Fee - Statistical sampling, est cal curves for templet, templets in ml	67.91		66.25		
Verification Fee Liquid Fuel Meas Inst - container, not subdivided, per inst	66.03		64.42		
Verification Fee Liquid Fuel Meas Inst - 1 meter	98.61		96.20		
Verification Fee Liquid Fuel Meas Inst - 2 meters	186.80		182.24		
Verification Fee Liquid Fuel Meas Inst - 3 meters	302.03		294.66		
Verification Fee Liquid Fuel Meas Inst - 4 meters	313.05		305.41		
Verification Fee Liquid Fuel Meas Inst - 5 to 10 meters, per meter	72.20		70.44		
Verification Fee Liquid Fuel Meas Inst - 11 to 20 meters, per meter	67.78		66.13		
Verification Fee Liquid Fuel Meas Inst - additional meters (min of 20 tested) per meter	42.17		41.14		
Verification Fee Road Tankers, wet hose system 2 liquids	210.02		204.90		
Verification Fee Road Tankers, wet hose system 3 liquids	245.26		239.28		
Verification Fee Road Tankers, dry hose system 2 liquids	232.59		226.92		
Verification Fee Road Tankers, dry hose system 3 liquids	267.83		261.30		
Verification Fee Road Tankers, wet & dry hose system 2 liquids	326.52		318.56		
Verification Fee Road Tankers, wet & dry hose system 3 liquids	350.49		341.94		
Verification Fee Dipstick System < 7,600 litres, per compartment	156.56		152.74		
Verification Fee Dipstick System > 7,600 litres, additional hourly rate	67.91		66.25		
Verification Fee Initial Dipstick	19.27		18.80		
Verification Fee Spare Dipstick	18.21		17.77		
Verification Fee Replacement Dipstick	38.60		37.66		
Test /other services re Community obligation (non-EC initial) per officer, per hour	67.91		66.25		
Note: All the above Weights and measures fees quoted net of VAT					

SCALE OF FEES AND CHARGES 2009/10

Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
WEIGHTS & MEASURES FEES (continued)					
Explosives - (fees set by statute)					
Licence - New	170.00		170.00		
Licence - Renewal	80.00		80.00		
Registration - New	100.00		100.00		
Registration - Renewal	50.00		50.00		
Transfer/Variation or replacement	32.00		32.00		
Fireworks sold all year	500.00		500.00		
Petroleum - (fees set by statute)					
Not exceeding 2,500L	40.00		40.00		
Exceeding 2,500L but not 50,000L	55.00		55.00		
Exceeding 50,000L	115.00		115.00		
Request for search of petroleum files	50.00		50.00		
Other Fees					
Poisons - New	53.30		52.00		
Poisons - Renewal	25.00		25.00		
REGISTRATION					
Authority for setting non-statutory fees and charges is delegated to the Manager of the Registration service. The charges for 2009/2010 are subject to further review in line with market conditions					
Marriage & Partnership Fees (fixed to March 2010)					
Marriages at Approved Premises Mon-Thursday	250.00		250.00		
Marriages at Approved Premises Friday	270.00		270.00		
Marriages at Approved Premises Saturday	330.00		330.00		
Marriages at Approved Premises Sunday & Bank Holidays	320.00		320.00		
Civil Partnership at Approved Premises Mon-Thursday	250.00		250.00		
Civil Partnership at Approved Premises Friday	270.00		270.00		
Civil Partnership at Approved Premises Saturday	330.00		330.00		
Civil Partnership at Approved Premises Sunday & Bank Holidays	320.00		320.00		
Naming Ceremonies					
Naming Ceremony at Register Office Mon-Fri	80.00		80.00		
Naming Ceremony at Register Office Saturday	105.00		105.00		
Naming Ceremony at Approved Premises Mon - Fri	140.00		140.00		
Naming Ceremony at Approved Premises Saturday	160.00		160.00		
Naming Ceremony at Approved Premises Sunday	170.00		170.00		
Naming Ceremony at Home or other Premises Mon-Fri	185.00		185.00		
Naming Ceremony at Home or other Premises Saturday	195.00		195.00		
Naming Ceremony at Home or other Premises Sunday	205.00		205.00		
Renewal of Vows					
Renewal of Vows at Register Office Mon-Fri	80.00		80.00		
Renewal of Vows at Register Office Saturday	105.00		105.00		
Renewal of Vows at Approved Premises Mon - Fri	140.00		140.00		
Renewal of Vows at Approved Premises Saturday	160.00		160.00		
Renewal of Vows at Approved Premises Sunday	170.00		170.00		
Renewal of Vows at Home or other Premises Mon-Fri	185.00		185.00		
Renewal of Vows at Home or other Premises Saturday	195.00		195.00		
Renewal of Vows at Home or other Premises Sunday	205.00		205.00		
Funerals					
Civil Funeral (meet at Register Office)	135.00		135.00		
Civil Funeral (meet at Client's home)	175.00		175.00		
Civil Funeral (scatter ashes)	65.00		65.00		
Premises					
Approved Premises 3 year licence	480.00		480.00		
Approved Premises alteration to existing licence, admin fee	20.00		20.00		
Approved Premises additional site visit due to change in existing licence	80.00		80.00		
Citizenship					
Private Citizenship Ceremony	34.00		34.00		
Private Citizenship Ceremony - per additional applicant	17.00		17.00		
Group Citizenship Ceremony - per applicant (stat fee recov'd from Home Office)	80.00		80.00		
Statutory Fees					
Civil Partnership Notice	30.00		30.00		
Marriage Notice	30.00		30.00		
Marriage or Civil Partnership at the Register Office (includes certificate)	43.50		43.50		
Copy of birth Certificate from current Register SHORT	3.50		3.50		
Copy of birth Certificate from current Register LONG	3.50		3.50		
Copy of birth Certificate from deposited Register SHORT	5.50		5.50		
Copy of birth Certificate from deposited Register LONG	7.00		7.00		
Copy of Certificate (death, marriage) from current Register	3.50		3.50		
Copy of Certificate (death, marriage) from deposited Register	7.00		7.00		
Copy of Certificate (civil partnership) ordered in advance	3.50		3.50		
Copy of Certificate (civil partnership) ordered after the date	7.00		7.00		
Registration of building for worship	28.00		28.00		
Registration of building for solemnization of marriage	120.00		120.00		
General Search (indexes)	18.00		18.00		
Attendance for Housebound notice of marriage/civil partnership	47.00		47.00		
Attendance for Housebound marriage/civil partnership	47.00		47.00		
Entering notice of marriage/civil partnership Registrar General's Licence	3.00		3.00		
Attending marriage/civil partnership by Registrar General's Licence	2.00		2.00		
Other Fees					
Nationality Checking Service Single Application (adult)	40.00		39.15		
NCS Husband and Wife Application (apply at same time)	60.00		58.72		
NCS Family (Husband & Wife and up to 2 children) (apply at same time)	70.00		68.51		
NCS Family (One parent and up to 2 children) (apply at same time)	65.00		63.62		
NCS Family (One parent and up to 3 children) (apply at same time)	70.00		68.51		
NCS Family (Extra children on parents)	15.00		14.68		

SCALE OF FEES AND CHARGES 2009/10

Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
NCS Applicant under 18 who apply separately from parent	15.00		14.68		

SCALE OF FEES AND CHARGES 2009/10

Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
LAND CHARGES					
Standard and Personal Search Fees					
Standard Local Search (Residential)	96.00	101.00		85.00	116.00
Standard Local Search (Commercial)	150.00	101.00		150.00	116.00
Standard Local Search (Residential property within Peak District National Park)	118.00				133.00
Standard Local Search (Commercial property within Peak District National Park)	172.00				
Register Search	N/A				10.00
Register Search (Property within Peak District National Park)	N/A				21.00
Personal Search (statutory fee)	11.00	11.00		11.00	11.00
Personal Search (statutory fee) (Property within Peak District National Park)	N/A				22.00
Copy of each register entry (excludes copy of document/ agreement)	1.50	1.50		1.50	
Certificate of Search (LLC1)	24.00	6.00		24.00	
Additional Parcels (LLC1)	1.00	1.00		1.00	
Part 1 Enquiries (CON 29) - Residential					
One Parcel Of Land	72.00	95.00		61.00	106.00
One parcel of land (Property within Peak District National Park)	94.00				128.00
Additional Parcels Of Land	15.00	11.00		15.00	15.00
Part 1 Enquiries (CON 29) - Commercial					
One Parcel Of Land	126.00	95.00		126.00	106.00
One parcel of land (Property within Peak District National Park)	148.00				128.00
Additional Parcels Of Land	15.00	11.00		15.00	15.00
Part 2 Enquiries					
Each Printed Enquiry (within Form Con29) Excl Q22	N/A	10.00		10.00	12.00
Printed Enquiry (within Form Con29) Question 5	N/A	10.00		10.00	20.00
Printed Enquiry (within Form Con29) Question 22	N/A	14.00		19.80	20.00
Submitted with a full search					
Printed Enquiry (within Form Con29) Question 22	12.00	14.00		19.80	20.00
Submitted without a full search					
Booking In & Validation fee	13.00				
Each printed enquiry (within CON29 form) excl Question 22	12.00				
Printed enquiry (within CON29 form) Question 22	20.00				
Miscellaneous Enquiries					
Each Additional Enquiry	35.00	12.00		20.00	
Expedited Service					
Standard Local Search - Residential	N/A			100.00	
Standard Local Search - Commercial	N/A			175.00	
PLANNING AND BUILDING CONTROL					
Planning Application Fees	prescribed	prescribed		prescribed	prescribed
Pre Planning Application Advice Fee	N/A			35.00	
Document Charges					
Ordinance Survey extracts	N/A	32.30			
Plan Printing					
A0 per copy	25.00	2.70		23.00	
A1 per copy	20.00	2.20		20.55	
A2 per copy	15.00	1.90			
A3 per copy	10.00			18.40	
A4 per copy	5.00			17.42	
Over A3 size (1st copy)	as above				27.00
A3 and under (1st copy)	as above				16.00
Additional copies	as above				5.00
Document Copies					
Decision Notices	20.00			21.00	20.00
Planning, other agreements and Entertainment licences	N/A	10.80			
Planning, other agreements and Entertainment lic. - next day service	N/A	16.05			
Documents (1st page of any item)	5.00				6.00
Documents (2nd and subsequent pages)	1.00				1.00
Tree Preservation Orders	30.00	10.80		25.00	37.00
Tree Preservation Orders - next day service	N/A	16.05		0.00	0.00
Permitted Development Enquiries					
Development Briefs	free	free		free	free
Supplementary Planning Documents (planning briefs)	free	0.00		19.57	0.00
Advice on condition compliance - per hour	55.00				55.00
Mapping extract to support supplied planning data	N/A				11.00
Inspection Of Planning Files					
Inspection Of Planning Files	free	free		free	free
Land Availability					
Residential	40.00	40.00		45.00	25.00
Employment	40.00	35.00		25.00	0.00
Weekly List (per annum)	200.00	172.00		145.00	320.00
High hedge complaint	400.00	0.00		450.00	375.00
Local Plan (P&P extra unless otherwise stated)					
Congleton	50.00	50.00			
Crewe & Nantwich	65.00			65.00	
Macclesfield	100.00				100.00
Other - Inspectors Reports, Other Studies, documents, etc					
Other - Inspectors Reports, Other Studies, documents, etc	various	various		various	various

SCALE OF FEES AND CHARGES 2009/10

Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
CONCESSIONARY TRAVEL					
Railcard	16.00	18.00		18.50	16.00
Bus Pass (life)	free	free		free	free
Bus Pass (replacement for lost pass - 1st)	5.00	5.00		5.00	5.00
Bus Pass (replacement for lost pass - 2nd onwards)	10.00	5.00		5.00	10.00
Bus Pass (replacement for stolen pass)	free	free		free	free
Disabled parking - blue badges	2.05		2.00		
TRANSPORT PUBLICITY					
Charge for full set of timetables	N/A		5.00		
MUNICIPAL BUILDINGS, CREWE					
Charitable organisations receive free room hire up to a maximum of 4 times per 6 month period					
Room Hire					
Weekdays					
Council Chamber - half day	62.00			60.00	
Council Chamber - full day	103.00			100.00	
Council Chamber - evening	88.00			85.00	
East Committee Room - half day	41.00			40.00	
East Committee Room - full day	62.00			60.00	
East Committee Room - evening	52.00			50.00	
West Committee Room - half day	41.00			40.00	
West Committee Room - full day	62.00			60.00	
West Committee Room - evening	52.00			50.00	
Committee Room No 3 - half day	26.00			25.00	
Committee Room No 3 - full day	36.00			35.00	
Committee Room No 3 - evening	31.00			30.00	
Saturdays					
Council Chamber - half day	170.00			165.00	
Council Chamber - full day	380.00			370.00	
East Committee Room - half day	98.00			95.00	
East Committee Room - full day	216.00			210.00	
West Committee Room - half day	98.00			95.00	
West Committee Room - full day	216.00			210.00	
Committee Room No 3 - half day	62.00			60.00	
Sundays and Bank Holidays					
Council Chamber - half day	190.00			185.00	
Council Chamber - full day	420.00			410.00	
East Committee Room - half day	98.00			95.00	
East Committee Room - full day	216.00			210.00	
West Committee Room - half day	98.00			95.00	
West Committee Room - full day	216.00			210.00	
Hire of rooms for weddings	240.00			200.00	
DELAMERE HOUSE, CREWE					
Room Hire					
Floor 2 conference room	50.00			40.00	
Floor 3 conference room	36.00			35.00	
GARAGE RENTS, CREWE					
Plots per Year	139.96			139.96	
Subject to further review for 2009/2010					
LOCAL TAX COLLECTION COSTS					
Proposed fees are subject to approval by the Magistrates Court and could be changed					
Summons	50.00	50.00		30.00	50.00
Liability Orders	40.00	40.00		30.00	25.00

SCALE OF FEES AND CHARGES 2009/10

Appendix C

SERVICE	2009/10 Cheshire East £	2 0 0 8 / 0 9			
		Congleton £	Cheshire County £	Crewe & Nantwich £	Macclesfield £
TATTON PARK					
Authority for setting Fees and charges for Tatton Park is delegated to the General Manager of Tatton Park within the policy framework approved by the Tatton Select Panel					
Totally Tatton Tickets					
Adult	7.00		6.00		
Child	3.50		3.00		
Family	17.00		15.00		
Group Adult	5.60		5.00		
Group Child	2.80		2.75		
Attractions					
Mansion					
National Trust members	free		free		
Adult	4.50		4.00		
Child	2.50		2.00		
Family	11.50		10.00		
Group Adult	3.60		3.20		
Group Child	2.00		1.60		
Guided Tours - up to group of 10	60.00		60.00		
Guided Tours - per head over 10	6.00		6.00		
Gardens					
National Trust members	free		free		
Adult	4.50		4.00		
Child	2.50		2.00		
Family	11.50		10.00		
Group Adult	3.60		3.20		
Group Child	2.00		1.60		
Guided Tours - up to group of 10	60.00		60.00		
Guided Tours - per head over 10	6.00		6.00		
Old Hall					
Adult	4.50		4.00		
Child	2.50		2.00		
Family	11.50		10.00		
Guided Tours - up to group of 10	60.00		60.00		
Guided Tours - per head over 10	6.00		6.00		
Farm					
Adult	4.50		4.00		
Adult - National Trust member	2.25		2.00		
Child	2.50		2.00		
Child - National Trust member	1.25		1.00		
Family	11.50		10.00		
Family - National Trust member	5.75		5.00		
Group Adult	3.60		3.20		
Group Child	2.00		1.60		
Guided Tours - up to group of 10	60.00		60.00		
Guided Tours - per head over 10	6.00		6.00		
* Park Entry					
Cars, Motor Cycles & Horse Drawn Vehicles	4.50		4.50		
Horse & Rider	3.50		3.50		
Disabled Cars, etc	2.50		2.50		
Annual Season	90.00		90.00		
Disabled Annual Season	45.00		45.00		
Quarterly Season	30.00		30.00		
Monthly Season	12.50		12.50		
* TGS Members	3.50		3.50		
* Mansion Tour - Adult	3.00		3.00		
* Mansion Tour - Child	1.50		1.50		
* Japanese Garden Tour - Adult	1.50		1.50		
* Japanese Garden Tour - Child	0.50		0.50		
* Sailing					
Annual Permit	30.00		30.00		
Full Day (without permit)	16.00		16.00		
Full Day (with permit)	8.00		8.00		
After 15.00 (without permit)	8.00		8.00		
After 15.00 (with permit)	4.00		4.00		
* Fishing					
Adult	6.00		6.00		
Child	3.00		3.00		
* these prices are subject to further review in line with the business plan and market conditions					
SCHOOL MEALS					
Individual schools can set their own prices for paid meals but the advisory prices set by County Business Services are:					
Secondary	2.15		2.05		
Primary/Special	2.00		1.90		
GENERAL NOTES					
Prices quoted include VAT, where applicable, at the standard rate of 15% unless otherwise stated					

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Reserves Policy & Strategy 2009 - 2012

Summary:

The Reserves Policy & Strategy presents information about the requirement for local authorities to maintain adequate financial reserves. It provides a statement on the reserves and balances currently held by the Councils within Cheshire East and the likely position at 31st March 2009. It sets out a risk based approach to the examination of the adequacy of reserves for Cheshire East Council for the period 2009 – 2012.

1. Relevant Information

1. The report follows guidance issued by the Chartered Institute of Public Finance & Accountancy ~ *LAAP Bulletin 55 – February 2003: Guidance Note on Local Authority Reserves and Balances*. Compliance with the guidance is recommended in the Institute's 2003 Statement on the Role of the Finance Director in Local Government.
2. The regulatory framework and role of the Chief Finance Officer are set out in Annex 1.

Types of Reserves

3. When reviewing medium term financial plans and preparing annual budgets Cheshire East Council must consider the establishment and maintenance of reserves. These can be held for three main purposes:
 - a **working balance** to help manage the impact of uneven cash flows and avoid unnecessary temporary borrowing – this forms part of general reserves
 - a **contingency** to cushion the impact of unexpected events or emergencies – this also forms part of general reserves
 - a means of building up funds, often referred to as **earmarked** reserves, to meet known or predicted liabilities
 4. **Table 1** (below) identifies the most commonly established earmarked reserves and the rationale behind why such reserves are created and maintained.
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Table 1: All earmarked reserves should have a clear rationale

Category of Earmarked Reserve	Rationale
Sums set aside for major schemes, such as capital developments or asset purchases, or to fund major reorganisations	Where expenditure is planned in future accounting periods, it is prudent to build up resources in advance
Insurance reserves	Self-insurance is a mechanism used by a number of local authorities
Reserves of trading and business units	Surpluses arising from in-house trading may be retained, or may have to be retained by statute to cover potential losses in future years, or to finance capital expenditure
Reserves retained for service departmental use	Increasingly authorities have internal protocols that permit year-end surpluses at departmental level to be carried forward
School Balances	These are unspent balances of budgets delegated to individual schools

Source: CIPFA ~ LAAP Bulletin 55, 2003

5. For each reserve held by Cheshire East Council there should be a clear protocol setting out:
 - the purpose of the reserve
 - how and when the reserve can be used
 - procedures for the reserve's management and control
 - a process and timescale for review of the reserve to ensure continuing relevance and adequacy
6. When establishing reserves, Cheshire East Council needs to ensure that it complies with the Code of Practice on Local Authority Accounting in the United Kingdom and in particular the need to distinguish between reserves and provisions.

Assessing the Adequacy of Reserves

7. In order to assess the adequacy of unallocated general reserves when setting the budget, the Chief Finance Officer will take account of the strategic, operational and financial risks facing the authority. Cheshire East Council will therefore adopt formal risk management processes. The Audit Commission Codes of Audit Practice make it clear that it is the responsibility
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of the audited body to identify and address its operational and financial risks, and to develop and implement proper arrangements to manage them, including adequate and effective systems of internal control. The financial risks should be assessed in the context of the authority's overall approach to risk management.

8. There is now a requirement for local authorities to include an Annual Statement of Governance with the statement of accounts. The Chief Finance Officer needs to ensure that the authority has put in place effective arrangements for internal audit of the control environment and systems of internal control as required by professional standards.
9. Setting the level of general reserves is just one of several related decisions in the formulation of the medium term financial strategy and the budget for a particular year. Account has to be taken of the key financial assumptions underpinning the budget alongside a consideration of the authority's financial management arrangements.
10. **Table 2** (below) sets out the significant budget assumptions that are relevant when considering the adequacy of reserves that are in addition to the issue of cashflow:

Table 2: Holding adequate reserves will depend on a number of key factors

Budget Assumptions	Financial Standing & Management
The treatment of inflation and interest rates	The overall financial standing of the authority (level of borrowing, debt outstanding, council tax collection rates etc)
Estimates of the level and timing of capital receipts	The authority's track record in budget and financial management including the robustness of the medium term plans
The treatment of demand led pressures	The authority's capacity to manage in-year budget pressures
The treatment of planned efficiency savings/productivity gains	The strength of the financial information and reporting arrangements
The financial risks inherent in any significant new funding partnerships, major outsourcing arrangements or major capital developments	The authority's virement and end of year procedures in relation to budget under/overspends at authority and departmental level
The availability of other funds to deal with major contingencies and the adequacy of provisions	The adequacy of the authority's insurance arrangements to cover major unforeseen risks

Source: CIPFA ~ LAAP Bulletin 55, 2003

11. These factors can only be assessed properly at local level. A considerable degree of professional judgment is required. The Chief Finance Officer may choose to express advice on the level of balances in cash and/or as percentage of budget (to aid understanding) so long as that advice is tailored to the circumstances of the authority for that particular year.
12. The advice has to be set in the context of the authority's Medium Term Financial Strategy and should not focus exclusively on short term considerations. Balancing the annual budget by drawing on general reserves may be viewed as a legitimate short term option. However, where reserves are to be deployed to finance recurrent expenditure this should be made explicit. Advice should be given on the adequacy of reserves over the lifetime of the Medium Term Financial Strategy.
13. The current guidance requires the purpose, usage and the basis of transactions of earmarked reserves to be identified clearly. It is recommended that a review of the level of earmarked reserves be undertaken as part of annual budget preparation.

2. General Fund Reserves

14. At 1st April 2009 Cheshire East Council is anticipated to hold general reserves totaling £15.882m. **Table 3** (below) shows the anticipated position for each local authority contributing to the reserves for Cheshire East Council in 2009.

Table 3: Cheshire County Council Reserves have been split to reflect the position for Cheshire East only

	General Reserves
Contributing Authority	£000
Cheshire CC	15,142
Macclesfield BC	2,444
Congleton BC	2,446
Crewe & Nantwich BC	1,755
Less Voluntary Redundancy Severance Costs (Forecast)	(5,905)
Total at 1/4/09	15,882

Source: County Finance February 2009

15. It is intended that transitional costs will be met from general reserves in 2009/2010, but that contributions will be made each year to replace those reserves. In addition the level of reserves needed will be assessed each year according to the risks facing the Authority. **Table 4** (below) summarises the current estimated movements in general reserves from 2009 to 2012:

Table 4: Reserves should be restored to an adequate level by 2010

Detail of Movements	£000	£000
Opening General Reserves at 1/4/09		15,882
<i>2009/10</i>		
Projected Use of Reserves		
- Transition Costs - Staff Relocation (Budget)	-1,400	
- Voluntary Redundancy - Actuarial Costs (Forecast)	-1,079	
Projected Addition to Reserves		
- Repayment of Transition Costs (Budget 2009/10)	2,750	
- Business Finance Loan Repayments	392	
- Repayment to Reserves (Forecast)	2,827	3,490
Closing Balance 31/3/10		19,372
<i>2010/11</i>		
Projected Addition to Reserves		
- Repayment of Transition Costs (MTFS)	2,750	
- Business Finance Loan Repayments	278	
- Contribution to Reserves (MTFS)	2,170	
- Repayment to Reserves (Forecast)	657	5,855
Closing Balance 31/3/11		25,227
<i>2011/12</i>		
Projected Addition to Reserves		
- Repayment of Transition Costs (MTFS)	2,750	
- Business Finance Loan Repayments	146	
- Contribution to Reserves (MTFS)	3,049	
- Repayment to Reserves (Forecast)	-222	5,723
Closing Balance 31/3/12		30,950

Source: County Finance ~ Financial Scenario February 2009

16. Work has recently been undertaken to assess the adequacy of these reserves within the context of the council's new Medium Term Financial Strategy, taking account of the relevant professional and technical guidance as detailed in this report. The outcome is detailed below.

General Fund Reserves - Risk Assessment

17. Local Authorities have previously adopted a broad principle that General Fund Reserves would be prudent if equivalent to 5% of the net revenue budget requirement. Based on current budget estimates for 2009/2010 this would equate to £11.7m rising to £12.5m for 2011/2012.
18. The desired level of reserves is substantiated however by a more detailed risk assessment. This approach allows the council to take account of the circumstances around current structural changes and economic circumstances.
19. Risks are categorised and potential values applied to them, the actual exposure to the risk is then considered. **Table 5** (below) shows the risk areas and the level of reserves the council should retain to mitigate that risk:

Table 5: A robust level of reserves is guided by an assessment of potential risks

Class of Risk	Affect on budget / mitigating Action	Value of Risk Retained (£)	Class Totals (£)
Health & Safety	Increased cost to reduce further risk of breach / Robust risk assessments	£100,000	£180,000
	Substantial disruption to income streams / Robust disaster recovery	£50,000	
	Cost of new advertising to regain confidence / Effective Communication Plans	£10,000	
	Additional advertising costs to attract staff / Employment options on standby	£20,000	
Fire / Structural damage by flood etc	Premises not operational / Robust disaster recovery plan	£100,000	£125,000
	Budget growth to cover premiums or self insurance costs / Good claims management	£25,000	
Budget Pressures	Fall of rates by 1%	£60,000	£12,051,000
	Up to 5% loss of income from fees & charges / prudent income targets, close in year monitoring	£1,000,000	
	Reduced cashflow / prudent cashflow projections, sound recovery strategy	£81,000	
	2% increase in spending in People Block / lean working	£936,000	
	Budgets overspend / Robust plans and monitoring of savings progress	£750,000	
	Loss of the maximum value held with one institution / strong counterparty management	£2,500,000	
	Heritable Bank Investment	£4,000,000	

	Impact on opening balances / apply prudent assumptions to opening balances	£1,800,000	
	Budgets overspend / Robust plans and monitoring of savings progress	£401,000	
	Increase in exceptional inflation items / good contract management	£523,000	
ICT & Security	Up to 10% fine on turnover / robust security processes	£468,000	£518,000
	ICT service days to repair, loss of service / robust security policies and firewalls	£50,000	
Industrial relations / External organisations failure	Loss of income, costs of providing essential services or direct costs of resolution, reduced pay budget / emergency planning	£50,000	£50,000
Strategic Reserve	2% of Net Revenue Budget	£4,680,000	£4,680,000
			£17,604,000
OVERALL RISKS			0
% of Net Revenue Budget			7.5%

Source: Cheshire East Finance Feb 2009

20. The outcome of this analysis has been to place an estimated total value on the range of risks that may arise and which are not covered by insurance. This is equivalent in total to £17.6m.
21. The reserves position for 2009/10, as detailed in Table 4 above, demonstrates the aim of Cheshire East Council to repay Transitional Costs and Voluntary Redundancy costs over the three-year planning period. The risk analysis in Table 5 demonstrates that the repayment to reserves of £2.827m could be reduced by £1.768m and the sum could be reinvested in line with the Council's priorities.
22. A further round of voluntary redundancies is now being considered and the requirement for the use of reserves in the first instance to fund the associated costs will be carefully analysed. The pay back period will be assessed for any additional cases to ensure that overall the Council can replenish reserves to the required level over a three year period.

Adequacy of General Reserves

23. A duty of the Chief Finance Officer is to comment on the adequacy of financial reserves (see Annex 1). From the evidence supporting this report and with regard to the current economic climate my assessment is that reserves levels at 1st April 2009 are within tolerance levels and can be considered adequate. I also consider them to be adequate in terms of working balances.

24. The estimates contained within the Medium Term Financial Strategy are sufficiently robust to achieve the required repayment of reserves in the medium term following transition. I take this view based on the assessment of risk particularly in regard to efficiency saving assumptions within the draft 2009/2010 Budget.

3. Earmarked Reserves

25. At 1st April 2009 Cheshire East Council is anticipated to hold earmarked reserves to the value of £5.4m. To support key areas in the 2009/2010 Budget a further £1.096m of reserves will be earmarked by Cheshire East Council, this has already been allowed for in presenting the General Reserves position above. **Table 6** (below) therefore shows the anticipated opening balances of earmarked reserves, having allowed for balances from each contributing local authority and for further allocations by Cheshire East Council.

26. For each reserve held by a local authority there should be a clear protocol setting out:

- the purpose of the reserve
- how and when the reserve can be used
- procedures for the reserve's management and control
- a process and timescale for review of the reserve to ensure continuing relevance and adequacy

Table 6 therefore also includes a column showing the reasons/uses for each reserve:

Table 6: Earmarked Reserves can pump prime initiatives that may deliver future savings

Description	Cheshire East Total £000	Reason / Use
Tatton Park - accumulated surplus	114	Tatton Park in East
Insurance Reserve	1,318	Claims experience
LPSA Reserve (continuation funding)	246	
S117 Reserve	130	Population
Education All Risks	307	Premiums paid by schools
Long Term Sickness	135	Premiums paid by schools
Building Control Surplus	329	ring-fenced surplus (could be used to offset service deficit, if applicable)
Local Development Framework	141	Service budget balance brought forward
Disturbance Payments	111	Set aside sum covering costs from relocation of staff due to office centralisation
Part-time Rangers	62	earmarked for spending on additional hours for ranger service
Lottery	10	Balance available to match fund community

		projects
Environmental Fund	8	Balance available to match fund community projects
Macclesfield Silk Heritage	10	Ongoing grants to Silk Museum
Grants Panel	71	Balance available to match fund community projects
M/S Car Park Repair	54	ringfenced for car parks, may however transfer to General Fund Working Balance
Collection Fund Discretionary Relief	142	Balance available to give discretionary relief on business rates
European Links	8	Balance available to match fund community projects
M/c Airport Partnership Fund	6	Balance available to match fund community projects
United Utilities	60	ringfenced for outstanding account, may be required in 08/09
Childcare Vouchers	1	balance on account, may transfer to GF working balance
Job Evaluation	300	intended to be used to offset final protected pay in 2009/10
Environmental Warranties	188	self-insurance for possible claims from Cheshire Peaks and Plains
Benefits appeals reserve	400	relates to Alternative Futures case, still needs to be reserved
Building Control	376	ring-fenced surplus (could be used to offset service deficit, if applicable)
Business development land acquisition (LABGI-funded)	250	approved for capital project financing
Crewe town centre development transitional shortfall (LABGI-funded)	219	earmarked to cover costs and income shortfalls (car parks etc.) during Crewe town centre re-development
Capital investment reserve (LABGI-funded)	164	approved for financing various capital projects
Single status/ job evaluation	150	intended to be used to offset final protected pay in 2009/10
Markets - Disturbance costs/ new stalls (LABGI-funded)	150	intended for spending during and after Crewe town centre re-development
Economic & physical development projects (LABGI-funded)	60	approved for strategy development/ business promotion initiatives
Queens Park - Boats/ equipment/ facilities	52	intended to purchase items following completion of Park restoration
Insurance reserve	50	to be assimilated into CE self-insurance reserve
Safer Communities - PCSOs	46	earmarked for PCSOs/ ASB Co-ordinator commitments
Crewe Business Park - Marketing Office rent	46	approved for repairs/ costs in the event of transfer of management of Park
Cumberland pitch renewal (CNBC share)	31	following major investment, using annual additional surplus to build a fund to renew in future
Community Wardens - Fixed penalties income	24	ring-fenced for improving cleanliness of public spaces
Safer Communities - Alley gates maintenance	20	intended for maintenance of gates, following capital-funded installations

Treasury - Temporary staff	20	will be used to cover temp staff for closure of 2008/09 Accounts
Environmental Protection Act	14	intended for environmental emergency response situations
Total	5,823	
Further Reserves to be created for Cheshire East*		
Economic Development	650	To provide capacity for statutory and development requirements in 2009/2010
Community Safety	109	To provide additional capacity in 2009/2010, which will enable invest to save options to be adapted for future years
Local Development Framework	100	To provide additional capacity in 2009/2010 only
Trading Standards	60	To protect against possible shortfall in essential service during 2009/2010
Customer Access	177	To maintain service levels in 2009/2010 and allow development of invest to save options
Total	1,096	

Source: Cheshire County & District Finance Jan 2009

*it should be noted that these additional earmarked reserves have been allowed for when stating the General Reserves position for the 2009/2010 Budget

27. Earmarked reserves have the effect of transferring the tax burden across financial years as current taxpayers' funds are being used to support future years' spending. It is therefore recommended that the Council's earmarked reserves are subject to annual review as part of the budget-setting process to ensure that they are still appropriate, relevant and adequate for the intended purpose.

Background Papers:

CIPFA, Local Authority Accounting Panel: Bulletin 55, Local Authority Reserves & Balances (2003)

General Fund Reserves ~ Risk Assessment Working Papers 2008

Final Accounts:

Cheshire County Council
 Congleton Borough Council
 Crewe & Nantwich Borough Council
 Macclesfield Borough Council

Lisa Quinn
Borough Treasurer & Head of Assets (Chief Finance Officer)

Annex 1**Protocol & Controls****The Existing Legislative/Regulatory Framework**

Sections 32 and 43 of the Local Government Finance Act 1992 require billing and precepting authorities in England and Wales to have regard to the level of reserves needed for meeting estimated future expenditure when calculating the budget requirement.

There are three significant safeguards in place that militate against local authorities over-committing themselves financially:

1. The balanced budget requirement
2. Chief Finance Officers' S114 powers
3. The External Auditor's responsibility to review and report on financial standing.

The balanced budget requirement is reinforced by section 114 of the Local Government Finance Act 1988 which requires the Chief Finance Officer to report to all the authority's councillors if there is or is likely to be unlawful expenditure or an unbalanced budget. This would include situations where reserves have become seriously depleted and it is forecast that the authority will not have the resources to meet its expenditure in a particular financial year. The issue of a section 114 notice cannot be taken lightly and has serious operational implications. The authority's full council must meet within 21 days to consider the S114 notice and during that period the authority is prohibited from entering into new agreements involving the incurring of expenditure.

While it is primarily the responsibility of the local authority and its Chief Finance Officer to maintain a sound financial position, External Auditors have a responsibility to review the arrangements in place to ensure that financial standing is soundly based. In the course of their duties External Auditors review and report on the level of reserves taking into account their local knowledge of the authority's financial performance over a period of time. However, it is not the responsibility of auditors to prescribe the optimum or minimum level of reserves for individual authorities or authorities in general.

