

# Constitution Committee

## Agenda

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**Date:** Tuesday, 6th April, 2021

**Time:** 11.00 am

**Venue:** Virtual Meeting

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

[Join live event](#)

Or dial in via telephone: 141 020 3321 5200 and input Conference ID: 820 811 610# when prompted.

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

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

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

1. **Apologies for Absence**

To receive any apologies for absence.

2. **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.

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

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Please contact Paul Mountford, Executive Democratic Services Officer  
Tel: 01270 686472  
E-Mail: [paul.mountford@cheshireeast.gov.uk](mailto:paul.mountford@cheshireeast.gov.uk)

In accordance with paragraph 2.32 of the Committee Procedure Rules, a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the Committee. Individual members of the public may usually speak for up to 5 minutes. However, if there are a significant number of speakers, the Chairman may exercise his discretion to modify the amount of time allocated to each speaker in order to accommodate everyone wishing to speak.

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.

**4. Member Speaking**

A period of up to 20 minutes will be provided at the meeting to enable visiting members to speak or ask a question in relation to any matter on the agenda. The Chairman will determine the amount of time allocated to each member based on the number of members wishing to speak. The Chairman will have discretion to vary the arrangements if he considers it appropriate.

Any visiting member wishing to speak or ask a question at the meeting is asked to give notice in writing at least three days before the meeting. This will assist the Chairman in managing the business of the meeting.

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

To approve the minutes of the meeting held on 5<sup>th</sup> October 2020.

**6. Community Governance Review-Formal Consultation on Draft Proposals (Pages 9 - 308)**

To consider a report on the Community Governance Review – Formal Consultation on Draft Proposals.

**7. Calendar of Meetings 2021-22 (Pages 309 - 316)**

To consider a report on the draft Calendar of Meetings for Cheshire East Council for 2021-22.

**8. Cheshire East Mayoralty (Pages 317 - 330)**

To consider a report on the Cheshire East Mayoralty.

**9. Constitutional Update to Implement the Committee System (Pages 331 - 610)**

To consider a report on the Constitutional Update to Implement the Committee System.

**10. Transitional Provisions and Future Constitutional Work (Pages 611 - 626)**

To consider a report on the transitional provisions and future constitutional work.

**11. Audit and Governance Committee Structure and Composition (Pages 627 - 644)**

To consider a report on the future composition and structure of the Audit and Governance Committee.

12. **Proposed changes to the Cheshire East Health and Wellbeing Board Terms of Reference** (Pages 645 - 658)

To consider a report on the proposed changes to the Cheshire East Health and Wellbeing Board Terms of Reference.

13. **Amalgamation of the Council's Member Forum and Panels** (Pages 659 - 666)

To consider a report on the amalgamation of the Council's Member Forum and Panels.

14. **Appointment of New Member to the Independent School Admission Appeals Panel and Independent Review Panel for Exclusion Reviews** (Pages 667 - 670)

To consider the appointment of one individual to become a member of the Independent School Admission Appeals Panel and the Independent Review Panel for Exclusion Reviews.

**THERE ARE NO PART 2 ITEMS**

**Membership:** Councillors M Asquith, R Bailey, M Benson, J Bratherton, J Clowes, L Crane, S Edgar, S Hogben (Vice-Chairman), D Marren, A Martin, B Murphy, J Nicholas (Chairman), A Stott and P Williams

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**CHESHIRE EAST COUNCIL**

Minutes of a virtual meeting of the **Constitution Committee**  
held on Monday, 5th October, 2020

**PRESENT**

Councillor J Nicholas (Chairman)  
Councillor S Hogben (Vice-Chairman)

Councillors M Asquith, R Bailey, M Benson, J Bratherton, J Clowes, L Crane,  
S Edgar, A Martin, B Murphy, A Stott and P Williams

Substitute: Councillor D Marren

In Attendance: Councillor A Critchley and A Moran

**Officers**

J Burns – Executive Director, Corporate Services  
A Ibrahim – Acting Director of Governance and Compliance  
D Malcolm – Head of Planning  
B Reed – Head of Democratic Services and Governance  
K Small – Democratic Services Team Leader

**1 APOLOGIES FOR ABSENCE**

An Apology for absence was received from Councillor T Fox

**2 DECLARATIONS OF INTEREST**

In respect of item 5, in the interest of openness, Councillors S Edgar and J Clowes declared their wards were affected by HS2 proposals.

In respect of item 8, in the interest of openness, Councillor S Edgar declared he was Chair of the Public Rights of Way Committee.

**3 PUBLIC SPEAKING TIME/OPEN SESSION**

There were no members of the public present wishing to speak.

**4 MINUTES OF PREVIOUS MEETING**

Consideration was given to the minutes of the meeting held on 19 March 2020.

**RESOLVED**

That the minutes be approved as a correct record.

## **5 HIGH SPEED RAIL 2 PHASE 2A - PROCEDURE FOR DECISION-MAKING**

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'

## **6 INDEPENDENT REMUNERATION PANEL: REVIEW OF MEMBERS' ALLOWANCES SCHEME**

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.

## **7 REVIEW OF THE MEMBER TRAINING PROGRAMME**

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

That 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'*.

## **8 COMMITTEE SYSTEM FORM OF GOVERNANCE - UPDATE**

Further to its meeting on the 19 March 2020, the Committee gave consideration to recommendations of the Governance Working Group in relation to:

- a decision review process

- scrutiny functions in a committee system form of governance
- how public rights of way and licencing matters would be dealt with under a committee system form of governance

The Committee also discussed the officer scheme of delegation which had been listed for consideration by the Governance Working Group at its December 2020 meeting.

### REOLVED

That Full Council be recommended to resolve that:

1. The Public Rights of Way Committee be a standalone committee.
2. The General Licensing Sub-Committee and Licensing Act 2003 Sub-Committee, be retained to ensure that the Council complies with legislative provisions.
3. There be a single scrutiny committee, empowered to discharge the statutory scrutiny functions.
4. The Referral to Council Process at Appendix B to the report be approved.

The meeting commenced at 10.30 am and concluded at 1.40 pm

Councillor J Nicholas (Chairman)

**CONSTITUTION COMMITTEE – 6<sup>TH</sup> APRIL 2021****COMMUNITY GOVERNANCE REVIEW - FORMAL CONSULTATION ON DRAFT PROPOSALS****RECOMMENDATION**

**That the draft proposals attached at Appendix B to the report be formally agreed for the purposes of consultation and consulted upon for a 12-week period, subject to any amendments required to reflect the response of Holmes Chapel Parish Council to the pre-consultation survey.**

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Extract from the Minutes of the Community Governance Review Sub-Committee meeting on 26<sup>th</sup> February 2021

**4 COMMUNITY GOVERNANCE REVIEW - FORMAL CONSULTATION ON DRAFT PROPOSALS**

The Sub-Committee considered a report on the draft proposals for formal consultation.

At its meeting on 6<sup>th</sup> March 2020, the Sub-Committee had considered the pre-consultation survey responses and the next steps for the review. It had resolved that the pre-consultation survey responses be received and that the initiation of the development of the Council's proposals for all parish ward boundaries be approved. Since that meeting, six member workshops had taken place to develop draft proposals for consultation. The draft proposals were set out in Appendix B to the report. If approved, they would be the subject of a 12-week consultation exercise in accordance with the terms of reference for the review.

Dr M Humphreys of the Association of Electoral Administrators was in attendance at the meeting to provide an expert opinion on the consultation process and the further progress of the Community Governance Review.

Officers advised that the references to 'proposed expansion areas' in the maps attached to the report would be changed to 'potential expansion areas' before the consultation commenced.

Councillor L Gilbert referred to an administrative error in the report in that Holmes Chapel Parish Council had responded to the pre-consultation survey and that, if the Parish Council's response had been taken into consideration, the draft consultation proposals relating to Holmes Chapel could have been different. He therefore asked that the consultation proposals be reviewed before the consultation commenced, to take account of the Parish Council's response to the pre-consultation survey.

The Chairman asked officers to discuss the matter further with Councillor Gilbert after the meeting.

## **RESOLVED**

That the Sub-Committee recommends to the Constitution Committee that the draft proposals attached at Appendix B to the report be formally agreed for the purposes of consultation and consulted upon for a 12-week period, subject to any amendments required to reflect the response of Holmes Chapel Parish Council to the pre-consultation survey.

**Changes made to Draft Recommendations report text, following 26/2/21 Sub Committee feedback. Page numbers refer to the footer of the report.**

| <b>Parishes</b>           | <b>Changes made to Draft Recommendations report text, following 26/2/21 Sub Committee feedback</b>  | <b>Report section(s) affected</b>  |
|---------------------------|---|--|
| Hatherton and Walghertocn | Wording amended to reflect the fact that the Parish Council <u>did</u> respond to the pre-consultation survey (the original wording indicated otherwise) and to note that it opposes the Borough Council's proposed reduction in seats.   | p41 in both original report and revised version                            |
| Congleton                 | Geographical definitions and elector numbers/ proposed seats for the proposed new "Ward 4 (South West)" and "Ward 5 (North West)" were the wrong way round.<br><br>It is actually "Ward 5 (North West)" – not "Ward 4 (South West)", as originally stated - that would have 5,791 electors and 5 seats (a ratio of 1,158.2 electors per seats) and which consists of "polling districts CNW2 and CNW3, the part of Eaton Parish west of A536 that is recommended for transfer to Congleton and the parts of Hulme Walfield and Somerford Booths and Somerford | pp106-107 and 224 in original report; pp105-107 and 226 in revised version |

|                            |   |  |
|----------------------------|---|--|
|                            | <p>parishes that are recommended for transfer to Congleton”.</p> <p>Likewise, it is actually “Ward 4 (South West)” – not “Ward 5 (North West)”, as originally stated – that would have 4,865 electors and 4 seats (a ratio of 1,216.3 electors per seats) and which consists of “polling districts COW1, COW2, COW3 and COW4”.</p> <p>(Map 8a in Appendix 5, which displays the proposed new wards, had the correct ward labels and boundaries in the original report and so did not need amending.)</p>  |  |
| Brereton and Holmes Chapel | <p>Wording amended to reflect the fact that the pre-consultation survey responses included:</p> <ul style="list-style-type: none"> <li>significant support for the potential boundary change (the transfer of the Bluebell Green development and the rest of the potential “expansion area” from Brereton to Holmes Chapel), including support from Holmes Chapel Parish Council and the local Ward Member. The original wording stated incorrectly that there were no responses from the Parish Council and did not mention Ward Member support.</li> <li>opposition from Brereton Parish Council to a boundary change and an explicit request that Bluebell Green should remain within its parish. This was added to ensure that, for balance, the Draft Recommendations reported the views of both of the affected parish councils.</li> </ul> | p139 in both original report and revised version |
| Adlington and Poynton      | <p>Wording amended to reflect the fact that the two houses affected by the proposed boundary change are already on the Poynton electoral roll and therefore already vote in Poynton Town</p>  | pp179-181 of original report; pp179-182 of       |

|               |   |   |
|---------------|---|---|
|               | <p>Council elections (not in Adlington parish elections, as the original wording implied).</p> <p>This means the proposed boundary change would not involve the transfer of any electors (it was previously estimated that four electors would be moved). As a result, some of the future governance electorate figures and ratios for 2025 have been altered:</p> <ul style="list-style-type: none"> <li>the Poynton Town Council West ward electorate figure is now estimated at 6,258 (previously 6,262) and its ratio is now 894 electors per councillor (previously 894.6).</li> <li>for Poynton Town Council as a whole, the electorate figure is now 12,208 (previously 12,212) and its ratio is now 872 (previously 872.3).</li> <li>the Adlington parish electorate figure is now 983 (previously 979) and its ratio is now 109.2 (previously 108.8).</li> </ul> <p>As a result, the “Adlington” section in Appendix 2 (explaining how the number of transferred electors was calculated) no longer applies and has been deleted. Footnote 10 in Appendix 2 amended for same reason.</p> | <p>revised version</p> <p>pp192-193 of original report; p194 of revised version</p> |
| Wilmslow area | <p>Wording amended to explain that:</p> <ul style="list-style-type: none"> <li>whilst the electorate forecasts for Handforth did not take account of potential new housing on the Garden Village site, these forecasts were based on the latest available information at the time they were produced (early 2019);</li> <li>the Council’s latest <u>housing</u> forecast, as set out in its 2019/20 Housing Monitoring Update (HMU), now expects 150 houses to be built on the Garden Village site by the end of March 2025;</li> </ul>   | <p>p182 of original report; pp183-184 of revised version)</p>                       |



|      |   |  |
|------|---|--|
|      | <ul style="list-style-type: none"> <li>• 150 houses on the Garden Village site would equate to an estimated 250 electors (approximately);</li> <li>• the HMU evidence was published only in March 2021 and was not available in time to inform any updated electorate forecasts for the CGR, but it (and the 250 electors estimate derived from it) is cited as additional useful evidence to inform consultation responses.</li> </ul>   |  |
| Maps | <p>Legend text amended so that expansion areas described as “Potential Expansion Areas” (previously the maps incorrectly labelled these as “Proposed Expansion Areas”, even though in some cases boundary changes are not being proposed).</p> <p>Legend text also amended to correct 2 typing errors in “Strategy” and “Constituencies”.</p> <p>Maps amended so that they display all the potential expansion areas within each map view, rather than (as was previously the case for some maps) omitting or incorrectly defining some expansion area boundaries that were not the central focus of the map in question.</p> | <p>Appendix 5, which is after p227 (last page of Appendix 4) of original report and after p229 of revised report</p> |

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Version  
Number: 1

## Community Governance Review Sub Committee

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**Date of Meeting:** 26 February 2021

**Report Title:** Community Governance Review – Formal Consultation on Draft Proposals

**Senior Officer:** Brian Reed – Head of Democratic Services and Governance

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### 1. Report Summary

- 1.1 Following its meeting held on 6 March 2020, there have been 6 Member workshops to develop the attached informal draft recommendations at Appendix B, which if approved, will be the subject of a 12-week consultation exercise.
- 1.2 Dr M Humphries will be available during the meeting to provide an expert opinion on the consultation process and the further progress of the Community Governance Review.

### 2. Recommendations

- 2.1 To recommend to the Constitution Committee that:  
  
The draft proposals attached at Appendix B to this report be formally agreed for the purposes of consultation and consulted-upon for a 12-week period.

### 3. Reasons for Recommendations

- 3.1 The terms of reference for the Community Governance Review, attached at Appendix A, as approved by the Constitution Committee on 22nd November 2018, referenced the need for the Council to formally consult on the draft proposals.

#### 4. Other Options Considered

- 4.1 No other options have been considered, as there is a statutory duty to consult electors and others during the CGR process as detailed in Section 93 of the Local Government and Public Involvement in Health Act 2007.

#### 5. Background

- 5.1 At its meeting held on 20 September 2018, the Constitution Committee resolved that :
- a Borough-wide review of the governance arrangements of all of the Borough's town and parish councils be undertaken, commencing as soon as reasonably practicable after the 2019 all-out elections, and concluding well in advance of the May 2023 elections;
  - a sub-committee of the Committee be appointed to conduct the review, working with an officer working group, and make appropriate recommendations to the Constitution Committee for decision; and
  - the sub-committee comprise representatives of all of the Council's political groups, on the basis of relevant proportionality drawn from the Constitution Committee, provided that the Liberal Democrat Group representative shall be nominated by its Group Leader.
- 5.2 Following that meeting, a Community Governance Review Sub Committee was established, which agreed the terms of reference, as set out in Appendix A. These were subsequently approved by the Constitution Committee.
- 5.3 The terms of reference for the Community Governance Review, referenced the need for the Council to publish its plan for consultation during the review, including the receipt of submissions to assist in the preparation of draft proposals.
- 5.4 A pre-consultation survey was initiated on the 28th October 2019, which invited any person or body interested in the review to provide a response to a survey. The survey itself was "live" for a period of 14 weeks. Having formally closed on the 31st January 2020, the Council received submissions from:

|  |     |
|--|-----|
| Individuals                                | 201 |
| On behalf of a town/parish council         | 56  |
| As an elected ward councillor              | 11  |
| On behalf of a group, organisation or club | 6   |

|                                     |            |
|-------------------------------------|------------|
| As a former elected ward councillor | 1          |
| On behalf of a local business       | 1          |
| <b>Total</b>                        | <b>276</b> |

5.5 At its meeting held on 6 March 2020, the Sub-Committee considered the pre consultation survey responses and the next steps for the review, and resolved that the pre-consultation survey responses be received and the initiation of the development of the Council's proposals for all parish ward boundaries be approved. Since that meeting, 6 Member workshops have taken place to develop the draft proposals for consultation.

5.6 At those workshops, Members gave informal consideration to the following data:

- Electorate numbers taken from the 2019 electoral register;
- The number of councillor seats representing each ward;
- Wards where the respective town/parish council have requested a review within the last 2 years or so;
- Electorate growth forecasts up to 2025 (the period advised by the Local Government Boundary Commission for England);
- Pre-consultation survey submissions;
- Known concerns expressed by parishes;
- Wards with significant variances to the average population density and/or councillor ratios;
- Local plan developments;
- Known built-environment changes.

5.7 As previously reported, the review is being conducted in four phases:

- Stage 1 – Data gathering and identification of points of focus and a preconsultation engagement, where initial submissions are invited (completed).
- Stage 2 – Consideration of submissions received and draft recommendations are prepared (completed).
- Stage 3 – Formal 12 week consultation on published draft recommendations (current stage for consideration).
- Stage 4 – Adjust draft recommendations accordingly, with final recommendations being prepared to seek approval via Full Council (Autumn 2021).

- Review Closure – Publish final recommendations, amend/update relevant records and, if appropriate, undertake a resolution to make a reorganisation order (Autumn onwards, to be concluded well in advance of the May 2023 elections).

5.7 The Sub-Committee is now requested to;

1. Give formal consideration to the informal deliberations and conclusions of the Member workshops, and determine the consultation proposals based upon the content set out in Appendix B to this report; and
2. Recommend to the Constitution Committee that a formal 12 week consultation exercise on those draft proposals commence (stage 3, as outlined above).

## **6. Implications of the Recommendations**

### **6.1.Legal Implications**

6.1.1 The general powers of Cheshire East Borough Council as a Principal Council to conduct a Community Governance Review of its area (CGR) are contained in Section 82 of the Local Government and Public Involvement in Health Act 2007 (the 2007 Act).

6.1.2 Section 93 of the 2007 Act sets out the duties with which the Principal Council must comply when undertaking a CGR, including the duty to consult electors and others during the CGR process. The cornerstone principles of the CGR are contained in Section 93(4) and require the principal council to have regard to the need to secure that community governance within the area under review reflects the identities and interests of the community in that area, and is effective and convenient.

6.1.3 Section 100 of the 2007 Act requires principal councils to have regard to guidance issued by the Secretary of State for Housing, Communities and Local Government (formerly the Department for Communities and Local Government) and the Local Government Boundary Commission for England.

6.1.4. Section 81 of the 2007 Act requires the principal council to draw up and publish the terms of reference for the review which are attached at Appendix A to this report

6.1.5 Sections 87 to 91 of the 2007 Act set out the recommendations arising from the CGR. The principal council is required to make recommendations as to:

- a) whether a new parish or parishes should be constituted
- b) whether existing parishes should or should not be abolished or whether the area of existing parishes should be altered or
- c) what the electoral arrangements for new or existing parishes, which are to have parish councils, should be

In addition, the principal council has a discretion to also make recommendations about:

- d) the grouping or degrouping of parishes
- e) adding parishes to an existing group of parishes or
- f) making related alterations to the boundaries of a principal councils' electoral areas

## **6.2.Finance Implications**

6.2.1. There would appear to be no direct financial implications for this Council, which can be identified at this stage. There will be financial implications for town and parish councils, which they will consider when making representations in response to the formal consultation.

## **6.3.Policy Implications**

6.3.1. There are no direct policy implications.

## **6.4.Equality Implications**

6.4.1. There would appear to be no direct equality implications for this Council, which can be identified at this stage.

## **6.5. Human Resources Implications**

6.5.1. There are no direct HR implications.

## **6.6. Risk Management Implications**

6.6.1. Accepting the closure of the period of pre-consultation and the progression to proposal-development is a necessary step to progressing the review and so any delay will have implications to the overall timetable.

## **6.7. Rural Communities Implications**

6.7.1. Any rural community implications will be known during the development of the proposals, when changes to boundaries are considered, which will therefore be considered at the decision-making stage.

## **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. All wards will be affected to some extent and ward members may choose to make representations as part of the consultation process.

## **8. Consultation & Engagement**

8.1. Consultation and engagement are critical factors in this review process, in order to demonstrate the validity of any change proposals.

8.2. The first stage of informal consultation has now concluded. A second and formal period of consultation is now proposed on the recommendations. This will follow the requirements relating to the duty to consult electors and others during the CGR process as detailed in Section 93 of the Local Government and Public Involvement in Health Act 2007.

## **9. Access to Information / 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](mailto:brian.reed@cheshireeast.gov.uk)



## Terms of Reference of the Community Governance Review

The terms of reference of the Community Governance Review are set out in this section of the report as follows:

### Introduction

1. Cheshire East Borough Council has decided to undertake a Community Governance Review (Review) of the governance arrangements of all of the parishes in its area.
2. This Review will relate to the whole of the Borough, in order to consider making changes to parish areas and parish electoral arrangements; and potentially the alteration, merging, creation and abolishing of parishes, the naming of parishes and the adoption of an alternative style for new parishes. It might also involve changes to the electoral arrangements for parishes (the ordinary year of election; the council size; the number of councillors to be elected to the council, and whether to divide the parishes into wards for the purposes of elections).
3. In some cases it might be appropriate to group parishes under a common parish council or to de-group existing groupings of parishes.
4. Whilst the primary focus of the Review will be town and parish council matters, the outcome will be presented to the Local Government Boundary Commission for England, which has responsibility for Borough Council ward matters. In a limited number of instances, the Council may wish to request the Commission to alter a Borough ward boundary so that it is coterminous with a parish boundary. There may also be a need to make changes that arise in consequence of the Review (termed “consequential matters”), and these might include provisions for the transfer of parish council staff, property and assets, or the setting of precepts for any new parish councils that may be formed.
5. The Boundary Commission for England has power to alter Borough ward boundaries.
6. At present, there are 142 parishes in the Borough. Of these, 27 are divided into parish wards for the purposes of parish elections. There are 1,018 parish councillors, with each parish councillor representing an average of 296 electors. However, the electoral quota (the ratio of electors to parish councillors) varies widely, and ranges from one councillor to eight electors to one to 3,703 electors across the Borough. There are 44 parishes that are grouped under common councils and there are 16 such parish councils. At the last ordinary parish elections in 2015, 46 (27% per cent) of the 186 parish ward elections were contested and led to a poll. However, 125 of the 1,018 parish council seats remained unfilled at the close of the last ordinary elections. Many of these vacant seats have since been filled under the parish councils’ powers of co-option. Parish precepts (the amount that each parish requests to be raised

from council tax) vary widely as do the council tax band D equivalents (the average council tax charged to the households of the parish) between the different parishes, with the band D equivalents ranging from £7.49 to £108.64 across the parishes of the Borough.

7. The Council will produce maps and data sets to provide further statistical information on these matters.
8. The Council considers that the present structure of parish governance serves its residents well, and it is not considered that extensive changes will follow from the Review. However, the present arrangements pre-date the creation of the Council in 2009, and were put in place by the demised authorities. The Council is mindful that there has been considerable change to the population and geography, as well as to the settlements of the Borough following housing developments since that date. The Local Plan also has a bearing on the Review, given that housing allocations have been made which have not yet been implemented.
9. The Review offers the opportunity to ensure that the tier of parish governance is fit for purpose for the future.
10. The data sets that the Council will produce will show the areas in which new development is programmed, especially over the next five-year period between 2019 and 2024, and will provide electorate forecasts for this period. These will be provided because the Council is required to consider any change in the number or distribution of the electors that is likely to occur over the period of five years when it considers parish electoral arrangements.
11. In undertaking the Review, the Council will adhere to Part 4 of the Local Government and Public Involvement in Health Act 2007 (as amended) ("the 2007 Act") and the relevant parts of the Local Government Act 1972 in its work. The following regulations apply, in particular, to consequential matters arising from the Review: Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/625), and Local Government Finance (New Parishes) Regulations 2008 (SI2008/626). The Department of Communities and Local Government and the Local Government Boundary Commission for England has issued Guidance on Community Governance Reviews in accordance with section 100(4) of the 2007 Act in March 2010, and the Council will have regard to "the Guidance".
12. Links to the 2007 Act and the Guidance are provided here:  
  
<http://www.legislation.gov.uk/ukpga/2007/28/contents>  
  
<http://www.lgbce.org.uk/how-reviews-work/other-types-of-review/about-community-governance-reviews>
13. Section 93 of the 2007 Act requires the Council to consult the local government electors for the area under Review and any other person or body who appears

to have an interest in the Review, and to take the representations that are received into account by judging them against the criteria in the 2007 Act and in these Terms of Reference. The Council will publish its plan for consultation during the Review, and this will include the receiving of submissions to assist the Council in preparing its draft proposals together with an appropriate period of consultation on those proposals. The Council is also required to publish all decisions taken as part of the Review and the reasons for taking those decisions.

14. The contents of this report comprise the Terms of Reference of the Review, and the Council publishes these Terms of Reference in accordance with Section 81 of the 2007 Act.

### **Parish Areas**

15. In this part of the Terms of Reference, further consideration is given to parish areas, an element of the review that may lead to the creation of new parishes, altering the boundaries between existing parishes and, possibly, abolishing some existing parishes.
16. In particular, the Council is mindful that it is many years since the last Review of parishes was conducted within what is now the Borough of Cheshire East, and during that interval there has been considerable new development accompanied by a new distribution of population in the Borough. Many of these developments have traversed parish boundaries and have created new communities of identity. Housing allocations in the Local Plan will have the same effect.
17. Section 93(5) of the 2007 Act requires that the Council must have regard to the need to secure that the tier of parish governance:
  - reflects the identities and interests of the different communities in the area. The Council considers that this is a 'community of identity' test, which is especially applicable to the new developments that presently traverse parish boundaries.
  - is effective and convenient. The Council considers that this is a 'viability' test, and the Council is anxious to ensure that parishes are viable and possess a precept that enables them to actively and effectively promote the well-being of their residents and to contribute to the real provision of services in their areas in an economic and efficient manner.
  - takes into account any other arrangements for the purposes of community representation or community engagement in the area that reinforce the 'community of identity' test.
18. The Guidance (paragraphs 46-48) emphasises that electors should be able to identify clearly with the parish in which they are resident, because it is considered that this sense of identity and community lends strength and legitimacy to the parish structure, creates a common interest in parish affairs, encourages participation in elections to the parish council, leads to

representative and accountable government, engenders visionary leadership and generates a strong, inclusive community with a sense of civic values, responsibility and pride.

19. The Borough of Cheshire East is entirely parished and there are no areas of the Borough that do not lie within a parish. The Council notes that the Guidance states that “the abolition of parishes should not be undertaken unless clearly justified” (paragraphs 117-124). The Council intends that the whole of Cheshire East shall continue to be divided into parish areas and there is a strong presumption that, with the possible exception of a few very small parishes, all the Borough’s parishes shall have parish electoral arrangements.
20. The Council considers that the boundaries between parishes will normally reflect natural and man-made defining points between communities. These defining points will be either natural or man-made: they might include rivers or man-made features such as railways or motorways – those defining points that create a community of identity. The views of local residents and the parish councils will have an important bearing in this matter.
21. Where changes to boundaries are considered appropriate, the Council will endeavour to select boundaries that are and are likely to remain easily identifiable.
22. The Council considers that ‘natural’ settlements or settlements as they are defined in the documents that make up its Local Plan, including the Local Plan Strategy (adopted 2017) should not in normal circumstances be partitioned by parish boundaries.
23. The Council recognises that, in its rural area, a strong sense of community can prevail over an extensive but otherwise sparsely populated area. Parishes in these areas may have limited capacity to facilitate service provision and effective local government; even so, arrangements in these areas, when they accord with the wishes of the inhabitants of the parish, will at least represent convenient local government.

### **The Grouping of Parishes**

24. A grouping arrangement for parishes may best be considered as a working alliance of parishes that have come together under a common parish council, with the electors of each of the grouped parishes electing a designated number of councillors to the council. It has been found to be an effective way of ensuring parish governance for small parishes that might otherwise be unviable as separate units, while retaining their separate parish identity. Under section 94 of the 2007 Act, new parishes of less than 150 electors will be unable to establish their own parish council.
25. At present, there are 16 grouping arrangements, involving 44 parishes, in operation in Cheshire East Borough. There are six parishes, outside the grouping arrangements, that have fewer than 150 electors. In a further seven

of the Borough's 142 parishes there is no parish council, and the representative body in those parishes is their parish meeting which must meet at least twice each year.

26. The Council will consider whether a grouping arrangement may be an appropriate way forward for small parishes while noting the Guidance (paragraph 114) that "it would be inappropriate for it to be used to build artificially large units under single parish councils."

### **Names and Styles**

27. The Council does not envisage that there will be many changes of parish names in this Review. Where it might be necessary to consider forming a new parish, the Council will endeavour to reflect existing local or historic place-names, and will give a strong presumption in favour of names proposed by local interested parties. However, the Council considers that composite names of parishes are rarely in the interests of effective and convenient local government. The Council would wish to avoid composite names other than in exceptional circumstances where the demands of history, local connections or the preservation of local ties make a pressing case for the retention of distinctive traditional names.
28. The 2007 Act introduced 'alternative styles' for parishes by inserting section 17A into the Local Government Act 1972. This allows existing parish councils (or the Borough Council during a community governance review) to adopt an 'alternative style' to replace the style "parish". However, only one of three prescribed styles can be adopted: "community", "neighbourhood" or "village".
29. Where a new parish is being created, the Council will make recommendations as to the name of the new parish and whether or not it shall have one of the alternative styles. Where an existing parish is under Review, the Council will make recommendations as to whether the name of the parish should be changed, but it will be for the parish council or parish meeting to resolve whether the parish should have one of the alternative styles.

### **Electoral Arrangements**

30. An important part of the Review will cover the electoral arrangements of the parishes, including any new parishes that are formed. The term 'electoral arrangements' covers the way in which a council is constituted for the parish, including:
- the ordinary year in which elections are held;
  - the number of councillors to be elected to the council;
  - the division (or not) of the parish into wards for the purpose of electing councillors;
  - the number and boundaries of any such wards;
  - the number of councillors to be elected for any such ward;
  - the name of any such ward.

These matters are considered in turn.

### **Ordinary year of election**

31. The next elections for parish councils in Cheshire East are programmed for 2019. As agreed by the Council's Constitution Committee, the Review will have no implications for those elections.
32. It is intended that the Review should be completed well before the elections scheduled for 2023. In particular, it will be necessary to ensure that the Review is completed to allow the various commencement requirements (setting the parish precepts, altering electoral registers, altering council tax bases, etc.) to be in place in good time for those elections.

### **A council for a parish**

33. Section 94 of the 2007 Act sets out the duties that the Council has with regard to the creation of a council for a parish:
  - where the number of electors is 1,000 or more – a parish council must be created;
  - where the number of electors is 151-999 – a parish council may be created, with a parish meeting being the alternative form of parish governance;
  - where the number of electors is 150 or fewer – a parish council is not created.
34. The Council holds a strong presumption in favour of the formation of parish councils for all parishes of more than 150 electors.

### **The number of parish councillors**

35. The Council notes that the number of parish councillors for each parish council shall not be less than five (section 16, Local Government Act 1972). There is no maximum number in the legislation and there are no rules or guidance relating to the allocations of councillors. The Guidance (paragraph 156) states that "each area should be considered on its own merits, having regard to its population, geography and the pattern of communities," and therefore the Council is prepared to pay particular attention to existing levels of representation, the broad pattern of existing council sizes which have stood the test of time and the take-up of seats at elections in its consideration of this matter.
36. The Guidance (paragraph 157) makes the point "that the conduct of parish council business does not usually require a large body of councillors". The Council will look at those parishes where there has been a history of uncontested elections and/or the need to co-opt members in order to fill

vacancies, questioning whether the present levels of representation are appropriate or whether there is a 'democratic surplus' in a parish.

37. Section 95(6-7) of the 2007 Act also requires the Council to have regard to the following factors when considering the number of councillors to be allocated to a parish:
- the number of local government electors for the parish;
  - any change in that number which is likely to occur in the period of five years beginning with the day when the Review starts.
38. The following factors will also be important considerations for the Council as it looks at parish council sizes:
- the different demands and consequently different levels of representation that are appropriate between urban and rural parishes;
  - the level of the precept and levels of service provision;
  - the challenges of population sparsity and securing an appropriate level of representation in such areas;
  - the traditional scale of representation in a particular parish;
  - the need to support a warding arrangement in a particular parish and achieving a good parity of representation between wards.
39. The data sets that the Council will publish will provide important information on all these matters.

