

Council Agenda

Date: Wednesday 21st October 2020
Time: 11.00 am
Venue: Virtual Meeting

How to Watch the Meeting

For anybody wishing to view the meeting live please click in the link below:

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

It should be noted that Part 1 items of Cheshire East Council decision making meetings are recorded and the recordings are uploaded to the Council's website

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 as a correct record the minutes of the meeting of Council held on 20 February 2020.

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 2 minutes, but the Chairman will have discretion to vary this requirement where they consider it appropriate.

Members of the public wishing to ask a question or make a statement 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.

7. **Leader's and Deputy Leader's Announcements**

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

8. **Recommendation from Constitution Committee: High Speed Rail 2 Phase 2a - Procedure for Decision-Making** (Pages 19 - 34)

To consider the recommendations from the Constitution Committee.

9. **Recommendation from Constitution Committee: Independent Remuneration Panel: Review of Members' Allowances Scheme** (Pages 35 - 42)

To consider the recommendation from the Constitution Committee.

10. **Recommendation from Constitution Committee: Review of the Member Training Programme** (Pages 43 - 50)

To consider the recommendations from the Constitution Committee.

11. **Annual Report of the Audit and Governance Committee 2019/20** (Pages 51 - 72)

To receive the annual report of the Audit and Governance Committee.

12. **Overview and Scrutiny Annual Report 2019/20** (Pages 73 - 88)

To receive the Overview and Scrutiny Annual Report 2019/20.

13. **Recommendations from Cabinet - Finance Reports** (Pages 89 - 120)

To consider the recommendations from Cabinet.

14. **Appointments to the Adoption Panel and Fostering Panel** (Pages 121 - 124)

To approve the appointments to these Statutory panels.

15. **Appointment of Independent Persons for Standards Matters** (Pages 125 - 128)

To appoint Independent Persons for a 1-year term until 26 July 2021 pursuant to section 28 of the Localism Act 2011.

16. **Approval of the Continuing Absence of Any Elected Member, Arising from Issues Relating Directly or Indirectly to COVID-19** (Pages 129 - 134)

To approve the continuing absence of any Elected Member, arising from issues relating directly or indirectly to COVID-19, until 28 February 2021.

17. **Notices of Motion** (Pages 135 - 138)

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

18. **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. A period of two minutes will be allowed for each member wishing to ask a question. The Mayor will have the discretion to vary this requirement where they consider it appropriate. 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.

19. **Reporting of Urgent Decisions taken by the Chief Executive on behalf of Council** (Pages 139 - 142)

To note the Urgent Decisions taken by the Chief Executive on behalf of Council.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Thursday, 20th February, 2020 at The Ballroom, Sandbach Town
Hall, High Street, Sandbach, CW11 1AX

PRESENT

Councillor B Burkhill (Chairman/Mayor)
Councillor S Edgar (Vice-Chairman/Deputy Mayor)

Councillors Q Abel, M Addison, R Bailey, J Barber, M Beanland, M Benson, L Braithwaite, S Brookfield, D Brown, C Browne, J Buckley, C Bulman, P Butterill, S Carter, J Clowes, S Corcoran, L Crane, A Critchley, S Davies, T Dean, D Edwardes, B Evans, H Faddes, A Farrall, JP Findlow, K Flavell, R Fletcher, T Fox, A Gage, S Gardiner, M Goldsmith, P Groves, S Handley, G Hayes, S Hogben, S Holland, M Houston, M Hunter, D Jefferay, L Jeuda, A Kolker, C Leach, I Macfarlane, N Mannion, D Marren, A Martin, A Moran, B Murphy, D Murphy, J Nicholas, K Parkinson, J Parry, S Pochin, B Puddicombe, P Redstone, J Rhodes, L Roberts, J Saunders, M Simon, L Smetham, J Smith, D Stockton, A Stott, R Vernon, L Wardlaw, M Warren, J Weatherill, P Williams, J Wray and N Wylie

64 PRAYERS

The Reverend Ralph Kemp said prayers at the request of the Mayor.

65 APOLOGIES FOR ABSENCE

Apologies were received from Councillors S Akers Smith, M Asquith, J Bratherton, A Gregory, L Gilbert, A Harewood, R Moreton and M Sewart.

66 DECLARATIONS OF INTEREST

Urgent Business – Appointment of Acting Chief Executive:
Frank Jordan, Deputy Chief Executive, declared an interest and stated that he would leave the meeting for this item.

67 MINUTES OF PREVIOUS MEETING**RESOLVED:**

That the minutes of the meeting held on 19 December 2019 be confirmed as a correct record.

68 **MAYOR'S ANNOUNCEMENTS**

The Mayor:

- 1 referred to the recent death of Councillor Brian Roberts, who had been a member of the Council since 2015.

Members stood for a minutes silence in tribute and in recognition of Cllr Robert's service to the Borough.

Councillors S Corcoran, C Browne, J Clowes, R Fletcher, B Murphy and P Williams spoke in tribute to Councillor Roberts.

- 2 announced that he had been informed of the death of Honorary Alderman Leslie Wood.
- 3 reminded Members of his Civic Service on 1 March 2020 at 11 am at St Mary's Church, Astbury.
- 4 reported he had attended the celebration of life for Honorary Alderman Barrie Hardern.
- 5 reported that he had attended on 27 January 2020 the Holocaust Memorial Day Service at Sandbach Town Hall.
- 6 announced that he had agreed to an item of urgent business for consideration at today's meeting in relation to the Appointment of an Acting Chief Executive (Head of Paid Service), Returning Officer and Electoral Registration Officer, as it could not wait until the next Council meeting and there was a need to have an Acting Chief Executive in place for the period between the present Chief Executive leaving and the new Chief Executive starting.

69 **PUBLIC SPEAKING TIME/OPEN SESSION**

Mrs Sue Helliwell referred to the Radway Green North appeal hearing on 18 February 2020 and commented that the appellant brought along all their paperwork and all their legal representatives whilst the Council provided a planning person and someone from Landscape Team. No highways or legal representatives attended. Mrs Halliwell stated that it would have been nice to have had them there. She stated that in the Local Plan under Radway Green North, reference was made to contributions to M6 junction improvements, and the railway level crossing on Radway Green Road, but at the appeal hearing the S106 stated there was to be no contributions. If the appeal was allowed the developer would only contribute £120,000 and that Alsager deserved better than this from this development.

Martin Smith, on behalf of Ryan Moore, Wistaston Parish Councillor, stated that Crewe Town Centre regeneration was neglected by Cheshire

East Council and said that the Council needed to develop a proper plan for Crewe.

70 **LEADER'S AND DEPUTY LEADER'S ANNOUNCEMENTS**

The Leader of the Council, in summary:

- 1 reported that under urgency procedures Councillor Marilyn Houston had been appointed to the Cheshire Fire Authority and Councillor Laura Jeuda appointed to the Cheshire Police and Crime Panel.
- 2 formally announced the appointment of Councillor Kathryn Flavell as the Portfolio Holder for Children and Families.
- 3 formally announced the appointment of Councillor Laura Crane as the Portfolio Holder for Highways and Waste.
- 4 reminded that Cheshire East Council was responsible for Public Health and the standard flu advice, which also applies to the Coronavirus, was wash hand regularly and not to touch the face, to stop the spread of diseases.
- 5 stated that the current Cheshire East Council Corporate Plan expired in March 2020 and that work was underway on a new Corporate Plan and that there would be opportunities for interested parties to input and feedback on the priorities.

The Deputy Leader of the Council, in summary:

- 1 referred to the letter sent to all Members about the change in timetable for change to the committee system. It was important to get this right. Group leaders would be meeting later today to consider the proposals, but there would be further opportunities for Members to engage with the process in the coming weeks. It was expected that a formal resolution would be made at the July Council meeting.
- 2 referred to the Corporate Peer Challenge which had taken place last month and he thanked everybody who had engaged in the process. Whilst still awaiting the formal response, the feedback received was extremely positive.
- 3 welcomed the Government's commitment to proceed with HS2, which contributes to the Council's growth and regeneration programme. The Council could now develop the plans for the Crewe Hub Station. The Council would seek to ensure that HS2 did not result in unacceptable environmental impacts in the Borough.
- 4 welcomed the Government's commitment to cycling and buses and confirmed the award of additional revenue funding for local bus

services to help ensure connectivity and that they services were frequent, reliable and affordable.

71 RECOMMENDATION FROM CABINET: MEDIUM TERM FINANCIAL STRATEGY 2020-24

Cabinet, at its meeting on 4 February 2020, had considered a report presenting the Medium-Term Financial Strategy for Cheshire East Council for the years 2020/21 to 2023/24. The report set out how the Council would approach the financial challenges over the medium term and forecast a balanced budget for 2020/21.

Cabinet had recommended to Council the items in Appendix A to the report, along with the two amendment proposed at the Cabinet meeting by the Leader of the Conservative Group, as amendments to the Medium Term Financial Strategy 2020-2024 for inclusion in the Capital Addendum.

The recommendation from Cabinet was proposed and seconded. Following debate, and in accordance with legislation, a recorded vote was carried out in respect of this item, with the following results:

FOR

Councillors Q Abel, J Barber, L Braithwaite, S Brookfield, C Browne, C Bulman, P Butterill, S Carter, S Corcoran, L Crane, A Critchley, D Edwardes, B Evans, H Faddes, A Farrall, K Flavell, T Fox, M Goodwin, S Handley, S Hogben, M Houston, M Hunter, D Jefferay, L Jeuda, I Macfarlane, N Mannion, D Marren, A Moran, B Murphy, J Nicholas, J Parry, S Pochin, B Puddicombe, J Rhodes, L Roberts, J Smith, A Stott, R Vernon and M Warren.

AGAINST

None

ABSTAIN

Councillors M Addison, R Bailey, M Beanland, M Benson, D Brown, J Buckley, B Burkhill, J Clowes, S Davies, T Dean, S Edgar, JP Findlow, R Fletcher, A Gage, S Gardiner, P Groves, G Hayes, S Holland, A Kolker, C Leach, A Martin, D Murphy, K Parkinson, P Redstone, J Saunders, M Simon, L Smetham, D Stockton, L Wardlaw, J Weatherill, P Williams, J Wray and N Wylie.

The motion was declared carried with 39 votes for, 0 against and 33 not voting.

RESOLVED:

That Council approves: -

- 1 The Revenue estimates for the 2020/21 budget and the medium term Capital Programme estimates 2020-24, as detailed in the

Medium Term Financial Strategy Report (MTFS) 2020-24
(Appendix C to the report).

- 2 Band D Council Tax of £1,503.98 representing an increase of 3.99%. This being below the referendum limit (including 2% ringfenced for Adult Social Care) and arises from the provisional finance settlement (Appendix C, Section 2 to the report).
- 3 The 2020/21 non-ring-fenced Specific Grants, and that any amendments to particular grants will be reported to Council if further information is received from Government Departments or other funding bodies (Appendix C, Annex 8 to the report).
- 4 The 2020/21 Capital Grants, and that any amendments to particular grants be reported to Council if further information is received from Government Departments or other funding bodies (Appendix C, Annex 9 to the report).
- 5 The relevant Portfolio Holder to agree the use of additional Specific Grants received in conjunction with the Finance Portfolio Holder as further updates to the 2020/21 funding position are received.
- 6 The recommended Prudential Indicators for Capital Financing (Appendix C, Annex 11 to the report).
- 7 The Portfolio Holder for Children and Families to agree any necessary amendment to the 2020/21 Dedicated Schools Grant (DSG) of £139m and the associated policy proposals, in the light of further information received from DfE, pupil number changes, further academy transfers and the actual balance brought forward from 2019/20 (Appendix C, Annex 8 to the report).
- 8 The recommended Capital Strategy (Appendix C, Annex 11 to the report).
- 9 The recommended Treasury Management Strategy (Appendix C, Annex 12 to the report).
- 10 The recommended Investment Strategy; including the financial limits for various classifications of investment, and the investment decision making process set out in the Strategy (Appendix C, Annex 13 to the report)
- 11 The recommended Reserves Strategy (Appendix C, Annex 14 to the report).
- 12 The recommended financial limits to be included within the Council's Finance Procedure Rules (Appendix C, Annex 15 to the report).

- 13 The two amendments proposed at Cabinet by the Conservative Group Leader in relation to utilising Council-owned land for the creation of new car parking facilities on Macon Way, near Crewe Station; and the second relating to the creation of new assisted living accommodation and support for adults with additional needs on existing sites in the Borough; these to be included in the Capital Addendum.

That Council recognises that Cabinet has noted:

- 14 The Budget Engagement exercise undertaken by the Council, as set out in Appendix C, Annex 2 to the report.
- 15 The results of the Budget Consultation (Appendix B to the report).
- 16 The comments of the Council's Section 151 Officer, contained within the MTFS Report, regarding the robustness of estimates and level of reserves held by the Council based on these budget proposals (Appendix C to the report, Comment from the Section 151 Officer).

72 COUNCIL TAX STATUTORY RESOLUTION

Consideration was given to a report relating to the setting of the Council Tax for 2020/21.

It was reported that Cheshire East Council, as a billing authority, was responsible for the billing and collection of Council Tax from local taxpayers and must, therefore, make a resolution to set the overall Council Tax level. This meant the Authority also collected Council Tax income to cover not only its own services but also precepts set by other authorities.

The Council Tax levied was, therefore made up of four elements: -

- Cheshire East Borough Council
- Town & Parish Council precepts
- Police and Crime Commissioner for Cheshire precept
- Cheshire Fire Authority precept.

Council was recommended to set the Council Tax for Cheshire East Council for the financial year 2020/21 at £1,503.98, in accordance with the formal resolutions as shown in section 13 of the report.

The motion in respect of the setting of the Council Tax was proposed and seconded. Following debate, in accordance with legislation a recorded vote was carried out in respect to this item, with the following results: -

FOR

Councillors A Abel, J Barber, L Brathwaite, S Brookfield, C Browne, J Buckley, C Bulman, B Butterill, S Carter, S Corcoran, L Crane, A Critchley, T Dean, D Edwardes, B Evans, H Faddes, A Farrall, K Flavell, R Fletcher,

T Fox, M Goldsmith, S Handley, S Hogben, M Houston, M Hunter, D Jefferay, L Jeuda, I Macfarlane, N Mannion, D Marren, A Moran, B Murphy, D Murphy, J Nicholas, J Parry, S Pochin, B Puddicombe, J Rhodes, L Roberts, J Smith, A Stott, R Vernon, M Warren and P Williams.

AGAINST

None

NOT VOTING

Councillors M Addison, R Bailey, M Beanland, M Benson, D Brown, B Burkhill, J Clowes, S Davies, S Edgar, JP Findlow, A Gage, S Gardiner, P Groves, G Hayes, S Holland, A Kolker, C Leach, A Martin, K Parkinson, P Redstone, J Saunders, M Simon, L Smetham, D Stockton, L Wardlaw, J Weatherill, J Wray and N Wylie.

The motion was declared carried with 44 votes for, 0 against and 28 not voting.

RESOLVED:

That the Council Tax for Cheshire East Council for the financial year 2020/21 be set at £1,503.98, in accordance with the formal resolutions as shown in section 13 of the report, as follows: -

Formal Resolution

- 1 That it be noted that on 19th December 2019 the Council calculated the Council Tax base 2020/21.
 - (a) for the whole Council area as 152,597.84 (item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the “Act”)).
 - (b) for individual parishes, as in Appendix A to the report.
- 2 That the Council Tax requirement for the Council’s own purposes for 2020/21 (excluding Parish precepts) is £229,504,099.
- 3 That the following amounts be calculated for the year 2020/21 in accordance with Sections 31 to 36 of the Act:
 - a. £706,638,277 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.

- b. £468,384,142 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
- c. £238,254,135 being the amount by which the aggregate at resolution 3(a) above exceeds the aggregate at resolution 3(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year (Item R in the formula in Section 31B of the Act).
- d. £1,561.32 being the amount at resolution 3(c) above divided by the amount at 13.1(a) above, calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
- e. £8,750,036 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act
- f. £1,503.98 being the amount at resolution 3(d) above less the result given by dividing the amount at resolution 3(e) above by the amount at resolution 3(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.
- g. Appendix A to the report being the amounts calculated by the Council, in accordance with regulations 3 and 6 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992, as its total council tax base for the year and council tax base for dwellings in those parts of its area to which one or more special items relate.
- h. Appendix B to the report being the amounts given by adding to the amount at resolution 3(f) above, the amounts of special items relating to dwellings in those parts of the Council's area mentioned above divided by in each case the appropriate tax base from Appendix A, calculated by the Council in accordance with Section 34(3) of the 1992 Act, as the basic amounts of its Council Tax for the year for

dwellings in those parts of the area to which one or more special items relate. (Band D charges for each Parish area).

i. Appendix C to the report being the amounts given by multiplying the amount at resolution 3 (h) above by the number which, in the proportion set out in Section 5(1) of the 1992 Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the 1992 Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands (Local charges for all Bands).

j. Appendix D to the report being the aggregate of the local charges in resolution 3(i) above and the amounts levied by major precepting authorities, calculated in accordance with Section 30(2) of the 1992 Act (The total Council Tax charge for each band in each Parish area).

4. That it be noted that the Police & Crime Commissioner and the Fire Authority have issued precepts to Cheshire East Council in accordance with section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area as shown in sections 10 and 11 of the report.

5 It was accepted that Cheshire East Council's basic amount of Council tax for 2020/21 was not excessive in accordance with principles approved under Section 52ZB and 52ZC of the Local Government Finance Act 1992.

73 RECOMMENDATION FROM STAFFING COMMITTEE: PAY POLICY STATEMENT 2020/21

Consideration was given to the recommendation of Staffing Committee in respect of the Pay Policy Statement for 2020/21.

Staffing Committee, at its meeting on 23 January 2020, had considered the draft Pay Policy Statement and resolved that Council be recommended to the approve and publish the Pay Policy Statement 2020/21 and delegate authority to the Monitoring Officer to make any necessary in-year amendments to the Statement.

RESOLVED: That

- 1 the Pay Policy Statement for 2020/21 be approved and published accordingly; and
- 2 the Monitoring Officer be authorised to make any necessary in year amendments to the Statement.

74 RECOMMENDATION FROM STAFFING COMMITTEE: APPOINTMENT OF CHIEF EXECUTIVE

Consideration was given to the recommendation of Staffing Committee in respect of the appointment of a Chief Executive, including salary to be paid.

RESOLVED: That

- 1 Lorraine O'Donnell be appointed as Cheshire East Council's Chief Executive (Head of Paid Service), with effect from the earliest possible date to be arranged;
- 2 The salary of the Chief Executive (Head of Paid Service) be £151,000 a year in accordance with the Council's agreed Pay Policy Statement; and
- 3 Lorraine O'Donnell be appointed as the Council's Electoral Registration Officer and Returning Officer pursuant to the Representation of the People Act 1983.