The Role of the Chief Finance Officer

It is the responsibility of the Chief Finance Officer to advise local authorities about the level of reserves that they should hold and to ensure that there are clear protocols for their establishment and use. There is no statutory minimum.

Local authorities, on the advice of their Chief Finance Officers, are required to make their own judgements on the level of reserves taking into account all the relevant local circumstances. Such circumstances vary. A well-managed authority, for example, with a prudent approach to budgeting should be able to operate with a

relatively low level of general reserves. There is a broad range within which authorities might reasonably operate depending on their particular circumstances.

Good Governance

It is important that Members take responsibility for ensuring the adequacy of reserves and provisions when they set the budget. CIPFA recommend that the respective roles of officers and Councillors in relation to reserves should be codified locally and given due recognition in the Constitutions. This codification should:

- state which council bodies are empowered to establish reserves
- set out the responsibilities of the Chief Finance Officer and Councillor – or group of Councillors – responsible for finance
- specify the reporting arrangements

A New Reporting Framework

The Chief Finance Officer has a fiduciary duty to local taxpayers, and must be satisfied that the decisions taken on balances and reserves represent proper stewardship of public funds.

The level and utilisation of reserves will be determined formally by the Council, informed by the advice and judgement of the Chief Finance Officer. To enable the Council to reach its decision, the Chief Finance Officer should report the factors that influenced his or her judgement and ensure that the advice given is recorded formally. Where the advice is not accepted this should be recorded formally in the minutes of the council meeting.

CIPFA recommended that:

The budget report to the Council should include a statement showing the estimated opening general reserve fund balance for the year ahead, the addition to/withdrawal from balances, and the estimated end of year balance. Reference should be made as to the extent to which such reserves are to be used to finance recurrent expenditure this should be accompanied by a statement from the Chief Finance Officer on the adequacy of the general reserves and provisions in respect of the forthcoming financial year and the authority's medium term financial strategy a statement reporting on the annual review of earmarked reserves should also be made at the same time to the Council. The review itself should be undertaken as part of the budget preparation process. The statement should list the various earmarked reserves, the purposes for which they are held and provide advice on the appropriate levels. It should also show the estimated opening balances for the year, planned additions/withdrawals and the estimated closing balances.

BUDGET CONSULTATION PROCESS

1. Cheshire East Council has recently completed its first round of Budget Consultation for the 2009-10 Budget. This followed on from the processes operated by the County and District Councils to share their budget options with stakeholder groups and meet the relevant statutory and best practice requirements.

Background

2. Local authorities have a statutory duty to consult on their Budget with certain stakeholder groups such as the Schools Forum and businesses. In addition, other groups have been consulted by the existing Cheshire Councils including social care users / carers, Primary Care Trusts, members of the Local Strategic Partnership (LSP), Police and Fire. Traditionally, this has taken the style of formal meetings and based around a document setting out draft budget and policy options in detail.
3. Given the scale of the task of local government re-organisation a detailed set of Budget options has not been produced. However, the budget and service redesign process has resulted in a number of headline budget issues set in the context of the new Corporate Plan priorities and the overall ambitions of the new Authority which could be shared with stakeholders for their views.

Agreed Approach

4. The Cheshire East Cabinet agreed that a practical level of Budget Consultation should be adopted for 2009-10 with a series of events taking place in January. They also made a clear commitment to improve the process and involve stakeholders at an early stage in the future as an integral part of the Financial Planning Process.
5. All current Stakeholders were invited and advised of the approach for 2009-10. This required existing address lists to be updated and disaggregated in the case of the County.
6. The following Budget Consultation meetings took place in 2009:
 - 12 January Town and Parish Councils
 - 13 January Trade Unions as part of the Staffing Committee
 - 14 January People and Places, i.e. User / Carers, LSP members etc
 - 19 January Schools' Forum
 - 20 January Business Breakfast

Consultation Material

7. To provide a framework for the meetings a series of documents were produced, circulated in advance of the meetings and available to delegates on the day. These took the form of:

- a general background briefing and Cheshire East profile common to all consultee groups
 - a specific briefing tailored to the consultee group
8. A briefing document was also produced for members of the public and made available in libraries and public areas of the existing Councils' buildings.
9. All these documents were placed on the Cheshire East Council website. The documents and website included details of how to comment on the issues.

Outcomes

10. The Cheshire East Council Cabinet and Management Team were also well represented with the Leader and Chief Executive attending nearly all of the events.
11. The key consultation outcomes are as follows:
- Participatory budget pilot being undertaken
 - 3rd Sector funding confirmed for 2009/10
 - Shared Services being discussed with key partners
 - Business Portal will be developed working with the Chamber of Commerce
 - Initiatives to improve engagement with the local economy
 - Cheshire East Council team being established to engage with the community to address the impact of the economic downturn

Feedback

12. A summary of all the feedback is attached to this appendix in the form of minutes of the relevant meetings / discussion groups and feedback received via the website:

Group	Annex
Town and Parish Councils	A
Trades Unions	B
People and Places Discussion Groups:	
- Social Care	C(i)
- Health and Wellbeing	C(ii)
- Roads and Transport	C(iii)
- Waste and Other Services	C(iv)
Schools' Forum	D
Business Breakfast	E
Correspondence with members of the public	F

13. All delegates were asked to complete a questionnaire at the end of the meetings. The feedback from these forms has been analysed and the results are attached at Annex G. These will be used to inform future events.

Where next?

14. Cabinet Members have given a clear undertaking to improve consultation arrangements for the 2010/11 Financial Planning process and this will start early in the new Financial year.

Conclusion

15. Cabinet Members reviewed all the feedback from the events and, where possible, have factored these into their detailed budget deliberations. However, given the time and resource constraints it has not been possible to address all the issues and the debate over service levels, in light of the feedback received, will continue into 2009/10.

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Appendix F - Annex A

Cheshire East Council Budget Consultation 2009-10
Minutes of Town and Parish Councils Event – 12th January 2009

Cheshire East Council Councillors:

Councillor W Fitzgerald
 Councillor F Keegan
 Councillor D Brown
 Councillor R Domleo
 Councillor B Silvester

Parish and Town Council Representatives:

John Kemble	Audlem PC
Jean Batchelor	Betchton PC
Bill Brown	Betchton PC
Jackie Potts	Congleton TC
Lesley Smetham	Gawsworth PC
Malcolm Nicholls	Goostrey PC
Richard Harvey	Haslington PC
Philip Jackson	Haslington PC
Duncan Brock	Henbury PC
Mike Wootton	Henbury PC
Councillor M Hosker	High Legh PC
Councillor J Tuck	High Legh PC
David Cowgill	Holmes Chapel PC & Cranage
Matthew Jackson	Knutsford TC
John Gregg	Marbury & District PC
Geraint Jones	Marbury & District PC
Lucy Nixon	Marton PC
David Woolliscroft	Marton PC
Councillor T Hunt	Odd Rode PC
Councillor S Robinson	Odd Rode PC
Ron Sherwin	Odd Rode PC
Charles Gorst	Poynton PC
Brian Hogan	Poynton PC
Councillor L Burns	Prestbury PC
Ken Butler	Rainow PC
Bob Squirrel	Rope PC
Ann Banks	Sandbach TC
Councillor P Darnes	Sandbach TC
Councillor B Moran	Sandbach TC
Liz Allcock	Warmingham PC
Councillor N Higson	Warmingham PC
Councillor G Cook	Weston & Basford PC
Councillor J Cornell	Weston & Basford PC

Officers:

Erika Wenzel	Chief Executive – Cheshire East Council
Lisa Quinn	Borough Treasurer & Head of Assets – Cheshire East Council
Kirstie Hercules	Local Strategic Partnerships – Crewe & Nantwich Borough Council

Cllr Fitzgerald welcomed representatives from the Town and Parish Councils and introduced the speakers.

Erika Wenzel presented an overview of Cheshire East Council setting out the background, progress to date and vision of the new authority. This included the proposals for Neighbourhood Working and the Local Strategic Partnership. Cllr Keegan set out the aims and objectives of the consultation process and the future plans for Cheshire East including the devolvment of services to Town and Parish Councils.

Lisa Quinn provided an overview of the financial scenario for Cheshire East Council and the plans for the 2009-10 budget and Council Tax levels. Summary information was provided on the budget proposals for People, Places and Performance and Capacity.

Questions from the Town and Parish Council representatives were invited from Cllr Keegan.

Poynton PC – Will the devolution of services to Town and Parish Councils involve the transfer of operational budgets only or will there be some allocation for overhead costs?

Cllr Keegan responded that where Parish Councils take on additional responsibility they will receive the relevant budget to deliver that service. The overall aim is to achieve efficiencies, particularly on overhead costs so these will remain centralised. Parish Councils will receive what is deemed to be a 'fair' amount to run the service.

Goostrey PC – Devolved services will require more commitment from Parishes and it is increasingly difficult to find representatives for Finance Committee meetings. The Parishes will therefore require additional support from Cheshire East Council.

Cllr Keegan explained the consultation process that is currently taking place with Town and Parish Councils and invited representatives to view the maps available at the back of the room. The areas for neighbourhood working are currently in draft and trials are being discussed as part of the consultation process. He understood that not all parishes will want to take on additional service provision.

Haslington PC – Parish Councils will not want the additional management responsibility of taking on staff etc.

Cllr Keegan replied that the Council is not planning to pass on service delivery to Parishes who do not want it and full support would be given from the centre in respect of finance, human resources and legal services.

Holmes Chapel PC – Should the consultation on the grouping of Parish Councils have taken place before the consultation on the budget.

Cllr Keegan stated the consultation process started in early December with Cllr Brown and the Chief Executive therefore some parishes have already had some involvement.

Knutsford TC – Would this mean some parishes take on delivery of services outside their Parished area.

Cllr Keegan confirmed this would be the case and explained that this would be worked out through the pilot exercises.

Cllr Brown provided further information on the consultation process on neighbourhood and area working and encouraged representatives to get involved in the future meetings. The consultation process is to decide how services can best be provided and services will only be devolved if that is the decision of the Parish Council. It will not be forced on them.

Poynton PC – How is the issue of double taxation being dealt with.

Lisa Quinn explained that this will be taken forward and examined in more detail. Cheshire East Council will either provide the resources to the Parish providing the service or take the service back therefore eliminating the instances of double taxation.

Betchton PC – Will the website hosting facility operated by Cheshire County Council continue.

The Chief Executive confirmed that the service would continue to be provided by Cheshire East Council.

Betchton PC – Information was requested on the cost of providing the Budget Consultation events.

Lisa Quinn confirmed that details would be provided.

High Lea PC – Cllr Hosker thanked the panel for the detailed information provided but stated that the Parish had not heard anything since July 2008 and there had been no Cheshire East Member representation at High Lea meetings.

Cllr Fitzgerald explained that the process has only just commenced and will be ongoing over several years. Meetings have taken place during December with Cllr Brown and will continue.

Marton PC – Many parishes are made up of small villages in rural areas who will not want to take on devolved responsibilities.

The panel explained that the smaller parishes will form part of a Local Area Partnership, which could consist of say 15 in one area. This will mean a Parish taking on services on behalf of others and providing them across the whole partnership area.

Henbury PC – What will happen on Day 1 regarding the delivery of services, for example, refuse collection.

The Panel confirmed that services will continue as normal from Day 1 but from a unitary council rather than district and county. The service users should not see any changes. He pointed out that the contact numbers may change and they would try to ensure any such information was circulated widely in advance. Refuse collection is not a service that would be devolved.

Cllr Fitzgerald explained that change was an evolutionary process and would continue following dialogue with the Parish and Town Councils.

Information was requested on the directorship of Cheshire East Council and which services they were responsible for.

The Chief Executive confirmed that the new structure charts will be available on the website.

Odd Rode PC – Cllr Robinson requested details of the plans for Cheshire East Council and how it is managing the change process.

The Chief Executive explained that the plans are in place and are progressing. The Council has to report to the Department for Communities and Local Government and the Audit Commission on a regular basis. The Cabinet reports contain details of the planning process and progress to date and are available on the Cheshire East Council website: www.cheshireeast.gov.uk

Poynton PC – What procedures will be in place for the devolvment of services and what are the existing costs.

Cllr Keegan explained that Poynton will be one of the trial areas and will be informed of the available resources.

Rainow PC – How will the Local Area Partnerships work and will the increased role of Town and Parish Councils be recognised?

Cllr Brown explained that Cheshire East Council will have 81 members who will represent an area and belong to a Local Area Partnership. The aim is to work in new ways to provide benefits to the local area and all parishes will have an elected representative on Cheshire East Council.

Warmingham PC – If the Parish have three representatives on the Council whom should they use.

The Panel confirmed they can use any one or all of their representatives on the Council and can invite their Cheshire East Council representatives to Parish meetings. One Parish Council confirmed that a Shadow Councillor had attended every meeting and noted that they may need to be invited.

Betchton PC – The parishes can currently request a loan from the District Council if they have unexpected expenditure during the year, will this continue.

Cllr Keegan confirmed that this would continue.

Poynton PC – The Chief Executive has a major role in the creation and transformation of Cheshire East Council, how will this be achieved.

The Chief Executive explained her background and experience from working in Tameside where she devolved £12m - £13m of services to Town and Parish Councils.

Marbury PC – Information was requested on Cheshire East Council's plans for road improvements.

The Panel responded that the Council's objectives are to reduce costs and operate more efficiently enabling them to put money back into front line services such as roads. However, this would take time to implement.

Knutsford TC – The Town Council would welcome more devolved functions and requested that the consultation is extended to involve more Town and Parish Councils to make them bigger and better.

Cllr Brown explained that the next round of meetings on the Local Area Partnerships will give the representatives the opportunity for further discussion and the first meeting is set for 20th January.

Information on the events and Local Area Partnerships was requested as not all parishes have web access.

Cllr Brown confirmed that the parishes would receive information in the post.

Henbury PC – Why has Cheshire East Council gone for Borough Status.

Cllr Keegan explained that the County's Aldermen could continue into the new Council. However, the Freemen from the District's could not be taken into the new Council if it did not have Borough status. Therefore, a successful application had been made.

Sandbach PC – Information was requested on participatory budgeting.

Lisa Quinn reported that pilots were taking place across the country and Cheshire East Council would look into the outcomes.

Conclusion

Cllr Fitzgerald summed up the evening and thanked the Town and Parish Council representatives for their participation.

Appendix F - Annex B

13th January 2009 – Trades Unions – Notes

Budget 2009/10 & Medium Term Financial Strategy

- The People & Places consultation document was distributed to the Staffing Committee and the Union representatives along with a specific brief.
- The Borough Treasurer and Head of Assets provided an update based on the Medium Term Financial Strategy that was reported to Cabinet on 17th December 2008.
- The Union representatives were not willing to treat the budget session as a consultation exercise. They would only accept it as a briefing session.
- The information provided was welcomed as far as it went.
- The Union representatives requested more detailed consultation, ahead of the finalisation of the budget, on structures and budget proposals.
- The Borough Treasurer and Head of Assets indicated that it would be difficult to provide the level of detail that the Unions would wish to see and also that it would be difficult to fit in another joint meeting within the timescale.
- She suggested that the best way to try to accommodate the request was to use existing individual meetings with managers and that where existing meetings were not taking place arrangements would be made as soon as possible.

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Appendix F - Annex C (i)

Cheshire East Council Budget Consultation 2009-10
People and Places Event – 14th January 2009

Minutes of Discussion Group 1 – Social Care Services

Facilitator:	John Weeks	Strategic Director (People)
Co-Facilitator:	Ceri Harrison Paul Goodwin	Head of Transformation

John described the Council's Social Care Services and related budget issues:

Children and Family Services

- Schools are funded from Dedicated Schools Grant (DSG), a ring-fenced grant allocated from Government
 - Some schools have built up balances – the formation of “clusters” of schools is an initiative aimed at driving up standards and encouraging improved engagement with communities
 - Cheshire East has a role in shaping the development of schools and use of DSG, including its use in supporting children's and family services
- Social care for children is a high profile service and has a number of issues and challenges
 - Cheshire East will inherit a substantial budget overspend, due to the demand for services for “looked-after” children
 - Foster carers are moving on and new carers are difficult to recruit (a question was asked on the funding of private sector fostering agencies and the associated problems of retention and resources were noted)
- An Interim Head of Children's Services has been appointed
 - Barbara Hughes will review services and take a radical look at improving quality and addressing budget pressures

Adult Services

- There are considerable budget savings to be made
- The solution is largely in the Redesign of Adult Social Care Services, eliminating waste and simplifying processes; there is a clear vision:

- Personalisation – allowing greater choice and control for customers on how their care funds are spent
- Lean systems – ensuring every process adds value to the service outcome (e.g. significantly reducing steps in assessment process)
- Local working – Ensuring local teams are aligned to be more responsive to people's needs
- Rationalising management structures – notably in respect of provider services

Question: Questions were asked on the “corporate parent” role of local Councillors with regard to Looked-After children and the plans for changing the way we care for them and improve their educational attainment.

Response: It was noted that all Councillors are “corporate parents”, each having the responsibility of being a champion for every Looked-After child. Training for Councillors, to acquaint them with their new role would be important. Reference was made to Frank Dobson's letter to all Councillors, setting out the Government's expectations of their role, in relation to the care and welfare of children. Reference was also made to the Government's “Narrowing the Gap” initiative, in respect of improving the educational attainment of disadvantaged pupils relative to others in the community. It was noted that despite efforts the gap had not narrowed significantly so far and that targeted approaches in schools would aim to add value (as incorporated within Local Area Agreement).

Question: Questions were asked on working in partnership, with voluntary sector groups (e.g. those supporting people with disabilities) and with the Police service.

It was noted that the Police service has an interest in prevention, education and safeguarding policies and is keen to be a partner in children's social care.

Response: It was mentioned that a Children's Trust for Cheshire East would be set up to manage partnership working and deliver the “Every Child Matters” objectives. Based on past experience, it was noted that to be effective the Trust would need to be a relatively small and tight body, with a focus upon strategic commissioning.

Question: Could an independent advocacy service be developed for Looked-After children?

Response: It was noted that training of Councillors was important and agreed that more should be done in this regard, beyond the role of Councillors. Comment was made that perhaps the “Every Child Matters” agenda should have a 6th outcome of dignity and respect, as with older people's services.

Question: Questions were asked about the re-design of Adult social care services, working with partners, home care and community support centres.

Response: The need to take a fresh look at adult social care was explained, particularly in respect of capital investment in facilities. With the population aged 85+ set to increase by over 40% by 2016, this could bring a significant rise in the incidence of dementia. The future of Community Support Centres (CSCs) needs to be addressed, with options including the decommissioning and disposal of assets, joint commissioning with the Primary Care Trust (PCT) of new facilities and a Private Finance Initiative (PFI) scheme for additional extra care housing.

It was noted that Direct Payments provided individuals with money to buy the care services to meet their particular needs and that a Resource Allocation System is being developed and tested to work out entitlements; there will be assistance to help people manage this arrangement, but they do not have to take advantage of it if they find it difficult.

Question: Will the Direct Payments allocation system be a Cheshire East scheme or a pan-county scheme?

Response: The scheme has been developed in conjunction with Cheshire West & Chester, but each Authority is responsible for its own scheme and consequently it is possible that they could be different. It was noted that there are national targets and a legislative framework for Direct Payments so some aspects are non negotiable.

Question: A question was asked on the Personalisation agenda and the resourcing of support mechanisms to help people take advantage of the choices appropriate to them.

Response: It was recognised that older people, particularly those suffering from dementia, would need such assistance. It was also noted that whilst Local Authorities deal with critical cases, other agencies support those close to being critical and that investment in prevention and re-ablement, would be important and is being designed into the new model.

Question: Will the ring-fencing of Carers' Grant continue?

Response: There are no plans to change this – carers have a critical role. It was noted though that some £21m in Government funding will be classed as Area Based Grant and consequently Cheshire East will need to work within the Local Strategic Partnership (LSP) to agree a strategy in relation to use of the money.

Question: How do you plan to reconcile the Transforming Learning Communities (TLC) agenda with maintaining/ building community focus?

Reference was made to Authorities being penalised for carrying excessive surplus places, but also that loss of schools, notably smaller schools in rural areas, would have an adverse effect on resources in local communities.

Response: TLC projects already underway would be completed. In other areas there will be a need to look at all the facts and be as clear as possible on the various aspects; the People Advisory Panel through a Task and Finish Group would be taking a fresh look at the TLC programme, including changes in demand in the current economic climate.

Comment was made on the importance of schools embracing the opportunity to engage and play a full part as community resources.

Question: A question was asked on advocacy services for those struggling to help find somewhere to live for people with dementia and learning disabilities.

Response: Early detection and preventive measures were also recognised as important. It will be important for Cheshire East to develop a strategy for joint commissioning to manage the demand, in partnership with providers.

Question: A question was asked on funding and the commissioning of preventive services in relation to children's social care.

Response: The Children's Trust needs to get up and running. Regarding child protection, the first point of contact is often the Council; a challenge for the Children's Trust will be to stimulate other players in the system to respond more fully to lower level demand.

Question: What's happening to the Schools psychology service and performance on statementing?

Response: The vision is that educational psychologists help and support teachers and parents more and that multi-disciplinary teams are created.

Appendix F - Annex C (ii)

Cheshire East Council Budget Consultation 2009-10
People and Places Event – 14th January 2009

Minutes of Discussion Group 2 – Health and Wellbeing

Facilitator:	Guy Kilminster	
Co-Facilitator:	Alex Thompson	
Cabinet Member:	Andrew Knowles	
Delegates:	Lesley Richards	Congleton Borough Council
	Helen Costello	Crewe & Nantwich Borough Council
	Clare Lacy	Making Space
	Mike Levendon	
	Liz Gentil	Play Forum - Chester Diocese
	Alistair Coney	BTCV
	Peter Speed	Crewe YMCA
	Jackie Grinham	Citizens Advice Bureau
	John Heselwood	Cheshire Community Action
	John Reader	Diocese of Chester
	John Whitehead	
	Tracey Fielding	Cheshire Community Voice
	Frank Collins	Cheshire County Council
	Trudi Powell	
	Liz Potts	Macclesfield Disability Info Group
	Dennis Murphy	Congleton Lifelong Learning Partnership
	Jenny Hawkes	
	Colin Mills	SCB Special Needs
	Anne Wheeler	Nantwich Museum
	Zandra Nield	Cheshire County Council

Summary of Key Points:

1. Cheshire East response to the recession and the potential negative impact on Health & Wellbeing:

- Homeless (Young People)
- Learning / skills development
- Need for early intervention
- Provision of advice
- Family breakdown

2. Cheshire East actions related to Disability (inc Mental Health)

3. Communication with and within the Not-for-Profit Sector

- Can't wait for CEC
- Public engagement
- Congress is an opportunity

4. Access to services from all partners

- Clarity over who provides what to who
- Clarity over access to funding and a need for long term approach from CEC

Detailed points raised in Session:

- GK Intro and opening comments, a mixed group representing many key partners.
Health & Wellbeing covers such areas as: libraries; theatre; arts; sports; museums; parks; and is the lead interaction with the Primary Care Trust
Detail of CEC budget is still limited due to complexity of Local Government Reorganisation
- LP No reference was made in the consultation material to disability
GK ~ responded that action in this area was inherent in CEC plans but further clarification would be sought ~ **raised as key issue**
- JG Concern over silo approach to 3rd Sector, as some groups cross over key policies and so may need to be consulted in many instances
GK ~ Clarity needed for signposting/linking groups to CEC priorities
GK ~ CEC and/or 3rd Sector need to bring together wealth of advice and support
- JHa Does lean systems mean cuts?
- PS It will be difficult to go lean as well as going local
GK (with further clarification from Cllr Keegan) ~ Lean means more streamlined processes not cuts in service
- JW Access will be improved if all community access points are maintained, including post offices (Also questioned the use of the term 3rd Sector ~ "Not for Profit")
- JR Does CEC map its assets?
GK ~ Customer Access Group are considering access options, GIS is being used to map assets but more work is ongoing
- TF It does not feel like a partnership is equal if funding can change so easily from one year to the next, this can prevent long term plans (Also noted a recent survey of charities showed they liked the term 3rd Sector)
- LG It would be more efficient to allocate funding over a longer term
GK ~ **raised as key issue**
- TF 3rd Sector needs to know who is out there and CEC must be able to look beyond the usual suspects for communications
- LG Do we have a list of 3rd Sector contacts / activities
- JHe Congress needs to raise profile and communicate
- JHa Are there Terms of Reference for the Congress?
- JR Does the Congress have a dedicated website

- TF CWAC are appointing an assembly, support needs to be accessed for help with consistency in grant applications and insurance
GK ~ is the Congress the answer? ~ **raised as key issue**
- PS What does phrase “we must think family mean?”
GK ~ it means keeping families together and more effectively dealing with young, family and elderly issues in a joined up way
- CL Support is needed in times of recession, it is more important than ever to get the vulnerable in to work
- HC Quick action is needed to respond to the recession
- JHe Mental health can be impacted by recession
- JG Homeless, which has not been a high priority for existing authorities, could increase in a recession
GK ~ **raised as key issue**
- JW The CEC budget event has been positive and unusual, in a very good way

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Cheshire East Council Budget Consultation 2009-10
People and Places Event – 14th January 2009

Minutes of Discussion Group 3 – Roads and Transport

Facilitator:	Andrew Ross	
Co-Facilitators:	Jenny Lees, Steve Reading	
Cheshire East Member:	Councillor Jamie Macrae	
Consultees:	Lesley Gleaves	Cheshire County Council
	Mike Smith	Congleton Partnership
	Tony Gentil	Parish Councillor
	Councillor Hatfield	Crewe & Nantwich Borough Council
	Diane Smith	Macclesfield Borough Council
	Anthony Blackley	Crewe & Nantwich LSP Env Group
	Lillian Burns	Prestbury Parish Councillor
	Cedric Knipe	Macclesfield Borough Council
	Liz Lunn	Cheshire Police

SUMMARY OF KEY POINTS AGREED BY THE GROUP:

- Maintaining roads and footways. More investment on local roads / town centres.
- Safety a clear priority combining education, engineering, enforcement and partnership working.
- Environment / climate change / sustainability / air quality.
- Integrated transport / smarter choices / less travel
- Supporting economic development.

ARE THERE ANY ROADS AND TRANSPORT ISSUES THAT YOU FEEL WE SHOULD HAVE GIVEN A HIGHER PRIORITY?

There was a general consensus that the condition of footways is a common problem for older people and those with mobility problems. It was acknowledged that budgets were limited but the group wanted to know what spending plans existed. The term 'Flags to Flexi' was used to describe one of the preferred solutions to this issue (i.e. the replacement of easily damaged flags with tarmac).

A number of delegates referred to the Department for Transport (DfT) reports on the benefits of Smarter Choices measures in achieving modal shift & reducing the need to travel. It was felt that this should be given a higher priority.

It was felt that air quality / climate change / carbon footprinting doesn't feature clearly enough in the Local Transport Plan or Community Strategy. Air quality overlaps with many agendas (i.e. sustainability, reducing CO₂ emissions, modal shift, health) and it was felt it should be a priority issue.

There was a general acceptance that speed was a factor in causing accidents but some delegates felt that the continual changes of speed limit on a single stretch of road can be very confusing, particularly for those unfamiliar with the route. The A530 from Northwich to Middlewich was an example. It was suggested that a corridor approach to speed limits would be easier in some areas. Concern was also raised at the perceived high cost of speed awareness / high collision route warning signs (i.e. Red Routes) and there was uncertainty over the effectiveness.

There was also felt to be over complexity in the way roads are currently prioritised in terms of safety. The number of deaths on a stretch of road has led to its prioritisation for remedial investment. This did not seem completely fair as other factors may influence the number of deaths (e.g. number of people in a vehicle, volume of traffic), which did not necessarily relate to the road.

Cllr Macrae acknowledged all the comments made and would factor these into the budget development work where possible. He stated that departmental budgets had now been determined, but there remained scope for negotiation over the allocation between different services. He advised the group that one aim of the new Council was to bring together transport, planning and highway policy into one area and to focus efforts of the Cabinet. Strategic housing, highways and economic development would also be joined up.

Cllr Macrae was concerned that damage to pavements was often caused by vehicles parking on them. Any costs of reinstatement fell to the local authority and this needed to be reviewed to ensure the person / company responsible paid. He noted the police could not act unless they saw the vehicle being parked. The considerate contractor scheme was noted and although it is voluntary could be built into policies.

IN OUR EFFORTS TO MAKE TRAVEL SAFER, SHOULD WE PLACE A HIGHER PRIORITY ON EITHER: I) EDUCATION, TRAINING & PUBLICITY CAMPAIGNS, II) ENFORCEMENT MEASURES, OR III) LOCAL ROAD IMPROVEMENTS – OR A COMBINATION OF TWO OR ALL THREE OF THESE?

A number of delegates questioned the benefits of educational campaigns and whether there are figures to demonstrate the success / outcomes in terms of safety. Others felt that there is a role for education, but some questioned whether it should be a central government responsibility, rather than local authorities? It was felt that targeted training and shock tactics (i.e. DVD of re-enactments) do work in influencing behaviour.

There was a general consensus that enforcement measures should be a high priority. It was noted that the use of mobile and static cameras has reduced the number killed or serious injured (KSI) in some areas and it was therefore important to protect funding for the cameras.

Cheshire Police expressed great concern at the proposal to reduce Cheshire East's contribution to the Cheshire Safer Roads Partnership (CSRP) and they asked the Council to revisit that proposal. It was pointed out that the number of KSI's for 2008 was 300 against a target of 249. Therefore, they felt this needed to be a top priority for the LAA and be adequately funded.

It was noted that KSI's in the Cheshire East area accounted for half of those in the whole area covered by Cheshire Police (inc. Halton & Warrington). There was a particular

concern over the 'Cat & Fiddle' route and it was acknowledged that the proposal to introduce speed limit enforcement (average speed cameras) would not be possible without funding. The chairman of CSRP is keen to involve Members in discussions on the CSRP and they also intend to write to the Council. It was noted that the relevant Cabinet Member had declined an invitation to attend the next CSRP meeting on 22nd January.

Cheshire Police are also looking to introduce flexible & mobile working arrangements for officers. They also expressed an interest in working with Cheshire East on asset management / possibilities for co-locations. Cllr Macrae offered to take the matter away for further discussion.

It was confirmed that the KSI number did include the M6. The group asked why the stretch of the M6 between junctions 15 and 18 seemed to have more accidents. It was thought that this stretch of motorway is heavily used and one of the earliest built – therefore it did not comply with current design standards. It was also noted that a multi-modal study had been undertaken on the West Midlands to Manchester corridor. The study noted the high number of junctions and services in close proximity, which leads to a great deal of lane changing. The study made a series of recommendations (i.e. widening or improvements to the slip roads) but they had not yet moved forward.

It was noted that the Regional Spatial Strategy will require Local Authorities to have a Route Management Strategy for main routes and guidance would be issued soon. It was felt that the recommendations of the multi-modal study should be considered.

Statistics suggested the economic cost of a serious casualty was £160k whereas a death was over £1m. The A530 had been classified as a red route – a campaign which meant using a combination of engineering measures, raising awareness and enforcement with cameras. The group generally supported the use of cameras and felt that the attitude to speed needed to change in a similar way to drink driving. However, the consensus was that such a change was a task for the Government and local partnership arrangements could help.

The group felt red tarmac had been over-used and was no longer effective and expressed a preference for mobile warning signs. They quoted an example in Spain where speeding cars were actually forced to stop by a red light. The group hoped that the new Council may be able to pilot new initiatives and reduce the costs of new, effective signs.

It was noted that people caused accidents, not roads, and although variable speed limits were not legal in England, they had been piloted in Scotland. Sections of the M42 and M25 had advisory limits. Cllr Macrae raised the links with the Police and the issue of not being able to enforce some reduced speed limits especially in rural areas.

IN IMPROVING OUR LOCAL ROADS SHOULD WE: DIRECT MORE FUNDING TOWARDS LOCAL ROADS AND FOOTWAYS WITHIN RESIDENTIAL COMMUNITIES AS OPPOSED TO THE STRATEGIC HIGHWAY NETWORK? SPLIT FUNDING EQUITABLY BETWEEN THE LOCAL AREA PARTNERSHIP BOUNDARIES (6-8 AREAS)?

The group asked whether Local Area Partnerships are equitable in terms of highway condition / maintenance requirements? They would welcome a professional view on the

condition of the highway network across the different areas. In terms of funding, it was felt to be important to focus on problem areas, rather than per capita.

The County Council had used national indicators to determine investment and it was acknowledged that any change to this could impact on performance indicators. It was recognised that any changes to the distribution of funding will have positive and negative impacts in different areas. For example, focusing on the local networks may impact on safety on the strategic network – important to balance the risk.

The groups asked whether there was any evidence of differentials in funding or greater need between the areas. Andrew advised the group that the figures suggested road condition varied across the area (i.e. condition of the network in Macclesfield better than Crewe & Nantwich).

Some delegates expressed concern that following investment to improve town centres (i.e. quality of paving), funding was not available to maintain them to the same level. This has resulted in the deterioration of many town centre schemes, which has a potential impact on the local economy. The group would like to see a greater focus on the maintenance of the local network.

Cllr Macrae noted that the County Council had announced some additional spend of some £1m to initially tackle the highway maintenance backlog. It was noted that in terms of the classified road network the split of the County revealed a significant difference in road condition with Cheshire West & Chester being in the top quartile and Cheshire East being in the lower quartile. This meant they would have to decide how to distribute funding and possibly invest in areas of high need at the expense of national indicators.

The group questioned whether the allocation of Government grant funding was linked to performance indicators (NI 168 and 169). Andrew advised the group that there was no link at present. He was not sure if the Government were considering such a change. Any link to such indicators needed to have clear outcomes and risks identified.

The issue of utility companies not reinstating roads to the same condition was also raised. Andrew noted the efforts by the Government to better co-ordinate highway maintenance and utility work. Planning and controlling such work was essential. Noted that contractor vehicles also damaged pavements.

IN TACKLING CONGESTION SHOULD WE PLACE A HIGHER PRIORITY ON OUR ATTEMPTS TO IMPROVE THE FLOW OF TRAFFIC AND INCREASE THE CAPACITY OF OUR NETWORKS?

It was recognised that increasing capacity of the road network is a “never ending tale”. There was felt to be a need to do more to manage congestion and improve the links between road, bus, rail and motorways in Cheshire East – better integration of transport networks.

Alternatives to car use should be promoted but it was recognised that there are the difficulties in encouraging people to change their travel habits. Congestion was felt to be a good tool to get people out of their cars, particularly for journeys under 5 miles. It was also felt that the cost of public transport was also an issue that should be considered.

