

Council Agenda

Date: Thursday, 18th October, 2018
Time: 2.00 pm
Venue: The Ballroom, Sandbach Town Hall, High Street, Sandbach,
CW11 1AX

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

1. **Prayers**

2. **Apologies for Absence**

3. **Declarations of Interest**

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

4. **Minutes of Previous meeting** (Pages 5 - 18)

To approve the minutes of the meeting of Council held on 26 July 2018 as a correct record.

5. **Mayor's Announcements**

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

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

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

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

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

7. **Leader's Announcements**

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

8. **Recommendation from Cabinet -2018/19 Mid-Year Review of Performance**
(Pages 19 - 28)

To consider the recommendation from Cabinet.

9. **Recommendation from Constitution Committee - Public Rights of Way Public Path Orders: Change to Scheme of Delegation** (Pages 29 - 34)

To consider the recommendation from the Constitution Committee.

10. **Recommendation from Constitution Committee - Shared Services Joint Committee Terms of Reference** (Pages 35 - 44)

To consider the recommendation from the Constitution Committee.

11. **Recommendation from Constitution Committee - Proposed Changes to Grant Application Process** (Pages 45 - 58)

To consider the recommendation from the Constitution Committee.

12. **Annual Report of Audit and Governance Committee 2017/18** (Pages 59 - 86)

To receive the Annual Report of the Audit and Governance Committee 2017/18.

13. **Notices of Motion** (Pages 87 - 90)

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

14. **Questions**

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

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

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Thursday, 26th July, 2018 at The Ballroom, Sandbach Town Hall,
High Street, Sandbach, CW11 1AX

PRESENT

Councillor L Smetham (Mayor/Chairman)
Councillor L Durham (Deputy Mayor/Vice-Chairman)

Councillors C Andrew, Rachel Bailey, Rhoda Bailey, Baggott, G Barton, P Bates, G Baxendale, M Beanland, Bratherton, S Brookfield, E Brooks, D Brown, C Browne, B Burkhill, P Butterill, C Chapman, J Clowes, S Corcoran, H Davenport, W S Davies, M Deakin, T Dean, S Edgar, I Faseyi, P Findlow, R Fletcher, T Fox, D Flude, H Gaddum, S Gardiner, L Gilbert, M Grant, P Groves, A Harewood, S Hogben, D Hough, O Hunter, J Jackson, L Jeuda, A Kolker, D Mahon, N Mannion, D Marren, A Martin, R Menlove, G Merry, A Moran, B Moran, J Nicholas, M Parsons, S Pochin, J Rhodes, B Roberts, J Saunders, M Sewart, M Simon, A Stott, G Wait, B Walmsley, G M Walton, M J Weatherill, G Williams and J Wray

Apologies

Councillors A Arnold, D Bailey, D Bebbington, S Carter, B Dooley, S Gardner, C Green, J Hammond, M Hardy, G Hayes, J Macrae, S McGrory, H Murray, D Stockton, L Wardlaw, M Warren and H Wells-Bradshaw

14 PRAYERS

The Mayor's Chaplain said prayers at the request of the Mayor.

15 DECLARATIONS OF INTEREST

There were no declarations of interest.

16 MINUTES OF PREVIOUS MEETINGS**RESOLVED**

That the minutes of the Annual meeting of Council and the special meeting of Council, held on 23 May 2018 be approved as a correct record, noting comments made regarding the wording in resolution 2 at minute 14 of the minutes of the Annual meeting.

17 MAYOR'S ANNOUNCEMENTS

The Mayor:-

1. Reported that she had had a very busy, but enjoyable couple of months, since she had been elected at the Annual Meeting of Council, meeting a wide variety of volunteers and organisations across Cheshire East. Details of the events that she and the Deputy Mayor had attended had been circulated in advance of the meeting.
2. Informed Council that it has been her sad duty to represent Cheshire East at two funerals. In June, she had attended the funeral of Alan Coburn who had died just a week short of his 102nd birthday. There were very few people still around who actively participated in the Local Government structure in Cheshire before the major reorganisation in April 1974. Alan had been Chairman of the former Wilmslow Urban District Council in 1969-70, having been first elected in the early 1960s. Earlier in the month it had been her privilege to attend the funeral of Honorary Alderman Margaret Melrose. She had first been elected to the former County Council in 1967, served until 2001 and was Chairman of the County Council on two occasions. Both Alan Coburn and Margaret Melrose were popular and hard-working Councillors who served their communities for many years.
3. Reported that Bosley was in her Ward and it was fitting that, as Mayor, she had able to attend services held in both the local church and chapel, to mark the third anniversary of the disaster. She thanked the Leader of the Council for attending the Commemoration. (Council stood for a minute's silence in tribute to Alan Coburn, Margaret Melrose and to those who had so tragically lost their lives three years earlier in Bosley).
4. Asked all Members to join with her in congratulating Janet Jackson on her award of an MBE in the Queen's Birthday Honours last month.
5. Noted that Parish Councils played an important role in the life of communities. To help develop the Council's relationship with Parish Councils and to enable Parish Chairs to meet each other, she announced that she would be hosting a series of informal afternoon teas for Parish Chairs. The first two would be held next month; one in the Mayor's Parlour in Crewe and the other in the Parlour in Macclesfield. If they were successful, she would be hosting more later in the year.
6. Reported that it had been her privilege, in the previous month, to attend the opening by HM Queen of the new Mersey Crossing. The Queen had been accompanied by the Duchess of Sussex, in what had been her first official visit to the north of England. The Duke of Gloucester had also been welcomed to Cheshire East, at the Royal Cheshire Show.
7. Reported that she attended a number of Civic Services recently, which had been inspirational and without exception had refreshed and renewed both her own and the local Council's aspirations to continue to do the best they could for Cheshire East residents and the environment. She would be holding her Civic Service on Sunday 7 October. This was an important day of the Civic year

and over recent years attendance by Members had been quite low and she would appreciate Members' attendance at what she was sure would be an enjoyable event. Further details would be circulated shortly.

8. Announced that, on Sunday 26th August, the Council would be hosting, in the historic setting of Tatton's Old Hall grounds, a family day of activities, music and stories commemorating the centenary of the First World War. The day would include a range of "hands on" activities and include performances from Foden's Band, Stafford Military Wives Choir and Sacred Sound. All Members would be receiving invitations in the near future and she urged them to attend and to publicise the event in their communities.
9. Announced that she was delighted to have been invited to the Pride in the Park picnic, which would take place at Tatton Park on Sunday 16th September and promised to be a standout celebration of the LGBT+ community, welcoming all visitors from across Cheshire East and beyond.
10. Reported that, at the Mayor Making ceremony, she had mentioned that she planned to introduce an online charity account, to make it easier for people to make contributions to the Mayor's Charity Fund and she was pleased to report that this account was about to be launched.
11. Announced that she was delighted to have attended the launch of the Brighter Future Together Culture programme, which had taken place just before the Council meeting. Conscious of the spirit of that programme, she reminded everyone of the need to focus on the issues that were on the agenda for the meeting, rather than individuals; not to engage in behaviour that would bring the Council into disrepute, but encourage respect for Council business.

18 PUBLIC SPEAKING TIME/OPEN SESSION

1. Ms Melanie Hancock asked whether Cheshire East Council was happy with the cost to the tax payer of policing badger culling each year, during a period of austerity. – A Written response would be provided.
2. Mrs S Dyke also spoke in respect of badger culling and the definition of culling and she considered that in this context that it should be referred to as "the indiscriminate slaughter" of badgers.
3. Ms H Baxter, representing Local Animal Rescue, addressed Council regarding the work that the group carried out with school children to teach them respect for animal life and the countryside and asked the Council to bear this in mind with regard to the badger cull.
4. Crewe Town Cllr D Yates asked the Council to reconsider its position so as to prevent badger culling on its land, not just tenant farms, and went on to speak about the impending badger cull in Cheshire and the cost of this. She stated that there was no credible evidence that badger culling was making any significant contribution

to preventing bovine TB and she expressed concern that badgers would be disappearing from areas of the country.

5. Ms J Smith also addressed Council regarding badger culling and bovine TB and cattle to cattle contamination. She asked what Cheshire East Council was doing, in conjunction with local farming bodies, to support local dairy farmers, and tenant farmers in particular, to support increased biosecurity, increased animal testing and animal movement. - A Written response would be provided.

(Cllr Clowes, Adult Social Care and Integration Portfolio Holder, provided clarification regarding the Council's position in respect of the above matters. She stated that this issue was orchestrated through Defra, was organised by Natural England and the Police and the role that the Council played was whether it allowed badger culling on its land and it had already been reported to Council on previous occasions that the Council did not. She stated that Ms Hancock's question should be directed to the Police and Crime Commissioner and the other questions should be directed to Natural England and Defra. She would, however, be happy to provide written responses, as above).

6. Ms Carol Jones welcomed events such as Pride in the Park and other events organised by the Council, but requested that the Council consider public transport issues when organising events, particularly from the Crewe area to Tatton Park.
7. Middlewich Town Cllr Jonathan Parry referred to the report of the Council's Investigation and Disciplinary Committee and the cost in respect of this and asked why the Council would not release the report and make it public. The Acting Chief Executive responded to say that she had previously stated that this was an HR matter, which would lead the Council to a position where it would not intend to publish the report and this remained the position.
9. Mrs S Helliwell referred to the policy paper on Inclusive Transport: Achieving Equal Access for Disabled People and asked whether any buses going through Alsager would have audible and visible route information. She also asked whether disabled and older people in Alsager would have access to public transport to take them to hospital seven days per week. She also went on to address Council regarding localised policies to target pavement parking.
10. Mr M Hunter asked the Council when the Liaison Panel, required under condition 48 on the planning application in respect of the recycling hub in Middlewich, which had not met since the construction stage had finished, would be reinstated. - A Written response would be provided.
11. Macclesfield Town Cllr G Jones addressed Council regarding future investment in Macclesfield, in light of the collapse of the Ask development, and invited the Leader of the Council to attend a meeting of Macclesfield Town Council to discuss this matter. – The Leader of the Council responded.

12. Mr T Wall addressed Council regarding cuts to services in Macclesfield and what he considered to be a lack of capital investment. He also referred to a recent press statement issued by the Council in respect of an employment tribunal.
13. Mr Michael Unett addressed Council regarding a number of issues in Alsager, including proposed works to install traffic lights at the Linley Lane/ Linley Road junction, which should have started in the Summer and he asked for an update in respect of this. He also addressed Council regarding proposed work at Linley Park, which had not taken place and also residents' concerns regarding burial provision. In addition, he referred to problems associated with the Radway estate, including anti-social behaviour, and asked the Council whether it would commit to being part of a multi-agency task force to look at the issues on the estate. He also asked what the Council could do to improve community engagement. - A Written response would be provided.
14. Ms Laura Crane addressed Council on behalf of residents of Sandbach Heath, regarding problems associated with residents crossing "The Hill" on to the main road at Sandbach. Whilst she was aware that the Highways department was looking in to this issue, it was felt that the situation was getting worse. She went on to present a petition to Council asking for a crossing at the junction of Hassal Road. Heath Road and the Hill.
15. Cllr N Mannion presented a petition to Council on behalf of the residents of Merebrook Road, Macclesfield, in respect of a highway verge and parking issues.

19 LEADER'S ANNOUNCEMENTS

In summary, the Leader of the Council:-

1. Noted that the meeting was the last Council meeting of the summer and wished those who had holidays booked a well-earned break. However, she stated that the work of Members, and the organisation would continue, with its challenging and productive agenda over the remaining summer weeks.
2. Referred to an event which had taken place earlier in the afternoon where many Members had joined her to formally launch the Council's new vision for workplace culture, behaviours and the employee deal. This was a key moment in the Council's Brighter Future Together Culture programme, and she considered it right to take time to recognise this important achievement. In addition to the event in Sandbach, events had been held across Cheshire East in the Council's key office buildings, as the formal launch was rolled-out to key audiences. Over one thousand members of staff, Councillors and union representatives had contributed to the development of these key documents, and she believed that each and every one should feel a real sense of ownership; and must recognise that, important as this day was, this was just one step on the journey to shape and embed the culture of Cheshire East

Council. Officers and managers were now embarking on a journey to use these documents to shape the way they worked together.