The Mayor welcomed Lorraine O'Donnell to Cheshire East Council.

The Mayor and Councillors S Corcoran, C Browne, R Bailey, R Fletcher and B Murphy paid tribute to Kath O'Dwyer in recognition of her contribution to the Council since joining in 2015.

75 APPOINTMENT OF ACTING CHIEF EXECUTIVE (HEAD OF PAID SERVICE), RETURNING OFFICER AND ELECTORAL REGISTRATION OFFICER

(Having previously declared an interest, Frank Jordan left the Chamber for this item.)

In accordance with Section 100B(4)(b) of the Local Government Act 1972 the Mayor had agreed that the report should be considered as a matter of urgent business on the grounds that the matter could not wait until the next meeting as there was a need to have an Acting Chief Executive in place between the present Chief Executive leaving and the new Chief Executive commencing her appointment.

Consideration was given to a report relating to the appointment of an Acting Chief Executive (Head of Paid Service), Returning Officer and

Electoral Registration Officer for an interim period until the arrival of the new Chief Executive.

An amendment the Recommendation was moved and seconded so that it the final line read “..for an interim period from 9 March 2020 until the start date of the new Chief Executive.”

RESOLVED:

That Frank Jordan, Executive Director of Place and Deputy Chief Executive be appointed as

- i. the Council’s Acting Chief Executive (Head of Paid Service);
- ii. the Council’s Returning Officer and Electoral Registration Officer pursuant to the Representation of the People Act 1983;

for an interim period from 9 March 2020 until the start date of the new Chief Executive.

76 POLITICAL REPRESENTATION ON THE COUNCIL'S COMMITTEES

Consideration was given to a report relating to the political representation on the Council's Committees. Appendix A to the report, which had been circulated around the Chamber, set out the political representation on ordinary committees and sub committees, this being based on the political structure of the Council as a whole.

RESOLVED:

That the political group representation, as set out in Appendix A to the report, and the methods, calculations and conventions used in determining this be adopted and the allocation of places to Committees be approved.

77 CALENDAR OF MEETINGS 2020/21

Consideration was given to a report setting out the Calendar of Meetings for Cheshire East Council for 2020/21.

It was reported the date of Nantwich Show in paragraph 5.5 of the report was incorrect and that the Show as taking place on 29 July 2020.

RESOLVED:

That the Calendar of Meetings for 2020/21, as appended to the report, be approved.

78 ELECTION OF MAYOR AND DEPUTY MAYOR 2020/21 CIVIC YEAR

Consideration was given to the nominations for the office of Mayor and Deputy Mayor for 2020/21.

Mayor for 2020/21

It was proposed and seconded that Councillor Steven Edgar should become Mayor Elect for 2020/21.

Councillor Edgar declared a non-pecuniary interest and left the meeting.

Following debate, a vote was taken in respect of this nomination. The nomination was declared lost with 31 votes for, 35 against and 2 not voting.

Councillor Edgar returned to the meeting.

It was proposed and seconded that Councillor Sarah Pochin should become Mayor Elect for 2020/21.

Councillor Pochin declared a non-pecuniary interest and left the meeting.

Following debate, a requisition for a named vote was proposed and seconded and duly supported, with the following result: -

FOR

Councillors Q Abel, J Barber, L Braithwaite, S Brookfield, C Browne, C Bulman, P Butterill, S Carter, S Corcoran, L Crane, D Edwardes, B Evans, H Faddes, A Farrall, K Flavell, T Fox, M Goldsmith, S Handley, S Hogben, M Houston, M Hunter, D Jefferay, L Jeuda, N Mannion, D Marren, A Moran, J Nicholas, J Parry, B Puddicombe, J Rhodes, A Stott, R Vernon and M Warren.

AGAINST

Councillors R Bailey, M Beanland, M Benson, D Brown, J Clowes, A Critchley, S Davies, T Dean, S Edgar, JP Findlow, R Fletcher, A Gage, S Gardiner, P Groves, G Hayes, S Holland, A Kolker, C Leach, A Martin, K Parkinson, P Redstone, L Roberts, J Saunders, M Simon, S Stockton, L Wardlaw, J Weatherill, P Williams, J Wray and N Wylie.

NOT VOTING

Councillors J Buckley, B Burkhill, I Macfarlane, B Murphy, D Murphy, L Smetham and J Smith.

The nomination was declared carried with 33 votes for, 30 against and 7 not voting.

Councillor Pochin returned to the meeting.

Deputy Mayor for 2020/21

It was proposed and seconded that Councillor David Marren and Councillor David Brown be designated as Deputy Mayor Elect.

Both Councillors declared a non-pecuniary interest and left the meeting whilst the matter considered.

Following debate, a vote was taken with 34 votes for Councillor Marren, 28 votes for Councillor Brown and 3 abstentions.

RESOLVED:

That Councillor Sarah Pochin be designated as the Mayor Elect and that Councillor David Marren be designated as the Deputy Mayor Elect, with a view to their formal election and appointment as Mayor and Deputy Mayor for Cheshire East for 2022/23 at the Mayor Making ceremony to be held on 13 May 2020.

79 QUESTIONS

Cllr D Stockton asked when the Parking Review would be published, and the solutions proposed be implemented. Cllr C Browne, Deputy Leader, responded that the latest information he had was that the final amendments were completed on 19 February which were ready to be published on the Council's website. A press release would be issued when this happened.

Cllr S Gardiner sought assurance that when a cared for child's advocate raised concerns about the services provided for that child, the interests of that child would be put before that of the Councils. Cllr K Flavell, Portfolio Holder for Children and Families responded that the child would be put first and, if he had a specific query, to contact her directly.

Cllr M Simon asked what where the expected savings to made by deletion roads from the winter gritting routes. Cllr L Crane, Portfolio Holder for Highways and Waste undertook to provide a written response.

Cllr JP Findlow asked about the Council's policy for the installation of electric vehicle charging points. Cllr N Mannion, Portfolio Holder for Environment and Regeneration responded that the Environment Strategy coming forward to Cabinet in April will cover this. Cllr C Browne, Deputy Leader, stated that electric charging points were referenced in the Local Transport Plan brought to Council in October 2019.

Cllr J Clowes referred to the Government's announcements of funding for supported bus services. She asked if the Council had claimed the available money and that details of the bus services to be included be put in the public domain in due course. Cllr C Browne, Deputy Leader,

responded and stated that the Government had already announced that Cheshire East would receive the additional revenue.

Cllr A Kolker asked if the Leader was aware of the devastating impact the Council's commissioning decisions were having on voluntary, charity and community sector organisations and how the policy was damaging people's jobs and the capacity of long standing delivery partners and the care of residents they supported, and asked for assurance that there was no procurement bias against this sector. Cllr S Corcoran confirmed that there was no procurement bias in the Council and stated that there were currently compulsory tendering rules set by Government which he would like to see changed to allow the Council to use the voluntary sector.

Cllr R Bailey was permitted by the Mayor to refer to the Leader's apology, at the last meeting, in respect of 'wrongdoing allegations', for which she was grateful, but expressed concern about any inference made that procurement matters had not been properly dealt-with under the previous leadership. This was noted.

The meeting commenced at 11.00 am and concluded at 3.05 pm

Councillor B Burkhill
CHAIRMAN/MAYOR

COUNCIL – 21 OCTOBER 2020

HIGH SPEED 2 PHASE 2A – PROCEDURE FOR DECISION-MAKING

CONSTITUTION COMMITTEE RECOMMENDATION

Extract from the Minutes of the Constitution Committee – 5 October 2020

Consideration was given to a report on the proposed decision-making arrangements for High Speed Rail 2 (HS2) to ensure that appropriate officer delegated authority and where necessary planning committee procedures were in place to deal with applications submitted in relation to works along the route of Phase 2a of HS2.

RESOLVED

Having noted the content and conclusions of the report, Council be recommended to approve the decision making arrangements for the determination of all planning matters in relation to works along the route of Phase 2a of HS2 only, submitted under schedule 17 (the planning conditions schedule of the High Speed Rail (West Midlands - Crewe) Bill, as set out in the Constitution Committee report, and to agree all necessary amendments to the Council's Constitution as are required to secure these provisions, subject to:

1. The Parish Liaison Group being added to the application notifications list.
2. The determination arrangements for Schedule 17 Applications, as set out in paragraph 6.2 of the Constitution Committee report, being amended to 'All live applications, including Member call-ins, to be reviewed fortnightly and considered for Planning Committee determined by the Head of Planning and Principal Planning Officer in consultation with the Chair of Strategic Planning Board and affected Ward Members'.

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Working for a brighter future together

Constitution Committee

Date of Meeting: 5 October 2020

Report Title: High Speed Rail 2 Phase 2a – Procedure for Decision Making

Portfolio Holder: Cllr Toni Fox – Planning

Senior Officer: Frank Jordan, Executive Director - Place

1. Report Summary

- 1.1. The purpose of this report is to seek approval for the proposed decision-making arrangements for High Speed Rail 2 (HS2) to ensure that appropriate officer delegated authority and where necessary Planning Committee procedures are in place to deal with applications submitted in relation to works along the route of Phase 2a of HS2.
- 1.2. The route is anticipated to be approved in principle via the enactment of the High Speed Rail (West Midlands - Crewe) Bill ("the Bill"). The decision making arrangements set out in this report will enable the Council to handle requests for the approval of relevant details in an expeditious manner and to comply with the strict timescales imposed.

2. Recommendation

- 2.1. That the Constitution Committee consider and note the content and conclusions of the report and approve the decision-making arrangements for the determination of all planning matters submitted under Schedule 17 (the Planning Conditions Schedule) of the Bill as set out in the report and agree to all necessary amendments to the Council Constitution as required to secure these provisions.

3. Reasons for Recommendation

- 3.1. The recommended approach would allow the Council to ensure appropriate officer delegated authority and where necessary Planning Committee procedures are in place to enable officers to deal with applications

submitted in relation to works along the route of Phase 2a of HS2 in a timely manner and meet the timescales set out in the Planning Memorandum.

4. Other Options Considered

- 4.1. The alternative option is to retain existing decision-making arrangements. Without a change in the Constitution, there is a risk that the Council would be unable to determine Schedule 17 Applications in a timely manner. As a result of this, the Council would lose its Qualifying Authority status and its determination powers; and the Secretary of State would take all decisions on Schedule 17 Applications.

5. Background

- 5.1. The Bill will grant planning permission for the construction of a high speed railway between the West Midlands and Crewe. The Bill grants what is termed as 'deemed' planning permission. This will be subject to a number of conditions requiring the nominated undertaker (the party/parties who will construct the railway) to obtain the consent or approval of the Local Planning Authorities for various matters of detail along the route. These works do not fall within the scope of control covered by the Town and Country Planning Act and will require a separate approval under the Bill. They will be known as 'Schedule 17 Applications'.
- 5.2. At its meeting of 18 July 2019, Full Council approved the signing of the Planning Memorandum to become a Qualifying Authority for the purposes of the Bill. As a Qualifying Authority, the Council has responsibility for determining Schedule 17 Applications.
- 5.3. A Qualifying Authority is responsible for issuing approvals in respect of details of the design and appearance of key structures and other elements of the scheme, but that responsibility does not extend to the principle of the construction which is permitted by the Act itself. This deemed planning permission is therefore similar in nature to an outline planning permission. Structures and features that the appropriate Qualifying Authority will be able to consider details for include:
 - Buildings and vehicle parks
 - Terracing
 - Cuttings
 - Embankments and other earthworks
 - Fences and walls
 - Telecommunication masts
 - Power take-off compounds

- Artificial lighting
- Bridges and viaducts
- Borrow pits and waste disposal sites

5.4. A Qualifying Authority can only refuse to approve (or impose conditions in respect of) the plans and specifications on two main sets of grounds:

- a) The design or external appearance of the building works ought to be modified to:
 - preserve the local environment or local amenity;
 - prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area;
 - preserve a site of archaeological or historic interest or nature conservation value, and is reasonably capable of being so modified; or
- b) The development ought to, and could reasonably, be carried out elsewhere on land within the Bill limits.

5.5. The determination of Schedule 17 applications under the Bill is a regulatory function of the Council and therefore can be determined by either Planning Committee or delegation to officers. However, Schedule 17 Applications do not fall within the remit of the existing Council Constitution. In order to allow decisions to be made, alternative decision making arrangements therefore need to be agreed by Members.

5.6. It is important to note that the prescribed time period in the Bill for the Local Planning Authority to determine Schedule 17 Applications is 8 weeks from receipt. There is no validation process so the clock starts on receipt. If the Council fail to determine the application within this period it would be deemed to be approved unless an agreed extension of time is in place. If a Qualifying Authority repeatedly fails to expedite requests for approval or seriously fails to act in accordance with the Planning Memorandum, the Secretary of State may order that an authority shall cease to have the powers of a Qualifying Authority. Consequently, the decision-making powers that the authority has for determining Schedule 17 applications would be significantly reduced, with the Secretary of State making the ultimate decision.

5.7. Additionally, if a Qualifying Authority is looking to seek amendments, they will be required to fully justify that such a modification is reasonable, and that it can be made without, for example, adding unduly to the cost or programme of HS2, or conflicting with the operational requirements of the railway. This would need to be done within the prescribed period of 8

weeks. The scope of matters for consideration and the timescale for considering the Schedule 17 Applications are therefore very constrained and it will be important that officers negotiate any amendments and deal with such submissions in a timely manner.

- 5.8. The applications are likely to be for relatively minor works in the initial phases, but could be substantial in number and frequency. As such in view of these points, and the need to ensure that the applications are dealt with within the set timescales, there is a risk that the anticipated volume of work could have a significant impact upon the capacity of the Planning Committee to consider these additional items within the required period.
- 5.9. For these reasons, a cascaded delegated authority is sought to allow the Head of Planning to determine approvals under Schedule 17 (the Planning Conditions Schedule) of the Bill.
- 5.10. The approach to Committee reporting would broadly reflect that of the existing process for determining planning applications, allowing Members the opportunity to 'call-in' such approvals – subject to specifying relevant planning reasons and following agreement with the Head of Planning in liaison with a Principal Planning Officer.

6. Approach to Decision Making for Schedule 17 Applications

- 6.1. The proposed approach has been identified as the best option to provide a necessary degree of flexibility to ensure that the appropriate level of decision-making is applied to each application based on the specific considerations of that case; whilst also providing the appropriate level of Member scrutiny.
- 6.2. Schedule 17 Applications would be determined as follows:
 - Delegated Authority to the Head of Planning to determine all applications and notifications submitted in relation to HS2 matters in consultation with the Principal Planning Officer; subject to the provisions below.
 - All live applications, including Member call-in's, to be reviewed fortnightly and considered for Planning Committee determination by the Head of Planning and Principal Planning Officer. Both officers to jointly determine whether a delegated or committee determination is appropriate (and if a committee determination is necessary, the specific planning committee) based on the scale, complexity and level of public scrutiny of each application.

- In line with the existing procedures for Members, any request for call-in by the relevant Local Ward Member must be received within 15 days of the issue of the electronic notification of the application; and must set out the material planning consideration(s) specific and relevant to the matters which can be considered under Schedule 17 which warrant the application going before Planning Committee.
 - The scheme of delegation shall be subject to a review after 6 months in consultation with the Head of Planning and the Chairs of Planning Committees to ascertain whether any changes are necessary to the scheme of delegation as lessons are learned throughout its application.
- 6.3. The type of applications which would be referred to planning committee for determination would likely be of a scale and nature that present more significant impacts to the local environment and amenity; or present complex planning and environmental considerations which requires appropriate scrutiny by Members. Examples of such applications could include:
- Development of large-scale bridges and viaducts;
 - Significant ground engineering works;
 - Creation of borrow pits;
 - Buildings which are of a scale and nature which may create impacts beyond the immediate locality.

Other procedural arrangements – consultation and notification

- 6.4. Under the HS2 Bill, there is no statutory requirement for the Council to carry out any consultation on Schedule 17 applications with any other parties other than key statutory bodies (Natural England, English Heritage and the Environment Agency) and no requirement to inform the public on receipt of such submissions.
- 6.5. In view of the restrictions the HS2 Bill places on the Council in terms of timescales for determination and the matters that can be taken into consideration, the Council would not carry out any formal consultation with local residents and Parish Councils on Schedule 17 submissions.
- 6.6. The Council however recognises that there may be high levels of interest in any HS2 related developments. In order to ensure local people and Members are therefore kept up to date and made aware of all applications, and in order to reflect the existing procedures for all planning applications, the Council would as a minimum undertake the following:

- Write to inform the affected Parish Councils on the route of the receipt of a Schedule 17 application;
- Write to inform all neighbours immediately adjoining the relevant part of the route;
- Notify Local Ward Members of all Schedule 17 Applications;
- Provide Local Ward Members with the opportunity to request that the application be 'called-in' for a committee determination – subject to specifying relevant planning reasons and following agreement with the Head of Planning in liaison with a Principal Planning Officer;
- Make full details of all Schedule 17 submissions (including plans and supporting documents) available to view on the Council's website. The purpose of this process is to keep the public informed, but the Council will not be requesting comments.

7. Amendment to Council Constitution

- 7.1. The proposed amendments to the scheme of delegation as outlined above will require an amendment to the Council Constitution.
- 7.2. The Council Constitution details the current Scheme of Delegation in relation to the extent of powers delegated to Executive Director of Place. The powers are delegated further through Local Schemes of Delegation to the Head of PLanning. This is detailed in Annex 1 to this report along with the proposed amendments sought.
- 7.3. The Council Constitution also details the current terms of reference for Northern and Southern Planning Committee, and Strategic Planning Board. This is detailed in Annex 2 to this report along with the proposed amendments sought.
- 7.4. It is recommended that Members approve the proposed amendments to the Council Consitution in order to ensure appropriate delegated authority and Planning Committee procedures are in place to deal with requests for approval of detailed design and external appearance of buildings and structures along the route of Phase 2a of HS2.

8. Implications of the Recommendations

8.1. Legal Implications

- 8.1.1. Councils who have signed up to be Qualifying Authorities are required to sign the "Planning Memorandum". The Planning Memorandum sets

out rules of conduct and administrative arrangements for the local planning authorities.

8.1.2. Due to the time pressures on the project, the Planning Memorandum requires the Council to put in place appropriate internal decision-making arrangements to ensure that the 8 week period for determining requests is achieved. If adherence to the normal Planning Committee cycle would make it difficult to reach decisions in accordance with the timetable, the Council should give consideration to authorising greater delegated powers for officers.