It was recognised that small reductions in traffic levels make a big difference (i.e. school holidays) and flexible & mobile working arrangements could help in reducing the need to travel. It was agreed that there is no single solution to managing congestion. As the new Council's priorities include maintaining the existing road network, there was a consensus that the Council should at least give people the option of using alternative methods of transport to the car.

The benefits of flexible bus services in rural areas were recognised (i.e. Taxi Rider). The group asked about the review of public transport arrangements and opposed potential reductions to the budget. Cllr Macrae acknowledged this issue and felt there would be greater scope to review the 2009-10 revenue and capital budgets after the 1st April and see if there were further options.

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Appendix F - Annex C (iv)

Budget Consultation – People and Places

Wednesday, 14th January 2009 at Wychwood Park

Notes of Group Discussion – Waste and Other Services

Facilitator:	Chris McCarthy	Interim Director (Places) – Cheshire East Council
Co-Facilitator:	Joanne Wilcox	Financial Services Manager – Macclesfield Borough Council

Key Points from Discussion

Waste

- Waste Minimisation
 - Education
 - Engagement with retailers and suppliers to reduce packaging
- Recycling
 - Re-use materials locally
 - Actively promote recycling
 - Encourage home composting
- Strategy
 - Keep up the good work already in place
 - Maintain partnership arrangements with CWAC

Economic Development

- Sustainability
 - Energy efficiency, carbon footprint
- Use unitary status to link into national initiatives
- Keep a local vision, use LSP effectively

Questions:

Are there any Waste issues that you feel we should have given a higher priority?

How could we generally work more effectively with our partners on Waste Issues?

Ged Edwards – Blacon Community Trust

There are currently a number of projects working closely with the waste strategy. These include the re-useable furniture projects where bulky waste is taken out of landfill and used within the local area. It is important that Cheshire East continues to work in partnership.

Cllr Steve Hogben – Crewe & Nantwich LSP

The decision to no longer charge for the green waste bins in Crewe & Nantwich borough goes against the existing policy which was made to encourage home composting. This feels like a backward step.

Congleton Partnership

It is important that the public see recyclables turned into products. It is possible to create jobs through local recycling projects.

Education is key in changing the mindset of the public into reducing waste. A number of schools in Cheshire have signed up to the eco-schools project and this is where it needs to start with very young children.

Crewe & Nantwich BC

Fly-tipping is a particular problem in the area and Streetwise are effective in dealing with this problem.

There are currently volunteers on the Parish Councils who act as recycling champions and there is a lot of goodwill and positivity towards waste minimisation. Cheshire East Council needs to quickly take on the role to continue with the current good work and tap into existing resources.

Recycling credits are available to fund projects which lead to recycling and waste minimisation.

Chairman – LSP

There needs to be more planning to reduce food waste.

Certain areas find recycling difficult such as the flats in Crewe which have communal bins, this makes it difficult to separate waste. Solutions are required for areas such as this.

There are a number of good initiatives already in place such as the re-use of furniture and each of the Council's currently has an arrangement in place with local groups.

It is important that Cheshire East has a clear direction of travel on waste policy and does not lose momentum and divert resources from those initiatives already in place.

Landfill will not be an option for much longer with the closure of Danes Moss, the strategy will need to consider the use of incinerators in the future.

It is important that Cheshire East and Cheshire West & Chester continue to work in partnership on waste disposal issues.

Recycling is currently receiving a lot of negative publicity as recyclable materials are being hoarded. Part of the response could be an end user program so that the public can see what happens to their waste and how it is re-used. The furniture recycling is a good example of this.

Tanya Sayer – Energy Products Plus

The initial approach must be waste minimisation, there are a number of initiatives in place already, this needs to be built on in schools and education projects. The message needs to be co-ordinated so there is a single voice on the education agenda.

Pressure should be put on suppliers to reduce packaging, the consumer often has little choice. Pressure is required at a local and a regional level.

The recycling credits model could be extended to offer encouragements and pay back schemes.

Food packaging is a complex area and councils need to engage with food manufacturers. It is important to get the balance right as packaging is necessary. Educating consumers is also key to reducing food packing.

Environmental Development

The shape of the economy is very different across East Cheshire, for example the economic make-up of Crewe is very different to that of Congleton and Macclesfield. What should be the emphasis for Cheshire East.

It is very important for the Council to support the local economy including agriculture.

Cheshire East has the opportunity to set the agenda as a new authority.

The approach to climate change, energy efficiency, reducing the carbon footprint etc are key challenges for the new authority.

The emphasis for Cheshire East should include:

- Sustainability
- Making the best use of employment sites.
- Investment in the local economy
- Making sure towns don't lose their voice within a large authority

- Take the opportunity to engage with national and regional schemes, for example , CABE
- Use nationally recognised techniques
- Build on good projects that are already working
- Undertake a lobbying and campaigning role.

Chris McCarthy

The cabinet portfolio's are designed to be cross-cutting and thematic, they will therefore work with and test a number of services. It is important that the Council does not reinvent silos. The appointment of senior posts is key to the culture of the new authority and being able to look at the bigger picture.

Chamber of Commerce

Businesses are concerned with all aspects of sustainability and the carbon footprint. It sees its role as bringing the voice of the private sector to the Council.

Cllr Fitzgerald

It is important for Cheshire East to have a local vision. The Local Strategic Partnership is there to actively involve the voluntary and private sector, but it is important to make it strategic and realistic, i.e., understand the big picture.

Appendix F - Annex D

**NOTE OF THE BUDGET CONSULTATION MEETING WITH THE
CHESHIRE EAST SCHOOLS FORUM held on 19 JANUARY 2009**

PRESENT:

Cheshire East Shadow Council (CE) Councillors

Cllr Paul Findlow (Chair)
Cllr Wesley Fitzgerald

Schools Forum

Chris Chapman (Chair of Schools Forum) and 17 members of the Cheshire East Schools Forum

Officers

Cheshire East (Shadow) Council

Erika Wenzel, Chief Executive
Lisa Quinn, Borough Treasurer and Head of Assets
John Weeks, Executive Director, People
Barbara Hughes, Interim Head of Children and Families

Cheshire County Council

Louise Rees, Children's Services Policy Manager
Paul Plested, Principal Accountant, Children's Services Finance
Anne Tunnicliffe, School Funding and Policy Manager
Charlotte Fenn, Acting Clerk to the Cheshire East Schools Forum

The Chairman, Councillor Paul Findlow, Portfolio Holder (Children and Family Services) opened the meeting and everyone introduced themselves.

Lisa Quinn, Borough Treasurer and Head of Assets gave a presentation on the Financial Scenario, providing an overview of the financial planning process, the service budgets, capital programme and council tax proposals of the new authority and comment on the likely impact on the Council of the current recession.

Comment: Thanks were given for the presentation, but it was noted that the budget was nearly set and whilst there was general awareness of the new Council's financial situation within the Forum some concern was expressed that there was not a detailed knowledge of the effects of the budget on children and the consequences for other parts of the organisation.

Response: It was acknowledged that consultation was happening later than would be ideal and one of the objectives of the event was to inform

improvements in the consultation and information process for next time. Assurance was given regarding the development and content of the budget proposals as they affect children's services.

Comment: Regarding the budgeting process, it seems strange that the Council Tax was set so early, before an understanding of the needs and their associated costs. It was hoped that next year, the Council would not be so constrained.

Response: Councillor Wesley Fitzgerald, Leader of Cheshire East (Shadow) Council agreed, explaining that the sponsoring authorities were required to present their financial plans to Government in the People and Places bid and also to deliver the reorganisation within a short timescale. He added that there was complexity in disaggregating the County Council and aggregating the Districts and that it was a challenge for management to make it work.

Comment: It seemed that schools were being asked to tighten their belts, to a greater extent than the Council in its central spending and that this was the wrong way around. The principle of devolved budgets should be that the money is closer to children whereas in the proposals the central pot is going to be larger.

Response: Barbara Hughes, Interim Head of Children's Services, replied, stating that all Dedicated Schools Grant (DSG) money goes to children, whether to schools or to the responsibilities of the local education authority – it is all about children.

Comment: Concern was expressed about the growth in the central budget and what the money would be spent on. It was difficult to see the thinking behind the proposals and how the new authority would be transformational. Reference was made to the role that the Education Improvement Partnerships could play in the development of support within the community

Response: Cllr Findlow responded that the general principle of delegation was accepted and supported. Barbara Hughes outlined the pressures in children's social care, dealing with specialised needs, managing children out of school and supporting families in difficulty. Cheshire East wished to charge legitimate spend to the DSG and thereby release funding to spend on children's services priorities, including children in difficulties. Money spent in this way would benefit schools on a day to day basis.

Barbara went on to say that the Authority would be talking to schools about how to deliver services and priority areas. Assurance was given that the proposal to charge expenditure to DSG would not be spent on "advisors".

Comment: The significance of the "Dedicated" "Schools" "Grant" was emphasised and comment was made that the macro-economic situation is affecting at the micro level, e.g. the viability of school trips. DSG should be used to enable schools to provide the best.

Comment: Greater transparency is needed in respect of the central spend budget; there is a concern that if set too high, a base will be set and it would escalate in the future. Central spend should be set at a minimum in the first year. Proposals for schools to buy back services should be drawn up.

Comment: It was noted that most of the special schools are located in the West and that we could find ourselves paying more. A question was asked on how these assets are being considered and also how the outdoor education facility in North Wales would be managed in the future.

Response: Councillor Findlow responded, saying that the County's subsidy in respect of the Conway facility had reduced in recent years and that discussions were underway regarding establishing a trust to manage that and similar in-County facilities in the future. Lisa Quinn stated that in respect of special schools and a few other County property assets, a joint East-West group of Members and officers was working to reach agreement on the split of assets and related service use and cost sharing, by 31 March 2009.

Comment: It was important not to lose the opportunity of looking at principles, e.g. the Local Management of Schools (LMS) agenda, the work of the Education Improvement Partnerships and the objective of being closer to communities. Concern was expressed about a perceived change in policy in respect of children with special needs.

Response: Barbara Hughes replied, providing assurance that no change in policy was implied, merely that comment was being made on the service pressures in this area.

John Weeks, Strategic Director (People), provided assurance that detail on the proposals, notably the central spend, would be provided, also that the situation inherited from Cheshire County Council was challenging and that a transformational "thinking family" approach was being developed. He commented that the new authority's commitments on children, education and family are those on which we should be judged. The Council was looking to strengthen the role of clusters of schools acting together as local commissioners. Erika Wenzel, Chief Executive, confirmed that the Council will be looking at all elements of partnership working, including crime reduction.

It was acknowledged that the Council will be judged on the plans it develops in 12 month's time.

Comment: Some concern was expressed that given inflation in teachers' pay and non-staff costs, the budget will be regarded as a decrease, which would be seen as unfortunate in the first year of the new local authority.

Response: Louise Rees replied that the Government provides a minimum funding guarantee, taking account of pay inflation and other changes, but that as the MFG is lower than cost pressures, the Government expects schools to deliver 1% per annum efficiency savings. The budgets schools receive is

through the LMS formula in the first instance. If the formula delivers more than MFG, that is what schools receive depending on individual circumstances, including changes in pupil numbers.

Comment: A question was asked in respect of the DSG underspend and whether assurance could be given that they would go into the individual schools pot.

Response: Louise Rees stated that the underspend being discussed related to the central spend budget in 2007/08 and 2008/09 and confirmed that this had been added to the total DSG pot if funding. Louise explained that the individual schools budget would be getting the benefit of this - if the funding had not been treated in this way, then the restriction to the Age Weighted Pupil Unit (AWPU) would be higher.

Comment: Comments were made on the various policy proposals and again on the apparent increase in the central budget. A proposal that the funding for Ministerial priorities be used to offset the proposed AWPU restriction was put forward.

Response: Louise Rees outlined the background to the generation of the underspend in respect of seeking to avoid clawback of Cheshire SureStart grant. Assurance was provided that this approach would not affect formulation of a fair baseline of central spend in the future. Councillor Findlow confirmed that he would actively consider proposal to use the Ministerial Priorities funding within DSG to offset the restriction to AWPU.

Comment: It was noted that in the last 5-6 years, the special education needs (SEN) budget has been exceeded and concern was expressed regarding managing budgets and keeping the balance of spending right, for all children.

Response: In reply it was stated that the Council would be looking to develop special school provision in Cheshire East, avoiding spending out of the area and enabling better control of costs.

Comment: Regarding the Transforming Learning Communities (TLC) schemes, the Forum was being asked to agree to the use of revenue savings to support prudential borrowing and retirement/ redundancy costs. It was noted that the Forum needed some more information on these matters.

Response: Louise Rees confirmed that further information would be provided to enable the Forum to make such an agreement.

Comment: In concluding, comment was made that everyone understands the need to divide the cake and appreciates the complexities of doing that fairly, in providing a range of services including education.

The Chairman thanked everyone for their contributions.

Appendix F - Annex E

Cheshire East Council Budget Consultation 2009-10
Minutes of Business Breakfast Event – 20th January 2009

Cabinet Members:	Councillor W Fitzgerald Councillor D Brown Councillor P Findlow Councillor P Mason Councillor D Brickhill Councillor A Knowles Councillor B Silvester	
Officers:	Erika Wenzel	Chief Executive – Cheshire East Council
	Lisa Quinn	Borough Treasurer & Head of Assets – Cheshire East Council
	Chris McCarthy	Strategic Director Places – Cheshire East Council
Chambers of Commerce:	John Dunning	South Cheshire Chambers of Commerce & Industry
	John Lamond	Macclesfield Chamber of Commerce
	Peter Whiers	Congleton Chamber of Commerce & Enterprise
Consultees:	See attached	

Introduction

Cllr Fitzgerald chaired the event and welcomed businesses from Cheshire East to the first Budget Consultation event for the new Council. He outlined the agenda and went through the following key points:

- The background to local government reorganisation and the eagerness of the Shadow Council to move forward and start providing services.
- The process of splitting County budgets and adding together those of the districts.
- The objectives to reduce Council Tax and achieve cost savings where the figures in the original bid had been exceeded.

Erika Wenzel then provided some background to Cheshire East including:

- The scale of the task to create a new Council and merge four cultures and organisational designs into one.

- Statistics on Cheshire East.
- The progress made so far i.e. appointment of a Cabinet and assigning portfolios.
- Progress with recruitment.
- The aims of joint working.
- The promise to maintain grant funding at existing levels for 2009-10.
- The aim to transform inherited services – in part through ICT but retaining face to face contact and a local presence.
- The four pilot areas for neighbourhood working.

Lisa Quinn – Borough Treasurer and Head of Assets

Lisa went through:

- The stages of budget development.
- Plans to improve the consultation process next year.
- Council Tax proposals for 2009-10.
- The Capital Programme.
- The impact of the recession.
- Other key issues including the Local Authority Business Growth Incentive Scheme, Supplementary Business Rates and revaluation.

John Dunning – Chair of the South Cheshire Chamber of Commerce

John gave a presentation on the role of the Chambers and what they could offer to businesses. This included:

- Emphasis on their independence – not being funded by Central or Local Government.
- The scope to build on existing good relationships.
- They could act as a voice for all Businesses and provide the primary route for Councils to make contact.
- They had a quarterly meeting with a Bank of England representative who could feed information back to the Monetary Policy Committee.
- They could undertake surveys and provide information.
- They could promote export routes.
- They could help local suppliers tender for local authority work.

He also briefed on the current economic climate in terms of:

- Staying positive and confident rather than making it worse.
- Businesses should prepare and be well placed to get back on track when things start moving again.
- The Chambers would give businesses a chance to talk through their specific issues and try to help.
- Courses included: Business Continuity on 23rd January and a Business Link event on 24th April, both at Cranage Hall.
- Help with Business Startups.

Question and Answer Session

Panel: Councillor W Fitzgerald
Councillor D Brown
Erika Wenzel
Chris McCarthy
Lisa Quinn
John Dunning
John Lamond
Peter Whiers

How will Cheshire Police operate after the split of councils.

John Dunning advised consultees he would be meeting the Cheshire Police Authority (CPA) on 12th February to discuss their budget and they were proposing a small percentage increase in Council Tax.

It was noted that the new Chief Constable is keen to meet with Cheshire East Council, Cheshire West and Chester Council and the Chambers of Commerce regarding the budget and to maintain an ongoing dialogue.

Cllr Brown – Several sessions had been held regarding CDRPs and the co-ordination of Local Area Partnerships. Of all partners Cheshire Police have been most keen to engage with the new Council.

Cllr Fitzgerald – The CPA were eager to enter partnership agreements with Cheshire East Council and the eastern operational unit of CPA was almost co-terminus with the Cheshire East Council boundary.

Helen Gould, Kendlebell – In light of the recession all organisations are reviewing their budgets. Is there any Sector 1 or 2 European funding available for Cheshire East in a similar way to Liverpool. E.g. Crewe is experiencing post office closures. There needs to be a plan to help people exist and prevent more residents defaulting on rates etc.

Lisa Quinn – A group had been created to work with partners and businesses to identify what the local authority can do to help. They will do some research to establish the availability of funding and circulate the results. **(Action: Lisa Quinn)**

Cllr Fitzgerald – On 19 January they had met Beverley Hughes, the Minister for the North West, to discuss the recession. She was given a clear message regarding the projects Cheshire East Council wants to start, including Middlewich Bypass and Crewe Gateway, but could not move forward due to a lack of funding. The Minister offered to pursue these issues. In addition, they commented on the issue with banks being tough on existing borrowers or turning away new borrowers and that this had to change.

Representatives from the Chambers of Commerce outlined the plethora of Government announcements they were working through, e.g. Department for Business, Enterprise & Regulatory Reform (BERR) announcements on funding streams, and trying to make understandable. They intend to set up an email alert system for businesses on these issues.

They noted the work done by Business Link in this area to simplify funding streams and a booklet was available on what could be claimed.

They reiterated the need to claim Business Rates relief where Rateable Values were below £5k. Under such conditions 50% may be refunded and backdated to 1/4/2007. They acknowledged this may not apply to many people in the room but asked them to spread the word to firms they know who may benefit.

Richard Macaulay, Macclesfield Business Ventures – The proliferation and complexity of information often makes it difficult for certain groups to start a business. What initiatives can Cheshire East Council introduce to help.

Chris McCarthy – The new Council will try to understand what is available, bring it together, simplify it and consider what is the best solution.

Diane Davy, Chandler Associates – How much does the local economy pay in Business Rates and how much does it get back.

Lisa Quinn – Cheshire East Council will collect £135m and receive £74.2m so will be a net loser and she would be investigating this issue in the coming year.

Nigel Evans, Cheshire Agricultural Society (who organise the Cheshire Show) – Does Cheshire East Council regard Cheshire West and Chester Council as a partner and how will this work.

Erika Wenzel – The split of County Council staff East and West is a difficult exercise. They are working closely with Cheshire West and Chester to avoid any competition developing. Some services will remain pan-Cheshire, such as ICT and transactional Finance services, and these are being negotiated in detail. It should also be noted that in some instances, such as economic partnership, Warrington are also a partner.

Cllr Fitzgerald – On an economic front the two new Councils and North West act as one to improve economic prospects for all. He noted the historical County of Cheshire was not being split but the administration arrangements were for the betterment of Cheshire and its population.

Peter Jackson, Active Business Solutions – Regarding the reference to the formation of the new Council being akin to a business merger, what are the integration costs.

Lisa Quinn – Transitional costs have been tracked very closely. The initial bid quoted a figure of £3m of which the Cheshire East Council share would be £1.5m.

As publicised spending was higher due to increased staff costs caused by early appointments and having a fully developed Council structure. They expected to spend £2m but will try to stay within the budget.

They had also decided to make additional investment in ICT and Customer Access of £1.5m. Therefore spend of £3m - £3.5m was projected. Payback of all transitional costs is expected to be within 3 years.

Each local authority had to manage its own costs and they were inspected by Central Government and the Audit Commission. The figures would also form part of the final 2008-09 accounts of each authority.

Ian Miller, Road Maintenance Services Ltd – He represents a local employer, with 100 staff, dealing with highway and footway maintenance, an area that has suffered from a lack of public investment. There was a need to rebuild and tackle the backlog. However, he was concerned that Councils may spend significant sums on fountains in town centres, etc while the road network is deteriorating and people struggle to get to the attraction.

He felt this issue was set in the context of Councils being too willing to satisfy the public and therefore Councillors often decided where improvements should be made and not the experts. What is the Cheshire East strategy.

Chris McCarthy – Cheshire East is a new Council and will bring its own culture and create a new Highway Service.

They will need time to do this properly and review the methods of prioritising highway schemes that are now much closer to home. They will need to consider the issues to be addressed, the best form of treatment, where it is applied and the Political view. He noted that an element of reactive maintenance would always be needed.

Erika Wenzel added that her previous experience of Local Area Partnerships / neighbourhood working suggested that engineering advice with local input was the best way forward. Regarding the fountains – she acknowledged the point but noted that Cheshire East Council could easily spend its entire Budget on roads, but there are other needs.

Cllr Fitzgerald – Funding is the key. The Government have their own priorities with regard to Highways etc and they apply this to local authorities. Cheshire East Council will have to take this into account even if it does not match local needs.

He outlined plans for Cheshire East Council to look into new income streams, locally achieved, that can generate additional funding for highways. This would take time but would be achieved.

Noted that converting to a unitary authority will provide clarity on who is responsible for the highways issues.

Andrew Smith, Instrument Science – Regarding the Chambers of Commerce point about bidding for local authority work, they are a small business and do not know how to find out what work is available or how to register an interest. Please could the local authority make this clear. He appreciates the interpretation of Government announcements but there is still a gap in terms of teaching people how to use it.

Chris McCarthy – He was aware that other local authorities do provide guidance on procurement and the various processes. The intention was for the Chambers of Commerce and Cheshire East Council, as a large authority, to help as much as possible.

The Chambers of Commerce suggested setting up a dedicated joint event between April and June for themselves and Cheshire East Council to advise businesses and this was agreed. Lisa Quinn noted procurement fell under her area of responsibility so she would be able to help.

Ian Coppack, Cross Country Film – The town centres in Cheshire East were all in poor condition at a time when image was important.

Cllr Brown – He was aware that there were ongoing discussions regarding regeneration projects. He acknowledged these may be delayed but stated that there were some existing projects due to happen in the next three to ten years, e.g. Crewe, Macclesfield, Sandbach and Congleton. He felt very enthusiastic about it.

There was an issue with establishing how Cheshire East Council could trade with local firms if the goods and services are available at the right price. Working through town centre partnerships and effective trading may help.

Chris McCarthy noted that the issue of using local groups, consultation, capturing volunteers and funds e.g. NWDA support, would be considered. Both top down and bottom up approaches would be considered.

Mike Chandler, Chandler Associates – Regarding the Crewe Gateway project, what is the plan with regard to option 3 and the potential to merge Network Rail and Cheshire County Council proposals to build a destination opportunity and regenerate the whole of East Cheshire.

Cllr Fitzgerald – This was a major issue and very complex. He realised there were local objections but was keen to resolve the issues. He had put the case forward to the Minister for adequate Capital funding and asked that Network Rail be pushed to decide what they want to do. He realised Crewe was suffering from the delays and investment was urgently required to move things forward.

Mike Chandler thanked Cllr Fitzgerald for this commitment.

Rex Garratt, Link-us Publicity – Regarding the proposed Council Tax freeze when national increases are being reported as 3% - 3.5%, can this cautious approach be maintained.

Cllr Fitzgerald – Cheshire East Council had begun with the Council Tax promise made in the bid. In the longer term the aim of the Council was better financial control through real economies and transformation of service delivery. He would aim for a good budget for 2010-11 which delivered good services at reasonable cost.

Cllr Brown noted that the four existing authorities all did things in different ways with different levels of value for money and quality. They would try to use best practice in Cheshire East.

Helen Gould, Kendlebell – Would it be possible to have a Business Community Partnership / Resource (possibly led by the Chambers of Commerce) where experts in the room can provide advice to new businesses to give them a chance. Given the many expert Accountants and Business people it would only be a small proportion of their time.

John Dunning felt that was an excellent idea and would like to do something like that. It was agreed that this concept would be explored in more detail.

Chris McCarthy noted that unitary status would bring a single focus on the economic issues.

Anthony Bird, Senior Aerospace UK - Bird Bellows – There are manufacturing companies in Congleton who want to work with local partners. Regarding the structural diagram displayed in the slides, if the aim is development of the area he assumes they need to work through the middle band. How will they get their views heard at the top level.

Erika Wenzel – Some consultation events on the structure will be taking place at the end of the month. Feedback from Businesses is vital and therefore they will have a representative on the Strategic Panel.

Cllr Brown – There are also local plans and local partnerships in Congleton. There is a meeting for the Town and Parish Councils in Congleton Town Hall and Business representatives are welcome to attend.

Lisa Quinn noted that the slide in question did not appear in the delegate pack as the presentation had been refined based on experience. The final slides would be circulated and made available on the Cheshire East Council website.

Chris McCarthy – Acknowledged there were currently many channels that could be used and Cheshire East Council would try to bring some clarity.

John Dunning – The Chamber of Commerce were involved with the Local Strategic Partnerships and wanted that to continue, but to date they have not found their input to be appropriate. He emphasised that they could not afford to waste time and needed to channel their energy into the right forum.

Erika Wenzel - It was acknowledged that the Local Strategic Partnerships Framework under two tier Local Government was too complex and had become a talking shop. A single strategic body should bring better results and communicate with Businesses via a single route.

Roger Hargreaves, SISIS Equipment Ltd – His company paid £80k in Business Rates and they are set to increase by 5%. How sustainable is that rise given the current economic forecast and the Cheshire East Council plans to maintain Council Tax at existing levels.

Lisa Quinn stated that the increase in Business Rates was determined by the RPI rate in September. Local Authorities had to apply that increase.

Erika Wenzel – The issue was raised with the Minister at the meeting on 19 January but any change was unlikely.

Cllr Fitzgerald – Acknowledged this was a major issue. He agreed that a motion would go to the next Shadow Council and an official note would be sent to the Treasury stating the increase was unacceptable.

Gary Dodson, Greenlight Computers Limited – In times of recession there is an opportunity to export more effectively. What can be done to help.

John Dunning – They had a contract with Business Link for training and expertise.

They were available to help start the process by subsidising trade visits and providing advice. He agreed it was a good opportunity for the north west. He encouraged any business with ideas about exporting to get in touch and check the Business Link website.

Gary thanked the panel and noted the funding they had received had been used to rebuild their website which had led to more enquiries. He noted BERR may need to provide working capital funding to help businesses make the goods before they are paid by the clients.

Roger Hargreaves, SISIS Equipment Ltd – Regarding reducing carbon footprints, businesses are aware of this issue but need help from the local authority etc. with initiatives such as:

- **Better links with rail services, e.g. parkway stations**
- **Improving car parking at existing stations**
- **Better integration of road / rail / bus transport**

Where are these ideas currently sitting?

Chris McCarthy – Agreed these were major issues for the new Council to address and help the local economy. However, they could not do it alone, it had to be at the sub regional level and this was being looked at.

Erika Wenzel noted that the Council had set up a working group under the Chairmanship of Cllr Brickhill to try and reduce its own carbon footprint.

Roger Hargreaves, SISIS Equipment Ltd – All businesses are considering cost cutting measures. Regarding the local government pension funds, can these be made sustainable and realistic, i.e. moving away from the Final Salary approach.

Erika Wenzel – The Local Government Pension Scheme rules are determined nationally and they have to follow the guidance. The Scheme was redesigned recently but is still based on final salary at this stage.

The Chamber of Commerce reps advised that they had put this question to David Cameron in December and while he acknowledged the difficulties he did want to pursue the issue.

Wesley Fitzgerald noted the huge Political implications of changing the system but change may be forced by the recession and other events.

Peter Whiers, Congleton Chamber of Commerce & Enterprise – Reminded the audience that the last Congleton Business Awards event to celebrate local success was taking place soon and encouraged businesses to send in their entries. He also reminded them about the Business Continuity Event this Friday and that forms were available.

Conclusion

Cllr Fitzgerald thanked the Business representatives for attending and welcomed the potential to work together for the long term success of the economy in Cheshire.

Cheshire East Council Budget Consultation 2009-10
Business Breakfast Event – Delegate List

Name	Organisation
Alen Lenton	Weaver Bomford Group
Alex Thompson	Congleton Borough Council
Andrew Arditti	Cheshire East Council
Councillor Knowles	Cheshire East Council
Andrew Smith	Instrument Science
Andy Pratt	Cheshire East Council
Annie Simmons	Delmar Press
Anthony Bird	Senior Aerospace UK - Bird Bellows
Arthur Moran	Medica Packaging Crewe
Barbara l'Anson	Triad Ltd
Councillor Barrie Moran	Congleton Borough Council
Councillor Brian Silvester	Cheshire East Council
Carl Ellson	Cheshire Work & Leisure Wear Ltd
Carol Vickers	Always There Homecare Ltd
Cedric Knipe	Macclesfield Borough Council
Chris Edwards	BAM Nuttall Ltd
Chris McCarthy	Cheshire East Council
Christine House	Wardell Armstrong LLP
Christopher Heathcote	J.J.J Heathcote Ltd
Councillor David Brickhill	Cheshire East Council
Councillor David Topping	Congleton Borough Council
Dan Walmsley	United Utilities
Daniel Bennett	Wright's Printers
Dave Masters	Northgate Information Solutions UK
David Binns	Newfield Fabrications Company Ltd
David Bridgwood	Wardell Armstrong LLP
Councillor David Brown	Cheshire East Council
David Legat	Mason Owen & Partners
David McGifford	South East Cheshire Enterprise
David Squire	Arriva North West Ltd
David Watson	Congleton Chamber of Commerce & Enterprise
Deborah Garritty	Bell Pottinger North
Dennis Rogers	Briden Homes
Diane Davy	Chandler Associates
Diana Heard	Adelphi Hygiene
Dick Macaulay	Macclesfield Business Ventures
Eilidh Milnes	Eilidh Milnes
Erika Wenzel	Cheshire East Council
Gareth Roberts	Cheshire East Council
Gary Dodson	Greenlight Computers Limited
Gaynor Bowen-Jones	Cheshire East Council
Geoff Wright	Cheshire & Warrington Learning & Skills Council
Gordan Hamilton	Cheshire East Council
Graham Bridge	IE Services
Guy Morrison	Provident Marketing
Hannah Edge	Cheshire East Council
Helen Gould	Kendlebell
Helen Meacher-Jones	Cheshire East Council

Ian Coppack	Cross Country Films
Ian Miller	Road Maintenance Services Ltd
Ian Tulloch	Connections Oxford
James Russell	James Russell Photography
Jane Casson	Made in Cheshire
Jane Parkinson	United Utilities
Jane Scullion	Cheshire East Council
Jenny McLaren	RSK Group Plc
Jeremy Hilliard	Tarmac Limited
Jo Roszich	Cheshire East Council
Joanne Smith	Cheshire East Council
John Dunning	South Cheshire Chamber
John Dutton	Junction 17 Defensive Driver Training Ltd
John Elkin	Myers & Co
John Lamond	Macclesfield Chamber of Commerce
John Warham	Cheshire & Warrington Learning & Skills Council
John Wood	Ambrose Wood & Son
Karen Kelsall	Cheshire & Warrington Learning & Skills Council
Katie Vost	Storage Boost Ltd
Lillian Burns	Campaign to Protect Rural England (CPRE)
Lisa Quinn	Cheshire East Council
Liz Gorb	Macclesfield College
Margaret Bardsley	Reaseheath College
Marilla Blackburn	Energia Vital
Mark Caldwell	Bluemantle Group
Mark Slinger	Alexandra Court Hotel
Martin Lee	Cheshire & Warrington Economic Alliance (CWEA)
Martin Lindholt	Lindholt Springett Ltd
Matt Larkin	The David Lewis Centre
Matt Stacey	BAM Nuttall Ltd
Matthew Pochin	Lamont Commercial Ltd
Max Eaton	Eaton Estates
Michael Farr	Delmar Press
Michael Warke	Congleton Museum Trust
Michelle Jones	Rare IT
Mike Chandler	Chandler Associates
Mike Collins	Business Link
Mike Hawes	Bentley Motors Ltd
Nasar Malik	Atkins
Dr Neil Fell	Total Fitness
Neil Osbourne	Astra Zeneca
Nicki Juggins	Triad Trade Textiles Ltd
Nicola Duffy	Profile Communication Limited
Nigel Evans	Cheshire Agricultural Society
Nigel Oakes	Pioneer Corporate Finance
Pamela Garnett	Garnett Farms Engineering Ltd
Pat Bradley	Green Contract Services
Paul Colman	South Cheshire Chamber
Councillor Paul Findlow	Cheshire East Council
Peter Jackson	Active Business Solutions
Councillor Peter Mason	Cheshire East Council

Peter Raynes	Campaign to Protect Rural England (CPRE)
Peter Tucker	Northgate Information Solutions UK
Peter Whiers	Congleton Chamber of Commerce & Enterprise
Phil Baker	Bakers Coaches
Philip Isaacs	CK Leafleting
Rex Garratt	Link-us Publicity
Ria Nortcliffe	Wilmslow Express
Richard Milkins	Cheshire East Council
Richard Stanisezewski	Compelling Results
Robert Blackwood	Mason Owen & Partners
Roger Hargreaves	SISIS Equipment Ltd
Roger Pomlett	Jenny Trickett Ltd
Simon Isherwood	Sidev Limited
Steve Addison	BAM Nuttall Ltd
Steve Edgellar	GL Hearn
Steve Jardine	Cheshire East Council
Steve Reading	Cheshire East Council
Sue Benson	Cheshire East Council
Sue Eddison	Business Information Service
Susan Bartholomew	Wains Solicitors
T.A Heard	J.R Atkins & Co Chartered Accountants
Tony Garnett	Garnett Farms Enginnering Ltd
Tony Jones	Smallwood Storage
Councillor Wesley Fitzgerald	Cheshire East Council

Appendix F - Annex F

Cheshire East Council Budget Consultation 2009-10
Comments Received from Members of the Public

Introduction

The Budget Consultation process included the set up of a website and an opportunity for comments to be submitted to the email account budgetinfo@cheshire.gov.uk.

The following comments have been received to date and any subsequent correspondence is also included.

Comment 1 – Resident of Nantwich

Initial Comments:

Here is feedback - thanks for the opportunity

Public Consultation Briefing

Harmonisation - yes in favour and yes in favour of stability and less increases. Agree with Government on aim of unitaries to both improve services and deliver saving which should if possible be passed on to tax payers.

Harmonisation of prices - yes and consider where can free leisure (tennis courts etc) encourage use.