### **Parish warding**

40. The 2007 Act (section 95(3)) requires that, on considering whether a parish should be divided into wards for the purposes of elections of the parish council, the Council should consider the following:
- whether the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient;
  - whether it is desirable that any area or areas of the parish should be separately represented on the council.
41. Whilst the Council will consider each case on its merits in line with these criteria, it also considers that warding arrangements should be clearly and readily understood by and should have relevance for the electorate in a parish; they should reflect clear physical and social differences within a parish, whether urban or rural: one parish but comprising different parts. Furthermore, ward elections should have merit; not only should they meet the two tests laid down in the Act, but they should also be in the interests of effective and convenient local government. The additional costs of multiple ward elections should not be wasteful of a parish's resources.



### **The boundaries and names of parish wards**

42. The Council emphasises that parish ward boundaries should be clearly understood; and should take account of community identity and interests within a parish that comprises different parts. Where there is the need to do so, every attempt will be made to fix ward boundaries that are, and will remain, easily identifiable, as well as taking into account any local ties which might be broken by the fixing of any particular boundaries. These requirements are laid down in section 95(5) of the 2007 Act.
43. The Guidance (paragraph 163) has suggested a further relevant consideration. Whilst it is understood that the Local Government Boundary Commission for England has no current intention of doing so; when it undertakes a review of the Borough electoral wards, it is prohibited from splitting an unwarded parish or a parish ward by a Borough electoral ward boundary. This legal restriction does not apply to Reviews of parish electoral arrangements undertaken by the Borough Council, but the Commission has requested that the Council bear this in mind, which the Council will do. It is noted that the Review may result in a loss of coterminosity between Borough electoral ward boundaries and parish and parish ward boundaries, which will be undesirable for the effective conduct of elections and that may not be resolved in the short term.
44. In the naming of parish wards, the Council will be mindful of existing local or historic place names, and there will be a presumption in favour of ward names proposed by local interested parties.

### **The number of councillors to be elected for parish wards**

45. The Council has noted that the 2007 Act (paragraph 95(5) requires it to have regard to the following when considering the number of councillors to be elected for each ward:
  - the number of local government electors for the parish;
  - any change in the number, or distribution, of the local government electors which is likely to occur in the period of five years beginning with the day when the Review starts.
46. The Guidance (paragraph 166) has advised, and this Council concurs, that “it is an important democratic principle that each person’s vote should be of equal weight so far as possible, having regard to other legitimate competing factors, when it comes to the elections of councillors” to a parish council. While there is no provision in legislation that each parish ward councillor should represent, as nearly as may be, the same number of electors, the Council concurs with the Guidance that it is not in the interests of effective and convenient local government, either for voters or councillors, to have significant differences in levels of representation between different parish wards.
47. The Council is likewise anxious to avoid the risk that, where one or more wards of a parish are over-represented by councillors, the residents of those wards



(and their councillors) could be perceived as having more influence than others on the council. During the Review process and in its consultations, the Council is committed to consistently showing the ratios of electors to councillors that would result from its proposals.

48. The foregoing considerations, which are considered to be equitable, will also guide the Council when it considers the number of councillors to be elected to a common council by each parish within a grouping arrangement.

### **Consequential Matters**

49. The Review will be completed when the Council adopts the Reorganisation of Community Governance Order. This Order may cover any consequential matters that appear to the Council to be necessary or proper to give effect to the Order. These may include:
- the transfer and management or custody of property;
  - the setting of precepts for new parishes;
  - provision with respect to the transfer of any functions, property, rights and liabilities;
  - provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.
50. In these matters, the Council will be guided by the 2007 Act and the regulations referred to above.
51. The Council is mindful that it may recommend that the Local Government Boundary Commission for England make alterations to the boundaries of the Borough electoral divisions to reflect changes made at parish level. The Council notes that it will be for the Commission to decide if related alterations should be made and, if so, when they should be implemented, and that the Commission may find it appropriate to conduct an electoral Review of affected areas.
52. Earlier in this document it was noted that, in a limited number of instances, the Council may wish to request the Local Government Boundary Commission for England to alter a Borough ward boundary so that it is coterminous with a parish boundary.

### **What Happens Next in the Review**

53. The Council is establishing a Review website where it will publish maps and data sets to support the Review. Paper copies of these documents will be available at the Council's main offices at Westfields, Macclesfield Town Hall and Municipal Buildings, Crewe.
54. The Council will also commence a process of consultation, including providing briefings for the parish councils, to enable it to prepare Draft Proposals in the Review.

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# **Cheshire East Council**

## **Community Governance Review Draft Recommendations**

**Production date: 22/03/2021**

**Report produced by:**

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## Section 1: Introduction

Cheshire East Council is undertaking a Community Governance Review of all the parishes within the Borough area. In this review, the Council will be guided by the relevant legislation in Part 4 of the Local Government and Public Involvement in Health Act 2007, the *Guidance on Community Governance Reviews* that the government and the Local Government Boundary Commission for England have issued (the *Guidance*)<sup>1</sup>, and the Terms of Reference for the review that were adopted by the Constitution Committee on 22 November 2018. Link [Here](#)

This Review relates to the whole of the Borough and gives consideration to changes to parish areas and parish electoral arrangements across the Borough. These changes include the alteration, merging, creation and abolishing of parishes; the naming of parishes, and the adoption of an alternative style for new parishes. They may also involve changes to the electoral arrangements for parishes (the ordinary year of election; the council size; the number of councillors to be elected to the council, and whether to divide the parishes into wards for the purposes of elections). The general principles for the proposals that the Council is making along with the different types of recommendations are outlined below.

Town and parish councils are the first tier of local government and they are statutory bodies. They serve their electorates; they are independently elected by their local government electors, and they raise their own precept. Town and parish councils work towards providing local services and improving community well-being. Their activities fall into three main categories: representing the local community; delivering services to meet local needs, and striving to improve the quality of life and community well-being within their areas.<sup>2</sup>

Cheshire East Council is responsible for community governance arrangements within the Borough. It is considered good practice to review community governance every 10-15 years. This is the first review carried out by Cheshire East Council, which was created in 2009. At the commencement of the review, there were 142 parishes in the Borough. Of these, 27 were divided into parish wards for the purposes of parish elections. There were 1,018 parish councillors, with each parish councillor representing an average of 296 electors. However, the electoral quota (the ratio of electors to parish councillors) varies widely, and ranges from one councillor to eight electors to one to 3,703 electors across the Borough. There were 44 parishes that were grouped under

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<sup>1</sup> Guidance on community governance reviews, CLG (now MHCLG)/ LGBCE, March 2010

<sup>2</sup><https://www.nalc.gov.uk/library/publications/800-all-about-local-councils/file>



common councils and there were 16 such parish councils. At the last ordinary parish elections in 2019, 46 (27 per cent) of the 186 parish ward elections were contested and led to a poll. However, 125 of the 1,018 parish council seats remained unfilled at the close of nominations at the last ordinary elections.

The Council requested initial submissions from the existing parish councils and electors and other interested organisations to a deadline of 31 January 2020. The submission responses that have been received are available [here](#). The Council has given careful consideration to submissions where they have been received. The Council has also undertaken considerable analytical work in late 2020 and early 2021 and has held informal workshops with elected Members.

The Council now makes the following Draft Recommendations for changes to the community governance arrangements of the parishes of the Borough. In making the following proposals the Council has taken account of the legislation, the *Guidance* and its own Terms of Reference. It has also considered the initial submissions that were received, alongside the comprehensive data sets and evidence and analysis that have been assembled for each parish. The Draft Recommendations comprise a series of graduated proposals, beginning with parishes where no changes are being proposed, to parishes where there are proposals to alter the current electoral arrangements, to small parishes where mergers to form new parishes are being proposed, and finally to more significant area or boundary changes – largely adjoining the Borough's urban parishes – which have a consequential or knock-on effect for the surrounding parishes.

The Council is consulting on these Draft Recommendations for a 12 week period.

This consultation stage provides electors and other interested persons or bodies with an opportunity to make the case for alternative proposals to those now recommended by the Council. An alternative case must demonstrate that any alternative proposals are in line with the general principles of a Community Governance Review, as they are laid down in the legislation and the *Guidance*. (Further guidance is provided on these general principles below.) The Borough Council will endeavour to make decisions that are based on the analysis of all the evidence that is received or further information that it collects. It is therefore very important that submissions are well argued and backed by credible evidence.

The Borough Council will give careful consideration to all submissions and alternative proposals that it receives. They will be balanced against the legislation, the *Guidance* and the Council's Terms of Reference. In due course, the Council will publish its Final Recommendations in this review, which will form the basis of a new Cheshire East (Parish Areas and Electoral Arrangements) Order. The Council intends that this order will be in place in good time for the next ordinary elections for the parish councils scheduled for 2023.

The Cheshire East Community Governance Review does not include the electoral arrangements for the Borough Council or parliamentary seats. These would be the responsibility of central government through the Local Government Boundary Commission for England and the Boundary Commission for England, respectively.

The Council is committed to an open decision-making process and maintaining a record of the decisions taken by the Review Sub-Committee in this Community Governance Review, and these are available [here](#).

DRAFT

## Section 2: General principle and types of recommendation

Much of this report contains the Draft Recommendations or proposals that Cheshire East Council is making for the future community governance in the Borough. Every endeavour has been made to base these proposals on the principles laid out in the legislation and *Guidance* and in the Council's Terms of Reference.

Any submissions containing alternative proposals should make the following general principles their starting point, and they should support their alternative proposals with credible evidence.

### **Parish areas and their boundaries**

The Council has begun its review by giving consideration to the parish areas and their boundaries.

In particular, the Council has been anxious to ensure that each parish:

- reflects the identities and interests of the different communities in the area. The Council considers that this is a 'community of identity' test, which is especially applicable to the new developments that presently traverse parish boundaries.
- is effective and convenient. The Council considers that this is a 'viability' test, and the Council is anxious to ensure that parishes are viable and possess a precept that enables them to actively and effectively promote the well-being of their residents and to contribute to the real provision of services in their areas in an economic and efficient manner.
- takes into account any other arrangements for the purposes of community representation or community engagement in the area that reinforce the 'community of identity' test.

In its Terms of Reference, the Council stated its intention that the whole of Cheshire East should continue to be divided into parish areas, and there is a strong presumption that, with the possible exception of a few very small parishes, all the Borough's parishes shall have parish electoral arrangements.

The Council also stated its intention to select boundaries that are and are likely to remain easily identifiable as it drew up proposed boundaries between the communities of identity.

The Council clearly stated its view that ‘natural’ settlements or settlements as they are defined in the documents that make up its Local Plan, including the Local Plan Strategy (adopted 2017), should not in normal circumstances be partitioned by parish boundaries.

### **Names and styles**

By and large, in these Draft Recommendations the Borough Council has sought to defer to local views with regard to the names of any new parishes and the names of any new or altered parish wards. In its Terms of Reference, however, the Council did state its view that composite names of parishes, comprising a number of names linked by the words ‘and’, ‘with’, etc., are rarely in the interests of effective and convenient local government. The Council would wish to avoid composite names other than in exceptional circumstances where the demands of history, local connections or the preservation of local ties make a pressing case for the retention of distinctive traditional names.

The Council has also deferred to local views with regard to any proposals to adopt an ‘alternative style’ for any new parishes that are being proposed. Under section 17A of the Local Government Act 1972 the Council may, during a Community Governance Review, adopt an ‘alternative style’ to replace the style “parish” for any new parishes that are created by the review. However, only one of three prescribed styles can be adopted: “community”, “neighbourhood” or “village”.

The councils of eleven parishes in the Borough (Alsager, Bollington, Congleton, Crewe, Knutsford, Macclesfield, Middlewich, Nantwich, Poynton, Sandbach and Wilmslow) have historically used the style of ‘town’ in accordance with the Local Government Acts. This is a matter over which this review has no remit, and it will lie at the discretion of the council of a new parish as to whether it would wish to adopt the style of ‘town’ in accordance with Section 245 of the Local Government Act 1972.

### **Parish grouping and electoral arrangements**

Having given consideration to the parish areas and their boundaries, the Council has then proceeded to give consideration to the parish groupings and electoral arrangements.

The Council has considered whether grouping arrangements are an appropriate way forward for its small parishes, and whether the alternative of merging the parishes under a single unwarded or a warded parish council would be more readily understood by both electors and parish councillors.

In turn, the Council has considered the electoral arrangements of each parish. The term ‘electoral arrangements’ covers the way in which a council is constituted for the parish, including:

- the number of councillors to be elected to the council;
- the division (or not) of the parish into wards for the purpose of electing councillors;
- the number and boundaries of any such wards;
- the number of councillors to be elected for any such ward;
- the name of any such ward.

The Council is required by law to consider any change in the number or distribution of the local government electors which is likely to occur in the period of five years beginning with the day when the Review started. This is why these Draft Recommendations make frequent reference to the electorate as the Council has projected it for 2025 (for further details about the projections, see Appendices 2 to 4 of these Recommendations and the Community Governance Review electorate forecasts technical report, which is available [Here](#)).

The Council holds a strong presumption in favour of the formation of parish councils for all parishes of more than 150 electors.

While the size of a parish council may vary considerably, the Council still considers that the size of parish councils in the Borough should be broadly equivalent across parishes with a comparable electorate. In Section 3.2, the Council provides an analysis of the present sizes of parish councils in the Borough. A proposal for a different parish council size to that which the Borough Council is proposing in these recommendations should argue clearly why an exception should be made for the parish in question and the proposal should be supported by evidence. It should focus on issues that might include: the requirements and demands of rural representation, the traditional and historical level of representation that the parish has had, the workload of the parish council as reflected in its precept and provision of services to the parish, any additional representation that may be required to support a warding / grouping arrangement, or the demand in the parish for seats on the parish council as reflected in highly contested elections.

The Borough Council has also given careful consideration to the present warding arrangements of the parish councils. In considering whether a parish should be divided into wards for the purposes of elections to the parish council, the Council is required by legislation to consider the following:

- whether the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient;
- whether it is desirable that any area or areas of the parish should be separately represented on the council.

In its Terms of Reference document the Council stated that it would consider each case on its merits in line with these criteria.

However, it also expressed its view that warding arrangements should be clearly and readily understood by and should have relevance for the electorate in a parish; they should reflect clear physical and social differences within a parish, whether urban or rural: one parish but comprising different parts. Furthermore, ward elections should have merit; not only should they meet the two tests laid down in the legislation, but they should also be in the interests of effective and convenient local government. The additional costs of multiple ward elections should not be wasteful of a parish's resources.

A proposal concerning the warding of a parish for the purpose of parish council elections should hold these principles in mind and be supported by evidence.

It has already been noted that the Borough Council has sought to defer to local views with regard to the names of any new or altered parish wards.

In allocating parish councillors to parish wards, the Council has been particularly mindful of the government's *Guidance* that "it is an important democratic principle that each person's vote should be of equal weight so far as possible, having regard to other legitimate competing factors, when it comes to the elections of councillors" to a parish council. While there is no provision in legislation that each parish ward councillor should represent, as nearly as may be, the same number of electors, the Council concurs with the *Guidance* that it is not in the interests of effective and convenient local government, either for voters or councillors, to have significant differences in levels of representation between different parish wards. The Council has therefore attempted to ensure that the ratio of electors to councillors across the different wards of a parish is equitable insofar as that is practical.

### **Risk in the conduct of elections**

The Borough Council has been mindful of its desire to avoid risk in the conduct of elections. Such risk arises where the electors at a single parish or parish ward election find themselves voting at the same polling station for two different borough ward elections (or vice versa). In such a situation there is an enhanced risk that an elector might be issued with an incorrect combination of ballot papers and that papers might be placed in the incorrect ballot box, adding risk to the conduct of an election count.

The Borough Council seeks to mitigate such risk, particularly through the provision of a different polling station (possibly in the same building or polling place). In some instances, however, the size of the affected electorate may be so small that it is not viable to provide a separate polling station.

Table 2.1 shows the graduated hierarchy of proposals that are now being made in these Draft Recommendations.

**Table 2.1: Types of recommendation**

|                              |   |
|------------------------------|---|
| No Change                    | <p>In 18 parishes, the Council is proposing that no change in either the parish area or its electoral arrangements is required in this Review. These 18 parishes include two parishes where a boundary change was considered, but is not being proposed by the Borough Council.</p> <p>No change is considered where the evidence and/or pre-consultation survey responses do not suggest the need for a change.</p> <p>In addition, no change is being considered where there is also a low probability of a parish being affected by a significant town or parish expansion, which would otherwise trigger the need to review the boundaries.</p>                                 |
| Electoral Arrangement Change | <p>In turn, there are 29 parishes where the Council considers that the existing parish area and its boundaries work well to represent its 'community of identity'. These 29 parishes include three parishes where a boundary change was considered, but for which the Borough Council proposes only an electoral arrangement change.</p> <p>In these 29 parishes the Council is proposing an adjustment to the parish council's electoral arrangements.</p> <p>These changes include:</p> <ul style="list-style-type: none"> <li>• An adjustment to the councillor numbers to better reflect the Cheshire East average for a parish of its size (see Section 3.2 below);</li> </ul> |

|                           |  |
|---------------------------|--|
|                           | <ul style="list-style-type: none"> <li>• The formation, abolition or alteration of a parish warding arrangement because the Council considers that the tests that are laid out in the legislation and noted above are not adequately met by the current arrangement;</li> <li>• An adjustment to the numbers of councillors allocated to each parish ward to ensure a more equitable ratio of electors to parish councillors in accordance with the government's <i>Guidance</i>.</li> </ul> <p>The general principles that lie behind these proposals have been outlined above.</p>   |
| Mergers of small parishes | <p>In some instances, the Borough Council has found it appropriate to propose the merger of small parishes where it considers that the community of identity test or the viability test cannot be met.</p> <p>This has been the case particularly with regard to several grouped parishes where it is proposed that a single unwarded or a warded parish council would be more readily understood by both electors and parish councillors.</p> <p>These mergers effectively involve the formation of new parishes with new parish electoral arrangements, and the Council requests local views as to their name and style.</p> |
| Boundary Changes          | <p>Finally, there are those parishes (mainly the urban parishes that use the designation of town) that have already undergone significant outward expansion, and where they are due to undergo further outward expansion (as shown in the Council's housing development data records, forecasts and future development plans).</p> <p>With regard to these parishes, there is sometimes a need to redraw boundaries to ensure that the parish area is enlarged to continue to reflect the local communities of identity and to facilitate effective and convenient local government in those areas.</p>                        |



|  |   |
|--|---|
|  | <p>However, the redrawing of these boundaries has consequential or knock-on effects, not only on the expansion parish in terms of its electoral arrangements, but also for the parishes that are yielding areas to the expansion parish (the residual parishes).</p> <p>In some cases, those residual parishes may cease to offer effective and convenient local government and become unviable, in which cases mergers and alterations of parish areas have been required. In other cases, it has been found necessary to adjust the electoral arrangements of the residual parishes because of changes to their electorates.</p> <p>The resulting mergers effectively involve the formation of new parishes with new parish electoral arrangements, and the Council also requests local views as to their name and style.</p> <p>In these Draft Recommendations, the affected parishes are usually dealt with together in this report because of the consequential or knock-on considerations that arise.</p> |
|--|---|

## Section 3: Evidence

### Section 3.1: Main types of data used to inform the Review

In undertaking this Review, Cheshire East Council has collected and assessed key data for each parish and parish ward. The range of data used is set out in Table 3.1.

**Table 3.1: Main types of data used to inform the Review**

|   |  |
|---|--|
| <p>Electorate size and housing development data</p> | <p>To calculate projected electorate figures for 2025 (being the term for which this review is required to be mindful of changes in the numbers of local government electors), the Council has relied upon:</p> <ul style="list-style-type: none"> <li>the scale and exact locations of expected future housing developments within the Borough, including additional housing development evidence that has become available since the electorate forecasts were produced in early 2019;</li> <li>the Council's housing development plans, as set out in its Local Plan Strategy.</li> </ul> <p>Details of the approach used to forecast elector numbers for existing parishes and parish wards, including the data sources, assumptions and methodology, are set out in the Council's Electorate forecasts technical report (2019). Appendix 2 of these Draft Recommendations summarises this approach and also sets out how elector numbers were forecast for those areas (generally small sub-areas of individual parishes) that it is proposed should be moved from one parish to another under the proposed boundary changes. Therefore, recommendations have been made in the context of both current council sizes and estimated future council sizes.</p> <p>Although the term for which this review is required to be mindful of changes in the numbers of local government electors is 2018-25, the Council has also taken account of Local Plan Strategy development beyond 2025 and up to 2030 (the end date of the current Local Plan Strategy), particularly for those parishes where large developments are anticipated during 2026-30.</p> |
|---|--|

|   |  |
|---|--|
|   | However, the electorate forecasts were produced only up to 2025, and the recommendations on seat numbers for parish councils and parish wards are based on anticipated electorates for 2025.   |
| May 2019 local elections nominations data | <p>The Council has used the Returning Officer's data on the number of nominations at the last ordinary elections for the Borough's parishes (May 2019) relative to the number of seats, including the numbers of parish councillors that did not go through the process of nomination and election and who were therefore co-opted to the parish council to fill vacancies that remained unfilled at those elections.</p> <p>This may be taken as a general and comparative indication of the level of democratic interest in the parish council. The level of co-option for seats on a parish council may suggest that there are too many seats on that existing council.</p> |
| Band D charge and precept                 | The Council has used data on the Council Tax Band D charges and the parish council precepts, as these provide a general and comparative indication of the level of expenditure – and thus the level of work – that the parish council undertakes in its parish.  |
| Pre-consultation survey responses         | Responses to the pre-consultation survey, which ran from 28 <sup>th</sup> October 2019 to January 31 <sup>st</sup> 2020 (the first of two public consultations planned for the Community Governance Review).   |
| Responses to these Draft Recommendations  | <p>Responses to the proposals contained in these Draft Recommendations in a consultation period that runs for a 12 week period will be carefully considered.</p> <p>However, as has already been emphasised, submissions containing alternative proposals should make use of the general principles that are outlined above as their starting point, and they should support their alternative proposals with credible evidence.</p>   |

## Section 3.2: Analysis of Council Sizes

In 1992 Aston Business School produced research for the whole of England showing how the number of councillors varied according to the size of the council's electorate.<sup>3</sup> Although the research underlying this 'National Data' is now 30 years old, it is unlikely that this has changed substantially. In Table 3.2, this analysis is compared with recent (2018) data for Cheshire East.

**Table 3.2: Average number of seats, by council size**

| Number of electors in parish council | Number of Cheshire East parish councils in electorate size band <sup>4</sup> | Number of seats (averages and ranges) for each electorate size band |  | Ratios of electors per seat for each electorate size band |                                  |
|--------------------------------------|--|---|--|---|----------------------------------|
|                                      |  | Cheshire East average (2018)  | Cheshire East seat number range (2018) | National data (1992)                                      | Cheshire East ratio range (2018) |
| <b>300 or fewer</b>                  | 30   | 6.8   | 5-11                                   | 5-8   | 8-60                             |
| <b>301 - 500</b>                     | 19   | 8.8   | 6-19                                   |   | 25-71                            |
| <b>501 - 1,500</b>                   | 28   | 9.1   | 7-15                                   | 6-12  | 39-157                           |
| <b>1,501 - 2,500</b>                 | 7  | 10.6  | 7-12                                   |   | 132-251                          |
| <b>2,501 - 10,000</b>                | 14   | 12.4  | 7-22                                   | 9-16  | 219-737                          |
| <b>10,001 - 20,000</b>               | 6  | 15.3  | 12-20                                  | 13-27   | 652-1,327                        |
| <b>20,000 or more</b>                | 3  | 17.3  | 12-20                                  | 13-31   | 1,088-3,404                      |

It should be noted that the legal minimum number of parish councillors for each council is five (Section 16, Local Government Act 1972). The National Association of Local Councils considers that a council of no more than the legal minimum of five members is inconveniently small, and it considers that a practical working minimum should be seven (NALC Circular 1126/1988). The government's *Guidance* makes the point that "the conduct of parish council business does not usually require a large body of

<sup>3</sup>Tricker, M. et.al., *Roles and Activities of Parish and Town Councils in England* (London, HMSO, 1993)

<sup>4</sup> Figures exclude Cheshire East's seven parishes that have no councils and whose representative bodies are their parish meetings, as they have no councillors.

councillors” (*Guidance*, paragraph 157). It is therefore Cheshire East Council’s view that, where possible, the minimum number of parish councillors for any parish council should be set at a working minimum of seven. It is worthy of note that this figure is also consistent with the current (2018) average council size for the smallest parishes of 300 or fewer electors.

There is no requirement in legislation that the number of councillors should be proportional to electorate size. The view given in the *Guidance* is as follows: “In considering the issue of council size, the Local Government Boundary Commission for England is of the view that each area should be considered on its own merits, having regard to its population, geography and the pattern of communities. Nevertheless, having regard to the current powers of parish councils, it should consider the broad pattern of existing council sizes. This pattern appears to have stood the test of time and, in the absence of evidence to the contrary, to have provided for effective and convenient local government.” (*Guidance*, paragraph 156)

With regard to parish wards, the *Guidance* adds another consideration, which is that the levels of representation and the ratios of electors to parish councillors should be broadly equitable. This report has already noted the emphasis in the *Guidance* “that each person’s vote should be of equal weight so far as possible, having regard to other legitimate competing factors, when it comes to the election of councillors” (*Guidance*, paragraph 166). Likewise, the Borough Council has emphasised its view in the Terms of Reference that “it is not in the interests of effective and convenient local government, either for voters or councillors, to have significant difference in levels of representation between different parish wards.”

## Section 4: Final assessment and recommendations

### Section 4.1: No change

#### Arclid

Based upon the evidence currently available, Cheshire East Council, on balance, considers that a community governance change would:

- NOT help to better reflect the local identities and interests of the community;
- NOT help to secure a more effective and convenient governance of the area.

In addition, the current and forecasted size, population and current boundaries support the recommendation to maintain the current governance.

Through the pre-consultation survey we received an individual representation, which indicated no change, and is therefore consistent with the Cheshire East Council current consideration.

Cheshire East Council remains open to considering alternative recommendations and would welcome feedback about the perceived benefits and impacts of this option.

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) | Electors (2025) | Ratio (2025) |
|----------------|-----------------|---|-----------------|--------------|
| 7              | 239             | 34.1                                    | 369             | 52.7         |

#### Aston by Budworth

Based upon the evidence currently available, Cheshire East Council, on balance, considers that a community governance change would:

- NOT help to better reflect the local identities and interests of the community;

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- NOT help to secure a more effective and convenient governance of the area.

In addition, the current and forecasted size, population and current boundaries support the recommendation to maintain the current governance.

No representations were received during our pre-consultation survey for Aston by Budworth.

Cheshire East Council remains open to considering alternative recommendations and would welcome feedback about the perceived benefits and impacts of this option.

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) | Electors (2025) | Ratio (2025) |
|----------------|-----------------|---|-----------------|--------------|
| 7              | 266             | 38                                      | 289             | 41.3         |

## Bosley

Based upon the evidence currently available, Cheshire East Council, on balance, considers that a community governance change would:

- NOT help to better reflect the local identities and interests of the community;
- NOT help to secure a more effective and convenient governance of the area.

In addition, the current and forecasted size, population and current boundaries support the recommendation to maintain the current governance.

No representations were received during our pre-consultation survey for Bosley.

Cheshire East Council remains open to considering alternative recommendations and would welcome feedback about the perceived benefits and impacts of this option.

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) | Electors (2025) | Ratio (2025) |
|----------------|-----------------|---|-----------------|--------------|
| 7              | 382             | 54.6                                    | 387             | 55.3         |

### Bradwall

Based upon the evidence currently available, Cheshire East Council, on balance, considers that a community governance change would:

- NOT help to better reflect the local identities and interests of the community;
- NOT help to secure a more effective and convenient governance of the area.

In addition, the current and forecasted size, population and current boundaries support the recommendation to maintain the current governance.

Through the pre-consultation survey we received an individual representation, which indicated no change, and is therefore consistent with the Cheshire East Council current consideration.

Cheshire East Council remains open to considering alternative recommendations and would welcome feedback about the perceived benefits and impacts of this option.

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) | Electors (2025) | Ratio (2025) |
|----------------|-----------------|---|-----------------|--------------|
| 7              | 154             | 22                                      | 162             | 23.1         |



## Buerton

Based upon the evidence currently available, Cheshire East Council, on balance, considers that a community governance change would:

- NOT help to better reflect the local identities and interests of the community;
- NOT help to secure a more effective and convenient governance of the area.

In addition, the current and forecasted size, population and current boundaries support the recommendation to maintain the current governance.

No representations were received during our pre-consultation survey for Buerton.

Cheshire East Council remains open to considering alternative recommendations and would welcome feedback about the perceived benefits and impacts of this option.

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) | Electors (2025) | Ratio (2025) |
|----------------|-----------------|---|-----------------|--------------|
| 8              | 449             | 56.1                                    | 466             | 58.3         |

## Bunbury

Based upon the evidence currently available, Cheshire East Council, on balance, considers that a community governance change would:

- NOT help to better reflect the local identities and interests of the community;
- NOT help to secure a more effective and convenient governance of the area.

In addition, the current and forecasted size, population and current boundaries support the recommendation to maintain the current governance.

During the Borough Council's pre-consultation survey, one individual response proposed a change to the boundary with Spurstow. However, Bunbury Parish Council requested no change to its boundary and there were no survey responses from Spurstow. In proposing that no change be made to this parish, the Borough Council was also mindful that Spurstow is in the Wrenbury borough ward, while Bunbury is in the Bunbury borough ward.

Cheshire East Council remains open to considering alternative recommendations and would welcome feedback about the perceived benefits and impacts of this option.

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) | Electors (2025) | Ratio (2025) |
|----------------|-----------------|---|-----------------|--------------|
| 10             | 1,096           | 109.6                                   | 1,230           | 123          |

## Goostrey

Based upon the evidence currently available, Cheshire East Council, on balance, considers that a community governance change would:

- NOT help to better reflect the local identities and interests of the community;
- NOT help to secure a more effective and convenient governance of the area.

In addition, the current and forecasted size, population and current boundaries support the recommendation to maintain the current governance.

Through the pre-consultation survey we received an individual representation, which raised a concern outside the remit of a community governance review, requesting a change across Boroughs.

Cheshire East Council remains open to considering alternative recommendations and would welcome feedback about the perceived benefits and impacts of this option.

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) | Electors (2025) | Ratio (2025) |
|----------------|-----------------|---|-----------------|--------------|
| 10             | 1,866           | 186.6                                   | 1,862           | 186.2        |

### Hassall

Based upon the evidence currently available, Cheshire East Council, on balance, considers that a community governance change would:

- NOT help to better reflect the local identities and interests of the community;
- NOT help to secure a more effective and convenient governance of the area.

In addition, the current and forecasted size, population and current boundaries support the recommendation to maintain the current governance.

No representations were received during our pre-consultation survey for Hassall.

Cheshire East Council remains open to considering alternative recommendations and would welcome feedback about the perceived benefits and impacts of this option.

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) | Electors (2025) | Ratio (2025) |
|----------------|-----------------|---|-----------------|--------------|
| 7              | 231             | 33                                      | 231             | 33           |

## Haughton

The parish of Haughton presently has no parish council, and its representative body is the meeting of the electors of the parish ('the parish meeting'), a meeting that is required by legislation to be convened twice each year.

Where the electorate of a parish is between 150 and 1,000 electors, it is for the Borough Council to decide whether or not the parish should have a council. As a general principle, the Council has sought to ensure that all the parishes of the Borough have a parish council.

No representations were received during our pre-consultation survey for Haughton.

In this Review, Haughton is the only parish that does not currently have a parish council which is not affected by any proposals to merge it with other parishes. It could therefore remain as a parish where the only form of governance is its parish meeting.

Equally, because the electorate of Haughton lies within the range where the Borough Council has discretion in this matter, the Borough Council could recommend that a parish council is formed for this parish. If a parish council was formed, it would comprise seven councillors with a ratio of electors to councillors of 25.9 (2025 electorate).

While it is suggested that no change be made to this parish, Cheshire East Council remains open to considering alternative recommendations, including the formation of a parish council and would welcome feedback about the perceived benefits and impacts of this option.

The current and forecast future electorate is as shown below. As Haughton is (and would continue to be) a parish meeting and has no councillors, councillor numbers and ratios are not applicable.

| Electors (2018) | Electors (2025) |
|-----------------|-----------------|
| 178             | 181             |

## High Legh

Based upon the evidence currently available, Cheshire East Council, on balance, considers that a community governance change would:

- NOT help to better reflect the local identities and interests of the community;
- NOT help to secure a more effective and convenient governance of the area.

In addition, the current and forecasted size, population and current boundaries support the recommendation to maintain the current governance.

Through the pre-consultation survey we received an individual representation, which indicated no change, and is therefore consistent with the Cheshire East Council current consideration.