8.1.3. If the Council repeatedly fails to expedite requests for approval, or seriously fails to expedite a request in line with the stipulated timescale, or repeatedly or seriously fails to act in accordance with all the requirements of the Planning Memorandum, the Secretary of State may have sufficient grounds to order that the Council shall cease to have the additional powers of a Qualifying Authority.

8.1.4. Failure to secure the appropriate decision-making powers for determining Schedule 17 Applications could put the Council at risk of missing deadlines set out in the Planning Memorandum and in turn losing the decision-making powers secured under Qualifying Authority status.

8.2. Finance Implications

8.2.1. There are no changes to the MTFS needed as a result of these changes to decision-making arrangements. Any costs associated with staff time will be covered by budgets held within the Planning service..

8.3. Policy Implications

8.3.1. HS2 is supported in the Cheshire East Local Plan Strategy under Strategic Priority One which states that promoting economic prosperity by creating conditions for business growth will be delivered by (amongst other things) maximising the opportunities that may be offered by High Speed 2 Rail Links (HS2).

8.4. Equality Implications

8.4.1. All public sector authorities are bound by the Public Sector Equality Duty as set out in section 149 of the Equality Act 2010. In exercising their powers authorities must have regard to the effect of any differential impacts on groups with protected characteristics. In deciding to become a qualifying authority the Council must pay due

regard to its Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010.

- 8.4.2. The enhanced controls provided for in becoming a qualifying authority should have a positive public benefit when it comes to the PSED.

8.5. Human Resources Implications

- 8.5.1. It shall be necessary to ensure that sufficient resource is allocated to support determination of the applications within the timescales required.

8.6. Risk Management Implications

- 8.6.1. Key risks to the Council relate to the ability of officers to determine the applications within the required statutory timescales and staff resource implications associated with the additional workload.
- 8.6.2. This will be managed through the use of the SLA between the Council and HS2 Ltd to secure additional finance to ensure sufficient resources to manage the process effectively. Early engagement with HS2 Ltd has already taken place about the likely timing and number of future applications which will also enable the staff resource to be managed well in advance of any increased workload. This engagement is continuing with early pre-application discussions.

8.7. Rural Communities Implications

- 8.7.1. The route of the scheme passes through a number of rural communities which are likely to be subject to applications for the approval of detailed designs or other associated developments. Each application for approval would enable an assessment of the relevant environment effects for those matters that the Council is able to control under the Bill.

8.8. Implications for Children & Young People/Cared for Children

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

8.9. Public Health Implications

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

8.10. Climate Change Implications

- 8.10.1. There are no direct implications for climate change.

9. Ward Members Affected

9.1.1. Those wards affected would be those covered by the route of HS2 phase2a which are: Haslington, Wybunbury, Crewe south and Crewe East.

9.1.2. There are potential wider implications of HS2a for all Wards.

10. Consultation & Engagement

10.1. There is no statutory provision for public consultation on the planning approval process outlined in the hybrid bill however public consultation and engagement has taken place as part of the wider HS2 phase 2a project.

11. Access to Information

11.1. Details of the HS2 phase2a Qualifying Authority process can be found in the 'Main Provisions of the Planning Regime' information paper prepared by HS2. This is available to view on the following link.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/627917/B2_Main_Provisions_of_the_Planning_Regime_v1.0.pdf

12. Contact Information

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

Name: David Malcolm

Job Title: Acting Head of Planning

Email: David.Malcolm@cheshireeast.gov.uk

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Annex 1: Changes to Local Scheme of Delegation in relation to Executive Director of Place and Director of Environment and Neighbourhood Services

In respect of section 3 of the current Local Schemes of Delegation for the Delegation of Powers from Executive Director of Place and Director of Environment and Neighbourhood Services it is proposed that the following is added to the 'Area of responsibility' column of the table:

- **HS2 Schedule 17 Applications**

Annex 2: Cheshire East Council Constitution

In respect of the current Cheshire East Council Constitution Edition: 16 June 2020, Chapter 2 part 6 Delegations to the Executive Director (Place) it is proposed that the following is added into the list on paragraph 52 under 'Environment and Neighbourhood Services':

- **HS2 Schedule 17 Applications**

Additionally, with respect to the current Cheshire East Council Constitution Edition: 16 June 2020, Chapter 2 part 5 'Functions of Committees paragraph 22 the following amendments are proposed (shown in bold, italics and underlined)

Strategic Planning Board

Terms of Reference

1. To oversee the division of the Council's Development Management functions and workload in order to ensure timely and consistent decision-making at the most appropriate level, and to that end

(a) to monitor the volume and type of applications determined; assessing the performance of the Development Management service, and, if appropriate

(b) to vary the division of functions and delegations between the Board, the Planning Committees and the Head of Planning;

(c) to adopt working protocols and procedures: eg: protocols governing the direction of applications between the Planning Committees, public speaking rights, Referral procedure and others.

2. To exercise the Council's functions relating to town & country planning and development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges, and any **relevant applications pursuant to Schedule 17 of the High Speed Rail (West Midlands-Crewe) Bill" (Act following its assent)**. Most of these functions are delegated to the Planning Committees and then onwards to the Head of Planning, but the following are reserved to the Board:

(a) Applications for Large Scale Major Development as defined by the Strategic Planning Board from time to time. Currently this includes

- residential developments of 200 dwellings or more, or 4 ha or more;
- 10,000 square metres or more, or 4ha. or more of retail, commercial or industrial or other floor space.

This does not include re-applications for extant schemes or detailed applications where outline consent has been given or removal/variation of conditions.

Where the application is to vary or remove a condition that was imposed by the Planning Committee it will not be delegated.

However, there will be a presumption that a call in request by a local ward Member will be agreed where applications are for the renewal (or extension of time) of extant unimplemented permissions.

(b) Applications for major minerals or waste development other than small scale works which are ancillary to an existing mineral working or waste disposal facility.

(c) Applications involving a significant departure from policy which has been referred to SPB which a Planning Committee is recommended to approve.

(d) Any other matters which have strategic implications by reason of their scale, nature or location.

(e) Any other matters referred up to it at the discretion of the Head of Planning, including major development of less than the thresholds set out in (a) above which have wider strategic implications.

3. To exercise a consultation and advisory role, commenting upon the content of proposed planning policy and upon the effectiveness of existing policies employed in development control decisions.

4. To exercise on behalf of the Council the function of final approval of the Area Action Plans, and any other document including a Site Allocation Policy, which form part of the Local Plan.

5. To determine any relevant Schedule 17 applications as deemed appropriate by the Head of Planning in liaison with a Principal Planning Officer

Northern and Southern Planning Committees

Terms of Reference

To exercise the Council's functions relating to town and country planning and development control, the protection of important hedgerows, the preservation of

trees, the regulation of high hedges and any **relevant applications pursuant to Schedule 17 of the High Speed Rail (West Midlands-Crewe) Bill” (Act following its assent)**. Some applications have been reserved to the Strategic Planning Board: others are delegated on to the Head of Planning: the following are retained for the Planning Committees:

1) Applications for Small Scale Major Development for:

- residential developments of 20 to 199 dwellings or between 1 and 4ha
- retail or commercial/industrial or other floor space of between 5,000 and 9,999 square metres or 2-4ha.

This does not include re-applications for extant schemes or detailed applications where outline consent has been given or removal/variation of conditions.

Where the application is to vary or remove a condition that was imposed by the Planning Committee it will not be delegated.

However, there will be a presumption that a Referral request by a local ward Member will be agreed where applications are for the renewal (or extension of time) of extant, unimplemented permissions.

To determine any other planning and development control matters:

- advertised as a departure from policy, which the Head of Planning is minded to approve
- submitted by a Councillor, senior Council officer (Grade 12 or above) or a member of staff employed within the Development Management and Policy service area; or by an immediate family member or partner of these where representations objecting to the application have been received. Where objections have been received, applications recommended for refusal can be dealt with by officers under delegated powers
- significant applications by the Council either as applicant or land owner. This category will not normally include minor developments which accord with planning policy and to which no objection has been made
- referred up to them by a Councillor in accordance with the Committees' Referral procedure. However:
 - any request must be received within 15 working days of the issue of the electronic notification of the application and set out the material planning consideration(s) which warrant the application going before committee. **Except for a request to review the Schedule 17 Application where a 7 day time frame will apply.**

- applications for householder development, listed building consents to alter/extend and conservation area consents will normally be dealt with under delegated powers
- applications for advertisements, tree work, prior approvals, Certificates of Lawfulness and notifications will not be eligible for call in and will be dealt with under delegated powers
- there will be a presumption that a call-in request by a local ward Member will be agreed where applications are for the renewal (or extension of time) of extant, unimplemented permissions.
- any other matters referred up to them at the discretion of the Head of Planning.
- **To determine any relevant Schedule 17 Applications as deemed appropriate by the Head of Planning in liaison with a Principal Planning Officer**

The Committees will refer up to the Strategic Planning Board matters involving a significant departure from policy which they are minded to approve contrary to recommendation by the Head of Planning.

COUNCIL – 21 OCTOBER 2020

**INDEPENDENT REMUNERATION PANEL: REVIEW OF MEMBERS'
ALLOWANCE SCHEME**

CONSTITUTION COMMITTEE RECOMMENDATION

Extract from the Minutes of the Constitution Committee – 5 October 2020

The Committee gave consideration to a report on the Independent Remuneration Panel's review of the indexation arrangements for Cheshire East Council's Scheme of Members Allowances, noting the current position regarding the 2020 NJC officer pay award. The report sought to clarify what arrangements might be put in place to plan for any yearly increases to the budget over the period the index would be in place.

RESOLVED

That the Independent Remuneration Panel be thanked for their work, and the matter be referred to Full Council for consideration.

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Constitution Committee

Date of Meeting: 5 October 2020

Report Title: Independent Remuneration Panel: Review of Members' Allowances Scheme

Senior Officer: Brian Reed, Head of Democratic Services and Governance

1. Report Summary

- 1.1 Following the appointment of the Independent Remuneration Panel in 2019, the Panel was asked to review the indexation arrangements for Cheshire East Council's Scheme of Members' Allowances.
- 1.2 The report sets out the Panel's views in respect of those arrangements in paragraph 5.4 and notes the current position regarding the 2020 NJC officer pay award.
- 1.3 The report also seeks to confirm what arrangements should be put in place to plan for yearly increases to the budget over the period the index would be in place.

2. Recommendation to Council: That

- 2.1 The current indexation criterion, equivalence with the NJC officers pay award, should apply from 1 April 2020 for a period of four years or until such time as any new Members' Allowances Scheme is approved by Council;
- 2.2 The NJC officer pay award for 2020, be applied to the Scheme and backdated to 1 April 2020; and
- 2.3 Annual increases in the Members' allowances budget, be built into the Council's budget-setting process.

3. Reasons for Recommendations

- 3.1 In accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003, the indexation arrangements applicable to a scheme of allowances must be reviewed when the period of indexation expires.

4. Other Options Considered

- 4.1 Not to apply an index to the scheme of allowances.
- 4.2 Retain the present arrangements in respect of budget forecasting.

5. Report of the Independent Remuneration Panel on Indexation Arrangements

- 5.1 In accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003, the Council is required to have a scheme of allowances in place, which may make provision for an annual adjustment of allowances (aka indexation). In such circumstances, the scheme only needs to be reviewed at the point the indexation arrangements come to an end.
- 5.2 In 2016, the Independent Remuneration Panel (the Panel) recommended to Council, that the NJC officers' pay award be adopted as the index for Cheshire East's scheme, to apply for the maximum period of four years ending in 2020. Council approved the Panel's recommendation.
- 5.3 In October 2019, the Panel was invited to consider whether the indexation arrangements should continue beyond 2020 and if so, whether the NJC pay award should be retained as the preferred index or an alternative be proposed.
- 5.4 Having considered the matter, the Panel is of the view that the current indexation criterion, equivalence with the NJC officers pay award, should continue for the foreseeable future.

6. NJC Officer Pay Award 2020/2021

- 6.1 The National Joint Council for Local Government Services has offered employees a 2.75% pay rise for 2020/2021, which has been accepted.
- 6.2 The Committee is invited to recommend to Council that the NJC officer pay award for 2020/2021, be applied to Cheshire East Council's Scheme of Members Allowances', to be backdated to 1 April 2020.

7. Implications of the Recommendations

7.1 Legal Implications

7.1.1 The recommendations proposed in the report are in line with the Local Authorities (Members' Allowances) (England) Regulations 2003.

7.2 Finance Implications

7.2.1 Adoption of an index would commit the Council to an annual increase to the Members' Allowances budget for a period of four years (the maximum allowed), if an increase in officer pay is proposed year on year and Council decides to implement each year's increase. The cost for 2020/21 based on an increase of 2.75% is £37,400 which can be met from an in-year underspend on Members Allowances due to a seat remaining vacant as the election has been delayed by COVID-19. Future years increases will be in-line with officers pay and will be factored into ongoing annual calculations of Pay and Pensions in the MTFS.

7.3 Equality Implications

7.3.1 None identified

7.4 Human Resources Implications

7.4.1 None identified

7.5 Risk Management Implications

7.5.1 None identified

7.6 Rural Communities Implications

7.6.1 There are no direct implications for rural communities.

7.7 Implications for Children & Young People/Cared for Children

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

7.8 Public Health Implications

7.8.1 There are no direct implications for public health.

7.9 Climate Change Implications

7.9.1 None identified.

8. Ward Members Affected

8.1 The implications in this report are borough wide.

9. Access to Information

9.1 Local Authorities (Members' Allowances) (England) Regulation 2003.

10. Contact Information

10.1 Questions relating to this report should be directed to the following officer:

Name: Diane Moulson

Job Title: Senior Member Development Officer

Email: diane.moulson@cheshireeast.gov.uk

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COUNCIL – 21 OCTOBER 2020**REVIEW OF THE MEMBER TRAINING PROGRAMME****CONSTITUTION COMMITTEE RECOMMENDATION**

Extract from the Minutes of the Constitution Committee – 5 October 2020

The Committee gave consideration to a report that sought to formalise the current required elements of the Member Training Programme and which proposed new arrangements in respect of Member attendance at these events. It was noted that the new Monitoring Officer would be commencing work with the Council on the day following the Council meeting.

RESOLVED

The Council be recommended to resolve that:

1. **Delegated authority to be granted to the Monitoring Officer to formally identify within the Constitution, those subjects which have been designated as foundation skills, and which are therefore required training for Councillors in accordance with the Member Training Programme - Corporate Parenting, Safeguarding Children and Adults, Equality, Diversity and Inclusion, General Data Protection Regulations (GDPR), Members' Code of Conduct.**
2. **The wording '*Before any Councillor who is a member of the (insert name) Committee can attend a meeting and participate in the business of the meeting, the determination of an application or an appeal by any individual or body, the Councillor must attend a suitable training course dealing with the quasi-judicial nature of the role of the Committee, as a requirement of their membership of the Committee*' be added to the Council's Constitution in respect of the functions of the following Committees: Public Rights of Way Committee, Licensing Committee, Staffing Committee and Appeals Sub-Committee.**
3. **In respect of the three Planning Committees, the wording '*Any Councillor appointed to Northern Planning Committee, Southern Planning Committee or Strategic Planning Board (including planning pool Members), must attend all planning training sessions held each year (including induction when held), as a requirement of the membership of the Committee they are appointed to, in order to properly discharge their planning committee obligations. Any Member who cannot attend must submit their apologies in advance to the event organiser. If a Member fails to attend, they must undertake refresher training, in line with the Committee training programme*' be inserted into the Council's Constitution at the appropriate juncture.**

4. The wording at paragraph 21, page 47 of the Constitution to be replaced with *'A cross party pool of 9 planning substitutes shall be maintained to supplement the arrangements referred to above. Each member of the pool must receive appropriate and up to date planning training without which they may not serve as a member of a planning committee. Political groups may nominate their own members to the pool in accordance with the proportionalities in force at the time and may vary their nominees as and when required subject to the training requirements referred to above'*.



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Constitution Committee

Date of Meeting: 5 October 2020

Report Title: Review of the Member Training Programme

Portfolio Holder: Councillor Jill Rhodes, Portfolio Holder for Public Health and Corporate Services

Councillor Toni Fox, Portfolio Holder for Planning

Senior Officer: Brian Reed, Head of Democratic Services and Governance

1. Report Summary

- 1.1. To formalise the current required elements of the Member Training Programme and propose new arrangements in respect of Members' attendance at these events.

2. Recommendation to Council: That:

- 2.1 Delegated authority to be granted to the interim Monitoring Officer to formally identify within the Constitution, those subjects which have been designated as foundation skills, and therefore required training for Councillors in accordance with the Member Training Programme - Corporate Parenting, Safeguarding Children and Adults, Equality, Diversity and Inclusion, General Data Protection Regulations (GDPR), Members' Code of Conduct;
- 2.2 The wording in italics in paragraph 4.2.2 of the report, to be added to the Council's Constitution in respect of the functions of the following Committees: Public Rights of Way Committee, Licensing Committee, Staffing Committee and Appeals Sub-Committee:
- 2.3 In respect of the three Planning Committees, the wording in italics in paragraph 4.3.3 of the report to be inserted into the Council's Constitution at the appropriate juncture; and
- 2.4 The wording at paragraph 21, page 47 of the Constitution to be replaced with the wording set out in italics in paragraph 4.3.4 of this report.

3. Reasons for recommendation

3.1. In 2018, a new framework for the Member Training Programme was endorsed by the Member Technology and Development Panel, the main purpose of which was to identify the skills and knowledge Members would need in order to perform their roles effectively. The subjects which made up the programme have been grouped into four blocks: induction, foundation skills, committee skills and developmental skills.

3.2. Where a subject within a block is considered to be required learning, it has been referred to as being mandatory. Whilst e-invites issued to Members have identified key events in this way for some time, the requirement on Members to attend is not explicitly recognised within the Council's Constitution. It is therefore proposed that the Constitution be updated, at the appropriate junctures, to reflect the nature of the training set out in this report.

4. Current Arrangements

4.1. Foundation Skills

4.1.1 Becoming a Councillor places both regulatory and statutory responsibilities on the elected Member. The Member Technology and Development Panel has placed at the heart of the training programme, those key subjects which Members need to have regard to when performing their role - Corporate Parenting, Safeguarding Children and Adults, Equality, Diversity and Inclusion, General Data Protection Regulations (GDPR), Members' Code of Conduct. It is important that the Constitution formally recognises the need for Members to undertake training in these subjects every year.

4.2. Committee Skills

4.2.1 In accordance with the Council's Member Training Programme, before any Councillor who is a member of a quasi-judicial body can attend and participate in a meeting, that Councillor must have attended a suitable training course dealing with the quasi-judicial nature of the Committee. In practice, this means attendance at an induction event prior to taking up their seat.