Capital Programme - agree schools and children services, commitment in Alderley Edge etc will no doubt be more controversial (use of resources across the county) - bids to the capital programme for future years need to be clear on how communities and Councillors access them, how prioritised and agreed to avoid accusation of bias. What are the other highway improvements and where?

Consultation - this is a great opportunity for the unitary to improve on the past. I am looking forward to being informed about what the plans are for my town, Nantwich and the wider area and also having the opportunity to contribute to them. I think Councillors should all have blogs - have training using them - and do email alerts to subscribers on new things happening - draft strategies to local performance. They should also have electronic consultation which links into new Council.

I think the Government community empowerment agenda and community leadership has a great opportunity here in Cheshire East - let's not have distant Councillors who have no support and who we never hear from. I think the electronic investment is both cheap and popular with younger electorate which will increase participation, knowledge and hopefully respect for local government.

People and Places Consultation

Roads and Transport - general view is that too much traffic in Nantwich and too many lorries. Need to use bypass and change behaviours of local people to using car for everything. I think there is a link to healthy walking, less noise, even less anti social behaviour (the responsible adults are on the street rather than in cars).

More on a new policy to improve the quality of life in major towns - introduce 20 mph blanket for traffic - the local authority where 20 in town is plenty (as the campaigns might say).

To improve condition of roads - spend money on softening them in towns, set targets to reduce traffic, get lorries out and publicity campaign. Should not increase capacity of networks but be explicit about reducing use and capacity.

Visitor economy and economic development - hard to say as no information on budget cuts and Tatton Park seems remote. East Cheshire is a lovely part of the country but would not thought of a mega bucks - so scale down appropriately - the walkers, cyclist and heritage people will come. Emphasis on local using local economy.

Response:

Thanks for your feedback e-mails.

Your comments will be considered as part of the Cheshire East Council Budget setting process.

Comment 2 – Bollington area

Initial Comments:

Dear Cheshire East,

It feels strange addressing an anonymous body. I have two questions I would like answered if possible.

It is very difficult to make comments on a budget that I cannot track down on the web site in any useable form. Could you send me a set of budgetary documents setting out the expenditure of the services in 2008/9 with your proposed expenditure in 2009/10 in a similar form to the Green and Yellow Books published by the County Council. That would be most helpful. I have two further questions.

1. With regard to the harmonisation of car parking charges can I confirm that there will be no wish to charge for car parking at Pool Bank in Bollington or at the two car parks designated for use by Middlewood Way walkers in the Town at Adlington road and Grimshaw Lane? We are very concerned to support visitors and customers for local business in the Town where we desperately need to support our shops, restaurants and pubs.

2. I understand that to supplement the finances for Cheshire East this year sums have been taken from the balances of the contributing authorities. Could you confirm whether that is the case and if so how much has been used from which authorities balances?

Many thanks

Initial Response:

Thanks for your comments.

For the 2009-10 budget setting round a huge amount of work is underway to merge budgets and create new service structures. While the overall financial envelope Cheshire East Council is working towards is fixed the detail behind this is still being refined and improved by the limited staff resources available to the Council. Therefore, the Council has not published a detailed set of Policy Options.

However, a high level narrative document based on the People and Places structure, which the new Council will be organising its services under, has been placed on the website for comments at :

<http://www.cheshireeast.gov.uk/CheshireEastCouncilBudgetConsultation/tabid/205/Default.aspx>

<http://www.cheshireeast.gov.uk/LinkClick.aspx?fileticket=6nupOvE9klg%3d&tabid=205>

This sets out some of the major issues the new Directorates are considering and the issues they would like to consult on. Comments are always welcome. There is a clear intention by the Cheshire East Council Administration to consult on detailed budget options for the 2010-11 budget.

In terms of your specific points:

1. Car Park Charges - I am awaiting a response on this issue and will come back to you as soon as possible.

2. At the 31/3/2009 the Accounts of the seven demising authorities will be closed and a normal set of accounts produced. As part of this process the final level of reserve balances will be allocated to the new authorities i.e. Cheshire East Council will receive balances from Crewe & Nantwich BC, Congleton BC, Macclesfield BC and a share of the Cheshire County Council reserves. The fine detail is still to be agreed and the Accounts have not yet closed, therefore, I cannot say exactly how much this will be.

However, Cheshire East Council is developing a multi year financial scenario that ensures they will maintain an adequate level of reserves which is in line with Audit Commission recommendations.

Further Comments:

Many thanks for your response to my queries. Could you give me some idea when detailed budget lines might be finalised?

It seems from the information available that some things have been decided. e.g.

1. Levels of Council Tax 2009/10
2. Distribution of Government Grant
3. Funding for education.

I am concerned about:

1. funding and policy for looked after children
2. funding and policy for adults who need social support
3. funding and policy for people of pensionable age

Then some more specific areas such as

1. Gritting policy. There have been attempts in the past to reduce this budget which is vital to the life of Cheshire East
2. Leisure facilities for young people. We desperately need more challenging activities for teenagers.
3. Support for Connexions. This service took a cut last year. I would not like to see further cuts.
4. Maintenance for Rights of Way and funding for the rights of Way Improvement Plan.

When you have specific information on any of these areas I would be glad if you would let me know.

Further Response:

The detailed budgetary information will not be available until the Cheshire East Council Budget Book is produced, in the new financial year, given the time pressures of undertaking LGR.

Yes, a number of issues have been decided and are the subject of news releases (Council Tax) or Cabinet Reports such as the Medium Term Financial Strategy report in December 2008 at:

[http://onlineservices.congleton.gov.uk/ecminutes/Published/C00000241/M00002438/AI00003562/\\$081217CheshireEastCabinetMTFSLQ.docA.ps.pdf](http://onlineservices.congleton.gov.uk/ecminutes/Published/C00000241/M00002438/AI00003562/$081217CheshireEastCabinetMTFSLQ.docA.ps.pdf)

Re your specific comments - I'll pass these on to the Borough Treasurer and Head of Assets and relevant Directors.

Further Response:

Further to your earlier question re car parking, I can provide the following response.

The main thrust of harmonisation of car parking charging across Cheshire East will focus on the Congleton area where currently all car parks are free of charge. There may be some extension of charging in both Crewe and

Macclesfield areas but there are currently no plans to include Pool Bank or either of the 2 Middlewood way sites.

However, as all public car parks have an associated maintenance cost, where no direct charging for use currently exists at a site it is important to review the justification for this policy at regular intervals. Although the use of the sites mentioned is not likely to be charged for in the short term, no long-term guarantee can reasonably be given.

Comment 3 – Nantwich Resident

Initial Comments:

I now realise that the end date for this consultation was 26th January - but I have only just found out about it.

I hope you can take my comments into account.

Why so late? - Your website did not have an easily identifiable link to this consultation. I did not find this link until today.

One had to know that the Budget section had a reference to Consultation. Perhaps a link on the Home page to every consultation you do would help quicker navigation?

As regards comments:

- Yes, do have a balanced budget. Always advisable!

- A sustainable budget can mean several things. If sustainable can mean not wasting resources and prolonging their life - the new council should increase its budgets for Maintenance.

No point wasting existing buildings, roads etc by having poor (but cheap in the short term) maintenance schedules that simply hasten the demise of costly capital projects. Do not waste costly resources for short term budgetary gains. Poorly maintained council assets would be a terrible reflection on, and advert for, the image of the new East Cheshire.

- Council Tax must be harmonised as must service levels across East Cheshire.

Capital Projects that should be completed in Nantwich - where I live -

- Snow Hill Redevelopment needs to be progressed with full community consultation carried forward from C&N's start. The community has already stated its aims and preferences, so these principles should become key requirements in the development brief.

- Complete the link by-pass road from March Lane to the end of Welsh Row/ Canal Viaduct - it should have been completed years ago by the builders of the housing development. A planning obligation was in place but the builders seem to have wriggled out of it.

This new road link is vital to improving traffic and environmental conditions all over the town.

- Force the developers of the vast Stapeley housing estate to honour its planning obligation and build the new community centre - or spend an equivalent sum on improving the community facilities elsewhere in the town. Take over and/or encourage the Rotary/Round Table and Friends of the Earth's idea of a water turbine at Mill Island generating free power to the light up the Weaver Riverside, night-time illumination of buildings and also into the National Grid. How sustainable is this?!!

With regard to your ideas for Local Area Partnerships -

Yes - a good way of delivering local services in such a large County. However, the areas must be relevant to where and how people live.

The boundary of the Nantwich LAP Area needs careful drawing. I can't tell from the small scale plan I have seen but - please ensure - Nantwich remains separate from Crewe.

Nantwich already has the town council in operation and people are familiar with it. The town council can be improved and streamlined with whatever new influence East Cheshire can give it for local service delivery and community cohesion.

Your current map showing 8 LAP Areas looks good, especially as it has Nantwich and its rural hinterland parishes as a separate entity. Nantwich and the 18 or so parishes form a cohesive, natural area of rural market town character and with its own sphere of influence. The two towns of Crewe and Nantwich are very different and Crewe's character is markedly different from Nantwich. Crewe's special regeneration requirements need to be given consideration on their own and not be lumped with Nantwich as it has for the past 35 years.

- Bring Stapeley parish into the Nantwich Town's area. The new housing area is clearly part of the town so it should be within its local governmental jurisdiction and play its part in the community.

Make Nantwich the Western Jewel in East Cheshire's Heritage Crown!

We are a fine historic town with lots more to offer economic tourism than it currently displays. Investment and encouragement in its historic fabric and public realm will bring dividends to the new County's environmental and tourism portfolios. The town's real potential has been overshadowed by the genuine needs of Crewe but in this new world of East Cheshire it is a unique resource of top quality heritage and community cohesiveness that East Cheshire should invest heavily in.

Focus Groups and Citizens panels. These can be good ways of obtaining local views and advice but locally elected councillors must have the power over the advisory groups, in the end.

I would like to be considered for these, please.

I hope you can take my views into account and look forward to hearing from you.

Initial Response:

Thanks for your feedback.

Yes, there is time for your comments to be taken into account as part of the Budget setting process.

You have raised a number of points here which I will send off to the relevant people in Cheshire East Council.

In terms of a response, this may take longer than usual given the number of issues.

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Appendix G

People Directorate

Budget proposals to meet guideline savings target

PROPOSALS ASSESSED AS HIGH/MEDIUM RISK (RED/AMBER)	
<u>Children & Family</u>	£'000
Review/Reduce cost of professional services to schools	-450
Review of Connexions Services (subject to contract negotiation)	-200
Invest to save – increase in foster care allowances	258
Review base budget expenditure charged to DSG	-500
Review base budget expenditure charged to Sure Start grant	-250
Review redundancy budget for school based staff	-100
Migrate part of Family Information Service to Contact Centre	-50
Borrowing Costs of Capital Investment in Contact Point	52
Resulting revenue savings from capital investment in Contact Point	-52
Sub Total	-1,292
<u>Adults</u>	
Reduce costs in the Learning Disability Pooled Budget	-150
Integration of Social Care Teams	-850
Investing in Enablement/Prevention	1,020
Resulting offset from the reduced costs of care from above programme	-1,020
Reduction in Costs of In-house Provider Services	-1,125
Reducing Reliance on Residential Care through the following scheme	-1,920
Investing in Extra Care Housing	1,440
Further savings in provider services	-250
Borrowing Costs of Capital Investment in FMW	146
Resulting revenue savings from capital investment in FMW	-146
Sub Total	-2,855
<u>Health & Wellbeing</u>	
Savings from the rationalisation of services within Health & Wellbeing	-500
Borrowing Costs of Capital Investment in RFID	86
Resulting revenue savings from capital investment in Libraries	-86
Sub Total	- 500

PROPOSALS ASSESSED AS LOW RISK (GREEN)**Children & Family**

£'000

Funding for inherited overspend c/fwd	1,724
Increased use of Standards Fund	-100
Review base budget expenditure charged to Area Based Grant	-250
Review of Business Support	-300
Rationalise workforce development team	-50
Reduce non staffing budgets by 30%	-150
Sub Total	874

Adults

Continued Rollout of Direct Payments	-200
Rationalisation of Community Support Centres	-150
Reduction in service user transport	-250
Savings from Flexible & Mobile working (requires capital investment)	-250
Reduce base budget for training (dependent on continuation of training grant at current levels)	-250
Further savings in operational support functions	-168
Sub Total	-1,268

Health & Wellbeing

Reduction (20%) on supplies and services (excluding the book fund).	-678
Sub Total	-678

Total Net Savings -5,719**APPROVED NEW GROWTH**

Children's Safeguarding	120
Adults Safeguarding	200
Queen's Park Maintenance	25
Sub Total	345

Directorate Total -5,374

Places Directorate

Budget proposals to meet guideline savings target

PROPOSALS ASSESSED AS HIGH/MEDIUM RISK (RED/AMBER)	
<u>Environment</u>	£'000
Waste and Recycling structure savings	-577
Car Parking income harmonisation – Congleton Borough area	-375
Refuse Staff – route reworking	-280
Waste Disposal – reduce landfill costs	-2,000
Waste – cross border tipping etc	-806
Highways – savings from depreciation adjustment	-381
Highways – reduce CSRP contribution	-270
Bereavement Service – Fee Harmonisation	-68
Waste – Congleton Borough fortnightly collections	-230
Waste – Reduce measures to avoid LATs	-225
Green Waste growth	600
Income from Recycled paper	-150
Sub Total	-4762
<u>Planning & Policy</u>	
Spatial Planning	-277
Building Control Savings	-20
Development Management Savings	-27
Additional Spatial Planning Savings	-145
Sub Total	-469
<u>Regeneration</u>	
Service Savings – SHT depreciation	-578
Strategic Highways and Transport savings	-197
Highways monitoring/surveys	-50
TCS route and branch review	-120
Visitor Economy – reduce service level	-51
Sub Total	-996
<u>Safer & Stronger Communities</u>	
Environmental Health, trading standards structure savings	-215
Licensing Income – harmonisation	-84
Sub Total	-299

PROPOSALS ASSESSED AS LOW RISK (GREEN)**Environment**

£'000

Highways Operations – staff savings	-123
Parking and Markets – staff savings	-193
Grounds and Cleansing – staff savings	-118
Waste – cross border control measures	-8
Waste – reduce cost of trade permit scheme	-35
Review street entertainment in Congleton Borough area	-23
Increase income from Highways charges	-20
Highways – reduce budget for non essentials	-50
Streetscene – verge maintenance	-80
Public Conveniences – contract out cleaning	-45
Lighting electricity	-10

Sub Total -705**Planning & Policy**

HS staff savings non-statutory posts	-149
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Sub Total -149**Safer & Stronger Communities**

Structure savings	-6
Pest Control savings	-22
Wardens – increased income	-18
Dog Control – fee harmonisation	-3
Emergency Planning savings	-74
Community Safety	-121
2 nd Homes Tax	74
2 nd Homes Tax grant	-48

Sub Total -218**Regeneration**

Streamline public transport info	-6
Cheshire Bus contract reductions	-150
Economic Development Savings	-28
Economic Development Business Case savings	-422
Economic Development further savings	-159

Sub Total -765**Total Net Savings** -8,363

Performance & Capacity**Budget proposals to meet guideline savings target**

PROPOSALS ASSESSED AS HIGH/MEDIUM RISK (RED/AMBER)	
<u>Borough Solicitor</u>	£'000
Legal Services – 12.5 staff @ £25k + 35% offset by growth of £194k	-228
Member Services – 12.5 staff @ £25k + 35% offset by growth of £117k	-305
P&C efficiency saving target (to be shared across four posts)	-314
Savings in Members Allowances	-329
Sub Total	-1,176
<u>Human Resources & Organisational Development</u>	
Performance & Improvement – 3 staff @ £25k + 35%	-102
Corporate Development – 22.5 staff @ £25k + 35%	-759
Sub Total	-861
<u>Borough Treasurer & Head of Assets</u>	
Finance – 50 staff @ £24k + 35%	-1,620
Revenues & Benefits – 25 staff @ £18k + 35%	-608
ICT – 50 staff @ £30k + 35%	-2,025
ICT – System Harmonisation	-1,000
ICT – User driven systems	-500
Telephony Review	-250
Asset Management - Energy Saving – 10% reduction in usage	-500
Asset Management – Property Maintenance Budget	-500
Procurement Savings	-470
ICT/Asset Management – Existing commitments	537
Revenues & Benefits – Procurement of Single System (Capital Programme)	100
Revenues & Benefits – Resulting Savings from new system	-100
ICT – Essential Replacement – Cost of Prudential Borrowing	194
ICT – Aggregation opportunities	-194
Sub Total	-6936
<u>Policy & Performance</u>	£'000
Communications – 10 staff @ £25k + 35%	-338
Corporate Development – 7.5 staff @ £25k + 35%	-254
Performance & Development – 7 staff @ £25k + 35%	-237
Publications	-250
Sub Total	-1079

PROPOSALS ASSESSED AS LOW RISK (GREEN)**Borough Solicitor**

£'000

Management Saving	-125
Reduced staff travel	-1
New Legal System – Cost of Prudential Borrowing	14
New Legal System – Resulting savings from investment in new system	-14
Reduced printing costs	-12
Reduce consultant costs	-30
Sub Total	-168

Human Resources & Organisational Development

Management Saving	-71
Reduced staff travel	-1
Reduced printing costs	-7
Reduce consultant costs	-17
Sub Total	-96

Borough Treasurer & Head of Assets

Asset Management – 5 staff @ £25k + 35%	-150
Management Savings	-493
Increase in ICT charges	-30
Audit Fees	-143
External Funding – reduced costs	-38
ICT – Reduced costs	-84
Asset Management – reduced costs	-50
Reduced printing costs	-59
Reduce consultants costs	-147
Review of exceptional inflation	416
Sub Total	-778

Policy & Performance

Management Savings	-235
Policy & Performance – Net growth	19
Customer Services – staff growth for day one delivery	177
Customer Services – use of earmarked reserve for staff growth (one year)	-177
Customer Relationship Management System – Cost of Prud Borrowing	214
Customer Relationship Management System – Resulting savings	-214
Reduced printing costs	-22
Reduced consultants costs	-55
Sub Total	-293

Total Net Savings -11,387

Directorate/Scheme	2009-10	2010-11	2011-12	Service Area
	Capital Expenditure £000's	Capital Expenditure £000's	Capital Expenditure £000's	
People				
Ongoing Schemes				
Devolved Formula Capital East	794	182		
Replacement to Mobile Classrooms East	9			
Oakenclough PS	36			
TLC Dean Oak's PS	480			
TLC Sir William Stanier Comm S	6,381			
TLC Vernons PS Amalgamation	1,806	1,828		
Devolved Formula Capital 06-07 East	334			
Macc Reorg Rebuild Park Lane	0			
Modernising ICT Delivery	294	80		
Enabling Model of Social Care	25			
Cranage Bowling Green & Pavilion refurbishment	20			
Football facilities within Sandbach	0			
Nantwich Pool Enhancements (part-funding)	700	335		
Community/ Youth Projects	90			
Shavington Community Health & Fitness Centre	85			
Queens Park Restoration (HLF-supported)	2,250			
Integrated Children's Systems (ICS) East	549	243		
Children's Workforce Dev Sys East	70	20		
Adults workforce Census East	38			
Devolved Formula Cap 08-09 East	1,989	1,199	290	
County Minor Works 08-09 East	304			
Gorse Bank Floor Repair	657			
Repairs to Mobile Classroom Ext Schs East	50			
Feasibility Studies 08-09 East	19			
Land Drainage 08-09 East	9			
Partnership/ H & S East	13			
Harnessing Technology East	831			
Access Initiative 08-09 East	383			
Childrens Homes Rationisation	0			
Childrens Centres Ph3 East	0			
ICT Childrens Centres Ph3 East	52	21		
Shavington Childrens Centres Ph3	551			
Wilmslow Library Childrens Centres Ph3	53			
Holmes Chapel Library Childrens Centres Ph3	44			
Mablins Lane Childrens Centres Ph3	729			
Daven Childrens Centres Ph3	347			
East Cheshire Minor Works Ph3	118	124		
Sandbach Childrens Centres Ph3	469	81		
East Rural Programme Ph 3	0	150		
Brine Leas Sixth Form	2,551	4,374		
2008-09 Building Review Block	115			
CA ICT Schemes 08	20			
Extra Care Housing	2,250	600		
Libraries Facilities	300			
Community Development Projects			50	
Crematorium Plant Repairs	55	55	55	
Bridges and other structures on Middlewood Way	102	6		
Total On-going schemes	25,972	9,298	395	

Directorate/Scheme	2009-10	2010-11	2011-12	Service Area
	Capital Expenditure £000's	Capital Expenditure £000's	Capital Expenditure £000's	
New Starts 2009-10				
Schools - Minor Works (Basic Need)	604	401		Children & Families
Schools - Access Initiative	501	167		Children & Families
Children's Social Care	32			Children & Families
Schools - Modernisation Programme	0	0		Children & Families
Devolved Formula Capital	2,500	1,500	1,860	Children & Families
Extended Schools	270	263		Children & Families
Specialist Schools	150			Children & Families
Harnessing Technology	1,068	570		Children & Families
14-19 diploma	700	300		Children & Families
SureStart Aiming High for Disabled Children	168			Children & Families
Primary Capital Programme	0	564		Children & Families
Cledford TLC Scheme	2,337	932	20	Children & Families
Building Review	180			Adult Services
Mental Health Capital	99			Adult Services
Social Care IT Infrastructure	97			Adult Services
Common Assessment Framework	50			Adult Services
Play Capital	1,000			Children & Families
Leisure Centre General Equipment	45			Health & Well-being
Contact Point / Further Dev of Children's Hub/ e-CAF	459	102	51	Children & Families
Community Services Flexible and Mobile working	650			Adult Services
Libraries RFID - Self service	380	345		Adult Services
Total New Starts 2009-10	11,290	5,144	1,931	
2010-11 New Starts				
Schools - Minor Works (Basic Need)		1,006		Children & Families
Schools - Access Initiative		668		Children & Families
Children's Social Care		32		Children & Families
Schools - Modernisation Programme		3,546		Children & Families
Devolved Formula Capital		2,500	1,500	Children & Families
Extended Schools		275		Children & Families
Specialist Schools		200		Children & Families
Harnessing Technology		1,380		Children & Families
14-19 diploma		3,000		Children & Families
SureStart Aiming High for Disabled Children		391		Children & Families
Primary Capital Programme		3,114		Children & Families
Building Review		180		Adult Services
Mental Health Capital		99		Adult Services
Social Care IT Infrastructure		97		Adult Services
Building Safer Communities Fund		50		Health & Well-being
Leisure Centre General Equipment		45		Health & Well-being
Playgrounds/Skate Parks		15		Health & Well-being
Total 2010-11 New Starts		16,597	1,500	Planning & Policy
2011-12 New Starts				
Schools - Minor Works (Basic Need)			1,006	Children & Families
Schools - Access Initiative			668	Children & Families
Children's Social Care			32	Children & Families
Schools - Modernisation Programme			3,546	Children & Families
Devolved Formula Capital			2,500	Children & Families
Extended Schools			275	Children & Families
Specialist Schools			200	Children & Families
Harnessing Technology			1,380	Children & Families
14-19 diploma			3,000	Children & Families
SureStart Aiming High for Disabled Children			0	Children & Families
Primary Capital Programme			4,026	Adult Services
Building Review			180	Adult Services
Mental Health Capital			99	Adult Services
Social Care IT Infrastructure			97	Adult Services
Building Safer Communities Fund			50	Health & Well-being
Vehicle & Plant Replacement			70	Health & Well-being
Leisure Centre General Equipment			45	Health & Well-being
Total 2011-12 New Starts			17,173	
Total People Programme	37,262	31,039	20,999	

Directorate/Scheme	2009-10	2010-11	2011-12	Service Area
	Capital Expenditure £000's	Capital Expenditure £000's	Capital Expenditure £000's	
Places				
Ongoing Schemes				
Section 278 Agreements	61			
A538 Altrincham Rd, Wilmslow-Cycle path & Assoc Wks	100	100		
Section 278 Agreements	357			
Depot Rationalisation	0			
Alderley Edge By-Pass Scheme Implementation	19,190	12,933	9,440	
Section 278 Agreements	16			
Section 278 Agreements	26			
Section 278 Agreements	12			
Section 278 Agreements 2001-02	1			
Section 278 Agreements pre 2001-02	123			
Waste Strategy Sites	0			
Septic Tanks-Rural Properties	40	40		
Improvements to Chapel Street Car Park	165			
Choice Based Lettings	64			
Queens Park Restoration (CNBC-funded)	940			
Crewe Town Squares/ Shopping Facilities Refurbishment & Toi	1,800			
Parkgate	0	1,137		
Crewe and Macc HWRCs	728	17		
Road Safety Schemes - Minor Works	73			
Connect2 - Crewe & Nantwich Greenway	437			
Section 278 Agreements	102			
Transforming Cheshire - Area Offices		45		
Total On-going schemes	24,235	14,272	9,440	
New Starts 2009-10				
Building Safer Communities Fund	80			Safer & Stronger
Alley Gating	25			Environmental Services
LTP - Maintenance	5,601			Environmental Services
LTP - Integrated Transport	3,122			Regeneration
LTP - SEMMMS	1,174			Regeneration
LTP - Detrunked Roads	790			Environmental Services
LTP - Bridges	67			Regeneration
LTP - Road Safety Grant	220	229		Environmental Services
LTP - Highway Maintenance	968			Environmental Services
Waste Infrastructure Capital Grant	658			Environmental Services
Disabled Facilities Grants	1,070			Planning & Policy
Private Sector Assistance Initiative	1,170			Planning & Policy
Affordable Housing - Assisted Purchase Scheme	600			Planning & Policy
Vehicle Replacement	500			Regeneration
Development of land at Alderley Edge Cemetery	100			Environmental Services
Car Park Charges Congleton and Crewe & Macc	160			Environmental Services
Thomas Street Car Park	105			Environmental Services
CCTV System review	50			Safer & Stronger
East UTC System	50			Regeneration
Total 2009-10 New starts	16,510	229	0	
2010-11 New Starts				
Building Safer Communities Fund		105	105	Safer & Stronger
LTP - Maintenance		5,692	4,518	Env's Services
LTP - Integrated Transport		3,947	3,947	Regeneration
LTP - SEMMMS		1,174	1,174	Regeneration
LTP - Detrunked Roads		2,345	2,345	Env's Services
LTP - Bridges		0	46	Env's Services
LTP - Road Safety Grant		229	229	Regeneration
Vehicle & Plant Replacement		70		Env's Services
Wheeled Bin replacement		15	15	Planning & Policy
Disabled Facilities Grant		270	270	Planning & Policy
Decent Homes Grant		150	150	Env's Services
Waste Infrastructure Capital Grant		242	242	Safer & Stronger
Community Development Grants		50	0	Planning & Policy
Housing Renovation Grant		809	809	Planning & Policy
Disabled Facilities Grants		250	250	Planning & Policy
Home Repair/Unfit Property Repairs Grants		250	250	Planning & Policy
Empty Property Repairs Grants		100	100	Planning & Policy
Housing Energy Efficiency Grants		25	25	Planning & Policy
Environmental Schemes		20	20	Planning & Policy
Royal Macclesfield Forest		10	10	Planning & Policy
Total 2010-11 New Starts		15,752	14,505	
Total Places Programme	40,745	30,253	23,945	

Directorate/Scheme	2009-10	2010-11	2011-12	Service Area
	Capital Expenditure £000's	Capital Expenditure £000's	Capital Expenditure £000's	
<u>Performance & Capacity</u>				
Ongoing schemes				
Disability Compliance Work	100			Borough Treasurer & Assets
Building Alteration & Improvements	150			Borough Treasurer & Assets
ICT Investment	100			Borough Treasurer & Assets
Transforming Cheshire - Information Management	72	36	703	Borough Treasurer & Assets
Transforming Cheshire - County Farms Disposal		44	44	Borough Treasurer & Assets
County Farms 2008-09	353			Borough Treasurer & Assets
County Farms 2007-08	574			Borough Treasurer & Assets
2009/10 Transforming Cheshire - Improving Oracle (Shared Se	966			Borough Treasurer & Assets
Transforming Cheshire - Customer Access	5			Policy & Performance
Transforming Cheshire - Customer Access	46		185	Policy & Performance
Network Optimisation	90			County wide
New Developments - Schemes under £100k	5			County wide
Transforming Cheshire - Information Management	100			County wide
Data Centre	417			Borough Treasurer & Assets
Delamere house - Reg accomadation	200			Borough Treasurer & Assets
Total Ongoing schemes	3,178	80	932	
New Starts 2008-09				
Office Accommodation Strategy	2,350	3,200	3,900	Borough Treasurer & Assets
Farms Estates Reorganisation & Reinvestment	1,410			Borough Treasurer & Assets
Single Revenue & Benefits Systems	444			Borough Treasurer & Assets
Building Maintenance Programme	5,645			Borough Treasurer & Assets
Development Management System	80			Borough Treasurer & Assets
ICT Transitional Development Programme	1,500			Borough Treasurer & Assets
Click into Cheshire	39			Borough Treasurer & Assets
Government Connect	590			Borough Treasurer & Assets
Essential Replacement of Core ICT Infrastructure	891			Borough Treasurer & Assets
ICT Security & Research	209			Borough Treasurer & Assets
Enterprise Content Management proposal	500			Borough Treasurer & Assets
Flexible & Mobile Working	585	300	540	Borough Treasurer & Assets
Oracle Migration/Cutover Activities	51			Borough Treasurer & Assets
Integrated Legal ICT System	60			Borough Solicitor
Customer Relationship Management & Telephone System	1,705			Policy & Performance
Total 2009-10 New starts	16,059	3,500	4,440	
2010-11 New Starts				
Vehicle Replacement, Building Mnce & ICT		1,791	2,633	Borough Treasurer & Assets
Total 2010-11 New Starts		1,791	2,633	
Total Performance & Capacity Programme	19,237	5,371	8,005	
Total Cheshire East Capital Programme	97,244	66,663	52,949	

CHESHIRE EAST COUNCIL

Council

Date of meeting: 24 February 2009
Report of: Borough Treasurer & Head of Assets
Title: Council Tax 2009/10 – Statutory Resolution

1.0 Purpose of Report

- 1.1 To set the Council Tax for the financial year 2009/10.

2.0 Decision Required

- 2.1 To set the Council Tax for the financial year 2009/10, in accordance with the formal resolutions as shown in section 11 of the report.

3.0 Background

- 3.1 In accordance with the Local Government Finance Act 1992 the Council is required to set the amounts of the Council Tax for 2009/10 for each of the categories of dwelling in the Council Tax area. This requirement is achieved by approving the statutory resolution shown in this report.

The Council Tax levied is made up of four elements as follows:

- the Council Tax Base for 2009/10 - Appendix A.
- the statutory calculation required to arrive at the amount of Council Tax for each area in respect of Borough Council, Parish Council and Charter Trustees requirements - Appendices B and C.
- the precepts issued by Cheshire Police Authority and Cheshire Fire Authority under Section 40 of the Act – sections 8 and 9 of the report.
- the statutory calculation of the aggregate of the Borough Council, Parish Council, Charter Trustees, Cheshire Police Authority and Cheshire Fire Authority amount of Council Tax for each of the categories of the dwelling for each Council Tax area – Appendix D.

4.0 Council Tax Base

- 4.1 The Council Tax base for 2009/10 year is 144,761.46. A breakdown of the calculation by Parish and Charter Trustees area is shown in Appendix A.

5.0 General Fund Budget

- 5.1 On 17th February 2009, Cabinet recommended a General Fund Budget of £234,113,000. The budget is detailed in a separate report on the Council Agenda.

6.0 Cheshire East Borough Council Tax

- 6.1 The amount of Council Tax that the Borough Council is to levy is:

	£000
Net Budget Requirement	234,113,000
Add Collection Fund Deficit	773,175
Less Revenue Support Grant	11,579,867
Less Business Rate Pool	50,169,928
Council Tax Requirement	173,136,380

The Band D Council Tax is therefore £1,196.01 (the net requirement of £173,136,380 divided by the tax base of 144,761.46).

7 Parish Council Precepts and anticipated amounts for Charter Trustees

- 7.1 Each Parish has notified the Council with its precept requirement for the year and amounts have been anticipated for the Charter Trustees of Crewe and Macclesfield. The total amount of these special items is £2,716,487, which produces an average Band D Council Tax of £18.77.

8. Police Authority Precept

- 8.1 The precept demand issued by Cheshire Police Authority is £20,368,293 which produces a Band D Council Tax of £140.70. This represents an increase of £4.95 (3.65%). Cheshire Police Authority has stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwelling shown below:-

Valuation Bands							
A	B	C	D	E	F	G	H
93.80	109.43	125.07	140.70	171.97	203.23	234.50	281.40

9. FIRE AUTHORITY PRECEPT

- 9.1 The precept demand issued by Cheshire Fire Authority is £9,341,457 which produces a Band D Council Tax of £64.53. This represents an increase of £1.82 (2.9%). Cheshire Fire Authority has stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwelling shown below:-

Valuation Bands							
A	B	C	D	E	F	G	H
£43.02	£50.19	£57.36	£64.53	£78.87	£93.21	£107.55	£129.06

10 TOTAL COUNCIL TAX

- 10.1 The average Council Tax to be charged to taxpayers in Band D can be summarised as follows:

Element	Charge
	£
Cheshire East Borough Council	1,196.01
Average for Parish Councils and Charter Trustees	18.77
Average Local Council Tax	1,214.78
Cheshire Police Authority	140.70
Cheshire Fire Authority	64.53
Total Council Tax	1,420.01

11 FORMAL RESOLUTION

- 11.1 That it be noted that the Council calculated the following amount for the year 2009/10 in accordance with Regulations made under Section 30 - 36 of the Local Government Finance Act 1992:-

- a. £705,997,453 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2) (a) to (e) of the Act.
- b. £469,167,966 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3) (a) to (c) of the Act.

- c. £236,829,487 being the amount by which the aggregate at (a) above exceeds the aggregate at (b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year.
- d. £60,976,620 being the aggregate of the sums which the Council estimates will be payable for the year into its general fund in respect of redistributed non domestic rates (£50,169,928) revenue support grant (£11,579,867) or additional grant reduced by the amount of the sum which the Council estimates will be transferred in the year from its general fund to its collection fund (£773,175) in accordance with Section 97(4) of the Local Government Finance Act 1988.
- e. £1,214.78 being the amount at (c) above less the amount at (d) above, all divided by the amount of the tax base, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its Council Tax for the year.
- f. £2,716,487 being the aggregate amount of all special items referred to in Section 34(1) of the Act.
- g. £1,196.01 being the amount at (e) above less the result given by dividing the amount at (f) above by the amount of the tax base, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates.
- h. Appendix A being the amounts calculated by the Council, in accordance with regulations 3 and 6 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992, as its total council tax base for the year and council tax base for dwellings in those parts of its area to which one or more special items relate.
- i. Appendix B being the amounts given by adding to the amount at (g) above, the amounts of special items relating to dwellings in those parts of the Council's area mentioned above divided by in each case the appropriate tax base from Appendix A, calculated by the Council in accordance with Section 34(3)

of the 1992 Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of the area to which one or more special items relate. (Band D charges for each Parish and Charter Trustees area).