Cheshire East Council remains open to considering alternative recommendations and would welcome feedback about the perceived benefits and impacts of this option.

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) | Electors (2025) | Ratio (2025) |
|----------------|-----------------|---|-----------------|--------------|
| 10             | 1,403           | 140.3                                   | 1,408           | 140.8        |

## Mere

Based upon the evidence currently available, Cheshire East Council, on balance, considers that a community governance change would:

- NOT help to better reflect the local identities and interests of the community;
- NOT help to secure a more effective and convenient governance of the area.

In addition, the current and forecasted size, population and current boundaries support the recommendation to maintain the current governance.

No representations were received during our pre-consultation survey for Mere.

Cheshire East Council remains open to considering alternative recommendations and would welcome feedback about the perceived benefits and impacts of this option.

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) | Electors (2025) | Ratio (2025) |
|----------------|-----------------|---|-----------------|--------------|
| 8              | 524             | 65.5                                    | 524             | 65.5         |

### Newhall

Based upon the evidence currently available, Cheshire East Council, on balance, considers that a community governance change would:

- NOT help to better reflect the local identities and interests of the community;
- NOT help to secure a more effective and convenient governance of the area.

In addition, the current and forecasted size, population and current boundaries support the recommendation to maintain the current governance.

No representations were received during our pre-consultation survey for Newhall.

Cheshire East Council remains open to considering alternative recommendations and would welcome feedback about the perceived benefits and impacts of this option.

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) | Electors (2025) | Ratio (2025) |
|----------------|-----------------|---|-----------------|--------------|
| 9              | 693             | 77                                      | 839             | 93.2         |

### Pickmere

Based upon the evidence currently available, Cheshire East Council, on balance, considers that a community governance change would:

- NOT help to better reflect the local identities and interests of the community;
- NOT help to secure a more effective and convenient governance of the area.

In addition, the current and forecasted size, population and current boundaries support the recommendation to maintain the current governance.

Through the pre-consultation survey we received an individual representation, which requested a change outside the remit of a community governance review.

Cheshire East Council remains open to considering alternative recommendations and would welcome feedback about the perceived benefits and impacts of this option.

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) | Electors (2025) | Ratio (2025) |
|----------------|-----------------|---|-----------------|--------------|
| 8              | 612             | 76.5                                    | 704             | 88           |

### Pott Shrigley

Based upon the evidence currently available, Cheshire East Council, on balance, considers that a community governance change would:

- NOT help to better reflect the local identities and interests of the community;
- NOT help to secure a more effective and convenient governance of the area.

In addition, the current and forecasted size, population and current boundaries support the recommendation to maintain the current governance.

No representations were received during our pre-consultation survey for Pott Shrigley.

Cheshire East Council remains open to considering alternative recommendations and would welcome feedback about the perceived benefits and impacts of this option.

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) | Electors (2025) | Ratio (2025) |
|----------------|-----------------|---|-----------------|--------------|
| 7              | 210             | 30                                      | 223             | 31.9         |

### Smallwood

Based upon the evidence currently available, Cheshire East Council, on balance, considers that a community governance change would:

- NOT help to better reflect the local identities and interests of the community;
- NOT help to secure a more effective and convenient governance of the area.

In addition, the current and forecasted size, population and current boundaries support the recommendation to maintain the current governance.

Through the pre-consultation survey we received an individual representation, which indicated no change, and is therefore consistent with the Cheshire East Council current consideration.

Cheshire East Council remains open to considering alternative recommendations and would welcome feedback about the perceived benefits and impacts of this option.



| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) | Electors (2025) | Ratio (2025) |
|----------------|-----------------|---|-----------------|--------------|
| 8              | 556             | 69.5                                    | 559             | 69.9         |

### Twemlow

Based upon the evidence currently available, Cheshire East Council, on balance, considers that a community governance change would:

- NOT help to better reflect the local identities and interests of the community;
- NOT help to secure a more effective and convenient governance of the area.

In addition, the current and forecasted size, population and current boundaries support the recommendation to maintain the current governance.

No representations were received during our pre-consultation survey for Twemlow.

Cheshire East Council remains open to considering alternative recommendations and would welcome feedback about the perceived benefits and impacts of this option.

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) | Electors (2025) | Ratio (2025) |
|----------------|-----------------|---|-----------------|--------------|
| 7              | 182             | 26                                      | 203             | 29           |

## Section 4.2: Electoral arrangement or internal changes only (to councillor numbers or warding arrangements)

### Alderley Edge

The current governance arrangements of Alderley Edge Parish Council are as follows:

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|-----------------|---|
| 9              | 3,708           | 412                                     |

Compared to the national and Cheshire East averages (shown in Table 3.2 of Section 3.2), Alderley Edge has a relatively low number of seats for a council of its size. Cheshire East Council recommends an increase to twelve seats, which is consistent with the Borough average for a council with this number of electors.

Through the pre-consultation survey we received multiple representations, with the majority indicating a preference of no change, which is therefore partially consistent with Cheshire East Council's recommendation that only the number of seats be changed. One representation indicated the need for change, however the scope of this change is outside the remit of a community governance review.

The proposed governance arrangements following the proposed increase in the number of seats would be as follows:

| Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------|-----------------|---|
| 12             | 3,846           | 320.5                                   |

## Ashley

The current governance arrangements of Ashley Parish Council are as follows:

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|-----------------|---|
| 8              | 250             | 31.3                                    |

Compared to the national and Cheshire East averages (shown in Table 3.2 of Section 3.2), Ashley has a relatively high number of seats for a council of its size. Cheshire East Council recommends a decrease to seven seats, which is consistent with the Borough average for a council with this number of electors.

No representations were received during our pre-consultation survey for Ashley.

The proposed governance arrangements following the proposed decrease in the number of seats would be as follows:

| Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------|-----------------|---|
| 7              | 254             | 36.3                                    |

## Audlem

The current governance arrangements of Audlem Parish Council are as follows:

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|-----------------|---|
| 12             | 1,580           | 131.7                                   |

Compared to the national and Cheshire East averages (shown in Table 3.2 of Section 3.2), Audlem has a relatively high number of seats for a council of its size. Cheshire East Council recommends a decrease to ten seats, which is consistent with the Borough average for a council with this number of electors.

Through the pre-consultation survey we received an individual representation, which indicated a preference for no change in Audlem.

The proposed governance arrangements following the proposed decrease in the number of seats would be as follows:

| Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------|-----------------|---|
| 10             | 1,834           | 183.4                                   |

### Betchton

The current governance arrangements of Betchton Parish Council are as follows:

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|-----------------|---|
| 10             | 552             | 55.2                                    |

Compared to the national and Cheshire East averages (shown in Table 3.2 of Section 3.2), Betchton has a relatively high number of seats for a council of its size. Cheshire East Council recommends a decrease to eight seats, which is consistent with the Borough average for a council with this number of electors.

At the ordinary elections of 2019, five out of ten members were co-opted in Betchton, which adds weight to the case for a reduction in seats. In addition, of all the parish councils with ten or more seats Betchton has the second lowest Band D charge of £8.55,

which may be taken as a general and comparative indication of the level of expenditure and thus the level of work that the parish council undertakes in its parish.

No representations were received during our pre-consultation survey for Betchton.

The proposed governance arrangements following the proposed decrease in the number of seats would be as follows:

| Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------|-----------------|---|
| 8              | 576             | 72                                      |

### Chelford

The current governance arrangements of Chelford Parish Council are as follows:

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|-----------------|---|
| 7              | 1,054           | 150.6                                   |

Compared to the national and Cheshire East averages (shown in Table 3.2 of Section 3.2), Chelford has a relatively low number of seats for a council of its size. Cheshire East Council recommends an increase to ten seats, which is consistent with the Borough average for a council with this number of electors.

Through the pre-consultation survey we received an individual representation, which indicated a preference for no change in Chelford.

The proposed governance arrangements following the proposed increase in the number of seats would be as follows:

| Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------|-----------------|---|
| 10             | 1,364           | 136.4                                   |

### Cholmondeley and Chorley Parish Group

Cholmondeley and Chorley parishes are currently grouped under a common parish council.<sup>5</sup>

The current governance arrangements of Cholmondeley and Chorley Parish Council are as follows:

| Parish/ Parish Group              | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|-----------------------------------|----------------|-----------------|---|
| Cholmondeley                      | 6              | 134             | 22.3                                    |
| Chorley (near Wrenbury-Cum-Frith) | 5              | 90              | 18                                      |
| <b>Cholmondeley and Chorley</b>   | <b>11</b>      | <b>224</b>      | <b>20.4</b>                             |

Compared to the national and Cheshire East averages (shown in Table 3.2 of Section 3.2), Cholmondeley and Chorley Parish Council has a relatively high number of seats for a council of its size. Cheshire East Council recommends a decrease to seven seats, which is consistent with the Borough average for a council with this number of electors.

The recommended number of seats for each parish – four for Cholmondeley and three for Chorley – is based on their respective shares of the parish group's electorate (using the 2025 electorate forecasts). This approach minimises the disparity between the parishes' ratios of electors to councillors.

<sup>5</sup> It should be noted that Cheshire East has two parishes called Chorley: one (near to Wrenbury-Cum-Frith) which is grouped with Cholmondeley and one (near to Wilmslow).

In 2019, two out of six members were co-opted in Cholmondeley and four out of five members in Chorley. This adds weight to the case for a reduction in seats.

No representations were received during our pre-consultation survey for Cholmondeley and Chorley.

The proposed governance arrangements following the proposed decrease in the number of seats would be as follows:

| Parish/ Parish Group              | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|-----------------------------------|----------------|-----------------|---|
| Cholmondeley                      | 4              | 140             | 35                                      |
| Chorley (near Wrenbury-Cum-Frith) | 3              | 89              | 29.7                                    |
| <b>Cholmondeley and Chorley</b>   | <b>7</b>       | <b>229</b>      | <b>32.7</b>                             |

## Cranage

The current governance arrangements of Cranage Parish Council are as follows:

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|-----------------|---|
| 7              | 1,024           | 146.3                                   |

Compared to the national and Cheshire East averages (shown in Table 3.2 of Section 3.2), Cranage has a relatively low number of seats for a council of its size. Cheshire East Council recommends an increase to nine seats, which is consistent with the Borough average for a council with this number of electors.

Through the pre-consultation survey we received multiple representations, with the majority indicating a preference of no change, which is therefore partially consistent with Cheshire East Council's recommendation that only the number of seats be changed. Two representations indicated the need for change, and a merger with Goostrey was proposed. The Borough Council is not satisfied that such a merger would meet the tests laid down in the legislation as it is considered that the two parishes comprise two distinct communities of identity centred on the settlements of Cranage and Goostrey. While both parishes are located in the Dane borough ward, in recent elections an alternative polling station for Cranage has been required, due to unavailability of the former station, and instead the electors of Cranage voted in Holmes Chapel as it was considered that this was more accessible to them than Goostrey.

The proposed governance arrangements following the proposed increase in the number of seats would be as follows:

| Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------|-----------------|---|
| 9              | 1,042           | 115.8                                   |

## Disley

The current governance arrangements of Disley Parish Council are as follows:

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|-----------------|---|
| 7              | 3,998           | 571.1                                   |

Compared to the national and Cheshire East averages (shown in Table 3.2 of Section 3.2), Disley has a relatively low number of seats for a council of its size. Cheshire East Council recommends an increase to twelve seats, which is consistent with the Borough average for a council with this number of electors.

Through the pre-consultation survey we received an individual representation on Disley, which raised a concern outside the remit of a community governance review, requesting a change across borough council boundaries.



The proposed governance arrangements following the proposed increase in the number of seats would be as follows:

| Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------|-----------------|---|
| 12             | 4,000           | 333.3                                   |

### **Dodcott cum Wilkesley**

The current governance arrangements of Dodcott cum Wilkesley Parish Council are as follows:

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|-----------------|---|
| 8              | 376             | 47                                      |

Compared to the national and Cheshire East averages (shown in Table 3.2 of Section 3.2), Dodcott cum Wilkesley has a relatively high number of seats for a council of its size. Cheshire East Council recommends a decrease to seven seats, which is consistent with the Borough average for a council with this number of electors.

No representations were received during our pre-consultation survey for Dodcott cum Wilkesley.

The proposed governance arrangements following the proposed decrease in the number of seats would be as follows:

| Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------|-----------------|---|
| 7              | 395             | 56.4                                    |

## Hankelow

The current governance arrangements of Hankelow Parish Council are as follows:

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|-----------------|---|
| 5              | 258             | 51.6                                    |

Compared to the national and Cheshire East averages (shown in Table 3.2 of Section 3.2), Hankelow has a relatively low number of seats for a council of its size. The Borough Council considers that a parish of five councillors is at risk of being unable to conduct its business, and favours the view of the National Association of Local Councils that a preferred minimum number of seats on a parish council is seven. Therefore Cheshire East Council recommends an increase to seven seats, which is consistent with the Borough average for a council with this number of electors and would be in line with NALC's recommendations.

No representations were received during our pre-consultation survey for Hankelow.

The proposed governance arrangements following the proposed increase in the number of seats would be as follows:

| Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------|-----------------|---|
| 7              | 292             | 41.7                                    |

### Hatherton and Walgherton Parish Group

Hatherton and Walgherton parishes are currently grouped under a common parish council.

The current governance arrangements of Hatherton and Walgherton Parish Council are as follows:

| Parish/ Parish Group            | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|---------------------------------|----------------|-----------------|---|
| Hatherton                       | 7              | 290             | 41.4                                    |
| Walgherton                      | 3              | 125             | 41.7                                    |
| <b>Hatherton and Walgherton</b> | <b>10</b>      | <b>415</b>      | <b>41.5</b>                             |

Compared to the national and Cheshire East averages (shown in Table 3.2 of Section 3.2), Hatherton and Walgherton has a relatively high number of seats for a council of its size. Cheshire East Council recommends a decrease to seven seats, which is consistent with the Borough average for a council with this number of electors.

The recommended number of seats for each parish – five for Hatherton and two for Walgherton – is based on their respective shares of the parish group's electorate (using the 2025 electorate forecasts). This approach minimises the disparity between the parishes' ratios of electors to councillors.

However, Hatherton and Walgherton Parish Council responded to the Borough Council's pre-consultation survey and it should be noted that the Parish Council is opposed to the Borough Council's proposed reduction in seats.

The proposed governance arrangements following the proposed decrease in the number of seats would be as follows:

| Parish/ Parish Group            | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|---------------------------------|----------------|-----------------|---|
| Hatherton                       | 5              | 300             | 60                                      |
| Walgherton                      | 2              | 127             | 63.5                                    |
| <b>Hatherton and Walgherton</b> | <b>7</b>       | <b>427</b>      | <b>61</b>                               |

### Lower Withington

The current governance arrangements of Lower Withington Parish Council are as follows:

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|-----------------|---|
| 7              | 448             | 64                                      |

Compared to the national and Cheshire East averages (shown in Table 3.2 of Section 3.2), Lower Withington has a relatively low number of seats for a council of its size. Cheshire East Council recommends an increase to eight seats, which is consistent with the Borough average for a council with this number of electors.

No representations were received during our pre-consultation survey for Lower Withington.

The proposed governance arrangements following the proposed increase in the number of seats would be as follows:

| Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------|-----------------|---|
| 8              | 452             | 56.5                                    |

### **Newbold Astbury cum Moreton**

This parish is warded for the purposes of elections to its parish council. The current governance arrangements for the Parish Council are as follows:

| Ward         | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|--------------|----------------|-----------------|---|
| Astbury      | 9              | 442             | 49.1                                    |
| Moreton      | 4              | 138             | 34.5                                    |
| <b>Total</b> | <b>13</b>      | <b>580</b>      | <b>44.6</b>                             |

A representation from the Newbold Astbury cum Moreton Parish Council was received through the pre-consultation survey, indicating a preference for no change to the governance of the parish.

However, compared to the national and Cheshire East averages (shown in Table 3.2 of Section 3.2), Newbold Astbury cum Moreton has a relatively high number of seats for a council of its size. Cheshire East Council recommends a decrease to eight seats, which is consistent with the Borough average for a council with this number of electors.

It is also considered that the current warding arrangement is no longer equitable. It is the Government's Guidance that: "it is not in the interests of effective and convenient local government, either for voters or councillors, to have significant difference in levels of representation between different parish wards."

In proposing the retention of a warding arrangement for a parish, the legislation requires it to be shown that the number or distribution of the local government electors for the parish would make a single election of councillors impracticable or inconvenient. This legal test cannot be fulfilled in this parish, as, although this parish is presently divided into wards, all the electors of this parish vote together at Astbury Village Hall.

Furthermore, it should be shown that it is desirable that an area or areas of the parish should be separately represented on the council and that the parish therefore comprises different parts. The parish warding should be clearly understood by and be relevant to the electors of the parish, and it is also relevant to ask if the additional costs of separate ward elections in some cases would represent an effective use of a parish's maybe limited resources. It is not considered that these legal tests are met in this instance.

Therefore Cheshire East Council proposes the removal of the warding arrangement for this parish.

The proposed governance arrangements following the proposed removal of the warding arrangement and the decrease in the number of seats would be as follows:

| Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------|-----------------|---|
| 8              | 595             | 74.4                                    |

## Odd Rode

This parish is warded for the purposes of elections to its parish council. The current governance arrangements for the Parish Council are as follows:

| Ward           | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|----------------|-----------------|---|
| Mount Pleasant | 5              | 1,267           | 253.4                                   |
| Rode Heath     | 5              | 1,770           | 354                                     |
| Scholar Green  | 5              | 1,495           | 299                                     |
| <b>Total</b>   | <b>15</b>      | <b>4,532</b>    | <b>302.1</b>                            |

No representations were received during the Borough Council's pre-consultation survey for Odd Rode.

Compared to the national and Cheshire East averages (shown in Table 3.2 of Section 3.2), Odd Rode has a relatively high number of seats for a council of its size. Cheshire East Council recommends a decrease to 12 or 14 seats, which is consistent with the Borough average for a council with this number of electors.

The Borough Council proposes that the current parish wards and ward boundaries are retained as they will retain the separate representation on the Parish Council of the different communities within this parish. However, the Borough Council considers that the number of seats on the parish council should be reduced. Indeed, only 13 nominations were received for the 15 current seats on the Parish Council in 2019 (five in Mount Pleasant and four each for the other two wards), which in itself implies that an allocation of 12 to 14 seats is most appropriate.

The Borough Council is anxious to receive comments on whether the allocation of seats should be reduced to 12 or 14, and the following tables are provided for guidance. While 12 seats would meet the Cheshire East average for a parish of this size, it will be seen that 14 seats can be divided more equitably between the parish wards (based on each ward's share of the electorate).

A council of 14 seats:

| Ward           | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------|----------------|-----------------|---|
| Mount Pleasant | 4              | 1,274           | 318.5                                   |
| Rode Heath     | 5              | 1,774           | 354.8                                   |
| Scholar Green  | 5              | 1,571           | 314.2                                   |
| <b>Total</b>   | <b>14</b>      | <b>4,619</b>    | <b>329.9</b>                            |

A council of 12 seats:

| Ward           | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------|----------------|-----------------|---|
| Mount Pleasant | 3              | 1,274           | 424.7                                   |
| Rode Heath     | 5              | 1,774           | 354.8                                   |
| Scholar Green  | 4              | 1,571           | 392.8                                   |
| <b>Total</b>   | <b>12</b>      | <b>4,619</b>    | <b>384.9</b>                            |



## Ollerton with Marthall

This parish is warded for the purposes of elections to its parish council. The current governance arrangements for the Parish Council are as follows:

| Ward         | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|--------------|----------------|-----------------|---|
| Marthall     | 3              | 139             | 46.3                                    |
| Ollerton     | 7              | 316             | 45.1                                    |
| <b>Total</b> | <b>10</b>      | <b>455</b>      | <b>45.5</b>                             |

No representations were received during the Borough Council's pre-consultation survey for Ollerton with Marthall.

Compared to the national and Cheshire East averages (shown in Table 3.2 of Section 3.2), Ollerton with Marthall has a relatively high number of seats for a council of its size. Cheshire East Council recommends a decrease to seven seats.

The Borough Council proposes that the current parish wards and ward boundaries are retained as this parish comprises two separate communities based on the settlements of Marthall and Ollerton, and it is desirable that they retain their separate representation on the parish council.

It is accepted that an allocation of seven seats is rather low for a parish of this size (with 505 electors anticipated by 2025), and the Council notes that in the 2019 local elections, four nominations were received for Marthall's three seats and seven for Ollerton's seven seats. For all other parishes that have an expected electorate of more than 450, a total of at least eight seats has been proposed. However, the Borough Council is concerned that an allocation of eight seats cannot be divided as fairly between the two existing wards as seven can. It is an important principle in this review that the ratios of electors to parish councillors across the wards of a parish are as equitable as can be.

The limitations of an allocation of eight seats can be seen in the following table. This allocation would give an unfair representation on the parish council to the electors of the Ollerton parish ward:

| Ward         | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|--------------|----------------|-----------------|---|
| Marthall     | 2              | 156             | 78                                      |
| Ollerton     | 6              | 349             | 58.2                                    |
| <b>Total</b> | <b>8</b>       | <b>505</b>      | <b>63.1</b>                             |

The Borough Council is anxious to learn of local views on this matter, but is presently proposing the following governance arrangements which allow for a more equitable representation between the two wards:

| Ward         | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|--------------|----------------|-----------------|---|
| Marthall     | 2              | 156             | 78                                      |
| Ollerton     | 5              | 349             | 69.8                                    |
| <b>Total</b> | <b>7</b>       | <b>505</b>      | <b>72.1</b>                             |

### Peover Inferior

The parishes of Nether Peover (in Cheshire West and Chester) and Peover Inferior (in Cheshire East) are grouped under a common parish council called Lower Peover.

Any alterations to this grouping arrangement or to the electoral arrangements of the grouped Parish Council would require a joint review or joint action from both Cheshire principal councils.

Therefore, the Borough Council is proposing that there should be no boundary changes with regard to the parish of Peover Inferior in Cheshire East.

The current distribution of seats between the two parishes that are represented on the grouped Parish Council is uneven, as shown by the electorate ratios in the following table:

| Parish/ Parish Group | Councillor no. | Electors (2018/ 2020)* | Ratio of electors per councillor (2018/ 2020)* |
|----------------------|----------------|------------------------|--|
| Nether Peover        | 4              | 342                    | 85.5   |
| Peover Inferior      | 3              | 93                     | 31   |
| <b>Total</b>         | <b>7</b>       | <b>-</b>               | <b>-</b>                                       |

\* Figure for Nether Peover is for 2020, but Peover Inferior figure is for 2018. Exact figures for the overall parish group electorate and ratios are not available for either year.

The following table shows that this imbalance in the electorate ratios will increase during the period leading to 2025 (being the term for which this review is required to be mindful of changes in the numbers of local government electors).

Fewer seats would better reflect Peover Inferior's share of the electorate, although this parish had enough nominations (three) to fill its allocated seats in the 2019 local elections. Furthermore, a reduction of Peover Inferior's allocation of seats to one would reduce the size of the grouped council to five. The Borough Council considers that a parish of five councillors is at risk of being unable to conduct its business, and favours the view of the National Association of Local Councils that a preferred minimum number of seats on a parish council is seven.

The Borough Council is anxious to hear the views of the electors and other interested bodies (including the existing council of the grouped parish and Cheshire West and Chester Council) on this matter: whether Peover Inferior's allocation of seats should be retained at three (which would mean a council size of seven seats for the Lower Peover Parish Group) or reduced to one (meaning only five seats for the council of the parish group).

No representations were received during the Borough Council's pre-consultation survey for Peover Inferior.

The following tables are offered for guidance:

If the number of Peover Inferior seats was retained at three:

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| Parish/ Parish Group | Councillor no. | Electors (2025)* | Ratio of electors per councillor (2025) |
|----------------------|----------------|------------------|---|
| Nether Peover        | 4              | 414              | 103.5                                   |
| Peover Inferior      | 3              | 94               | 31.3                                    |
| <b>Total</b>         | <b>7</b>       | <b>508</b>       | <b>72.6</b>                             |

\* The 2025 forecast shown for Nether Peover is Cheshire East's forecast, but is based on Electoral Register and housing development data provided by Cheshire West and Chester Council.

If the number of Peover Inferior seats was reduced to one:

| Parish/ ward    | Councillor no. | Electors (2025)* | Ratio of electors per councillor (2025) |
|-----------------|----------------|------------------|---|
| Nether Peover   | 4              | 414              | 103.5                                   |
| Peover Inferior | 1              | 94               | 94                                      |
| <b>Total</b>    | <b>5</b>       | <b>508</b>       | <b>101.6</b>                            |

\* The 2025 forecast shown for Nether Peover is Cheshire East's forecast, but is based on Electoral Register and housing development data provided by Cheshire West and Chester Council.

### Plumley with Toft and Bexton

This parish is warded for the purposes of elections to its parish council. The Plumley parish ward is focused on the village of that name, while the Toft and Bexton ward comprises dispersed rural dwellings. At present the electors of the two wards vote separately at two different polling places at Plumley Village Hall and St John the Evangelist Church in Toft.

No representations were received during the Borough Council's pre-consultation survey for Plumley with Toft and Bexton.

The present governance arrangements are as follows:

| Parish/ ward    | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|-----------------|----------------|-----------------|---|
| Plumley         | 9              | 571             | 63.4                                    |
| Toft and Bexton | 2              | 84              | 42                                      |
| <b>Total</b>    | <b>11</b>      | <b>655</b>      | <b>59.5</b>                             |

Compared to the national and Cheshire East averages (shown in Table 3.2 of Section 3.2), Plumley with Toft and Bexton has a relatively high number of seats for a council of its size. Cheshire East Council recommends a decrease to eight, which is consistent with the Borough average for a council with this number of electors.

An allocation of eight parish councillors would lead to an overall ratio of electors to councillors of 86.5.

| Parish/ ward    | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|-----------------|----------------|-----------------|---|
| Plumley         | 7              | 607             | 86.7                                    |
| Toft and Bexton | 1              | 85              | 85                                      |
| <b>Total</b>    | <b>8</b>       | <b>692</b>      | <b>86.5</b>                             |

The Borough Council seeks the views of electors and other interested bodies on whether the existing warding arrangement should be retained.

Consultation responses that support or object to a proposed warding arrangement should be mindful of the relevant legislation along with the Borough Council's Terms of Reference document. Parish warding is appropriate where a single parish election

might be impractical or inconvenient. It may be considered that this test is satisfied because the electors of the two wards presently vote separately at two different polling stations. Furthermore, a warding arrangement should provide representation for the different communities within a parish: is this one parish but comprising different communities? Finally, a warding arrangement should be effective and convenient and not wasteful of a parish's limited resources in the conduct of separate ward elections. It may be considered that having a separate parish ward for the representation of 85 electors (2025 electorate) would be an inappropriate use of the parish's budget in the funding of separate elections for two wards.

## Prestbury

This parish is warded for the purposes of elections to its parish council. The current governance arrangements are as follows:

| Parish/ ward     | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|------------------|----------------|-----------------|---|
| Butley           | 6              | 1,314           | 219                                     |
| Fallibroome      | 1              | 85              | 85                                      |
| Prestbury        | 5              | 1,434           | 286.8                                   |
| <b>Prestbury</b> | <b>12</b>      | <b>2,833</b>    | <b>236.1</b>                            |

For a council of its size, Prestbury's number of seats is in line with the national and Cheshire East averages (shown in Table 3.2 of Section 3.2). Cheshire East Council therefore recommends no change in the total number of seats.

However, as the previous table shows, the current distribution of seats between the parish wards is inequitable, with a large disparity between the parish wards' ratios of electors to councillors (ranging from 286.8 electors per councillor in Prestbury to 85 in Fallibroome).

Furthermore, there is a strong case for removing the existing warding altogether. In proposing the retention of a warding arrangement for a parish, the legislation requires it to be shown that the number or distribution of the local government electors for

the parish would make a single election of councillors impracticable or inconvenient. This legal test cannot be wholly fulfilled in this parish, as the electors of the Fallibroome parish ward currently vote at Prestbury Village Hall, a polling station which is in the parish's Prestbury ward.

Furthermore, it should be shown that it is desirable that an area or areas of the parish should be separately represented on the council and that the parish therefore comprises different parts. The parish warding should be clearly understood by and be relevant to the electors of the parish, and it is also relevant to ask if the additional costs of separate ward elections in some cases would represent an effective use of a parish's resources. It is not considered that these legal tests are met in this instance; indeed, the present ward boundaries partition the principal settlement of Prestbury in a manner that is probably not clearly understood by the electors of the parish. Therefore Cheshire East Council recommends the removal of the existing warding.

In responses to the Borough Council's pre-consultation survey, Prestbury Parish Council noted their area's distinct identity and did not wish to be merged with a neighbouring parish (although an individual response supported a merger with Macclesfield). The Parish Council requested that the parish's name and its total of 12 seats be kept, but noted the uneven elector per councillor ratios and proposed that the Fallibroome and Prestbury wards be merged. This, presumably, would have resulted in two wards: Prestbury and Butley, but the Borough Council, for the reasons given above, does not consider that there is any merit in retaining any warding arrangement in this parish.

The proposed governance arrangements following the proposed removal of warding would be as follows:

| Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------|-----------------|---|
| 12             | 2,847           | 237.3                                   |

## Rainow

The current governance arrangements of Rainow Parish Council are as follows:

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|-----------------|---|
| 12             | 1,048           | 87.3                                    |

Through the pre-consultation survey we received an individual representation about Rainow, which favoured no change.

However, compared to the national and Cheshire East averages (shown in Table 3.2 of Section 3.2), Rainow has a relatively high number of seats for a council of its size. Cheshire East Council therefore recommends a decrease to ten seats, which is consistent with the Borough average for a council with this number of electors.

The proposed governance arrangements following the proposed decrease in the number of seats would be as follows:

| Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------|-----------------|---|
| 10             | 1,188           | 118.8                                   |

## Siddington

The current governance arrangements of Siddington Parish Council are as follows:

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|-----------------|---|
| 8              | 279             | 34.9                                    |



No representations were received during our pre-consultation survey for Siddington.

Compared to the national and Cheshire East averages (shown in Table 3.2 of Section 3.2), Siddington has a relatively high number of seats for a council of its size. Cheshire East Council therefore recommends a decrease to seven seats, which is consistent with the Borough average for a council with this number of electors.

The proposed governance arrangements following the proposed decrease in the number of seats would be as follows:

| Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------|-----------------|---|
| 7              | 275             | 39.3                                    |

### Spurstow

The current governance arrangements of Spurstow Parish Council are as follows:

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|-----------------|---|
| 8              | 320             | 40                                      |

No representations were received during our pre-consultation survey for Spurstow.

Compared to the national and Cheshire East averages (shown in Table 3.2 of Section 3.2), Spurstow has a relatively high number of seats for a council of its size. Cheshire East Council therefore recommends a decrease to seven seats, which is consistent with the Borough average for a council with this number of electors.

After the last ordinary elections in 2019, five out of eight members were co-opted in Spurstow. This high proportion of co-options adds to the case for a decrease in the number of seats.

The proposed governance arrangements following the proposed decrease in the number of seats would be as follows:

| Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------|-----------------|---|
| 7              | 325             | 46.4                                    |

### Swettenham

The current governance arrangements of Swettenham Parish Council are as follows:

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|-----------------|---|
| 5              | 246             | 49.2                                    |

Compared to the national and Cheshire East averages (shown in Table 3.2 of Section 3.2), Swettenham has a relatively low number of seats for a council of its size. Furthermore, the Borough Council considers that a parish of five councillors is at risk of being unable to conduct its business, and favours the view of the National Association of Local Councils that a preferred minimum number of seats on a parish council is seven. Therefore Cheshire East Council recommends an increase to seven seats, which is consistent with the Borough average for a council with this number of electors and in line with NALC's recommendations. No representations were received during our pre-consultation survey for Swettenham.

The proposed governance arrangements following the proposed increase in the number of seats would be as follows:

| Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------|-----------------|---|
| 7              | 266             | 38                                      |

### Warmingham

The current governance arrangements of Warmingham Parish Council are as follows:

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|-----------------|---|
| 5              | 191             | 38.2                                    |

Compared to the national and Cheshire East averages (shown in Table 3.2 of Section 3.2), Warmingham has a relatively low number of seats for a council of its size. Furthermore, the Borough Council considers that a parish of five councillors is at risk of being unable to conduct its business, and favours the view of the National Association of Local Councils that a preferred minimum number of seats on a parish council is seven. Therefore Cheshire East Council recommends an increase to seven seats, which is consistent with the Borough average for a council with this number of electors and in line with NALC's recommendations.

No representations were received during our pre-consultation survey for Warmingham.