- 4.2.2 Other than Licensing Committee, the Constitution does not stipulate that Members must attend training for the quasi-judicial bodies, as a requirement of their membership of the Committee. For the avoidance of doubt and to provide this clarification, it is proposed that the following wording be inserted within the roles and functions of the Public Rights of Way Committee, Licensing Committee, Staffing Committee and Appeals Sub-Committee:

Before any Councillor who is a member of the (insert name) Committee can attend a meeting and participate in the business of the meeting, the determination of an application or an appeal by any individual or body, the Councillor must attend a suitable training course dealing with the quasi-judicial nature of the role of the Committee, as a requirement of their membership of the Committee.

4.3 Planning Committees

- 4.3.1 It is not possible to cover all aspects of planning law in the detail required during induction and so, for that reason, supplementary training is provided throughout the municipal year. Planning Members need to be cognisant of current planning law and of any guidance which may be pertinent to their consideration of an application. It is vital that Planning Members attend the supplementary sessions, particularly Chairmen and Vice Chairmen who may have to exercise their casting vote at a meeting.
- 4.3.2 A recent review of attendance by Planning Members at these supplementary sessions indicated that some do not attend training on a regular basis or have only attended induction. Given that Members need to keep their training up to date, it is proposed that Planning Committee/Pool Members should be required to attend supplementary training.
- 4.3.3 Unlike the stand-alone induction events where dates can be tailored to the individuals concerned, Members will be expected to fit their commitments around supplementary planning training. The following wording is suggested for inclusion in the Constitution:

Any Councillor appointed to Northern Planning Committee, Southern Planning Committee or Strategic Planning Board (including planning pool Members), must attend all planning training sessions held each year (including induction when held), as a requirement of the membership of the Committee they are appointed to, in order to properly discharge their planning committee obligations.

Any Member who cannot attend must submit their apologies in advance to the event organiser. If a Member fails to attend, they must undertake refresher training, in line with the Committee training programme.

- 4.3.4 Planning Committees have a pool of Members who may attend meetings in place of a colleague from the same party. It is important that the same requirements regarding training apply equally to these substitute members as to ordinary Committee members. Accordingly, it is proposed that the wording at paragraph 21, page 47 of the Constitution be amended to read as follows,

A cross party pool of 9 planning substitutes shall be maintained to supplement the arrangements referred to above. Each member of the pool must receive appropriate and up to date planning training without which they may not serve as a member of a planning committee. Political groups may nominate their own members to the pool in accordance with the proportionalities in force at the time and may vary their nominees as and when required subject to the training requirements referred to in the paragraph above.

5. Other Options Considered

- 5.1. To retain the status quo in respect of training arrangements.

6. Background

- 6.1 Training is designed to inform Members of their role and continuously improve both the functionality of the Committees and the decision-making process by:

- Keeping Members up to date with any legislative changes (lawful decisions)
- Addressing contemporaneous issues which have arisen at meetings previously ('lessons learnt')
- Advising Members on matters which may come before them in the future

- 6.2 Not attending training puts the Member at a disadvantage as their knowledge will become outdated. It can also impede the effectiveness of the Committee. In respect of planning matters, which can be a highly contentious and emotive subject, it could expose the Council to legal challenge.

7. Implications of the Recommendations

7.1 Legal Implications

- 7.1.1. Designating training as a requirement of membership will improve attendance. None attendance will be monitored and reported to the Monitoring Officer and Group Leaders.

7.2. Finance Implications

- 7.2.1. Sessions would be offered in house as part of the overarching Member Development Programme but would incur officer time in order to deliver the training.

7.3. Policy Implications

- 7.3.1. If the recommendations in the report are adopted, this would require changes to be made to the Council's Constitution.

7.4. Equality Implications

- 7.4.1. There are no direct implications for equality.

7.5. Human Resources Implications

- 7.5.1. There are no direct implications for Human Resources.

7.6. Risk Management Implications

- 7.6.1. Improving decision making will assist the Council to avoid reputational damage.

7.7. Rural Communities Implications

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

7.8. Implications for Children & Young People/Cared for Children

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

7.9. Public Health Implications

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

7.10. Climate Change Implications

- 7.10.1. There are no direct implications for climate change

8. Ward Members Affected

8.1 All Members of the Council. The changes set out in the report seek to clarify a Member's obligations in respect of their own training.

9. Consultation & Engagement

9.1 The Member Technology and Development Panel has endorsed the content of the Member Development Programme.

10. Access to Information

10.1 Statistical analysis of planning training attendance

11. Contact Information

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

Name: Diane Moulson

Job Title: Senior Member Development Officer

Email: diane.moulson@cheshireeast.gov.uk



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Council

Date of Meeting: 21 October 2020

Report Title: Annual Report of the Audit and Governance Committee 2019/20

Senior Officer: Jane Burns, Executive Director Corporate Services

1. Report Summary

- 1.1. To present to Council the Annual Report of the Audit and Governance Committee 2019/20, as approved by the Audit and Governance Committee on 30th July 2020.
- 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 Annual Report of the Audit and Governance Committee 2019/20 be received.

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 2018 Edition* 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 recommended by the CIPFA guidance and included within Cheshire East Council's Constitution.

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 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/Cared for Children

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.

6.10. Climate Change Implications

6.10.1. There are no direct implications for Climate Change.

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. Consultation & Engagement

8.1. The annual report of the Committee was prepared by Internal Audit following discussion with key officers who regularly provide updates to the Audit and Governance Committee. The report was discussed with the Committee Chair and Vice Chair and considered by the Corporate Leadership Team prior to the Audit and Governance Committee approving the report on 30 July 2020 for consideration by Council.

9. Access to Information

9.1. The Annual Report of the Audit and Governance Committee 2019/20 is attached as Appendix A to this report.

10. Contact Information

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

Name: Josie Griffiths

Job Title: Head of Audit and Risk

Email: Josie.griffiths@cheshireeast.gov.uk

Annual Report of the Audit and Governance Committee 2019/20

DRAFT
(May 2019- April 2020)

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OFFICIAL

Contents

Foreword by the Chair of the Audit and Governance Committee	1
1. Introduction to the Audit and Governance Committee.....	2
2. Audit and Governance Committee - Statement of Purpose.....	2
3. Governance, Risk and Control within Cheshire East Council	3
4. Effectiveness of the Committee	5
5. Additional Assurance	6
6. Members of the Committee	8
7. Statutory Requirements, New Guidance and Recommended Practice	8
8. Training and Development	9
9. Work programme for 2020/21	9

Foreword by the Chair of the Audit and Governance Committee

As Chair of the Audit and Governance Committee, I am proud to present this detailed report on the work of the Committee over 2019/20.

The report informs full Council of the broad range of work which has been considered over the year to support the Committee in fulfilling its Terms of Reference and provides assurance on the effectiveness of the Committee in meeting its purpose.

I hope that this report helps to demonstrate the key role which is undertaken by the Audit and Governance Committee and the positive contribution it makes to the Council's overall governance.

The Committee's Terms of Reference were developed in accordance with the CIPFA guidance and the detailed Committee Work Programme designed to ensure that they are fulfilled is subject to review at each meeting of the Committee.

I would like to thank all those who have contributed and attended the Committee meetings over the last year, supporting the Committee's work with varied reports and presentations, which are the culmination of much more preparation and work undertaken 'behind the scenes'.

Since March 2020 the impact of the Covid-19 pandemic and associated lockdown has presented challenges to everyone within Cheshire East and I am pleased to report that arrangements were put in place to ensure that the May 2020 meeting of the Committee, which took place remotely, were a success and ensured that the business of the Committee continued at this difficult time.

I look forward to future meetings of the Committee, whether remote or face to face, and to working with the Committee members and the officers who support the Committee to ensure that we continue to provide independent assurance on the Council's control environment and the governance framework.



Councillor Rod Fletcher

Chair of the Audit and Governance Committee
July 2020

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 which can be found in the Council's [Constitution](#).

Meetings of the Audit & Governance Committee were held on the following dates during 2019/20:

- 30th May 2019
- 30th July 2019
- 3rd October 2019
- 5th December 2019
- 12th March 2020

More information on the Audit & Governance Committee Meetings, including agendas, minutes and attendance details is available [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
30 July 2019	Internal Audit Annual Report 2018/19
5 December 2019	Internal Audit Interim Update Report April – September 2019
12 March 2020	Internal Audit Interim Update Report October – December 2019
	Draft Internal Audit Plan 2020/21

External Audit

Meeting:	Reports received:
30 May 2019	External Audit 2018/19 Progress and Update
30 July 2019	External Audit Findings and Action Plan 2018/19
3 October 2019	External Audit Update and Annual Audit Letter 2018/19
5 December 2019	External Audit Report 2019/20
	Certification of Claims and Returns 2018/19
12 March 2020	External Audit 2019/20 Progress and Update Report

Risk Management

Meeting:	Reports received:
30 July 2019	Annual Risk Management Report 2018/19
5 December 2019	Risk Management Update
12 March 2020	Risk Management Framework Update

Corporate Governance & Annual Governance Statement (AGS)

Meeting:	Reports received:
30 July 2019	Annual Governance Statement 2018/19
	Annual Report of the Monitoring Officer 2018/19
5 December 2019	Annual Governance Statement 2018/19 – Progress Update

Accounts, Financial Statements & Treasury Management

Meeting:	Reports received:
30 July 2019	Annual Statement of Accounts 2018/19
3 October 2019	Treasury Management Annual Report 2018/19
5 December 2019	Review of Cheshire East Group Accounting Policies
	Draft Treasury Management Strategy and Minimum Revenue Provision Statement 2020/21

Information Governance

Meeting:	Reports received:
30 July 2019	Annual Information Governance Update 2018/19

Significant assurances the Committee has received during the year include:

- **2018/19 Internal Audit opinion:**
This was presented to the 30 July 2019 meeting.
- **2018/19 Financial Statements Opinion (External Audit):**
This was presented to the 30 July 2019 meeting.
- **2018/19 Value for Money (VFM) Conclusion (External Audit):**
This was presented to the 30 July 2019 meeting.

4. Effectiveness of the Committee

The Committee regularly undertakes a formal review of its own effectiveness. The 2019/20 self-assessment was carried out against the CIPFA guidance, Audit Committees – Practical Guidance for Local Authorities and Police 2018 via an online survey and through discussion with the Chair and Vice Chair.

Given the high turnover of members following the May 2019 election, a decision was taken to delay the self assessment process until the end of 2019 to allow new members of the Committee the opportunity to familiarise themselves with their role. The results were reported to the Committee in March 2020.

The Committee self-assessed as compliant or partially compliant against all areas apart from one which was assessed as not compliant. In receiving the report in March 2020, it was agreed that an action plan would be developed and brought back to the Committee at a later date. This was received by the Committee in May 2020. Four actions were subsequently identified and progress against implementation will be reported periodically.

Whilst the 2019/20 Work Plan was developed in line with the Committee's Terms of Reference to ensure that the Committee continued to work effectively and fulfil its purpose, additional assurance was sought via a detailed review of the Work Plan which was undertaken by Members and Officers at a workshop during November 2019.

The results of the Corporate Peer Challenge that the Council took part in were published in June 2020. The Committee was referenced within this report which stated:

“The Audit and Governance Committee of the Council has made improvements in recent years with much more effective challenge being provided through this committee.” There is currently one ‘independent person’

on the Committee who is not a member of the council and can therefore help to provide independent challenge. However, the size and membership of the committee may benefit from review to ensure the committee can operate effectively and provide sufficient challenge across all areas of responsibility, including on financial matters

The Committee will consider the appointment of co-opted independent members during 2020/21.

The Committee has continued to provide challenge and feedback to the reports received which was evidenced at the March 2020 meeting at which a risk management report was received. The report included an update on the risk of a pandemic which had been moved to a Moderate risk during February 2020 following a review of the Corporate Risk Register in January 2020. This was challenged by Members in light of more recent developments and a request was made to escalate the risk to the highest level. Officers provided assurance that this particular risk was being monitored constantly but agreed to update the documentation.

5. Additional Assurance

It was agreed at the Committee's December 2015 meeting that future annual reports of the Committee be expanded to include greater details on any areas of work requested to provide additional assurance to the Committee along with an explanation as to how this added value to the work of the Committee.

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

Ombudsman complaints and lessons learnt

The Committee received update reports at each meeting detailing the decision notices received by the Council from the Local Government Ombudsman and Social Care Ombudsman. The detailed reports provided the Committee with information on those decision notices which concluded that there had been maladministration causing injustice.

During 2019/20, the reports have also been supported by the attendance of senior managers from the services involved to provide assurance to the Committee that lessons have been learned from the issues and actions implemented.

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 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, summary information on the number and reasons for WARN's has been provided to the Committee as a standard part one agenda item, with the details being considered as part two, following exclusion of press and public from the meeting 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.

The Committee has noted that the number of waivers and non-adherences being reported has significantly and consistently reduced since the reports were first presented.

This provides assurance to the Committee on the positive impact of the changes to the Council's procurement management.

Member's Code of Conduct

The Committee received an update report in December 2019 relating to the Member's Code of Conduct. The report detailed the number of complaints made against Cheshire East Councillors and Town and Parish Councillors; the paragraph of the Code alleged to have been breached and the outcome of each complaint, where completed. This information is provided to support the Committee's role in monitoring and maintaining high ethical standards within the authority.

The Committee agreed that a review of the Code of Conduct would be added to the Committee's Work Plan and that it should be linked to the Local Government Association publication of a revised Model Code of Conduct. This was expected to be published in July 2020 prior to the Covid-19 pandemic. A draft LGA model Code is currently subject to consultation which closes on 17 August 2020.

Counter Fraud Update

In October 2019, the Committee considered an update report on the Council's arrangements to counter the threat of fraud and corruption. The report also

provided an overview of developments taking place nationally, counter fraud activity in Cheshire East and the ongoing work to ensure compliance with best practice. Updates are also included in the regular updates against the Internal Audit plan.

Inspection by the Investigatory Powers Commissioner's Office and revised RIPA Policy and Procedures

In December 2019, the Committee received a summary of the findings, recommendations and action plan from the remote desktop inspection. The Committee noted the action plan and agreed that a progress report on the action plan would be brought to a future meeting.

The Committee considered and approved the proposed revised RIPA Policy and Procedures at its March 2020 meeting. The revisions were made in order to comply with the recommendations made by the Investigatory Powers Commissioner's Office and changes in legislation.

6. Members of the Committee

Following the local elections in May 2019 wholesale changes were made to the Committee membership. Members of the Committee during 2019/20 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 Executive Director Corporate Services, Executive Director Place, Director of Governance and Compliance, and the Director of Financial and Customer Services.

Following an extended period during which the Principal Auditors acted up, the role of Chief Audit Executive as defined by the Public Sector Internal Audit Standards (PSIAS) was filled on a permanent basis by the appointment of the Head of Audit and Risk in July 2019.

7. Statutory Requirements, New Guidance and Recommended Practice

During the year, the Committee has carried out statutory requirements including approving the Financial Statements and the Annual Governance Statement.

Committee members were provided with a copy of the Committee's Terms of Reference in advance of the May 2019 meeting.

The Committee has received updates on changes to relevant legislation, for example, the Review of Cheshire East Group Accounting Policies, and endorsed an updated Risk Management Framework to be adopted by Cabinet.

8. Training and Development

The following training was carried out during the 2019/20 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.

The training and development programme for Members of the Committee is informed by an annual skills assessment exercise.

A workshop was held in November 2019 to facilitate a detailed review of the Committee Work Plan and ensure that the planned items would provide members with the appropriate level of information and assurance to fulfil the terms of reference of the Committee.

9. Work programme for 2020/21

The Committee has an agreed work programme for 2020/21, which includes the 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 and other areas.

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

- Continue to develop the proactive nature of the Committee to facilitate actions by officers to ensure that risks are identified as early as possible and remedial actions are taken in a timely fashion;

- Oversee any development required of the Audit and Governance Committee work programme to comply with the requirements of the CIPFA Audit Committees guidance;
- Continue to review governance arrangements to ensure the Council adopts the latest best practice and continues to be 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 compliance with best practice such as the Public Sector Internal Audit Standards and the CIPFA Statement on the Role of the Head of Internal Audit;
- Continue to support the Council in managing the risk of fraud and corruption;
- Continue to develop the Audit and Governance Committee to review risk and partnership issues and safeguarding of public sector assets; and
- 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.
- Ensure that arrangements and ways of working introduced in light of the Covid-19 pandemic are subject to effective governance arrangements and robust systems of internal control.

How the Audit and Governance Committee's Terms of Reference were met during 2019/20:






Terms of Reference of Committee	Relevant activity in 2019/20
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.	The July 2019 Committee meeting reviewed the 2018/19 annual report, this was subsequently received and noted by Council in October 2019.
Governance, Risk and Control	
To review the Council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.	The Committee approved the 2018/19 Annual Governance Statement in July 2019. The Committee received an Annual Governance Statement progress report in December 2019.
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.	The Committee received the final 2018/19 Annual Governance Statement (AGS) in July 2019. In addition, an update report was received in December 2019.
To monitor the effective development and operation of risk management in the council.	The Committee received update reports on Risk Management in July 2019, December 2019, and March 2020.
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.	The Committee monitors Anti-Fraud and Corruption arrangements through regular updates on activity provided as part of the regular Internal Audit update reports. A specific Counter Fraud report was received in October 2019
To review and monitor the Council's treasury management arrangements in accordance with the CIPFA Treasury Management Code of Practice.	The Treasury Management 2018/19 Annual Report was received in October 2019. The 2020/21 Draft Treasury Management Strategy and Minimum







Terms of Reference of Committee	Relevant activity in 2019/20
	Revenue Position (MRP) Statement was reviewed at the December 2019 meeting.
Internal Audit	
To approve the internal audit charter.	An updated Internal Audit Charter was approved at the March 2020 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 2019/20 Internal Audit Plan in March 2019. The Committee monitored progress against the plan in December 2019 and March 2020.</p> <p>The 2020/21 Internal Audit Plan was approved at the March 2020 Committee.</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 are concerns about progress with the implementation of agreed actions. To consider summaries of specific internal audit reports as requested.	<p>Internal Audit interim reports against the 2019/20 plan were received in December 2019 and March 2020.</p> <p>Internal Audit interim reports include a summary of Internal Audit work completed and the significant issues arising from individual assignments.</p>
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.	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.
To consider the Head of Internal Audit's annual report.	The 2018/19 Internal Audit Annual Report, including the annual audit opinion was presented to the Committee in July 2019.
To support the development of effective communication with the Head of Internal Audit.	<p>The Head of Audit and Risk met on a regular basis with the Chair and Vice Chair of the Committee following their appointment in July 2019.</p> <p>Prior to this the Principal Auditors undertook the role...</p>

Terms of Reference of Committee	Relevant activity in 2019/20
External Audit	
To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.	<p>The 2018/19 Audit Findings Report and Action Plan were presented to Committee in July 2019 by the External Auditor.</p> <p>The 2018/19 Annual Audit Letter was reported to the October 2019 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	Regular reports are received from the External Auditors who also meet with the Chair and Vice Chair prior to each Committee meeting.
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 Committee consider the work plan at all meetings and commission additional work where Committee members determine that additional assurance is required.</p> <p>A workshop to facilitate a detailed review of the work plan took place during November 2019.</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.	The Annual Statement of Accounts 2018/19 was presented to the Committee in July 2019.