- j. Appendix C being the amounts given by multiplying the amount at (i) above by the number which, in the proportion set out in Section 5(1) of the 1992 Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the 1992 Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands (Local charges for all Bands).
- k. Appendix D being the aggregate of the local charges in (j) above and the amounts levied by major precepting authorities, calculated in accordance with Section 30(2) of the 1992 Act (The total Council Tax charge for each band in each Parish and Charter Trustees area).

12 RISKS ASSOCIATED WITH THE PROPOSED DECISION

12.1 There is a statutory requirement for the Council to set the Council Tax.

For further information:

Portfolio Holder: Councillor Frank Keegan
Officer: Lisa Quinn, Borough Treasurer & Head of Assets
Tel No: 01270 529628
Email: lisa.quinn@cheshireeast.gov.uk

Background Documents:

Cabinet Report – Council Tax Base 2009/10 – 2nd December 2008
Cabinet Report – Medium Term Financial Strategy – 17th December 2008
Cabinet Report – Medium Term Financial Strategy Budget Setting 2009/10 – 17th February 2009

Documents are available for inspection at:

*Cheshire East Democratic Services
Westfields
Middlewich Road
Sandbach
CW11 1HZ*

COUNCIL TAX - TAX BASE 2009/10 - by Parish and Charter Trustees Area

	TAX BASE
Acton, Edleston, Henshull	192.66
Adlington	591.80
Agden	77.44
Alderley Edge	2,603.73
Alpraham	178.10
Alsager	4,529.41
Arclid	114.07
Ashley	159.64
Aston-by Budworth	177.57
Audlem	904.76
Barthomley	94.25
Betchton	281.90
Bickerton, Egerton	154.94
Bollington	3,052.69
Bosley	192.88
Bradwall	81.72
Brereton	568.92
Brindley, Faddiley	142.36
Buerton	217.01
Bulkeley, Ridley	184.73
Bunbury	613.30
Burland	273.93
Calveley	122.86
Chelford	644.41
Cholmondeley, Chorley	124.94
Cholmondeston, Wettenhall	169.88
Chorley	254.74
Church Lawton	893.63
Church Minshull	204.63
Congleton	10,064.25
Cranage	603.57
Crewe (The Charter Trustees of Crewe)	14,459.94
Crewe Green	94.94
Disley	1,923.88
Dodcott-cum-Wilkesley	171.37
Doddington, Blakenhall, Bridgemere, Checkley-cum-Wrinehill, Hunsterson,	289.97
Eaton	168.63
Gawsworth	841.67
Goostrey	1,094.65
Great Warford	432.80
Hankelow	126.13
Haslington	2,364.81
Hassall	108.32
Hatherton, Walgherton	226.32
Haughton	95.24
Henbury	332.11
High Legh	884.59
Higher Hursfield	338.55
Holmes Chapel	2,432.67
Hough, Chorlton	833.39
Hulme Walfield & Somerford Booths	159.61
Kettleshulme	174.16
Knutsford	5,983.81
Little Bollington	80.08
Little Warford	36.60
Lower Peover	71.20
Lower Withington	299.80
Lyme Handley	69.55
Macc Forest / Wildboardclough	113.25
Macclesfield (The Charter Trustees of Macclesfield)	18,803.75
Marbury-cum-Quoisley, Norbury, Wirswall	253.54

COUNCIL TAX - TAX BASE 2009/10 - by Parish and Charter Trustees Area

	TAX BASE
Marton	116.08
Mere	421.11
Middlewich	4,652.64
Millington	106.24
Minshull Vernon, Leighton, Woolstanwood	1,890.50
Mobberley	1,441.94
Moston	177.21
Mottram St.Andrew	384.94
Nantwich	5,331.84
Nether Alderley	370.12
Newbold Astbury-cum-Moreton	334.19
Newhall	347.79
North Rode	116.19
Odd Rode	2,007.77
Ollerton/Marshall	300.91
Over Alderley	211.92
Peckforton	76.03
Peover Superior	384.72
Pickmere	368.03
Plumley with Toft and Bexton	391.56
Pott Shrigley	148.69
Poynton with Worth	6,042.99
Prestbury	2,100.97
Rainow	591.60
Rope	812.89
Rostherne	81.32
Sandbach	6,798.81
Shavington-cum-Gresty	1,672.11
Siddington	193.38
Smallwood	280.85
Snelson	84.09
Somerford	183.19
Sound, Austerson, Baddiley, Baddington, Broomhall, Coole Pilate	433.61
Spurstow	190.87
Stapeley, Batherton	1,339.66
Stoke, Hurleston	139.69
Sutton	1,158.11
Swettenham	164.14
Tabley	203.75
Tatton	12.32
Twemlow	93.35
Wardle	60.09
Warmingham	103.16
Weston, Basford	870.61
Willaston	1,300.07
Wincle	91.49
Wilmslow	14,069.74
Wistaston	3,043.46
Worleston, Poole, Aston Juxta Mondrum	252.15
Wrenbury	466.09
Wybunbury	610.43
TOTAL TAX BASE	144,761.46

COUNCIL TAX BAND D PER PARISH AND CHARTER TRUSTEES AREA 2009/10

	£
Acton, Edleston, Henshull	1,216.77
Adlington	1,206.15
Agden	1,204.40
Alderley Edge	1,222.89
Alpraham	1,212.85
Alsager	1,238.40
Arclid	1,208.28
Ashley	1,214.80
Aston-by Budworth	1,201.64
Audlem	1,228.56
Barthomley	1,208.74
Betchton	1,206.65
Bickerton, Egerton	1,208.92
Bollington	1,224.69
Bosley	1,211.56
Bradwall	1,205.80
Brereton	1,226.62
Brindley, Faddiley	1,210.06
Buerton	1,209.83
Bulkeley, Ridley	1,206.84
Bunbury	1,211.48
Burland	1,203.68
Calveley	1,208.22
Chelford	1,208.11
Cholmondeley, Chorley	1,212.02
Cholmondeston, Wettenhall	1,198.95
Chorley	1,211.71
Church Lawton	1,204.40
Church Minshull	1,208.23
Congleton	1,253.73
Cranage	1,229.15
Crewe (The Charter Trustees of Crewe)	1,197.94
Crewe Green	1,227.61
Disley	1,231.12
Dodcott-cum-Wilkesley	1,219.35
Doddington, Blakenhall, Bridgemere, Checkley-cum-Wrinehill, Hunsterson,	1,204.98
Eaton	1,224.69
Gawsworth	1,220.37
Goostrey	1,227.98
Great Warford	1,202.48
Hankelow	1,213.45
Haslington	1,208.70
Hassall	1,214.47
Hatherton, Walgherton	1,204.85
Haughton	1,196.01
Henbury	1,211.07
High Legh	1,215.23
Higher Hursfield	1,212.26
Holmes Chapel	1,224.76
Hough, Chorlton	1,217.01
Hulme Walfield & Somerford Booths	1,196.01
Kettleshulme	1,224.72
Knutsford	1,208.06
Little Bollington	1,207.25
Little Warford	1,201.47
Lower Peover	1,211.14
Lower Withington	1,206.02
Lyme Handley	1,196.01
Macc Forest / Wildboardclough	1,196.01
Macclesfield (The Charter Trustees of Macclesfield)	1,196.28
Marbury-cum-Quoisley, Norbury, Wirswall	1,211.79

COUNCIL TAX BAND D PER PARISH AND CHARTER TRUSTEES AREA 2009/10

	£
Marton	1,219.70
Mere	1,208.60
Middlewich	1,250.70
Millington	1,205.42
Minshull Vernon, Leighton, Woolstanwood	1,196.01
Mobberley	1,222.02
Moston	1,224.23
Mottram St.Andrew	1,203.80
Nantwich	1,216.79
Nether Alderley	1,225.73
Newbold Astbury-cum-Moreton	1,216.06
Newhall	1,204.64
North Rode	1,211.50
Odd Rode	1,229.28
Ollerton/Marshall	1,217.61
Over Alderley	1,205.45
Peckforton	1,205.87
Peover Superior	1,208.23
Pickmere	1,212.31
Plumley with Toft and Bexton	1,210.98
Pott Shrigley	1,212.82
Poynton with Worth	1,233.40
Prestbury	1,213.99
Rainow	1,214.60
Rope	1,209.84
Rostherne	1,212.00
Sandbach	1,228.78
Shavington-cum-Gresty	1,225.27
Siddington	1,206.35
Smallwood	1,204.91
Snelson	1,213.85
Somerford	1,217.85
Sound, Austerson, Baddiley, Baddington, Broomhall, Coole Pilate	1,201.20
Spurstow	1,205.96
Stapeley, Batherton	1,203.47
Stoke, Hurleston	1,217.49
Sutton	1,207.24
Swettenham	1,227.72
Tabley	1,203.37
Tatton	1,196.01
Twemlow	1,225.47
Wardle	1,215.98
Warmingham	1,220.24
Weston, Basford	1,204.62
Willaston	1,210.62
Wincle	1,196.01
Wilmslow	1,196.01
Wistaston	1,210.14
Worleston, Poole, Aston Juxta Mondrum	1,205.09
Wrenbury	1,203.73
Wybunbury	1,212.46
TOTAL TAX BASE	135,804.64

Valuation Bands

	A	B	C	D	E	F	G	H
	£. p	£. p	£. p	£. p	£. p	£. p	£. p	£. p
Acton, Edleston, Henshull	811.18	946.38	1,081.57	1,216.77	1,487.16	1,757.56	2,027.95	2,433.54
Adlington	804.10	938.12	1,072.13	1,206.15	1,474.18	1,742.22	2,010.25	2,412.30
Agden	802.93	936.76	1,070.58	1,204.40	1,472.04	1,739.69	2,007.33	2,408.80
Alderley Edge	815.26	951.14	1,087.01	1,222.89	1,494.64	1,766.40	2,038.15	2,445.78
Alraham	808.57	943.33	1,078.09	1,212.85	1,482.37	1,751.89	2,021.42	2,425.70
Alsager	825.60	963.20	1,100.80	1,238.40	1,513.60	1,788.80	2,064.00	2,476.80
Arclid	805.52	939.77	1,074.03	1,208.28	1,476.79	1,745.29	2,013.80	2,416.56
Ashley	809.87	944.84	1,079.82	1,214.80	1,484.76	1,754.71	2,024.67	2,429.60
Aston-by Budworth	801.09	934.61	1,068.12	1,201.64	1,468.67	1,735.70	2,002.73	2,403.28
Audlem	819.04	955.55	1,092.05	1,228.56	1,501.57	1,774.59	2,047.60	2,457.12
Barthomley	805.83	940.13	1,074.44	1,208.74	1,477.35	1,745.96	2,014.57	2,417.48
Betchton	804.43	938.51	1,072.58	1,206.65	1,474.79	1,742.94	2,011.08	2,413.30
Bickerton, Egerton	805.95	940.27	1,074.60	1,208.92	1,477.57	1,746.22	2,014.87	2,417.84
Bollington	816.46	952.54	1,088.61	1,224.69	1,496.84	1,769.00	2,041.15	2,449.38
Bosley	807.71	942.32	1,076.94	1,211.56	1,480.80	1,750.03	2,019.27	2,423.12
Bradwall	803.87	937.84	1,071.82	1,205.80	1,473.76	1,741.71	2,009.67	2,411.60
Brereton	817.75	954.04	1,090.33	1,226.62	1,499.20	1,771.78	2,044.37	2,453.24
Brindley, Faddiley	806.71	941.16	1,075.61	1,210.06	1,478.96	1,747.86	2,016.77	2,420.12
Buerton	806.55	940.98	1,075.40	1,209.83	1,478.68	1,747.53	2,016.38	2,419.66
Bulkeley, Ridley	804.56	938.65	1,072.75	1,206.84	1,475.03	1,743.21	2,011.40	2,413.68
Bunbury	807.65	942.26	1,076.87	1,211.48	1,480.70	1,749.92	2,019.13	2,422.96
Burland	802.45	936.20	1,069.94	1,203.68	1,471.16	1,738.65	2,006.13	2,407.36
Calveley	805.48	939.73	1,073.97	1,208.22	1,476.71	1,745.21	2,013.70	2,416.44
Chelford	805.41	939.64	1,073.88	1,208.11	1,476.58	1,745.05	2,013.52	2,416.22
Cholmondeley, Chorley	808.01	942.68	1,077.35	1,212.02	1,481.36	1,750.70	2,020.03	2,424.04
Cholmondeston, Wettenhall	799.30	932.52	1,065.73	1,198.95	1,465.38	1,731.82	1,998.25	2,397.90
Chorley	807.81	942.44	1,077.08	1,211.71	1,480.98	1,750.25	2,019.52	2,423.42
Church Lawton	802.93	936.76	1,070.58	1,204.40	1,472.04	1,739.69	2,007.33	2,408.80
Church Minshull	805.49	939.73	1,073.98	1,208.23	1,476.73	1,745.22	2,013.72	2,416.46
Congleton	835.82	975.12	1,114.43	1,253.73	1,532.34	1,810.94	2,089.55	2,507.46
Cranage	819.43	956.01	1,092.58	1,229.15	1,502.29	1,775.44	2,048.58	2,458.30
Crewe	798.63	931.73	1,064.84	1,197.94	1,464.15	1,730.36	1,996.57	2,395.88
Crewe Green	818.41	954.81	1,091.21	1,227.61	1,500.41	1,773.21	2,046.02	2,455.22
Disley	820.75	957.54	1,094.33	1,231.12	1,504.70	1,778.28	2,051.87	2,462.24
Dodcott-cum-Wilkesley	812.90	948.38	1,083.87	1,219.35	1,490.32	1,761.28	2,032.25	2,438.70
Doddington, Blakenhall, Bridgemere, Checkley-cum-Wrinehill, F	803.32	937.21	1,071.09	1,204.98	1,472.75	1,740.53	2,008.30	2,409.96
Eaton	816.46	952.54	1,088.61	1,224.69	1,496.84	1,769.00	2,041.15	2,449.38
Gawsworth	813.58	949.18	1,084.77	1,220.37	1,491.56	1,762.76	2,033.95	2,440.74
Goostrey	818.65	955.10	1,091.54	1,227.98	1,500.86	1,773.75	2,046.63	2,455.96
Great Warford	801.65	935.26	1,068.87	1,202.48	1,469.70	1,736.92	2,004.13	2,404.96
Hankelow	808.97	943.79	1,078.62	1,213.45	1,483.11	1,752.76	2,022.42	2,426.90
Haslington	805.80	940.10	1,074.40	1,208.70	1,477.30	1,745.90	2,014.50	2,417.40
Hassall	809.65	944.59	1,079.53	1,214.47	1,484.35	1,754.23	2,024.12	2,428.94
Hatherton, Walgherton	803.23	937.11	1,070.98	1,204.85	1,472.59	1,740.34	2,008.08	2,409.70
Haughton	797.34	930.23	1,063.12	1,196.01	1,461.79	1,727.57	1,993.35	2,392.02
Henbury	807.38	941.94	1,076.51	1,211.07	1,480.20	1,749.32	2,018.45	2,422.14
High Legh	810.15	945.18	1,080.20	1,215.23	1,485.28	1,755.33	2,025.38	2,430.46
Higher Hurdfield	808.17	942.87	1,077.56	1,212.26	1,481.65	1,751.04	2,020.43	2,424.52
Holmes Chapel	816.51	952.59	1,088.68	1,224.76	1,496.93	1,769.10	2,041.27	2,449.52
Hough, Chorlton	811.34	946.56	1,081.79	1,217.01	1,487.46	1,757.90	2,028.35	2,434.02
Hulme Walfield & Somerford Booths	797.34	930.23	1,063.12	1,196.01	1,461.79	1,727.57	1,993.35	2,392.02
Kettleshulme	816.48	952.56	1,088.64	1,224.72	1,496.88	1,769.04	2,041.20	2,449.44
Knutsford	805.37	939.60	1,073.83	1,208.06	1,476.52	1,744.98	2,013.43	2,416.12
Little Bollington	804.83	938.97	1,073.11	1,207.25	1,475.53	1,743.81	2,012.08	2,414.50
Little Warford	800.98	934.48	1,067.97	1,201.47	1,468.46	1,735.46	2,002.45	2,402.94
Lower Peover	807.43	942.00	1,076.57	1,211.14	1,480.28	1,749.42	2,018.57	2,422.28
Lower Withington	804.01	938.02	1,072.02	1,206.02	1,474.02	1,742.03	2,010.03	2,412.04
Lyme Handley	797.34	930.23	1,063.12	1,196.01	1,461.79	1,727.57	1,993.35	2,392.02
Macc Forest / Wildboardclough	797.34	930.23	1,063.12	1,196.01	1,461.79	1,727.57	1,993.35	2,392.02
Macclesfield	797.52	930.44	1,063.36	1,196.28	1,462.12	1,727.96	1,993.80	2,392.56
Marbury-cum-Quoisley, Norbury, Wirswall	807.86	942.50	1,077.15	1,211.79	1,481.08	1,750.36	2,019.65	2,423.58
Marton	813.13	948.66	1,084.18	1,219.70	1,490.74	1,761.79	2,032.83	2,439.40
Mere	805.73	940.02	1,074.31	1,208.60	1,477.18	1,745.76	2,014.33	2,417.20
Middlewich	833.80	972.77	1,111.73	1,250.70	1,528.63	1,806.57	2,084.50	2,501.40
Millington	803.61	937.55	1,071.48	1,205.42	1,473.29	1,741.16	2,009.03	2,410.84
Minshull Vernon, Leighton, Woolstanwood	797.34	930.23	1,063.12	1,196.01	1,461.79	1,727.57	1,993.35	2,392.02
Mobberley	814.68	950.46	1,086.24	1,222.02	1,493.58	1,765.14	2,036.70	2,444.04
Moston	816.15	952.18	1,088.20	1,224.23	1,496.28	1,768.33	2,040.38	2,448.46
Mottram St.Andrew	802.53	936.29	1,070.04	1,203.80	1,471.31	1,738.82	2,006.33	2,407.60
Nantwich	811.19	946.39	1,081.59	1,216.79	1,487.19	1,757.59	2,027.98	2,433.58
Nether Alderley	817.15	953.35	1,089.54	1,225.73	1,498.11	1,770.50	2,042.88	2,451.46
Newbold Astbury-cum-Moreton	810.71	945.82	1,080.94	1,216.06	1,486.30	1,756.53	2,026.77	2,432.12
Newhall	803.09	936.94	1,070.79	1,204.64	1,472.34	1,740.04	2,007.73	2,409.28
North Rode	807.67	942.28	1,076.89	1,211.50	1,480.72	1,749.94	2,019.17	2,423.00
Odd Rode	819.52	956.11	1,092.69	1,229.28	1,502.45	1,775.63	2,048.80	2,458.56
Ollerton/Marshall	811.74	947.03	1,082.32	1,217.61	1,488.19	1,758.77	2,029.55	2,435.22
Over Alderley	803.63	937.57	1,071.51	1,205.45	1,473.33	1,741.21	2,009.08	2,410.90
Peckforton	803.91	937.90	1,071.88	1,205.87	1,473.84	1,741.81	2,009.78	2,411.74
Peover Superior	805.49	939.73	1,073.98	1,208.23	1,476.73	1,745.22	2,013.72	2,416.46

	A	B	C	D	E	F	G	H
	£. p	£. p	£. p	£. p	£. p	£. p	£. p	£. p
Pickmere	808.21	942.91	1,077.61	1,212.31	1,481.71	1,751.11	2,020.52	2,424.62
Plumley with Toft and Bexton	807.32	941.87	1,076.43	1,210.98	1,480.09	1,749.19	2,018.30	2,421.96
Pott Shrigley	808.55	943.30	1,078.06	1,212.82	1,482.34	1,751.85	2,021.37	2,425.64
Poynton with Worth	822.27	959.31	1,096.36	1,233.40	1,507.49	1,781.58	2,055.67	2,466.80
Prestbury	809.33	944.21	1,079.10	1,213.99	1,483.77	1,753.54	2,023.32	2,427.98
Rainow	809.73	944.69	1,079.64	1,214.60	1,484.51	1,754.42	2,024.33	2,429.20
Rope	806.56	940.99	1,075.41	1,209.84	1,478.69	1,747.55	2,016.40	2,419.68
Rostherne	808.00	942.67	1,077.33	1,212.00	1,481.33	1,750.67	2,020.00	2,424.00
Sandbach	819.19	955.72	1,092.25	1,228.78	1,501.84	1,774.90	2,047.97	2,457.56
Shavington-cum-Gresty	816.85	952.99	1,089.13	1,225.27	1,497.55	1,769.83	2,042.12	2,450.54
Siddington	804.23	938.27	1,072.31	1,206.35	1,474.43	1,742.51	2,010.58	2,412.70
Smallwood	803.27	937.15	1,071.03	1,204.91	1,472.67	1,740.43	2,008.18	2,409.82
Snelson	809.23	944.11	1,078.98	1,213.85	1,483.59	1,753.34	2,023.08	2,427.70
Somerford	811.90	947.22	1,082.53	1,217.85	1,488.48	1,759.12	2,029.75	2,435.70
Sound, Austerson, Baddiley, Baddington, Broomhall, Coole Pila	800.80	934.27	1,067.73	1,201.20	1,468.13	1,735.07	2,002.00	2,402.40
Spurstow	803.97	937.97	1,071.96	1,205.96	1,473.95	1,741.94	2,009.93	2,411.92
Stapeley, Batherton	802.31	936.03	1,069.75	1,203.47	1,470.91	1,738.35	2,005.78	2,406.94
Stoke, Hurlleston	811.66	946.94	1,082.21	1,217.49	1,488.04	1,758.60	2,029.15	2,434.98
Sutton	804.83	938.96	1,073.10	1,207.24	1,475.52	1,743.79	2,012.07	2,414.48
Swettenham	818.48	954.89	1,091.31	1,227.72	1,500.55	1,773.37	2,046.20	2,455.44
Tabley	802.25	935.95	1,069.66	1,203.37	1,470.79	1,738.20	2,005.62	2,406.74
Tatton	797.34	930.23	1,063.12	1,196.01	1,461.79	1,727.57	1,993.35	2,392.02
Twemlow	816.98	953.14	1,089.31	1,225.47	1,497.80	1,770.12	2,042.45	2,450.94
Wardle	810.65	945.76	1,080.87	1,215.98	1,486.20	1,756.42	2,026.63	2,431.96
Warmingham	813.49	949.08	1,084.66	1,220.24	1,491.40	1,762.57	2,033.73	2,440.48
Weston, Basford	803.08	936.93	1,070.77	1,204.62	1,472.31	1,740.01	2,007.70	2,409.24
Willaston	807.08	941.59	1,076.11	1,210.62	1,479.65	1,748.67	2,017.70	2,421.24
Wincle	797.34	930.23	1,063.12	1,196.01	1,461.79	1,727.57	1,993.35	2,392.02
Wistaston	806.76	941.22	1,075.68	1,210.14	1,479.06	1,747.98	2,016.90	2,420.28
Worleston, Poole, Aston Juxta Mondrum	803.39	937.29	1,071.19	1,205.09	1,472.89	1,740.69	2,008.48	2,410.18
Wrenbury	802.49	936.23	1,069.98	1,203.73	1,471.23	1,738.72	2,006.22	2,407.46
Wybunbury	808.31	943.02	1,077.74	1,212.46	1,481.90	1,751.33	2,020.77	2,424.92
Wilmslow	797.34	930.23	1,063.12	1,196.01	1,461.79	1,727.57	1,993.35	2,392.02

	Valuation Bands							
	A	B	C	D	E	F	G	H
	£. p	£. p	£. p	£. p	£. p	£. p	£. p	£. p
Acton, Edleston, Henshull	948.00	1,106.00	1,264.00	1,422.00	1,738.00	2,054.00	2,370.00	2,844.00
Adlington	940.92	1,097.74	1,254.56	1,411.38	1,725.02	2,038.66	2,352.30	2,822.76
Agden	939.75	1,096.38	1,253.01	1,409.63	1,722.88	2,036.13	2,349.38	2,819.26
Alderley Edge	952.08	1,110.76	1,269.44	1,428.12	1,745.48	2,062.84	2,380.20	2,856.24
Alraham	945.39	1,102.95	1,260.52	1,418.08	1,733.21	2,048.33	2,363.47	2,836.16
Alsager	962.42	1,122.82	1,283.23	1,443.63	1,764.44	2,085.24	2,406.05	2,887.26
Arclid	942.34	1,099.39	1,256.46	1,413.51	1,727.63	2,041.73	2,355.85	2,827.02
Ashley	946.69	1,104.46	1,262.25	1,420.03	1,735.60	2,051.15	2,366.72	2,840.06
Aston-by Budworth	937.91	1,094.23	1,250.55	1,406.87	1,719.51	2,032.14	2,344.78	2,813.74
Audlem	955.86	1,115.17	1,274.48	1,433.79	1,752.41	2,071.03	2,389.65	2,867.58
Barthomley	942.65	1,099.75	1,256.87	1,413.97	1,728.19	2,042.40	2,356.62	2,827.94
Betchton	941.25	1,098.13	1,255.01	1,411.88	1,725.63	2,039.38	2,353.13	2,823.76
Bickerton, Egerton	942.77	1,099.89	1,257.03	1,414.15	1,728.41	2,042.66	2,356.92	2,828.30
Bollington	953.28	1,112.16	1,271.04	1,429.92	1,747.68	2,065.44	2,383.20	2,859.84
Bosley	944.53	1,101.94	1,259.37	1,416.79	1,731.64	2,046.47	2,361.32	2,833.58
Bradwall	940.69	1,097.46	1,254.25	1,411.03	1,724.60	2,038.15	2,351.72	2,822.06
Brereton	954.57	1,113.66	1,272.76	1,431.85	1,750.04	2,068.22	2,386.42	2,863.70
Brindley, Faddiley	943.53	1,100.78	1,258.04	1,415.29	1,729.80	2,044.30	2,358.82	2,830.58
Buerton	943.37	1,100.60	1,257.83	1,415.06	1,729.52	2,043.97	2,358.43	2,830.12
Bulkeley, Ridley	941.38	1,098.27	1,255.18	1,412.07	1,725.87	2,039.65	2,353.45	2,824.14
Bunbury	944.47	1,101.88	1,259.30	1,416.71	1,731.54	2,046.36	2,361.18	2,833.42
Burland	939.27	1,095.82	1,252.37	1,408.91	1,722.00	2,035.09	2,348.18	2,817.82
Calveley	942.30	1,099.35	1,256.40	1,413.45	1,727.55	2,041.65	2,355.75	2,826.90
Chelford	942.23	1,099.26	1,256.31	1,413.34	1,727.42	2,041.49	2,355.57	2,826.68
Cholmondeley, Chorley	944.83	1,102.30	1,259.78	1,417.25	1,732.20	2,047.14	2,362.08	2,834.50
Cholmondeston, Wettenhall	936.12	1,092.14	1,248.16	1,404.18	1,716.22	2,028.26	2,340.30	2,808.36
Chorley	944.63	1,102.06	1,259.51	1,416.94	1,731.82	2,046.69	2,361.57	2,833.88
Church Lawton	939.75	1,096.38	1,253.01	1,409.63	1,722.88	2,036.13	2,349.38	2,819.26
Church Minshull	942.31	1,099.35	1,256.41	1,413.46	1,727.57	2,041.66	2,355.77	2,826.92
Congleton	972.64	1,134.74	1,296.86	1,458.96	1,783.18	2,107.38	2,431.60	2,917.92
Cranage	956.25	1,115.63	1,275.01	1,434.38	1,753.13	2,071.88	2,390.63	2,868.76
Crewe	935.45	1,091.35	1,247.27	1,403.17	1,714.99	2,026.80	2,338.62	2,806.34
Crewe Green	955.23	1,114.43	1,273.64	1,432.84	1,751.25	2,069.65	2,388.07	2,865.68
Disley	957.57	1,117.16	1,276.76	1,436.35	1,755.54	2,074.72	2,393.92	2,872.70
Dodcott-cum-Wilkesley	949.72	1,108.00	1,266.30	1,424.58	1,741.16	2,057.72	2,374.30	2,849.16
Doddington, Blakenhall, Bridgemere, Checkley-cum-Wrinehill, H	940.14	1,096.83	1,253.52	1,410.21	1,723.59	2,036.97	2,350.35	2,820.42
Eaton	953.28	1,112.16	1,271.04	1,429.92	1,747.68	2,065.44	2,383.20	2,859.84
Gawsworth	950.40	1,108.80	1,267.20	1,425.60	1,742.40	2,059.20	2,376.00	2,851.20
Goostrey	955.47	1,114.72	1,273.97	1,433.21	1,751.70	2,070.19	2,388.68	2,866.42
Great Warford	938.47	1,094.88	1,251.30	1,407.71	1,720.54	2,033.36	2,346.18	2,815.42
Hankelow	945.79	1,103.41	1,261.05	1,418.68	1,733.95	2,049.20	2,364.47	2,837.36
Haslington	942.62	1,099.72	1,256.83	1,413.93	1,728.14	2,042.34	2,356.55	2,827.86
Hassall	946.47	1,104.21	1,261.96	1,419.70	1,735.19	2,050.67	2,366.17	2,839.40
Hatherton, Walgherton	940.05	1,096.73	1,253.41	1,410.08	1,723.43	2,036.78	2,350.13	2,820.16
Haughton	934.16	1,089.85	1,245.55	1,401.24	1,712.63	2,024.01	2,335.40	2,802.48
Henbury	944.20	1,101.56	1,258.94	1,416.30	1,731.04	2,045.76	2,360.50	2,832.60
High Legh	946.97	1,104.80	1,262.63	1,420.46	1,736.12	2,051.77	2,367.43	2,840.92
Higher Hurdfield	944.99	1,102.49	1,259.99	1,417.49	1,732.49	2,047.48	2,362.48	2,834.98
Holmes Chapel	953.33	1,112.21	1,271.11	1,429.99	1,747.77	2,065.54	2,383.32	2,859.98
Hough, Chorlton	948.16	1,106.18	1,264.22	1,422.24	1,738.30	2,054.34	2,370.40	2,844.48
Hulme Walfield & Somerford Booths	934.16	1,089.85	1,245.55	1,401.24	1,712.63	2,024.01	2,335.40	2,802.48
Kettleshulme	953.30	1,112.18	1,271.07	1,429.95	1,747.72	2,065.48	2,383.25	2,859.90
Knutsford	942.19	1,099.22	1,256.26	1,413.29	1,727.36	2,041.42	2,355.48	2,826.58
Little Bollington	941.65	1,098.59	1,255.54	1,412.48	1,726.37	2,040.25	2,354.13	2,824.96
Little Warford	937.80	1,094.10	1,250.40	1,406.70	1,719.30	2,031.90	2,344.50	2,813.40
Lower Peover	944.25	1,101.62	1,259.00	1,416.37	1,731.12	2,045.86	2,360.62	2,832.74
Lower Withington	940.83	1,097.64	1,254.45	1,411.25	1,724.86	2,038.47	2,352.08	2,822.50
Lyme Handley	934.16	1,089.85	1,245.55	1,401.24	1,712.63	2,024.01	2,335.40	2,802.48
Macc Forest / Wildboardclough	934.16	1,089.85	1,245.55	1,401.24	1,712.63	2,024.01	2,335.40	2,802.48
Macclesfield	934.34	1,090.06	1,245.79	1,401.51	1,712.96	2,024.40	2,335.85	2,803.02
Marbury-cum-Quoisley, Norbury, Wirswall	944.68	1,102.12	1,259.58	1,417.02	1,731.92	2,046.80	2,361.70	2,834.04
Marton	949.95	1,108.28	1,266.61	1,424.93	1,741.58	2,058.23	2,374.88	2,849.86
Mere	942.55	1,099.64	1,256.74	1,413.83	1,728.02	2,042.20	2,356.38	2,827.66
Middlewich	970.62	1,132.39	1,294.16	1,455.93	1,779.47	2,103.01	2,426.55	2,911.86
Millington	940.43	1,097.17	1,253.91	1,410.65	1,724.13	2,037.60	2,351.08	2,821.30
Minshull Vernon, Leighton, Woolstanwood	934.16	1,089.85	1,245.55	1,401.24	1,712.63	2,024.01	2,335.40	2,802.48
Mobberley	951.50	1,110.08	1,268.67	1,427.25	1,744.42	2,061.58	2,378.75	2,854.50
Moston	952.97	1,111.80	1,270.63	1,429.46	1,747.12	2,064.77	2,382.43	2,858.92
Mottram St.Andrew	939.35	1,095.91	1,252.47	1,409.03	1,722.15	2,035.26	2,348.38	2,818.06
Nantwich	948.01	1,106.01	1,264.02	1,422.02	1,738.03	2,054.03	2,370.03	2,844.04
Nether Alderley	953.97	1,112.97	1,271.97	1,430.96	1,748.95	2,066.94	2,384.93	2,861.92
Newbold Astbury-cum-Moretton	947.53	1,105.44	1,263.37	1,421.29	1,737.14	2,052.97	2,368.82	2,842.58
Newhall	939.91	1,096.56	1,253.22	1,409.87	1,723.18	2,036.48	2,349.78	2,819.74
North Rode	944.49	1,101.90	1,259.32	1,416.73	1,731.56	2,046.38	2,361.22	2,833.46
Odd Rode	956.34	1,115.73	1,275.12	1,434.51	1,753.29	2,072.07	2,390.85	2,869.02
Ollerton/Marshall	948.56	1,106.65	1,264.75	1,422.84	1,739.03	2,055.21	2,371.40	2,845.68

Valuation Bands

	A	B	C	D	E	F	G	H
	£. p	£. p	£. p	£. p	£. p	£. p	£. p	£. p
Over Alderley	940.45	1,097.19	1,253.94	1,410.68	1,724.17	2,037.65	2,351.13	2,821.36
Peckforton	940.73	1,097.52	1,254.31	1,411.10	1,724.68	2,038.25	2,351.83	2,822.20
Peover Superior	942.31	1,099.35	1,256.41	1,413.46	1,727.57	2,041.66	2,355.77	2,826.92
Pickmere	945.03	1,102.53	1,260.04	1,417.54	1,732.55	2,047.55	2,362.57	2,835.08
Plumley with Toft and Bexton	944.14	1,101.49	1,258.86	1,416.21	1,730.93	2,045.63	2,360.35	2,832.42
Pott Shrigley	945.37	1,102.92	1,260.49	1,418.05	1,733.18	2,048.29	2,363.42	2,836.10
Poynton with Worth	959.09	1,118.93	1,278.79	1,438.63	1,758.33	2,078.02	2,397.72	2,877.26
Prestbury	946.15	1,103.83	1,261.53	1,419.22	1,734.61	2,049.98	2,365.37	2,838.44
Rainow	946.55	1,104.31	1,262.07	1,419.83	1,735.35	2,050.86	2,366.38	2,839.66
Rope	943.38	1,100.61	1,257.84	1,415.07	1,729.53	2,043.99	2,358.45	2,830.14
Rostherne	944.82	1,102.29	1,259.76	1,417.23	1,732.17	2,047.11	2,362.05	2,834.46
Sandbach	956.01	1,115.34	1,274.68	1,434.01	1,752.68	2,071.34	2,390.02	2,868.02
Shavington-cum-Gresty	953.67	1,112.61	1,271.56	1,430.50	1,748.39	2,066.27	2,384.17	2,861.00
Siddington	941.05	1,097.89	1,254.74	1,411.58	1,725.27	2,038.95	2,352.63	2,823.16
Smallwood	940.09	1,096.77	1,253.46	1,410.14	1,723.51	2,036.87	2,350.23	2,820.28
Snelson	946.05	1,103.73	1,261.41	1,419.08	1,734.43	2,049.78	2,365.13	2,838.16
Somerford	948.72	1,106.84	1,264.96	1,423.08	1,739.32	2,055.56	2,371.80	2,846.16
Sound, Austerson, Baddiley, Baddington, Broomhall, Coole Pilat	937.62	1,093.89	1,250.16	1,406.43	1,718.97	2,031.51	2,344.05	2,812.86
Spurstow	940.79	1,097.59	1,254.39	1,411.19	1,724.79	2,038.38	2,351.98	2,822.38
Stapeley, Batherton	939.13	1,095.65	1,252.18	1,408.70	1,721.75	2,034.79	2,347.83	2,817.40
Stoke, Hurleston	948.48	1,106.56	1,264.64	1,422.72	1,738.88	2,055.04	2,371.20	2,845.44
Sutton	941.65	1,098.58	1,255.53	1,412.47	1,726.36	2,040.23	2,354.12	2,824.94
Swettenham	955.30	1,114.51	1,273.74	1,432.95	1,751.39	2,069.81	2,388.25	2,865.90
Tabley	939.07	1,095.57	1,252.09	1,408.60	1,721.63	2,034.64	2,347.67	2,817.20
Tatton	934.16	1,089.85	1,245.55	1,401.24	1,712.63	2,024.01	2,335.40	2,802.48
Twemlow	953.80	1,112.76	1,271.74	1,430.70	1,748.64	2,066.56	2,384.50	2,861.40
Wardle	947.47	1,105.38	1,263.30	1,421.21	1,737.04	2,052.86	2,368.68	2,842.42
Warmingham	950.31	1,108.70	1,267.09	1,425.47	1,742.24	2,059.01	2,375.78	2,850.94
Weston, Basford	939.90	1,096.55	1,253.20	1,409.85	1,723.15	2,036.45	2,349.75	2,819.70
Willaston	943.90	1,101.21	1,258.54	1,415.85	1,730.49	2,045.11	2,359.75	2,831.70
Wincle	934.16	1,089.85	1,245.55	1,401.24	1,712.63	2,024.01	2,335.40	2,802.48
Wistaston	943.58	1,100.84	1,258.11	1,415.37	1,729.90	2,044.42	2,358.95	2,830.74
Worleston, Poole, Aston Juxta Mondrum	940.21	1,096.91	1,253.62	1,410.32	1,723.73	2,037.13	2,350.53	2,820.64
Wrenbury	939.31	1,095.85	1,252.41	1,408.96	1,722.07	2,035.16	2,348.27	2,817.92
Wybunbury	945.13	1,102.64	1,260.17	1,417.69	1,732.74	2,047.77	2,362.82	2,835.38
Wilmslow	934.16	1,089.85	1,245.55	1,401.24	1,712.63	2,024.01	2,335.40	2,802.48

CHESHIRE EAST COUNCIL

Council

Date of meeting: 24th February 2009

Report of: Borough Treasurer & Head of Assets

Title: Treasury Management Strategy and MRP Statement 2009/10

1.0 Purpose of Report

- 1.1 To present the Treasury Management Strategy for 2009/10 to 2011/12 including the prudential indicators and limits required under Part 1 of the Local Government Act 2003 and the Annual Investment Strategy 2009/10 and Annual Policy Statement on Minimum Revenue Provision (MRP) for the redemption of debt 2009/10. The Strategy will be reported to Cabinet on 17th February 2009 for recommendation to Council on 24th February 2009.