The proposed governance arrangements following the proposed increase in the number of seats would be as follows:

| Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------|-----------------|---|
| 7              | 209             | 29.9                                    |

### Willaston

Willaston is currently warded for the purposes of elections to the Parish Council. The current governance arrangements are as follows:

| Parish/ ward     | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|------------------|----------------|-----------------|---|
| North            | 2              | 701             | 350.5                                   |
| Village          | 10             | 1,927           | 192.7                                   |
| <b>Willaston</b> | <b>12</b>      | <b>2,628</b>    | <b>219</b>                              |

For a council of its size, Willaston's number of seats is in line with the national and Cheshire East averages (shown in Table 3.2 of Section 3.2). Cheshire East Council therefore recommends no change in the total number of seats.

However, as the previous table shows, the current distribution of seats between the parish wards is inequitable, with a large disparity between the parish wards' ratios of electors to councillors: a ratio of only 192.7 electors per councillor for the Village ward, but 350.5 for the North ward.

Cheshire East Council therefore recommends that the number of seats for the North ward be increased to four and the number for the Village ward be decreased to eight. This recommendation is based on the two parish wards' respective shares of the parish's

electorate (using the 2025 electorate forecasts). This approach minimises the disparity between the parish wards' ratios of electors to councillors and produces a much fairer distribution of seats than under the current governance arrangement.

In 2019, three out of ten members were co-opted in the Village ward, but there were no co-options required for the North ward. This adds further weight to the case for reducing the number of Village ward seats.

During the Borough Council's pre-consultation survey, Willaston Parish Council proposed realigning the boundary with Stapeley, so that it runs along Newcastle Road and brings the housing north of the A500 into Willaston. An individual respondent proposed the same change.

It should be noted that such a change would affect around 20 properties that are currently in the parish of Stapeley and that would be transferred by this change to the Village ward of the parish of Willaston. The parish of Willaston is in the Willaston and Rope borough ward, but the parish of Stapeley is in the Nantwich South and Stapeley borough ward, and the affected properties would remain in that borough ward even if the parish boundary was changed. Such a change of boundary would require the provision of an additional polling station to mitigate the risk in the conduct of elections that is of particular concern to the Borough Council and that is described in Section 2 above. As the number of electors concerned is so small, the Borough Council does not consider that it can support this proposal.

The Parish Council also felt that a better balance could be struck in its distribution of seats by decreasing the Village ward allocation to nine seats and increasing the North ward allocation to three seats. However, while this proposal provides further support to the Borough Council's proposed redistribution, it would not give as equitable a ratio of electors to councillors as the allocation that the Borough Council is now proposing.

The proposed governance arrangements following the proposed redistribution of parish ward seats would be as follows:

| Parish/ ward     | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|------------------|----------------|-----------------|---|
| North            | 4              | 1,101           | 275.3                                   |
| Village          | 8              | 2,132           | 266.5                                   |
| <b>Willaston</b> | <b>12</b>      | <b>3,233</b>    | <b>269.4</b>                            |

## Section 4.3: Mergers of multiple parishes to form new parishes, but no boundary changes

### Agden, Little Bollington and Millington

Agden and Little Bollington are currently parish meetings and therefore have no councillors. Millington is currently an individual parish council.

The current governance arrangements are as follows:

| Parish Meeting | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|----------------|-----------------|---|
| Agden          | N/A            | 148             | N/A                                     |

| Parish Meeting    | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|-------------------|----------------|-----------------|---|
| Little Bollington | N/A            | 144             | N/A                                     |

| Parish     | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|------------|----------------|-----------------|---|
| Millington | 5              | 151             | 30.2                                    |

In 2019, two of Millington's five members were co-opted, which raises questions about its viability as an individual parish.

For all three areas, the forecast number of electors in 2025 is little different to that in 2018: 146 in Agden, 142 in Little Bollington and 149 in Millington. The latter figure also raises questions about whether Millington should continue to exist as an individual parish.

No representations were received during our pre-consultation survey for Agden, Little Bollington or Millington.

The Borough Council recommends the merger of these three parishes in the north of Cheshire East, with their scattered dwellings in open countryside, to form a new parish. This would enhance the viability of the combined parish and would extend parish council representation to all the electors of this area.

Agden and Little Bollington vote at Little Bollington CP School; Millington votes at Bucklow Garage. All three parishes are in High Legh borough ward.

The new parish would have a projected electorate of 437 by 2025. Cheshire East Council recommends a total of eight seats for the new parish council and that the council for the new parish should not be warded for the purposes of elections to the parish council. Eight seats is consistent with the national and Cheshire East averages (shown in Table 3.2 of Section 3.2) for a council of this size.

The Borough Council is not proposing that the parish be divided into wards for the purposes of elections to the parish council. Consultation responses that support a warding arrangement or that reject it should be mindful of the legal tests that apply for a warding arrangement. Parish warding is appropriate where a single parish election might be impractical or inconvenient. This can only partially be shown here, as the electors of two of the existing parishes presently vote together at the same place. Furthermore, a warding arrangement should provide representation for the different communities within a parish: is this one parish but comprising different communities? The Borough Council would want to be assured that this test applies and evidence to show that the parish comprises separate communities should be provided. Finally, a warding arrangement should be effective and convenient and not wasteful of a parish's limited resources in the conduct of separate ward elections.



The proposed governance arrangements following the proposed merger would be as follows:

| Parish                                   | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|--|----------------|-----------------|---|
| Agden, Little Bollington and Millington* | 8              | 437             | 54.6                                    |

\*A name for the new parish should be considered, and the Borough Council welcomes proposals on this point. The Council also requests comments on whether the new parish should have the style of 'parish' or one of the alternative styles that the Council may recommend where a new parish is being created: 'community', 'neighbourhood' or 'village'.

### **Alpraham, Calveley and Wardle**

Alpraham, Calveley and Wardle are currently individual parishes.

The current governance arrangements are as follows:

| Parish   | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------|----------------|-----------------|---|
| Alpraham | 8              | 354             | 44.3                                    |

| Parish   | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------|----------------|-----------------|---|
| Calveley | 7              | 214             | 30.6                                    |

| Parish | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|--------|----------------|-----------------|---|
| Wardle | 7              | 119             | 17                                      |

The A51 and unclassified roads in this area link the small villages of Alpraham, Calveley and Wardle.

The development of Calveley village has already expanded over the parish boundary into the parish of Alpraham.

The electors of the three parishes presently vote together at Alpraham; all are in Bunbury borough ward.

An individual submission has been received, which supports the combination of the parishes of Alpraham and Calveley to enhance the 'voice' of the community.

Given all these factors, Cheshire East Council recommends merging the parishes of Alpraham, Calveley and Wardle into a new parish with a single parish council.

For the three existing parishes, the projected numbers of electors in 2025 are as follows: 477 in Alpraham, 243 in Calveley and 162 in Wardle.

The new parish would therefore have an expected electorate of 882 by 2025. Cheshire East Council recommends an allocation of nine seats and no warding for the council of the new parish. Nine seats is consistent with the national and Cheshire East averages (shown in Table 3.2 of Section 3.2) for a council of this size.

The Borough Council is not proposing that the parish be divided into wards for the purposes of elections to the parish council. Consultation responses that support a warding arrangement or that reject it should be mindful of the legal tests that apply for a warding arrangement. Parish warding is appropriate where a single parish election might be impractical or inconvenient. This cannot be shown here, as the electors of the three existing parishes all presently vote together at the same place at Alpraham. Furthermore, a warding arrangement should provide representation for the different communities within a parish: is this one parish but comprising different communities? The Borough Council would want to be assured that this test applies and evidence to show

that the parish comprises separate communities should be provided. Finally, a warding arrangement should be effective and convenient and not wasteful of a parish's limited resources in the conduct of separate ward elections.

The proposed governance arrangements following the proposed merger would be as follows:

| Parish                        | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|-------------------------------|----------------|-----------------|---|
| Alraham, Calveley and Wardle* | 9              | 882             | 98                                      |

\*A name for the new parish should be considered, and the Borough Council welcomes proposals on this point. The Council also requests comments on whether the new parish should have the style of 'parish' or one of the alternative styles that the Council may recommend where a new parish is being created: 'community', 'neighbourhood' or 'village'.

### Bickerton and Egerton Parish Group

The parish council currently represents a grouping of two parishes, Bickerton and Egerton.

The current governance arrangements are as follows:

| Parish/ Parish Group         | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|------------------------------|----------------|-----------------|---|
| Bickerton                    | 7              | 186             | 26.6                                    |
| Egerton                      | 3              | 58              | 19.3                                    |
| <b>Bickerton and Egerton</b> | <b>10</b>      | <b>244</b>      | <b>24.4</b>                             |

Both Bickerton and Egerton are rural parishes. As the previous table shows, they each have a small number of electors and very low ratios of electors to councillors.

All the electors of this current group of parishes vote together at a polling station at Bickerton; both parishes are in Wrenbury borough ward.

Cheshire East Council considers that the grouping arrangement probably serves no practical benefit to the parish council or to the community and electors.

Given all these factors, Cheshire East Council recommends that Bickerton and Egerton be merged into a single parish. The new parish would have a projected electorate of 247 by 2025 (186 in Bickerton and 61 in Egerton). Cheshire East Council recommends a total of seven seats and no warding for the council of the new parish. Seven seats is consistent with the national and Cheshire East averages (shown in Table 3.2 of Section 3.2) for a council of this size.

The Borough Council is not proposing that the parish be divided into wards for the purposes of elections to the parish council. Consultation responses that support a warding arrangement or that reject it should be mindful of the legal tests that apply for a warding arrangement. Parish warding is appropriate where a single parish election might be impractical or inconvenient. This cannot be shown here, as the electors of the two existing parishes all presently vote together at the same place at Bickerton. Furthermore, a warding arrangement should provide representation for the different communities within a parish: is this one parish but comprising different communities? The Borough Council would want to be assured that this test applies and evidence to show that the parish comprises separate communities should be provided. Finally, a warding arrangement should be effective and convenient and not wasteful of a parish's limited resources in the conduct of separate ward elections.

No representations were received during our pre-consultation survey for Bickerton or Egerton.

The proposed governance arrangements following the proposed merger would be as follows:

| Parish                 | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|------------------------|----------------|-----------------|---|
| Bickerton and Egerton* | 7              | 247             | 35.3                                    |

\*A name for the new parish should be considered, and the Borough Council welcomes proposals on this point. The Council also requests comments on whether the new parish should have the style of 'parish' or one of the alternative styles that the Council may recommend where a new parish is being created: 'community', 'neighbourhood' or 'village'.

### Brindley and Faddiley

The parish council currently represents a grouping of two rural parishes which are focused on the linear settlement of Faddiley – Brindley and the A453 road.

The current governance arrangements are as follows:

| Parish/ Parish Group         | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|------------------------------|----------------|-----------------|---|
| Brindley                     | 4              | 132             | 33                                      |
| Faddiley                     | 4              | 137             | 34.3                                    |
| <b>Brindley and Faddiley</b> | <b>8</b>       | <b>269</b>      | <b>33.6</b>                             |

Each parish has a low total electorate and low ratios of electors to councillors. Cheshire East Council considers that the grouping arrangement probably serves no practical benefit to the parish council or to the community and electors.

All the electors of the current group of parishes vote together at a polling station at Faddiley and both parishes are in Wrenbury borough ward.

The Borough Council therefore proposes that the two parishes be merged under a new parish council.

The Borough Council considers that the eight seats on the present parish council is high for a parish of this size with an electorate of 278 (2025 electorate) and a precept of £3,000. There are no other parishes in the borough with under 400 electors where the proposed number of seats is eight or more. It is, therefore, proposed that the parish council should have seven seats, a number that better reflects the Cheshire East average for a parish of this size.

The Borough Council is not proposing that the parish be divided into wards for the purposes of elections to the parish council. Consultation responses that support a warding arrangement or that reject it should be mindful of the legal tests that apply for a warding arrangement. Parish warding is appropriate where a single parish election might be impractical or inconvenient. This cannot be shown here, as the electors of the two existing parishes all presently vote together at the same place at Faddiley. Furthermore, a warding arrangement should provide representation for the different communities within a parish: is this one parish but comprising different communities? The Borough Council would want to be assured that this test applies and evidence to show that the parish comprises separate communities should be provided. Finally, a warding arrangement should be effective and convenient and not wasteful of a parish's limited resources in the conduct of separate ward elections.

The existing parish council responded that the current name of Brindley and Faddiley Parish Council was appropriate, although it considered that ideally it should be called Burland and Ravensmoor Parish Council. The existing parish council also considered that the present number of councillors was about right. However, for the reasons that are given above, the Borough Council considers that it would be more appropriate to reduce the number of councillors to seven.

The proposed governance arrangements following the proposed merger would be as follows:

| Parish                 | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|------------------------|----------------|-----------------|---|
| Brindley and Faddiley* | 7              | 278             | 39.7                                    |

\*The Borough Council notes the view of the present parish council that the name of the new parish should be Burland and Ravensmoor, but would wish to hear further views on this matter, in particular, why the name Burland and Ravensmoor is proposed. The Council also requests comments on whether the new parish should have the style of 'parish' or one of the alternative styles that the Council may recommend where a new parish is being created: 'community', 'neighbourhood' or 'village'.

### **Bulkeley and Ridley Parish Group and Peckforton Parish Meeting**

Bulkeley and Ridley parish group consists of the two parishes of Bulkeley and Ridley. The parish of Peckforton currently does not have a parish council and therefore has no councillors, with its representative body being the meeting of electors of the parish. Peckforton's electorate (123 in 2018) is below the legal minimum whereby it would qualify for a parish council in its own right.

The current governance arrangements are as follows:

| Parish/ Parish Group       | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------------------|----------------|-----------------|---|
| Bulkeley                   | 7              | 214             | 30.6                                    |
| Ridley                     | 3              | 114             | 38                                      |
| <b>Bulkeley and Ridley</b> | <b>10</b>      | <b>328</b>      | <b>32.8</b>                             |

| Parish Meeting | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|----------------|-----------------|---|
| Peckforton     | N/A            | 123             | N/A                                     |

Bulkeley and Ridley are two rural parishes with low numbers of electors. Cheshire East Council considers that the grouping arrangement probably no longer serves any practical benefit to the parish council or to the community and electors.

Representations were received for Bulkeley and Ridley, supporting the previous request submitted to Cheshire East Council in 2017 to merge Bulkeley and Ridley under a single parish. No representations were received by Peckforton.

The electors of Bulkeley and Ridley vote together at Bickerton Village Hall and the electors of Peckforton vote at Peckforton Village Hall.

Given all these factors, Cheshire East Council recommends that Bulkeley, Peckforton and Ridley be merged into a single parish. The new parish would have a projected electorate of 484 by 2025 (239 in Bulkeley, 127 in Peckforton and 118 in Ridley). Cheshire East Council recommends a total of eight seats and no warding for the new parish. Eight seats is consistent with the national and Cheshire East averages (shown in Table 3.2 of Section 3.2) for a council of this size.

The Borough Council is not proposing that the parish be divided into wards for the purposes of elections to the parish council. Consultation responses that support a warding arrangement or that reject it should be mindful of the legal tests that apply for a warding arrangement. Parish warding is appropriate where a single parish election might be impractical or inconvenient. This cannot be wholly shown here, as the electors of two existing parishes all presently vote together at Bickerton, while the electors of Peckforton vote at Peckforton. Furthermore, a warding arrangement should provide representation for the different communities within a parish: is this one parish but comprising different communities? The Borough Council would want to be assured that this test applies and evidence to show that the parish comprises separate communities should be provided. Finally, a warding arrangement should be effective and convenient and not wasteful of a parish's limited resources in the conduct of separate ward elections.



The proposed governance arrangements following the proposed merger would be as follows:

| Parish                           | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------------------------|----------------|-----------------|---|
| Bulkeley, Peckforton and Ridley* | 8              | 484             | 60.5                                    |

\*A name for the new parish should be considered, and the Borough Council welcomes proposals on this point. The Council also requests comments on whether the new parish should have the style of 'parish' or one of the alternative styles that the Council may recommend where a new parish is being created: 'community', 'neighbourhood' or 'village'.

### Cholmondeston and Wettenhall

The parish council currently represents a grouping of two rural parishes which are focused on the linear settlement along the Winsford Road. Each parish has a low total electorate: 152 for Cholmondeston and 181 for Wettenhall. The boundary between the two parishes practically partitions the settlement of Cholmondeston. Cheshire East Council considers that the grouping arrangement probably serves no practical benefit to the parish council or to the community and electors.

The current governance arrangements are as follows:

| Parish/ Parish Group                | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|-------------------------------------|----------------|-----------------|---|
| Cholmondeston                       | 3              | 152             | 50.7                                    |
| Wettenhall                          | 3              | 181             | 60.3                                    |
| <b>Cholmondeston and Wettenhall</b> | <b>6</b>       | <b>333</b>      | <b>55.5</b>                             |

All the electors of this current group of parishes vote together at a polling station at Church Minshull Village Hall and both parishes are in Bunbury borough ward.

During the Borough Council's pre-consultation survey, an individual response from Cholmondeston noted the canal and railway line running through the parish and proposed a boundary review to take this into account. However, the area on both sides of the canal and railway line are sparsely populated, with no significant development expected. The Borough Council therefore takes the view that these areas are a single community, rather than two communities with separate identities, and is not minded to change this boundary.

Two individual responses were received from Wettenhall, but these did not relate to any specific governance proposals.

The Borough Council therefore proposes that the two parishes be merged into a single parish.

On balance, the Borough Council considers that a warding arrangement may have merit for the purposes of elections to the parish council of the merged parish.

The Borough Council has considered the legal tests that apply for a warding arrangement. Parish warding is appropriate where a single parish election might be impractical or inconvenient. This cannot be shown here, as the electors of the two existing parishes all presently vote together at the same place: Church Minshull Village Hall. However, a warding arrangement should also be considered where it is felt appropriate to provide representation for the different communities within a parish: is this one parish but comprising different communities? The Council considers that this test is met in this instance, and that a warding arrangement would allow for the separate representation of Cholmondeston and Wettenhall on the merged parish council.

The Borough Council considers that the boundary between the two wards should follow the parish boundary, but adjusted slightly to follow the Minshull Lane and then the existing boundary which is a tributary brook of the Bankside Brook. No residential or commercial properties would be affected by this slight boundary change.

The Borough Council considers that a parish of six councillors is at risk of being unable to conduct its business, and favours the view of the National Association of Local Councils that a preferred minimum number of seats on a parish council is seven. It is therefore proposed that the total number of seats on the new parish council be increased from six to seven. The following table shows the proposed governance arrangement with a warding arrangement in which the seats are equitably allocated to the wards based on each ward's share of the electorate.

| Parish/ ward  | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|---------------|----------------|-----------------|---|
| Cholmondeston | 3              | 164             | 54.7                                    |
| Wettenhall    | 4              | 184             | 46                                      |
| <b>Total</b>  | <b>7</b>       | <b>348</b>      | <b>49.7</b>                             |

A name for the new parish should be considered, and the Borough Council welcomes proposals on this point. The Council also requests comments on whether the new parish should have the style of 'parish' or one of the alternative styles that the Council may recommend where a new parish is being created: 'community', 'neighbourhood' or 'village'.

### **Doddington and District Parish Group (the parishes of Blakenhall, Bridgemere, Checkley cum Wrinehill, Doddington, Hunsterson and Lea)**

The parishes of Blakenhall, Bridgemere, Checkley cum Wrinehill, Doddington, Hunsterson and Lea parishes are currently grouped under a common parish council called Doddington and District Parish Council.

The current governance arrangements for Doddington and District are as follows:

| Parish/ Parish Group           | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|--------------------------------|----------------|-----------------|---|
| Blakenhall                     | 3              | 119             | 39.7                                    |
| Bridgemere                     | 3              | 119             | 39.7                                    |
| Checkley cum Wrinehill         | 2              | 77              | 38.5                                    |
| Doddington                     | 1              | 19              | 19                                      |
| Hunsterson                     | 3              | 134             | 44.7                                    |
| Lea                            | 1              | 36              | 36                                      |
| <b>Doddington and District</b> | <b>13</b>      | <b>504</b>      | <b>38.8</b>                             |

This extensive grouping of six parishes lies in open countryside in the southern-most part of the borough of Cheshire East with the A51 passing through the centre of the area. While most dwellings are dispersed through the area, there are small settlements at Bridgemere and Blakenhall.

As the previous table shows, each of the Doddington and District grouped parishes is small and the current distribution of seats on the council of the group is inequitable, with a large disparity between the parishes' ratios of electors to councillors (ranging from 19 electors per councillor for Doddington to 44.7 for Hunsterson).

In the 2019 ordinary elections, five out of the thirteen members were co-opted to Doddington and District Parish Council (two co-options in Blakenhall and one each in Bridgemere, Checkley cum Wrinehill and Hunsterson).

Given all these factors, Cheshire East Council recommends that these parishes be merged into a single parish. The new parish would have an expected electorate of 505 by 2025 (120 electors in Blakenhall, 120 in Bridgemere, 76 in Checkley cum Wrinehill, 19 in Doddington, 134 in Hunsterson and 36 in Lea). Cheshire East Council recommends a total of eight seats for the new parish. Eight seats would be consistent with the national and Cheshire East averages (shown in Table 3.2 of Section 3.2) for a council of this size.

The new parish would cover an extensive rural area as one of the largest geographical parishes in the borough. It would seem to be appropriate and desirable in this instance that areas of the parish should be separately represented on the new parish council. All the electors of Blakenhall, Checkley cum Wrinehill and Lea vote together at the polling station at Blakenhall and District Village Hall; all the electors of Bridgemere, Doddington and Hunsterson vote together at the polling station at Bridgemere Primary School. All six parishes are in Wynbunbury borough ward.

Therefore Cheshire East recommends that the new parish be divided into two wards: one covering Blakenhall, Checkley cum Wrinehill and Lea; and one covering Bridgemere, Doddington and Hunsterson. This division would ensure that the electors in each parish ward voted at the same polling station, and any risk in the conduct of elections would therefore be avoided.

The recommended number of seats for each ward – four each – is one based on their respective shares of the proposed new parish's electorate (using the 2025 electorate forecasts). This approach minimises the disparity between the parish wards' ratios of electors to councillors.

An individual representation for Hunsterson was received during our pre-consultation survey and stated that "Hunsterson seems to get merged a lot with Bridgemere and Doddington", which may support the Council's proposals.

The proposed governance arrangements, following the proposed merger of the parishes and the proposed warding arrangement, would be as follows:

| Parish/ ward                                | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|---|----------------|-----------------|---|
| Blakenhall, Checkley cum Wrinehill and Lea* | 4              | 232             | 58                                      |
| Bridgemere, Doddington and Hunsterson*      | 4              | 273             | 68.3                                    |
| <b>Doddington and District*</b>             | <b>8</b>       | <b>505</b>      | <b>63.1</b>                             |

\*Names for the new parish and for the new parish wards should be considered, and the Borough Council welcomes proposals on these points. The Council also requests comments on whether the new parish should have the style of 'parish' or one of the alternative styles that the Council may recommend where a new parish is being created: 'community', 'neighbourhood' or 'village'.

## Great Warford and Little Warford

Great Warford and Little Warford are currently two separate parishes with their own parish councils.

The current governance arrangements are as follows:

| Parish        | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|---------------|----------------|-----------------|---|
| Great Warford | 7              | 633             | 90.4                                    |

| Parish         | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|----------------|-----------------|---|
| Little Warford | 8              | 65              | 8.1                                     |

The electorate of Little Warford is presently below the legal threshold of 150 electors for a new parish council, though as an existing parish council it could legally continue to exist. With only 65 electors in 2018 (and 67 electors forecasted for 2025), its ratio of 8.1 electors per councillor is the lowest of any parish in Cheshire East. In addition, Little Warford is one of only two parish councils with a Band D charge of £0, which may be taken as a general and comparative indication of the level of expenditure and thus the level of work that the parish council undertakes in its parish.

In 2019, four out of Little Warford's eight members were co-opted, as were two of Great Warford's seven members. The high proportion of co-options suggests that the current community governance arrangements are not viable.

The electors of both parishes currently vote together at Great Warford Church and both are in Mobberley borough ward.

No representations were received during our pre-consultation survey for Great Warford or Little Warford.

Given all these factors, Cheshire East Council recommends that Great Warford and Little Warford be merged into a new parish and that the council for the new parish should not be warded for the purposes of elections to the parish council. The new parish would

have a projected electorate of 709 by 2025 (642 in Great Warford and 67 in Little Warford). Cheshire East Council recommends a total of eight seats for the council of the new parish. Eight seats is consistent with the national and Cheshire East averages (shown in Table 3.2 of Section 3.2) for a council of this size.

The Borough Council is not proposing that the parish be divided into wards for the purposes of elections to the parish council. Consultation responses that support a warding arrangement or that reject it should be mindful of the legal tests that apply for a warding arrangement. Parish warding is appropriate where a single parish election might be impractical or inconvenient. This cannot be shown here, as the electors of the two existing parishes all presently vote together at the same place: Great Warford Church. Furthermore, a warding arrangement should provide representation for the different communities within a parish: is this one parish but comprising different communities? The Borough Council would want to be assured that this test applies and evidence to show that the parish comprises separate communities should be provided. Finally, a warding arrangement should be effective and convenient and not wasteful of a parish's limited resources in the conduct of separate ward elections. It is considered that a parish ward of less than 70 electors could not meet this final test.

The proposed governance arrangements following the proposed merger would be as follows:

| Parish                            | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|-----------------------------------|----------------|-----------------|---|
| Great Warford and Little Warford* | 8              | 709             | 88.6                                    |

\*A name for the new parish should be considered, and the Borough Council welcomes proposals on this point. The Council also requests comments on whether the new parish should have the style of 'parish' or one of the alternative styles that the Council may recommend where a new parish is being created: 'community', 'neighbourhood' or 'village'.



## Kettleshulme and Lyme Handley

The separate parishes of Kettleshulme and Lyme Handley have their own parish councils and the following governance arrangements at present:

| Parish       | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|--------------|----------------|-----------------|---|
| Kettleshulme | 7              | 275             | 39.3                                    |

| Parish       | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|--------------|----------------|-----------------|---|
| Lyme Handley | 5              | 119             | 23.8                                    |

No representations were received during the Borough Council's pre-consultation survey for Kettleshulme or Lyme Handley.

The parish of Lyme Handley does not have a functioning parish council at this time. There were no nominations for its council of five seats in 2019; it has not raised a precept to support local services and it only had 119 electors in 2018 (forecast to decrease to 117 by 2025). The Borough Council proposes that the parish is merged with a neighbouring parish to enable parish governance to be viable in this area.

The Borough Council favours a merger with Kettleshulme parish. Both Lyme Handley and Kettleshulme are in the same borough ward: Poynton East and Pott Shrigley. Furthermore, 35 electors of the parish of Lyme Handley already vote together with the electors of Kettleshulme at a shared polling station: Kettleshulme Memorial Hall. The remaining electors of the parish – 88 electors - vote at St Martin's Church Hall, Higher Poynton (these elector numbers are as of December 2019).

Given all these factors, Cheshire East Council recommends that Kettleshulme and Lyme Handley are merged into a new parish and that the council for the new parish should not be warded for the purposes of elections to the parish council. The new parish would have a projected electorate of 388 by 2025. Cheshire East Council recommends a total of seven seats for the council of the

new parish. Seven seats is consistent with the national and Cheshire East averages (shown in Table 3.2 of Section 3.2) for a council of this size.

The Borough Council is not proposing that the parish be divided into wards for the purposes of elections to the parish council. Consultation responses that support a warding arrangement or that reject it should be mindful of the legal tests that apply for a warding arrangement. Parish warding is appropriate where a single parish election might be impractical or inconvenient. Furthermore, a warding arrangement should provide representation for the different communities within a parish: is this one parish but comprising different communities? The Borough Council would want to be assured that this test applies and evidence to show that the parish comprises separate communities should be provided. Finally, a warding arrangement should be effective and convenient and not wasteful of a parish's limited resources in the conduct of separate ward elections.

The proposed governance arrangements following the proposed merger would be as follows:

| Parish                         | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|--------------------------------|----------------|-----------------|---|
| Kettleshulme and Lyme Handley* | 7              | 388             | 55.4                                    |

\*A name for the new parish should be considered, and the Borough Council welcomes proposals on this point. The Council also requests comments on whether the new parish should have the style of 'parish' or one of the alternative styles that the Council may recommend where a new parish is being created: 'community', 'neighbourhood' or 'village'.

### **Marbury and District Parish Group (the parishes of Marbury cum Quoisley, Norbury and Wirswall)**

The three parishes of Marbury cum Quoisley, Norbury and Wirswall are currently grouped under a common parish council.

The current governance arrangements for this group of parishes are as follows:

| Parish/ Parish Group        | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|-----------------------------|----------------|-----------------|---|
| Marbury cum Quoisley        | 8              | 232             | 29                                      |
| Norbury                     | 7              | 169             | 24.1                                    |
| Wirswall                    | 4              | 80              | 20                                      |
| <b>Marbury and District</b> | <b>19</b>      | <b>481</b>      | <b>25.3</b>                             |

The three parishes are rural, with scattered dwellings in open countryside in the south-west of the Borough and each has a low number of electors. The present grouped parish council has nineteen councillors, and the resulting councillor to elector ratios are among the lowest in Cheshire East. It is therefore difficult to justify such a level of local representation for a rural parish council.

There were a relatively large number of co-options for the Parish Council seats: after the 2019 ordinary elections, eight of the nineteen members were co-opted: five in Marbury, two in Norbury and one in Wirswall.

Comments received during the Council's pre-consultation survey suggested that the present arrangements were not fit for purpose: "number of Councillors is too large for the size of area" and that "the current precept is too low to fund what the council would like to do."

All the electors of the three parishes vote together at a polling station at Marbury Village Hall; all three parishes are in Wrenbury borough ward.

Given all these factors, Cheshire East Council recommends that Marbury cum Quoisley, Norbury and Wirswall are merged into a new parish and that the council for the new parish should not be warded for the purposes of elections to the parish council. The new parish would have a projected electorate of 495 by 2025 (238 in Marbury cum Quoisley, 169 in Norbury and 88 in Wirswall). Cheshire East Council recommends a total of eight seats for the council of the new parish. Eight seats is consistent with the national and Cheshire East averages (shown in Table 3.2 of Section 3.2) for a council of this size.

The Borough Council is not proposing that the parish be divided into wards for the purposes of elections to the parish council. Consultation responses that support a warding arrangement or that reject it should be mindful of the legal tests that apply for a warding arrangement. Parish warding is appropriate where a single parish election might be impractical or inconvenient. This cannot be shown here, as the electors of the three existing parishes all presently vote together at the same place: Marbury Village Hall. Furthermore, a warding arrangement should provide representation for the different communities within a parish: is this one parish but comprising different communities? The Borough Council would want to be assured that this test applies and evidence to show that the parish comprises separate communities should be provided. Finally, a warding arrangement should be effective and convenient and not wasteful of a parish's limited resources in the conduct of separate ward elections.

The proposed governance arrangements following the proposed merger would be as follows:

| Parish                | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|-----------------------|----------------|-----------------|---|
| Marbury and District* | 8              | 495             | 61.9                                    |

\*A name for the new parish should be considered, and the Borough Council welcomes proposals on this point. The Council also requests comments on whether the new parish should have the style of 'parish' or one of the alternative styles that the Council may recommend where a new parish is being created: 'community', 'neighbourhood' or 'village'.

## Peover Superior and Snelson

Peover Superior and Snelson are currently two separate parishes with their own parish councils.

The current governance arrangements are as follows:

| Parish          | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|-----------------|----------------|-----------------|---|
| Peover Superior | 8              | 556             | 69.5                                    |

| Parish  | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|---------|----------------|-----------------|---|
| Snelson | 5              | 122             | 24.4                                    |

The electorate of Snelson is presently below the legal threshold of 150 electors for a new parish council, though as an existing parish council it could legally continue to exist. With only 122 electors in 2018 (and 124 electors forecasted for 2025), its ratio of 24.4 electors per councillor is one of the lowest of any parish in Cheshire East.

The electors of Peover Superior vote at Over Peover Village Hall and Snelson's electors vote at Chelford Village Hall; both parishes are in Chelford borough ward.

A representation from an individual from Snelson stated that "Snelson is very small and I think could be grouped with an adjacent parish".

Given all these factors, Cheshire East Council recommends that Peover Superior and Snelson be merged into a new parish and that the council for the new parish should not be warded for the purposes of elections to the parish council. The new parish would have an expected electorate of 786 by 2025 (662 in Peover Superior and 124 in Snelson). Cheshire East Council recommends a total of nine seats for the new parish council. Nine seats is consistent with the national and Cheshire East averages (shown in Table 3.2 of Section 3.2) for a council of this size.

The Borough Council is not proposing that the parish be divided into wards for the purposes of elections to the parish council. Consultation responses that support a warding arrangement or that reject it should be mindful of the legal tests that apply for a warding arrangement. Parish warding is appropriate where a single parish election might be impractical or inconvenient. This can be shown here, as the electors of the two existing parishes presently vote at different polling places: Over Peover Village Hall and Chelford Village Hall. Furthermore, a warding arrangement should provide representation for the different communities within a parish: is this one parish but comprising different communities? The Borough Council would want to be assured that this test applies and evidence to show that the parish comprises separate communities should be provided. Finally, a warding arrangement should be effective and convenient and not wasteful of a parish's limited resources in the conduct of separate ward elections. The Borough Council considers that Snelson's electorate of 122 (2018 electorate) is so low that it is near to a point at which a separate ward election would not be viable.