3. Welcomed the judgment of the previous week's Employment Tribunal. The complainant had alleged that she had been treated unfairly, and dismissed, due to her making a whistleblowing disclosure relating to payment of the national minimum wage for staff working sleep-in shifts. The Tribunal had fully rejected and dismissed these claims, following a thorough, 10-day hearing, which had concluded on 15 June 2018. She regretted that this matter could not be resolved prior to legal proceedings but, after full consideration of the circumstances, it had been felt that there was no alternative but to defend the allegations made by the complainant. Staff were the Council's most important asset and were essential for the effective delivery of Council services. She stated that the Council was committed to ensuring that all of its staff felt safe and were able to raise any concerns they may have about work matters. She went on to refer to a range of processes and procedures that the Council had to support staff where they had concerns.
4. Referred to the Council's Chief Executive, Mike Suarez's, recent resignation from his post with immediate effect and reassured Council that the current interim management arrangements remained in place. She stated that the Council had been working under these arrangements for over a year now and the Corporate Leadership Team was operating as a strong, cohesive unit. While this time had been difficult in many ways, she was proud to say that Cheshire East Council had continued to deliver excellence for service users, residents, and businesses. She went on to thank each and every member of staff for their dedication and commitment.
5. Welcomed the recent judgment of the Court of Appeal in the Mencap vs Tomlinson-Blake Tribunal appeal. The Court had ruled that sleep-in shifts were exempt from national minimum-wage rules, because staff should not be considered to be working when they were sleeping. The original Tribunal ruling had meant that employers could have faced significant unfunded back payments. The resulting additional cost could have placed care-providers in significant financial difficulty and, therefore, potentially putting the care of vulnerable people at risk. The fact that the Court of Appeal has now overturned this ruling had removed this risk. She stated that the Council recognised and valued the important work its dedicated staff provided, and was committed to ensuring that staff were paid fairly for their work, and would now consider the implications of this judgment in detail.
6. Reported that, since its Annual meeting, the Council's services had received yet more accolades and awards:
 - The Registration Service (Births, Marriages and Deaths) had recently been voted 'Best Ceremony Provider' at the North West Wedding Awards

- The Junior Recycling Officer scheme, run by Ansa, had been highly commended at the MJ Awards
 - Tatton Park Farm had also been highly commended at the North West Regional Construction Awards
 - The Digital Waste Permit project had won at the national Paperless Awards
8. Stated that the adoption of the Local Plan Strategy in the previous July had been a major achievement by the Council. It had put in place a clear set of requirements for how and where sustainable growth in the Borough should take place. The Council had now moved to a position where it had the best chance of ensuring that development decisions were plan-led, that properly reflected what it considered to be sustainable development, as defined through the Local Plan, rather than being dictated to by developers through ad hoc, speculative applications. Not only did the Council have one of the most up to date Local Plans of any authority in the country, it now had the “hallowed” five year supply of housing land, which was the second key component in being able to steer development to the right locations. The Council would shortly be publishing its latest housing delivery results, which would show that, in 2017-18, over 2000 new homes had been built in the Borough. The Council had also been busy developing its Community Infrastructure Levy, which would reach its independent examination stage in September. This would put a mechanism in place to secure additional contributions from developers towards local infrastructure projects. The autumn would also see public consultation taking place on the second part of the Local Plan
9. Reported that Cabinet had approved a scheme to provide funding that would assist communities where new housing developments had been built. The New Homes Bonus Community Fund was an initiative that supported residents to improve their local communities through visible, sustainable projects. The Fund, which provided a total of £2m over the next two years, would give local communities an opportunity to present their ideas for projects to ward members and town and parish councils for consideration. The scheme would be launched in October and the first round of funding would be released under the scheme early in 2019.
10. Reported that the Council was making great strides, was addressing the challenges it faced and was working towards a Brighter Future, with an emerging new culture. It was making key achievements, such as some of those that she had covered today. The Council would make more into the future and would continue to serve the residents, businesses and visitors to the Borough with all of the expertise, energy and commitment which was so abundantly found in the organisation.

Cabinet, at its meeting on 26 July 2018, had considered a report on the 2017/18 Financial Outturn and Review of Performance.

Cabinet had approved fully funded supplementary capital estimates above £500,000 and fully funded supplementary capital virements above £1,000,000 and had recommended that Council approve fully funded supplementary capital estimates above £1,000,000, in accordance with Financial Procedure Rules, as detailed in Appendix 4, Table 8 of the report.

Consideration was given to the recommendation from Cabinet.

RESOLVED

That the fully funded supplementary capital estimates above £1,000,000, in accordance with Financial Procedure Rules, as detailed in Appendix 4, Table 8 of the Cabinet report be approved.

21 RECOMMENDATION FROM CABINET - A500 DUALLING

Cabinet, at its meeting on 26 July 2018, had considered a report seeking authority to undertake all necessary preparatory works in advance of the final funding decision in relation to the A500 Dualling Scheme.

Cabinet had authorised the Executive Director of Place, in consultation with the Portfolio Holder for the Environment, to exercise powers delegated to the Executive Director of Place to undertake all necessary and prudent preparatory works in advance of the final funding decision at risk, in order to ensure that the Council was positioned to deliver the scheme if a favourable funding decision was received, and recommended that Council approve a Supplementary Capital Estimate of £0.4m to increase the current budget of £4.1m to £4.5m, to enable the scheme to progress whilst awaiting the outcome of Department for Transport(DfT) funding and planning application decisions.

RESOLVED

That a Supplementary Capital Estimate of £0.4m, to increase the current budget of £4.1m to £4.5m to enable the scheme to progress whilst awaiting the outcome of the DfT funding and planning application decisions, be approved.

22 RECOMMENDATION FROM CABINET- CONGLETON LINK ROAD - AWARD OF CONSTRUCTION CONTRACT AND SUBMISSION OF FINAL BUSINESS CASE

Cabinet, at its meeting on 26 July 2018, had considered a report seeking approval to submit the final funding application to the DfT and to award the

preferred bidder a contract to deliver the scheme for the Congleton Link Road.

Cabinet had approved the submission of the Scheme Final Business Case to the DfT, seeking a contribution of £45M towards the total Scheme cost; approved the selection and award of the contract to deliver the scheme to bidder X as the preferred bidder; and approved the underwriting of the developer contributions to the Scheme of up to £20.8M in the event that the anticipated developer contributions were not realised; and recommended that Council approve the additional contribution from Council resources to the scheme of £1.8M, to increase the total contribution to £23.8M.

RESOLVED

That the additional contribution from Council resources to the scheme of £1.8M, to increase the total contribution to £23.8M, be approved.

23 NOTICES OF MOTION

Consideration was given to the following Notices of Motion:-

Modern Slavery

Proposed by Cllr S Corcoran and seconded by Cllr A Harewood

This Council notes:-

- Though slavery was abolished in the UK in 1833, there are more slaves today than ever before in human history. Figures from the International Labour Organisation (ILO) suggest that there are more than 40 million people in modern slavery across the world, with nearly 25 million held in forced labour.
- There were 3805 victims of modern slavery identified in the UK in 2016. A rising number but still well below the 10,000 and 13,000 potential victims estimated by the Home Office.
- Modern Slavery is happening nationwide. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment. This can include sexual and criminal exploitation.

This Council believes

- That action needs to be taken to raise awareness of modern slavery and the fact that it is happening all over the UK.

- That the current support for victims is not sufficient and needs to go beyond the 45 days they are currently given by the government.
- That councils have an important role to play in ensuring their contracts and supplies don't contribute to modern day slavery and exploitation.

This Council resolves

To adopt the Co-operative Party's Charter against Modern Slavery to ensure our procurement practices don't support slavery.

Background information:

[Modern slavery briefing](#)

RESOLVED

That the motion be referred to Cabinet.

2. Single Use Plastics

Proposed by Councillor R Bailey and seconded by Councillor H Davenport

We know how harmful single use plastics are to the environment, indeed in 2017 the NFWI called on the Government and industry to research and develop innovative solutions to stop the accumulation of micro plastic fibres in our oceans.

We urge full council endorsement of this campaign and in so doing seek to eliminate all single use plastic within CEC managed buildings and facilities by 2020 and seek to encourage the elimination of single use plastic within its supply chain by 2025.

RESOLVED

That motion be referred to Cabinet.

24 QUESTIONS

1. Cllr G Baxendale asked the Cabinet Member for Corporate Policy to join him in thanking the officers and Members involved in enabling the Cheshire East Reflects programme over the past four years. Cllr Findlow, Corporate Policy and Legal Services Portfolio Holder, responded.
2. Cllr N Mannion referred to questions that he had submitted previously concerning hydrolic fracking and stated that he had

received a holding response, but that there was still no settled policy on this issue. He referred to the Government proposals to remove mineral planning powers from Local Authorities and asked the Leader of the Council to write to local MPs and the relevant Minister to ask that the powers not be removed. The Leader of the Council responded briefly and undertook to provide a written response, or to submit a report to Cabinet.

3. Cllr S Gardiner asked the Leader to provide assurance that any definition of anti-semitism used by the Council would be that accepted nationally and not any diluted version. The Leader of the Council responded briefly and undertook that Cabinet would consider the matter.
4. Cllr A Moran referred to a recent meeting of the Constitution Committee, where two items regarding an all party working group relating to an alternative committee system and regarding chairmanships and vice-chairmanships being offered to opposition parties, were voted down and he asked whether the Council was Member-led or Whip-led. Cllr A Martin, Chairman of the Constitution Committee, responded.
5. Cllr G Baggott asked why the public car parks in Macclesfield town centre were being resurfaced to the detriment of pot holes in the town centre. The Leader of the Council responded.
6. Cllr C Andrew referred to regeneration and asked what assurance he and the residents of Macclesfield could be given that the decision of ASK to withdraw from the proposed town centre development would not have a damaging effect on the town centre and what sort of alternative scheme could be expected from the Council for the regeneration of the town. The Leader of the Council responded.
7. Cllr P Groves referred to the Connected Community Centres and stated that, in Nantwich, there had been two very useful meetings with the relevant officers regarding potentially expanding the programmes to utilise programmes in Nantwich and Stapeley. He asked whether the delivery of the centres was on schedule and how this was progressing. Cllr J Clowes, Adult Social Care and Integration Portfolio Holder, responded.
8. Cllr M Deakin referred to the Cemetery Strategy report, considered by Cabinet, where it had been agreed that the Council would meet with Alsager Town Council and residents. He asked that, given the limited number of burial spaces in Alsager and the continuing demand for plots, when would the pledged meeting take place. The Leader of the Council responded briefly, with assistance from Cllr D Marren, Chair of Orbitas Bereavement Services, and undertook to provide a written response.

9. Cllr Menlove referred to limited parking capacity in Wilmslow, leading to commuters parking in residential areas. He stated that Wilmslow was due a full parking review and asked to be assured that the funding was available to carry this out, to commence in the second half of this September, with a report on the findings in October. Cllr P Bates, Finance and Communication Portfolio Holder, responded.
10. Cllr D Brown referred to a recent meeting of the Health and Wellbeing Board, where Congleton Councillors and the Leader of the Council had attended to address the Committee concerning rumours relating to Congleton War memorial hospital facilities. He asked for an assurance that proper public consultation and debate would take place before any final decision was made. Cllr Gardiner, Chairman of the Health and Adult Social Care and Communities Overview and Scrutiny Committee, responded.
11. Cllr S Corcoran referred to the Council's Investigation and Disciplinary Committee(IDC) and asked, now the allegations concerning two senior officers of the Council had been dealt with, had the IDC seen any evidence that might implicate any elected Member, which might warrant further investigation. Cllr M Simon, Acting Chairman of the IDC, responded.
12. Cllr J Rhodes asked what measures the Council intended to take to ensure that there would be an officer to deal with the granting of licenses for annual town fairs and circuses that used Cheshire East land. The Leader of the Council undertook to discuss this with Cllr Arnold, Housing, Planning and Regeneration Portfolio Holder, and undertook to provide a written response.
13. Cllr A Harewood asked what cost there had been to the Council in respect of the failed Macclesfield regeneration scheme. The Leader of the Council responded briefly and undertook to provide a written response.
14. Cllr R Fletcher asked for an update as to whether funding had been found for a crossing from the Coppice estate to the Cranberry Academy in Alsager. The Leader of the Council and Cllr J Saunders, Children and Families Portfolio Holder, responded briefly and undertook to provide a written response.
15. Cllr B Roberts referred to two basket ball teams that had been formed in Crewe and had joined a league. A tournament, with visiting teams, was due to take place on 5 August and the team was struggling to access a basket ball court to play on, although there were suitable facilities at schools and colleges in Crewe and at the MMU. He asked whether the Leader of the Council could assist with this. The Leader of the Council responded.