2.0 Decision Required

- 2.1 That Council approves the Treasury Management Strategy and the MRP Statement for 2009/2010. The Strategy includes the Department for Communities and Local Government (DCLG) reporting requirements in accordance with the Local Government Investments Guidance under Section 15(1)(a) of the Local Government Act 2003 (Appendix A).

3.0 Financial Implications for Transitional Costs

- 3.1 None.

4.0 Financial Implications 2009/10 and Beyond

- 4.1 Effective Treasury Management provides support towards the achievement of service priorities, it allows the Council to invest in capital projects without any limit as long as it can demonstrate that its capital expenditure plans are affordable, external borrowing is prudent and sustainable and treasury decisions are taken in accordance with good practice.

5.0 Treasury Management Strategy

- 5.1 The Treasury Management Strategy for 2009/10 is the Council's first such Strategy and comes at a time of significant economic uncertainty. The Council is therefore mindful of the risk, both in terms of Market risk and Investment Income risk and this has been reflected in the 2009/10 Budget.
- 5.2 The Local Government and Public Involvement in Health Act 2007 places a requirement of all councils to approve a policy on how the amount provided in

respect of the repayment of debt is calculated prior to the start of the financial year concerned. The Policy for the year 2009/10 is contained in Appendix B. The budgeted provision for the repayment of debt in the year 2009/10 has been broadly calculated as 4% of the estimated outstanding debt at the end of the year 2008/09 with a small number of exceptions. These exceptions comprise capital expenditure on capital projects that has been funded through unsupported borrowing by the Legacy Authorities.

- 5.3 The amount charged in respect of the repayment of debt is currently just above the generally accepted prudent minimum. The amount provided is also below the amount of capital expenditure being funded from borrowing in each of the next few years. As a consequence the amount of debt outstanding is increasing each year. As the level of outstanding debt increases the amount that needs to be provided for the repayment of debt in future years also increases. The aim from year two of the Medium Term Financial Strategy will be to reverse this trend.

5.4 Capital Financing Budget 2009-10

	£m
Provision for debt repayment	6.22
Direct revenue funding	3.05
Interest on long term loans	7.84
Other interest payable	0.21
Revenue contribution from Services	<u>(4.10)</u>
Total Debt Repayment	13.22
<u>Less</u> Interest receivable on cash balances	<u>(0.90)</u>
Net Capital Financing Budget	12.32

- 5.5 The amount of interest paid on the Council's portfolio of long term loans is mainly at fixed rates of interest (circa 4.9%). This provides a degree of certainty to the capital financing budget. The rate of interest payable on the £25 million of new long term loans that it is planned to raise during the year 2009/10 is budgeted to be 4.5%. Currently long term interest rates are around 4.65%. However, within the Treasury Management Strategy, the Council will use internal balances where possible to reduce the costs in the short term of external borrowing.
- 5.6 The rate of interest to be earned on the Council's cash balances that are temporarily invested pending their being used (estimated at £140 million) is budgeted to be 0.65%, depending on external cashflows and levels of inherited reserves. This compares with an original assumption in the Financial Scenario of £6.3m before interest rates started to plummet.
- 5.7 Currently the conditions in the world's money and capital markets are very uncertain. This uncertainty has prevailed for a number of months now and is likely to prevail for a long while yet. A high degree of caution therefore needs to

be exercised in respect of the estimated rates of interest mentioned above. The Borough Treasurer and Head of Assets will be monitoring this position and its impact on the budget carefully throughout the year.

6.0 Legal Implications

- 6.1 It is a requirement of the CIPFA Code of Practice for Treasury Management in The Public Sector, that Council receives an Annual Report on its Treasury Strategy, that Council sets Prudential Indicators for the next three years and approves an Annual Investment Strategy and an Annual MRP Policy Statement.

7.0 Risk Assessment

- 7.1 The Council regards the successful identification, monitoring and control of risk to be the prime criteria by which the effectiveness of its treasury management function will be measured. The main risks are identified along with procedures to manage and control the risks are detailed in Appendix A, Section 5. The analysis and reporting of treasury management activities will focus on their risk implications for the Council.

8.0 Conclusion and Reasons for Recommendation

- 8.1 The Treasury Management Strategy details the activities of the Treasury Management function in the forthcoming year 2009/10. The Strategy for 2009/10 reflects the views on interest rates of leading market forecasts provided by Arlingclose, the Council's advisor on treasury matters. It also includes the Prudential Indicators relating to Treasury Management.
- 8.2 The CIPFA Code of Practice on Treasury Management, when adopted by a local authority, gives it the status of 'a code of practice made or approved by or under enactment' and hence proper practices under the provision of the Local Government and Housing Act 1989.
- 8.3 The Treasury Management Strategy 2009/10 will be reported to Cabinet on 17th February 2009. Any changes made to the Strategy as part of this process will be amended in the final report made available to Members ahead of the Council meeting on 24th February 2009.

Appendices:

Appendix A – Treasury Management Strategy 2009/10

Appendix B – MRP Policy Statement 2009/10

For further information:

*Portfolio Holder: Councillor Frank Keegan
Officer: Lisa Quinn, Borough Treasurer & Head of Assets
Tel No: 01270 529628
Email: lisa.quinn@cheshireeast.gov.uk*

Background Documents:

Arlingclose forecasts

Documents are available for inspection at:

*Cheshire East Democratic Services
Westfields
Middlewich Road
Sandbach
CW11 1HZ*

CHESHIRE EAST TREASURY MANAGEMENT STRATEGY 2009/10

1. INTRODUCTION

- 1.1 The Local Government Act 2003 requires the Council to have regard to the Prudential Code and to set Prudential Indicators for the next three years to ensure that the Council's capital investment plans are affordable, prudent and sustainable.
- 1.2 The Act therefore requires the Council to set out its Treasury Strategy for borrowing and to prepare an Annual Investment Strategy; this sets out the Council's policies for managing its investments and for giving priority to the security and liquidity of those investments.

2. BACKGROUND

- 2.1 The Chartered Institute of Public Finance and Accountancy's Code of Practice for Treasury Management in Public Services (the "CIPFA TM Code") requires local authorities to set the Treasury Management Strategy Statement (TMSS) for borrowing each financial year.
- 2.2 CIPFA has defined Treasury Management as:

"the management of the organisation's cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."

- 2.3 It is a statutory requirement, under Section 33 of the Local Government Finance Act 1992, for the Council to produce a balanced budget. In particular, Section 32 requires a local authority to calculate its budget requirement for each financial year to include the revenue costs that flow from capital financing decisions. This means that increases in capital expenditure must be limited to a level whereby increases in charges to revenue from:
 - increases in interest charges caused by increased borrowing to finance additional capital expenditure, and
 - any increases in running costs from new capital projects are affordable within the projected income of the Council for the foreseeable future.
- 2.4 Members' involvement in the process is essential in order that the Council can demonstrate that its capital expenditure plans are affordable, external borrowing is prudent and sustainable and treasury decisions are taken in accordance with good practice.
- 2.5 The Council regards the successful identification, monitoring and control of risk to be the prime criteria by which the effectiveness of its treasury management activities will be measured. Treasury management risks are identified in the Council's approved Treasury Management Practices; the main risks to the Council's treasury activities are:
 - Liquidity Risk (Inadequate cash resources)

- Market or Interest Rate Risk (Fluctuations in interest rate levels and thereby in the value of investments).
- Inflation Risks (Exposure to inflation)
- Credit and Counterparty Risk (Security of Investments)
- Refinancing Risks (Impact of debt maturing in future years).
- Legal & Regulatory Risk (i.e. non-compliance with statutory and regulatory requirements, risk of fraud).

3. LOCAL GOVERNMENT REVIEW

- 3.1 As Members and Officers are aware the merger of the three District Councils within East Cheshire and the disaggregated share of Cheshire County Council's investment and borrowing portfolio's will come under the ownership of the New Unitary Authority, Cheshire East.
- 3.2 As such some of the key areas of the new treasury management function have yet to be decided for the 2009/10 financial year and work is still continuing in the shape of the joint Treasury Management Group to work out a cutover strategy from 1st April 2009. Two key areas where decisions are still to be made are as follows:
- The final disaggregation of Cheshire County Council's balance sheet commitments for loans and investments as at 31st March 2009.
 - Whether the new Authority will use the specialist services of an external cash manager.
- 3.3 New Treasury advisors are to be appointed for Cheshire East, a panel of Treasury Officers interviewed prospective advisors and Arlingclose were chosen as the preferred candidate for Cheshire East and the contract is due to commence shortly.

4. CURRENT POSITION

The Council's treasury portfolio position as at 9th January 2009 comprises of the three existing District portfolio positions and the County Council's share that has been disaggregated to the East.

Investments	Principal £m
Macclesfield Borough Council	39.5m
Congleton Borough Council	16.0m
Crewe & Nantwich Borough Council	35.9m
Cheshire County Council (disaggregated East)	51.3m
Total Investments	142.7m
Debt	Principal £m
Cheshire County Council (disaggregated East)	135.6m
Total Debt	135.6m

5. RISK MANAGEMENT

- 5.1 The identification, understanding and management of risk are, by necessity, a major part of an organisation's treasury management activities. It is therefore no surprise to learn that risk management is, and has been for a number of years, well embedded in the area of treasury management.
- 5.2 The consequences of making a wrong treasury management decision can be significant and long lasting. eg were the Council to invest monies with a lender who ultimately cannot repay the amount lent to them (ie defaults on repayment) then the whole of the amount not repaid will fall as a charge on the I&E account in the year in which the default occurs.
- 5.3 To avoid the Council suffering loss as a result of its treasury management activities a number of risk management procedures have been put in place. These are listed below. These procedures are based on the concept that firstly security of principal is paramount, secondly that there is a need to maintain liquidity and finally earning a rate of return commensurate with the first two concepts.

Liquidity risk

- 5.4 The risk that cash will not be available when it is needed to meet the Council's obligations.
- 5.5 The Council prepares an annual cash flow forecast each year that identifies, by month, the anticipated cash inflows and outflows over the year. The purpose of preparing such a forecast is to identify the timing, duration and magnitude of any cash surpluses and shortfalls.
- 5.6 A daily cash flow spreadsheet is also maintained that lists all the monthly major cash inflows and outflows. This spreadsheet is a key input when deciding how long any surplus cash balances should be invested for. The first priority when investing surplus cash balances is to cover known cash outflows i.e. to retain liquidity.

Credit (or counter-party) risk

- 5.7 The risk that an amount deposited by the authority will not be repaid in full on the day it is due.

- 5.8 When selecting counter-parties (ie banks and building societies) with which the Council will deposit monies the avoidance of loss of principal is regarded as paramount. This is achieved by having in place formal policies and procedures that ensure that the risk of a potential loss of principal through the default of a counter-party is reduced to a suitably agreed and acceptable level.
- 5.9 These policies and procedures include setting minimum requirements on the independently assessed financial standing of the counterparties with which monies are deposited. In addition an upper limit is placed on the amount that can be deposited with an individual counterparty or with a group of related counterparties.

Refinancing risk

- 5.10 The risk that the Council will be unable to renew its maturing funding arrangements / reinvest deposits on reasonable terms.
- 5.11 This risk is managed to an acceptable level by ensuring that the maturity profile of the Council's long term loans portfolio remains fairly smooth. The Council also tries to avoid having too large an amount of loans maturing on a particular day or in a particular financial year.

Legal and regulatory risk

- 5.12 The risk that one of the parties to an agreement will be unable to honour its legal obligations to the other party.
- 5.13 When investing its cash balances the Council ensures that it adheres to the guidance on the investment of surplus cash balances by local authorities that was issued by the Secretary of State at the Office of the Deputy Prime Minister (ODPM) in March 2004.

Prevention of fraud, error and collusion

- 5.14 A set of comprehensive procedures exist that detail the procedures and processes that need to be undertaken before, during and after entering into a money market deal.
- 5.15 The purpose of these procedures and processes is to ensure that a clear segregation of duties is in place. This segregation of duties ensures that at least two members of staff have checked and agreed the details of the money market transaction before any monies are paid over.

6. OUTLOOK FOR INTEREST RATES

The economic interest rate outlook provided by the Council's treasury advisor, Arlingclose Ltd, is summarised below. See Annex B for further details.

(a) Background

Central bankers acted decisively in October 2008 as the effective breakdown of financial systems threatened to destabilise the global economy. It included government sponsored recapitalisations, interventions through the provision of

liquidity and guarantees for lending; in some instances nationalisation of private sector financial institutions; the removal of compromised assets from banks' balance sheets through special finance mechanisms; and co-ordinated emergency interest rates cuts. The UK, Eurozone and US economies contracted in the third and fourth quarters of 2008.

(b) Outlook

- **Availability of credit** is likely expected to remain restricted and credit conditions challenging, particularly as banks change their lending behaviour and lower their lending risk. The poorly functioning transmission mechanism for lower rates to be passed to consumers could cause governments to intervene directly between banks and corporates/individuals.
- **Inflation:** The elevated levels of commodity, food and energy inflation which exerted a powerful squeeze on real incomes in 2008 are expected to fade in 2009. CPI, which had risen to 5.2% in 2008, is now expected to fall below the MPC's lower boundary of 1%. Whilst this will provide consumers some relief, lower inflation erodes debt burdens more slowly.
- **Labour market:** Unemployment, already at 6%, is expected to rise further. The fear of unemployment will keep wage bargaining and wage inflation to a minimum.
- **Housing / Consumer Confidence:** The prospect of negative housing equity, and/or rising unemployment and depressed asset values could culminate in a further negative loop-back for confidence. Consumers and businesses will scale back spending to conserve or repair their balance sheets.
- **Growth:** The effort to reduce erstwhile ballooning debt will hit economic activity and growth in the UK, US and in Europe. The prospects for growth remains uniformly poor in for much of 2009. Asset values are forecast to drop further, particularly those which are commodities and housing-related.
- **Interest Rates:** To avoid deflation and to mitigate the severity of the economic slowdown, there will be a growing willingness by Central Bankers to countenance abnormally low interest rates and/or some form of quantitative easing (i.e. using more unconventional methods such as expanding the central bank's balance sheet and injecting cash into the economy), sooner rather than later.
- **Market conditions and volatility:** Market volatility remains high, risk appetite at a low ebb; markets are expected to continue in 'capital preservation mode' into early 2009. Although Libor is falling, the gap between official and market interest rates is likely to remain relatively wide for some months to come.

The deterioration in public finances – both via the cost of shoring up the financial system and also as recession hits the government's revenue streams – and the

burgeoning budget deficit will require significant new gilt issuance in 2009. This excess supply is expected to push longer dated yields higher although not aggressively so. Short-dated gilt yields are however expected to fall with the gathering momentum of a fall in official policy rates.

The price destruction in equities will keep stock markets subdued and, even though there may be tentative signs of stability, it would be too early to say if a bottom has been reached.

The Arlingclose forecast for the UK Bank Rate (December 2008) is:

	Mar-09	Jun-09	Sep-09	Dec-09	Mar-10	Jun-10	Sep-10	Dec-10	Mar-11
Official Bank Rate									
Upside risk							+0.25	+0.25	+0.25
Central case	1.00	1.00	1.00	1.00	1.00	1.50	2.00	2.50	2.50
Downside risk	-0.50	-0.75	-0.75	-0.75	-0.75	-0.50	-0.50	-0.50	-0.50

The probability of zero or near zero interest rates – unthinkable just a few months ago – is now very high. The economic outlook provides both opportunities and challenges for the Council's treasury strategy in 2009-10.

7. BORROWING REQUIREMENT & STRATEGY

- 7.1 The Council's underlying need to borrow for capital purposes is measured by reference to its Capital Financing Requirement (CFR) – see Annex A. The change, year on year will be influenced by the capital expenditure in the year and the means available to finance it. The CFR will determine the Council's requirement to make a Minimum Revenue Provision for Debt Redemption (MRP) from within its Revenue budget. Physical borrowing may be greater or less than the CFR.
- 7.2 In accordance with the Prudential Code, the Council will ensure that net external borrowing does not, except in the short term, exceed the CFR in the preceding year plus the estimates of any additional CFR for the current and next two financial years.
- 7.3 Capital expenditure not financed from internal resources (i.e. Capital Receipts, Capital Grants and Contributions, Revenue or Reserves) will produce an increase in the CFR (the underlying need to borrow) and may in turn produce an increased requirement to charge MRP in the Revenue Account.
- 7.4 The Council prefers to maintain maximum control over its borrowing activities as well as flexibility on its loans portfolio. Capital expenditure levels, market conditions and interest rate levels will be monitored during the year in order to minimise borrowing costs over the medium to longer term. A prudent and pragmatic approach to borrowing will be maintained to minimise borrowing costs without compromising the longer-term stability of the portfolio, consistent with the Council's Prudential Indicators.
- 7.5 In conjunction with advice from its treasury advisor, Arlingclose Ltd, the Council will keep under review the options it has in borrowing from the PWLB, the market and other sources identified in the Treasury Management Practices Schedules up to the available capacity within its CFR and Affordable Borrowing Limit (defined by CIPFA as the Authorised Limit).

- 7.6 Short-dated gilt yields are forecast to be considerably lower than medium- and long-dated gilt yields during the financial year. Despite additional gilt issuance to fund the UK government's support to the banking industry, short-dated gilts are expected to benefit from expectations of lower interest rates as the economy struggles through a recession. Yields for these maturities will fall as expectations for lower interest rates mount.

The Outlook for Borrowing Rates:

- 7.7 Variable Rate borrowing : The shocks in the financial markets in the second half of 2008 leaves the UK in a different era in respect of official interest rates which are forecast to fall below 1.5%. By December 2008 the rates for PWLB variable-rate borrowing had fallen substantially and are forecast to fall to altogether very low levels as the Bank Rate is cut further.
- 7.8 Fixed rate borrowing: Gilts across all maturities will initially benefit from their status of safe haven assets in uncertain economic times. As yields fall initially, fixed PWLB rates across most maturities could challenge historic lows. As the UK Bank Rate falls to 1% or lower, short-dated yields and PWLB rates should provide some attractive fixed rate borrowing opportunities.
- 7.9 The Council will evaluate the relative merits of a strategic exposure to variable rate debt. Decisions to borrow at low, variable rates of interest will be taken after considering the absolute level of longer term interest rate equivalents and the extent of variable rate earnings on the Council's investment balances. Should longer term rates move below the cost of variable rate borrowing any strategic exposure to variable interest rates will be reviewed and, if appropriate, reduced.
- 7.10 Actual borrowing undertaken and the timing will depend on capital expenditure levels, interest rate forecasts and market conditions during the year, in order to minimise borrowing costs. The Council will consult their advisors Arlingclose on the specific timing of borrowing. This may include borrowing in advance of future years' requirements provided that overall borrowing is maintained within the Council's projected CFR and its approved Affordable Borrowing Limit.
- 7.11 The Council will undertake a financial options appraisal process to establish how it has arrived at its 'value for money' judgement in the use of resources.

8. Debt Rescheduling

- 8.1 The Council will continue to maintain a flexible policy for debt rescheduling. Market volatility may provide opportunities for rescheduling debt from time to time. The rationale for rescheduling would be one or more of the following:
- Savings in interest costs with minimal risk.
 - Balancing the volatility profile (i.e. the ratio of fixed to variable rate debt) of the debt portfolio.
 - Amending the profile of maturing debt to reduce any inherent refinancing risks.
- 8.2 The rescheduling of PWLB debt since the introduction of its repayment rates on 1st November 2007 has not ceased, but has become undoubtedly harder and places

greater emphasis on the timing and type of new borrowing. PWLB rates exhibited a fair degree of volatility in 2008-09; should a similar pattern emerge in 2009-10, this could provide the Council with some rescheduling opportunities.

- 8.3 Any rescheduling activity will be undertaken within the Council's treasury management policy and strategy. Thereafter the Council's debt portfolio will be monitored against equivalent interest rates and available refinancing options on a regular basis.
- 8.4 All rescheduling activity will comply with the accounting requirements of the local authority SORP and regulatory requirements of the Capital Finance and Accounting Regulations (SI 2007 No 573 as amended by SI 2008/414).

9. Investment Policy and Strategy

Background

- 9.1 Guidance from the then ODPM (now DCLG) on Local Government Investments in England requires, similarly, that an Annual Investment Strategy (AIS) be set. The Guidance permits the TMSS and the AIS to be combined into one document.

Investment Policy

- 9.2 The Council's general policy objective is to invest its surplus funds prudently. The Council's investment priorities are:
- security of the invested capital;
 - liquidity of the invested capital;
 - an optimum yield which is commensurate with security and liquidity.
- 9.3 Investments are categorised as 'Specified' or 'Non Specified' investments based on the criteria in the ODPM Guidance. Potential instruments for the Council's use within its investment strategy are contained in Annex C.
- 9.4 The credit crisis has refocused attention on the treasury management priority of security of capital monies invested. The Council will continue to maintain a counterparty list based on its criteria and will monitor and update the credit standing of the institutions on a regular basis. This assessment will include credit ratings and other alternative assessments of credit strength (for example, statements of potential government support). The Council will also take into account information on corporate developments of and market sentiment towards investment counterparties.

Investment Strategy

- 9.5 The global financial market storm in 2008 has forced investors of public money to reappraise the question of risk versus yield. Income from investments is a key support in the Council's budget.

- 9.6 By January 2009 the UK Bank Rate had fallen to 1.5%, its lowest level since the 1950s. It is expected that the Bank Rate will fall to near zero in 2009/10, short-term money market rates will continue to fall to very low levels which will have a significant impact on investment income. The Council's strategy must however be geared towards this development whilst adhering to the principal objective of security of invested monies. All investments will be in sterling.
- 9.7 The Borough Treasurer, under delegated powers, will undertake the most appropriate form of investments in keeping with the investment objectives, income and risk management requirements and

Investments Managed In-house :

- 9.8 The Council's shorter term cashflow investments are made with reference to the outlook for the UK Bank Rate and money market rates. For these monies, the Council will mainly invest in
- The Debt Management Agency Deposit Facility (The rates of interest from the DMADF are below equivalent money market rates. However, the returns are an acceptable trade-off for the guarantee that the Council's capital is secure.)
 - AAA-rated Money Market Funds with a Constant Net Asset Value (Constant NAV) investing predominantly in government securities
 - AAA-rated Money Market Funds with a Constant Net Asset Value (Constant NAV) investing in instruments issued primarily by financial institutions;
 - Deposits with other local authorities
 - Business reserve accounts
 - Term deposits
 - Certificates of deposit.

Investments managed externally

- 9.9 The Council's funds are also managed on a discretionary basis by Investec, The fund's remit allows the managers scope to add value through the use of investments contained in Annex C and within the parameters and guidelines set for the Council's fund. Performance is monitored and measured against the benchmark set for the fund, prevailing economic conditions and investment opportunities. A further decision on whether this arrangement will continue in 2009/10 is still to be made.

10 REPORTING

- 10.1 The Borough Treasurer will report to the Cheshire East Cabinet on treasury management activity / performance as follows:
- (a) annually against the strategy approved for the year.
 - (b) The Council will produce an outturn report on its treasury activity no later than 30th September after the financial year end.

Reporting on the Treasury Activity during 2009/10 will be in accordance with the following timetable:

	Date	Meeting	Responsibility
Strategy Report	February 2009	Cabinet/Council	Borough Treasurer
Quarterly Reports	Month after Quarter End	Cabinet	Borough Treasurer
Annual Treasury Report	August 2010	Cabinet	Borough Treasurer

Prudential Indicators FY 2009-10 to FY 2011-12**1 Background**

There is a requirement under the Local Government Act 2003 for local authorities to have regard to CIPFA's Prudential Code for Capital Finance in Local Authorities (the "CIPFA Prudential Code") when setting and reviewing their Prudential Indicators. It should be noted that CIPFA undertook a review of the Code in early 2008. The outcome from that review has yet to be published.

2. Estimates of Capital Expenditure

- 2.1 This indicator is set to ensure that the level of proposed capital expenditure remains within sustainable limits and, in particular, to consider the impact on Council Tax levels.

No. 1	Capital Expenditure	2008-09 Approved £m	2008-09 Revised £m	2009-10 Estimate £m	2010-11 Estimate £m	2011-12 Estimate £m
	Total	90	87	97	67	53

- 2.2 Capital expenditure will be financed as follows:

Capital Financing	2008-09 Approved £m	2008-09 Revised £m	2009-10 Estimate £m	2010-11 Estimate £m	2011-12 Estimate £m
Capital receipts	19	18	13	5	4
Capital Reserve	5	4	2	3	3
Government Grants	30	29	44	42	31
External Contributions	5	4	6	0	0
Revenue contributions	3	3	3	1	1
Supported borrowing	19	17	13	13	13
Unsupported borrowing	9	12	16	3	1
Total	90	87	97	67	53

3. Ratio of Financing Costs to Net Revenue Stream

- 3.1 This is an indicator of affordability and highlights the revenue implications of existing and proposed capital expenditure by identifying the proportion of the revenue budget required to meet borrowing costs. The definition of financing costs is set out at paragraph 87 of the Prudential Code.

3.2 The ratio is based on costs net of investment income.

No. 2	Ratio of Financing Costs to Net Revenue Stream	2009-10	2010-11	2011-12
		Estimate	Estimate	Estimate
		%	%	%
	Total	5.26	6.28	5.95

4. Capital Financing Requirement

- 4.1 The Capital Financing Requirement (CFR) measures the Council's underlying need to borrow for a capital purpose. The calculation of the CFR is taken from the amounts held in the Balance Sheet relating to capital expenditure and its financing. It is an aggregation of the amounts shown for Fixed and Intangible assets, the Revaluation Reserve, the Capital Adjustment Account, Government Grants Deferred and any other balances treated as capital expenditure.

No. 3	Capital Financing Requirement	31/3/09	31/3/09	31/3/10	31/3/11	31/3/12
		Approved	Revised	Estimate	Estimate	Estimate
		£m	£m	£m	£m	£m
	Total CFR	153	153	175	181	186

- 4.2 In order to ensure that over the medium term net borrowing will only be for a capital purpose, the Council should make sure that net external borrowing does not, except in the short term, exceed the Capital Financing Requirement in the preceding year plus the estimates of any additional capital financing requirement for the current and next two financial years.
- 4.3 The Borough Treasurer reports that this Council does not envisage difficulties in meeting this requirement in future financial years.

5 Actual External Debt

- 5.1 This indicator is obtained directly from the Council's balance sheet. It is the closing balance for actual gross borrowing plus other long-term liabilities. This Indicator is measured in a manner consistent for comparison with the Operational Boundary and Authorised Limit.

No. 4	Actual External Debt as at 31/3/2008	£m
	Borrowing	136
	Other Long-term Liabilities	0
	Total	136

6. Incremental Impact of Capital Investment Decisions

- 6.1 This is an indicator of affordability that shows the impact of capital investment decisions on Council Tax and Housing Rent levels. The incremental impact is calculated by comparing the total revenue budget requirement of the current approved capital programme with an equivalent calculation of the revenue budget requirement arising from the proposed capital programme.

No. 5	Incremental of Investment Decisions	Impact Capital	2009-10	2010-11	2011-12
			Estimate £	Estimate £	Estimate £
	Increase in Band D Council Tax		3.10	9.76	8.39

The increase in Band D council tax in 2009/10 reflects the increases in the provision for Capital Financing Charges of £0.45m to undertake borrowing of £31m arising from the proposed capital programme.

7 Authorised Limit and Operational Boundary for External Debt

- 7.1 The Council has an integrated treasury management strategy and manages its treasury position in accordance with its approved strategy and practice. Overall borrowing will therefore arise as a consequence of all the financial transactions of the Council and not just those arising from capital spending reflected in the CFR.
- 7.2 The **Authorised Limit** sets the maximum level of external borrowing on a gross basis (i.e. not net of investments) for the Council. It is measured on a daily basis against all external borrowing items on the Balance Sheet (i.e. long and short term borrowing, overdrawn bank balances and long term liabilities). This Prudential Indicator separately identifies borrowing from other long term liabilities such as finance leases. It is consistent with the Council's existing commitments, its proposals for capital expenditure and financing and its approved treasury management policy statement and practices.
- 7.3 The Authorised Limit has been set on the estimate of the most likely, prudent but not worst case scenario with sufficient headroom over and above this to allow for unusual cash movements.
- 7.4 The Authorised Limit is the statutory limit determined under Section 3(1) of the Local Government Act 2003 (referred to in the legislation as the Affordable Limit).

No. 6	Authorised Limit for External Debt	2008-09	2008-09	2009-10	2010-11	2011-12
		Approved £m	Revised £m	Estimate £m	Estimate £m	Estimate £m
	Borrowing	149	149	218	222	226
	Other Long-term Liabilities	0	0	0	0	0
	Total	149	149	218	222	226

- 7.5 The **Operational Boundary** links directly to the Council's estimates of the CFR and estimates of other cash flow requirements. This indicator is based on the same estimates as the Authorised Limit reflecting the most likely, prudent but not worst case scenario but without the additional headroom included within the Authorised Limit.
- 7.6 The Borough Treasurer has delegated authority, within the total limit for any individual year, to effect movement between the separately agreed limits for borrowing and other long-term liabilities. Decisions will be based on the outcome of financial option appraisals and best value considerations.

No. 7	Operational Boundary for External Debt	2008-09	2008-09	2009-10	2010-11	2011-12
		Approved £m	Revised £m	Estimate £m	Estimate £m	Estimate £m
	Borrowing	149	149	210	216	220
	Other Long-term Liabilities	0	0	0	0	0
	Total	149	149	210	216	220

8. Adoption of the CIPFA Treasury Management Code

- 8.1 This indicator demonstrates that the Council has adopted the principles of best practice.

No. 8	Adoption of the CIPFA Code of Practice in Treasury Management
	The Council will consider the adoption of the CIPFA Treasury Management Code at its Shadow Council meeting on 24 February 2009

9. Upper Limits for Fixed Interest Rate Exposure and Variable Interest Rate Exposure

- 9.1 These indicators allow the Council to manage the extent to which it is exposed to changes in interest rates. This Council calculates these limits on net principal outstanding sums, (i.e. fixed rate debt net of fixed rate investments).