The proposed governance arrangements following the proposed merger would be as follows:

| Parish                       | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|------------------------------|----------------|-----------------|---|
| Peover Superior and Snelson* | 9              | 786             | 87.3                                    |

\*A name for the new parish should be considered, and the Borough Council welcomes proposals on this point. The Council also requests comments on whether the new parish should have the style of 'parish' or one of the alternative styles that the Council may recommend where a new parish is being created: 'community', 'neighbourhood' or 'village'.

## Rostherne and Tatton

Tatton is currently a parish that has no parish council; its representative body is its parish meeting. Rostherne is currently a separate parish with its own parish council.

The current governance arrangements are as follows:

| Parish    | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|-----------|----------------|-----------------|---|
| Rostherne | 8              | 126             | 15.8                                    |

| Parish Meeting | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|----------------|-----------------|---|
| Tatton         | N/A            | 21              | N/A                                     |

Rostherne and Tatton both vote at St Mary's, Rostherne and both parishes are in Mobberley borough ward.

The Borough Council's pre-consultation survey received an individual representation from Tatton which identified a close historical connection to Rostherne; this stated that Rostherne parish "was the old estate village to Tatton Park."

Given all these factors, Cheshire East Council recommends that Rostherne and Tatton be merged. This would enhance the viability of the combined parish.

The new parish would have an expected electorate of 147 by 2025 (126 in Rostherne and 21 in Tatton). This is slightly below the legal minimum (150) for a new parish council. However, the legislation provides that, where the new parish has fewer than 150 electors but part or the whole of the parish is already served by a parish council, it is for the Borough Council to decide whether or not the new parish should continue to have a council. The Borough Council has expressed a view in its Terms of Reference that parish governance should extend where practicable to all the parishes in the Borough.

Even so, given the small number of electors in the proposed new parish (the smallest number for any of the parish councils proposed in this Review), Cheshire East Council recommends a total of five seats and no warding for the purposes of elections to the council of the new parish. Five seats is consistent with the national and Cheshire East averages (shown in Table 3.2 of Section 3.2) for a council of this size. The Council notes that this allocation of seats would be below the National Association of Local Councils recommended minimum of seven seats, but it is considered that an exception should be made in this case because – even though the electorate of the new parish is very low – the majority of the electors of the new parish are already served by a parish council.

The proposed governance arrangements following the proposed merger would be as follows:

| Parish                | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|-----------------------|----------------|-----------------|---|
| Rostherne and Tatton* | 5              | 147             | 29.4                                    |

\* A name for the new parish should be considered, and the Borough Council welcomes proposals on this point. The Council also requests comments on whether the new parish should have the style of ‘parish’ or one of the alternative styles that the Council may recommend where a new parish is being created: ‘community’, ‘neighbourhood’ or ‘village’.



### Sound and District Parish Group (the parishes of Austerson, Baddiley, Baddington, Broomhall, Coole Pilate and Sound) and the parish of Wrenbury-Cum-Frith

The Sound and District parish group currently comprises six parishes (Austerson, Baddiley, Baddington, Broomhall, Coole Pilate and Sound) that have between 57 and 214 electors and 838 electors overall. The council of the grouped parishes has 15 seats, divided rather unevenly between the six parishes. The following table shows the present governance arrangements (2018 electorate figures).

| Parish/ Parish Group | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------------|----------------|-----------------|---|
| Austerson            | 1              | 100             | 100                                     |
| Baddiley             | 3              | 214             | 71.3                                    |
| Baddington           | 2              | 102             | 51                                      |
| Broomhall            | 3              | 161             | 53.7                                    |
| Coole Pilate         | 2              | 57              | 28.5                                    |
| Sound                | 4              | 204             | 51                                      |
| <b>Total</b>         | <b>15</b>      | <b>838</b>      | <b>55.9</b>                             |

The parish of Wrenbury-Cum-Frith is a separate parish with its own parish council of nine seats and the following governance arrangements:

| Parish             | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|--------------------|----------------|-----------------|---|
| Wrenbury-Cum-Frith | 9              | 975             | 108.3                                   |

The parishes of Wrenbury-Cum-Frith and Baddiley are both in the Wrenbury borough ward, and the electors of both parishes vote together at St Margaret's Church Hall, Wrenbury-Cum-Frith.

The remaining parishes of the Sound and District parish group are all in the Audlem borough ward, and the electors of all the parishes vote together at Broomhall and Sound Methodist Church.

No representations were received during the Borough Council's pre-consultation survey for any of the six Sound and District parishes. Wrenbury-Cum-Frith Parish Council requested no change.

The Borough Council considers that parish governance in this area of dispersed rural dwellings with only two sizeable settlements at Wrenbury-Cum-Frith and Sound could be enhanced and made more viable. At the same time, it is considered that parish governance should be aligned with the borough ward boundaries.

The Borough Council proposes merging the parishes of Austerson, Baddington, Broomhall, Coole Pilate and Sound into a single parish. This parish would have an estimated 667 electors by 2025 (104 in Austerson, 119 in Baddington, 178 in Broomhall, 61 in Coole Pilate and 205 in Sound). It is proposed that there should be a council for the merged parish comprising eight seats and that there should be no separate parish warding.

The proposed total number of seats would reflect the Cheshire East average for a parish of this size. Furthermore, it is considered that the legal tests for creating a warding arrangement cannot be met in this instance. Parish warding is appropriate where a single parish election might be impractical or inconvenient. This cannot be shown here, as the electors of the five parishes all presently vote together at the same place: Broomhall and Sound Methodist Church. Furthermore, a warding arrangement should provide representation for the different communities within a parish: is this one parish but comprising different communities? The Borough Council does not consider that this test can be met, as this is predominantly an area of dispersed rural dwellings. Finally, a warding arrangement should be effective and convenient and not wasteful of a parish's limited resources in the conduct of separate ward elections. It is considered that having separate parish ward elections where the electorate is less than about 100 would be an inappropriate use of the parish's budget.

The Borough Council welcomes proposals for the name of the new parish. The Council also requests comments on whether the new parish should have the style of 'parish' or one of the alternative styles that the Council may recommend where a new parish is being created: 'community', 'neighbourhood' or 'village'.

The following governance arrangements would follow from the Borough Council's proposal:

| Parish   | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|--|----------------|-----------------|---|
| Austerson, Baddington, Broomhall, Coole Pilate and Sound | 8              | 667             | 83.4                                    |

The Borough Council also proposes the merger of the parishes of Wrenbury-Cum-Frith and Baddiley.

The Borough Council welcomes proposals for the name of the new parish. The Council also requests comments on whether the new parish should have the style of 'parish' or one of the alternative styles that the Council may recommend where a new parish is being created: 'community', 'neighbourhood' or 'village'.

The Council considers that an allocation of ten seats would be appropriate for the new parish council, reflecting the Cheshire East average for a parish of this size.

The Borough Council is anxious to hear from electors and other interested bodies whether it would be appropriate to have a warding arrangement for the purposes of elections to the council of the new parish. Consultees are reminded of the legal tests that apply for a warding arrangement. Parish warding is appropriate where a single parish election might be impractical or inconvenient. This cannot be shown here, as the electors of the two existing parishes all presently vote together at the same place: St Margaret's Church Hall, Wrenbury-Cum-Frith. Furthermore, a warding arrangement should provide representation for the different communities within a parish: is this one parish but comprising different communities? The Borough Council would want to be assured that this test applies and that the Baddiley area has a separate community of identity to the Wrenbury-Cum-Frith area. Finally, a warding arrangement should be effective and convenient and not wasteful of a parish's limited resources in the conduct of separate ward elections.

The following table is provided for guidance only.

| Parish/ ward       | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|--------------------|----------------|-----------------|---|
| Baddiley           | 2              | 219             | 109.5                                   |
| Wrenbury-Cum-Frith | 8              | 1,087           | 135.9                                   |
| <b>Total</b>       | <b>10</b>      | <b>1,306</b>    | <b>130.6</b>                            |

### Stoke and Hurleston Parish Group

This group of parishes consists of the two parishes of Stoke and Hurleston which are represented on a common council. The current governance arrangements are as follows:

| Parish/ Parish Group       | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------------------|----------------|-----------------|---|
| Hurleston                  | 2              | 60              | 30                                      |
| Stoke                      | 4              | 201             | 50.3                                    |
| <b>Stoke and Hurleston</b> | <b>6</b>       | <b>261</b>      | <b>43.5</b>                             |

Stoke and Hurleston are two rural parishes with low numbers of electors. Cheshire East Council considers that the grouping arrangement probably no longer serves any practical benefit to the parish council or to the community and electors.

The electors of both parishes currently vote together at Acton Village Hall and both parishes are in Bunbury borough ward.

The Borough Council considers that a parish of six councillors is at risk of being unable to conduct its business, and favours the view of the National Association of Local Councils that a preferred minimum number of seats on a parish council is seven. Therefore Cheshire East Council recommends an increase to seven seats, which is consistent with the Borough average for a council with this number of electors and in line with NALC's recommendations.

No representations were received during the Borough Council's pre-consultation survey for Stoke or Hurleston.

Given all these factors, Cheshire East Council recommends that Stoke and Hurleston be merged into a new parish, with a parish council of seven seats and that the new parish should not be warded for the purposes of elections to the parish council. The new parish would have a projected electorate of 261 by 2025 (60 electors in Hurleston and 201 in Stoke). Seven seats is consistent with the national and Cheshire East averages (shown in Table 3.2 of Section 3.2) for a council of this size, as well as being in line with the NALC guidance on the minimum number of seats for a parish council.

The Borough Council is not proposing that the parish be divided into wards for the purposes of elections to the parish council. Consultation responses that support a warding arrangement or that reject it should be mindful of the legal tests that apply for a warding arrangement. Parish warding is appropriate where a single parish election might be impractical or inconvenient. This cannot be shown here, as the electors of the two existing parishes all presently vote together at the same place: Acton Village Hall. Furthermore, a warding arrangement should provide representation for the different communities within a parish: is this one parish but comprising different communities? The Borough Council would want to be assured that this test applies and evidence to show that the parish comprises separate communities should be provided. Finally, a warding arrangement should be effective and convenient and not wasteful of a parish's limited resources in the conduct of separate ward elections.

The proposed governance arrangements following the proposed merger would be as follows:

| Parish               | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------------|----------------|-----------------|---|
| Stoke and Hurleston* | 7              | 261             | 37.3                                    |

\*A name for the new parish should be considered, and the Borough Council welcomes proposals on this point. The Council also requests comments on whether the new parish should have the style of 'parish' or one of the alternative styles that the Council may recommend where a new parish is being created: 'community', 'neighbourhood' or 'village'.

## Section 4.4: Boundary reviews

### **Alsager, Middlewich and Sandbach areas (Alsager, Barthomley, Church Lawton, Haslington, Middlewich, Moston and Sandbach)**

#### **Sandbach, Haslington and Moston**

The Borough Council has considered the boundary between the parishes of Sandbach and Haslington at Winterley. The northern part of the community of Winterley at Wheelock Heath is currently partitioned by the present parish boundary. It is distant from Wheelock, the part of Sandbach town that lies nearest to it. The Borough Council considers that there is considerable merit to redrawing the parish boundary to follow the A534 Wheelock – Haslington bypass, which will provide a clear and identifiable boundary between Sandbach and Haslington and will not partition existing communities. It is therefore proposed that this area be transferred to Haslington parish. Map 15 (“Haslington”) and Map 32a (“Sandbach”) in Appendix 5 show the extent of the area that would be transferred (the orange shaded “potential expansion area” within the parish of Sandbach).

Sandbach Town Council requested this boundary change, and it is supported by Haslington Parish Council.

An estimated 101 electors would be transferred from the Town Council’s Ettiley Heath and Wheelock ward and would be added to Haslington parish as a result of this change.

The Borough Council has also considered the impact of a significant development at the southern end of the Moston parish, which includes the major housing developments on former Albion Inorganic Chemicals site along with existing properties along the A533. It is considered that these developments will rely on Sandbach for their local services.

It is therefore proposed that this area should be transferred to the parish of Sandbach and to the parish ward of Elworth, with a boundary following the A533 to the west and the Brenntag site to the North which together will provide readily identifiable boundaries. Map 26 (“Moston”) and Map 32a (“Sandbach”) in Appendix 5 show the extent of the area that would be transferred (the orange shaded “potential expansion area” at the southern end of the parish of Moston).

By 2025 this development will add an estimated 833 electors to the Elworth ward of Sandbach Town Council.

The council of the parish of Sandbach has historically used the style of ‘town’ in accordance with the Local Government Acts.

The current governance arrangements of Sandbach Town Council are as follows:

| Ward                       | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------------------|----------------|-----------------|---|
| Elworth                    | 5              | 4,409           | 881.8                                   |
| Ettiley Heath and Wheelock | 5              | 4,337           | 867.4                                   |
| Heath and East             | 5              | 3,623           | 724.6                                   |
| Town                       | 5              | 4,231           | 846.2                                   |
| <b>Total</b>               | <b>20</b>      | <b>16,600</b>   | <b>830</b>                              |

The Borough Council has considered whether it would be appropriate to transfer the Teal Drive area and comprising properties on Kestrel Walk, Redshank Place, Teal Drive, Woodpecker Close and some properties on the southern side of Moss Lane (110-124 Moss Lane) to the Town Council's Ettiley Heath and Wheelock ward to the Elworth ward. Maps 32a ("Sandbach") and 32b ("Sandbach – Teal Drive area") in Appendix 5 show the extent of the area that would be transferred. From detailed, up-to-date Ordnance Survey data it is estimated that this area has 120 existing properties, with no more development expected up to 2025. Assuming 1.742 electors per property (the average forecast for Ettiley Heath and Wheelock borough ward by 2025), that means an estimated 209 electors who would be moved if this boundary were changed. The transfer would also make use of the railway line as an easily identifiable boundary between the Town Council wards. The Borough Council considers that this redrawing of the town council ward boundaries would be appropriate and it is therefore proposed.

The proposed governance arrangements following the proposed parish boundary and ward boundary alterations would be as follows. The Borough Council has noted that Sandbach Town Council requested six councillors per ward (that is a total of 24 councillors). However, such a large council size would not be in keeping with the size of other town councils in Cheshire East, and an allocation of 22 will provide for an equitable allocation of town councillors to electors for each of the four town wards.

| Ward                       | Councillor no. | Electors (2025)*                                      | Ratio of electors per councillor (2025) |
|----------------------------|----------------|---|---|
| Elworth                    | 7              | 5,291<br><b>+833</b><br><b>+209</b><br><b>= 6,333</b> | 904.7                                   |
| Ettiley Heath and Wheelock | 5              | 4,377<br><b>-101</b><br><b>-209</b><br><b>= 4,067</b> | 813.4                                   |
| Heath and East             | 5              | 4,552   | 910.4                                   |
| Town                       | 5              | 4,287   | 857.4                                   |
| <b>Total</b>               | <b>22</b>      | <b>19,239</b>   | <b>874.5</b>                            |

\* 833 is the estimated number of electors who would be transferred from Moston to Sandbach's Elworth ward under the proposed boundary change between Sandbach and Moston. 101 is the estimated number of electors would be transferred from Sandbach's Ettiley Heath and Wheelock ward to Haslington under the proposed boundary change between Sandbach and Haslington. 209 is the estimated number of electors would be transferred from Ettiley Heath and Wheelock to Elworth under the proposed transfer of the Teal Drive area.



### Middlewich and Moston

The Borough Council has considered major new housing developments which are partly within Moston, but which are adjacent to the existing urban development in Middlewich and are a consequence of that settlement's expansion (Local Plan Strategy sites LPS 42 and LPS 45). The expansion includes the majority of the housing development planned at Glebe Farm (site LPS 42) and a small section of planned development off Warmingham Lane West (LPS 45). Altering the parish boundary between Middlewich and Moston would ensure that the whole of this expansion area would fall within the parish of Middlewich. It is proposed that this boundary alteration should be made. Map 25 ("Middlewich") and Map 26 ("Moston") in Appendix 5 show the extent of the area that would be transferred (the orange shaded "potential expansion area" at the northern end of the parish of Moston).

In turn, this development will add 322 electors to the parish of Middlewich by 2025.

The council of the parish of Middlewich has historically used the style of 'town' in accordance with the Local Government Acts.

It is proposed that Middlewich Town Council should have 15 councillors, a total number of seats which reflects the Cheshire East average for a parish of this size. The allocation of the proposed seats between each ward represents an equitable share of councillors according to each ward's share of the electorate.

The current governance arrangements are as follows:

| Ward         | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|--------------|----------------|-----------------|---|
| Cledford     | 6              | 6,298           | 1,049.7                                 |
| Kinderton    | 6              | 5,049           | 841.5                                   |
| <b>Total</b> | <b>12</b>      | <b>11,347</b>   | <b>945.6</b>                            |

The proposed governance arrangements, including the transferred area and new development, are as follows:

| Ward         | Councillor no. | Electors (2025)          | Ratio of electors per councillor (2025) |
|--------------|----------------|--------------------------|---|
| Cledford     | 9              | 6,696<br>+322<br>= 7,018 | 779.8                                   |
| Kinderton    | 6              | 5,029                    | 838.2                                   |
| <b>Total</b> | <b>15</b>      | <b>12,047</b>            | <b>803.1</b>                            |

\* 322 is the estimated number of electors who would be transferred to Middlewich under the proposed boundary change between Middlewich and Moston.

Moston

This section considers the altered parish of Moston, following the proposed boundary alterations with the parishes of Middlewich and Sandbach.

The electorate of the parish of Moston, excluding the areas proposed for transfer to Middlewich and Sandbach, is anticipated to be 301 in 2025.

It is proposed that the size of the parish council be reduced. A total of seven councillors would be appropriate and would reflect the Cheshire East average for a parish of this size.

The current governance arrangements are as follows:

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|-----------------|---|
| 8              | 433             | 54.1                                    |

The proposed governance arrangements are as follows:

| Councillor no. | Electors (2025)*               | Ratio of electors per councillor (2025) |
|----------------|--------------------------------|---|
| 7              | 1,456<br>-833<br>-322<br>= 301 | 43                                      |

\* 833 is the estimated number of electors who would be transferred to Sandbach under the proposed boundary change between Moston and Sandbach. 322 is the estimated number who would be transferred to Middlewich under the proposed boundary change between Moston and Middlewich.

## Alsager, Church Lawton and Haslington

### Alsager

The council of the parish of Alsager has historically used the style of ‘town’ in accordance with the Local Government Acts. The current governance arrangements for Alsager Town Council are as follows:

| Ward         | Councillor nos. | Electors (2025) | Ratio of electors per councillor (2025) |
|--------------|-----------------|-----------------|---|
| Central      | 4               | 2,740           | 685                                     |
| East         | 6               | 3,883           | 647.2                                   |
| West         | 4               | 3,198           | 799.5                                   |
| <b>Total</b> | <b>14</b>       | <b>9,821</b>    | <b>701.5</b>                            |

The Twyford estate is partitioned by the boundary between the parishes of Alsager and Church Lawton. A major new housing development (Local Plan Strategy site LPS 21) is partly in Church Lawton, but is largely adjacent to the existing urban development in Alsager and is a consequence of the town's expansion. An alteration to the parish boundary at this location, to the identifiable boundaries provided by the B5077 (Crewe Road) and the A5011 (Linley Lane) would reflect this expansion and bring all of site LPS 21 into Alsager. Map 2 (“Alsager”) and Map 7 (“Church Lawton”) in Appendix 5 show the extent of the area that would be transferred (the orange shaded “potential expansion area” within the parish of Church Lawton). The Borough Council's electoral forecasts for Alsager / Church Lawton had already included all of the Twyford Estate's electors within Alsager's projected electorate forecast, as the site's easting and northing – and most of the site's land - fall within the existing parish boundary of Alsager. There will, therefore, be no electoral impact on the Council's electorate forecasts for the two parishes from this alteration which is now proposed.

Alsager's housing has also expanded significantly into Haslington and the development of Local Plan Strategy site LPS 20 (mainly within Haslington) will add to this. Moving this expansion area into Alsager would reflect this expansion and bring all of LPS 20 and

other housing overflows into the parish of Alsager. This boundary alteration would add 870 electors to the West ward of the parish of Alsager.

This boundary change has been requested by Alsager Town Council.

It is proposed that this area should be transferred to the parish of Alsager and that the M6 motorway should form an easily identifiable boundary between Alsager and Haslington.

The Borough Council proposes that the number of seats on Alsager Town Council be increased to fifteen, which would reflect the Cheshire East average for a parish of this size.

The Borough Council considers that the following proposed electoral arrangements for Alsager Town Council would ensure an equitable representation for the increased electorate of the parish, with the number of seats for each ward based on their share of the town's electorate:

| Ward         | Councillor nos. | Electors (2025)*                       | Ratio of electors per councillor (2025) |
|--------------|-----------------|--|---|
| Central      | 4               | 3,278                                  | 819.5                                   |
| East         | 6               | 4,599                                  | 766.5                                   |
| West         | 5               | 3,317<br><b>+870</b><br><b>= 4,187</b> | 837.4                                   |
| <b>Total</b> | <b>15</b>       | <b>12,064</b>                          | <b>804.3</b>                            |

\* 870 is the estimated number of electors who would be transferred to Alsager under the proposed boundary change between Haslington and Alsager.

Church Lawton

This section also considers the altered parish of Church Lawton, following the proposed boundary alteration with the parish of Alsager. While the transfer of electors from Church Lawton to Alsager has already been taken account of in the Borough Council's electorate forecasts, the electorate of this parish is still anticipated to increase to 1,872 by 2025.

A continued parish council size of 10 would be appropriate and would reflect the Cheshire East average for a parish of this size.

The current governance arrangements are as follows:

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|-----------------|---|
| 10             | 1,828           | 182.8                                   |

The proposed governance arrangements are as follows:

| Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------|-----------------|---|
| 10             | 1,872           | 187.2                                   |

### Haslington

This section considers the altered parish of Haslington, following the proposed boundary alteration with the parish of Sandbach. An estimated 101 electors would be added to Haslington parish as a result of this change.

This section also considers the altered parish of Haslington following the proposed boundary alteration with the parish of Alsager. An estimated 870 electors would be transferred from Haslington parish as a result of this change.

The projected electorate of the parish of Haslington will be 6,153 (2025 electorate).

A proposed parish council size of 12 councillors – a reduction from the current total of 15 - would reflect the Cheshire East average for a parish of this size. The Borough Council considers that the present parish warding arrangement has very little merit. Of the parish council's three present wards, one (Winterley) received only one nomination for its four seats in 2019, while the other (Oakhanger) will lose the majority of its electors (870 out of 1,052) in the proposed alteration of the boundary with Alsager. It is therefore proposed that Haslington should not be warded for the purposes of its parish council elections.

The electors of Haslington Village ward vote at Yoxhall Village Hall. The electors of Oakhanger vote at Oakhanger Church and Community Centre and the electors of Winterley Ward vote at Winterley Methodist Chapel.

Consultation responses that support a warding arrangement or that reject it should be mindful of the legal tests that apply for a warding arrangement. Parish warding is appropriate where a single parish election might be impractical or inconvenient. This test is met in this parish because the electors presently vote in three different polling places: Yoxall Village Hall, Oakhanger Church and Community Centre and Winterley Methodist Chapel. Furthermore, a warding arrangement should provide representation for the different communities within a parish: is this one parish but comprising different communities? The Borough Council would want to be assured that this test applies and evidence to show that the parish comprises separate communities centred on the settlements of Haslington and Winterley should be provided. Finally, a warding arrangement should be effective and convenient and not wasteful of a parish's limited resources in the conduct of separate ward elections.

The current governance arrangements are as follows:

| Ward               | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|--------------------|----------------|-----------------|---|
| Haslington Village | 10             | 3,936           | 393.6                                   |
| Oakhanger          | 1              | 458             | 458                                     |
| Winterley          | 4              | 1,240           | 310                                     |
| <b>Total</b>       | <b>15</b>      | <b>5,634</b>    | <b>375.6</b>                            |

The proposed governance arrangements are as follows:

| Councillor no.<br>(unwarded parish) | Electors (2025)*                 | Ratio of electors per councillor (2025) |
|-------------------------------------|----------------------------------|---|
| 12                                  | 6,922<br>-870<br>+101<br>= 6,153 | 512.8                                   |

\* 870 is the estimated number of electors who would be transferred to Alsager under the proposed boundary change between Haslington and Alsager. 101 is the estimated number who would be transferred from Sandbach under the proposed boundary change between Haslington and Sandbach.



**Barthomley**

The Borough Council considers that a case could be made for transferring that part of the parish of Barthomley that lies to the east of the M6 motorway to the parish of Alsager and merging the remainder of the parish with Haslington. Another alternative might be the merger of the whole of the parish of Barthomley with the parish of Haslington.

Barthomley is a very small parish (189 electors in 2025) and is adjacent to the urban development of Alsager. Although no major housing development is currently planned on the Barthomley side of this boundary, Alsager's housing expansion could eventually spill over and extend as far as the M6.

If no changes are made to the area of this parish, the Borough Council considers that the present governance arrangements will remain appropriate:

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------|-----------------|---|-----------------|---|
| 7              | 169             | 24.1                                    | 189             | 27                                      |

## Congleton area (Congleton, Eaton, Hulme Walfield and Somerford Booths, Marton, North Rode and Somerford)

### Congleton

The current governance arrangements for Congleton Town Council are as follows:

| Ward         | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|--------------|----------------|-----------------|---|
| East         | 10             | 10,917          | 1,091.7                                 |
| West         | 10             | 10,846          | 1,084.6                                 |
| <b>Total</b> | <b>20</b>      | <b>21,763</b>   | <b>1,088.2</b>                          |

The parish of Congleton has expanded and is due to expand further to the north, into the present parishes of Eaton, Hulme Walfield and Somerford Booths and Somerford, and it is proposed that these areas should be transferred to the parish of Congleton.

The affected areas, taken by order of parish, are as follows:

- Local Plan Strategy sites LPS 29 and 30 contain major new housing developments which are partly within Eaton, but which are adjacent to the existing urban development in Congleton and are a consequence of that town's expansion. There is also an overspill of existing housing (around Havannah Lane) from Congleton into Eaton. Moving these areas into the parish of Congleton would reflect these expansions and would bring all of LPS 29 and 30 and the Havannah overspill within Congleton. Map 8a ("Congleton") and Map 11 ("Eaton") in Appendix 5 show the extent of the area that would be transferred (the orange shaded "potential expansion area" within the parish of Eaton).
- Local Plan Strategy sites LPS 27 and LPS 28 are major new housing developments which are entirely within Hulme Walfield and Somerford Booths, as is part of site LPS 29 (another major housing site). These sites are adjacent to the existing urban development in Congleton and are a consequence of the town's expansion. Moving these areas into the parish of Congleton would reflect these expansions and would bring all of LPS sites 27, 28 and 29 within Congleton. Map 8a ("Congleton") and

Map 21 (“Hulme Walfield and Somerford Booths”) in Appendix 5 show the extent of the area that would be transferred (the orange shaded “potential expansion area” within the parish of Hulme Walfield and Somerford Booths).

- Local Plan Strategy site LPS 26 is a major new housing development which is partly within Somerford, but which is adjacent to the existing urban development in Congleton and is a consequence of that town’s expansion. There is also a significant existing housing overspill from Congleton into Somerford. Moving these areas into the parish of Congleton would reflect these expansions and would bring all of LPS 26 and the existing housing overspill within Congleton. Map 8a (“Congleton”) and Map 34 (“Somerford”) in Appendix 5 show the extent of the area that would be transferred (the orange shaded “potential expansion area” within the parish of Somerford).

The proposed northern boundary of the parish of Congleton is shown in Map 8a (“Congleton”) in Appendix 5. Much of this boundary will follow the Congleton Link Road, and attempts have been made to use clearly identifiable physical boundaries (including existing roads and the River Dane) for the remainder.

The boundary proposals made here will add some 2,551 electors to the parish of Congleton by 2025. This is in addition to the anticipated net increase of 2,252 electors to the area currently served by the Town Council. Under the proposals, the Town Council electorate in 2025 would therefore be 4,803 higher than it was in 2018.

The council of the parish of Congleton has historically used the style of ‘town’ in accordance with the Local Government Acts.

Congleton Town Council is already warded for the purposes of town elections, but the two existing wards are very large: to the point where the conduct of a town ward election and count is time-consuming and complex. This review offers an opportunity to create a new town warding arrangement, and the Borough Council considers that there should be 5 smaller town wards, with new ward boundaries as shown in Map 8b (“Congleton – proposed new wards”) in Appendix 5.

The five new wards would consist of the following polling districts (all currently within Congleton Town Council) and relocated areas of Eaton, Hulme Walfield and Somerford Booths and Somerford:

- Ward 1 (provisional name North East): polling districts COB1, COB2, CON1, CON2, CON3, and CON4 and the part of Eaton Parish east of the A536 that is recommended for transfer to Congleton.
- Ward 2 (provisional name East): polling districts COS1, COS2, COS3 and COS4.
- Ward 3 (provisional name Central): polling districts COC1, COC2, COC3.
- Ward 4 (provisional name South West): polling districts COW1, COW2, COW3 and COW4.

- Ward 5 (provisional name North West): polling districts CNW2 and CNW3, the part of Eaton Parish west of A536 that is recommended for transfer to Congleton and the parts of Hulme Walfield and Somerford Booths and Somerford parishes that are recommended for transfer to Congleton.

Likewise the Borough Council is proposing a slightly enlarged town council, to reflect both the increase in the electorate size and to support a warding arrangement of five parish wards with an allocation of councillors to wards that will be fair and equitable to the electors of the different wards.

A town council of 22 seats for the enlarged council would reflect the Cheshire East average for a parish of this size.

The proposed governance arrangements for the enlarged parish, with a council of 22 seats, are as follows. The Borough Council has applied, on an interim basis, directional names for the proposed wards, but would welcome proposals for the final parish ward names.

| Ward*           | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|-----------------|----------------|-----------------|---|
| 1 (North East?) | 5              | 6,042           | 1,208.4                                 |
| 2 (East?)       | 4              | 5,404           | 1,351                                   |
| 3 (Central?)    | 4              | 4,464           | 1,116                                   |
| 4 (South West?) | 4              | 4,865           | 1,216.3                                 |
| 5 (North West?) | 5              | 5,791           | 1,158.2                                 |
| <b>Total</b>    | <b>22</b>      | <b>26,566</b>   | <b>1,207.5</b>                          |

\* The ward names to be decided following consultations.

**Eaton, Marton and North Rode**

The current governance arrangements for these parishes are as follows:

| Parish | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|--------|----------------|-----------------|---|
| Eaton  | 7              | 393             | 56.1                                    |

| Parish | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|--------|----------------|-----------------|---|
| Marton | 7              | 184             | 26.3                                    |

| Parish     | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|------------|----------------|-----------------|---|
| North Rode | 7              | 205             | 29.3                                    |

The transfer of the Congleton expansion area to the parish of Congleton will reduce the electorate of Eaton parish to 192 electors in 2025. At this level, it is questionable if the parish is viable as a separate parish.

The Borough Council is anxious to hear the view of the public and interested bodies on possible mergers of Eaton parish, as follows:

Option 1: Merge remainder of Eaton parish (192 electors left) with Marton (194 electors and currently in the same borough ward), to create a new parish with 386 electors and a council of seven seats (with a ratio of electors to councillors of 55.1).

Option 2: Merge remainder of Eaton parish with North Rode (202 electors and in the same borough ward), to create a new parish with 394 electors and a council of seven seats (with a ratio of electors to councillors of 56.3).

All three parishes are in Gawsworth borough ward. The electors of the parishes of Eaton and North Rode currently vote together at Eaton Village Church Hall. However, the electors of the parish of Marton vote at Marton and District Primary School.

It should also be noted that at the 2019 ordinary elections, two of North Rode's seven members were co-opted, as was one of Marton's members. The parish of Eaton had no co-options to its council.

The proposed number of seats (seven seats under either of the two options) would reflect the Cheshire East average for a parish of this size.

Consultation responses as to the proposed parish council size would be helpful. For example, if a warding arrangement for the merged parish is being proposed, it might be appropriate for consultees to make a proposal for a parish council size of eight seats, as this allocation of seats would divide more readily to four seats per parish ward, with the ratio of electors to councillors then being equitable between the wards.

There may be local proposals for a warding arrangement for the merged parishes. Consultation responses that support a warding arrangement or that reject it should be mindful of the legal tests that apply for a warding arrangement. Parish warding is appropriate where a single parish election might be impractical or inconvenient. Furthermore, a warding arrangement should provide representation for the different communities within a parish: is this one parish but comprising different communities? The Borough Council would want to be assured that this test applies and evidence to show that the parish comprises separate communities should be provided. Finally, a warding arrangement should be effective and convenient and not wasteful of a parish's limited resources in the conduct of separate ward elections.