16. Cllr S Brookfield asked for assurances that the Crewe Town Centre scheme would progress. The Leader of the Council responded.
17. Cllr G Merry welcomed the results relating to the outstanding schools in the area and asked the Portfolio Holder to elucidate on the Key Stage 2 results. Cllr J Saunders, Children and Families Portfolio Holder, responded.
18. On behalf of Cllr L Jeuda, Cllr M Grant asked whether the Leader of the Council would agree that the tone of the press release relating to a recent tribunal result was inappropriate. Cllr Findlow, Corporate Policy and Legal Services Portfolio Holder, responded.
19. Cllr D Flude referred to a question that she had previously asked at the Children and Families Overview and Scrutiny Committee. She asked for reassurance that all the legislation required to provide for Children with autism had been accepted by the Council. Cllr J Saunders, Children and Families Portfolio Holder, responded and undertook to provide a written response, once the Action Plan for Autism has been published and shared for scrutiny. (Cllr Flude also asked for a copy of the response sent to her previously by Cllr Clowes regarding a question that she had asked at the 22 February Council meeting, relating to double charging when people died in residential care. – Cllr J Clowes, Adult Social Care and Integration Portfolio Holder, undertook to provide this again).

The meeting commenced at and concluded at 4.15 pm

Councillor L Smetham (Chairman)
CHAIRMAN

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Working for a brighter future together

Cabinet

Date of Meeting: 09 October 2018

Report Title: Mid-Year Review of Performance 2018/19

Portfolio Holder: Cllr Paul Bates - Finance and Communication
Cllr Paul Findlow - Corporate Policy and Legal Services

Senior Officer: Alex Thompson, Deputy Section 151 Officer.

Report Summary

- 1.1. This report outlines how the Council is managing resources to provide value for money services during the 2018/19 financial year. The report highlights financial and non-financial pressures (and performance) and provides an overview of progress towards achievement of the priority outcomes set out in the Corporate Plan 2018 to 2021.
- 1.2. Local Authority budgets across the UK are being managed against a backdrop of continuing reductions in government funding in 2018/19 as well as inflation rises and increasing demand for services. However, the safeguarding and environmental duties of the Council must still be delivered within the relevant statutory parameters and the associated inspection frameworks. In this environment the ability to deliver financial savings whilst maintaining service standards across the Council is extremely challenging.
- 1.3. At the mid year position the Council's forecast overspend is estimated at £5.3m compared to the 2018/19 Budget. This is mainly due to pressures in the People Directorate and delays associated with achieving some of the efficiency savings included within service budgets.
- 1.4. Mitigating actions will include ongoing work to review the level of spending on key contracts, as well as action to prevent debt levels increasing further and a review of trends in the payment of benefits. Pricing reviews will also be considered where costs are not being recovered to an appropriate level. A number of service areas are reporting vacancies, so extending vacancy periods will also be considered where this does not have a serious impact on staff or on service levels to vulnerable clients.

- 1.5. Against this challenging financial backdrop it is pleasing to note that the Council has continued to perform strongly, delivering positive outcomes in each of the six priority areas identified by the Corporate Plan.
- 1.6. At mid year, a few examples of good performance were:
- Figures for the value of the visitor economy hit new records at £921m
 - Cheshire East once again achieved success with Key Stage, GCSE and A-Level results
 - 95% of major and 90% of non-major planning applications were determined within timescales
 - Attendances at the Council's leisure facilities saw a 4% increase
 - 209 new affordable homes were provided in the first quarter
 - The Council's new vision, behaviours and employee deal were launched
- 1.7. Areas requiring further improvement also identified as:
- Delayed Transfers of Care (DTOC) – although figures continue to reduce, NHS England has recently published revised *Integration Better Care Fund Operating Guidance* for 2017-19, and within this document revised DTOC expectations. These new expectations, with regards to reducing Delayed Transfers of Care, are particularly stringent and the target date for achieving these reductions is September 2018. Whilst we are doing significant amounts of work with Leighton and Macclesfield and where possible with Wythenshawe and Stepping Hill, there are challenges ahead, especially when Cheshire East residents are admitted to hospitals out of the area.
 - There are challenges in meeting the demands for scheduled reviews of packages of care, with only 54% of those due receiving them and a significant number of individuals not having received a review in the last two years. The service have a robust action plan in place in order to address this.
 - There is a continued increase in numbers of cared for children – latest validated figures for the beginning of September were 496 but figures appear to be increasing. Fostering collaboration / edge of care services and changes to ways of working via signs of safety are mitigating factors.
 - The % of initial health assessments completed by paediatricians within 20 days had a 2017/18 outturn of 57% primarily bolstered by good performance in quarter four of 78%. In quarter one the performance was 65% and the dip compared to quarter four primarily relates to performance in June where a total of 24 were completed - 12 in timescale and 12 out of timescale.
 - The % of E-rated food safety premises receiving intervention activity stood at 4% at quarter one, and was below target due to a backlog of 752 overdue premises from previous years. E-rated premises are lower risk based on their food hygiene ratings, so the Council prioritises intervention activity at A-D rated (higher risk) premises. The % of food

safety A-D inspections completed against the annual programme stood at 89% at quarter one, with 246 completed out of 276.

- Following on from a harsh winter and the resultant increase in reported potholes, 368 new insurance claims were submitted in quarter one. Although this is a reduction from quarter four (483), it compares unfavourably to 130 claims submitted during the same period last year.
- Following on from the first year of implementation of the apprenticeship levy in 2017/18, the Council is working to improve the number of apprenticeships in place. At 2017/18 outturn there were 73 out of 84 in place within the Council excluding ASDVs and Schools; however, there were only 14 in place out of a target of 84 in Schools. So far there have been 49 new apprenticeship starts since April 2018.

1.8. Additional and supporting performance data will be reported for information to Scrutiny committees. The quarter one Place Scorecard will be received by the Environment and Regeneration Overview and Scrutiny Committee on 15 October 2018. The quarter one Children and Families Scorecard will be received by the Children and Families Overview and Scrutiny on 24 September 2018. The latest Adults and Public Health Scorecards will be received by the Health and Adult Social Care and Communities Overview and Scrutiny Committee on 11 October 2018.

1.9. The attached report, **Annex 1**, sets out details of how the Council is performing in 2018/19. It is structured into three sections:

Section 1 Summary of Council Performance - brings together the positive impact that service performance and financial performance have had on the six Council Outcomes during the year.

Section 2 Financial Stability - provides an update on the Council's overall financial position. It demonstrates how spending in 2018/19 has been funded, including the service budgets, grants, council tax & business rates, treasury management, centrally held budgets and reserves.

Section 3 Workforce Development - provides a summary of the key issues relating to the Council's workforce development plan.

2. Recommendations

That Cabinet:

- 2.1. note the contents of the report and each appendix.
- 2.2. delegate authority to the Section 151 Officer to approve an additional supplementary revenue estimate of £561,000, subject to the successful funding bid to Public Health England as detailed in paragraph 178 and **Appendix 11**.

- 2.3. recommend that Council approve fully funded supplementary capital estimates above £1,000,000 in accordance with Financial Procedure Rules as detailed in **(Appendix 8)**;

3. Reasons for Recommendations

- 3.1. The Council monitors in-year performance through a reporting cycle, which includes outturn reporting at year-end. Reports during the year reflect financial and operational performance and provide the opportunity for members to note, approve or recommend changes in line with the Council's Financial Procedure Rules.
- 3.2. The overall process for managing the Council's resources focuses on value for money and good governance and stewardship. Financial changes that become necessary during the year are properly authorised and this report sets out those areas where any further approvals are now required.
- 3.3. This report provides strong links between the Council's statutory reporting requirements and the in-year monitoring processes for financial and non-financial management of resources.

4. Other Options Considered

- 4.1. Not applicable

5. Background

- 5.1. Monitoring performance is essential to the achievement of outcomes within the Corporate Plan. This is especially important in evidencing the achievement of value for money across an organisation the size of Cheshire East Council. The Council is the third largest in the Northwest of England, responsible for over 500 services, supporting over 370,000 local people. Gross annual spending is over £740m, with a balanced net budget for 2018/19 of £269.5m.
- 5.2. The management structure of the Council is organised in to three directorates, People, Place and Corporate. The Council's reporting structure provides forecasts of a potential year-end outturn within each directorate during the year, as well as highlighting activity carried out in support of each outcome contained within the Corporate Plan.
- 5.3. At the mid year stage, action continues to ensure that the Council's reserves strategy remains effective following identification of a potential overspend of £5.3m (2.0%) against a net revenue budget of £269.5m. Forecast capital expenditure in the year is £137.1m.

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1. The legal implications surrounding the process of setting the 2018 to 2021 medium term financial strategy were dealt with in the reports relating to that process. The purpose of this paper is to provide a progress report at the mid year stage of 2018/19. That is done as a matter of prudential good practice, notwithstanding the abolition of centrally imposed reporting requirements under the former National Indicator Set.
- 6.1.2. The only other implications arising directly from this report relate to the internal processes of approving supplementary capital estimates and virements referred to above which are governed by the Finance Procedure Rules.
- 6.1.3. Legal implications that arise when activities funded from the budgets that this report deals with are undertaken, but those implications will be dealt within the individual reports to Members or Officer Decision Records that relate.

6.2. Finance Implications

- 6.2.1. The Council's financial resources are agreed by Council and aligned to the achievement of stated outcomes for local residents and communities. Monitoring and managing performance helps to ensure that resources are used effectively and that business planning and financial decision making are made in the right context.
- 6.2.2. Reserve levels are agreed, by Council, in February each year and are based on a risk assessment that considers the financial challenges facing the Council. The forecast overspend at mid-year is within the risk assessed level, but if it remains unresolved this could require Council to deliver future savings to replenish reserve balances.
- 6.2.3. As part of the process to produce this report, senior officers review expenditure and income across all services to support the development of mitigation plans that will return the outturn to a balanced position at year-end.

6.3. Policy Implications

- 6.3.1. This report is a backward look at Council activities at mid year and predicts the year end position.

6.4. Equality Implications

6.4.1. Any equality implications that arise from activities funded by the budgets that this report deals with will be dealt within the individual reports to Members or Officer Decision Records to which they relate.

6.5. Human Resources Implications

6.5.1. This report is a backward look at Council activities at mid year and states the forecast year end position. Any HR implications that arise from activities funded by the budgets that this report deals with will be dealt within the individual reports to Members or Officer Decision Records to which they relate.

6.6. Risk Management Implications

6.6.1. Performance and risk management are part of the management processes of the Authority. Risks are captured both in terms of the risk of underperforming and risks to the Council in not delivering its objectives for its residents, businesses, partners and other stakeholders. Risks identified in this report are used to inform the overall financial control risk contained in the Corporate Risk Register.

6.6.2. Financial risks are assessed and reported on a regular basis, and remedial action taken if and when required. Risks associated with the achievement of the 2018/19 budget and the level of general reserves were factored into the 2018/19 financial scenario, budget and reserves strategy.

6.7. Rural Communities Implications

6.7.1. The report provides details of service provision across the borough.

6.8. Implications for Children & Young People

6.8.1. The report provides details of service provision across the borough.

6.9. Public Health Implications

6.9.1. This report is a backward look at Council activities at mid year and provides the forecast year end position. Any public health implications that arise from activities funded by the budgets that this report deals with will be dealt within the individual reports to Members or Officer Decision Records to which they relate.