Terms of Reference of Committee	Relevant activity in 2019/20
To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.	<p>The 2018/19 Audit Findings and Action Plan were presented to Committee in July 2019 by the External Auditor.</p> <p>The 2018/19 Annual Audit Letter was reported to the Committee in October 2019.</p>
Related Functions	
To approve and monitor Council policies relating to "whistleblowing" and anti-fraud and corruption.	<p>The Committee is provided with updates in relation to these matters via the interim reports on internal audit activity received during the year.</p> <p>Details relating to whistleblowing statistics are reported via the Monitoring Officer report which was received by the Committee in July 2019.</p>
To seek assurance that customer complaint arrangements are robust	The Committee received regular update reports throughout 2019/20 on the number of decision notices received from the Local Government and Social Care Ombudsman.
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).	A Members Code of Conduct Standards Report recording the number and outcome of decisions relating to complaints was submitted to the Committee in December 2019.
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 Sept 2020).

Membership of the Audit and Governance Committee during 2019/20:

Members of the Audit and Governance Committee during 2019/20	
	<p>Councillor Rod Fletcher (Chair)</p> <p>Councillor Fletcher has been an elected member of Cheshire East Council since its beginning in April 2009 and has served on the Committee since May 2011. He chaired his first meeting in May 2019.</p>
	<p>Councillor Rachel Bailey (Vice-Chair)</p> <p>Councillor Bailey has been an elected member of Cheshire East Council since its beginning in April 2009. She joined the Committee in May 2019.</p>
	<p>Councillor Mike Sewart</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 Andrew Kolker</p> <p>Councillor Kolker has been an elected member of Cheshire East Council since its beginning 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 David Edwardes</p> <p>Councillor Edwardes became an elected member of Cheshire East Council in May 2019.</p>
	<p>Councillor Byron Evans</p> <p>Councillor Evans became an elected member of Cheshire East Council in May 2019.</p>

Members of the Audit and Governance Committee during 2019/20	
	<p>Councillor Andrew Gregory Councillor Gregory became an elected member of Cheshire East Council in May 2019.</p>
	<p>Councillor Sally Handley Councillor Handley became an elected member of Cheshire East Council in May 2019.</p>
	<p>Councillor Steven Hogben Councillor Hogben has been an elected member of Cheshire East Council since June 2011. He joined the Committee in May 2019.</p>
	<p>Councillor Marilyn Houston Councillor Houston became an elected member of Cheshire East Council in May 2019.</p>
	<p>Councillor David Marren Councillor Marren re-joined the Committee in March 2020 having previously served as Vice Chair in 2011/12 and 2015/16.</p>
	<p>Councillor Margaret Simon Councillor Simon re-joined the Committee in March 2020 having previously served on the Committee from its first meeting in June 2010 until March 2017.</p>
No image available.	<p>Philip Gardener Independent Member of the Committee, Mr Gardener was co-opted to the Committee in March 2017.</p>

It should be also noted that Councillor C Bulman deputised for a member of the Audit & Governance Committee in October 2019 having received the necessary induction training prior to the meeting.



Working for a brighter future together

Council

Date of Meeting: 21 October 2020

Report Title: Overview and Scrutiny Annual Report 2019/20

Senior Officer: Jane Burns, Executive Director of Corporate Services

1. Report Summary

- 1.1. To present to full Council the Overview and Scrutiny Annual Report 2019/20 that details the work of the council's overview and scrutiny committees, and development of the overview and scrutiny function during the previous municipal year.

2. Recommendation

- 2.1. That the Overview and Scrutiny Annual Report 2019/20 be received.

3. Reasons for Recommendation

- 3.1. To enable the Council to have oversight of the work and operation of the overview and scrutiny function.
- 3.2. To raise the profile and public awareness of the Council's overview and scrutiny function.

4. Other Options Considered

- 4.1. N/A.

5. Background

- 5.1. The provision of an annual overview and scrutiny report is considered to be good practice. The overview and scrutiny annual report is produced and presented to Council each year.

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1. There are no known legal implications.

6.2. Finance Implications

6.2.1. There are no known financial implications.

6.3. Policy Implications

6.3.1. There are no known policy implications.

6.4. Equality Implications

6.4.1. There are no known equality implications.

6.5. Human Resources Implications

6.5.1. There are no known human resources implications.

6.6. Risk Management Implications

6.6.1. There are no known risk management implications.

6.7. Rural Communities Implications

6.7.1. There are no known implications to rural communities.

6.8. Implications for Children & Young People/Cared for Children

6.8.1. There are no known implications to children, young people and cared for children.

6.9. Public Health Implications

6.9.1. There are no known public health implications.

6.10. Climate Change Implications

6.10.1. There are no known climate change implications.

7. Ward Members Affected

7.1. N/A.

8. Consultation & Engagement

8.1. N/A.

9. Access to Information

9.1. N/A.

10. Contact Information

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

Name: Joel Hammond-Gant

Job Title: Scrutiny Officer

Email: joel.hammond-gant@cheshireeast.gov.uk

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Overview and Scrutiny Annual Report 2019/20



Chairman's Foreword

This report takes a backward facing look at some of the overview and scrutiny highlights for the municipal year, 2019/20, a year that has been marked by transition and change for all Overview and Scrutiny Committees.

Committee Members initially sought to maintain 'business as usual' whilst completing outstanding work programmes in readiness for moving to a Committee System in May 2020. In January 2020 the decision was taken to defer the transition to a Committee System until May 2021, thus extending the overview and scrutiny role for a further year and enabling additional task and finish work to take place.

By January, the impacts of the global pandemic were being seen across Europe and on 16th March, the United Kingdom entered the Covid-19 lock-

down. This immediately impacted on the Council's ability to hold meetings in person and expedited the roll-out of IT systems and equipment to enable members across the Council to engage in 'virtual meetings.' The decision was taken to streamline all Overview and Scrutiny agendas to focus on Covid-related matters and urgent business at meetings that would be held 'virtually' - in compliance with the new Covid legislation.

As the impacts of Lock-down began to emerge, it is timely that significant work undertaken by the Children and Families and Health and Adult Social Care Committees focused on mental health, reflected in the spotlight review of Children's Mental Health services and the monitoring of the re-design of adult mental health services. Of particular note over the course of 2019/20 are the opportunities for wider partnership working that have arisen. For example with health and education partners, flood risk management authorities and in extending joint scrutiny functions with neighbouring local authorities. This is to be welcomed and has provided wider, constructive engagement.

This report gives a flavour of the varied work undertaken by members of each of the four overview and scrutiny committees and reflects the diligence and hard work that they put into it. On behalf of the chairmen and vice-chairmen, I would like to give our thanks to our committee members and the officers who support the committees. In particular we would like to record our thanks to Scrutiny Officer Mark Nedderman who retired during this period.



Councillor Janet Clowes
Chairman of the Corporate Overview and Scrutiny Committee

Corporate Overview and Scrutiny Committee



Councillor Janet Clowes (Chairman)



Councillor Brendan Murphy (Vice-Chairman)

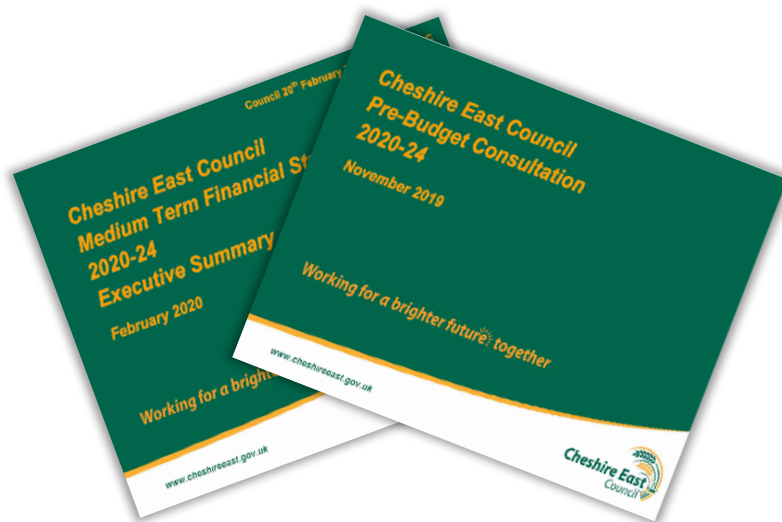
The Corporate Overview and Scrutiny Committee is responsible for reviewing the Council's internal operation including budget setting, risk management, governance, ICT and procurement. The committee comprises the chairmen and vice-chairmen of all of the overview and scrutiny committees, and has a secondary role to coordinate the work of the overview and scrutiny function to maintain consistency.

Budget Scrutiny

Between November 2019 and February 2020, the four overview and scrutiny committees closely scrutinised the council's 2020/21 budget proposals. Informed by the public's feedback and concerns from the consultation, each committee held detailed discussions on the proposals.

After each of the other three overview and scrutiny committees had scrutinised the proposals related to their respective remits, this committee was responsible for collating and summarising their concerns and recommendations.

These were then submitted by the committee and presented to Cabinet before the final budget-setting proposals were considered and adopted by full Council.



As well as scrutinising the council's budget proposals for the next year, the committee reviewed the council's financial performance against the objectives and plans set out in its Medium Term Financial Strategy

Call-in of decision on ASDV Review

Following the call-in of a decision taken by Cabinet in March 2019 regarding its ASDV Review, which was referred to the Corporate Overview and Scrutiny Committee.

The committee reviewed the call-in request and scrutinised the reasons for the call-in. After careful consideration, the committee decided not to ask the original decision-maker to review the decision, but did recommend that the Constitution Committee reviews the constitutional process for providing elected members with Part 2 information (what information is provided and when it can be made available.)

Joint Scrutiny Working Group

After closely scrutinising the progress of the Best4Business Programme - a shared investment between Cheshire East Council and Cheshire West and Chester Council—the committee was keen to re-establish the two authorities' Joint Scrutiny Working Group, to more closely monitor the final stages of the project set-up and implementation.

After recommending in December 2019 that the group reconvene, it met in February 2020.

Media Relations Protocol

This committee had maintained an interest in reviewing the council's policy and protocols relating to media publications. After scrutinising how the proposed new protocol would broaden the range of media releases and promote the successes of the overview and scrutiny committees, and how quotes and comments would be obtained from local ward members and committee chairmen, the committee endorsed the proposed protocol and recommended Cabinet approve and adopt it.

Children and Families Overview and Scrutiny Committee



Councillor Jos Saunders
(Chairman)



Councillor Penny Butterill (Vice-Chairman)

The Children and Families Overview and Scrutiny Committee is responsible for scrutinising all of the council's children's services, and its special educational need and disability services for residents aged 0 to 25. The services within the committee's remit range from children's social care, child and adolescent mental health services, education and schools, through to fostering and adoption services.

The committee reviewed a number of quarterly and annual performance reports to ensure that it had sufficiently monitored all of the key services provided to children in Cheshire East.

- **Annual Adoption Report**
- **Corporate Parenting Annual Report**
- **Local Safeguarding Children's Board Annual Report**
- **Local Authority Designated Officer Annual Report**
- **Quarterly Performance Scorecards**
- **SEND Written Statement of Action**

Pre-Decision Scrutiny and Supporting Policy Development



Reviewed the Cheshire and Merseyside Five Year Place Plan, providing feedback to contribute to the final plan document in relation to how it would impact on children's services.



Following close scrutiny of the proposed Cheshire East All-Age Autism Strategy (2020-23), the committee was pleased to endorse the strategy.



Contributed to the development of the proposed Early Help Strategy 2019-22

SEND Local Offer for 16-25 Year-Olds

After a previous task and finish group had reviewed the SEND local offer for 0-16 year-olds, the committee established another group to take an in-depth look at the offer for adolescents and young adults.

In November 2019, the committee agreed to the report of the task and finish group, endorsing the 13 recommendations for change within it.

The report was then presented to Cabinet, which accepted all 13 of the recommendations.

The committee will continue to review this important subject area, and monitor how effectively the committee's recommendations have been implemented.

Children's Mental Health Services

In February 2020 the committee held a Spotlight Review of Children's Mental Health Services in the borough. The committee welcomed officers from across the council's Children's Services and Education team, as well as external partners from CAMHS (Children's and Adolescent's Mental Health Services), Cheshire Clinical Commissioning Group, and Adoption Counts.

The committee received a wide range of information on the current service provision for children of different ages, and how easily these are accessed.

An important discussion theme throughout the day was about how effectively the council and partners had been able to work together to ensure a holistic, sustainable provision of mental health services.

The committee agreed to a series of recommendations which will be presented to Cabinet and partners as part of the final report in 2020/21.

Ofsted Inspection of Children's Services—November 2019

In November 2019, Ofsted carried out an inspection of the council's Children's Services. As it has done previously, the committee considered Ofsted's findings from its inspection.

The committee noted that its rating had improved since the last inspection and that the authority had made considerable improvements to become close to being awarded a 'Good' rating.

It also reviewed and endorsed the council's Action Plan—produced in response to Ofsted's inspection—which set out the authority's plans to continue to improve its services.

Environment and Regeneration Overview and Scrutiny Committee



Councillor Paul Findlow (Chairman)



Councillors Suzanne Brookfield (L) (Vice-Chairman through Dec 2019), Laura Crane (C) (Vice-Chairman between Jan-Feb 2020) and Mike Hunter (Vice-Chairman from Feb 2020)



The Environment and Regeneration Overview and Scrutiny Committee has responsibility for scrutinising matters relating to highways, transport, waste and the environment, as well as fulfilling the council's statutory duty to scrutinise the council's flood risk management arrangements.

Pre-Decision Scrutiny and Supporting Policy Development



Helped to shape how the council consulted with its elected membership and the wider public on its proposed Local Transport Plan.



Closely scrutinised the proposed Economic Strategy and submitted comments and feedback to be considered before the final decision was taken.



Provided feedback on the proposed Strategic Framework for the Macclesfield Town Centre Regeneration programme.



Supported the council in updating its Waste Strategy objectives, and recommended that the committee's feedback be included as part of the wider consultation responses that the council shared through focus groups and meetings with the public and town and parish councils.



Scrutinised the council's draft Environment Strategy and Carbon Action Plan; 17 recommendations and suggestions were fed back to Cabinet to consider.

Throughout the year, the committee closely scrutinised and contributed to the development of a number of important strategies and policies.

Call-in of Decision on Well Managed Highway Infrastructure

On 16 March 2020, the committee considered the called-in decision taken by Cabinet regarding the Well Managed Highway Infrastructure. Following significant public concern and community engagement, the decision—taken by Cabinet in February 2020—was called-in over concern that there had been ineffective consultation prior to the Cabinet decision being taken.

After considering the call-in, the committee offered the following advice to Cabinet:

- (1) To carry out an additional round of streamlined consultation on the winter service element only, as part of the annual review process of the Well Managed Highways Infrastructure
- (2) To undertake the annual review process through the Area Highways Groups, also involving all parish and town councils and relevant community/cycle groups as appropriate, ensuring that information is shared with the Area Highways Groups in advance of meetings and also shared with all schools
- (3) That a letter should be sent to all schools in Cheshire East to inform them of the additional round of consultation to be carried out
- (4) That all schools should be given an appropriate amount of time to respond to the consultation.

Cabinet noted the committee's advice and agreed to put in place appropriate measures to enable the suggestions to be incorporated into the implementation and review plans for well-managed highway infrastructure.

Flooding and Flood Risk Management

Flood risk management must legally be scrutinised by local authorities, and this committee takes on this responsibility for Cheshire East Council. Flooding is an issue that has greatly impacted numerous parts of Cheshire East in recent years, and so through this committee, both the council's responses to flooding incidents and its flood risk management plans have been closely monitored.

Whilst it was acknowledged that there had been unusually high rainfall in Autumn 2019—the fifth highest on record in the UK— the committee closely scrutinised and questioned the effectiveness of flood alert systems in certain areas of the borough; how readily available advice on flooding was on a local level to town and parish councils; and the specific, localised responses to flooding in the different areas of the borough.

Throughout its scrutiny of the council's flood recovery and flood risk management, the committee was acutely aware of the significant impacts of flooding to the council's annual budget, and sought to understand its budgetary impacts—both short and long-term.

Health and Adult Social Care and Communities Overview and Scrutiny Committee



Councillor Liz Wardlaw (Chairman)



Councillor Arthur Moran (Vice-Chairman)

The Health and Adult Social Care and Communities Overview and Scrutiny Committee has a dual role in scrutinising the council's adult social care, public health and communities services, as well as local health bodies within Cheshire East. This includes the Cheshire Clinical Commissioning Group, hospital trusts, GP services, dentistry and other health services provided in the borough.

Monitoring of Health Services



Continued regular monitoring and scrutiny of NHS England and Improvement and its plans for a new model of oral surgery and orthodontic services in the borough



Reviewed the 2018/19 Quality Accounts from the three major hospital trusts in Cheshire East, considering performance, successes and challenges during the year



Received and scrutinised performance data from North West Ambulance Service, as well as the council's adult social care, public health and communities services.

The committee reviewed the council's [Joint Strategic Needs Assessment](#), also known as the 'Tartan Rug', which shows data for a range of public health criteria for each of its 52 ward areas.

		Wrenbury	Bunbury	Audlem	Nantwich South and Stapleley	Nantwich North and West
1 Total population	number	4626	4979	4908	9174	8737
2 BME population	%	1.2	0.9	1.4	2.4	1.8
3 Proficiency in English	%	0.1	0.2	0.1	0.1	0.2
4 Population under 16	%	15.8	16.0	15.1	19.5	16.0
5 Population aged 65 and over	%	24.9	20.3	28.2	22.1	24.7

Pre-Decision Scrutiny and Supporting Policy Development



Reviewed the Cheshire and Merseyside Five Year Place Plan, providing feedback to contribute to the final plan document.



Scrutinised and provided feedback on the council's proposed future arrangements for the Care4CE service, and asked Cabinet for assurances regarding staff terms and conditions.