### Hulme Walfield and Somerford Booths

The parish of Hulme Walfield and Somerford Booths is currently warded for the purposes of elections to the parish council. The current governance arrangements are as follows:

| Ward             | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|------------------|----------------|-----------------|---|
| Hulme Walfield   | 2              | 163             | 81.5                                    |
| Somerford Booths | 3              | 135             | 45                                      |
| <b>Total</b>     | <b>5</b>       | <b>298</b>      | <b>59.6</b>                             |

The proposed boundary change with the parish of Congleton will reduce the electorate of Hulme Walfield and Somerford Booths from 298 electors (2018) to 280 (2025). The area that would be transferred is entirely within the Hulme Walfield parish ward. Of the remaining 280 electors, 88 would be in the residual part of Hulme Walfield parish ward and the other 192 would be in Somerford Booths parish ward.

While the existing parish council requested that no change should be made, the Borough Council considers that its proposal to transfer part of this parish to the parish of Congleton is supported by the guidance given in the legislation and the Borough Council's Terms of Reference that parishes should represent communities of identity and that communities of identity should not normally be partitioned by parish boundaries. The Borough Council considers that the expansion area will form part of the Congleton community of identity.

The Borough Council is anxious to hear the view of the public and interested bodies on the possible merger of the residual part of Somerford parish with the residual part of the parish of Hulme Walfield and Somerford Booths. (Reference should be made to the following section relating to the residual parish of Somerford.)



The anticipated 2025 electorate of the merged parishes would be 387 (280 from Hulme Walfield and Somerford Booths and 107 from Somerford), and a parish council of seven seats would be appropriate, reflecting the Cheshire East average for a parish of this size. This would mean a ratio of 55.3 electors per councillor.

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**Somerford**

The current governance arrangements are as follows:

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|-----------------|---|
| 7              | 713             | 101.9                                   |

The proposed boundary change with the parish of Congleton will reduce the electorate of Somerford to 107 electors (2025). At this level, the parish cannot be viable as a separate parish.

The Borough Council is anxious to hear the views of the public and interested bodies on the merger of the remainder of Somerford parish with the parish of Hulme Walfield and Somerford Booths.

Reference should be made to the section on Hulme Walfield and Somerford Booths for the implications of such a merger with that parish. In that section it is suggested that a parish council of seven seats would be appropriate to represent the 387 electors of the merged parish (2025 electorate). This would mean a ratio of 55.3 electors per councillor.

**Crewe area (Church Minshull; Crewe; Crewe Green; Hough and Chorlton Parish Group; Minshull Vernon and District Parish Group – Leighton, Minshull Vernon and Woolstanwood; Rope; Shavington cum Gresty; Weston and Basford Parish Group; Wistaston; Wybunbury)**

The Borough Council has given consideration to the multiple directions of Crewe's expansion into its neighbouring parishes:

- Weston and Basford parish group (any review of which has knock-on implications the Hough and Chorlton parish group and for the parish of Crewe Green)
- Minshull Vernon and District (with a knock-on effect on Church Minshull)
- Rope
- Shavington-cum-Gresty
- Wybunbury

The three parishes of Rope, Shavington-cum-Gresty and Wynbunbury are considered as a single discussion item in this report, as Shavington is expanding into both Rope (to the west) and Wybunbury (to the south); in addition to this, Crewe is expanding into Shavington (to the north).

Finally, this report considers the parish of Wistaston, where there are no proposed area changes, but where the Borough Council is proposing changes to the parish's electoral arrangements.

**Weston and Basford, Hough and Chorlton and Crewe Green**

The first part of this report looks at the present governance arrangements of the parishes in question.

The parishes of Weston and Basford are grouped under a common parish council. The parish of Weston is warded for the purposes of elections to the common council. The two parishes all share part of the southern boundary of the parish of Crewe. The parishes are in the Haslington borough ward.

The current governance arrangements for the Weston and Basford grouped parishes are as follows:

| Parish                 | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|------------------------|----------------|-----------------|---|
| Basford                | 3              | 199             | 66.3                                    |
| Weston (Village Ward)  | 5              | 800             | 160                                     |
| Weston (Wychwood Ward) | 3              | 870             | 290                                     |
| <b>Total</b>           | <b>11</b>      | <b>1,869</b>    | <b>169.9</b>                            |

It should be noted that there are wide discrepancies between the ratios of electors to parish councillors within the grouping arrangement which are not equitable.

The parishes of Hough and Chorlton are grouped under a common parish council. The parishes are in the Wybunbury borough ward. The current governance arrangements for the Hough and Chorlton grouped parishes are as follows:

| Parish       | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|--------------|----------------|-----------------|---|
| Chorlton     | 2              | 685             | 342.5                                   |
| Hough        | 7              | 654             | 93.4                                    |
| <b>Total</b> | <b>9</b>       | <b>1339</b>     | <b>148.8</b>                            |

It should be noted that there are wide discrepancies between the ratios of electors to parish councillors within the grouping arrangement which are not equitable.

The parish of Crewe Green is a parish that has a council of eight members representing its 182 electors. The ratio of electors to parish councillors is very low at 22.8, as shown below. The parish is unwarded for the purposes of parish council elections. It is in the Haslington borough ward.

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|-----------------|---|
| 8              | 182             | 22.8                                    |

The following sections of this report consider area and boundary arrangements.

Local Plan Strategy sites LPS 2 (covering Basford and Weston) and part of LPS 3 (which affects Basford only) contain major new housing developments which are adjacent to the existing urban development in Crewe and are a consequence of that settlement's expansion. Transferring the Weston and Basford expansion areas to the parish of Crewe would reflect this expansion and (together with the proposed changes for Shavington and Weston set out later in this section) bring all of LPS 2 and 3 within the parish of Crewe. The Borough Council proposes that the LPS 2 site (Basford East), bounded as it is by the railway line to the north,

by the site field boundary to the east and by the A500 to the south, be transferred from the parishes of Basford and Weston to the parish of Crewe. Map 3 (“Basford”) and Map 9 (“Crewe”) in Appendix 5 show the extent of the area that would be transferred from Basford to Crewe (the orange shaded “potential expansion area” within the parish of Basford). Map 9 (“Crewe”) and Map 39 (“Weston”) in Appendix 5 show the extent of the area that would be transferred from Weston to Crewe (this area is shown as the northwestern part of the orange shaded “potential expansion area” within the parish of Weston and is bounded by a dotted line to distinguish it from the adjacent “potential expansion area” that is proposed for transfer from Weston to Crewe Green).

The South Cheshire Growth Village (site LPS8) is currently split between the parishes of Weston and Crewe Green. The Borough Council considers that this new community should not be split between different parishes and therefore proposes a new boundary between the parish of Weston and the parish of Crewe Green to bring all of the South Cheshire Growth Village within Crewe Green. The new boundary would transfer most of the northern part of the parish of Weston (all land north of the A500 except for the LPS 2 site) to Crewe Green. The A500 and the LPS 2 eastern (field) boundary would form a natural boundary between Crewe Green, Crewe and Weston. Map 10 (“Crewe Green”) and Map 39 (“Weston”) in Appendix 5 show the extent of the area that would be transferred from Weston to Crewe Green (this area is shown as the northeastern part of the orange shaded “potential expansion area” within the parish of Weston and is bounded by a dotted line to distinguish it from the adjacent “potential expansion area” that is proposed for transfer from Weston to Crewe).

To the south, the main residential areas of Wychwood are split between the parishes of Chorlton and the parish of Weston (Wychwood parish ward). It is considered that Wychwood Park is a separate community to Wychwood Village. The Borough Council proposes that Wychwood Park, comprising that part of the Wychwood parish ward of the parish of Weston that lies south of the A531, should be merged with that part of the parish of Chorlton that lies to the east of the railway line, to form a new parish. Map 6 (“Chorlton”) and Map 39 (“Weston”) in Appendix 5 show the area of Weston that would be merged with Chorlton under this proposal (this area is the orange shaded “potential expansion area” covering the southwestern part of the Weston Wychwood parish ward).

The Borough Council proposes that the remainder of the parish of Chorlton – the part west of the railway line – should be merged with Hough. Map 6 (“Chorlton”) and Map 20 (“Hough”) in Appendix 5 show the area of Chorlton that would be merged with Hough under this proposal (this area is the orange shaded “potential expansion area” covering the western part of the parish of Chorlton).

The Borough Council also proposes that the residual part of the parish of Weston – that is, Wychwood parish ward north of the A531 (Wychwood Park) and the part of Weston Village parish ward south of the A500 - should be merged with the residual part of the parish of Basford to form a new parish.

### Weston and Basford

The following section of this report considers the electoral arrangements for the merged parishes of Weston and Basford.

The Borough Council would welcome proposals for the name of the new parish. The Council also requests comments on whether the new parish should have the style of 'parish' or one of the alternative styles that the Council may recommend where a new parish is being created: 'community', 'neighbourhood' or 'village'.

The electorate of the new parish is estimated to be 1,843 (2025).

In considering a warding arrangement for the new parish, the Borough Council considers that the residual parish of Basford has too few electors to justify a separate ward. However, the Borough Council also notes that Wychwood Village will require separate warding as it is in Wybunbury borough ward, whereas Weston and Basford are in the Haslington borough ward.

Therefore, the Borough Council is proposing a new ward comprising Wychwood village (that part of the current Wychwood ward of the parish of Weston that lies north of the A531) and a new ward comprising the merged Basford and Weston Village area.

For a parish of this size, 10 seats is the Cheshire East average. However, 11 can be split more evenly between the two wards that are now proposed. The proposed seats for each ward represent a fair allocation of councillors (based on each ward's share of the electorate).

The Borough Council would welcome proposals for the names of the new parish wards.

| Parish/ ward               | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------------------|----------------|-----------------|---|
| Weston Village and Basford | 7              | 1,183           | 169                                     |
| Wychwood Village           | 4              | 660             | 165                                     |
| <b>Total</b>               | <b>11</b>      | <b>1,843</b>    | <b>167.5</b>                            |



### Crewe Green

The following section of this report considers the parish of Crewe Green.

With the exception of the southwestern part of the Weston expansion area (the area bounded by the railway line to the north, by the site field boundary to the east and by the A500 to the south, which it is proposed to transfer to the parish of Crewe), the Borough Council proposes that all of the parish of Weston that lies north of the A500 be transferred into the parish of Crewe Green. This change will mean that the South Cheshire Growth Village (Local Plan Strategy site LPS 8), when developed, will fall entirely within the parish of Crewe Green.

Part of the residential area at Stephenson Drive just to the northwest of Crewe Green Roundabout is currently within Crewe Green parish, but it is considered that this is more properly part of the Crewe urban area. The Borough Council is proposing a small boundary change at this location to correct this anomaly and also to bring Aldi drive (currently in Crewe) and store (currently in Crewe Green) within the same (Crewe Green) parish. However, it is noted that this area is currently in the Haslington borough ward, and the Borough Council is concerned that risk may arise in the conduct of elections if this small area was to be transferred to the Crewe East ward of the parish of Crewe as it would remain in the Haslington borough ward. It is therefore proposed that the implementation of this boundary change and its commencement should be held back until immediately in advance of the next review of the electoral arrangements of Cheshire East Borough. At that time, it is proposed that a new boundary be implemented that runs north along Sydney Road as far as the Haslington boundary and south down University Way as far as (and including) the Aldi store.

The Borough Council proposes a reduction in the number of seats on Crewe Green parish council from eight to seven. The proposed number of seats reflects the Cheshire East average for a parish of this size and excludes electors that will occupy dwellings on site LPS 8, as that site is not due to be developed until after 2025, outside the period for which the present review is required to consider electorate projections.

The changes outlined above are summarised in the following table.

| Councillor no. | Electors (2025)                          | Electors being moved from  | Electors being moved to          | Ratio of electors per councillor (2025) |
|----------------|--|----------------------------|----------------------------------|---|
| 7              | 183<br><br>+ 42<br><br>- 45<br><br>= 180 | Weston<br><br>Crewe Green* | Crewe Green<br><br>Crewe (East)* | 25.7                                    |

\* not being implemented until immediately in advance of the next review of the electoral arrangements of Cheshire East Borough.

Hough and Chorlton

The following section of the report considers the grouped parishes of Hough and Chorlton.

The Borough Council has proposed (above) that Wychwood Park, comprising that part of the Wychwood parish ward of the parish of Weston that lies south of the A531, should be merged with that part of the parish of Chorlton that lies to the east of the railway line to form a new parish. It is considered that the railway line forms a clear physical boundary, and that the area of the present parish of Chorlton to west of this line is a separate community from the Wychwood Park area of the parish of Chorlton that lies to the east of the railway. Both parishes of Chorlton and Hough are in Wybunbury borough ward and both currently vote together at Hough Village Hall.

The following governance arrangements would be appropriate. It is considered that nine council seats would be appropriate, reflecting the Cheshire East average for a parish of this size. It is not considered that a warding arrangement is required for the purposes of elections to the new parish council, as the new parish will largely comprise the single community of Wychwood Park.

| Parish*                         | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|---------------------------------|----------------|-----------------|---|
| East Chorlton and Wychwood Park | 9              | 836             | 92.9                                    |

\* A name for the new parish should be considered, and the Borough Council welcomes proposals on this point. The Council also requests comments on whether the new parish should have the style of 'parish' or one of the alternative styles that the Council may recommend where a new parish is being created: 'community', 'neighbourhood' or 'village'.

The Borough Council also proposes that that part of the parish of Chorlton that lies to the west of the railway line be merged with the parish of Hough.

The following governance arrangements would be appropriate. It is considered that eight council seats would be appropriate, reflecting the Cheshire East average for a parish of this size. A warding arrangement is not required, as this parish will largely comprise the present parish of Hough and its single settlement at Hough. Furthermore, the added (west) part of Chorlton has very few electors.

| Parish*                         | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|---------------------------------|----------------|-----------------|---|
| Hough (including west Chorlton) | 8              | 714             | 89.3                                    |

\*A name for the new parish should be considered, and the Borough Council welcomes proposals on this point. The Council also requests comments on whether the new parish should have the style of 'parish' or one of the alternative styles that the Council may recommend where a new parish is being created: 'community', 'neighbourhood' or 'village'.

### **Minshull Vernon and District Parish Group (Leighton, Minshull Vernon and Woolstanwood) and the parish of Church Minshull**

The parishes of Leighton, Minshull Vernon and Woolstanwood are grouped under a common parish council. The parish of Leighton is warded for the purposes of elections to the common council. The parish of Leighton is adjacent to the northern boundary of the parish of Crewe, while the parish of Woolstanwood is adjacent to that town's north-western boundary. The parish of Leighton forms its own borough ward. The parish of Minshull Vernon lies in the Bunbury borough ward, and the parish of Woolstanwood lies in the Wistaston borough ward.

The current governance arrangements for the grouped parishes are as follows:

| Parish                | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|-----------------------|----------------|-----------------|---|
| Leighton (Rural Ward) | 3              | 388             | 129.3                                   |
| Leighton (Urban Ward) | 8              | 3,967           | 495.9                                   |
| Minshull Vernon       | 7              | 209             | 29.8                                    |
| Woolstanwood          | 4              | 563             | 140.8                                   |
| <b>Total</b>          | <b>22</b>      | <b>5,127</b>    | <b>233</b>                              |

It should be noted that there are wide discrepancies between the ratios of electors to parish councillors within the grouping arrangement which are not equitable. The number of councillors is also unusually large for a parish council of this size.

It should also be noted that there were only five nominations for Leighton's 11 seats at the 2019 ordinary elections (five for the Urban ward's eight seats and none for the Rural ward's three seats) and only one nomination for Woolstanwood's four seats at those elections. In addition, the outward expansion of Crewe already extends well into Leighton Rural and the Local Plan Strategy developments will continue this trend, so the parish ward boundary no longer reflects the actual rural-urban split in this parish.

The present governance arrangements for Church Minshull are as follows:

| Parish          | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|-----------------|----------------|-----------------|---|
| Church Minshull | 7              | 368             | 52.6                                    |

In considering the expansion of Crewe into two of these three parishes (Leighton and Woolstanwood), the Borough Council has been mindful of its desire to avoid risk in the conduct of elections. Such risk arises where the electors at a single parish election find themselves voting at the same polling station for two different borough ward elections (or vice versa). The Borough Council seeks to mitigate such risk, particularly through the provision of a different polling station (possibly in the same building or polling place). In some instances, however, the size of the affected electorate may be so small that it is not viable to provide a separate polling station.

### Leighton

There is already very substantial existing urban overspill from Crewe in this parish, and the major housing development on Local Plan Strategy sites LPS 4 and LPS 5 may also be regarded as a consequence of Crewe's expansion and will increase that overspill area.

Moving this area of the parish of Leighton to the parish of Crewe would reflect this expansion and (together with the proposals for Woolstanwood outlined below) would bring all of the existing overspill to the north and west of the town, together with the LPS 4 and 5 sites, within the boundary of the parish of Crewe.

Map 9 ("Crewe") and Map 23 ("Leighton") in Appendix 5 show the extent of this area (the orange shaded "potential expansion area" within the parish of Leighton).

However, the residual part of Leighton (the part outside the "potential expansion area") contains only an estimated 20 electors (2025 forecast). Such an electorate is too small for a viable parish. Merging this very rural residual part with one of the neighbouring rural or semi-rural parishes would involve electoral risk and the need for its own polling station, as this residual area is and would remain in Leighton borough ward, whereas Woolstanwood is in Wistaston borough ward and the other adjacent parishes are in Bunbury borough ward. It would be difficult to justify this arrangement for such a small electorate.

Therefore the Borough Council is proposing that the whole of the parish of Leighton be merged into the parish of Crewe.

The existing electorate of Leighton is adequate to allow it to form a new ward on Crewe Town Council, as shall be shown below, in the section on governance arrangements for Crewe Town Council.

### Woolstanwood

There is already very substantial existing urban overspill from Crewe in this parish and the major housing development on Local Plan Strategy site LPS 4 would add further to this.

Map 9 (“Crewe”) and Map 41 (“Woolstanwood”) in Appendix 5 show the extent of this area (the orange shaded “potential expansion area” within the parish of Woolstanwood).

Moving this area of the parish of Woolstanwood to the parish of Crewe would reflect this expansion and (together with the Crewe/Leighton merger which is outlined above) would bring all of the existing overspill to the north and west of the town, together with the LPS 4 and 5 sites, within the boundary of the parish of Crewe.

The Borough Council has noted that the residual part of the parish of Woolstanwood that lies outside the expansion area has only an estimated 58 electors (2025 forecast), and it is therefore proposed that the whole parish should be merged with Crewe.

Woolstanwood would make up too small a proportion of Crewe's electorate (less than 1.5%, under the proposed changes to Crewe's boundaries) to justify separate warding on Crewe Town Council. (The only justification for a separate warding would be risk in the conduct of elections that might arise because Woolstanwood is in the Wistaston borough ward, whereas the adjacent parts of Crewe are not).



### Church Minshull and Minshull Vernon

The removal of two of the three parishes that are presently grouped under a common parish council raises questions concerning the future viability of the parish of Minshull Vernon. The Borough Council considers that there would be considerable merit to merging this parish with the adjoining parish of Church Minshull. Both Church Minshull and Minshull Vernon are in Bunbury borough ward and the electors of both parishes currently vote together at Church Minshull Village Hall, with Church Minshull village being the main settlement in an area of otherwise dispersed rural dwellings.

The Borough Council welcomes proposals for the name of the merged parish. The Council also requests comments on whether the new parish should have the style of 'parish' or one of the alternative styles that the Council may recommend where a new parish is being created: 'community', 'neighbourhood' or 'village'.

The Borough Council is not proposing that the parish be divided into wards for the purposes of elections to the parish council. Consultation responses that support a warding arrangement or that reject it should be mindful of the legal tests that apply for a warding arrangement. Parish warding is appropriate where a single parish election might be impractical or inconvenient. This cannot be shown here, as the electors of the two existing parishes all presently vote together at the same place: Church Minshull Village Hall. Furthermore, a warding arrangement should provide representation for the different communities within a parish: is this one parish but comprising different communities? The Borough Council would want to be assured that this test applies and evidence to show that the parish comprises separate communities should be provided. Finally, a warding arrangement should be effective and convenient and not wasteful of a parish's limited resources in the conduct of separate ward elections.

The Borough Council is proposing a parish council of eight seats for the new parish, a number which would reflect the Cheshire East average for a parish of this size.

The following table shows possible governance arrangements for the merged parish. In this table the implications of a warding arrangement are shown, but the Borough Council welcomes further comments on a potential warding arrangement for the merged parish.

| Parish/ ward*   | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|-----------------|----------------|-----------------|---|
| Church Minshull | 5              | 396             | 79.2                                    |
| Minshull Vernon | 3              | 262             | 87.3                                    |
| <b>Total</b>    | <b>8</b>       | <b>658</b>      | <b>82.3</b>                             |

\* with the Borough Council determining if a warding arrangement is required in this case.

**Shavington cum Gresty, Rope and Wybunbury**

These three parishes which have their own parish councils are affected by development to the south of the Crewe urban area. Furthermore, the parishes of Shavington cum Gresty and Wybunbury are affected by development around their shared boundary.

The parish of Shavington cum Gresty is divided into two parish wards for the purposes of elections to its parish council: the Gresty Brook ward and the Village ward. The Gresty Brook ward is separated from the remainder of the parish by the railway line, and it is already part of the Crewe South borough ward. The following table gives the present governance arrangements for the parish. It can be seen that the current distribution of seats between the two wards is somewhat inequitable, with Gresty Brook having a much lower ratio of electors per councillor than Shavington Village.

| Ward               | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|--------------------|----------------|-----------------|---|
| Gresty Brook       | 2              | 553             | 276.5                                   |
| Shavington Village | 10             | 3,788           | 378.8                                   |
| <b>Total</b>       | <b>12</b>      | <b>4,341</b>    | <b>361.8</b>                            |

The parish of Rope is located in the Willaston and Rope borough ward.

The parish of Wybunbury is located in the Wybunbury borough ward.

Current governance arrangements for Rope and Wybunbury are as follows:

| Parish | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|--------|----------------|-----------------|---|
| Rope   | 7              | 1,756           | 250.9                                   |

| Parish    | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|-----------|----------------|-----------------|---|
| Wybunbury | 9              | 1,258           | 139.8                                   |

The following sections of this report consider the area and boundary arrangements.

Crewe's expansion into the parish of Shavington cum Gresty consists of all of the Gresty Brook parish ward and parts of the Village ward, and includes part of Local Plan Strategy site LPS 3. This site contains a major new housing development which is partly within Shavington, but which is adjacent to the existing urban development in Crewe and is a consequence of that settlement's expansion. There is also an existing overspill of housing from Crewe into Shavington. However, the A500 acts as a physical barrier to further southward expansion of the Crewe urban area.

Map 9 ("Crewe") and Map 33 ("Shavington cum Gresty") in Appendix 5 show the extent of this area (the orange shaded "potential expansion area" within the northern part of the parish of Shavington cum Gresty).

The Borough Council proposes transferring this area (the whole of the parish of Shavington cum Gresty north of the A500) into the parish of Crewe. Moving this area into the parish of Crewe would reflect this expansion of the Crewe urban area and bring all of LPS 3 and the existing overspill within that parish. An estimated 1,342 electors (2025 electorate) will be affected by this transfer.

There is a small overspill of development from Shavington village into the parish of Rope, lying to the south of the A500 which otherwise acts as a physical barrier to further expansion. The Borough Council proposes that this expansion area be transferred to the parish of Shavington cum Gresty and that the boundary at this location be realigned to the A500. This area change would bring all of Shavington village's western extent within the parish of Shavington cum Gresty, with the A500 providing a clear and easily identifiable physical boundary. An estimated 97 electors (2025) will be affected by this transfer. The Borough Council also proposes that the remainder of Shavington's boundary with Rope be redrawn along the A500; however, this area does not contain any electors (nor is it expected to by 2025).

Map 9 ("Crewe") and Map 31 ("Rope") in Appendix 5 show the extent of the areas that would be transferred under this proposal (the orange shaded "potential expansion area" sections along the boundary between the parishes of Rope Shavington cum Gresty).

To the north of the parish of Wybunbury, the boundary with the parish of Shavington cum Gresty currently partitions the expansion area (covering Local Plan Strategy site LPS 9 and existing housing around it). However, while it may appear at first sight as an overspill of Shavington housing development into Wybunbury, the residents of this entire area identify as being part of the community of Wybunbury rather than Shavington.

Map 33 (“Shavington cum Gresty”) and Map 43 (“Wybunbury”) in Appendix 5 show the LPS 9 and the surrounding area.

The Borough Council considers that a more appropriate boundary between the parishes of Wybunbury and Shavington cum Gresty at this location would be the Newcastle Road (running all the way from where Newcastle Road meets the Willaston parish boundary in the west to where it meets the Hough parish boundary in the east), and therefore proposes this boundary alteration. Map 33 (“Shavington cum Gresty”) and Map 43 (“Wybunbury”) in Appendix 5 show the extent of the area that would be transferred (the orange shaded “potential expansion area” within the parish of Wybunbury). An estimated 106 electors (2025) will be affected by this transfer.

The following sections of this report consider the proposed electoral arrangements for the three parishes.

Shavington cum Gresty

The previous warding arrangement is no longer relevant in light of the proposal to transfer all the Gresty Brook ward into the parish of Crewe. A parish council of 12 seats is proposed as that number would reflect the Cheshire East average for a parish of this size. However, the Borough Council notes that for the 2019 local elections only seven nominations were received for the then 12 seats on the parish council (though two of the five co-options that were required as a result were for the Gresty Brook ward, which would transfer to the parish of Crewe under the Borough Council's proposal).

The proposed governance arrangements are as follows:

| Councillor no. | Electors (2025)  | Electors being moved from   | Electors being moved to  | Ratio of electors per councillor (2025) |
|----------------|--|---|--|---|
| 12             | <b>5,513</b><br><b>-1,342</b><br><b>-106</b><br><b>+97</b><br><b>= 4,162</b> | <b>Shavington cum Gresty</b><br><b>Shavington cum Gresty</b><br><b>Rope</b> | <b>Crewe</b><br><b>Wybunbury</b><br><b>Shavington cum Gresty</b> | 346.8                                   |

Rope

The Borough Council proposes an increase in the number of councillors on the parish council from seven to ten, reflecting the Cheshire East average for a parish of this size. The proposed governance would therefore be as follows:

| Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------|-----------------|---|
| 10             | 1,736           | 173.6                                   |

Wybunbury

The Borough Council proposes an increase to ten seats (from the current nine), as this would better reflect the Cheshire East average for a parish of this size. The proposed governance would therefore be as follows:

| Councillor no. | Electors (2025)           | Ratio of electors per councillor (2025) |
|----------------|---------------------------|---|
| 10             | 1,629<br>+ 106<br>= 1,735 | 173.5                                   |



**Wistaston**

The parish of Wistaston has the following current governance arrangements:

| Parish/ ward                | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|-----------------------------|----------------|-----------------|---|
| Wistaston – St Mary's       | 7              | 2,508           | 358.3                                   |
| Wistaston – Wells Green     | 3              | 1,722           | 574                                     |
| Wistaston – Wistaston Green | 5              | 2,425           | 485                                     |
| <b>Total</b>                | <b>15</b>      | <b>6,655</b>    | <b>443.7</b>                            |

The Borough Council proposes that the total number of seats on Wistaston Parish Council be reduced from fifteen to twelve, which would better reflect the Cheshire East average for a parish of this size. This reduction will enable a more equitable share of the seats on the Parish Council between the three parish wards, the Borough Council having noted that the present allocation leaves a wide range in the ratio of electors to parish councillors between the wards.

The Borough Council therefore proposes the following governance arrangements for the parish:

| Parish/ ward                | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|-----------------------------|----------------|-----------------|---|
| Wistaston – St Mary's       | 5              | 2,959           | 591.8                                   |
| Wistaston – Wells Green     | 3              | 1,716           | 572                                     |
| Wistaston – Wistaston Green | 4              | 2,662           | 665.5                                   |
| <b>Total</b>                | <b>12</b>      | <b>7,337</b>    | <b>611.4</b>                            |

**Crewe**

The council of the parish of Crewe has historically used the style of ‘town’ in accordance with the Local Government Acts. The present governance arrangements of Crewe Town Council are as follows:

| Ward         | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|--------------|----------------|-----------------|---|
| Central      | 2              | 4,301           | 2,150.5                                 |
| East         | 6              | 10,961          | 1,826.8                                 |
| Leighton     | N/A            | N/A             | N/A                                     |
| North        | 2              | 3,613           | 1,806.5                                 |
| South        | 4              | 7,243           | 1,810.8                                 |
| St Barnabas  | 2              | 3,755           | 1,877.5                                 |
| West         | 4              | 7,763           | 1,940.8                                 |
| <b>Total</b> | <b>20</b>      | <b>37,636</b>   | <b>1,881.8</b>                          |

The Borough Council has considered the future governance arrangements for the parish of Crewe.

Although a town council of 20 seats can be split fairly between the wards, it is considered that an increase to 22 seats would better reflect the increased size of the electorate of the parish and would be more in keeping with the proposals for other parishes that have adopted the style of town in the Borough.

The Borough Council has considered whether a separate ward would be viable for the transferred area of Woolstanwood. However, with only 556 electors, it would be difficult to justify more than one seat. In such a situation, Crewe West’s electorate

would be 556 lower, at 7,571 and it would be left with three seats and a ratio of electors to town councillors of 2,523.7. This would detract from an equitable distribution of council seats between the electors of the parish.

The proposed governance arrangements are as follows:

| Ward         | Councillor no. | Electors (2025)                          | Parish(es) from which electors would be transferred | Ratio of electors per councillor (2025) |
|--------------|----------------|--|---|---|
| Central      | 2              | 4,488                                    |   | 2,244                                   |
| East         | 6              | 12,432<br><b>+45</b><br><b>= 12,477</b>  | <b>Crewe Green</b>                                  | 2,079.5                                 |
| Leighton     | 2              | 0<br><b>+5,194</b><br><b>= 5,194</b>     | <b>Leighton</b>                                     | 2,597                                   |
| North        | 2              | 3,583                                    |   | 1,791.5                                 |
| South        | 4              | 7,527<br><b>+2,035</b><br><b>= 9,562</b> | <b>Basford, Shavington, Weston</b>                  | 2,390.5                                 |
| St Barnabas  | 2              | 3,638                                    |   | 1,819                                   |
| West         | 4              | 7,571<br><b>+556</b><br><b>= 8,127</b>   | <b>Woolstanwood</b>                                 | 2,031.8                                 |
| <b>Total</b> | <b>22</b>      | <b>47,069</b>                            |   | <b>2,139.5</b>                          |

OFFICIAL

## Holmes Chapel area (Holmes Chapel and Brereton)

### Holmes Chapel

The Bluebell Green development includes over 200 new residential properties that will be built by 2025. This development is encompassed by open countryside to the south of the parish of Holmes Chapel, and a case could be made for transferring this area from the parish of Brereton to the parish of Holmes Chapel.

Map 5 (“Brereton”) and Map 19 (“Holmes Chapel”) in Appendix 5 show the extent of the area that would be transferred, making appropriate use of natural boundaries (see the orange shaded “potential expansion area” within the parish of Brereton).

When developed, the area would have an estimated 420 electors by 2025.

Three of the seven pre-consultation survey responses from Holmes Chapel - including one from Holmes Chapel Parish Council itself – proposed a boundary change with Brereton that would bring the Bluebell Green development within the parish of Holmes Chapel, while a fourth implied such a boundary change should at least be considered. The boundary change proposal has Ward Member support as well as Parish Council support. The other three responses from Holmes Chapel did not comment on whether any boundary changes should be made.

However, the Borough Council received 18 representations at the pre-consultation stage of this review - including one from Brereton Parish Council - that no change should be made to the parish of Brereton. Brereton Parish Council specifically requested that the Bluebell Green development should remain within its parish.

Given the contrasting views from Brereton and Holmes Chapel, the Borough Council therefore seeks further responses from the public and interested bodies on this matter and is not making a proposal to alter the boundary at this stage until further consultation comments are received and considered.

If the area in question was transferred to the parish of Holmes Chapel, it is still considered that the appropriate size of the parish council should be 12 (that is, no change from the current number), reflecting the Cheshire East average for a parish of this size.

The current governance arrangements of the parish of Holmes Chapel are:

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|-----------------|---|
| 12             | 5,037           | 419.8                                   |

If the Bluebell Green development was transferred, the governance arrangements would alter insofar as the ratio of electors to councillors is concerned:

| Councillor no. | Electors (2025)                        | Ratio of electors per councillor (2025) |
|----------------|--|---|
| 12             | 5,496<br><b>+420</b><br><b>= 5,816</b> | 493                                     |

**Brereton**

The current governance arrangements are as follows:

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|-----------------|---|
| 8              | 1,052           | 131.5                                   |

Taking account of the additional electors from the Bluebell Green development, the electorate of Brereton is expected to increase to 1,430 by 2025.