7. Ward Members Affected

7.1. All

8. Consultation & Engagement

- 8.1. As part of the budget setting process the Pre-Budget Report 2018/19 provided an opportunity for interested parties to review and comment on the Council's Budget proposals. The budget proposals described in the consultation document were Council wide proposals and that consultation was invited on the broad budget proposals. Where the implications of individual proposals were much wider for individuals affected by each proposal, further full and proper consultation was undertaken with people who would potentially be affected by individual budget proposals.

9. Access to Information

- 9.1. The following are links to key background documents:

[Budget Book 2018/19](#)

[Medium Term Financial Strategy 2018/21](#)

10. Contact Information

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

Name: Alex Thompson

Job Title: Deputy Section 151 Officer.

Email: alex.thompson@cheshireeast.gov.uk

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Appendix 8 Request for Supplementary Capital Estimates above £1,000,000 and Virements above £5,000,000

Service	Capital Scheme	Amount Requested £	Reason and Funding Source
Cabinet are asked to request Council to approve the Capital Virements and SCEs			
Supplementary Capital Estimates over £1,000,000			
Place - Infrastructure and Highways (inc Car Parking)	Highway Investment Programme	1,081,305	To increase the budget to include the full amount of the Pothole Action Fund received from the Department for Transport for 2018/19.
Place - Infrastructure and Highways (inc Car Parking)	Sustainable Travel (Active Travel)	1,600,000	To include in the capital programme a new LEP funded scheme for Sustainable Active Travel.
Total Supplementary Capital Estimates Requested		2,681,305	
Capital Budget Virements over £5,000,000			
Total Capital Budget Virements Requested		-	
Total Supplementary Capital Estimates and Virements		2,681,305	

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COUNCIL MEETING – 18TH OCTOBER 2018**PUBLIC RIGHTS OF WAY PUBLIC PATH ORDERS: CHANGE TO SCHEME OF DELEGATION****RECOMMENDATION**

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

Extract from the Minutes of the Constitution Committee meeting on 20th September 2018

15 PUBLIC RIGHTS OF WAY PUBLIC PATH ORDERS: CHANGE TO SCHEME OF DELEGATION

The Committee considered a proposed amendment to the scheme of delegation to provide that the determination of public path order applications that were not contested or contentious at the pre-order consultation stage could be undertaken by the Executive Director of Place in consultation with the Chairman and Vice-Chairman of the Public Rights of Way Committee. The proposed amendment had been recommended by the Public Rights of Way Committee at its meeting on 11th June 2018.

All Public Path Order cases were currently presented to the Public Rights of Way Committee for determination. This impacted on the speed with which cases were processed, legal orders made, advertised and confirmed, and costs recovered.

RESOLVED

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

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Constitution Committee

Date of Meeting: 20 September 2018

Report Title: Public Rights of Way Public Path Orders: Change to Scheme of Delegation

Senior Officer: Frank Jordan, Executive Director - Place

1. Report Summary

- 1.1. The report puts forward a proposal for a change to the Scheme of Delegation in order that the determination of non-contentious Public Path Order applications can be undertaken by the Executive Director – Place in consultation with the Chairman and Vice Chairman of the Public Rights of Way Committee.
- 1.2. The work of the Public Rights of Way (“PROW”) team contributes to the Corporate Plan Outcomes 4 “Cheshire East is a green and sustainable place” and 5 “People live well and for longer”, and the policies and objectives of the Council’s statutory Rights of Way Improvement Plan.

2. Recommendations

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

3. Reasons for Recommendations

- 3.1 Currently all Public Path Order cases are presented to the quarterly Public Rights of Way Committee for determination. The Committee cycle creates a concertina effect on cases awaiting determination and thus can have a negative impact on the speed with which cases can be processed, legal orders made, advertised and confirmed, and costs recovered.
- 3.2 It is therefore proposed to enable cases that are non-contentious at the pre-Order consultation stage to be determined by the Executive Director –

Place in consultation with the Public Rights of Way Committee Chairman and Vice-Chairman.

4. Other Options Considered

- 4.1. The delegations could remain unchanged, which will not generate the efficiencies associated with the suggested amendment. Alternatively, the Council could consider moving to a position where the determination of all orders were delegated to Officers (in consultation with the Chairman and Vice-Chairman) but were subject to a system of call-in, like planning applications, where members could choose which orders they wanted to determine themselves. The view is taken that this latter option would require more consideration before forming the basis of a recommendation.

5. Background

- 5.1 The Council has powers under the Highways Act 1980 to make Public Path Orders to create, extinguish or divert Public Rights of Way.
- 5.2 Prior to a Public Path Order being made by the Council, an informal consultation is conducted with statutory and local user groups in order to highlight any potential issues of a contentious nature. That way, the decision whether to make an order or not can be made on an informed basis.
- 5.3 The proposed changes will better equip the Council to deal with growing pressures in this area of work, and other tasks undertaken by Officers, by providing increased flexibility. It will also provide a greater ability to deal with the imposition of strict time limits for determining applications in both the areas of Public Path Order applications when the Deregulation Act 2015 is implemented. When implemented this Act will, amongst many other provisions, change the role of the Council with regards to Public Path Orders from a power to a duty, thereby providing landowners with a right to apply for such an order. Further, the provisions will enable an applicant to appeal to the Secretary of State should the Council have refused their application or not have determined their application within 4 months.
- 5.4 A brief report would be taken to each Public Rights of Way Committee meeting following the determination of any cases under the proposed delegated powers.
- 5.5 Any cases which had proven to be contentious at pre-order consultation stage would still be referred to the Public Rights of Way Committee for determination, as at present.

- 5.6 The proposed definition of ‘uncontested’ would be ‘any case in which correspondence received from consultees is of a neutral, or positive nature’. In contrast, the proposed definition of contested would be ‘any case in which correspondence received from consultees raises negative comments or objections’.

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1. There is no prohibition in law preventing the delegation of powers proposed. A change to the Scheme of Delegation and Committee terms of reference in the Constitution is required to enable the proposal to be implemented. That change would need to be authorised by full Council.

6.2. Finance Implications

- 6.2.1 There are no direct budgetary implications foreseen other than increased efficiencies in the processing of Public Path Order applications.

6.3. Policy Implications

- 6.3.1. There are no policy implications foreseen.

6.4. Equality Implications

- 6.4.1. There are no equality implications foreseen.

6.5. Human Resources Implications

- 6.5.1. There are no human resource implications foreseen.

6.6. Risk Management Implications

- 6.6.1. There are no risk management implications foreseen.

6.7. Rural Communities Implications

- 6.7.1. There are no direct implications for rural communities.

6.8. Implications for Children & Young People

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

6.9. Public Health Implications

- 6.9.1. There are no direct implications for public health.

7. Ward Members Affected

- 7.1. All Wards. No Ward Member engagement has been undertaken other than with those Members of the Public Rights of Way Committee.

8. Consultation & Engagement

- 8.1. The Public Rights of Way Committee considered the proposal on 11th June 2018. The Committee resolved that “the Constitution Committee be recommended to amend the scheme of delegation to allow the Executive Director – Place to determine, in consultation with the Chairman and Vice Chairman of the Public Rights of Way Committee, any Public Path Order applications that are not contested or contentious at the pre-Order consultation stage.”
- 8.2 Engagement with Public Rights of Way user groups has been undertaken through consultation with the attendees of the Rights of Way Consultative Group. A representative of North Cheshire Riders responded to say that the proposal “sounds a very sensible way forward”. The Open Spaces Society representative verbally reported that the Society had no issue with the proposal. Goostrey Footpaths Group commented that it had no objections to the proposal. Questions as to the definition of ‘uncontested’ were raised by other user groups (though no formal response was submitted); this has been considered as part of the report and is addressed in paragraph 5.5 above.
- 8.3 Under the proposal, statutory public consultation on each legal order made, would continue as required under the Public Path Orders Regulations 1993, regardless of which determination process was employed.

9. Access to Information

- 9.1. Not applicable.

10. Contact Information

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

Name: Genni Butler

Job Title: Acting Public Rights of Way Manager

Email: genni.butler@cheshireeast.gov.uk

COUNCIL MEETING – 18TH OCTOBER 2018**SHARED SERVICES JOINT COMMITTEE TERMS OF REFERENCE****RECOMMENDATION**

That the constitution be amended to include the revised terms of reference for the Shared Services Joint Committee as set out in Appendix A to the report.

Extract from the Minutes of the Constitution Committee meeting on 20th September 2018

16 SHARED SERVICES JOINT COMMITTEE TERMS OF REFERENCE

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

The revised terms of reference were set out in Appendix A to the report.

RESOLVED

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

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Constitution Committee

Date of Meeting: 20 September 2018

Report Title: Shared Services Joint Committee Terms of Reference

Senior Officer: Daniel Dickinson, Acting Director of Legal Services

1. Report Summary

- 1.1. The Constitution, in Chapter 2 - Part 5 – Functions of Committees, includes the Terms of Reference for the Shared Services Joint Committee. The Shared Services Joint Committee, at its meeting on 13 July 2018, approved and adopted revised Terms of Reference for the Joint Committee. An amendment to the Constitution is required to include the revised Terms of Reference for the Shared Services Joint Committee.

2. Recommendations

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

3. Reasons for Recommendations

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

4. Other Options Considered

- 4.1. Not applicable.

5. Background

- 5.1. The Shared Services Joint Committee, at its meeting on 13 July 2018, approved and adopted the revised Terms of Reference for the Joint Committee, as set out at Appendix A. These had been amended to reflect the change in the role of the Joint Committee.
- 5.2. The Shared Services Joint Committee was formed in 2009 as part of the overall governance arrangements between Cheshire East Council and

Cheshire West and Chester Council for services shared between the two Councils following the Local Government Review.

- 5.3. The two Councils now share eight shared services, whereas at its formation there were approximately sixty five services.
- 5.4. The work of the Joint Committee has altered from overseeing the sharing of services to contributing to development and shaping the change agenda where the two Councils could share services.
- 5.5. The Constitution in Chapter 2 - Part 5 – Functions of Committees, included the Terms of Reference for the Shared Services Joint Committee, as set out at Appendix B. As these had now been amended and come into effect, the Constitution requires amending to ensure that it is kept up to date.

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1. Section 37 of the Local Government Act 2000 and the guidance issued under it requires the Council to keep its Constitution up to date and regularly review it.
- 6.1.2. Amendments to the Terms of Reference of Committees require the approval of Full Council (Constitution Chapter 2 Part 3 – Paragraph 1.11).

6.2. Finance Implications

- 6.2.1. There are no specific Finance implications.

6.3. Policy Implications

- 6.3.1. There are no known Policy implications.

6.4. Equality Implications

- 6.4.1. There are no equality implications.

6.5. Human Resources Implications

- 6.5.1. There are no specific HR implications.

6.6. Risk Management Implications

- 6.6.1. There are no direct risk management implications.

6.7. Rural Communities Implications

- 6.7.1. There are no direct implications for rural communities.