- 9.2 The upper limit for variable rate exposure has been set to ensure that the Council is not exposed to interest rate rises which could adversely impact on the revenue budget. The limit allows for the use of variable rate debt to offset exposure to changes in short-term rates on investments

		2008-09 Approved	2008-09 Revised	2009-10 Revised	2010-11 Revised	2011-12 Revised
		%	%	%	%	%
No. 9	Upper Limit for Fixed Interest Rate Exposure	100	100	100	100	100
No. 10	Upper Limit for Variable Rate Exposure	100	100	100	100	100

- 9.3 The limits above are set at 100% for fixed and 100% for variable to allow the Council the necessary flexibility within which decisions will be made for drawing down new loans on a fixed or variable rate basis; the decisions will ultimately be determined by expectations of anticipated interest rate movements as set out in the Council's treasury management strategy.

10 Maturity Structure of Fixed Rate Borrowing

- 10.1 This indicator highlights the existence of any large concentrations of fixed rate debt needing to be replaced at times of uncertainty over interest rates and is designed to protect against excessive exposures to interest rate changes in any one period, in particular in the course of the next ten years.
- 10.2 It is calculated as the amount of projected borrowing that is fixed rate maturing in each period as a percentage of total projected borrowing that is fixed rate. The maturity of borrowing is determined by reference to the earliest date on which the lender can require payment.

No. 11	Maturity structure of fixed rate borrowing	Lower Limit %	Upper Limit %
	under 12 months	Nil	25%
	12 months and within 24 months	Nil	25%
	24 months and within 5 years	Nil	35%
	5 years and within 10 years	Nil	35%
	10 years and above	Nil	100%

11. Upper Limit for total principal sums invested over 364 days

- 11.1 The purpose of this limit is to contain exposure to the possibility of loss that may arise as a result of the Council having to seek early repayment of the sums invested.

No. 12	Upper Limit for total principal sums invested over 364 days shown as a % of the portfolio	Maturing beyond 1 year	Maturing beyond years 2	Maturing beyond years 3
		40%	40%	40%

Arlingclose's Forecast for Interest Rates (December 2008)

	Mar-09	Jun-09	Sep-09	Dec-09	Mar-10	Jun-10	Sep-10	Dec-10	Mar-11
Official Bank Rate									
Upside risk							+0.25	+0.25	+0.25
Central case	1.00	1.00	1.00	1.00	1.00	1.50	2.00	2.50	2.50
Downside risk	-0.50	-0.75	-0.75	-0.75	-0.75	-0.50	-0.50	-0.50	-0.50
1-yr LIBID									
Upside risk									
Central case	2.50	1.75	1.50	1.50	1.50	1.75	2.00	2.75	3.00
Downside risk	-0.25	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50
5-yr gilt									
Upside risk									
Central case	3.00	2.75	2.50	2.00	2.00	2.50	2.75	3.00	4.00
Downside risk		-0.50	-0.50	-0.50	-0.50	-0.50			
10-yr gilt									
Upside risk									
Central case	3.40	3.10	3.00	3.00	3.00	3.50	3.75	4.00	4.50
Downside risk	-0.25	-0.25	-0.50	-0.50	-0.50	-0.50			
20-yr gilt									
Upside risk		+0.10	+0.10	+0.10	+0.10	+0.10			
Central case	4.00	4.00	4.00	4.25	4.25	4.50	4.75	4.75	4.75
Downside risk		-0.10	-0.10	-0.10	-0.10	-0.10			
50-yr gilt									
Upside risk	+0.10	+0.10	+0.10	+0.10	+0.10	+0.10	+0.10	+0.10	+0.10
Central case	3.90	3.90	4.00	4.00	4.25	4.50	4.50	4.50	4.50
Downside risk	-0.10	-0.10	-0.10	-0.10	-0.10	-0.10	-0.10	-0.10	-0.10

- The inflationary threats of 2008 turn into the deflationary reality of 2009. Central Banks under pressure to reduce rates decisively – even to zero or near-zero – to avoid the perils of a destructive and prolonged recession.
- The downturn in the UK gathers pace and the economy contracts for much of 2009. Prospects for Bank of England “Quantitative easing” increasingly likely.
- Pension, hedge and insurance fund values struggle and lead to enhanced demand for longer dated gilts.

Underlying assumptions

- Despite central bank intervention to raise bank capital and improve liquidity, conditions in money and credit markets remain very difficult as banks’ lending behaviour changes fundamentally.
- Consumer spending and business investment stall, hampered by the credit drought.
- Falling house prices compel households to review savings levels and repair balance sheets (where possible).
- Commodity prices continue to fall. CPI is projected to fall below the MPC’s 1% lower threshold in 2009, providing some relief for the overstretched consumer, but eroding debt burdens more slowly.
- Fear of rising unemployment dampens confidence and any prospect of sizeable wage demands.
- UK public finances are in horrid shape and will worsen as the recession bites, resulting in a slew of gilt issuance in 2009. This will ultimately push gilt yields higher, although not aggressively so.
- Global growth and activity continue to weaken. The Federal Reserve has already cut rates to a range between 0% and 0.25% and has engaged in ‘quantitative easing’. The ECB could bring rates down to 2% as European economies struggle with falling domestic and international demand.

Annex C**Specified Investments**

(All such investments will be sterling denominated, with **maturities up to maximum of 1 year**, meeting the minimum 'high' rating criteria where applicable)

	Minimum 'High' Credit Criteria	Use
UK Government Gilts	Long term AAA	Fund Managers
Treasury Bills	Long term AAA	Fund Managers
Debt Management Agency Deposit Facility	--	In-house
Term deposits – local authorities	--	In-house
Term deposits – banks and building societies **	Short-term F1, Long-term A, Individual C, Support 3	In-house and fund managers
Certificates of Deposits (CDs) – banks and building societies **	Short-term F1, Long-term A, Individual C, Support 3	Fund managers

Non-Specified Investments

Such investments are defined as all investments not meeting the definition of a specified investment. They comprise of the following investments

Fixed term deposits with variable rate and variable maturities: -	Minimum 'High' Credit Criteria	Use	Maximum Limit Internally Managed £	Maximum Limit Externally Managed £m
1. Structured deposits including callable deposits, range trades and snowballs.	Short-term F1, Long-term A, Individual C, Support 3	In-house and fund managers	£25 million	£25 million
Certificates of deposits issued by banks and building societies with a maturity of more than one year but less than three years	Short-term F1, Long-term AA-, Individual C, Support 3	Fund Managers		£25 million

Certificates of deposits issued by banks and building	Short-term F1, Long-term AA-, Individual C,	Fund Managers		£25 million
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societies with a maturity of more than one year but less than three years	Support 3			
UK Government Gilts	Long term AAA	Fund Managers		£25 million
Bonds issued by multilateral development banks	Long term AAA and listed on either the London or Luxembourg stock exchange	Fund Managers. Also on a 'buy-and-hold' basis in-house.	£25 million	
Bonds issued by a financial institution which is guaranteed by the UK government	Long term AAA and listed on either the London or Luxembourg stock exchange	Fund Managers. Also on a 'buy-and-hold' basis in-house.	£25 million	£7 million
Sovereign bond issues (ie other than the UK govt)	Long Term AA and listed on a recognised stock exchange	Fund Managers		£7 million

Monitoring of credit ratings:

All credit ratings will be monitored **monthly**. If a counterparty or investment scheme is downgraded with the result that it no longer meets the Council's minimum credit criteria, the use of that counterparty / investment scheme will be withdrawn.

Any intra-month credit rating downgrade which the Council has identified that affects the Council's pre-set criteria will also be similarly dealt with.

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ANNUAL MINIMUM REVENUE PROVISION STATEMENT 2009/10**Introduction**

Under 2003 Regulations¹, local authorities are required to charge to their revenue account for each year a Minimum Revenue Provision (MRP) to account for the cost of their debt in that financial year.

Debt is created where capital expenditure has been financed by borrowing or other credit arrangements (e.g. finance leases); it may be self-financed or Government-supported. Supported Capital Expenditure means expenditure taken into account by Government in the calculation of the Revenue Support Grant due to the authority.

Prior to its amendment by the 2008 Regulations², the method authorities were required to follow in calculating MRP was prescribed. For the financial year 2007/08 and subsequent years, the detailed calculation has been replaced with a requirement that local authorities calculate an amount of MRP which they consider to be “prudent”.

At the same time the Secretary of State issued guidance³ on the duty to make a prudent provision and local authorities are legally obliged to “have regard” to this guidance.

Authorities are required to prepare an annual statement of their policy on making MRP for submission to their Full Council. The aim is to give elected Members the opportunity to scrutinise the proposed use of freedoms conferred by the arrangements, following a shift in emphasis from regulations to guidance.

Meaning of “Prudent Provision”

The broad aim of a prudent provision is to ensure that debt is repaid over a period that is either reasonably commensurate with that over which the capital expenditure provides benefits, or in the case of borrowing supported by Government Revenue Support Grant, reasonably commensurate with the period implicit in the determination of that grant. The Secretary of State considers that the methods of making prudent provision include the options set out below.

For capital expenditure incurred before 1 April 2008 and incurred on or after that date if it forms part of Government-Supported Capital Expenditure:

Option 1: Regulatory Method - MRP is equal to the amount determined in accordance with the 2003 Regulations (as amended), as if they had not been revoked by the 2008 Regulations

¹ Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 [SI 2003/3146, as amended]

² Local Authorities (Capital Finance and Accounting) (England) (Amendment) Regulations 2008 [SI 2008/414]

³ Guidance on Minimum Revenue Provision, issued by the Secretary of State for Communities and Local Government, under Section 21(1A) of the Local Government Act 2003, 28 February 2008

This calculation would include any technical adjustments, as statutorily required.

Option 2: CFR Method - MRP is equal to 4% of the Capital Financing Requirement (CFR), as derived from the balance sheet at the end of the preceding financial year

This produces a similar MRP charge to Option 1, but is technically simpler.

Option 3: Asset Life Method - MRP is determined by reference to the life of the asset, by equal instalment method or annuity method

MRP should commence in the financial year following the one in which expenditure was incurred, or the year following the one in which the asset becomes operational.

Option 4: Depreciation Method - MRP is to be equal to the provision required in accordance with depreciation accounting

For capital expenditure incurred on or after 1 April 2008 and which does not form part of Government-Supported Capital Expenditure, only *Options* 3 and 4 are considered prudent under the guidance issued by the Secretary of State.

Finance Leases

In the case of finance leases, the MRP is equal to the amount that goes to write down the Balance Sheet liability; thus *Option* 3 will apply in a modified form.

Policy Statement

The Council adopts the following policies in respect of calculating its annual Minimum Revenue Provision (MRP) for 2009/10 and subsequent years.

For capital expenditure incurred before 1 April 2008 and incurred on or after that date if it forms part of Government-Supported Capital Expenditure: ***EITHER Option 1 (Regulatory Method) OR Option 2 (CFR Method)*** - to be determined following a study of the aggregated position for Cheshire East

For capital expenditure incurred before 1 April 2008 and which does not form part of Government-Supported Capital Expenditure: ***EITHER Option 1 (Regulatory Method), Option 2 (CFR Method) AND/ OR Option 3: Asset Life Method*** - to be determined following a study of the aggregated position for Cheshire East and consideration of inherited practices

For capital expenditure incurred on or after 1 April 2008 and which does not form part of Government-Supported Capital Expenditure: ***Option 3: Asset Life Method*** - where MRP is charged in equal annual instalments over the estimated useful life of the asset, commencing in the financial year following the one in which expenditure was incurred, or the year following the one in which the asset becomes operational

Other approaches may be developed, but they will be fully consistent with the statutory duty to make prudent revenue provision. These may relate to large, complex or novel schemes. Legal advisors and external auditors will be consulted if significant departures from the guidance are proposed and any alternative approaches

developed will be incorporated in future annual policy statements, for approval by Council prior to application.

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CHESHIRE EAST COUNCIL

COUNCIL

Date of meeting: 24th February 2009

Report of: Borough Solicitor

Title: Licensing Act 2003 – Statement of Licensing Policy

1.0 Purpose of Report

- 1.1 Licensing Authorities must approve and publish a Statement of Licensing Policy in order to carry out functions relating to the licensing of alcohol and entertainment under the Licensing Act 2003. Where practicable the Council is required to produce its Statement of Licensing Policy by 1st April 2009.
- 1.2 The purpose of the report is to request Council to approve the Statement of Licensing Policy which is recommended to it by the Licensing Committee following the completion of a statutory consultation exercise

2.0 Decision Required

- 2.1 Council is requested to approve the Statement of Licensing Policy under the Licensing Act 2003 to take effect on 1st April 2009.

3.0 Financial Implications for Transition Costs

- 3.1 None

4.0 Financial Implications 2009/10 and beyond

- 4.1 The Local Government (Structural Changes)(Transitional Arrangements)(No 2) Regulations 2008 provide that the preparation of a statement of principles by the shadow Council will be taken as satisfying the requirements of the Licensing Act 2003 as regards the three year period commencing on 7th January 2011. For this reason the statement is not required to be reviewed again until January 2014.

5.0 Legal Implications

- 5.1 Section 5 of the Licensing Act 2003 requires licensing authorities to prepare and publish a statement of policy that it proposes to apply in exercising its functions under the Act.
- 5.2 The Local Government (Structural Changes) (Transitional Arrangements) (No 2) Regulations 2008 provide that, where it is practicable to do so, a statement of principles under the Licensing Act 2003 shall be produced by 1 April 2009.

6.0 Risk Assessment

- 6.1 There would be a risk of legal challenge if the drafting of the Statement of Licensing Policy did not take into account the requirements of the legislation and guidance or if consultation responses received were not taken into consideration prior to approval.

7.0 Background and Options

- 7.1 As Members will be aware, section 5 of the Licensing Act 2003 requires all licensing authorities to prepare and publish a Statement of Licensing Policy which that authority will apply when exercising its functions under the Act during the three year period to which the policy applies.
- 7.2 At its meeting on 17th December 2008 Cabinet resolved to approve the draft policy in order that it may go forward for statutory consultation.
- 7.3 The Act requires that the following persons/bodies must be consulted before any policy is published: the Police, the Fire Authority, local licence holders and/or their representatives and local businesses and residents or their representatives. Copies of the policy were forwarded to Parish and Town Councils together with residents groups and local Pub Watch representatives. A copy of the policy has also been available on the Council's website throughout the consultation period.
- 7.4 At its meeting on 13th February 2009 the Licensing Committee considered the representations received and resolved to recommend to Council the Statement of Licensing Policy in the form attached as Appendix 1.

8.0 Overview of Day One, Year One and Term One Issues

- 8.1 The requirement to have a Statement of Licensing Policy in place is, where practicable, a Day One requirement.

9.0 Reasons for Recommendation

- 9.1 The Council is required to produce and publish, every three years a statement of the policy which it proposes to apply when exercising its functions under the Licensing Act 2003; where practicable this is required to be done by 1 April 2009. Council is requested to approve the Statement of Licensing Policy so that it may be formally approved to take effect on 1 April 2009.

For further information:

Officer: Mrs K Khan

Tel No: (01625) 504264

Email: k.khan@macclesfield.gov.uk

Background Documents:

The Licensing Statement of Macclesfield Borough Council

The Licensing Statement of Congleton Borough Council

The Licensing Statement of Policy of Crewe & Nantwich Borough Council dated 28th November 2007

Documents are available for inspection at:

Macclesfield Borough Council – Legal and Democratic Services, Town Hall, Macclesfield

Congleton Borough Council – Community Safety Dept, Westfields, Middlewich Road, Sandbach

Crewe & Nantwich Borough Council – Licensing Section, Municipal Buildings, Earle Street, Crewe

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CHESHIRE EAST COUNCIL**STATEMENT OF LICENSING POLICY
(LICENSING ACT 2003)****FOREWORD**

Cheshire East has a population of 358,900 and covers an area of 116,638 hectares. Cheshire East's administrative area contains the industrial town of Crewe, the old mill towns of Macclesfield, Bollington and Congleton, the market towns of Nantwich, Knutsford and Sandbach, the salt town of Middlewich, the town of Wilmslow as well as the smaller settlements of Holmes Chapel, Alsager and Poynton.

Each of the former district Councils within Cheshire East first produced and published licensing policy statements in January 2005 following the commencement of the Licensing Act 2003.

This Statement of Licensing Policy draws on the original policies of each of the districts and sets down a policy on how Cheshire East Council will deal with applications in order to achieve the four licensing objectives, namely;

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

It is intended that this policy will be a guide for both applicants and those other parties who have an interest in these matters. Whilst the policy provides framework guidance, the Council, as the Licensing Authority, will ultimately determine each individual application on its own merits.

24th February 2009

CHESHIRE EAST COUNCIL**STATEMENT OF LICENSING POLICY
(LICENSING ACT 2003)****1. INTRODUCTION**

- 1.1 This Statement of Licensing Policy ('the Policy') is published by Cheshire East Council ('the Council') as the licensing authority ('the Licensing Authority') in accordance with section 5 of the Licensing Act 2003 ('the Act').
- 1.2 The Policy takes into account the guidance issued under section 182 of the Act by the Department of Culture Media and Sport. The latest guidance was published by the DCMS on 28th June 2007; a copy of the guidance may be accessed via the DCMS website, www.culture.gov.uk

- 1.3 In accordance with section 4 of the Act, the Licensing Authority shall have regard to the Policy in the exercise of its functions in respect of licensable activities and qualifying licensable activities.

‘Licensable activities’ means:

- The sale by retail of alcohol;
- The provision of regulated entertainment; and
- The provision of late night refreshment

‘Qualifying licensable activities’ means:

- The supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- The sale by retail of alcohol by or on behalf of a club to a guest or member of the club for consumption on the premises where the sale takes place; and
- The provision of regulated entertainment where that provision is made on behalf of a club for members of the club or members of the club on behalf of their guests,

in accordance with section 1 of the Act and Schedules 1 and 2 to the Act.

The full list of licensable activities is set out at Appendix 1.

- 1.4 In formulating the Policy, the Licensing Authority has consulted interested bodies including the Chief Officer of Police, the Fire Authority, representatives of holders of premises licences, representatives of holders of club premises certificates and representatives of businesses and residents within the Council’s administrative area.
- 1.5 In determining the Policy, the Licensing Authority has given due weight to the views expressed by those who responded to the consultation exercise.

2. OBJECTIVES

- 2.1 The Licensing Authority will exercise its licensing functions with a view to promoting the four licensing objectives set out within section 4 of the Act, namely:
- **The prevention of crime and disorder;**
 - **Public safety;**
 - **The prevention of public nuisance; and**
 - **The protection of children from harm**

3. POLICY CONSIDERATIONS

- 3.1 This policy does not prejudice the requirement for the Licensing Authority to consider each application upon its own individual merits.
- 3.2 Nothing in the Policy will:

3.2.1 Undermine the rights of any individual to apply under the terms of the Act for a variety of permissions and have the application considered on its individual merits; and

3.2.2 Override the right of a person or a body who is an interested party or responsible authority (as defined within the Act) to make representations on an application or to seek a review of a licence or certificate in accordance with the provisions of the Act.

3.3 Matters within the control of the licence holder

3.3.1 The Licensing Authority recognises that licensing law is not the primary mechanism for the general control of individuals once they are away from a licensed premises and therefore the direct control of the licence (or certificate) holder. Accordingly, in exercising its licensing functions the Licensing Authority will focus upon matters, which are within the control of the individual applicant or licence holder. However, licensees and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example on the pavement, in a beer garden or in a smoking shelter, where and to the extent that these matters are within their control.

3.3.2 The Licensing Authority will expect applicants to consider and make necessary provision to ensure that harm is not caused to the licensing objectives as a result of activity in, or in the vicinity of, the licensed premises.

3.3.3 Where appropriate, following receipt of relevant representations, the Licensing Authority may attach conditions to the grant of a licence or certificate which seeks to regulate the behaviour of persons as they leave licensed premises.

3.4 Need for licensed premises

3.4.1 When exercising its licensing functions the Licensing Authority will not be influenced by questions of need. The issue of whether or not there is a need for any particular premises is a commercial matter, which is not relevant to the Licensing Authority's considerations.

3.5 Anti-social behaviour

3.5.1 The Licensing Authority recognises that in addition to the requirements for it to promote the licensing objectives, the Local Authority has a duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder within its administrative area.

3.5.2 The Licensing Authority recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of anti-social behaviour including:

- Planning controls;
- Measures (including closed circuit TV) to create a safer and cleaner environment in partnership with businesses and other agencies;
- 'Alcohol designation orders' also known as "Designated No Drinking Zones" made under the Criminal Justice and Police Act 2001 under which the Police have the power to confiscate alcohol

- The use by Police of powers such as the issue of fixed penalty notices and prosecution for sales to underage drinkers;
- The power of the Police to close down a premises for twenty-four hours on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises;
- Powers under sections 40 and 41 of the Anti-Social Behaviour Act 2003 which provides authorised Environmental Health Officers the power to issue a closure order effective for up to 24 hours in situations where the noise from a licensed premises is causing a public nuisance;
- The powers available to local authorities and the Police contained within the Violent Crime Reduction Act 2006;
- The power available to local authorities to issue fixed penalty notices to licensed premises emitting noise which exceeds the permitted level between 11pm and 7am within the Clean Neighbourhoods and Environment Act 2005;
- The normal enforcement work carried out by the Police; and
- The ability for the Police, or other responsible authority or local residents/businesses to seek a review of a licence or certificate.

4. INTEGRATING STRATEGIES AND AVOIDING DUPLICATION

- 4.1 The Licensing Authority will consider the Local Authority's approved strategies and policies where they are relevant to the exercise of its function as the licensing authority.
- 4.2 The Licensing Authority will provide information in relation to Premises Licences and Club Premises Certificates granted to the Planning Department and the relevant transport agencies in order that the provision of late night transport from entertainment venues may be considered.
- 4.3 The Licensing Authority recognises the need to avoid, so far as possible, duplication of existing legislation and other regulatory regimes.
- 4.4 The Licensing Authority recognises that there should be a clear separation of the planning, building control and licensing regimes in order to avoid duplication. Whilst there may be some factors affecting the planning decision, which may also affect the decision of the Licensing Committee, licensing applications will not be a re-run of planning applications.
- 4.5 The Licensing Authority is not bound by decisions made by the Planning Committee and vice versa.
- 4.6 The Licensing Authority recognises that as part of implementing local authority cultural strategies, proper account should be taken of the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre, including the performance of a wide range of traditional and historic plays for the wider cultural benefit of communities. The Licensing Authority recognises the need for a balance the cultural needs with the necessity of promoting the licensing objectives.

5. STEPS TO PROMOTE THE LICENSING OBJECTIVES

Operating schedules

- 5.1 Applications for Premises Licences and Club Premises Certificates must be accompanied by an operating schedule, which is a written description of how the premises and proposed activities will be operated and managed. The operating schedule should address how the applicant proposed to meet the four licensing objectives.
- 5.2 The Licensing Authority takes the view that the applicants should discuss their operating schedules in draft form with the appropriate Responsible Authorities (as set out within Appendix 2) particularly the Police, the Fire and Rescue Service and the Local Authority's Environmental Health Department prior to formal submission of the application. Applicants will thereby have access to expert advice on the steps that may be necessary to promote the licensing objectives.
- 5.3 The Licensing Authority recognises that the number of issues which need to be addressed within an operating schedule will depend on the size of the premises and the type of licensable activity provided. Whilst the following lists are not exhaustive, the Licensing Authority expects applicants to consider the following issues:

5.4.1 Prevention of Crime and Disorder

The means by which crime and disorder will be prevented by the effective management and operation of the licensed activities. The issues may include:

- Crime prevention design, including appropriate lighting of exterior areas;
- Door supervision together with the maintenance of an incident book;
- Use of toughened or plastic glasses;
- Mechanisms for combating drug dealing and abuse;
- The use of CCTV cameras;
- Use of 'Pubwatch' radio system or other means of communication;
- Use of ID scan equipment

5.4.2 Prevention of public nuisance

The means by which nuisances will be prevented by the effective management and operation of the licensed activities. The issues may include:

- Measures to deal with noise emanating from the premises including external areas such as beer gardens;
- Noise and disturbance caused by people leaving the premises;
- Whether there will be a 'drinking up' time
- Whether doors and windows will be kept closed or other methods of noise control operated;

5.4.3 Public safety

The means by which public safety will be promoted by the effective management and operation of the licensed activities. The issues may include:

- Fire/emergency procedures and the training of staff in such procedures;
- Door supervision together with the maintenance of an incident book;
- Assessments in relation to the safety of performers in addition to audience and staff

5.4.4 Protection of children from harm

The means by which children will be protected from harm (including any damaging, detrimental or injurious effects) by the effective management and operation of the licensable activities. The issues may include:

- Restrictions on access by children either to the whole or any part of the premises;
- Provision of adult supervision;
- Use of recognised proof of age schemes

- 5.5 Every supply of alcohol under a Premises Licence must be made or authorised by the holder of a Personal Licence. The Licensing Authority recommends that in appropriate circumstances, particularly in relation to large premises, a minimum of one member of staff in addition to the Designated Premises Supervisor should hold a Personal Licence.

Large scale events of a temporary nature

- 5.6 The Licensing Authority expects applications for Premises Licences for temporary events (where the event is too large in scale to be authorised by way of a Temporary Event Notice) to submit their draft operating schedules to the Responsible Authorities (in particular the Police, Environmental Health and Health and Safety) well in advance, and no later than six months before the date of the event, in order that proper consultation and discussion can take place between the Responsible Authorities and the applicant.

- 5.7 The Licensing Authority recognises that such events can give rise to special considerations in respect of public safety and therefore expects operating schedules to show an awareness of these matters. Applicants are referred to the following documentation:

- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999);
- Managing Crowds Safety (HSE 2000)
- Five steps to risk assessment: Case Studies (HSE 1998)
- The Guide to Safety at Sports Grounds (The Stationary Office, 1997) etc

Small scale events of a temporary nature – Temporary Event Notices (i.e. events where up to 499 people are in attendance)

- 5.8 Whilst the provisions of the Act require ten working days notice to be given of temporary events (which fulfil the requirements of Part V of the Act), the Licensing Authority strongly recommends that notices should be submitted sufficiently early to enable proper consultation to take place between the Police and the premises user.

- 5.9 However, it is also recognised that notice should not be given so far in advance of a proposed event that it is difficult for the Police to make a sensible assessment in relation to the proposals. It is suggested that service of a Temporary Event Notice six months before a proposed event is the maximum period which is appropriate.

6. CONDITIONS

- 6.1 If no relevant representations are received by the Licensing Authority in relation to an application for a licence or certificate, the Licensing Authority will grant the licence/certificate subject only to the applicable mandatory conditions (as set out within the Act) and such conditions as are consistent with the proposals set out within the applicant's operating schedule.
- 6.2 The Licensing Authority may only impose conditions on a licence/certificate where its discretion has been engaged following the receipt of relevant representations and where it is satisfied of the necessity to impose conditions due to the representations received.
- 6.3 Any conditions imposed by the Licensing Authority will be necessary in order to promote the licensing objectives and proportionate to the premises and/or the events to be licensed.
- 6.4 The Licensing Authority will not attach conditions, which, if imposed, would have the effect of duplicating other existing legislative requirements. Conditions, which impose requirements over and above, that contained within other existing legislation may be imposed if relevant representations are received.
- 6.5 The Licensing Authority recognises that the Regulatory Reform (Fire Safety) Order 2005 places the onus on applicants and licensees to demonstrate that they have undertaken and recorded a fire safety risk assessment which takes into account risks from fire, measures necessary to control the risks and the identification of safe occupancy levels. It is also recognised that a capacity limit should not be imposed by way of condition on the basis of fire safety grounds as under article 43 of the Fire Safety Order 'safe capacity' will only be imposed where necessary for the promotion of public safety or the prevention of crime and disorder and will not be imposed if a capacity has been introduced through other legislation.
- 6.6 Where appropriate, the Licensing Authority will make use of the pool of conditions in Annex D of the guidance published by the Department of Culture Media and Sport (DCMS) in accordance with section 182 of the Act. (The current guidance, issued on 28th June 2008, may be viewed on the DCMS website, www.culture.gov.uk)

7. CUMULATIVE IMPACT

- 7.1 It is recognised that an unusual number, type and density of premises selling alcohol for consumption on the premises within a concentrated area may have a cumulative impact on the promotion of the licensing objectives.
- 7.2 The cumulative effect of the premises may stem from the saturation of the area with such premises making it a focal point for large groups of people to gather and create serious problems of disorder and nuisance.

- 7.3 The nuisance and disorder may be characterised as the cumulative effect of all the premises taken together where the impact on the surrounding areas of the behaviour of the customers from those premises when taken together is greater than the usual impact from customers of individual premises.
- 7.4 At the present time there is no evidence to suggest that a special policy in relation to cumulative impact is appropriate in respect of any area within Cheshire East, However should evidence become available, then this decision will be reviewed.

8. LICENSING HOURS

- 8.1 The Licensing Authority will determine licensing hours based on the individual merits of each application.
- 8.2 The Licensing Authority recognises that in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. It is noted that this can help to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport, which lead to disorder and disturbance.
- 8.3 The Licensing Authority further recognises the Government's view that licensing hours should not inhibit the development of thriving and safe evening and night-time local economies which are important for investment and employment locally and attractive to domestic and international tourists. Whilst providing consumers with greater choice and flexibility is an important consideration, the Licensing Authority takes the view this should always be carefully balanced against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.
- 8.4 The Licensing Authority will not seek to impose uniform closure times in relation to alcohol licensed premises and will consider each application on its merits. However, where premises are situated in sensitive areas, in circumstances where the Licensing Authority's discretion has been engaged through the receipt of relevant representations, consideration will be given to the imposition of conditions aimed at limiting the impact of noise and disturbance on residents. Such conditions may, for example, include the use of door supervisors, or measures to prevent the escape of sound from within the premises. Licensees and certificate holders are reminded that they should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance in outside areas such as beer gardens or smoking shelters and in areas such as pavements immediately outside their premises, where and to the extent that these matters are within their control.
- 8.5 The Licensing Authority recommends that applicant's indicate within the operating schedule that consideration has been given to the impact the licensing hours applied for will impact on local residents and the surrounding area.
- 8.6 The Licensing Authority will consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting the hours. Consideration may be given to restricting the licensing hours of individual shops in circumstances where representations received indicate that the premises is a focus of disorder and disturbance.

9. CHILDREN

Access to Licensed Premises

- 9.1 Whilst each application will be considered on its merits, where the Licensing Authority's discretion has been engaged following the receipt of relevant representations, conditions in relation to the admission of persons under the age of eighteen may be imposed if there is evidence to suggest that this is necessary and proportionate in order to prevent physical, moral or psychological harm to them.
- 9.2 Circumstances in which concerns about access of children may lead to such the imposition of such conditions include premises:
- where entertainment or services of an adult or sexual nature are commonly provided;
 - where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
 - with a known association with drug taking or dealing;
 - where there is a strong element of gambling on the premises (but not, for instance, the simple presence of a small number of cash prize gaming machines); and
 - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 9.3 Where appropriate to limit access to a licensed premises to children due in order to promote the prevention of harm to children, the Licensing Authority may consider the imposition of the following:
- limitations on the hours when children may be present;
 - limitations excluding the presence of children under certain ages when particular specified activities are taking place;
 - limitations on the parts of premises to which children might be given access;
 - age limitations (below 18);
 - requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult);
 - full exclusion of all those people under 18 from the premises when any licensable activities are taking place.
- 9.4 The Licensing Authority will not impose a condition on any licence or certificate requiring the admission of children to any premises.
- 9.5 Where a large number of children are likely to be present at an event involving regulated entertainment, the Licensing Authority will expect operating schedules to indicate that consideration has been given to the safety of children. In addition, in such circumstances, where its discretion has been engaged following receipt of relevant representations, the Licensing Authority may impose conditions requiring an appropriate number of adult staff to ensure their safety.
- 9.6 The Licensing Authority recommends that in order to prevent illegal sales to underage persons, licence holders employ a recognised 'proof of age' scheme, for example the 'Challenge 21' scheme.

Children and cinemas

- 9.7 In the case of premises giving film exhibitions, the Licensing Authority will expect licensees or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified by according to the recommendations of the British Board of Film Classification or the Licensing Authority.

Responsible Authority and Children

- 9.8 The Licensing Authority recognises the Local Safeguarding Children Board as the responsible authority for the purposes of notification upon matters relating to the protection of children.

10. ENFORCEMENT

- 10.1 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Act.
- 10.2 The Licensing Authority will establish a protocol for enforcement with Cheshire Constabulary to provide for the efficient discharge of this function in conjunction with the enforcement officers of the Licensing Authority, Environmental Health officers, Trading Standards officers, and other agencies as appropriate.
- 10.3 Resources will be deployed in accordance with an assessment of which premises and events manifest the greatest risk to the promotion of the licensing objectives.
- 10.4 The Licensing Authority recognises the importance of co-operation between licence holders, Authorised Persons (as set out within Appendix 2), Responsible Authorities and Interested Parties in order to promote the licensing objectives. The Licensing Authority therefore commends the practice whereby a Responsible Authority or Authorised Person who has concerns about any premises should draw these concerns to the attention of the licence/certificate holder at an early stage with a warning that remedial action should be undertaken.
- 10.5 The Licensing Authority will therefore expect to see evidence from the Responsible Authorities of warnings, and of failure on the part of the licence holder to respond to such warnings, where an application is made to it to conduct a formal review of a licence.

11. ADMINISTRATIONS AND EXERCISE OF FUNCTIONS

- 11.1 The Licensing Authority has delegated certain decisions and functions under the Licensing Act 2003 to its Licensing Committee and, in recognition of the need to provide a speedy, efficient and cost-effective service, where possible to Licensing Sub-Committees and officers.

- 11.2 The table at Appendix 2 sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and officers.

12. PERIOD IN FORCE

- 12.1 This Statement of Licensing Policy was approved by Cheshire East Council on 24th February 2009 and will take effect until such time as it is reviewed; a reviewed policy will be published no later than 7 January 2014.