With regard to the governance arrangements of Brereton Parish Council, the Borough Council has noted the representations that no change should be made to the parish of Brereton. However, it is proposed that the number of seats on the parish council be increased from eight to nine, to better reflect the Cheshire East average for a parish of this size. This would give a ratio of electors to parish councillors of 158.9 (2025).

Future governance arrangements under the proposals would be as follows:

| Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------|-----------------|---|
| 9              | 1,430           | 158.9                                   |

## Knutsford area (Knutsford, Mobberley and Tabley)

### Knutsford

The council of the parish of Knutsford has historically used the style of ‘town’ in accordance with the Local Government Acts. The current governance arrangements of Knutsford Town Council are as follows:

| Ward         | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|--------------|----------------|-----------------|---|
| Bexton       | 3              | 2,128           | 709.3                                   |
| Nether       | 3              | 2,145           | 715                                     |
| Norbury      | 3              | 2,128           | 709.3                                   |
| Over         | 6              | 4,136           | 689.3                                   |
| <b>Total</b> | <b>15</b>      | <b>10,537</b>   | <b>702.5</b>                            |

There will be an expansion of 175 homes by 2025 on land to the north of Northwich Road, Knutsford (Local Plan Strategy site LPS36A). Some 60 per cent of the site area lies in the parish of Tabley; the rest is within the current parish of Knutsford. Tabley Parish Council has previously recognised this as a Knutsford development and gave consent for it to be in the Knutsford Neighbourhood Plan. Knutsford Town Council has proposed that this development site be transferred to its parish area of Knutsford.

It is therefore proposed that this area be transferred from the parish of Tabley to the parish of Knutsford. This proposal would add 179 electors to the Nether ward of Knutsford Town Council by 2025. The Borough Council considers that the appropriate western



boundary between Tabley and Knutsford at this location should be the M6 motorway, with the appropriate northern boundary being Tabley Hill Lane and the appropriate southern boundary being the Northwich Road. These would give clear and easily identifiable physical boundaries and the Borough Council considers that these boundaries would be more appropriate than the Town Council's proposed use of field boundaries. However, the Borough Council is anxious to seek public views on the appropriate boundary here.

Map 22a ("Knutsford") and Map 38 ("Tabley") in Appendix 5 show the extent of the area that would be transferred (the orange shaded "potential expansion area" within the parish of Tabley).

Knutsford Town Council has also proposed an alteration of the boundary with the parish of Mobberley to bring the whole of Longridge Trading Estate into Knutsford. Map 22b ("Knutsford – Longridge Trading Estate") in Appendix 5 shows the extent of the area that would be transferred. The Borough Council can see considerable merit in this proposal. However, this small area lies in a different borough ward (Mobberley). While it has no electors, there is still a potential for risk in the conduct of elections to arise here with regard to commercial referendums. It is therefore considered that, while the Borough Council favours such a change and is consulting accordingly, the implementation of such a change would be deferred to a commencement date immediately preceding a review of the borough wards by the Local Government Boundary Commission for England.

The Town Council also proposed merging Tatton (21 electors forecast for 2025) with Knutsford. However, the Borough Council continues to favour the option of the merger of Tatton with Rostherne, because they are two entirely rural parishes. Furthermore, as noted in the Borough Council's proposals for Rostherne and Tatton, the pre-consultation survey received an individual representation from Tatton which identified a close historical connection to Rostherne.

Knutsford Town Council also proposed that the current four parish wards be replaced by five new wards, given that the current Over ward has twice as many seats and about twice as many electors as the other wards. The Town Council considers that this is confusing for electors and makes it harder for councillors to coordinate their efforts. It considers that its proposed new boundaries would address this and would better reflect local communities' sense of identity and the location of expected future LPS development. It proposes that the current total of fifteen seats be retained, but with three seats for each of the new wards.

The Borough Council has given consideration to options for the electoral arrangements of the parish. The Borough Council considers that the electoral arrangements proposed by Knutsford Town Council have considerable merit, and these electoral arrangements are therefore proposed. The proposed total number of seats reflects the Cheshire East average for a parish of this size and the proposal for three seats for each ward provides for an equitable distribution of electors to town councillors (based on each ward's share of the electorate).

The proposed future governance arrangements of Knutsford Town Council are as shown in the table below. Map 22c (“Knutsford – proposed new wards”) in Appendix 5 shows the boundaries of the proposed new wards.

| Ward                   | Councillor no. | Electors (2025)                        | Ratio of electors per councillor (2025) |
|------------------------|----------------|--|---|
| Bexton and Town Centre | 3              | 2,501                                  | 833.7                                   |
| Cross Town             | 3              | 2,414                                  | 804.7                                   |
| Nether                 | 3              | 1,758<br><b>+179</b><br><b>= 1,937</b> | 645.7                                   |
| Norbury Booths         | 3              | 2,042                                  | 680.7                                   |
| St John's Wood         | 3              | 2,100                                  | 700                                     |
| <b>Total</b>           | <b>15</b>      | <b>10,994</b>                          | <b>732.9</b>                            |

**Tabley**

This section considers the residual parish of Tabley, which will continue following the proposed boundary alteration with the parish of Knutsford.

The review recognises that the parish of Tabley will remain viable following the boundary change that is proposed.

The current governance arrangements of the parish of Tabley are as follows:

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|-----------------|---|
| 10             | 384             | 38.4                                    |

Compared to the national and Cheshire East averages (shown in Table 3.2 of Section 3.2), Tabley has a relatively high number of seats for a council of its size. A decrease to eight seats is proposed, as this would be consistent with the Borough average for a council with this number of electors. The parish council's current precept for 2020/21 is only £3,275.

The proposed governance arrangements are as follows:

| Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------|-----------------|---|
| 8              | 439             | 54.9                                    |

**Mobberley**

This section considers the residual parish of Mobberley, which will continue following the proposed very minor boundary alteration with the parish of Knutsford.

Based upon the evidence currently available, Cheshire East Council, on balance, considers that any further community governance change would:

- NOT help to better reflect the local identities and interests of the community;
- NOT help to secure a more effective and convenient governance of the area.

In addition, the current and forecasted size, population and current boundaries support the recommendation to maintain the current governance.

No representations were received during our pre-consultation survey for Mobberley.

Cheshire East Council remains open to considering alternative recommendations and would welcome feedback about the perceived benefits and impacts of this option.

The present (and proposed) governance arrangements are as follows:

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) | Electors (2025) | Ratio (2025) |
|----------------|-----------------|---|-----------------|--------------|
| 12             | 2,475           | 206.3                                   | 2,508           | 209          |

### **Macclesfield area (Bollington, Gawsworth, Henbury, Higher Hurdsfield, Macclesfield, Macclesfield Forest and Wildboarclough, Sutton and Wincle)**

There are multiple directions of Macclesfield's expansion into its neighbouring parishes, and these are considered in turn. In several instances, it is proposed that expansion areas should be transferred from the adjoining parishes into the parish of Macclesfield. However, the Borough Council seeks further views from electors and public bodies on the extent of these transfers with regard to the parishes of Gawsworth and Sutton.

The appropriate future governance of the parish of Macclesfield will be dependent on the extent of the proposed transfers of the expansion area to the parish of Macclesfield.

The council of the parish of Macclesfield has historically used the style of 'town' in accordance with the Local Government Acts. The present governance arrangements of Macclesfield Town Council are as follows:

| Ward                   | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|------------------------|----------------|-----------------|---|
| Broken Cross and Upton | 2              | 6,838           | 3,419                                   |
| Central                | 2              | 7,156           | 3,578                                   |
| East                   | 1              | 3,597           | 3,597                                   |
| Hurdsfield             | 1              | 3,495           | 3,495                                   |
| South                  | 2              | 6,003           | 3,001.5                                 |
| Tytherington           | 2              | 7,393           | 3,696.5                                 |
| West and Ivy           | 2              | 6,364           | 3,182                                   |
| <b>Total</b>           | <b>12</b>      | <b>40,846</b>   | <b>3,403.8</b>                          |

The following table gives a possible future governance arrangement for the Town Council. This table is intended for information only, and the final number of seats for each of the town's wards will depend on the combination of boundary changes that are made. The Borough Council considers that about 20 seats are appropriate for a town council with an electorate of this size and a precept of £911,883 (2020-21 financial year). However, the Borough Council will also be required to ensure that representation across the town council wards will be equitable for all the electors of the town, and a slightly larger council size of 21 or 22 may be required to allow for a fairer ratio of electors to councillors.

| Ward                   | Councillor no.* | Electors (2025)   | Transfer of electors from   |
|------------------------|-----------------|---|-----------------------------|
| Broken Cross and Upton | 3 to 4          | 7,043<br><b>+273</b><br><b>= 7,316</b>                    | <b>Henbury</b>              |
| Central                | 3 to 4          | 7,523   |                             |
| East                   | 2               | 3,939   |                             |
| Hurdsfield             | 2               | 3,489<br><b>+431* or +605*</b><br><b>= 3,920 or 4,094</b> | <b>Higher Hurdsfield</b>    |
| South                  | 3 to 4          | 6,391<br><b>+828</b><br><b>+821</b><br><b>= 8,040</b>     | <b>Gawsworth<br/>Sutton</b> |
| Tytherington           | 3 to 4          | 7,720<br><b>+ 157</b><br><b>= 7,877</b>                   | <b>Bollington</b>           |
| West and Ivy           | 3               | 6,709   |                             |

\*For the potential transfers from Higher Hurdsfield parish to Macclesfield Town Council Hurdsfield ward, the lower figure (431) relates to the anticipated number of electors who would be affected if only part of Higher Hurdsfield (the orange shaded “potential expansion area” part of the parish shown in Map 18 (“Higher Hurdsfield”) of Appendix 5) were transferred to Macclesfield. The higher figure (605) is the anticipated electorate of the whole Higher Hurdsfield parish.

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## Bollington

The council of the parish of Bollington has historically used the style of ‘town’ in accordance with the Local Government Acts. The current governance arrangements are as follows:

| Ward         | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|--------------|----------------|-----------------|---|
| Central      | 4              | 2,516           | 629                                     |
| East         | 4              | 1,933           | 483.3                                   |
| West         | 4              | 1,887           | 471.8                                   |
| <b>Total</b> | <b>12</b>      | <b>6,336</b>    | <b>528</b>                              |

As the table above shows, the ratios of electors per councillor are quite disparate, varying from 471.8 in Bollington West to 629 in Bollington Central.

The existing parish boundary cuts through the middle of a residential development and, indeed, through the middle of a number of houses in the area of Dumbah Lane, Springwood Way, Webbs Close and Livesley Road. The Borough Council does not consider that this area constitutes part of the Bollington community of identity; indeed, it is separated from it by the A523 (The Silk Road).

The Borough Council therefore proposes extending the boundary of the parish of Macclesfield to the A523 (The Silk Road) to transfer this area from the parish of Bollington to the parish of Macclesfield.

Map 4 (“Bollington”) and Map 24 (“Macclesfield”) in Appendix 5 show the extent of the area that would be transferred (the orange shaded “potential expansion area” within the parish of Bollington).



The Borough Council has given consideration to the governance arrangements of the parish of Bollington in light of this proposed transfer.

The transfer will cause a deduction of 157 electors (2025) from the West ward of the parish of Bollington. This will not adversely affect the existing ratios of electors to town councillors on the Town Council. The size of the Town Council, at 12 members, would continue to reflect the Cheshire East average for a parish of this size. However, the Borough Council proposes a redistribution of seats between the wards – an increase from four to five seats for the Central ward and a decrease from four to three seats for the West ward – to reflect each ward's share of the electorate and make the ratios of electors per councillor less disparate, as shown below.

| Ward         | Councillor no. | Electors (2025)                        | Ratio of electors per councillor (2025) |
|--------------|----------------|--|---|
| Central      | 5              | 2,536                                  | 507.2                                   |
| East         | 4              | 1,922                                  | 480.5                                   |
| West         | 3              | 1,933<br><b>-157</b><br><b>= 1,776</b> | 592                                     |
| <b>Total</b> | <b>12</b>      | <b>6,234</b>                           | <b>519.5</b>                            |

## Henbury

Local Plan Strategy site LPS 18 is a major new housing development within land between Chelford Road and Whirley Road which is partly within Henbury, but which is adjacent to the existing urban development in Macclesfield and is a consequence of that settlement's expansion. Moving the Henbury expansion area to Macclesfield would reflect this expansion and bring all of LPS 18 within Macclesfield. There are also an estimated 20 existing dwellings along the A537 (Chelford Road) which border site LPS 18, and it is considered that they also form part of this expansion area and more properly form part of the Macclesfield community of identity.

The Borough Council therefore proposes extending the boundary of the parish of Macclesfield to take in the whole of site LPS 18 along with the existing 20 dwellings along Chelford Road.

Map 16 (“Henbury”) and Map 24 (“Macclesfield”) in Appendix 5 show the extent of the area that would be transferred (the orange shaded “potential expansion area” within the parish of Henbury).

The transfer would result in the loss of 273 electors (2025) from the parish of Henbury, but as the transfer accounts for virtually of the new housing development expected up to 2025, the projected 2025 electorate following the transfer (485 electors) is little different to that in 2018 (499 electors).

The Borough Council has given consideration to the governance arrangements of the parish of Henbury. It is proposed that the parish council be increased to eight members from the present seven. A council of eight parish councillors would better reflect the Cheshire East average for a parish of this size.

The current governance arrangements are as follows:

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|-----------------|---|
| 7              | 499             | 71.3                                    |

The proposed governance arrangements are as follows:

| Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------|-----------------|---|
| 8              | 485             | 60.6                                    |

## Gawsworth

Local Plan Strategy site LPS 15 is a major new housing development which is within the Moss ward of the parish of Gawsworth, but which is adjacent to the existing urban development in Macclesfield and is a consequence of that settlement's expansion. There is also existing development at Manley Road, Sussex Avenue, Hillcrest Road, Rising Sun Road, Moss View Road and Surrey Road which forms part of Macclesfield settlement expansion, but which lies in Gawsworth parish. This development forms the Moss ward of the parish. It is considered that this development, along with site LPS 15 when developed, forms part of the community of identity of Macclesfield. Moving this area to Macclesfield would bring all of LPS 15 along with the existing development which adjoins it within the parish of Macclesfield.

Map 13 (“Gawsworth”) and Map 24 (“Macclesfield”) in Appendix 5 show the extent of the area that could be transferred (the orange shaded “potential expansion area” within the parish of Gawsworth) if this boundary were to be changed.

However, while this area (as currently defined) makes good use of natural boundaries (Congleton Road, Gawsworth Road and the minor road to Brownhills Farm and Dalehouse Farm), it may be felt that it would take in too much rural hinterland that does not identify with the community of Macclesfield.

In its response to the Borough Council’s pre-consultation survey, Gawsworth Parish Council informed the Council that it undertook a community survey, in which 89 per cent of respondents said they would oppose Gawsworth being integrated into Macclesfield Town Council’s area. Additionally, a 155-signature petition was presented to the parish council giving the same view. The parish council itself is against ceding any of its area to the parish of Macclesfield and opposes any border alterations. It proposed that present warding arrangement whereby the parish was divided into two wards – Village and Moss parish wards – should be removed, giving its view that this would alleviate issues with finding enough local councillors. The parish council also offered an alternative proposal whereby the parish’s Moss ward should be extended to include the LPS15 site and the extent of LPS 19 (South West Macclesfield) which is currently within the parish of Gawsworth or that the community should be given the opportunity to change the name of the Moss ward. The parish council considers that the existing total of nine seats was appropriate and, if the warding arrangement was retained, it proposed five seats for the Village ward and four for the Moss ward.

While the Borough Council considers that housing site LPS 15 and the adjoining existing development comprising the Moss parish ward should be transferred to the parish of Macclesfield, the Council is anxious to hear the further views of electors and interested bodies on how much of the expansion area should be transferred: the expansion area as currently defined with its large rural hinterland extending to Gawsworth Road, or a smaller area that more tightly contains housing site LPS 15 and the existing housing at Manley Road, Sussex Avenue, Hillcrest Road, Rising Sun Road, Moss View Road and Surrey Road, or no transfer at all.

Where no change in the area is being advocated, the Borough Council will want to be assured that this area actually forms part of the Gawsworth community of identity. Views on this matter should be supported by evidence that the residents of the area look to Gawsworth for services and opportunities for social and leisure amenity.

The area comprises undeveloped and existing housing development. The Borough Council estimates that, if the expansion area as currently defined was transferred, this would add 828 electors (by the 2025 electorate) to the parish of Macclesfield.

This report now turns to the question of the governance arrangements for the parish of Gawsworth. That question cannot be fully resolved until the extent of the area to be transferred to Macclesfield parish from the parish of Gawsworth is resolved upon.

The current governance arrangement for Gawsworth is as follows:

| Ward         | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|--------------|----------------|-----------------|---|
| Moss         | 3              | 474             | 158                                     |
| Village      | 6              | 943             | 157.2                                   |
| <b>Total</b> | <b>9</b>       | <b>1,417</b>    | <b>157.4</b>                            |

For guidance purposes only, the following tables are provided:

If the expansion area as currently defined was transferred in full, the following governance arrangements would be relevant for the residual parish of Gawsworth:

| Ward   | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|--|----------------|-----------------|---|
| Remove the warding arrangement as no longer relevant (whole of Moss ward would be moved to Macclesfield) | 9              | 884             | 98.2                                    |

If the expansion area was not transferred in full, the following governance arrangements might continue. However, it should be noted that there may be other consultation responses which propose a different approach and which the Borough Council may be minded to accept.

| Ward         | Councillor no. | Electors (2025)* | Ratio of electors per councillor (2025) |
|--------------|----------------|------------------|---|
| Moss         | 3              | 461              | 153.7                                   |
| Village      | 7              | 1,251            | 178.7                                   |
| <b>Total</b> | <b>10</b>      | <b>1,712</b>     | <b>171.2</b>                            |

\*These figures improve on the original Community Governance Review forecasts by taking full account of which parish ward the LPS 15 site is in.

### Higher Hurdsfield

The current governance arrangements for Higher Hurdsfield are as follows:

| Councillor no. | Electors (2018) | Ratio of electors to councillors (2018) |
|----------------|-----------------|---|
| 8              | 603             | 75.4                                    |

The electorate is projected to increase marginally by 2025, to 605. The area that may be considered as Macclesfield's expansion into the parish of Higher Hurdsfield is projected to contain 431 of these 605 electors.

Map 18 ("Higher Hurdsfield") and Map 24 ("Macclesfield") in Appendix 5 show the extent of this area (the orange shaded "potential expansion area" within the parish of Higher Hurdsfield).

It is noted that the large majority of housing in the expansion area (the estate along Roewood Lane) is adjacent to the Macclesfield Hurdsfield borough ward. Furthermore the electors of Higher Hurdsfield parish currently vote at the same polling station as the electors for Macclesfield Town Council's Hurdsfield ward. A case might be made for merging the whole or just the expansion area part of the parish of Higher Hurdsfield with the parish of Macclesfield. A case might also be made for merging part of the parish of Higher Hurdsfield, which lies outside the expansion area and has only 174 electors, with the parish of Bollington.

The Borough Council has noted that Higher Hurdsfield Parish Council responded to the pre-consultation survey requesting no change.

The Borough Council is also mindful that any such merger, either of the whole or part of Higher Hurdsfield parish would entail risk in the conduct of elections as the parish is located in a different borough ward (Bollington) to the neighbouring borough wards that cover the parish of Macclesfield (Macclesfield Hurdsfield and Macclesfield East).

However, of greater relevance to the Borough Council is its consideration that Higher Hurdsfield village does not identify as being part of either Bollington or Macclesfield, but has its own community of identity. Furthermore, the parish is viable and it has a record of functioning well to serve its residents. Therefore the Borough Council is proposing that no change be made in the boundary at this location.

The parish council of Higher Hurdsfield currently has eight councillors. A council of eight members would continue to reflect the Cheshire East average for a parish of this size, and no change is therefore proposed to the parish council's governance arrangements, which would be as shown below.

| Councillor no. | Electors (2025) | Ratio of electors to councillors (2025) |
|----------------|-----------------|---|
| 8              | 605             | 75.6                                    |



**Sutton, Macclesfield Forest and Wildboarclough and Wincle**

Local Plan Strategy sites LPS 13 (which lies partly within the Lyme Green ward of the parish Sutton) and LPS 17 (which lies entirely within the Lyme Green ward of the parish of Sutton) are major new housing developments that are adjacent to the existing urban development in Macclesfield and are a consequence of that settlement's expansion. There will be an estimated 462 properties in Sutton's Lyme Green parish ward by 2025, including all of site LPS 17 and that part of LPS 13 that lies within the parish of Sutton. The Borough Council considers that Macclesfield's outward development and planned LPS sites mean Sutton Lyme Green and Macclesfield are becoming a single urban area with a community of identity that looks to Macclesfield.

Therefore the Borough Council considers that the whole of Sutton's Lyme Green parish ward could potentially be transferred to Macclesfield. Map 24 ("Macclesfield") and Map 37 ("Sutton") in Appendix 5 show the extent of the area that would be transferred (the orange shaded "potential expansion area" within the parish of Sutton), if this boundary change were to be made.

Moving this area to Macclesfield would reflect the town's expansion and bring all of sites LPS 13 and 17 within Macclesfield. However, this change would bring the whole of the adjoining Lyme Green village into Macclesfield. Consultees to this review may consider that a smaller expansion area is more appropriate, although there are no obvious alternative natural boundaries that would accommodate both of the LPS sites.

The Borough Council is therefore anxious to hear the views of electors and other interested bodies on how much of this area should be transferred to the parish of Macclesfield: the expansion area as currently defined (that is whole of the Lyme Green parish ward of the parish of Sutton), or a smaller area that more tightly contains housing sites LPS 13 and 17 and the existing Lyme Green village housing.

The rural parish of Macclesfield Forest and Wildboarclough and the rural parish of Wincle do not presently have parish council representation. At present the representative body of the two parishes is their meetings of their electors which by law are required to meet twice annually. However, the Borough Council is not clear if the meetings of electors are ever convened. With 161 and 151 electors as of 2018 and little change anticipated (160 and 150 electors respectively by 2025), the Borough Council considers that the two parishes might be merged with the Rural ward of the residual parish of Sutton, to form a new parish with 672 electors (2025 electorate). The present Rural ward of the parish of Sutton has very few nominations for its seats at ordinary elections (only one for its three seats in the 2019 ordinary elections) and its viability as a separate parish ward is therefore questionable. The ward lies adjacent to both parishes of Macclesfield Forest and Wildboarclough and Wincle. All three areas lie in the Sutton borough ward, and therefore there is no risk to the conduct of elections by having electors of the same parish voting in different borough ward elections.

The electors of the parish of Wincle vote at Wincle Brewery; the electors of the parish of Macclesfield Forest and Wildboarclough vote at Wildboarclough Church Rooms, and the electors of Sutton Rural Parish Ward votes at St James Church Hall in Sutton.

This report now turns to the question of the governance arrangements for the parish of Sutton. That question cannot be fully resolved until the extent of the area to be transferred to Macclesfield parish from the parish of Sutton is resolved upon.

The current governance arrangement for Sutton is as follows:

| Ward         | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|--------------|----------------|-----------------|---|
| Langley      | 3              | 460             | 153.3                                   |
| Lyme Green   | 3              | 554             | 184.7                                   |
| Lane Ends    | 3              | 880             | 293.3                                   |
| Rural        | 3              | 337             | 112.3                                   |
| <b>Total</b> | <b>12</b>      | <b>2,231</b>    | <b>185.9</b>                            |

Depending on the extent of the transfers of the expansion area, the Borough Council considers that 10 to 12 seats would be appropriate for the council of the new parish of Sutton, comprising Sutton Lane Ends/ Langley/ Lyme Green together with the Rural ward. This allocation will depend on how much of Lyme Green (if any) is transferred to Macclesfield, and the Borough Council will be mindful of the Cheshire East average for a parish of its size in the final allocation of seats to the Parish Council.

For guidance purposes only, the following tables are provided:

If the Lyme Green expansion area was transferred in full, the following governance arrangements would be relevant for the residual parish of Sutton (including its present Rural ward):

| Ward         | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|--------------|----------------|-----------------|---|
| Langley      | 3              | 605             | 201.7                                   |
| Lane Ends    | 5              | 878             | 175.6                                   |
| Rural        | 2              | 362             | 181                                     |
| <b>Total</b> | <b>10</b>      | <b>1,845</b>    | <b>184.5</b>                            |

If the Lyme Green expansion area was transferred in full and the Rural ward of Sutton parish was to merge with the parishes of Macclesfield Forest and Wildboarclough and Wincle to form a new parish, the following governance arrangements would be relevant for the residual parish of Sutton.

| Ward         | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|--------------|----------------|-----------------|---|
| Langley      | 4              | 605             | 151.3                                   |
| Lane Ends    | 6              | 878             | 146.3                                   |
| <b>Total</b> | <b>10</b>      | <b>1,483</b>    | <b>148.3</b>                            |

The latter scenario is based upon the merger of the Rural Ward of the parish of Sutton with the parishes of Macclesfield Forest and Wildboarclough (160 electors) and Wincle (150 electors) to form a new parish council with 672 electors. If such a new parish was formed it would be relevant for it to have a council of eight seats reflecting the Cheshire East average for a parish of this size and with a resulting ratio of 84 electors per councillor. Consultees supporting the creation of such a new parish may also wish to

consider whether the council of the new parish should be warded for the purposes of elections, and the Borough Council is anxious to hear views on this matter. Consultation responses proposing warding arrangements should be mindful of the relevant legislation and of the Borough Council's Terms of Reference document. Parish warding is appropriate where a single parish election might be impractical or inconvenient; it should provide representation for the different communities within a parish, and it should be effective and convenient and not wasteful of a parish's limited resources in the conduct of separate ward elections.

DRAFT

## **Mottram St Andrew, Nether Alderley and Over Alderley**

### **Nether Alderley and Over Alderley**

Local Plan Strategy site LPS 61 is a major new housing development at the Alderley Park where 381 houses are planned. The development spans the boundary between the parishes of Nether Alderley and Over Alderley, and 356 homes will fall in the parish of Nether Alderley and 25 will fall within the parish of Over Alderley.

Due to this large new development, the electorate of Nether Alderley is projected to increase substantially, from 520 in 2018 to an estimated 1,033 by 2025. Moving the Over Alderley part of this development into the parish of Nether Alderley would bring all of LPS 61 within the same parish.

Map 28 (“Nether Alderley”) and Map 29 (“Over Alderley”) in Appendix 5 show the extent of the area that could be transferred (the orange shaded “potential expansion area” within the parish of Over Alderley), making appropriate use of available natural boundaries.

However, the Borough Council notes reasons for rejecting such a proposal. There is a limited range of natural or physical boundaries available in this area without expanding to a much larger area as shown on Maps 28 and 29. It is considered difficult to justify transferring such a large area from the parish of Over Alderley to the parish of Nether Alderley, particularly as much of the area would remain rural in character. Furthermore, the Borough Council notes that the two parishes are in different borough wards – Nether Alderley in Chelford and Over Alderley in Prestbury borough wards. Over Alderley and Nether Alderley are also in different parliamentary constituencies: Over Alderley is in the Macclesfield constituency, and Nether Alderley is in the Tatton constituency. This would therefore create risk in the conduct of elections if the area was transferred, as its electors would continue to vote in elections for a different borough ward. The number of electors involved would be too small to merit the formation of a separate polling district with a separate polling station to mitigate such a risk.

The electors of Nether Alderley vote at Nether Alderley Parish Hall and the electors of Over Alderley vote at Over Alderley Reading Room.

On balance, therefore, it is the Borough Council’s proposal that no change should be made at this location, but the Borough Council welcomes the views of the public and interested bodies on this matter.

The current governance arrangements of Nether Alderley Parish Council are as follows:

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|-----------------|---|
| 8              | 520             | 65                                      |

It is proposed that the number of seats on the Parish Council be increased from eight to ten to reflect the Cheshire East average for a parish of this size.

| Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------|-----------------|---|
| 10             | 1,033           | 103.3                                   |

**Over Alderley and Mottram St Andrew**

In the previous section of this document, the Borough Council has given consideration to the implications of the development at Alderley Park which spans the boundaries between the parishes of Nether Alderley and Over Alderley. On consideration of this matter, the Council has proposed that no change should be made at this location, but the Borough Council welcomes the views of the public and interested bodies on this matter.

There is a strong case for the merger of the parishes of Over Alderley and Mottram St Andrew in the north of Cheshire East. It is noted that in the 2019 local elections the small parish of Over Alderley (with 258 electors as of 2018) only received four nominations for its seven seats. Mottram St Andrew had 532 electors as of 2018. It is considered that the merger would enhance the viability of the combined parish and the Borough Council is therefore proposing this.

Both parishes are presently within the Prestbury borough ward. The electors of the parish of Over Alderley vote at Over Alderley Reading Room, while the electors of both existing parish wards of the parish of Mottram St Andrew vote at Mottram St Andrew Village Hall.

A name for the new parish should be considered, and the Borough Council welcomes proposals on this point. The Council also requests comments on whether the new parish should have the style of 'parish' or one of the alternative styles that the Council may recommend where a new parish is being created: 'community', 'neighbourhood' or 'village'.

It is suggested that a parish council size of nine members would be appropriate reflecting the Cheshire East average for a parish of this size; with a forecasted combined electorate of 793, this would lead to a new ratio of electors to councillors of 88.1.

It is proposed that the present warding arrangement within the parish of Mottram St Andrew should be removed; there is presently an imbalance between the electoral ratios of its two parish wards, with the Newton ward's 90 electors having two councillors (a ratio of 45 per councillor) and Mottram St Andrew ward's 442 electors having five councillors (a ratio of 88.4). It is also noted that the two parish wards currently vote together at the same polling station, would tend to support the Borough Council's assessment that the warding arrangement is out of balance and may serve no practical purpose.

However, it may be considered that a warding arrangement for the combined parish might be appropriate and the Borough Council welcomes comments on this point. Consultation responses that support a warding arrangement or that reject it should be mindful of the legal tests that apply for a warding arrangement. Parish warding is appropriate where a single parish election might be impractical or inconvenient. Furthermore, a warding arrangement should provide representation for the different communities

within a parish: is this one parish but comprising different communities? The Borough Council would want to be assured that this test applies and evidence to show that the parish comprises separate communities should be provided. Finally, a warding arrangement should be effective and convenient and not wasteful of a parish's limited resources in the conduct of separate ward elections.

If a parish warding arrangement was agreed, then it would be appropriate (based on their respective shares of the electorate) to allocate six seats for Mottram St Andrew's projected (2025) 534 electors and three seats for Over Alderley's projected (2025) 259 electors.

The following tables are provided for guidance.

Current governance arrangements – Over Alderley:

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|-----------------|---|
| 7              | 258             | 36.9                                    |

Current governance arrangements – Mottram St Andrew:

| Parish/ ward      | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|-------------------|----------------|-----------------|---|
| Newton            | 2              | 90              | 45                                      |
| Mottram St Andrew | 5              | 442             | 88.4                                    |
| <b>Total</b>      | <b>7</b>       | <b>532</b>      | <b>76</b>                               |



## Governance arrangements for the proposed merged parish with a warding arrangement (2025 electorate)

| Parish/ ward*     | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|-------------------|----------------|-----------------|---|
| Mottram St Andrew | 6              | 534             | 89                                      |
| Over Alderley     | 3              | 259             | 86.3                                    |
| <b>Total</b>      | <b>9</b>       | <b>793</b>      | <b>88.1</b>                             |

\*New name for the parish to be considered.

## **Nantwich area (Acton, Edleston and Henhull Parish Group; Batherton and Stapeley Parish Group; Burland; Nantwich; and Worleston and District Parish Group – Aston Juxta Mondrum, Poole and Worleston)**

### **Acton, Edleston and Henhull Parish Group and Burland**

The parishes of Acton, Edleston and Henhull are grouped under a common parish council. The three parishes all share the western boundary of the parish of Nantwich. The parishes of Acton and Henhull are in the Bunbury borough ward, while the parish of Edleston is in the Wrenbury borough ward and forms a distinctive salient of that ward that is nearly separated from the remainder of the ward.

The current governance arrangements for the grouped parishes is as shown in the table below. This shows that the current distribution of seats is inequitable, with the ratio of electors per councillor ranging from 50.8 in Acton to 478 in Edleston.

| Parish       | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|--------------|----------------|-----------------|---|
| Acton        | 5              | 254             | 50.8                                    |
| Edleston     | 1              | 478             | 478                                     |
| Henhull      | 1              | 88              | 88                                      |
| <b>Total</b> | <b>7</b>       | <b>820</b>      | <b>117.1</b>                            |

In considering the expansion of Nantwich into two of these three parishes (Henhull and Edleston), the Borough Council has been mindful of its desire to avoid risk in the conduct of elections. Such risk arises where the electors of a single parish election find themselves voting at the same polling station for two different borough ward elections (or vice versa). The Borough Council seeks to mitigate such risk, particularly through the provision of a different polling station (possibly in the same building or polling place). In some instances, however, the size of the affected electorate may be so small that it is not viable to provide a separate polling station.