6.8. Implications for Children & Young People

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

6.9. Public Health Implications

6.9.1. There are no direct implications for public health.

7. Ward Members Affected

7.1. None

8. Access to Information

8.1. Reports which set out the background are available publically:

[Item 35 Shared Services Joint Committee 16 April 2018](#)

[Item 41 Shared Services Joint Committee 18 May 2018](#)

[Item 10 Shared Services Joint Committee 13 July 2018](#)

9. Contact Information

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

Name: Rachel Graves

Job Title: Democratic Services Officer

Email: rachel.graves@cheshireeast.gov.uk

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REVISED**Shared Service Joint Committee****Terms of Reference**

1. The Joint Committee's role is to oversee the management of these services which are provided on a Cheshire wide basis on behalf of Cheshire West and Chester Borough Council and Cheshire East Borough Council, to ensure effective delivery of such services and to provide strategic direction.
2. The Joint Committee is specifically responsible for:
 - 2.1 Ensuring that service strategies and the resources and budgets required to deliver the service strategies are in place and overseeing the implementation of the service strategies.
 - 2.2 Ensuring that adequate risk management and audit processes are in place for each shared service.
 - 2.3 Overseeing changes and projects and changes to shared services.
 - 2.4 Report on the performance of the five service areas (Civil Contingencies and Emergency Planning, Farms Estate, Archaeology Planning Advisory and Cheshire Rural Touring Arts Network)
 - 2.5 Overseeing and developing ICT, TSC and Archives.
 - 2.6 Agreeing the basis for apportioning cost between the two councils and the amount to be apportioned.
 - 2.7 Resolving issues that have been referred to the joint Committee.
 - 2.8 Reviewing the Shared Services Outturn and Performance Report, which will take a back wards look and a forward look, on an annual basis and by exception as appropriate, and initiating additional or remedial action as appropriate.
 - 2.9 Agreeing business cases for proposed changes and overseeing the progress of the subsequent work.
 - 2.10 Ensuring that there are robust plans for any disaggregation of services and that there is a smooth transition into the separate arrangements.
3. The following matters are reserved to the councils:
 - 3.1 Approving the budget for the specified functions.
 - 3.2 The delivery of service business plans via client and service manager

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Shared Services Joint Committee**Terms of Reference**

- 1 The Joint Committee's role is to oversee the management of those services which are provided on a Cheshire wide basis on behalf of Cheshire West and Chester Borough Council and Cheshire East Borough Council, to ensure effective delivery of such services and to provide strategic direction.
- 2 The Joint Committee is specifically responsible for:
 - 2.1 Developing and agreeing the strategy for each of the services
 - 2.2 Agreeing the responsibilities of each Council to support the delivery of the approved Business Plan Service Delivery Statements and agreed strategy, including any specific responsibilities falling to the Discharging Council
 - 2.3 Ensuring that such responsibilities are clearly documented in a Business Plan (or similar)
 - 2.4 Ensuring that the services are provided within the policy and budget set by the Councils
 - 2.5 Ensuring the provision of adequate funds and other resources
 - 2.6 Approving the Business Plan and Service Delivery Statements for the Specified Functions, including targets for service quality, performance and efficiency
 - 2.7 Ensuring that there are robust plans for any disaggregation of services and that there is smooth transition to the separate arrangements
 - 2.8 Ensuring that the arrangements for the management of the Cheshire Shared Services enable each Council's statutory requirements to be met
 - 2.9 Ensuring that clear policies are in place and that these are complied with
 - 2.10 Agreeing the basis for apportioning cost between the two Councils and the amount to be apportioned
 - 2.11 Reviewing the performance of the services and initiating additional/remedial action where appropriate
 - 2.12 Approving business cases for proposed changes and overseeing the progress of the subsequent work
 - 2.13 Ensuring that effective risk management arrangements are in place, that the services are subject to adequate and independent audit and that any audit recommendations are acted upon
 - 2.14 Maintaining an up to date list of the respective Chief Officers and supporting them in the performance of their duties
 - 2.15 Resolving issues that have been referred to the Joint Committee by Chief Officers
 - 2.16 Providing an Annual Report to each of the two Councils.

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Council

Date of Meeting: 18 October 2018

Report Title: Proposed Changes to Grant Application Process

Senior Officer: Acting Director of Legal Services, Dan Dickinson

1. Report Summary

- 1.1. Changes to the constitution are proposed by the Monitoring Officer to implement a recommendation from Constitution Committee on 20 September 2018 in relation to the process surrounding grant funding applications. The amendment will enable the Council to maximise the number of grant applications made in an efficient process.

2. Recommendations

- 2.1 That Paragraph 6.26 of the Financial Procedure Rules be replaced with the following:-
- 6.26 Chief Officers are authorised, as set out in the Officer Scheme of Delegations, to submit applications for grant funding that align with Council priorities and initiatives in consultation with the relevant Portfolio Holder. In the event that an application is successful, the decision making process for approval of the application, including acceptance of any conditions, will follow that set out at paragraphs 2.40 and 2.45 below.
- 2.2 That the Chief Officer Scheme of Delegations be amended to reflect an additional delegation to all chief officers as follows:-
- To submit applications for grant funding that align with the Council budget and policy framework, in consultation with the relevant portfolio holder.
- 2.3 That an additional delegation is included in the Officer Scheme of Delegations for the s151 Officer as follows:-

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

3. Reasons for Recommendations

- 3.1. Grant Funding opportunities often arise with little or no notice, when an external body finds itself in a position to make funding available to address a current perceived need. Where those opportunities align with Council priorities and initiatives, the Council needs to be positioned to move quickly to take advantage of such opportunities. Currently, the Constitution requires officers to seek Member approval prior to submitting bids for grant funding. The requirement to seek Member approval prior to submitting a bid can constrain the Council's ability to prepare and submit a bid on time, given the tight timescales that usually apply between notification of a bid opportunity, and the deadline for submitting bids. That constraint is most acute where bids are to be submitted for sums in excess of £500,000 and £1,000,000 (amounts likely to generate the most significant benefits for the Council and its service users) because officers are currently required to seek authority from Cabinet and Council to progress the application and are therefore constrained by the meeting schedule.
- 3.2. Receiving grant funding will usually enable a Service to spend the grant on activities or expenditure not provided for within existing budgets. To ensure that the expenditure is accurately reflected in the budget and appropriately authorised, the Financial Procedure Rules require a supplementary revenue or capital estimate to reflect the income and expenditure proposals in the relevant budget.
- 3.3. Altering the constitution so that member approval is only required to accept a funding offer more readily enables bid process timescales to be met. The requirement to consult with the portfolio holder before submitting a bid does not impact on timescales and offers adequate Member oversight in terms of selecting which bidding opportunities to take. Furthermore, there are often conditions attached to bid offers, which often are not crystallised until the point in time when a bid has been successful and a funding offer is received by the Council. Members will therefore be able to make a more informed decision on all relevant information by being involved once the funding offer is received.
- 3.4. Alteration of the Officer Scheme of Delegation is required if the proposal to move member approval from the bid stage to the offer stage is adopted.

The absence of that delegation would render redundant a change to the timing of the member approval requirement in the bidding process set out above.

- 3.5. The parameters of the delegation sought in terms of supplementary estimates, in relation to the requirement that they are fully funded, ring fenced and undertaken in consultation with the portfolio holders, is considered to offer ample safeguards in governance terms.

4. Other Options Considered

- 4.1. Consideration was given to leaving the constitution as drafted, however this would mean that the Council's opportunities to benefit from external funding would be limited.
- 4.2. No alternative suggestions as to the management of grant funding bids had been identified.

5. Background

- 5.1. The Council undertook a fundamental review of its constitution in 2017, at its meeting on 14 December 2017, accepted the recommendations of the Constitution Committee, with the current constitution coming in to effect from 1 January 2018. Notwithstanding the care by which that process was undertaken, it has been necessary to apply a number of amendments to the Constitution to ensure that it accurately reflects the operation of the Council.

6. Implications of the Recommendations

6.1 The constitution requires amendment to enable the Council to maximise the opportunities open to it through external grant funding. Failure to implement this amendment will result in opportunities to secure additional funding being missed, which would be detrimental to the borough.

6.2. Legal Implications

- 6.2.1. The adoption of the proposed amendments will ensure that the Council makes more informed decisions in relation to grant funding application bids and awards. The submission of a bid does not compel the Council to accept the bid and it is therefore appropriate that members should be involved at the point that the Council considers whether to accept the offer of grant.

6.3. Finance Implications

6.3.1. The proposed amendments will not impact materially upon the financial position of the authority, save to improve the prospect of it obtaining additional external grant funding.

6.4. Policy Implications

6.4.1. More of the Council's policy aims and objectives will be able to be fulfilled if additional grant funding can be secured.

6.5. Equality Implications

6.5.1. No Equality Impact Assessment has been completed in respect of this matter.

6.6. Human Resources Implications

6.6.1. None

6.7. Risk Management Implications

6.7.1. None

6.8. Rural Communities Implications

6.8.1. There are no direct implications for rural communities.

6.9. Implications for Children & Young People

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

6.10. Public Health Implications

6.10.1. There are no direct implications for public health.

7. Ward Members Affected

7.1. None.

8. Consultation & Engagement

8.1. The Monitoring Officer has consulted with the Chair of the Constitution Committee.

9. Access to Information

9.1. Meeting of Council – 14 December 2017

Meeting of Constitution Committee – 20 September 2018

10. Contact Information

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

Name: Clare Pattinson

Job Title: Legal Manager, Governance

Email: clare.pattinson@cheshireeast.gov.uk

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COUNCIL MEETING – 18TH OCTOBER 2018

PROPOSED CHANGES TO GRANT APPLICATION PROCESS

RECOMMENDATION

That the constitution be amended to provide that:

- (a) officers are, in consultation with the relevant portfolio holder, able to apply for external grant funding opportunities;**
- (b) the requirement for relevant member approval (in accordance with the financial thresholds currently set out in the constitution) be applied to a decision to accept grant funding offered, not to apply for it (as is currently the case); and**
- (c) the S151 Officer is empowered (in consultation with the relevant portfolio holder and the Portfolio Holder for Finance and Communication) to approve supplementary capital or revenue estimates, where those estimates are fully funded through the ring-fenced grant funding awarded, in order to enable the Council to accept awarded grant funding and apply it for the purposes for which it has been awarded.**

Extract from the Minutes of the Constitution Committee meeting on 20th September 2018

18 PROPOSED CHANGES TO GRANT APPLICATION PROCESS

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

RESOLVED

That

1. Council be recommended to approve amendments to the constitution to provide that:
 - (a) officers are, in consultation with the relevant portfolio holder, able to apply for external grant funding opportunities;

- (b) the requirement for relevant member approval (in accordance with the financial thresholds currently set out in the constitution) be applied to a decision to accept grant funding offered, not to apply for it (as is currently the case); and
 - (c) the S151 Officer is empowered (in consultation with the relevant portfolio holder and the Portfolio Holder for Finance and Communication) to approve supplementary capital or revenue estimates, where those estimates are fully funded through the ring-fenced grant funding awarded, in order to enable the Council to accept awarded grant funding and apply it for the purposes for which it has been awarded; and
2. the drafting to be proposed to Council in order to achieve the amendments set out in resolution 1 above be prepared by the Director of Legal Services in consultation with the Chairman of the Constitution Committee.

Constitution Committee

Date of Meeting: 20 September 2018

Report Title: Proposed Changes to Grant Application Process

Senior Officer: Daniel Dickinson, Acting Director of Legal Services

1. Report Summary

- 1.1. This report reports sets out a practical difficulty in relation to processes that apply, in the Constitution, when the Council wants to apply for external grant funding. The report proposes changes to those processes to remove that difficulty, without altering the appropriate degree of member oversight that currently applies to those processes.

2. Recommendations

2.1 That the Constitution Committee recommends to Full Council alterations to the Constitution so that:-

- a) officers are, in consultation with the relevant portfolio holder, able to apply for external grant funding opportunities; and
- b) the requirement for relevant member approval (in accordance with the financial thresholds currently set out in the constitution) be applied to a decision to accept grant funding offered, not to apply for it (as is currently the case); and
- c) the S151 Officer is empowered (in consultation with the relevant portfolio holder and the Portfolio Holder – Finance and Communications) to approve supplementary capital or revenue estimates, where those estimates are fully funded through the ring-fenced grant funding awarded, in order to enable the Council to accept awarded grant funding and apply it for the purposes for which it has been awarded.

2.2 That drafting to be proposed to Council in order to achieve the amendments set out under paragraph 2.1 above be prepared by the Director of Legal Services in consultation with the Chairman of the Constitution Committee.

3. Reasons for Recommendations

- 3.1. The current processes that relate require officers to seek Member approval (and any associated supplementary capital or revenue estimates) prior to submitting a bid for grant funding. By the very nature of grant funding opportunities, there is often insufficient time available to proceed through the member approval routes (typically Cabinet/Council) and meet the timescales associated with a grant funding offer. The proposed changes would remove those time constraints whilst ensuring appropriate member oversight continues, in accordance with the controls already contained within the constitution.

4. Other Options Considered

- 4.1. There are no alternative options to consider if the identified issue is to be addressed.