APPENDIX 1: Licensable Activities

The following are 'licensable activities for the purposes of the Licensing Act 2003:

- Retail sale of alcohol
- Supply of alcohol to club members
- Provision of 'regulated entertainment' - to the public, to club members or with a view to profit, which includes:
 - Performance of a play
 - Exhibition of a film
 - Indoor sporting events
 - Boxing or wrestling entertainment
 - Performance of live music
 - Playing of recorded music
 - Performance of dance
 - Provision of facilities for making music
 - Provision of facilities for dancing
 - Entertainment of a similar description to the performance of live music, the playing of recorded music or a performance of dance
- Supply of hot food and/or drink from any premises between 11pm and 5am

The Act provides that the following are not to be regarded as regulated entertainment:

- (a) film exhibitions for the purposes of demonstration of a product, advertisement of any goods or services or the provision of information, education or instruction;
- (b) film exhibitions which consist or form part of an exhibit put on show for any purposes of a museum or art gallery;
- (c) the performance of live music or the playing of recorded music that is incidental to some other activity which is not itself regulated entertainment;
- (d) the simultaneous reception and playing of a programme included in a programme service within the meaning of the Broadcasting Act 1990
- (e) the provision of any entertainment or entertainment facilities (a) for the purposes of or for purposes incidental to, a religious meeting or service, or (b) at a place of public religious worship
- (f) the provision of entertainment or entertainment facilities at a garden fete or a function or event of a similar character provided the event concerned is not promoted for purposes of private gain
- (g) a performance of morris dancing or any dancing of a similar nature or a performance of unamplified live music as an integral part of such a performance or facilities enabling persons to take part in such entertainment
- (h) the provision of any entertainment or entertainment facilities (i) on premises consisting or forming part of a vehicle, and (ii) at a time when the vehicle is not permanently or temporarily parked

The Act states that an activity is not a licensable activity if it is carried on: -

- (a) aboard an aircraft, hovercraft or railway vehicle engaged on a journey;
- (b) aboard a vessel engaged on an international journey;
- (c) at an approved wharf at a designated port or hoverport;

- (d) at an examination station at a designated airport;
- (e) at a royal palace;
- (f) at premises which at the time when the activity is carried on are permanently or temporarily occupied for the purposes of the armed forces of the Crown;
- (g) at premises in respect of which a certificate issued under section 174 (exemption for national security) has effect or
- (h) at such other place as may be prescribed by the Government in regulations

APPENDIX 2: Authorised Persons, Responsible Authorities and Interested Parties

Authorised Persons

This group is entitled to carry out inspection and enforcement roles and include officers of the Local Authority, Fire Authority inspectors, Health and Safety at Work inspections and Environmental Health Officers.

In addition, the Police have the power to close premises on the grounds of disorder or nuisance caused by noise coming from the premises.

Responsible Authorities

This group must be notified of all applications for a premises licence. They are entitled to make representations to the Licensing Authority and include: -

- The Police
- The Fire Authority
- Health and Safety Authority
- The Environmental Health Department (Cheshire East Council)
- The Local Planning Authority (Cheshire East Council)
- The Local Safeguarding Children Board
- Trading Standards (Cheshire East Council)

In relation to a vessel, but no other premises, responsible authorities also include the navigation authorities that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities. These include: the Environment Agency, the British Waterways Board, and the Secretary of State for Transport, who in practice acts through the Maritime and Coastguard Agency.

Interested Parties

This group may make representations to the Licensing Authority on applications for the grant, variation or review of premises licences and includes: -

- A person living in the vicinity of the premises in question
- A body representing persons who live in that vicinity e.g. a residents association
- A person involved in a business in the vicinity of the premises
- A body representing persons involved in such businesses e.g. a trade association.

Any of these persons can have their view represented by for example, a solicitor, MP, friend or a local ward councillor.

APPENDIX 3: Table of delegations of licensing functions

Functions under the Licensing Act will be dealt with as follows:

Matter to be Dealt with	Full Committee	Sub-Committee	Officers
Application for Personal Licence		If a police objection	If no objections made
Application for Personal Licence with unspent convictions		All Cases.	
Application for premises Licence/Club Premises Certificate		If a relevant representation made.	If no relevant representation made.
Application for provisional statement		If a relevant representation is made.	If no relevant representation is made
Application to vary Premises Licence/Club Premises Certificate		If a relevant representation made.	If no relevant representation made.
Application to vary designated Personal Licence holder		If a police objection.	All other cases.
Request to be removed as designated Personal Licence Holder.			All cases.
Application of transfer of Premises Licence.		If a police objection.	All other cases.
Application for Interim Authorities		If a police objection	All other cases.
Application to review Premises Licence/Club Premises Certificate.		All cases.	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases.
Decision to object when Local Authority is a consultee and not a lead authority.		All cases.	
Determination of a police objection to a Temporary Event Notice.		All cases.	

CHESHIRE EAST COUNCIL

COUNCIL

Date of meeting: 24th February 2009

Report of: Borough Solicitor

Title: Gambling Act 2005 – Statement of Principles

1.0 Purpose of Report

- 1.1 Licensing Authorities must approve and publish a Statement of Principles in order to carry out functions relating to the licensing of gambling premises and the issue of gambling permits under the Gambling Act 2005. Where practicable the Council is required to produce its Statement of Principles by 1st April 2009.
- 1.2 The purpose of the report is to request Council to approve the Statement of Principles which is recommended to it by the Licensing Committee following the completion of a statutory consultation exercise.

2.0 Decision Required

- 2.1 Council is requested to approve the Statement of Principles under the Gambling Act 2005 to take effect on 1st April 2009.

3.0 Financial Implications for Transition Costs

- 3.1 The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 require a notice of intention of publication to be placed in a local newspaper circulating in the area; there will be a cost to the authority associated with the publication of this notice.

4.0 Financial Implications 2009/10 and beyond

- 4.1 The Local Government (Structural Changes)(Transitional Arrangements)(No 2) Regulations 2008 provide that the preparation of a statement of principles by the shadow Council will be taken as satisfying the requirements of the Gambling Act 2005 as regards the three year period commencing on 31st January 2010. For this reason the statement is not required to be reviewed again until January 2013.

5.0 Legal Implications

- 5.1 Section 349 of the Gambling Act 2005 requires licensing authorities to prepare and publish a statement of principles that it proposes to apply in exercising its functions under the Act. The drafting of the policy statement must take into

account the requirements of The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006.

- 5.2 The Local Government (Structural Changes) (Transitional Arrangements) (No 2) Regulations 2008 provide that, where it is practicable to do so, a statement of principles under the Gambling Act 2005 shall be produced by 1 April 2009.

6.0 Risk Assessment

- 6.1 There would be a risk of legal challenge if the drafting of the Statement of Principles did not take into account the requirements of the legislation and guidance or if consultation responses received were not taken into consideration prior to approval.

7.0 Background and Options

- 7.1 As set out above, the Gambling Act 2005 requires licensing authorities to prepare and publish a statement of principles that it proposes to apply in exercising its functions under the Act. Cheshire East must have its own policy document in place in order to perform its role as the licensing authority for applications to licence premises for gambling.
- 7.2 At its meeting on 17th December 2008 Cabinet resolved to approve the draft policy in order that it may go forward for statutory consultation.
- 7.3 The Act requires the Council, as licensing authority, to consult the following on the statement of principles:
- The chief officer of police
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

Copies of the policy were forwarded to trade organisations, Parish and Town Councils together with residents groups and local Pub Watch representatives. A copy of the policy has also been available on the Council's website throughout the consultation period

- 7.4 At its meeting on 13th February 2009 the Licensing Committee considered the representations received and resolved to recommend to Council the Statement of Principles in the form attached as Appendix 1.

8.0 Overview of Day One, Year One and Term One Issues

- 8.1 The requirement to have a Statement of Licensing Policy in place is, where practicable, a Day One requirement.

9.0 Reasons for Recommendation

- 9.1 The Council is required to produce and publish, every three years a statement of the policy which it proposes to apply when exercising its functions under the Licensing Act 2003; where practicable this is required to be done by 1 April 2009. Council is requested to approve the Statement so that it may take effect on 1 April 2009.

For further information:

Officer: Mrs K Khan

Tel No: (01625) 504264

Email: k.khan@macclesfield.gov.uk

Background Documents:

Statement of Licensing Principles of Macclesfield Borough Council

Statement of Licensing Principles of Congleton Borough Council

Statement of Licensing Principles of Crewe & Nantwich Borough Council

Documents are available for inspection at:

Macclesfield Borough Council – Legal and Democratic Services, Town Hall, Macclesfield

Congleton Borough Council – Community Safety Dept, Westfields, Middlewich Road, Sandbach

Crewe & Nantwich Borough Council – Licensing Section, Municipal Buildings, Earle Street, Crewe

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STATEMENT OF PRINCIPLES

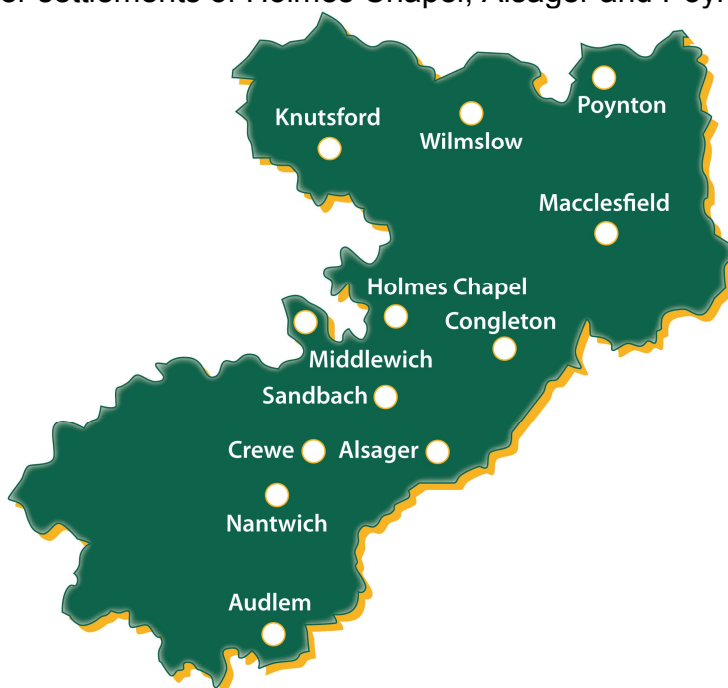
GAMBLING ACT 2005

1 Introduction

- 1.1 This Statement of Principles ('the Statement') is published by Cheshire East Council ('the Council') as the Licensing Authority in accordance with section 349 of the Gambling Act 2005.
- 1.2 The Council has produced this Statement of Principles in accordance with the provisions of the Act and having regard to the provision of the Guidance issued by the Gambling Commission under Section 25 of the Act.
- 1.3 This Statement of Principles will come into effect on the date of publication by the Council and will be reviewed from time to time as necessary. This statement will be published at least every three years from the date of publication. Statutory consultation shall take place whenever amendments are proposed to the statement of principles, before it is republished.

2 Cheshire East

- 2.1 Cheshire East has a population of 358,900 and covers an area of 116,638 hectares. Cheshire East's administrative area contains the industrial town of Crewe, the old mill towns of Macclesfield, Bollington and Congleton, the market towns of Nantwich, Knutsford and Sandbach, the salt town of Middlewich, the town of Wilmslow as well as the smaller settlements of Holmes Chapel, Alsager and Poynton.



3 Licensing Objectives

3.1 The Gambling Act 2005 requires the Council as Licensing Authority to carry out its various licensing functions with a view to promoting the three licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

3.2 The licensing authority shall aim to permit the use of the premises for gambling as set out in section 153 of the Act, that is so far as the Authority think it:

- (a) in accordance with any relevant code of practice under section 24 of the Act;
- (b) in accordance with any relevant guidance issued by the Gambling Commission under section 25 of the Act;
- (c) reasonably consistent with the licensing objectives (subject to (a) and (b) above); and
- (d) in accordance with this statement of principles (subject to (a) and (c) above).

4 Licensable authority functions

The licensing functions within the Act include the following:

- the grant of premises licences and the issue of provisional statements in respect of premises where gambling activities are to take place;
- to receive notifications from premises licensed for the sale of alcohol (under the Licensing Act 2003) for the use of either one or two Category C or D gaming machines;
- to grant licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the premises where there are more than two gaming machines;
- to grant club gaming permits and club gaming machine permits for members' clubs;
- to grant club machine permits for commercial clubs;
- to grant permits for unlicensed family entertainment centres for the use of certain lower stake gaming machines;
- to grant permits for prize gaming;
- to receive and endorse notices for the temporary use of premises for gambling;
- to consider occasional use notices for betting at tracks;
- to register small societies' lotteries;
- to provide information and statistics to the Gambling Commission; and
- to maintain registers of licences and permits issued.

5 General Principles

5.1 The Licensing Authority recognises the need to avoid, so far as possible, duplication of existing legislation and other regulatory regimes that place obligations

on employers and operators such as the Health and Safety at Work Act 1974, the Disability Discrimination Act 1995 and the fire safety regime.

- 5.2 The Licensing Authority recognises that it may only consider matters within the scope of the Guidance issued by the Gambling Commission, the Act and the Codes of Practice. It is also recognised that there may be issues raised, such as the likelihood of the applicant obtaining planning permission, which are not relevant for the purposes of the Act.
- 5.3 The Licensing Authority makes a commitment to regulating gambling in the public interest.
- 5.4 Nothing in this Statement of Principles will undermine the rights of any person to make an application under the Act and have the application considered on its individual merits; or undermine the right of any person to make representations on any application or seek a review of a licence or permit where provision has been made for them to do so within the Act.
- 5.5 In determining its Statement of Principles, the licensing authority will have regard to the Guidance issued by the Gambling Commission, and will give appropriate weight to the views of those it has consulted. In determining what weight to give particular representations, the factors to be taken into account will include:
 - who is making the representations (what is their expertise or interest);
 - what their motivation may be for their views;
 - how many other people have expressed the same or similar views;
 - how far the representations relate to matters that the licensing authority should be including in its statement of principles.
- 5.6 The Licensing Authority recognises that unmet demand is not a criterion for it when considering an application for a premises licence under the Act. Each application will be considered on its merits without regard to demand.
- 5.7 The Licensing Authority recognises that the location and proximity of premises to be used for gambling to other premises such as, for example, schools and other premises used by vulnerable persons, may be a relevant consideration with respect to the objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. The type of gambling which is to be offered will also be relevant.

Each application will be considered on its merits and the Licensing Authority will take into account any proposals by the applicant or licence holder which show how the licensing objectives may be satisfied.

6 Responsible Authorities

- 6.1 A 'Responsible Authority' may make representations about an application for a premises licence or may request a review of a premises licence.
- 6.2 For the purposes of sections 157 and 349 of the Gambling Act 2005, the following are responsible authorities in relation to premises in the area of Cheshire East:

- (i) The licensing authority in whose area the premises are wholly or mainly situated (Cheshire East Council)
- (ii) The Gambling Commission
- (iii) Cheshire Constabulary as the police authority
- (iv) Cheshire Fire Service as the fire and rescue authority
- (v) The Local Planning Authority (Cheshire East Council)
- (vi) Environmental Health Service (Cheshire East Council)
- (vii) Local Safeguarding Children Board
- (viii) Her Majesty's Revenue and Customs
- (ix) Any other person prescribed, for the purposes of Section 157 of the Act, by regulations made by the Secretary of State.

6.3 In exercising this licensing authority's powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm, the following principles have been applied:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc

6.4 In accordance with the Gambling Commission's Guidance for local authorities this authority designates the Local Safeguarding Children Board for this purpose.

6.5 The contact details of all the responsible authorities under the Gambling Act 2005 are available via the Council's website at: www.cheshireeast.gov.uk or on request from the Licensing Section.

7 Interested Parties

7.1 In addition to Responsible Authorities, 'Interested parties' can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in Section 158 of the Gambling Act 2005 as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person-

(a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,

(b) has business interests that might be affected by the authorised activities, or

(c) represents persons who satisfy paragraph (a) or (b)"

7.2.1 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. The principles are as set out below.

7.2.2 Each case will be decided upon its merits.

7.2.3 This authority will not apply a rigid rule to its decision making, however it will consider the following as per the Gambling Commission's Guidance to local authorities:

- the size of the premises
- the nature of the premises
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and
- the nature of the complainant. This is not the personal characteristics of the complainant but the interests of the complainant which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that “sufficiently close to be likely to be affected” could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) residential hostel for vulnerable adults.
- the ‘catchment’ area of the premises (i.e. how far people travel to visit); and
- whether the person making the representation has business interests in that catchment area, that might be affected.

7.2.4 Representations made on the grounds that an applicant would be in competition with an existing business or that there is allegedly no demand for additional gambling premises will not be considered to be relevant.

7.2.5 The Gambling Commission has also recommended that the licensing authority states that interested parties include trade associations and trade unions, and residents’ and tenants’ associations. This authority will not, however, generally view these bodies as interested parties unless they have a member who can be classed as one under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the authorised activities.

8 Consideration of applications

8.1 The licensing authority is mindful of the Commission’s Guidance which provides that the authority should set out in its statement what factors it may take into account when considering applications for premises licences, permits and other permissions and matters that it will consider relevant when determining whether to review a licence.

8.2 The licensing authority has determined to set out a number of factors, linked to the licensing objectives, which it may consider when considering applications. It should be noted that each case will be decided on its merits, so if an applicant can show how they might overcome licensing objective concerns, then that will be taken into account.

8.3 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

8.3.1 In considering licence applications, the Licensing Authority will particularly take into account the following:-

- The location of the premises – for example if an application for a licence or permit is received in relation to premises that are in an area noted for particular problems with organised crime.
- The design and layout of the premises;

- The training given to staff in crime prevention measures appropriate to those premises;
- Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
- Where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
- The likelihood of any violence, public order or policing problem if the licence is granted.

8.3.2 This licensing authority notes the Commission's Guidance in relation to the meaning of disorder in the context of gambling premises, namely activity that is more serious and disruptive than mere nuisance, and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it.

8.3.3 Applicants are encouraged to discuss the crime prevention procedures in their premises with the Licensing Officers of Cheshire Constabulary before making a formal application.

8.4 Ensuring that gambling is conducted in a fair and open way

8.4.1 This licensing authority has noted that the Commission's Guidance states: *"Generally the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence."*

8.4.2 This licensing authority also notes, however, that the Gambling Commission also states *"in relating to the licensing tracks the licensing authorities' role will be different from other premises in that track operators will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable."* It is recognised that because the track operator does not need to have an operating licence (although he may have one), the licensing authority may have to consider placing requirements on the premises licence holder about his responsibilities in relation to the proper conduct of betting.

8.5 Protection of children and other vulnerable persons

8.5.1 It is noted that, with limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult-only environments.

8.5.2 This licensing authority has noted that the Gambling Commission Guidance to local authorities states that "The objective talks of protecting children from being "harmed or exploited by gambling", but in practice that often means preventing them from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children

8.5.3 The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions to protect children on particular categories of premises. This may include consideration of issues such as:-

- Supervision of entrances;
- Segregation of gambling areas from areas frequented by children;
- Supervision of gaming machines in non-adult gambling specific premises.

8.5.4 The Licensing Authority recognises the Commission's Guidance which states that Licensing authorities should ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

8.5.5 It is noted that in relation to casinos, the Act provides for a code of practice on access to casino premises by children and young persons. In accordance with section 176 of the Act, adherence to the code will be a condition of a casino premises licence.

8.5.6 The Council does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children, but it will assume for regulatory purposes, that "vulnerable persons" include:

- People who gamble more than they want to;
- People who gamble beyond their means;
- People who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol or drugs.

8.6 Conditions

8.6.1 The Act provides licensing authorities with:

- The ability to exclude from the premises licence any default conditions that have been imposed under section 168; and
- The power to impose conditions on the premises licence

8.6.2 The Licensing Authority recognises its duty to act in accordance with the principles within section 153 of the Act and will not attach conditions which limit the use of premises for gambling except where to do so is necessary as a result of the requirement to act:

- In accordance with the Commission's Guidance, the Commission's Codes of Practice, or this statement of licensing principles; or
- In a way that is reasonably consistent with the licensing objectives.

The Licensing Authority will not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions.

8.6.3 Any condition imposed by the licensing authority will be proportionate to the circumstances which it seeks to address. In particular, the licensing authority will ensure that premises licence conditions are:

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

8.6.4 Decisions on individual conditions will be taken on a case-by-case basis, although this will be against the background of general policy set out in the Commission's Guidance and this statement of principles.

8.6.5 There are conditions which the Licensing Authority cannot attach to premises licences which are:

- any condition which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs); and
- conditions in relation to stakes, fees, winning or prizes.

8.6.5 Where a condition is attached to a premises licence requiring door supervisors, the Licensing Authority will normally require those door supervisors to be Security Industry Authority (SIA) registered. Door supervisors at casinos or bingo premises are exempt from being registered by the SIA but the Licensing Authority considers that it is best practice for door supervisors working at casinos or bingo premises to have SIA training or similar.

9 Reviews

9.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities (including the Licensing Authority itself). The Licensing Authority will carry out the review unless it determines that a review should not be carried out based on whether the request for the review is relevant to the matters listed below, and with consideration as to whether the request is frivolous, vexatious, will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of principles

10. Gambling Premises Licences

10.1 Adult Gaming Centres

10.1.1 The Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to meet the licensing objectives, for example, to ensure that those under eighteen years of age do not have access to the premises.

10.1.2 Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

10.2 (Licensed) Family Entertainment Centres

10.2.1 The Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to meet the licensing objectives, for example, to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

10.2.2 Appropriate licence conditions may cover issues such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare, Gamblers Anonymous, the Gordon House Association, National Debtline and local Citizens Advice Bureaux.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

10.3 Bingo Premises

10.3.1 It is important that, if children are allowed to enter premises licensed for bingo, they do not participate in gambling, other than on category D machines.

10.3.2 Where category C or above machines are available in premises to which children are admitted the Licensing Authority will expect applicants to consider measures to ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

10.3.3 Further Guidance will be issued by the Gambling Commission about the particular issues which should be taken into account in relation to the suitability and layout of bingo premises. The Licensing Authority will take account of that Guidance when it is made available.

10.4 Betting Premises

10.4.1 The Licensing Authority will take into account

- the size of the premises;
- the number of counter positions available for person-to-person transactions; and
- the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people
- when considering the number, nature and circumstances of betting machines an operator wants to offer.

10.4.2 The Licensing Authority will consider making door supervision a requirement in circumstances where there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

10.4.3 The Licensing Authority is mindful of the conditions which may be attached to betting premises licences, which may include those relating to the restriction of the number of betting machines, their nature and the circumstances in which they are made available. The Authority will consider limiting the number of machines in circumstances where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. In these circumstances the Authority may take into account the ability of staff to monitor the use of such machines from the counter.

10.4.4 The Licensing Authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.

10.5 Tracks

10.5.1 Tracks may be subject to one or more than one premises licence, provided that each licence relates to a specified area of the track.

10.5.2 The Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas and do not have access to adult only gaming facilities.

10.5.3 It should be noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

10.5.4 Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

10.5.6 Where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, if these machines are above category D, the applicant must demonstrate that they will be located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

10.5.7 The Licensing Authority will consider restricting the number and location of betting machines in respect of applications for track premises licences.

10.5.8 When considering the number, nature and circumstances of betting machines an operator wants to offer, the Licensing Authority will take into account

- the size of the premises;
- the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people

10.5.9 The Licensing Authority will normally attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.

10.6 Travelling Fairs

10.6.1 A travelling fair is defined as a fair consisting wholly or principally for the provision of amusements and is provided by persons who travel from place to place and is held at a place which has been used for the provision of fairs on no more than 27 days per calendar year.

10.6.2 Category D gaming machines or equal chance gaming may be provided without a permit provided that facilities for gambling amount to no more than ancillary amusement at the fair.

11 **Provisional Statements**

11.1 An applicant cannot obtain a full premises licence until the premises are ready to be used for gambling. An applicant may apply for a provisional statement in respect of premises expected to be constructed, altered or acquired.

11.2 Where a provisional statement is granted and an application subsequently made for a premises licence, the Licensing Authority will disregard any representations made which address matters that could have been addressed when the provisional statement was considered unless there has been a change of circumstances.

11.3 A premises licence will be granted in the same terms as the provisional statement unless:

- representations are received which address matters that could not have been addressed when the provisional statement was considered;
- there has been a change of circumstances; or

the premises have been constructed or altered otherwise than in accordance with the plans and information included with the application for the provisional statement

12 **Casino resolution**

12.1 The Council may make a resolution to not grant premises licences for casinos. In doing so, it may take into account any principle or matter.

12.2 The Council has not passed a resolution not to grant premises licences for casinos.

13 **Permits**

13.1 (Alcohol) Licensed Premises Gaming Machine Permits

13.1.1 Premises licensed to sell alcohol are automatically entitled to have 2 gaming machines of categories C or D provided that:

- the requisite notice has been served on the Licensing Authority;
- the appropriate fee has been paid; and
- any code of practice relating to the location and operation of gaming machines is complied with.

13.1.2 The Licensing Authority can remove the automatic authorisation if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

13.1.3 If a licensed premises wishes to have more than 2 machines, then a permit is required.

13.1.4 The Licensing Authority must take account of the licensing objectives and any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005 when considering an application for a permit. The Licensing Authority may also consider such matters as it thinks are relevant. Such matters will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling.

13.1.5 The Licensing Authority will expect the applicant to demonstrate that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Such measures may include notices and signage, adult machines being in sight of the bar or in sight of staff who will monitor that the machines are not being used by those under 18. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare, Gamblers Anonymous, the Gordon House Association, National Debtline and local Citizens Advice Bureaux.

13.2 Unlicensed Family Entertainment Centre gaming machine permits

13.2.1 This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include CRB checks for staff, training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.

13.3 Prize Gaming Permits

13.3.1 Prize gaming is a form of gaming where the size of the prize is determined by the operator and is not based on the number of persons playing or the total value of the stakes raised.

13.3.2 Premises which have a Premises Licence can provide prize gaming without the need for a separate Prize Gaming Permit issued by the Local Authority. Premises licensed as a casino* or a betting shop, or for bingo or for an adult gaming centre or as an FEC do not need a Prize Gaming Permit in order to offer prize gaming. In

addition, an unlicensed FEC may provide prize gaming without a permit provided that a gaming machine permit has been issued and the gaming is equal chance gaming, and, finally a travelling fair may provide prize gaming provided that it is equal chance gaming.

* except for prize bingo which would require a permit/bingo operating licence

13.3.3 In exercising its functions in respect of prize gaming permits, the Licensing Authority need not, but may, have regard to the licensing objectives and must have regard to any guidance issued by the Gambling Commission.

13.3.4 There are conditions in the Act which a permit holder must comply with which are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day;
- the game must be played and completed on the day the chances are allocated and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

13.3.5 Applicants should set out the types of gaming intended to be offered and should demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law.

The Licensing Authority will consider these matters when determining the suitability of an applicant for a permit.

13.4 Club Gaming and Club Gaming Machine Permits

13.4.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming machines permit.

13.4.2 The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance in accordance with regulations made under the Act.

13.4.3 A Club Gaming Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

13.4.4 Members Clubs must:

- have at least 25 members;
- be established and conducted wholly or mainly for purposes other than gaming, unless the gaming is permitted by separate regulations. (It is anticipated that this will include bridge and whist clubs.);

- be permanent in nature;
- not be established to make commercial profit;
- be controlled by its members equally.

Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

13.4.5 The Licensing Authority may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Commission or the police.

13.4.6 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10).

13.4.7 Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced.

13.4.8 The only grounds upon which an application under the fast-track process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

14 Temporary Use Notices

14.1 A temporary use notice may only be given by the holder of an operator's licence. A set of premises may not be the subject of temporary use notices for more than 21 days within a 12 month period.

14.2 A set of premises will be considered to be the subject of a temporary use notice if any part of the premises is the subject of a notice. Consequently, operators cannot extend the limits on temporary use notices in respect of large premises by giving separate notices for different parts of the premises.

- 14.3 The Licensing Authority will object to temporary use notices where it appears that they are being used to permit regular gambling in a set of premises.
- 14.4 In determining whether a place falls within the definition of “a set of premises” the Licensing Authority will take into consideration ownership/occupation and control of the premises. For example, a large exhibition centre will normally be regarded as one set of premises and will not be allowed separate temporary use notices for each of its exhibition halls. Individual units in a shopping centre may be regarded as different sets of premises if they are occupied and controlled by different people.

15 Occasional Use Notices

- 15.1 Where betting takes place on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence.
- 15.2 A track includes a horse racing course, a dog track or any other premises on any part of which a race or other sporting event takes place or is intended to take place. This could include, for example, agricultural land upon which a point-to-point meeting takes place. The track need not be a permanent fixture. Those giving occasional use notices will be expected to demonstrate that the premises fall within the definition of a track.

16 Information exchange

- 16.1 Licensing authorities are required to include in their statement the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 16.2 In fulfilling its functions and obligations under the Gambling Act 2005 the Licensing Authority will exchange relevant information with other regulatory bodies and will establish protocols in this respect. In exchanging such information, the Licensing Authority will conform to the requirements of data protection and freedom of information legislation in accordance with the Council’s existing policies. In addition, the Licensing Authority will act in accordance with guidance from the Commission and adopt the principles of better regulation.
- 16.3 Details of those persons making representations will be made available to applicants to allow for negotiation unless the individual notifies the Licensing Authority to the contrary within seven days of a request for confirmation of this. In the event of a hearing being held, the representation will form part of a public document. Anyone making representations will be informed that their details will be disclosed unless they advise to the contrary.
- 16.4 Data subjects may make requests for information held by the Licensing Authority about themselves to the Data Protection Officer, Cheshire East Council.

17 Enforcement

- 17.1 The Act requires licensing authorities to state the principles that they will apply when exercising their functions under Part 15 of the Act (inspection of premises) and the powers under section 346 (power to institute criminal proceedings in respect of offences specified).
- 17.2 The Council is a signatory to the Regulator Compliance Code and will follow the principles set out in it. The concordat is based around the principles of consistency, transparency and proportionality.
- 17.3 The Licensing Authority will be guided by the Gambling Commission's Guidance for local authorities and in accordance with both this Guidance and the Enforcement Concordat will base its approach on the following:
- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
 - Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
 - Consistent: rules and standards must be joined up and implemented fairly;
 - Transparent: regulators should be open, and keep regulations simple and user friendly; and
 - Targeted: regulation should be focused on the problem, and minimise side effects
- 17.4 The Code (available upon request) proposes that a graduated response is taken where offences against legislation are found or where licence conditions have been contravened. An isolated administrative offence, such as failing to maintain certain records, may be dealt with by way of a written warning. More serious offences may result in a referral to a Sub-Committee, the issue of a Formal Caution or a referral for prosecution.
- 17.5 The Licensing Authority will adopt a risk-based programme of inspections; this will include targeting high-risk premises which require greater attention, whilst operating a lighter touch in respect of low-risk premises, so that resources are more efficiently concentrated on problem premises.
- 17.6 As per the Gambling Commission's Guidance for local authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

18 Declaration

In producing this statement of principles the authority has had regard to the licensing objectives of the Gambling Act 2005, guidance issued by the Gambling Commission. In producing the final statement the licensing authority will also have regard to any responses from those consulted on the statement.

19 Scheme of delegation

- 19.1 The Committee has delegated certain decisions and functions and has established a Sub-Committee to deal with them.
- 19.2 Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example those licences and permits where no representations have been made, will be delegated to Licensing Authority Officers. The table shown at Appendix A sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committee and Officers. This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Full Committee if considered appropriate in the circumstances of any particular case.

20 Sources of information

Further information about the Gambling Act 2005, this Statement of Principles or the application process can be obtained from:-

Licensing Section
Cheshire East Council

c/o Macclesfield Town Hall, Market Place, Macclesfield
Westfields, Middlewich Road, Sandbach
Municipal Buildings, Earle Street, Crewe

www.cheshireeast.gov.uk
licensing@cheshireeast.gov.uk

Information is also available from:-

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Tel: 0121 230 6500
Website: www.gamblingcommission.gov.uk

APPENDIX A

TABLE OF DELEGATION OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate		X (Full Committee)	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

APPENDIX B**GLOSSARY OF TERMS**

Licensing Objectives:	As defined in section 1.3 below
Council:	Cheshire East Council
Borough:	The area of Cheshire administered by Cheshire East Council
Applications:	Applications for licences and permits as defined in section 4 above
Notifications:	Means notification of temporary and occasional use notices
Act:	The Gambling Act 2005
Regulations:	Regulations made under the Gambling Act 2005
Premises:	Any place, including a vehicle, vessel or moveable structure
Code of Practice:	Means any relevant code of practice under section 24 of the Gambling Act 2005
Mandatory Condition:	Means a specified condition provided by regulations to be attached to a licence
Default Condition:	Means a specified condition provided by regulations to be attached to a licence, unless excluded by Cheshire East Council
Responsible Authority:	<p>For the purposes of this Act, the following are responsible authorities in relation to premises:</p> <ol style="list-style-type: none"> 1. The Licensing Authority in whose area the premises are wholly or mainly situated ("Cheshire East Council"); 2. The Gambling Commission; 3. Cheshire Constabulary; 4. Cheshire Fire Service; 5. Local Planning Authority, Cheshire East Council; 6. Environmental Health Department, Cheshire East Council; 7. Local Safeguarding Children Board; 8. HM Customs and Excise.
Interested Party:	<p>For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:-</p> <ol style="list-style-type: none"> a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities; b) Has business interests that might be affected by the authorised activities; c) Represents persons who satisfy a) or b) above.

APPENDIX C

Schedule of parties consulted

The Gambling Commission;
Cheshire Constabulary;
Cheshire Fire Service;
Local Safeguarding Children Board;
HM Revenue and Customs.

Persons representing the interests of persons carrying on gambling businesses in the authority's area

British Holiday and Home Parks Association
Business in Sport & Leisure
Casino Operators Association of the UK
Racecourse Association Ltd
BACTA
British Casino Association
Association of British Bookmakers
The Bingo Association
British Beer and Pub Association
PubWatch Groups within the Borough
Chamber of Commerce and Enterprise

Persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005

Parish and Town Councils within the Borough
Tenants Associations/Housing Associations
East Cheshire NHS Primary Care Trust
GamCare
Samaritans
Gamblers Anonymous
Citizens Advice Bureau

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To the Office of the Borough Solicitor and Monitoring Officer:-

Notice of Motion under Standing Order 12

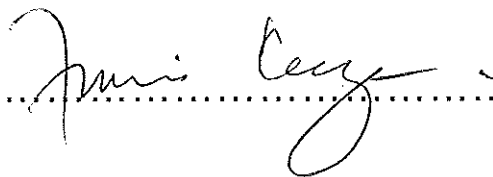
Notice is hereby given of the intention to move the following on 24th February 2009 at the meeting of Council:

“That this Council deprecates the Government’s proposed five percent rise in the business rate for the year 2009/10, made while calling for Council Tax rises substantially below five percent.

Further, that this Council regrets that its efforts to consult with local businesses on ways to mitigate the effects of the current harsh recession are thereby undermined.

And further, that the Chief Executive be directed to write to the Minister to express our concerns and urge that the matter be reconsidered.”

Signed:



13/2/09

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