Reviewed the Clinical Commissioning Group's proposed merger from four separate commissioning groups into one single,

Gypsy, Roma and Traveller Community Welfare

In November 2019, the committee held an informal meeting to hear and learn from a number of voices on the issues relating to the welfare of Gypsy, Roma and Traveller communities.

Immediately following this meeting, the committee wrote to the Cabinet to endorse the recommendation within the council's Local Plan to build a designated transit site for Gypsy, Roma and Traveller communities, whilst asking Cabinet to ensure that the chosen site is of high quality, and enables a positive quality of life for those living in it.

The committee received a response from the Portfolio Holder for Planning, on behalf of Cabinet, informing that a transit site had been identified and that further work remained ongoing with partners to consult on the specific needs of the Gypsy, Roma and Traveller communities.

Members of the Health and Adult Social Care and Communities Overview and Scrutiny Committee, Portfolio Holder for Adult Social Care and Health, and officers from Cheshire and Wirral Partnerships NHS Foundation Trust at the 'Silk Ward'



Monitoring the re-design of adult's and older peoples' mental health services in Cheshire East

Between 2016 and 2018, the committee closely scrutinised proposals from health partners to re-design the mental health service provision for adults and older people. The committee's resolve and 'critical friend' challenge ultimately led to health partners bringing forward improved proposals which were endorsed in [November 2018](#).

In January 2020, members of the committee visited the new Mulberry and Silk Wards to see how the new facilities looked.

This committee's involvement and scrutiny of this matter is demonstrative of how scrutiny can lead to positive change.





Working for a brighter future together

Council

Date of Meeting: 21 October 2020

Report Title: Recommendations from Cabinet – Finance Reports

Portfolio Holder: Cllr Amanda Stott - Finance, IT and Communication

Senior Officer: Alex Thompson – Director of Finance and Customer Services
(Section 151 Officer)

1. Report Summary

- 1.1. This report contains the recommendations from Cabinet to Council to approve supplementary revenue estimates, supplementary capital estimates and capital virements from the following reports:
 - 1.1.1. 2020/21 Financial Outturn considered by Cabinet on the 9 June.
 - 1.1.2. Capital, Investment and Treasury Management Strategies Annual Review 2019/20 considered by Cabinet on 8 September.
 - 1.1.3. Mid Year Review (Finance) 2020/21 considered by Cabinet on 6 October.
- 1.2. The relevant appendices and annexes from the reports are included in the additional documentation.

2. Recommendations

Cabinet recommended to Council to approve:

- 2.1. fully funded supplementary revenue estimate above £1,000,000 in accordance with Financial Procedure Rules as detailed in **(2019/20 Financial Outturn Appendix 2 Table 1)**.
- 2.2. capital virements above £1,000,000 in accordance with Financial Procedure Rules as detailed in **(Capital, Investment and Treasury Management Strategies Annual Review 2019/20 Appendix 1 Annex C)**.

- 2.3. supplementary capital estimates above £1,000,000 in accordance with Financial Procedure Rules as detailed in **(Capital, Investment and Treasury Management Strategies Annual Review 2019/20 Appendix 1 Annex D)**.
- 2.4. fully funded supplementary revenue estimate above £1,000,000 in accordance with Financial Procedure Rules as detailed in **(Mid Year Review (Finance) 2020/21 Appendix 2 Table 1)**.

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.
- 3.4. The Council will continue to review performance against the CIPFA Financial Management Code, whilst also meeting the requirements of the CIPFA Code of Practice for Treasury Management in the Public Services and the Prudential Code for Capital Finance in Local Authorities.

4. Other Options Considered

- 4.1. Not applicable.

5. Background

- 5.1. Managing performance is essential to the achievement of outcomes. 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 380,000 local people. Gross annual spending is over £815m, with a revised net budget for 2020/21 of £301.8m.
- 5.2. The Council complies with all of its legislative and regulatory requirements in accordance with the CIPFA Code of Practice for Treasury Management

in the Public Services and the Prudential Code for Capital Finance in Local Authorities.

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1. Implications arising directly from this report relate to the internal processes of approving supplementary revenue estimates, supplementary capital estimates and virements referred to above which are governed by the Finance Procedure Rules.
- 6.1.2. 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. Senior officers review expenditure and income across all services to support the achievement of a balanced position at year-end.
- 6.2.2. Financial implication directly relating to this report is to ensure that the Council follow the approval process for supplementary revenue estimates, supplementary capital estimates and virements referred to above, which are governed by the Finance Procedure Rules.

6.3. Policy Implications

- 6.3.1. Financial management supports delivery of all Council policies. The final outturn position, ongoing considerations for future years, and the impact on general reserves will be fed into the assumptions underpinning the 2021 to 2025 Medium Term Financial Strategy.

6.4. Equality Implications

- 6.4.1. Any equality implications that arise from activities funded by the budgets in these reports 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. Any HR implications that arise from activities funded by the budgets in these reports 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 at Strategic and Operational levels, 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.

6.6.2. Risks identified in these reports are used to inform the overall financial control risk contained in the Strategic Risk Register; CR3 Financial Resilience. Updates on the scoring and management of strategic risks are provided to the Council's Audit and Governance Committee, and the ongoing challenges to the Council's funding and financial position has been recognised in the Annual Governance Statement.

6.6.3. 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 2020/21 budget and the level of general reserves were factored into the 2020/21 financial scenario, budget and reserves strategy.

6.7. Rural Communities Implications

6.7.1. The reports provide details of service provision across the borough.

6.8. Implications for Children & Young People/Cared for Children

6.8.1. The reports provide details of service provision across the borough, acknowledges the Ofsted report and notes the overspend within Children in Care services.

6.9. Public Health Implications

6.9.1. Public health implications that arise from activities in these reports will be dealt with as separate reports to Members or Officer Decision Records as required.

6.10. Climate Change Implications

6.10.1. Any climate change implications that arise from activities funded by the budgets that this reports deal 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 2020/21 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:
[2019/20 Financial Outturn](#)
[Capital, Investment and Treasury Management Strategies](#)
[Mid Year Review \(FINANCE\) 2020/21](#)

10. Contact Information

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

Name: Alex Thompson

Job Title: Director of Finance and Customer Services (Section 151 Officer)

Email: alex.thompson@cheshireeast.gov.uk

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Appendix 2

Corporate Grants Register

Government Grant Funding of Local Expenditure

1. Cheshire East Council receives two main types of Government grants; specific use grants and general purpose grants. The overall total of Government grant budgeted for in 2019/20 was £264.6m.
2. In 2019/20 Cheshire East Council's specific use grants held within the services was budgeted to be £249.7m based on Government announcements to February 2019. At mid-year, this figure was revised down to £244.9m, and then down again at third quarter to £237.0m.
3. The last quarter has seen a decrease in specific use grant of £1.6m. In the People Directorate, the majority of the difference relates to Academy conversions, whilst in the Corporate Directorate, there has been a further reduction in Housing Benefit Subsidy.
4. Spending in relation to specific use grants must be in line with the purpose for which it is provided.
5. General purpose grants were budgeted to be £14.9m. This reduced by £0.3m during the year as the Tackling Troubled Families budget was transferred to the service. Further in-year grant announcements have increased the amount received to £30.2m.
6. Where additional non-ringfenced grant funding is received, services wishing to increase their expenditure budgets are required by Finance Procedure Rules to seek approval to use this additional funding. Additional general purpose grants totalling £6.1m were received during the final quarter of 2019/20.
7. Services are seeking approval for use of £73,351 of this additional funding (**Table 1**) in 2019/20 to match expenditure that has occurred during the year. This relates to COVID-19 Bus Support Services and Neighbourhood Planning.
8. Services are seeking approval to use £157,381 of this additional funding (**Table 1**) in 2020/21 and this has been transferred to an earmarked reserve.
9. These grants were received too late in 2019/20 to spend in year and therefore this report seeks approval to service requests to incur expenditure of £157,381 in 2020/21, fully funded by the additional grants.
10. There are also service requests relating to 2020/21. The requests relate to Public Health and Rough Sleeping Initiative grants. These requests increase budget expenditure in People Directorate by £790,265 and Place Directorate by £438,329.
11. During the quarter service budgets have been increased by £133,332 as a result of an officer decision record. This related to an Environmental Service Feasibility Study (NW Local Energy Hub) funding that was received, and expenditure budget required, during 2019/20.

12. COVID-19 Emergency Funding of £9.1m was also received during the final quarter. Of this, £1.0m has been applied in 2019/20 with the remaining £8.1m going forward in to 2020/21.
13. Business Rates Tax Loss Compensation grants of £8.4m have also been received during 2019/20 to reimburse billing authorities for the extra discounts offered to businesses as announced in the Autumn Statements. £3.6m of these grants have been utilised to support the revenue budget.

14. Net additional general purpose grant of £15.3m has been received during the year, with £1.1m being allocated direct to services. After allowing for the transfer of £13.1m to earmarked reserves, the net outturn variance is a £1.1m improvement against budget.
15. **Table 2** below provides a summary of the updated budget position for grants in 2019/20 by type and service. Further details of grants are shown in the Statement of Accounts.

Table 1 – Requests for Allocation of Additional Grant Funding

Service	Type of Grant	£000	Details
Place	Neighbourhood Planning Grant for Local Planning Authorities (General Purpose)	23	The conditions of grant mean that this funding could be used across the wider Spatial Planning area.
Place	Covid-19 Bus Support Services (Ring-fenced)	50	Additional support for bus services that have been affected by, or need to be adjusted because of, the impact of COVID-19. Conditions apply and any underspend will need to be returned to DfT.
Total Allocation 2019/20 for use in 2019/20		73	
Place	Neighbourhood Planning Grant for Local Planning Authorities (General Purpose)	37	The conditions of grant mean that this funding could be used across the wider Spatial Planning area.

Service	Type of Grant	£000	Details
Place	Private Rented Sector Innovation and Enforcement (General Purpose)	75	This grant is to be used to raise the standard of properties in the Private Rented Sector by supporting projects that will help local authorities to carry out their duties and use their existing budgets more effectively.
Place	Custom Build (General Purpose)	15	The funding is designed to off-set the new responsibilities imposed by the the Self-build and Custom Housebuilding Act 2015. The Act requires authorities to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority's area and, unless exempt, to grant sufficient development permissions to meet the demand for self-build and custom housebuilding.
Place	Brownfield Register & Payments In Principle (General Purpose)	2	New legislation requires local planning authorities to prepare and maintain registers of previously developed land suitable for housing (brownfield land registers) and allow for the granting of permission in principle for sites allocated for housing-led development. Local planning authorities are receiving new burdens grant payments to fulfil the new requirements.
Corporate – Customer Operations	Blue Badge: New Criteria Implementation (General Purpose)	15	The Government is providing revenue funding towards the additional administration costs that have arisen because of the changes to the eligibility criteria for Blue Badges to include non-visible disabilities which came into force on 30 th August 2019.
Corporate	Local Government Transparency Code - New Burdens (General Purpose)	13	New burdens in relation to the Council's obligation to publish information in line with the Government's Transparency Code 2014.
Total Allocation 2019/20 for use in 2020/21		157	

Service	Type of Grant	£000	Details
People	Public Health (Ring-fenced)	790	The public health grant is ring-fenced for use on public health functions exclusively for all ages. This request is in addition to the amount included in the Medium Term Financial Strategy report.
Place	Rough Sleeping Initiative (Ring-fenced)	438	The Rough Sleepers Initiative provides local support for those living on the streets, making an immediate impact on the rising levels of rough sleeping. This request is in addition to the amount included in the Medium Term Financial Strategy report.
Total Allocation 2020/21		1,228	
Central Budgets	Covid-19 Emergency Funding	1,053 8,098	The Covid-19 Emergency Funding is additional grant received due to the rising costs caused by the pandemic. Use of Emergency Funding to cover additional expenditure relating Covid-19 during 2019/20. Remaining Emergency Funding carried forward in a reserve to meet additional costs during 2020/21
Total Covid-19 Funding		9,151	

Table 2 – Corporate Grants Register

	Original Budget	Revised Forecast TQR	Final Outturn	Change from TQR
	2019/20 £m	2019/20 £m	2019/20 £m	2019/20 £000
SPECIFIC USE				
Held within Services	249.7	237.0	235.4	(1.6)
GENERAL PURPOSE				
<u>Service Funding</u>				
People - Childrens & Families	0.2	0.4	0.4	0.0
People - Adult Social Care and Health	3.7	3.7	3.7	0.0
Place	0.1	0.1	0.5	0.3
Corporate - Customer Operations	1.6	1.6	1.6	0.0
Corporate	9.3	9.7	19.0	9.3
Central Items	0.0	8.6	5.0	(3.6)
TOTAL GENERAL PURPOSE	14.9	24.1	30.2	6.1
TOTAL GRANT FUNDING	264.6	261.1	265.6	4.5

Source: Cheshire East Finance

Corporate Grants Register (Detail)

Corporate Grants Register 2019/20		Original Budget	Revised Forecast TQR	Final Outturn	Change from TQR
	Note	2019/20 £000	2019/20 £000	2019/20 £000	2019/20 £000
SPECIFIC USE (Held within Services)					
PEOPLE					
Schools	1	149,481	144,800	143,795	(1,005)
Children & Families		1,732	2,340	2,349	10
Adult Social Care		12,675	12,690	12,686	(4)
Public Health		15,967	15,967	15,967	0
Public Sector Transformation		0	410	410	0
Total		179,855	176,206	175,207	(999)
PLACE					
Growth and Regeneration		652	652	651	(1)
Planning and Sustainable Development		220	0	0	(0)
Directorate		787	819	819	0
Total		1,659	1,471	1,470	(1)
CORPORATE					
Finance and Customer Services		68,211	59,329	58,736	(593)
Total		68,211	59,329	58,736	(593)
TOTAL SPECIFIC USE		249,725	237,006	235,413	(1,593)

Corporate Grants Register 2019/20		Original Budget	Revised Forecast TQR	Final Outturn	Change from TQR
	Note	2019/20 £000	2019/20 £000	2019/20 £000	2019/20 £000
SPECIFIC USE (Held within Services)					
GENERAL PURPOSE (Held Corporately)					
PEOPLE					
Children and Families		195	368	368	0
Adult Social Care and Health		3,679	3,702	3,702	0
PLACE					
Environment and Neighbourhood Services		0	83	294	211
Growth and Enterprise		47	47	122	75
Highways and Infrastructure		16	16	67	50
CORPORATE					
Finance and Customer Services		1,598	1,607	1,644	37
Governance and Compliance		0	352	365	13
CENTRAL ITEMS					
Central		9,328	9,328	18,621	9,293
Collection Fund		0	8,577	5,001	(3,575)
Total Service Funding		14,863	24,079	30,184	6,105
TOTAL GENERAL PURPOSE		14,863	24,079	30,184	6,105
TOTAL GRANT FUNDING		264,588	261,086	265,597	4,511

Notes

- The Dedicated Schools Grant, Pupil Premium Grant, Sixth Form Grant and Other School Specific Grant from the Education Funding Agency (EFA) figures are based on actual anticipated allocations. Changes are for in-year increases/decreases to allocations by the DfE and conversions to academy status.

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Annex C:

Delegated Decision - Requests for Supplementary Capital Estimates (SCEs) and Virements

Service / Capital Scheme	Amount Requested £	Reason and Funding Source
Capital Budget Virements above £1,000,000		
Highways and Infrastructure		
Flooding and Weather events	2,013,569	Virements from within the current LTP funded programme (Highways Investment Network(£522k), Local Area Programme(101k), Highway Maintenance Minor Wks(£925k) and Bridge Maintenance Minor Wks(£166k)) where the expenditure has been managed to enable these essential works to take place. Also the residual budget against the Poynton Revitalisation Scheme (£300k) which is now complete.
Total Capital Budget Virements Requested	2,013,569	

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Annex D: Requests for Supplementary Capital Estimates (SCEs) and Virements

Service/Capital Scheme	Amount Requested	Reason and Funding Source
£		
Capital Supplementary Estimates Over £1,000,000		
Education and 14-19 Skills		
Future Years Basic Need Block Allocation	2,977,000	Additional Basic Need Grant for the financial Year 2021/22 - not yet included in the capital programme.
Total Supplementary Capital Estimates Requested	2,977,000	

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Appendix 2

Corporate Grants Register

Government Grant Funding of Local Expenditure

1. Cheshire East Council receives two main types of Government grants; specific use grants and general purpose grants. The overall total of Government grant budgeted for in 2020/21 was £254.8m.
2. In 2020/21 Cheshire East Council's specific use grants held within the services was budgeted to be £233.2m based on Government announcements to February 2020. At mid-year, this figure was revised up to £241.1m.
3. Mid-year has seen an increase in specific use grants of £7.9m. This is due to a £5.3m grant for Covid-19 Infection Control, £1.5m for a Covid-19 Test, Track and Contain grant, £0.8m for Covid-19 Towns Fund, £0.8m Covid-19 Active Travel and a £0.8m increase in the Public Health Grant. This has been off-set by an adjustment for High Needs Deduction in Schools-related grants. Requests for the allocation of the additional grants received are detailed in **Table 1**.
4. There has also been a reduction in Housing Benefit Subsidy of £1.4m. This grant recompenses the authority for monies which have been paid out to housing benefit claimants and therefore there is a corresponding reduction, the net effect of which is nil.
5. Spending in relation to specific use grants must be in line with the purpose for which it is provided.
6. In the Chancellors Budget on 11 March, two business grant schemes were announced to provide support for businesses as a result of the Covid-19 pandemic.
7. The Small Business Grant Fund (SBGF) is payable to small businesses – essentially those who are currently eligible for Small Business Rate Relief (SBRR) and Rural Rate Relief (RRR). The amount was increased from £3,000 in the Budget to £10,000 in the Chancellor's statement on 17 March.
8. The Retail, Hospitality and Leisure Grant (RHLG) is payable to smaller businesses in this sector, with £10,000 for businesses with rateable values of less than £15,000, and £25,000 for those with rateable values between £15,000 and £51,000 (i.e. those on the Small Business Rate Multiplier).
9. At the beginning of April, Cheshire East was paid £95.5m to passport directly to eligible businesses and by the end of July there had been payments made of £84.6m. The scheme will officially close at the end of August 2020 and any unspent grant will be repaid to central government.
10. General purpose grants were budgeted to be £21.6m. Further in-year grant announcements have increased the amount received to £105.6m.
11. The Covid-19 pandemic has seen additional financial support issued by Central Government.
12. The Government announced in the Budget on 29 October 2018 that it would provide a Business Rates Retail Discount,

to apply in the years 2019/20 and 2020/21. In response to the Coronavirus pandemic, in the Budget on 11 March the Government announced that it would increase the discount to 100% and extend it to include the leisure and hospitality sectors. Following the announcement on 23 March 2020 of further measures to limit the spread of Coronavirus, the Government confirmed that some of the exclusions for this relief have been removed, so that retail, leisure, and hospitality properties that will have had to close as a result of the restriction measures were also eligible for the relief.