5. Background

- 5.1. Grant Funding opportunities often arise with little or no notice, when an external body finds itself in a position to make funding available to address a current perceived need. Where those opportunities align with Council priorities and initiatives, the Council needs to be positioned to move quickly to take advantage of such opportunities.
- 5.2. Currently, the Constitution (paragraph 6.26 of the Financial Procedure Rules on page 234) requires officers to seek “appropriate” Member approval prior to submitting bids for grant funding. The Constitution is silent on what amounts to “appropriate” Member approval, so a prudent approach is to apply the thresholds set out in the financial procedural rules referred to below.
- 5.3. Receiving grant funding will usually put a Service in a position where it is seeking to spend that funding outwith activities or expenditure identified in existing approved budgets. In that scenario, the Financial Procedure Rules require a supplementary revenue or capital estimate (as the case may be) in order to reflect the income and expenditure proposals in the relevant budget.
- 5.4. In respect of Supplementary Revenue Estimates, Rules 2.39 and 2.40 apply (page 189 of the constitution) requiring, in the case of amounts over £500,000, Cabinet approval, and in the case of amounts over £1,000,000 Council approval on the recommendation of Cabinet. Rule 2.45 (page 191 of the constitution) applies the same threshold in respect of Supplementary Capital Estimates.

- 5.5. The requirement to seek “appropriate” Member approval prior to submitting a bid can constrain the Council’s ability to prepare and submit a bid on time, given the tight timescales that usually apply between notification of a bid opportunity, and the deadline for submitting bids. That constraint is most acute where bids are to be submitted for sums in excess of £500,000 and £1,000,000 (amounts likely to generate the most significant benefits for the Council and its service users) because officers currently have to plug into the Cabinet and Council reporting processes and timescales to get approval to make a bid, by which time the opportunity may well have passed.
- 5.6. Furthermore, there are often conditions attached to bid offers, which often are not crystallised until the point in time when a bid has been successful and a funding offer is made. Thus when seeking approval from Members to make a bid, officers are not always in a fully informed position in terms of being able to brief members on the conditions that apply to the funding opportunity in question.
- 5.7. Altering the constitution so that member approval is only required to accepting a bid more readily enables bid process timescales to be met. The requirement to consult with the portfolio holder before submitting a bid does not impact on timescales and offers adequate Member oversight in terms of selecting which bidding opportunities to take.
- 5.8. The commitment to grant funding and associate conditions does not arise at bid stage, but when a successful bid is accepted. Member approval, in accordance with the current thresholds, at that time is more appropriate in terms of the grant funding conditions being known, and in terms of facilitating compliance with bid process timescales, but maintains current levels of Member control over the actual commitment to accept a bid.
- 5.9. The delegation sought in terms of the administrative budgetary requirements that relate to supplementary estimates is also necessary if the Council is to be able to avail itself of this more fleet of foot approach. The absence of that delegation would render redundant a change to the timing of the member approval requirement in the bidding process set out above.
- 5.10. The parameters of the delegation sought in terms of supplementary estimates, in relation to the requirement that they are fully funded, ring fenced and undertaken in consultation with the portfolio holders, is considered to offer ample safeguards in governance terms.

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1. The legal implications of the recommendations are contained within the main body of this report.

6.2. Finance Implications

6.2.1. There financial implications in terms of the requirements of the Financial Procedure Rules are set out within the main body of this report.

6.3. Policy Implications

6.3.1. There are no direct policy implications.

6.4. Equality Implications

6.4.1. There are no direct equality implications, although grant funding opportunities typically arise to address inequalities. Being better able to respond to those opportunities can only impact positively on equality obligations.

6.5. Human Resources Implications

6.5.1. There are no direct human resources implications.

6.6. Risk Management Implications

6.6.1. There are considered to be ample controls in the proposed new approach to address any risks that might arise.

6.7. Rural Communities Implications

6.7.1. The position is much the same as with equality implications.

6.8. Implications for Children & Young People

6.8.1. The position is much the same as with equality implications.

6.9. Public Health Implications

6.9.1. The position is much the same as with equality implications

7. Ward Members Affected

7.1. The implications of the proposed changes are Borough-wide.

8. Consultation & Engagement

- 8.1. There are no specific requirements; however Cabinet members have been briefed on the proposal in light of the Cabinet's role under the financial procedure rules set out above.

9. Access to Information

- 9.1. There are no particular documents supporting this report. The constitution is available on the Council's website.

10. Contact Information

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

Name: Daniel Dickinson

Job Title: Acting Director of Legal Services

Email: daniel.dickinson@cheshireeast.gov.uk

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Council 18 October 2018

Extract from the minutes of the meeting of the Audit and Governance Committee held on 31 July 2018

25 AUDIT AND GOVERNANCE COMMITTEE ANNUAL REPORT 2017/18

The Committee considered the draft version of the Annual Report of the Audit and Governance Committee 2017/18.

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

Members sought clarification on the staffing levels and restructure of Internal Audit and appointment of a Chief Internal Auditor, and on the Air Quality Internal Audit work.

RESOLVED:

That, subject to the typing errors being corrected, the Annual Report of the Audit and Governance Committee 2017/18 be approved for consideration by Council at its meeting on 18 October 2018.

(Note – The above corrections have been made to the Annual Report attached to the Council agenda).

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Audit & Governance Committee

Date of Meeting: 31 July 2018

Report Title: Audit and Governance Committee Annual Report 2017/18

Senior Officer: Kath O'Dwyer, Acting Chief Executive.

1. Report Summary

- 1.1. The purpose of this report is for the Committee to consider the draft version of the Annual Report of the Audit and Governance Committee 2017/18 and agree the final version of the report that will go to Council on 18th October 2018.
- 1.2. Producing an annual report on the work of the Committee ensures compliance with best practice requirements and provides assurance to wider stakeholders on the continuing improvements of the Council's governance arrangements.

2. Recommendation

- 2.1. That the Committee considers the draft report 2017/18 at Appendix A and agrees the final version which will be presented to Council later this year.

3. Reasons for Recommendation

- 3.1. To report in line with the requirements of the Council's Constitution and the Audit and Governance Committee's Terms of Reference, which require a report to full Council on a regular basis.
- 3.2. The report should cover the performance of the Committee in relation to its Terms of Reference, and the effectiveness of the Committee in meeting its purpose.

4. Other Options Considered

- 4.1. Not applicable.

5. Background

- 5.1. Current CIPFA guidance, *Audit Committees, Practical Guidance for Local Authorities and Police* (2013) states that audit committees should report regularly on their work and at least annually report an assessment of their performance. Aspects to consider include:
- whether the committee has fulfilled its agreed terms of reference
 - whether the committee has adopted recommended practice
 - whether the development needs of committee members have been assessed and whether committee members are accessing briefing and training opportunities
 - whether the committee has assessed its own effectiveness or been the subject of a review and the conclusions and actions from that review
 - what impact the committee has on the improvement of governance, risk and control within the authority.
- 5.2. The requirement to submit an annual report is included within Cheshire East Council's Constitution.
- 5.3. The CIPFA guidance has recently been updated. An exercise to review the existing Terms of Reference against the new guidance will be undertaken and reported back to the Committee later in the year.

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1. The Council's Constitution gives responsibility to the Audit and Governance Committee for overseeing the Council's roles and responsibilities in respect of Corporate Governance and Audit and specifically for submitting an annual report to Council. Production of the report ensures compliance with this requirement.

6.2. Finance Implications

- 6.2.1. The annual report of the Audit and Governance Committee outlines the assurances received by the Committee on the adequacy of the Council's governance arrangements, including the integrity of financial reporting processes.

6.3. Policy Implications

6.3.1. The production of the annual report and its presentation to Council ensures compliance with the CIPFA best practice guidance.

6.4. Equality Implications

6.4.1. There are no equality implications for this report.

6.5. Human Resources Implications

6.5.1. There are no direct human resource implications for this report.

6.6. Risk Management Implications

6.6.1. The annual report of the Audit and Governance Committee outlines the assurances received by the Committee on various aspects of the Council's governance arrangements, including the adequacy of the risk management framework.

6.7. Rural Communities Implications

6.7.1. There are no direct implications for rural communities.

6.8. Implications for Children & Young People

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

6.9. Public Health Implications

6.9.1. There are no direct implications for public health.

7. Ward Members Affected

7.1. The work of the Audit and Governance Committee is not restricted geographically therefore all ward members are affected.

8. Access to Information

8.1. The draft annual report of the Audit and Governance Committee 2017/18 is attached as Appendix A to this report.

9. Contact Information

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

Name: Josie Griffiths

Job Title: Principal Auditor

Email: josie.griffiths@cheshireeast.gov.uk

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Audit and Governance Committee

Annual Report 2017/18

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Foreword by the Chair of the Audit and Governance Committee

I have the honour to present this comprehensive detailed report on the work of the Audit and Governance Committee over the period 2017-2018.

There were a number of unplanned items which required the attention of the Internal Audit team and the Audit and Governance Committee during the period.

These have been dealt with as efficiently as possible, and the Committee has agreed a comprehensive work programme for the 2018/19 year.

Our Terms of Reference will be reviewed and updated as necessary following the publication of new CIPFA guidance.

I am pleased to note that the difficulties around staffing levels within Internal Audit are being worked through, and look forward to the implementation of the new structure supporting continued developments and improvements in the Council's governance.

The Committee has covered a broad range of work over the year, and what I find refreshing is the open and transparent way that issues are discussed and reported.

I would like to thank all those who have attended and contributed to the Committee over the year, especially the officers involved in preparing the various reports and presentations the Committee has received.

I am pleased and proud to chair this Committee and will continue to represent all the residents of the Borough in the way in which we do.



Councillor Gordon Baxendale
Chair of the Audit and Governance Committee

July 2018

1. Introduction to the Audit and Governance Committee

Governance is defined in the “Delivering Good Governance in Local Government: Framework” (CIPFA/SOLACE 2016) as follows:

Governance comprises the arrangements put in place to ensure that the intended outcomes for stakeholders are defined and achieved.

To deliver good governance in the public sector, both governing bodies and individuals working for public sector entities must try to achieve their entity’s objectives while acting in the public interest at all times.

Audit Committees are therefore an essential element of good governance. Good corporate governance requires independent, effective assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes.

These functions are best delivered by an Audit Committee independent from the executive and scrutiny functions.

Effective Audit Committees help raise the profile of internal control, risk management and financial reporting issues within an organisation, as well as providing a forum for the discussion of issues raised by internal and external auditors. They enhance public trust and confidence in the financial governance of an authority.

2. Audit and Governance Committee - Statement of Purpose

- The Audit and Governance Committee is a key component of the Council’s corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards;
- It provides an independent assurance to the Council of the adequacy of the risk management framework and the internal control environment;
- It provides independent review of the Council’s governance, risk management and control frameworks and oversees the financial reporting and annual governance processes;
- It oversees Internal Audit and External Audit, helping to ensure efficient and effective assurance arrangements are in place;

- It promotes high standards of ethical behaviour by developing, maintaining and monitoring performance and Codes of Conduct for Members of the Council (including co-opted Members and other persons acting in a similar capacity).

The Audit & Governance Committee has delegated responsibilities from Council. This report provides details of how the Committee has discharged those responsibilities and delivered against its [Terms of Reference](#).

Meetings of the Audit & Governance Committee were held on the following dates in the 2017/18 municipal year:

- 28th September 2017
- 7th December 2017
- 15th March 2018
- 31st May 2018
- 31st July 2018

The July 2018 meeting is referenced in this report as the final review and approval of the relevant 2017/18 outputs (such as the Statement of Accounts) which were presented and considered by the Committee on this date.

More information on Audit & Governance Committee Meetings, including agendas, minutes and attendance details can be found [here](#).

3. Governance, Risk and Control within Cheshire East Council

Reports have been received by the Audit and Governance Committee in the following areas, providing assurance and updates on the Council's governance, risk and control framework over the past year:

Internal Audit

Meeting	Reports received
1 st June 2017	Internal Audit Annual Report 2016/17
28 th September 2017	Update on Air Quality Data Internal Audit Report
	Update report on the Review of the Effectiveness of Internal Audit and Compliance with the Public Sector Internal Audit Standards
7 th December 2017	Internal Audit Interim Report 2017/18
	Internal Audit Charter
15 th March 2018	Internal Audit Interim Report
	Internal Audit Plan 2018/19
31 st May 2018	Internal Audit Annual Report 2017/18

External Audit

Meeting:	Reports received:
1 st June 2017	External Audit Progress and Update Report
28 th September 2017	Grant Thornton – Audit Findings and Actions Plan Report 2016/17
7 th December 2017	Grant Thornton- Annual Audit Letter 2016/17
	Certification Report 2016/17 (Housing Benefit Subsidy Claim)
15 th March 2018	External Audit Plan 2016/17 - Update
	External Audit Plan 2017/18
	Arrangements for the Appointment of the External Auditors
31 st May 2018	External Audit Progress and Update Report
31 st July 2018	External Audit Findings Report 2017/18
	2017/18 Audit Findings and Action Plan (Management Response)

Risk Management

Meeting:	Reports received:
1 st June 2017	Risk Management Update Report
7 th December 2017	Risk Management Update Report
15 th March 2018	Risk Management Update Report
31 st May 2018	Annual Risk Management Update

31 st July 2018	Risk Management Update Report
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Corporate Governance & Annual Governance Statement (AGS)

Meeting:	Reports received:
1 st June 2017	Draft Annual Governance Statement 2016/17
28 th September 2017	Annual Governance Statement 2016/17
7 th December 2017	Annual Governance Statement Progress Update
31 st May 2018	Draft Annual Governance Statement 2017/18
31 st July 2018	Annual Governance Statement 2017/18

Accounts, Financial Statements & Treasury Management

Meeting:	Reports received:
1 st June 2017	Draft Pre-Audit Statement of Accounts 2016/17
28 th September 2017	2016/17 Statement of Accounts
	Treasury Management Annual Report 2016/17
7 th December 2017	Draft Treasury Management Strategy and Minimum Revenue Provision Statement 2018/19
15 th March 2018	Capital, Treasury Management and Investment Strategies - Update
31 st May 2018	Draft Pre-Audit Statement of Accounts 2017/18
31 st July 2018	2017/18 Statement of Accounts

Whistleblowing & Anti-Fraud and Corruption

Meeting:	Reports received:
28 th September 2017	Whistleblowing Arrangements 2016/17
15 th March 2018	Update on the Council's Whistleblowing Arrangements and New Policy

Information Governance

Meeting:	Reports received:
15 th March 2018	Presentation on the readiness of the Council to meet the requirements of the General Data Protection Regulations (GDPR)
31 st May 2018	Information Governance Update
31 st July 2018	Update on the Council's readiness for GDPR

Significant assurances the Committee has received during the year include:

- **2017/18 Internal Audit opinion**

“The Council’s framework of risk management, control and governance is assessed as Adequate for 2017/18” (May 2018);

- **2017/18 Financial Statements Opinion (External Audit)**

At the 31st July 2018 Committee meeting, the External Auditor gave the following opinion on the Council’s financial statements:

- They give a true and fair view of the financial position of the group and of the Council as at 31 March 2018 and of the group’s expenditure and income and the Council’s expenditure and income for the year then ended;
- They have been prepared properly in accordance with the CIPFA/LASAAC code of practice on local authority accounting in the United Kingdom 2017/18;
- They have been prepared in accordance with the requirements of the Local Audit and Accountability Act 2014.

- **2017/18 Value for Money (VFM) Conclusion (External Audit)**

At the 31 July 2018 Committee meeting, the External Auditor confirmed that their review of the Council’s arrangements for securing economy, efficiency and effectiveness in its use of resources highlighted a number of issues which will give rise to a qualified opinion:

- The Council has operated throughout the year of audit with interim senior management arrangements in place as a result of ongoing disciplinary proceedings involving senior officers;
- Investigations by the Council’s Internal Audit team have provided evidence of a number of historic weaknesses in the Council’s arrangements for implementing and sustaining sufficient and appropriate governance processes throughout the organisation;
- These matters are evidence of weaknesses in proper arrangements for acting in the public interest, through demonstrating and applying the principles and values of sound governance.

- **Audit Certificate for 2017/18 (External Audit)**

At the 31 July 2018 meeting the External Auditor confirmed that they cannot formally conclude the audit and issue an audit certificate in accordance with the requirements of the Local Audit and Accountability Act 2014 and the Code of Audit Practice until they have completed:

- The work necessary to issue the Whole of Government Accounts (WGA) Component Assurance Statement for the Authority for the year ended 31 March 2018;
- Their consideration of matters brought to their attention. (However, they are satisfied that these matters do not have a material effect on the financial statements or on their conclusion on the Authority’s

arrangements for securing economy, efficiency and effectiveness in its use of resources for the year ended 31 March 2018).

Note: This report has been updated to include further details on the above following the Audit & Governance meeting held on 31st July 2018, prior to the report being submitted to Council on 18th October 2018. A further update on the 2017/18 external audit was provided to the Committee on 27th September 2018.

4. Effectiveness of the Committee

The Committee regularly undertakes a formal review of its own effectiveness. The 2017/18 self-assessment was carried out with the Chair and Vice Chair against the CIPFA guidance “Audit Committees – Practical Guidance for Local Authorities and Police 2013” and the results reported to the Committee in May 2018.

The Committee self-assessed as compliant or partially compliant against all areas. Actions to ensure the Committee becomes fully compliant are in place, with some already implemented. In receiving the report in May 2018, the Committee noted the self-assessment and agreed that a further report on the progress of the actions be considered at a future meeting of the Committee.

The Committee’s 2018/19 Work Plan was developed in line with the Committee’s existing Terms of Reference to ensure it continued to work effectively and fulfil its purpose.

CIPFA recently released updated guidance for Audit Committees: “Audit Committees – Practical Guidance for Local Authorities and Police 2018 Edition”. The Committee’s Terms of Reference will be reviewed against the new guidance at the earliest opportunity during 2018/19 to ensure it is fully compliant.

5. Additional Assurance

It was agreed at the December 2015 meeting that future annual reports of the Committee be expanded to include greater details on any areas of additional work requested by the Committee to provide it with additional assurances, and that it also include analyses of its effectiveness.

Additional assurance work requested by the Committee has been provided around emerging issues including:

Whistleblowing Arrangements

The Committee is responsible for overseeing the Council's whistleblowing arrangements and reviewing their effectiveness. In June 2017, the Committee received an update report on the effectiveness of the Whistleblowing Policy, which included a breakdown of the 13 reports received during 2016/17.

During 2017/18, Cheshire East Council appointed Public Concern at Work (PCaW) to deliver additional whistleblowing support to undertake a review of the current arrangements. In March 2018, the Committee received a report on the outcome of the PCaW review along with details of recommended actions and improvements and was asked to consider a proposed Whistleblowing Policy.

Ombudsman Complaints and Lessons Learnt

In May 2018, the Committee received a report on the Customer Feedback - complaints, compliments and referrals to the Local Government Ombudsman (LGO) for 2017/18.

The report included details of the complaints and enquiries received by the LGO in the period 1 April 2017 to 31 January 2018. Members were informed that during 2017/18, the LGO issued decision notices on 89 cases relating to Cheshire East. Of the 89 cases, 45 were closed after the initial enquiry, 23 were upheld in the customer's favour and 21 were not upheld. Of the 23 upheld cases, it was considered that in 8 of these cases there was no injustice to the complainant.

Update on Air Quality Data Internal Audit Report

In September 2017, the Committee received a report detailing the management actions agreed following the issue of the Air Quality Internal Audit Report. It was agreed Internal Audit would update the Committee on the progress in implementing the agreed actions. As such, a follow-up review was carried out by Internal Audit, with verbal updates provided at the December 2017 and March 2018 meetings and the outcome of the review was subsequently included in the May 2018 Internal Audit 2017/18 Annual Report. The issue was also recognised in the 2016/17 Annual Governance Statement, but was subsequently removed following the progress update provided at the December 2017 Audit and Governance Committee which recognised that substantial progress had been made in implementing the required actions.

In receiving the updates, the Committee is complying with its Terms of Reference in considering reports on the effectiveness of internal controls and requesting summaries of specific Internal Audit reports.

Reporting of all WARNS's (Waiver and Record of Non-adherence)

The Audit and Governance Committee has a key role in overseeing governance arrangements and has a requirement to review all approved WARNS. The WARN process forms part of the Contract Procedure Rules (CPR's) which are intended to promote good procurement and commissioning practice, transparency and clear public accountability.

Since June 2016 onwards, summary information on the number and reasons for WARN's has been provided to the Committee as a standard Part 1 agenda item. The detailed WARN information is considered as a Part 2 agenda item, following exclusion of press and public from the meeting. This is 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 Paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

Review of the Effectiveness of Internal Audit and Compliance with the Public Sector Internal Audit Standards (PSIAS)

In September 2017, the Committee received an update report on the Independent Public Sector Internal Audit Standards (PSIAS) external assessment which subsequently took place in January 2018. The findings of the assessment, which will be supported by an action plan, are currently progressing through the agreed drafting and moderation process and will be reported to the next meeting of the Committee following their release.

Compliance with the Freedom of Information Act (2000), Environmental Information Regulations (2004) and the Data Protection Act 1998

In May 2018, the Committee received a report on the volumes and trends in the number of requests received under the above legislation. The report included details on the number of requests received, outcomes and number of complaints to the Information Commissioner's Office (ICO) during 2017/18.

Compliance with the Regulation of Investigatory Powers Act 2000 (RIPA)

In May 2018, the Committee received an update report on how the Council has complied with RIPA legislation during 2017/18 and the number of RIPA applications which have been authorised during the period.

Information Governance

In May 2018, the Committee received an update report on the key achievements of the Information Assurance and Data Management (IADM) Team in relation to Information Governance (IG) and preparations for the introduction of the General Data Protection Regulation (GDPR), which came into force on 25th May 2018.

As part of the Work Plan for 2018/19, the Committee has requested that GDPR be a standing agenda item for future meetings.

Member's Code of Conduct

The Committee received update reports in both September 2017 and March 2018 relating to the Member's Code of Conduct. The reports set out the number of complaints received during the period which had been or were due to be considered by the Acting Director of Legal Service (in their capacity as the Authority's Monitoring Officer).

6. Members of the Committee

Members of the Committee during 2017/18 are set out in **Appendix 2**.

The Audit and Governance Committee has been supported by Officers providing reports in accordance with the Committee's work programme and at the request of the Committee.

The Committee has routinely been attended by the Interim Executive Director of Corporate Services, Acting Chief Executive, Acting Director of Legal Services & Interim Monitoring Officer, the Head of Finance and Performance and the Executive Director of Place. The Corporate Manager - Governance & Audit left the Authority in February 2017 and, as such, the Principal Auditors are still in acting up arrangements to provide support and guidance to the Committee as would be provided by the Head of Internal Audit role.

7. Statutory Requirements, New Guidance and Recommended Practice

During the year, the Committee has carried out a number of statutory requirements such as approving the Financial Statements and the Annual

Governance Statement. It has also ensured that it is up to date in adopting new guidance and/or recommended practice, including:

- Approving updates to the Internal Audit Charter, to ensure compliance with the Public Sector Internal Audit Standards (PSIAS);
- Undertaking a self-assessment of the Committee, based on CIPFA guidance.

The annual review of the Committee's Terms of Reference will be carried out later in 2018/19 following the recent release of CIPFA's Audit Committees – Practical Guidance for Local Authorities and Police 2018 Edition. Committee Members have received a copy of the updated CIPFA Audit Committees guidance.

8. Training and Development

The following training was carried out during the year:

- Induction for new and deputising Members of the Committee;
- Annual Governance Statement & Role of the Audit Committee;
- Risk Management;
- Approving the Financial Statements.

In addition, Members have access to copies of the CIPFA Better Governance Forum: *Audit Committee Update* featuring a round-up of legislation, reports and developments of interest to Audit & Governance Committee Members.

During 2017/18, a self-assessment of the Committee's skills has been carried out to identify any training and development needs. As a result, the decision was taken for the Member/Officer Working Groups to also be reviewed following the outcome of the skills assessment. This work will be concluded later in 2018/19.