13. The estimated full cost for this additional relief for Cheshire East was £58.8m. Usually, local authorities would only be paid their Business Rates Retention share (49%) of any new burdens measures, but in this instance 100% of the funding is being paid to councils to help with cash flow shortfalls. At the end of the financial year, following a detailed reconciliation, the share relating to MHCLG (50%) will be repaid to Government.
14. Other, significant in-year Covid-19 general purpose grants received include £13.3m of Emergency Funding, £2.1m of Council Tax Hardship Funding and Emergency Active Travel Funding.
15. Additional general purpose grants of £0.7m have also been received during the year to date. These include an additional

£0.4m in respect of Children and Families related grants, £0.2m for Place related grants and £0.1m of Corporate related grants. Requests for the allocation of the additional grants received are detailed in **Table 1**.

16. During the quarter service budgets have also been increased by a further £66,668 as a result of an officer decision record. This relates to Environmental Service Feasibility Study (NW Local Energy Hub) funding.
17. Business Rates 'Tax Loss Compensation grants' of £9.2m have also been received during 2020/21. This grant reimburses the Council for providing extra discounts to businesses in line with government guidance. £4.2m of the grant is required to fund services and is included as part of the revenue budget approved in February 2020. The remaining amount will be transferred to the Collection Fund Management earmarked reserve at year end in accordance with the Reserves Strategy.
18. **Table 2** below shows a summary of Covid-19 grants that have already received approval. **Table 3** provides a summary of the updated budget position for grants in 2020/21 by type and service. Further details of grants are shown in **Table 4** Corporate Grants Register.

Table 1 – Requests for Allocation of Additional Grant Funding

Service	Type of Grant	£000	Details
Central Budgets	Covid-19 Business Support Grant (Specific Purpose)	91,227	Funding provided to local authorities to passport directly to eligible businesses applying for business support grants due to the pandemic. Note a further £4.287m already approved in Table 2.
Central Budgets	Covid-19 Emergency Funding Tranches 2 and 3 (General Purpose)	13,251	The Covid-19 Emergency Funding is additional grant received due to the rising costs caused by the pandemic.
Central Budgets	Covid-19 Business Rate Holiday (Specific Purpose)	58,786	Eligible businesses in the retail, hospitality and leisure sectors in England will not have to pay business rates for the 2020 to 2021 tax year. This grant compensates local authorities for the business rates income not received. The grant has been received based on 100% of the discount value to help local authority cash flow situations. A reconciliation will be undertaken at the end of the year to pay back MHCLGs 50% share of this funding accordingly.
Central Budgets	Covid-19 Council Tax Hardship (Specific Purpose)	2,063	New grant funding to support economically vulnerable people and households in their local area.
Allocation For Council Approval		165,327	
Place	Covid-19 Emergency Active Travel Fund (Specific Purpose)	774	To develop and deliver a borough-wide programme of Active Travel measures to support Covid-19 recovery by improving active travel provision for workplaces, schools and town centres. £155,000 has been received and £619,000 is pending.
Allocation For Cabinet Approval		774	

Service	Type of Grant	£000	Details
Corporate	Covid-19 Emergency Assistance Grant for Food & Essential Supplies (Specific Purpose)	326	This grant is for local authorities in England to use to support people who are struggling to afford food and other essentials due to Covid-19.
Corporate	Covid-19 Local Authority Discretionary Grant (Specific Purpose)	170	This grant is intended to fund costs incurred in the administration of business support grants including staff costs, software updates, print & postage and other 3 rd party support.
Place	Covid-19 Reopening High Streets Safely (Specific Purpose)	340	This additional funding is to support the safe reopening of high streets and other commercial areas. The money will allow local authorities in England to put in place additional measures to establish a safe trading environment for businesses and customers, particularly in high streets, through measures that extend to the end of March 2021.
Place	Covid-19 Bus Support Restart (Specific Purpose)	157	This funding is available to increase capacity on buses in order to help keep passengers safe during the Covid-19 crisis, and also to prepare for a recovering economy.
Place	Covid-19 Local Bus Network (Specific Purpose)	180	Additional support for bus services that have been affected by, or need to be adjusted because of, the impact of Covid-19. Conditions apply and any underspend will need to be returned to DfT.
People – Children & Families	Covid-19 Wellbeing for Education Return (Specific Purpose)	55	This grant seeks to better equip schools and colleges to promote children and young people's wellbeing, resilience, and recovery in response to Covid-19.
People – Children & Families	Covid-19 Home to School Transport (Specific Purpose)	295	Thousands of students will be supported with new dedicated school and college transport to get them to school or college in the Autumn term. This funding will help them create extra capacity and allow hundreds of

Service	Type of Grant	£000	Details
			thousands more students to use alternatives to public transport, while social distancing measures remain in place.
People – Children & Families	Extended Rights to Free Transport (General Purpose)	201	The Department for Education provides additional transport funding to local authorities to support children from low-income families to be able to attend schools further from home than the statutory walking distances. The funding is paid as a non-ring-fenced grant paid via the Department for Communities and Local Government under the Local Services Support Grant (section 31 of the Local Government Act 2003).
People – Children & Families	Staying Put Implementation (General Purpose)	113	The purpose of the grant is to provide support for local authorities in England for expenditure lawfully incurred or to be incurred by them, in respect of a young person aged 18 and their former foster carer, who wish to continue living together in a 'Staying Put' arrangement. For the purposes of this grant 'young person' means a former relevant child who was looked after immediately prior to their 18 th birthday. This supported arrangement can continue until the young person's 21 st birthday.
People – Children & Families	Extended Personal Advisor Duty Implementation (General Purpose)	42	The purpose of the grant is to support Local Authorities in England to meet the requirements of the Children and Social Work Act 2017, requiring them to offer Personal Adviser support to all care leavers up to the age of 25. The grant is to support those young people that may request support from the Local Authority after the age of 21 and up to the age of their 25 th birthday. The grant has been provided to meet the extra demand for personal adviser time that the new duties create. The new duty provides the Local Authority the ability to respond positively to requests for support from care leavers who may have difficulties and be struggling to transition to adulthood.
People – Adult Social Care & Health	Independent Living Fund (General Purpose)	43	Following the closure of the Independent Living Fund (ILF) in June 2015, the government agreed to continue funding pre-existing ILF arrangements until the end of 2019 to 2020, through the former ILF recipient grant. On the 20 th December 2019, the government confirmed that that the former ILF recipient grant will continue to be paid to local authorities in 2020 to 2021.

Service	Type of Grant	£000	Details
			The total value of the grant in 2020 to 2021 will be maintained and this additional funding allocation is to cover the cost of the payments made to clients for the ILF, increasing it to the level of the actual 2020/21 grant, which is £42,776 higher than originally forecast in the Medium Term Financial Strategy.
Place	Neighbourhood Planning Grant for Local Planning Authorities (General Purpose)	100	The conditions of grant mean that this funding could be used across the wider Spatial Planning area.
Place	Homelessness Reduction Act (General Purpose)	116	The Minister for Local Government is providing local authorities with new burdens funding following the introduction of the Homelessness Reduction Act. The Homelessness Reduction Act places new statutory duties on Local Authorities.
Place	Letting Agents Transparency & Redress Schemes (General Purpose)	1	This grant is to fund additional monitoring responsibilities within Strategic Housing in respect of letting agents.
Corporate	Individual Electoral Registration (General Purpose)	34	The funding is to be used on activities associated with Individual Electoral Registration (IER) services within the Electoral Services area. Successful delivery of IER as per statutory requirements. Increased number of registered electors in advance of elections and referendums. Improved accuracy of the information held on our electoral database. Increased public trust in the registration system and encourage people to take responsibility for their own inclusion on the Electoral Register and their participation in elections and referendums.
Total Allocation less than £500,000		2,173	
Total Allocation 2020/21		168,274	

Table 2 - Summary of Covid-19 Grants already Approved

Service	Type of Grant	£000	Details
Public Health	Covid-19 Infection Control (Specific Purpose)	5,320	The primary purpose of this fund is to support adult social care providers, including those with whom the local authority does not have a contract, to reduce the rate of Covid-19 transmission in and between care homes and support wider workforce resilience.
Public Health	Covid-19 Test, Track and Contain (Specific Purpose)	1,533	The purpose of the grant is to provide support to local authorities in England towards expenditure lawfully incurred or to be incurred in relation to the mitigation against and management of local outbreaks of Covid-19.
Place	Covid-19 Towns Fund (Specific Purpose)	750	The Towns Fund works with places to address growth constraints and to chart a path of recovery from the impact of Covid-19. The overarching aim of the Towns Fund is to drive the sustainable economic regeneration of towns to deliver long term economic and productivity growth.
Central Budgets	Covid-19 Business Support Grant (Specific Purpose)	4,287	Funding provided to local authorities to passport directly to eligible businesses applying for business support grants due to the pandemic.

Urgent decisions made following Member consultation

Date	Summary of decision	Decision on behalf of	Members, MO/S151 consulted/ content?	Status
26 05 20	Covid-19 Discretionary Grant Fund: approval of supplementary revenue estimate of funds made available from Government, to make payments to businesses in the sum of £4,287,250. Delegation of the design and implementation of a policy and scheme for the distribution of funds.	Council	Yes	Decision made and Members notified
08 06 20	Approval of supplementary revenue estimate of £5.32m relating to the Covid-19 Infection Prevention Fund for Local Authorities' allocation for Cheshire East Council. Authorisation of the distribution of the first 75% of the Grant to eligible care home providers in the Cheshire East Borough in accordance with the DoHSC Grant conditions. Delegated authority to utilise the 25% balance of the Grant to support the wider care market with Infection Control measures.	Council	Yes	Decision made and Members notified

Urgent decisions made by the Chief Executive relating to Covid-19 funding under general delegation dated 2 July 2020

Date	Summary of decision	MO/S151 consulted	Status
07 07 20	Acceptance of the offer of the £750,000 Town Fund allocation for Crewe; agree a Supplementary Capital Estimate; expenditure delegated to the Executive Director of Place, subject to first consulting the Portfolio Holder for Environment and Regeneration.	Yes	Decision made and all Members notified on 08 07 20
08 07 20	Test and Trace: Acceptance of the Council's allocated grant of £1.53m. Authorisation of a Supplementary Revenue Estimate, for the 2020/21 Financial Year, of £1.53m. Authorisation of the Executive Director-People, in consultation with the Portfolio Holder for Public Health and Corporate Services, to distribute the grant in accordance with the conditions which have been attached to it.	Yes	Decision made and all Members notified on 08 07 20 Further clarification provided to all Members on 10 th July 2020 that the previous reference to the Portfolio Holder for Adult Social Care and Health had been corrected.

Table 3 - Summary of Grants

	Original Budget	Revised Forecast MYR	Change from Original Budget
	2020/21 £m	2020/21 £m	2020/21 £m
SPECIFIC USE			
Held within Services	233.2	241.1	7.9
GENERAL PURPOSE			
Business Support Grant	0.0	95.5	95.5
Service Funding:			
People - Childrens and Families	0.0	0.4	0.4
People - Adult Social Care and Health	8.7	8.8	0.1
Place	0.0	0.3	0.3
Corporate	12.8	28.1	15.3
Central Items	0.0	68.0	68.0
TOTAL GENERAL PURPOSE	21.5	201.1	179.6
TOTAL GRANT FUNDING	254.7	442.2	187.5

Table 3 – Corporate Grants Register

Corporate Grants Register 2020/21		Original Budget	Revised Forecast MYR	Change from Original Budget	Treatment of Grant
	Note	2020/21 £000	2020/21 £000	2020/21 £000	Notes 2 & 3
SPECIFIC USE (Held within Services)					
PEOPLE					
Schools	1	151,887	150,438	(1,449)	
Children and Families		1,759	2,021	262	
Adult Social Care		12,637	17,958	5,321	
Public Health		15,967	18,291	2,324	
Total		182,250	188,708	6,458	
PLACE					
Growth and Enterprise		263	1,572	1,309	
Directorate		787	1,897	1,110	
Total		1,050	3,469	2,419	
CORPORATE					
Finance and Customer Services		49,878	48,945	(933)	
Total		49,878	48,945	(933)	
TOTAL SPECIFIC USE		233,178	241,122	7,944	

Corporate Grants Register 2020/21		Original Budget	Revised Forecast MYR	Change from Original Budget	Treatment of Grant
	Note	2020/21 £000	2020/21 £000	2020/21 £000	Notes 2 & 3
GENERAL PURPOSE (Held Corporately)					
Central Funding					
Business Support Grant		0	95,514	95,514	Balances
People - Children and Families					
Staying Put Implementation Grant		0	113	113	SRE
Extended Rights to Free Transport (Home to School Transport)		0	201	201	SRE
Extended Personal Adviser Duty Implementation		0	42	42	SRE
People - Adult Social Care and Health					
Social Care Support Grant		7,616	7,616	0	
Independent Living Fund		818	861	43	SRE
Local Reform & Community Voices, Social Care in Prisons and War Pension Scheme Disregard		340	340	0	
Place					
Neighbourhood Planning Grant for Local Planning Authorities		0	100	100	SRE
Homelessness Reduction Act		0	116	116	SRE
Letting Agents Transparency & Redress Schemes		0	1	1	SRE
Environmental Service Feasibility Study (NW Local Energy Hub)		0	67	67	ODR

Corporate Grants Register 2020/21		Original Budget	Revised Forecast MYR	Change from Original Budget	Treatment of Grant
	Note	2020/21 £000	2020/21 £000	2020/21 £000	Notes 2 & 3
GENERAL PURPOSE (Held Corporately)					
Corporate					
Housing Benefit and Council Tax Administration		1,027	1,022	(5)	Balances
NNDR Administration Allowance		571	571	0	
New Homes Bonus		11,193	11,193	0	
Individual Electoral Registration		0	34	34	SRE
COVID-19 Emergency Funding (Tranche 2)		0	10,539	10,539	Balances
COVID-19 Emergency Funding (Tranche 3)		0	2,712	2,712	Balances
COVID-19 Council Tax Hardship Fund		0	2,063	2,063	Balances
Central Items					
COVID-19 Additional Business Rates Reliefs payments for 2020/21		0	58,786	58,786	Reserves
Business Rates Reliefs Grant 2020/21		0	4,988	4,988	Reserves
Business Rates Reliefs Grant 2020/21		0	4,200	4,200	General Fund
Total Service Funding		21,565	105,565	84,000	
TOTAL GENERAL PURPOSE		21,565	201,079	179,514	
TOTAL GRANT FUNDING		254,743	442,201	187,458	

Notes

1 The Dedicated Schools Grant, Pupil Premium Grant, Sixth Form Grant and Other School Specific Grant from the Education Funding Agency (EFA) figures are based on actual anticipated allocations. Changes are for in-year increases/decreases to allocations by the DfE and conversions to academy status.

2 SRE - Supplementary Revenue Estimate requested by relevant service.

3 ODR - Officer Decision Record to approve immediate budget change to relevant service.

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Working for a brighter future together

Council

Date of Meeting: 21 October 2020

Report Title: Appointments to the Adoption Panel and Fostering Panel

Senior Officer: Acting Director of Governance and Compliance and Monitoring Officer

1. Report Summary

- 1.1. The report invites Council to approve a number of appointments to Statutory Panels which do not fall within the definition of "Committee" for the purposes of legislation.

2. Recommendation/s

- 2.1. Council is asked to appoint:-
- (a) Councillor Brian Puddicombe to the Adoption Panel; and
 - (b) Councillor Carol Bulman to the Fostering Panel.

3. Reasons for Recommendation/s

- 3.1. These bodies carry out statutory functions and appointments are needed to ensure that the Council meets its obligations.

4. Other Options Considered

- 4.1. Not applicable.

5. Background

- 5.1. As there are some organisations which do not fall within the category of being "outside organisations", the members of which being appointed by other means, the Council needs to make such appointments as part of the annual Committee appointment process. The organisations are Statutory Panels which do not fall within the definition of "Committee." These are:-

- Adoption Panel
- Fostering Panel

Adoption Panel

- 5.2. The Panel considers the suitability of anyone who applies to become an adopter, and whether or not to recommend that they are suitable to adopt; and also considers the placement of any child with a particular adopter. The Elected Member is a full member of the Panel and is defined as an 'independent panel member' by the Independent Review of Determinations (amendments) 2011. Under the performance objectives of the Panel, each member is asked to attend 75% of the meetings, which are currently held 6 weekly. In addition, each member is asked to attend any training events and induction events that are held at least annually and also to undergo an annual appraisal.
- 5.3. The role of the Adoption Panel and the appointment of Elected Members are governed by the Adoption Agency Regulations 2005 and the Adoption Agencies and Independent Review of Determinations (amendments) 2011, Adoption and Children Act 2002.
- 5.4. The Adoption Panel is made up of a central list and comprises of the following:
- Chair
 - Medical Advisor
 - Agency Members
 - Social Workers (2)
 - Elected Members (1)
 - Independent Members (3)
 - Additional Members (2)

Councillor B Puddicombe served on the Adoption Panel during the 2019/20 municipal year and it is proposed that he continue on the Adoption Panel.

Cheshire East are part of a Regional Adoption Agency arrangement, Adoption Counts, in partnership with four other Local Authorities, Salford, Trafford, Stockport and Manchester. Adoption Counts is responsible for Adoption Panel arrangements on behalf of the Local Authorities.

Fostering Panel

- 5.5. The establishment of fostering panels is laid down by the Fostering Service (England) Regulations 2011. Regulation 23(1) requires the fostering service to provide a central list of persons considered to be suitable members of the Panel, similar to the Adoption Panel.

- 5.5 The Fostering Panel makes timely and appropriate recommendations in line with the overriding objective to promote the welfare of children in foster care. The Panel considers and advises on the suitability of persons who apply to be foster carers for children who are “cared for” by the local authority. It states what its recommendations are in respect of a particular child or children and clarifies whether the prospective carers matching considerations are to be for certain ages or categories of children.
- 5.6 It considers the continuing approval of foster carers following their annual carer’s review or other significant changes in their circumstances and advices on any other matters relating to the fostering service.
- 5.7 The Panel holds fortnightly meetings which are held in private. One nomination is required.
- 5.8 It is proposed that Councillor Carol Bulman be nominated to the Adoption Panel.
- 5.9 As with the Adoption Panel, the Fostering Panel is administered by Cheshire East Children’s Services, and as such, is not an outside organisation.

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1. There are no direct legal implications.