9. Work Programme for 2018/19

The Committee has an agreed work programme for 2018/19, which includes the many annual statutory requirements (e.g. approval of the Statement of Accounts, approval of the AGS etc.) of the Committee and also those regular reports and assurances it receives on External Audit, Internal Audit, Risk Management, Treasury Management, Whistleblowing and other areas.

The forward-looking work programme ensures comprehensive coverage of the Committee's responsibilities, and in addition to this, the Committee will also:

- Continue to develop its proactive nature to facilitate actions by Officers to ensure that risks and assurances are identified as early as possible and remedial actions are taken in a timely fashion;
- Oversee any development required to comply with the requirements of the recently updated CIPFA Audit Committees guidance;
- Continue to review governance arrangements to ensure the Council adopts the latest best practice and moves towards becoming an open and transparent public organisation;
- Continue to support the work of Internal and External Audit and ensure that responses are given to their recommendations;
- Receive assurance on the implementation of the updated Public Sector Internal Audit Standards (PSIAS);
- Continue to help the Council to manage the risk of fraud and corruption;
- Continue to develop the review of risk and partnership issues and safeguarding of public sector assets;
- Equip existing and new Members to fulfil their responsibilities by providing more detailed and focused training on all key areas of responsibility, including financial arrangements and risk management, governance and audit planning;
- Monitor the progress of implementing the General Data Protection Regulations (GDPR) as a standing agenda item;
- Review the classes of interests to be declared by Members of the Committee and update the Code of Conduct accordingly.

How the Audit and Governance Committee's Terms of Reference were met during 2017/18:

Terms of Reference of Committee	Relevant activity in 2017/18
Annual Report	
To report to full Council on a regular basis on the Committee's performance in relation to the Terms of Reference and the effectiveness of the Committee in meeting its purpose.	<p>The September 2017 Committee meeting reviewed the 2016/17 annual report, which was subsequently received and noted by Council in October 2017.</p> <p>The July 2018 Committee reviewed the 2017/18 annual report and it will be subsequently received and noted by Council later in 2018/19.</p>
Governance, Risk and Control	
To review the Council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.	<p>The Committee received and approved an update to the Code of Corporate Governance in December 2016, which was subsequently approved by Cabinet in January 2017.</p> <p>Following on from this, the 2016/17 Annual Governance Statement (AGS) was developed and approved and the same process followed for the production of the 17/18 AGS – see below.</p>
To review and approve the Annual Governance Statement and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control.	<p>An update on progress against the AGS 2016/17 Action Plan was received in December 2017 and the proposed process for the 2017/18 AGS was endorsed.</p> <p>The Committee received the draft 2017/18 AGS in May 2018 and the final version was approved at the July 2018 meeting.</p>
To monitor the effective development and operation of risk management in the Council.	The Committee received update reports on risk management in June 2017, December 2017, March 2018 and May 2018.

Terms of Reference of Committee	Relevant activity in 2017/18
To monitor progress in addressing risk related issues reported to the Committee and to review the assessment of fraud risks and potential harm to the Council from fraud and corruption. To monitor the Counter Fraud Strategy, actions and resources.	<p>The Committee monitors Anti-Fraud and Corruption arrangements on an ongoing basis.</p> <p>The Audit and Governance Committee Member/Officer sub-group for anti-fraud and corruption discusses and reviews arrangements and current issues as part of their work plan.</p>
To review and monitor the Council's Treasury Management arrangements in accordance with the CIPFA Treasury Management Code of Practice.	<p>The Treasury Management 2016/17 Annual Report was received in September 2017.</p> <p>The 2018/19 Treasury Management Strategy and Minimum Revenue Position (MRP) Statement was reviewed at the December 2017 meeting.</p> <p>The Treasury Management 2017/18 Annual Report will be received by the Committee later in 2018/19.</p>
Internal Audit	
To approve the Internal Audit Charter.	An updated Internal Audit Charter was approved at the December 2017 Committee meeting.
To approve the risk-based Internal Audit Plan, including Internal Audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.	<p>The Committee approved the Summary Internal Audit Plan 2017/18 in March 2017. The Committee monitored progress against the plan (December 2017 & March 2018).</p> <p>The Summary Internal Audit Plan 2018/19 was presented to the March 2018 Committee for approval.</p>
To receive reports outlining the action taken where the Head of Internal Audit has concluded that Management has accepted a level of risk that may be unacceptable to the Authority or there	Internal Audit interim reports against the 2017/18 plan were received in December 2017 and March 2018.







Terms of Reference of Committee	Relevant activity in 2017/18
are concerns about progress with the implementation of agreed actions. To consider summaries of specific Internal Audit reports as requested.	Internal Audit interim reports include a summary of Internal Audit work completed and the significant issues arising from individual assignments.
To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of Internal Audit that takes place at least once every five years.	<p>The Committee is updated in the Head of Internal Audit Annual Opinion Report on the progress made on assessment criteria required to comply with the Public Sector Internal Audit Standards (PSIAS).</p> <p>The Member/Officer sub group for audit covers the requirements in detail and the actions required, and feedback will now be presented to Committee.</p>
To consider the Head of Internal Audit's Annual Report.	<p>The 2016/17 Internal Audit Annual Report, including the Annual Audit Opinion was presented to the Committee in June 2017.</p> <p>The 2017/18 Internal Audit Annual Report was presented to the Committee in May 2018.</p>
To support the development of effective communication with the Head of Internal Audit.	<p>The Principal Auditors (in the absence of a Head of Internal Audit in post), meet on a regular basis with the Chair and Vice-Chair of the Committee.</p> <p>There are also regular meetings of Member/Officer groups which meet to discuss a variety of assurance issues in more detail. These meetings include the Head of Internal Audit opinion.</p>
External Audit	
To consider the External Auditor's Annual Letter, relevant reports, and the report to those charged with governance.	The 2016/17 Audit Findings Report and Action Plan were presented to Committee in September 2017 by the External Auditor.





Terms of Reference of Committee	Relevant activity in 2017/18
	<p>The 2016/17 Annual Audit Letter was issued in October 2017 and was reported to the December 2017 Committee meeting.</p> <p>The 2017/18 Audit Findings Report was presented to the July 2018 Committee meeting.</p>
To consider specific reports as agreed with the External Auditor.	The Committee received and considered the work of the External Auditor (all meetings during the year).
To comment on the scope and depth of External Audit work and to ensure it gives value for money.	The Audit and Governance Member/ Officer sub-group for audit reviews External Audit work throughout the year and assess the value that the Council receives from the work completed and reported.
To commission work from Internal and External Audit and to advise and recommend on the effectiveness of relationships between External and Internal Audit and other inspection agencies or relevant bodies.	<p>The Audit and Governance Committee and the Member/Officer sub-groups consider the work plan at all meetings and commission additional work where Members determine that additional assurance is required.</p> <p>The relationship between Internal and External Audit is reviewed at least annually together with any requirements to liaise with any other relevant agencies.</p>
Financial Reporting	
To review and approve the Annual Statement of Accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.	<p>The Statement of Accounts 2016/17 was approved at Committee in September 2017.</p> <p>The draft Pre-Audit Statement of Accounts 2017/18 was presented to the May 2018 Committee.</p>
To consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts.	The 2016/17 Audit Findings and Action Plan were presented to Committee in September 2017 by the External Auditor.

Terms of Reference of Committee	Relevant activity in 2017/18
	<p>The 2016/17 Annual Audit Letter was issued in October 2017 and reported to the December 2017 Committee meeting.</p> <p>The 2017/18 Audit Findings Report was presented to the July 2018 Committee meeting.</p>
Related Functions	
To approve and monitor Council policies relating to “whistleblowing” and anti-fraud and corruption.	<p>An update on the effectiveness of the Council’s current Whistleblowing Policy and a breakdown of the number of reports for 2016/17 were reported to the September 2017 Committee.</p> <p>In March 2018, the Committee received a report on the outcome of the external review of the Council’s whistleblowing arrangements and approved the proposed new Whistleblowing Policy.</p>
To seek assurance that customer complaint arrangements are robust.	<p>Annual Report of Customer Feedback – Complaints, Compliments and Referrals to the Local Government Ombudsman 2016/17 presented to Committee in September 2017.</p> <p>The Customer Feedback – Complaints, Compliments and Referrals to the Local Government Ombudsman 2017/18 Report was presented to the May 2018 Committee meeting.</p>
Standards	
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).	Members Code of Conduct - Standards Reports recording decisions relating to complaints was submitted to the Committee in September 2017 and March 2018.

Terms of Reference of Committee	Relevant activity in 2017/18
Ensuring that Members receive advice and training as appropriate on the Members Code of Conduct.	Members of the Audit & Governance Committee have been advised on the Code of Conduct during the year.
Granting dispensations under the provisions of the Localism Act 2011 to enable a Member or Co-opted Member to participate in a meeting of the Authority.	The Committee meeting in September 2016 approved the Localism Act 2011 – General Dispensations for a four year period (to 28 September 2020).

Membership of the Audit and Governance Committee during 2017/18:

Current Members of the Audit and Governance Committee	
	<p>Councillor Gordon Baxendale (Chair)</p> <p>Councillor Baxendale has been with Cheshire East Council from its inception in April 2009, and has been a member of the Audit and Governance Committee since June 2015. He chaired his first meeting in December 2016.</p>
	<p>Councillor Mike Sewart (Vice Chair)</p> <p>Councillor Sewart became an elected member of Cheshire East Council in May 2015. He joined the Committee in March 2017.</p>
	<p>Councillor Sam Corcoran</p> <p>Councillor Corcoran became an elected member of Cheshire East Council in May 2011 and has served on the Audit and Governance Committee since then.</p>
	<p>Councillor Tony Dean</p> <p>Councillor Dean became an elected member of Cheshire East Council in May 2015. He joined the Committee in June 2017.</p>
	<p>Councillor Rod Fletcher</p> <p>Councillor Fletcher has been an elected member of Cheshire East Council from its inception in April 2009 and has served on the Committee since May 2011.</p>
	<p>Councillor Les Gilbert</p> <p>Councillor Gilbert has been an elected member of Cheshire East Council from its inception in April 2009. He joined the Committee in May 2016.</p>

Current Members of the Audit and Governance Committee	
	<p>Councillor Andrew Kolker</p> <p>Councillor Kolker has been an elected member of Cheshire East Council from its inception in April 2009. He served as Vice-Chair of the Governance and Constitution Committee for a time and has been on the Audit and Governance Committee from June 2010 to date.</p>
	<p>Councillor Nick Mannion</p> <p>Councillor Mannion became an elected member of Cheshire East Council in May 2015. He joined the Committee in March 2017.</p>
	<p>Councillor Gill Merry</p> <p>Councillor Merry has been an elected member of Cheshire East Council from its inception in April 2009. She joined the Committee in June 2017.</p>
	<p>Councillor Amanda Stott</p> <p>Councillor Stott became an elected member of Cheshire East Council in May 2015, and has been a member of the Audit and Governance Committee since June 2015.</p>
No image available.	<p>Philip Gardener</p> <p>Independent Member of the Committee, Mr Gardener was co-opted to the Committee in March 2017.</p>

It should also be noted that the following Councillors deputised for members of the Audit & Governance Committee, the Councillors received the necessary induction training prior to the meetings:

1st June 2017:

- Councillor Dorothy Flude
- Councillor Steven Edgar

7th December 2017:

- Councillor James Nicholas

31st May 2018:

- Councillor Steven Edgar

COUNCIL – 18 OCTOBER 2018**NOTICES OF MOTION**

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

1. Breaking Point

Proposed by Councillor S Corcoran and Seconded by Councillor L Jeuda

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

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

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

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

- Using the Budget to reverse next years planned £1.3bn cut to council budgets;

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

This Council resolves to:

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

2. A Peoples Vote

Proposed by Councillor R Fletcher and Seconded by Councillor D Hough

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

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

People did not vote to make themselves poorer.

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

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

3. Definition of Antisemitism

Proposed by Councillor S Gardiner and seconded by Councillor M Deakin

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

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

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

4. Emails Retention Policy

Proposed by Councillor D Flude and Seconded by Councillor S Brookfield

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

5. Task and Finish Review

Proposed by Councillor D Flude and Seconded by Councillor S Brookfield

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

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