6.2. Finance Implications

- 6.2.1. There are no direct implications for finance.

6.3. Policy Implications

- 6.3.1. There are no direct implications for policy.

6.4. Equality Implications

- 6.4.1. There are no direct implications for equality.

6.5. Human Resources Implications

- 6.5.1. There are no direct implications for Human Resources.

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/Cared for Children

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

6.9. Public Health Implications

6.9.1. There are no direct implications for public health.

7. Ward Members Affected

7.1. All Ward Members.

8. Access to Information

8.1. The background papers relating to this report can be inspected by contacting the report author.

9. Contact Information

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

Name: Brian Reed

Job Title: Head of Democratic Services and Governance.

Email: brian.reed@cheshireeast.gov.uk



Working for a brighter future together

Council

Date of Meeting: 21 October 2020

Report Title: Appointment of Independent Persons for Standards Matters

Senior Officer: Acting Director of Governance and Compliance and Monitoring Officer

1.0 Report Summary

- 1.1 This report invites Council to appoint two Independent Persons to work with the Monitoring Officer and the Audit and Governance Committee on standards matters in accordance with the Localism Act 2011 ('the Act') and the Council's code of conduct complaints procedure.
- 1.2 The Council currently has 2 Independent Persons who were appointed by Council on 28 July 2016 for a term of 4 years (until 27 July 2020).
- 1.3 A public advertisement and interview process for the recruitment of Independent Persons planned for Spring 2020 was put on hold due to the Covid-19 pandemic.
- 1.4 In June 2020, in consultation with Group Leaders and Chair of the Audit & Governance Committee, it was agreed to postpone the recruitment in the circumstances and recommend to the next meeting of Council to extend the appointment of the two existing Independent Persons for a further year until 26 July 2021. This is proposed as an interim arrangement to enable the Council to undertake a recruitment process at a more appropriate time.
- 1.5 The Localism Act 2011 requires the appointment of Independent Persons to be approved by 'a majority of the members of the authority'. It was therefore considered to be more appropriate for this matter to be considered at the next meeting of Council rather than using the Council's urgency provisions.

2.0 Recommendation

- 2.1 That Council appoint Patricia Rathbone and Peter Bryant to serve as Independent Persons for a 1-year term until 26 July 2021 pursuant to

section 28 of the Localism Act 2011.

3.0 Reason for Recommendation

- 3.1 To comply with the requirements of the Act, the Council must appoint at least one Independent Person to deal with standards matters. To ensure that an Independent Person is always available, allowing for possible conflicts of interest and absences, it is recommended that two Independent Persons are appointed.

4.0 Implications for Rural Communities

- 4.1 Cheshire East Council is also responsible for handling standards complaints relating to 107 town and parish councils within the borough.

5.0 Legal Implications

- 5.1 These are set out in the background to this report. To comply with the requirements of the Act, the Council must appoint at least one Independent Person.

6.0 Risk Management

- 6.1 Failing to appoint an Independent Person would place the Council in breach of its statutory duty under the Act and prevent the Monitoring Officer from dealing with complaints in accordance with the Council's code of conduct complaints procedure.

7.0 Background

- 7.1 Section 28 of the Act requires the Council to appoint one or more Independent Persons.

- 7.2 The Independent Person has three roles to perform:

- (a) The views of an Independent Person must be sought and taken into account by the Council before it makes a finding that any Member has failed to comply with its code of conduct or imposes any sanction;
- (b) The views of an Independent Person may be sought on whether to investigate a complaint and how to deal with a particular allegation; and
- (c) Any Member against whom an allegation has been made (including a town or parish councillor) may consult the Independent Person regarding that allegation.

- 7.3 Individuals appointed as Independent Persons must be recruited through a formal procedure in line with the Act. To be compliant:

- (i) The vacancy must be advertised in such manner as the authority considers is likely to bring it to the attention of the public;

- (ii) An applicant has to submit a formal application to be appointed as an Independent Person, and
- (iii) The Independent Person's appointment must be approved by 'a majority of the members of the authority.'

The last requirement means that the appointment must be made by a meeting of Council.

7.4 An Independent Person must **not be:**

- (i) A member, co-opted member, or officer of Cheshire East Council; or
- (ii) A member, co-opted member, or officer of a town or parish council within Cheshire East; or
- (iii) A relative or close friend of any of the above.

7.5 In addition to the restrictions in the preceding paragraph, an Independent Person must **not have been, at any time in the 5 years preceding the date of their appointment:**

- (i) A member, co-opted member, or officer of Cheshire East Council; or
- (ii) A member, co-opted member, or officer of a town or parish council within Cheshire East.

8.0 Present position

8.1 In accordance with the Act, a public advertisement campaign was undertaken in 2016 to attract suitable applicants for the role of Independent Person. This attracted a large number of well qualified applicants.

8.2 Following a structured selection process, shortlisted applicants were interviewed on 18 July 2016 by a panel. Following those interviews, references were taken up and Patricia Rathbone and Peter Bryant were appointed by Council at its meeting on 28 July 2016.

8.3 Both Patricia Rathbone and Peter Bryant have agreed to continue as Independent Persons for a further year in the circumstances.

9.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Asif Ibrahim
Designation: Acting Director of Governance & Compliance
and Monitoring Officer
Tel No: 01270 685820
Email: MonitoringOfficerCEC@cheshireeast.gov.uk

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Working for a brighter future together

Council

Date of Meeting: 21 October 2020

Report Title: Approval of the Continuing Absence of Any Elected Member,
Arising from Issues Relating Directly or Indirectly to COVID-19

Senior Officer: Lorraine O'Donnell, Chief Executive

1. Report Summary

- 1.1. This report sets out a proposal in relation to Elected Members' required attendance at Council meetings, in accordance with the Local Government Act 1972, in order to ensure that appropriate electoral representational arrangements continue to be in place throughout the Borough during the period of the COVID-19 crisis.
- 1.2. It follows a decision taken under urgency procedures in July to approve the continuing absence of any Elected Member, arising from issues relating directly or indirectly to COVID-19, until 31st October 2020, thereby securing their continued membership of the Council until that day. As the period covered by that decision comes to an end on 31st October, Council is asked to approve a further extension to 28th February 2021.

2. Recommendations

- 2.1. That Council approve the continuing absence of any Elected Member, arising from issues relating directly or indirectly to COVID-19, until 28th February 2021.

3. Reasons for Recommendations

- 3.1. To ensure that appropriate electoral representational arrangements continue to be in place throughout the Borough during the period of the COVID-19 crisis.

4. Other Options Considered

- 4.1. There are no other options, although Council could vary the period of extension. This decision is required in order to meet the legal requirements regarding elected members' attendance at meetings.

5. Background

- 5.1. Section 85 of the Local Government Act 1972 sets out a number of provisions in respect of attendance of Members at Council meetings. In particular, the Act states that, if a Member fails to attend a meeting of the authority for a period of six consecutive months from the date of his/her last attendance, he or she will cease immediately to be a member of the Authority. The Council has the power to approve the absence of a Member for "some reason" so long as this is done before the expiry of the six-month period, thereby preventing the cessation of the membership of the Member(s) in question.
- 5.2. The onset of the COVID-19 pandemic, and the subsequent "lockdown" and social distancing measures, made it necessary to cancel a number of Council meetings which Elected Members would ordinarily have been expected to attend, such as the meetings of full Council in May and July. In some cases, Members had been unable to attend meetings prior to, or in the early stages of, the pandemic, eg through illness. Others were subsequently unable to do so as a consequence of being in vulnerable categories, or are still unable to do so for other reasons.
- 5.3. From the earliest stages of the pandemic, steps were taken to ensure that appropriate governance arrangements could continue during this period, and the facility for holding meetings remotely through a virtual/remote platform was rapidly introduced to ensure that meetings could continue to be held. Whilst some early meetings did not need to take place because there was no time-sensitive business to be conducted, the Council has been operating virtual decision-making arrangements as normal, for a number of meeting cycles. Nevertheless, it is acknowledged that circumstances may arise whereby a Member will have been unable to attend a meeting during a six-month period, for the reasons set out above, or due to some technical issue which has resulted in it not being possible for them to connect to a virtual meeting for a reason outside of their control (for example due to an issue with internet provision).
- 5.4. Regulations adopted by the Government made provision for Members' absence from meetings during this period within Wales, but this provision does not extend to England. It is therefore considered prudent to adopt a similar approach to protect the membership of Members of Cheshire East

Council. This will ensure that they do not cease to be Elected Members during the period of, or as a consequence of, the pandemic, solely by virtue of this provision of the 1972 Act, particularly as the Council would be unable to make arrangements for the holding of by-elections during this period. There would also be a significant cost of doing so.

- 5.5. In order to protect the membership of Cheshire East councillors following the introduction of Covid-related restrictions earlier this year, an urgent decision was taken in July, in accordance with paragraph 1.52 and Appendix 4 of the Council Procedure Rules, to approve the continuing absence of any elected member, arising from issues relating directly or indirectly to COVID-19, until 31st October 2020, thereby securing their continued membership of the Council until that day. As the period covered by the decision comes to an end on 31st October, Council is asked to approve a further extension to 28th February 2021. This corresponds broadly with the period identified recently by the Government as a period in which Covid restrictions are likely to remain in place in some form to get the country through the winter period.

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1. The legal implications of the proposed decision are contained in the main body of the report.

6.2. Finance Implications

- 6.2.1. There are no negative financial implications arising from the recommendation in the report. Indeed, the proposal in the recommendation would avoid the need for elections and their associated costs.

6.3. Policy Implications

- 6.3.1. There are no policy implications arising from the recommendation.

6.4. Equality Implications

- 6.4.1. Those in vulnerable categories due to Covid-19 will be assisted by the proposed extension.

6.5. Human Resources Implications

- 6.5.1. There are no human resources implications arising from the recommendation.

6.6. Risk Management Implications

6.6.1. There are no risks associated with the recommendation. Indeed, failure to approve an extension could result in the need for elections with their associated costs; and could result in local communities being without representation during the intervening period.

6.7. Rural Communities Implications

6.7.1. There are no direct implications for rural communities arising from the recommendation.

6.8. Implications for Children & Young People/Cared for Children

6.8.1. There are no direct implications for children and young people arising from the recommendation.

6.9. Public Health Implications

6.9.1. The proposal in the recommendation would protect those members who are in vulnerable categories.

6.10. Climate Change Implications

6.10.1. There are no direct implications for climate change arising from this decision.

7. Ward Members Affected

7.1. This report is of direct relevance to all members of the Council.

8. Consultation & Engagement

8.1. There are no consultation arrangements associated with this report. Consultation had taken place with Group Leaders and the Mayor prior to the urgent decision being taken in July.

9. Access to Information

9.1. The following documents are relevant to this report:

- Local Government Act 1972 (published document).
- Record of an urgent Council decision taken in July in accordance with paragraph 1.52 and Appendix 4 of the Council Procedure Rules.

10. Contact Information

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

Name: Brian Reed

Job Title: Head of Democratic Services and Governance

Email: brian.reed@cheshireeast.gov.uk

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COUNCIL – 21 OCTOBER 2020**NOTICES OF MOTION**

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

1 Local Electricity Bill

Proposed by Councillor D Murphy and Seconded by Councillor Q Abel

A Private Members Bill (attached), which has the support of a significant number of Members of Parliament, is due before Parliament very soon. Council supports the aims and content of the Bill, given that this approach may help local authorities promote the use of sustainable and renewable sources of energy.

Council asks the Chief Executive to report the Council's support of the Bill to the appropriate Government Minister and the Borough's Members of Parliament.

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Local Electricity Bill

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TO

Enable electricity generators to become local suppliers and set local costs of electricity; to give certain duties to the Office of Gas and Electricity Markets; and for connected purposes.

1 Purpose of this Act

The purpose of this Act is to encourage and enable the local supply of electricity.

2 Local Supply of Electricity

- (1) Subject to this Act an electricity generator may be a local supplier and may set local prices.
- (2) A local supplier must have a local supply licence.
- (3) A local supplier must pay any costs and adhere to any regulations set by the Office of Gas and Electricity Markets.

3 Duty of the Office of Gas and Electricity Markets (OFGEM)

- (1) It shall be the duty of OFGEM to issue local supply licences to an electricity generator if, in the opinion of OFGEM, that generator understands, is capable of complying with and will comply with the conditions of that licence.
- (2) In accordance with the purpose of this Act OFGEM shall ensure that
 - (a) the cost of a local supply licence and any related costs are proportionate to the size or projected size of a generator's business; and
 - (b) the regulations that a generator must adhere to are as simple and straightforward as possible.
- (3) OFGEM must, after consultation, specify the radius to which a local supply licence shall apply, and may specify different radii to different local supply licences.
- (4) Before making any decision pursuant to subsection (3) OFGEM must consult
 - (a) Local authorities;
 - (b) Existing local generators;
 - (c) Organisations representing existing or proposed local generators; and
 - (d) Such other person who, in its opinion, have an interest in this matter.

4 Interpretation

In this Act —

‘local supplier’ is a person who supplies electricity only to customers within a specified radius of the generation of that electricity.

‘local supply licence’ is a licence granted to a local supplier to supply electricity in accordance with this Act.

‘business’ includes individuals and not for profit organisations.

5 Citation, Commencement and Extent

- (1) This Act may be cited as the Local Energy Act.
- (2) This Act shall take effect on the day it receives Royal Assent.
- (3) This Act shall apply to England, subject to the agreement of the Welsh Assembly Government, to Wales and, subject to the agreement of the Scottish Government, to Scotland.

*Presented by Jeremy Lefroy
supported by*

*Debbie Abrahams
Peter Aldous
David Amess
Ian Austin
Hannah Bardell
Henry Bellingham
Richard Benyon
Mhairi Black
Peter Bottomley
Graham Brady
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Douglas Chapman
Simon Clarke
Rosie Cooper
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Angela Crawley
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Peter Kyle
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Norman Lamb
Oliver Letwin
Stephen Lloyd
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Caroline Lucas
Angus MacNeil
Anne Main*

*John Mann
Sandy Martin
Kerry McCarthy
John McNally
Mark Menzies
Layla Moran
Andrew Mitchell
Anne Marie Morris
Grahame Morris
Brendan O'Hara
Neil Parish
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Rebecca Pow
Marie Rimmer
Douglas Ross
Lloyd Russell-Moyle
Antoinette Sandbach
Andrew Selous
Barry Sheerman
Tommy Sheppard
Gavin Shuker
Dennis Skinner
Ruth Smeeth
Angela Smith
Henry Smith
Gareth Snell
Alex Sobel
Julian Sturdy
Derek Thomas
Martin Vickers
Giles Watling
Catherine West
Matt Western
Philippa Whitford
Daniel Zeichner*

Schedule of Urgent Decisions

Urgent decisions made following Member consultation

Date	Summary of decision	Decision on behalf of	Members, MO/S151 consulted/ content?	Status
14 05 20	Allocation of chairs and vice chairs to Environment & Regeneration and Children and Families Overview and Scrutiny Committees, Staffing Committee, and Licensing Committee, and a change to political proportionalities.	Council	Yes	Decision made and Members notified
26 05 20	Covid-19 Discretionary Grant Fund: approval of supplementary revenue estimate of funds made available from Government, to make payments to businesses in the sum of £4,287,250. Delegation of the design and implementation of a policy and scheme for the distribution of funds.	Council	Yes	Decision made and Members notified
08 06 20	Approval of supplementary revenue estimate of £5.32m relating to the Covid-19 Infection Prevention Fund for Local Authorities' allocation for Cheshire East Council. Authorisation of the distribution of the first 75% of the Grant to eligible care home providers in the Cheshire East Borough in accordance with the DoHSC Grant conditions. Delegated authority to utilise the 25% balance of the Grant to support the wider care market with Infection Control measures.	Council	Yes	Decision made and Members notified
02 07 20	Authorisation to the Chief Executive, subject to having first taken the advice of the Council's Monitoring Officer, and its Chief Financial Officer, to: (1) approve any supplementary revenue or capital estimate, necessary in order to accept, administer and distribute any funding from Government, or bodies acting on behalf of government, relating to the Covid-19 emergency; (2) to take any related steps; and (3) to invoke the Covid-19 Outbreak Management Plan;	Council/ Cabinet	Yes	Decision made and Members notified

	provided that all Members notified.			
10 07 20	The appointment of David Brown as the Director of Governance and Compliance (and Monitoring Officer), on an inclusive salary of £95,518 per annum, be approved.	Council	Yes	Decision made and Members notified
22 07 20	The appointment of Asif Ibrahim as Interim Director of Governance and Compliance (and Monitoring Officer)	Council	Yes	Decision made and Members notified
22 07 20	Creation of a Cheshire East COVID-19 Health Protection Board and a Cheshire East Local Outbreak Engagement Board, with the terms of reference set out in the appendix to the decision-record.	Cabinet	Yes	Decision made and Members notified
24 07 20	Delegated authority to the Executive Director – Place, in consultation with the Leader and Deputy, to develop and agree a policy and procedures for the issuing of pavement licences to businesses.	Cabinet	Yes	Decision made and Members notified.
30 07 20	Approval, until 31 st October 2020, of the continuing absence of Members as a consequence of the Covid-19 pandemic, who would otherwise cease to be Members.	Council	Yes	Decision made and Members notified
03 08 20	The change of the terms of reference of the Health and Wellbeing Board	Council	Yes	Decision made and Members notified.
14 09 20	The acceptance of Government grant of £6.855m in respect of highways funding.	Council/ Cabinet	Yes	Decision made and Members notified.

Urgent decisions made by the Chief Executive relating to Covid-19 funding etc under general delegation dated 2nd July 2020

Date	Summary of decision	MO/S151 consulted	Status
07 07 20	Acceptance of the offer of the £750,000 Town Fund allocation for Crewe; agree a Supplementary Capital Estimate; expenditure delegated to the Executive Director-Place, subject to him first consulting the Portfolio Holder for Environment and Regeneration.	Yes	Decision made and all Members notified on 08 07 20

08 07 20	Test and Trace: Acceptance of the Council's allocated grant of £1.53m. Authorisation of a Supplementary Revenue Estimate, for the 2020/21 Financial Year, of £1.53m. Authorisation of the Executive Director-People, in consultation with the Portfolio Holder for Public Health and Corporate Services, to distribute the grant in accordance with the conditions which have been attached to it.	Yes	Decision made and all Members notified on 08 07 20 Further clarification provided to all Members on 10 th July 2020 that the previous reference to the Portfolio Holder for Health and Adult Social care had been corrected.
08 10 20	Acceptance of Government funding under scheme to provide financial support to people on low incomes who are unable to work from home: supplementary revenue estimate of £250,978.66	Yes	Members notified on 08 10 20

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