### Acton and Henhull

Nantwich has expanded significantly into the parishes of Edleston and Henhull. Local Plan Strategy site LPS 46 is a major new housing development which is in Henhull, but which is adjacent to the existing urban development in Nantwich and is a consequence of the town's expansion. Transferring this area into the parish of Nantwich would reflect this expansion and (along with the proposed Nantwich-Worleston boundary change set out later in this section) would bring all of LPS 46 within Nantwich.

The Borough Council therefore proposes that the expansion area be transferred to the parish of Nantwich. A total of 545 electors will be transferred to the North and West parish ward of the parish of Nantwich.

Map 17 (“Henhull”) and Map 27 (“Nantwich”) in Appendix 5 show the extent of the area that would be transferred (the orange shaded “potential expansion area” within the parish of Henhull).

The Borough Council notes that this proposal is aligned with pre-consultation survey responses for Nantwich, in which many residents in Acton, Edleston and Henhull indicated their acceptance of the probability of a boundary change.

This transfer will mean that the residual parish of Henhull is left with 38 electors and will cease to be viable as a separate parish. There is much to be said for merging the residual parish of Henhull with the parish of Acton to form a new parish, not least because they already come under the same grouped parish council. This merger would form a new parish comprising Henhull's 38 electors with Acton's 277 electors (2025 electorate) to form a new parish with 315 electors.

As noted already, both Henhull and Acton are in the Bunbury borough ward, so a merger of the two involves no risk in the conduct of elections. The electorates of both parishes currently vote together Acton Village Hall, a point which further supports the Borough Council's proposal that they be merged.

A name for the new parish should be considered, and the Borough Council welcomes proposals on this point. The Council also requests comments on whether the new parish should have the style of ‘parish’ or one of the alternative styles that the Council may recommend where a new parish is being created: ‘community’, ‘neighbourhood’ or ‘village’.

The Borough Council does not consider that a warding arrangement is appropriate for the merged parish. The electorate of the residual area of Henhull is too low to support a warding arrangement, and the properties in its area are all comparatively close to the settlement of Acton.

It is proposed that the council of the merged parish should have seven seats, a council size that would reflect the Cheshire East average for a parish of this size, giving a ratio of 45 electors per parish councillor, as shown below.

| Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------|-----------------|---|
| 7              | 315             | 45                                      |

### Edleston and Burland

The existing housing of the parish of Edleston is largely an overspill from the adjacent Nantwich urban area. Transferring the Edleston overspill area into the parish of Nantwich would reflect the town's expansion and bring all of the overspill within Nantwich. A total of 651 electors (2025) would be transferred to the North and West parish ward of the parish of Nantwich. The Borough Council is therefore proposing the transfer of this area into the parish of Nantwich.

Map 12 (“Edleston”) and Map 27 (“Nantwich”) in Appendix 5 show the extent of the area that would be transferred (the orange shaded “potential expansion area” within the parish of Edleston).

This transfer will mean that the residual parish of Edleston is left with 36 electors and will cease to be viable as a separate parish. There is much to be said for merging the residual parish of Edleston with the parish of Burland to form a new parish. This merger would form a new parish comprising Edleston’s 36 electors with Burland’s 501 electors (2025 electorate) to form a new parish with 537 electors.

The current governance arrangements for Burland are as shown below. It should be noted that at the 2019 ordinary elections, five out of nine members were co-opted.

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|-----------------|---|
| 9              | 494             | 54.9                                    |

Both Edleston and Burland are in the Wrenbury borough ward, so a merger of the two involves no risk in the conduct of elections. This is a particularly important consideration in the Borough Council’s proposal for this merger. The electorates of both parishes currently vote together at Acton Village Hall, a point which further supports the Borough Council’s proposal that they be merged.

A name for the new parish should be considered, and the Borough Council welcomes proposals on this point. The Council also requests comments on whether the new parish should have the style of ‘parish’ or one of the alternative styles that the Council may recommend where a new parish is being created: ‘community’, ‘neighbourhood’ or ‘village’.

The Borough Council does not consider that a warding arrangement is appropriate for the merged parish, as the electorate of the residual area of Edleston is too low to support a warding arrangement.

It is proposed that the council of the merged parish should have eight seats, a council size that would reflect the Cheshire East average for a parish of this size, giving a ratio of 67.1 electors per parish councillor, as shown below.

| Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------|-----------------|---|
| 8              | 537             | 67.1                                    |

### Stapeley and District Parish Group (Batherton and Stapeley)

The parishes of Batherton and Stapeley are grouped under a common parish council. The two parishes lie to the south-east of the parish of Nantwich. Some 88 per cent (that is 1,508 out of 1,711) of Batherton and Stapeley's residential properties are within an area that is adjacent to existing residential areas in the parish of Nantwich and could therefore be perceived, on those grounds, to be part of the same community as Nantwich.

Map 27 ("Nantwich") and Map 35 ("Stapeley") in Appendix 5 show this area of housing development adjacent to Nantwich (the orange shaded "potential expansion area" within the parish of Stapeley). At first sight, as Maps 27 and 35 indicate, there would seem to be a case for transferring much of this area into the parish of Nantwich.

Both Batherton and Stapeley are in the Nantwich South and Stapeley borough ward.

The current governance arrangements for the grouped parishes are as shown in the table below. This shows that the current distribution of seats is inequitable, with the ratio of electors per councillor being 318.9 in Stapeley, but only 37 in Batherton.

| Parish       | Councillor no. | Electors (2018) | Ratio of electors to councillors (2018) |
|--------------|----------------|-----------------|---|
| Batherton    | 1              | 37              | 37                                      |
| Stapeley     | 9              | 2,870           | 318.9                                   |
| <b>Total</b> | <b>10</b>      | <b>2,907</b>    | <b>290.7</b>                            |

However, the Borough Council does not consider that the south-eastern boundary of the parish of Nantwich should be altered to take in this expansion area. Although most of Stapeley's existing housing is adjacent to the Nantwich Town Council urban area and appears on the map as housing overspill from Nantwich town, Stapeley identifies strongly as a distinct community to Nantwich. This was found in the pre-consultation responses, and Stapeley and District Parish Council have stated that they do not wish to be subsumed by Nantwich Town Council.

Consideration is now given to the governance arrangements of Batherton and Stapeley.

The table above shows that the electors of the parish of Batherton hold an unsustainable representation on the grouped parish council, and its electorate will only rise to 44 by 2025. The Borough Council does not consider that a separate election for a parish area of 44 electors represents a viable use of public money.

It is therefore proposed that the parishes of Batherton and Stapeley should be merged to create new parish. The merged parish will have 2,965 electors (2025).

A name for the new parish should be considered, and the Borough Council welcomes proposals on this point. The Council also requests comments on whether the new parish should have the style of 'parish' or one of the alternative styles that the Council may recommend where a new parish is being created: 'community', 'neighbourhood' or 'village'.

The Borough Council does not consider that a warding arrangement is appropriate for the merged parish, as – for the same reasons as were given above – the electorate of Batherton is simply too low to support a warding arrangement.

It is proposed that the council of the merged parish should have twelve seats, a council size that would reflect the Cheshire East average for a parish of this size, giving a ratio of 247.1 electors per parish councillor, as shown below.

| Councillor no. | Electors (2025) | Ratio of electors to councillors (2025) |
|----------------|-----------------|---|
| 12             | 2,965           | 247.1                                   |



**Worleston and District (Aston Juxta Mondrum, Poole and Worleston)**

The parishes of Aston Juxta Mondrum, Poole and Worleston are currently grouped under the common parish council of Worleston and District.

The current governance arrangements are as shown below. This shows that the current distribution of seats is inequitable, with the ratio of electors per councillor being over 50 in Aston Juxta Mondrum and Poole, but only 29.1 in Worleston.

| Parish/ Parish Group          | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|-------------------------------|----------------|-----------------|---|
| Aston Juxta Mondrum           | 3              | 155             | 51.7                                    |
| Poole                         | 2              | 115             | 57.5                                    |
| Worleston                     | 7              | 204             | 29.1                                    |
| <b>Worleston and District</b> | <b>12</b>      | <b>474</b>      | <b>39.5</b>                             |

All the electors of this current group of parishes vote together at a polling station at Worleston; the parishes are all in the Bunbury borough ward.

A very small part – the southern-most part - of the parish of Worleston is separated from the rest of that parish by the A51 road network at Reaseheath College roundabout. Most of this southern-most area forms part of Local Plan Strategy site LPS 46 and is adjacent to Nantwich and reflects that town's expansion. The Borough Council is therefore proposing a small boundary alteration here, which, taken together with the transfer of the Henhull expansion area into the parish of Nantwich, would mean that the whole of LPS 46 would be within Nantwich. The small part of the parish of Worleston that would be transferred to the parish of Nantwich is allocated for employment land only, so no electors would be transferred.

Map 27 (“Nantwich”) and Map 42 (“Worleston”) in Appendix 5 show the extent of the area that would be transferred (the orange shaded potential “expansion area” within the parish of Worleston).

No representations were received during our pre-consultation survey for Aston Juxta Mondrum, Poole or Worleston.

The Borough Council proposes a merger of the parishes of Aston Juxta Mondrum, Poole and Worleston into a new parish. The small number of electors within each of the Worleston and District Parish Group members is justification for the removal of the present grouping arrangement.

A name for the new parish should be considered, and the Borough Council welcomes proposals on this point. The Council also requests comments on whether the new parish should have the style of ‘parish’ or one of the alternative styles that the Council may recommend where a new parish is being created: ‘community’, ‘neighbourhood’ or ‘village’.

The Borough Council is not proposing that the parish be divided into wards for the purposes of elections to the parish council. Consultation responses that support a warding arrangement or that reject it should be mindful of the legal tests that apply for a warding arrangement. Parish warding is appropriate where a single parish election might be impractical or inconvenient. This cannot be shown here, as the electors of the three existing parishes all presently vote together at the same place: Worleston Village Hall. Furthermore, a warding arrangement should provide representation for the different communities within a parish: is this one parish but comprising different communities? The Borough Council would want to be assured that this test applies and evidence to show that the parish comprises separate communities should be provided. Finally, a warding arrangement should be effective and convenient and not wasteful of a parish’s limited resources in the conduct of separate ward elections. As two of the existing parishes have very low electorates, the Borough Council considers that separate parish ward elections would be an unnecessary burden to the budget of the new parish council.

It is suggested that a parish council size of eight members would be appropriate and would reflect the Cheshire East average for a parish of this size. With a forecast combined electorate of 496 by 2025 (162 electors in Aston Juxta Mondrum, 118 in Poole and 216 in Worleston), this would lead to a new ratio of electors to councillors of 62 seats for the merged parish (a reduction from the current 12) and no warding, as shown below.

| Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------|-----------------|---|
| 8              | 496             | 62                                      |

**Nantwich**

Finally, the governance arrangements of the parish of Nantwich are considered.

The council of the parish of Nantwich has historically used the style of ‘town’ in accordance with the Local Government Acts.

The current governance arrangements are as follows:

| Ward           | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|----------------|-----------------|---|
| North and West | 7              | 7,105           | 1,015                                   |
| South          | 5              | 4,375           | 875                                     |
| <b>Total</b>   | <b>12</b>      | <b>11,480</b>   | <b>956.7</b>                            |

Some 15 seats would be appropriate for a parish of this size with a precept of £673,005 (2020/2021 financial year). An allocation of 15 seats is line with the Cheshire East average for a parish with this number of electors. The Borough Council proposes 10 seats for the North and West town ward and five for the South town ward: a distribution of seats which reflects each ward’s share of the electorate and minimises the disparity between each ward’s ratio of electors per councillor.

The proposed governance arrangements would therefore be as follows:

| Ward           | Councillor no. | Electors (2025)                  | Transfer of electors from | Ratio of electors per councillor (2025) |
|----------------|----------------|----------------------------------|---------------------------|---|
| North and West | 10             | 7,030<br>+651<br>+545<br>= 8,226 | Edleston<br>Henhull       | 822.6                                   |
| South          | 5              | 4,332                            |                           | 866.4                                   |
| <b>Total</b>   | <b>15</b>      | <b>12,558</b>                    |                           | <b>837.2</b>                            |

**Poynton area (Poynton and Adlington)**

Poynton Town Council has proposed an alignment of the boundary between the parish of Poynton and the parish of Adlington to a new boundary following the Poynton Brook. This alignment would ensure that two houses on Spenlow Close are brought within the same parish (Poynton) as the rest of their street and local community. However, although these two houses are located within the parish of Adlington, they are already on the electoral roll for Poynton and therefore vote in the Town Council's elections. Therefore the boundary change would not involve the transfer of any electors from Adlington to Poynton.

The change would also serve to bring one of Poynton's polling stations into the parish of Poynton.

Both Adlington and the adjacent part of the parish of Poynton are within Poynton West and Adlington borough ward.

No comments were received from Adlington Parish Council.

The Borough Council therefore proposes that this small boundary alteration be made.

Map 1 ("Adlington") and Map 30 ("Poynton") in Appendix 5 show the extent of the area that would be transferred (the orange shaded "potential expansion area" within the parish of Adlington).

This report proceeds to consider the governance arrangements of both parishes:

**Poynton**

The council of the parish of Poynton has historically used the style of 'town' in accordance with the Local Government Acts. The current governance arrangements of the town council follow:

| Ward         | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|--------------|----------------|-----------------|---|
| East         | 9              | 5,729           | 636.6                                   |
| West         | 9              | 6,008           | 667.6                                   |
| <b>Total</b> | <b>18</b>      | <b>11,737</b>   | <b>652.1</b>                            |

The Borough Council proposes that the number of seats on the town council be reduced from 18 to 14 (with an allocation of seven for each of the Town Council's wards). The proposed total number of seats is close to the Cheshire East average for a parish of this size; it is actually slightly low for Poynton's size, 15 being a more typical allocation. However, Poynton Town Council itself has proposed 14 seats and this number can be allocated more equitably between the two wards.

The following governance arrangements would apply:

| Ward         | Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|--------------|----------------|-----------------|---|
| East         | 7              | 5,950           | 850                                     |
| West         | 7              | 6,258           | 894                                     |
| <b>Total</b> | <b>14</b>      | <b>12,208</b>   | <b>872</b>                              |

**Adlington**

The parish of Adlington currently has a council of ten seats, as shown below:

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|-----------------|---|
| 10             | 913             | 91.3                                    |

The Borough Council proposes reducing this number to nine, to better reflect the Cheshire East average for a parish of this size.

The following governance arrangements would result from this change and the proposed change to the boundary with Poynton:

| Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------|-----------------|---|
| 9              | 983             | 109.2                                   |



## **Wilmslow area (Chorley, Handforth, Styal and Wilmslow)**

### **Wilmslow, Chorley and Handforth**

At the boundary between the existing parishes of Handforth and Styal, there will be a housing development of 185 properties between Clay Lane and Sagars Road (Local Plan Strategy Site LPS 34) which will have an estimated 330 electors by 2025. This development would increase the electorate of the parish of Handforth to an estimated 5,814 by 2025. The new development is adjacent to the existing Handforth settlement area and so will form part of the wider community of Wilmslow - Handforth. As this development is not adjacent to Styal village, it is not considered that this will form part of the Styal community. It is therefore proposed that this area should be transferred from the parish of Styal to the proposed enlarged parish of Wilmslow, which the Borough Council also proposes to include the existing parish of Handforth (see below).

Map 14 (“Handforth”) and Map 36 (“Styal”) in Appendix 5 show the extent of the area that would be transferred (the orange shaded “potential expansion area” within the parish of Styal).

The electors of the parish of Styal vote at Styal Sports and Social Club. The electors of Handforth Parish Council’s West ward vote at two locations: Meriton Road Pavilion and Handforth Grange Primary School.

It should be noted that the electorate forecasts and the proposals set out in this Review have not taken account of any Handforth Garden Village development occurring by 2025. (The Garden Village site lies predominantly in the parish’s East ward, with the remainder located in the South ward.) This is due to the fact that, at the time the Community Governance Review electorate forecasts were produced (early 2019), the Borough Council did not expect any houses to be built on the Garden Village site by the end of 2025 (that is, within the period for which the Borough Council is required by legislation to give consideration to changes in electoral numbers). As such, the electorate forecasts were based on the latest evidence available to the Borough Council at that time.

The Borough Council’s latest (2019/20) Housing Monitoring Update (HMU), which was published in March 2021, forecasts a total of 150 completed homes on the Garden Village site by the end of March 2025. Taking the average number of electors per property for Handforth borough ward (forecast to be 1.591 by 2025) and applying that to the 150 figure, the Borough Council estimates that there would be around 250 electors living on the Garden Village site by the end of March 2025. However, given the Draft Recommendations timetable, it was not feasible for the Community Governance Review electorate forecasts for Handforth to be updated to take account the 2019/20 HMU forecast; nor was it feasible for the Review’s proposals to take account of this latest

evidence. The HMU forecast, in any case, does not cover the final nine months (April-December) of the Review's electorate forecasting period.

Apart from the HMU-derived estimate of 250 Garden Village electors by March 2025, the electorate forecasts and the proposals presented in this Review do not, therefore, factor in the evidence from the 2019/20 HMU. However, the HMU-based estimate of an additional 250 electors by March 2025 is provided here as additional evidence to help inform consultation responses to this Review.

Cheshire East Council considers that there will be merit in merging the existing parish of Handforth with the parish of Wilmslow as, to all intents and purposes, they form a single community. It will be appropriate to consider whether there should be separate representation of the electors of Handforth on the merged parish council. Handforth's existing parish wards are small (each with less than 2,500 electors even by 2025) compared to Wilmslow's (each more than 3,500). However, as a whole Handforth Parish, with a projected 5,814 electors by 2025, is similar in size to the average Wilmslow ward. There is therefore a good case for making Handforth (including the area proposed to be transferred from Styal) a single parish ward within the merged parishes.

The Council also considers that there will be merit in merging the existing parish of Chorley with the parish of Wilmslow. The existing parish has an electorate of 386 (rising to a projected 394 by 2025) and a precept of £5,000. Questions have arisen with regard to the viability of the parish of Chorley, and only five nominations were received for the Parish Council's seven seats at the ordinary elections in 2019. It is therefore proposed that this area should also be transferred to the proposed enlarged parish of Wilmslow.

The electors of the parish of Chorley vote at Chorley Village Hall. The electors of Wilmslow Town Council's West Ward vote at several locations (depending on which polling district they are in): Lindow Cricket Club; Wilmslow United Reform Church; St Anne's Church Hall; Wilmslow Rugby Club; Wilmslow Guild; and Morley Green Club.

The Council notes that the parish of Chorley already lies in the Wilmslow West and Chorley borough ward, and it is considered that the same warding arrangement should apply for the purposes of elections to the merged parish council and that the same parish ward name should be used.

To all intents and purposes, this will be a new parish, comprising the merged parishes of Wilmslow, Handforth and Chorley. The Borough Council proposes that the name of the new parish should be Wilmslow, but it welcomes proposals on this point.

The Borough Council notes that the council of the parish of Wilmslow has historically used the style of ‘town’ in accordance with the Local Government Acts. It will lie at the discretion of the council of the new parish as to whether it would wish to adopt the style of ‘town’ in accordance with Section 245 of the Local Government Act 1972. The Borough Council is confident that this will be the case, but notes that any such recommendation lies outside the remit of this review.

Under its present electoral arrangements, the parish of Wilmslow has a comparatively low number of seats on its parish council for a parish with its electorate and precept. Therefore this review is proposing an increase in the council size from 15 to 20, which will address not only this anomaly but also the merger of Wilmslow with two other parishes (Handforth and Chorley) together with the area being transferred from Styal to form the new parish.

The present governance arrangements are as follows:

| Wilmslow parish/ ward | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|-----------------------|----------------|-----------------|---|
| Dean Row              | 4              | 5,485           | 1,371.3                                 |
| East                  | 4              | 3,242           | 810.5                                   |
| Lacey Green           | 2              | 3,564           | 1,782                                   |
| West                  | 5              | 7,607           | 1,521.4                                 |
| <b>Wilmslow total</b> | <b>15</b>      | <b>19,898</b>   | <b>1,326.5</b>                          |

| Handforth parish/ ward | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|------------------------|----------------|-----------------|---|
| East                   | 2              | 1,661           | 830.5                                   |
| South                  | 2              | 1,346           | 673                                     |
| West                   | 3              | 2,155           | 718.3                                   |
| <b>Handforth total</b> | <b>7</b>       | <b>5,162</b>    | <b>737.4</b>                            |

| Parish  | Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|---------|----------------|-----------------|---|
| Chorley | 7              | 386             | 55.1                                    |

The proposed governance arrangements are therefore as follows:

| Ward             | Councillor no. | Electors (2025)                        | Ratio of electors per councillor (2025) |
|------------------|----------------|--|---|
| Dean Row         | 4              | 5,774                                  | 1,443.5                                 |
| East             | 3              | 3,532                                  | 1,177.3                                 |
| Lacey Green      | 3              | 3,852                                  | 1,284                                   |
| West and Chorley | 6              | 7,728<br><b>+394</b><br><b>= 8,122</b> | 1,353.7                                 |
| Handforth        | 4              | 5,484<br><b>+330</b><br><b>= 5,814</b> | 1,453.5                                 |
| <b>Total</b>     | <b>20</b>      | <b>27,094</b>                          | <b>1,354.7</b>                          |

Map 40 (“Wilmslow/ Handforth/ Chorley merger”) in Appendix 5 shows the proposed new parish and parish ward boundaries.

## Styal

This section considers the residual parish of Styal, which will continue following the proposed boundary alteration with the parish of Wilmslow.

The review recognises that the parish of Styal will remain viable following the boundary change that is proposed.

Compared to the national and Cheshire East averages (shown in Table 3.2 of Section 3.2), Styal has a relatively low number of seats for a council of its size. The Borough Council recommends an increase to eight seats which would be consistent with the Borough average for a council with this number of electors.

The current governance arrangements are as follows:

| Councillor no. | Electors (2018) | Ratio of electors per councillor (2018) |
|----------------|-----------------|---|
| 7              | 564             | 80.6                                    |

The proposed governance arrangements are as follows:

| Councillor no. | Electors (2025) | Ratio of electors per councillor (2025) |
|----------------|-----------------|---|
| 8              | 566             | 70.8                                    |

## Appendix 1: Glossary

|                                      |  |
|--------------------------------------|--|
| 'Alternative style'                  | Section 17A of the Local Government Act 1972 allows the council of a parish to adopt one of the 'alternative styles'. The permitted styles are community, neighbourhood or village, whereupon the council of that parish becomes a community council, the councillors become community councillors, etc. In a Community Governance Review, the Borough Council may recommend one of the alternative styles where it is creating a new parish.  |
| Band D charge                        | The council tax payable by a particular property is based on the valuation band (one of eight valuation bands) of the property. The Band D charge is the middle band, and may be used as a point of comparison between different parishes.   |
| Co-option                            | The provisions under the Representation of the People Acts for a town or parish council to fill vacancies remaining unfilled at ordinary elections by their selection of any qualified person to act as a town or parish councillor.   |
| Electoral or governance arrangements | Dealt with in detail in Section 2 above, the provision of a council for a parish, the number of councillors on that council, the division of the parish into parish or town wards for the purposes of elections to the council, the names of the wards and the allocation of councillors to those wards.   |
| Ordinary Elections                   | The four-yearly election of all town and parish councillors across Cheshire East. The last ordinary elections occurred in May 2019 and the next are scheduled for May 2023.  |
| Parish area                          | The geographical area of the parish as defined by its boundaries. All of Cheshire East is divided into parish areas (see Section 2 above for further information).   |
| Parish or town ward                  | The division of the parish area into lesser areas or wards for the purposes of elections to the town or parish council (see Section 2 above for further information).  |
| Parish meeting                       | For every parish the legislation in Section 13 of the Local Government Act 1972 states that "there shall be a parish meeting for the purpose of discussing parish affairs and exercising any functions conferred on such meetings by any enactment". It is a meeting of all the electors of the parish. The meeting must assemble annually between 1 March and 1 June each year, and for parishes that do not have a parish council it must meet on at least one other occasion during the year. The rules for the conduct of such meetings are laid out in Schedule 12 of the Act. For parishes without a parish council, the parish meeting becomes their representative body. |

|  |   |
|--|---|
| Polling districts, polling places and polling stations | Cheshire East is divided into polling districts and all the electors of a district vote together at the same polling place (which may be a settlement or village) at which a specified building is designated as the polling station for that polling district. There may be more than one polling station within the same building. However, risk arises in the conduct of elections where the electors at a single parish election find themselves voting at the same polling station for two different borough ward elections (or vice versa) (see Section 2 above for further information). |
| Precept  | The funds that a town or parish council requests be raised by the council tax to support its budget for the forthcoming year. The billing authority is the Borough Council, which uses the precept to calculate the banded charges for each property within the parish.   |
| Ratio  | The number of electors that each town or parish councillor represents. In a warded parish or town, the government <i>Guidance</i> recommends that the ratio should be equitable or fair between the different wards of the town or parish, to ensure that every elector's vote has equal weight in the election of councillors to the town or parish council.   |
| Town, Town Council                                     | Section 245 of the Local Government Act 1972 allows the council of a parish to resolve that the parish shall have the status of a town, whereupon the council of that parish becomes a town council and the chairman of the council the town mayor.   |



## Appendix 2: Calculation of electorate forecasts for parishes and expansion areas

### Section A2.1: Overview

The Community Governance Review (CGR) electorate forecasts technical forecasts of 2019<sup>6</sup> (available [Here](#)) explains how the 2018-25 electorate forecasts that were produced for parishes, borough wards, parish wards and polling districts.

During 2020-21, as part of the review of potential boundary changes (those parishes discussed in Section 4.4), additional forecasts were produced to estimate the number of electors who would be affected (relocated from one parish to another) if these boundary alterations were to be made.

This Appendix refers to the areas of land that would potentially be moved to another parish as “expansion areas”, given that they generally involve areas where housing or other development has expanded (or is expected to expand) from one parish into another. The exact boundaries of these areas are indicated by the “potential expansion areas” shown on the maps in Appendix 5.

The expansion area forecasts rely on the same data sources and the methodological approach as the original (2019) forecasting work. In most cases, the forecasts for these expansion areas were calculated by:

- using Office for National Statistics (ONS) data on housing stocks as at 2010<sup>7</sup>, map data (the Ordnance Survey data available via the Council’s geographic mapping system, plus Google Maps data) and the Cheshire East Strategic Planning Team’s housing database records (for 2010 onwards), to estimate the number of residential properties in the expansion area as of 2018 and adding on the number of expected new homes up to 2025;
- converting the expansion area’s 2025 housing stock into electors. This was generally done by assuming (in the absence of further information) that the affected area’s percentage share of the parish’s electorate is the same as its percentage share of

<sup>6</sup> Community Governance Review 2019: electorate forecasts technical report, Cheshire East Council, August 2019.

<sup>7</sup> Dwelling Stock by Council Tax Band, 2010, Neighbourhood Statistics, ONS. (As noted in the CGR 2019 electorate forecasts technical report, this ONS data set is no longer available in the public domain.)

the parish's homes.<sup>8</sup> So, for example, if an expansion area is expected to contain 10 per cent of the local parish's homes by 2025, it is assumed that it also contains 10 per cent of the parish's electors. This approach assumes, in effect, that the average number of electors per property is the same inside the expansion area as it is outside it.

For a few parishes, however, there is insufficient information on the total housing stock and so a different approach is followed.

In some cases, as set out below, reference was also made to Electoral Register data.

The rest of this Appendix sets out some limitations and other caveats which apply to the forecasts (Section A2.2), an explanation of the terminology used (Section A2.3) and details (in Section A2.4) of how the forecasts for each expansion area were calculated.

## Section A2.2: Forecast limitations and other caveats

There are a number of caveats that need to be issued about the electorate forecasts presented in this Report.

Firstly, although the electorate forecasts reported for whole parishes and their constituent parish wards are generally taken from the CGR forecasts that the Borough Council produced in 2019, there has been an update of the forecasts in those cases where the scale, timing or location of major new developments has changed so much that it has a significant bearing on boundary review decisions. One such example is Knutsford Town Council and the parish of Tabley, where there have been changed expectations (since 2019) about the timing of a new housing development that straddles the Knutsford-Tabley boundary. Other such cases of updated forecasts are clearly identified in this Appendix.

Secondly, as noted in the 2019 CGR electorate forecasts technical report, the forecasts assign all the homes on each development site to whichever administrative area that site's easting and northing are in, even though some sites cover parts of two or more parishes. Hence the forecasts tend to be less precise in cases where housing developments cut across parish boundaries.

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<sup>8</sup> In some cases, where the available data is sufficiently disaggregated to make this feasible (e.g. for Alsager's expansion into Haslington), the expansion area's forecast electorate is derived by taking its share of the local parish ward's homes and assuming its share of the parish ward's electors is the same. Conversely, there is the odd case where the housing stock cannot even be disaggregated to parish level and where the expansion area's forecast electorate is derived by taking its share of the local parish group's homes and assuming its share of the parish group's electors is the same.

Thirdly, whilst the Borough Council has detailed data on homes built from 2010 onwards, statistics on the housing stock as at 2010 (which are necessary for estimating the current and future housing stock) are available only for Output Areas (OAs).<sup>9</sup> In many cases, OAs cover whole parishes, or even multiple parishes – and sometimes OA boundaries do not align with those of parishes or other tiers of electoral geography. This means that, for example, it is particularly difficult to estimate elector numbers for urban areas that include a significant number of older homes but which do not align with OA boundaries. In such instances, judgments about the number of existing residential properties have been based on other evidence, mainly Ordnance Survey data that is on the Council's GIS (geographical mapping) systems, and aerial or street-view analysis using Google Maps.

Finally, it should be emphasised that the estimates set out below (and in the 2019 CGR electorate forecasts technical report) were based on the data and intelligence available at the time that they were produced.

### Section A2.3: Terminology

This Appendix uses the terms “homes”, “houses”, “housing”, “properties” or “residential properties” to mean all residential accommodation, whether these are dwellings in which (usually) only a single household lives, or communal establishments such as care homes.

References to the numbers of homes being built are net figures: that is, new homes (e.g. completions or conversions) net of losses (e.g. demolitions).

Throughout this Appendix (for consistency with the original CGR electorate forecasting work in 2019), references to homes built during “2010-18” means between 1<sup>st</sup> April 2010 and 1<sup>st</sup> December 2018 inclusive and references to those due to be built during “2018-25” means between 2<sup>nd</sup> December 2018 and 31<sup>st</sup> December 2025 inclusive.

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<sup>9</sup> OAs are small areas created by the Office for National Statistics (ONS) for statistical purposes and are intended to be of similar size (in terms of population). There were originally 1,215 OAs in Cheshire East and ONS' 2010 dwelling stock statistics are broken into these 1,215 areas.

## Section A2.4: Details of the calculations for each expansion area

This Section contains full details of the data and calculations involved in producing electorate forecasts for settlement expansion areas.

In those cases where an electors-per-property ratio is used to convert the numbers of properties into numbers of electors, the ratio for the local borough ward is used. This approach is consistent with that followed for the 2019 CGR electorate forecasts produced for parishes and other administrative areas.

In this Section, the expansion areas are listed under the parish they currently lie within, with each of these parishes being covered in alphabetical order. However, cases where the potential transfer between parishes involves no existing electors and no expected future housing development (by 2025)<sup>10</sup> are not discussed here, given that their transfer would not have any impact on electors.

### Basford

Basford is affected by the outward expansion of Crewe. The Basford expansion area is effectively the parts of Local Plan Strategy (LPS) sites LPS 2 (Basford East, Crewe) and LPS 3 (Basford West, Crewe) and the railway lines and infrastructure between these two sites. This area is bounded to the south by the A500. Outside of the LPS sites, there are no housing developments of any size expected elsewhere in the parish, even after 2025 and none near the parish boundary.

LPS 2 includes two large housing developments over (and beyond) the 2018-25 period, but the eastings and northings for these are within Weston parish and hence the 2019 CGR electorate forecasts assigned these new sites' electors to Weston. LPS 3 is similar: it includes one large development that involves the completion of 355 new homes up to 2025 (114 during 2010-18 and 241 thereafter)<sup>11</sup>, but the easting and northing for this site (and hence the forecasted number of electors for these new homes) fall within Shavington parish.

The Council's Ordnance Survey map data indicates that the Basford expansion area does not contain any existing (pre-2018) residential properties; nor are there any existing homes adjacent to this area.

<sup>10</sup> Adlington, Mobberley and Worleston.

<sup>11</sup> Housing database site reference number 3498.

Hence the 2019 CGR forecasts place all of the Basford's expected (2025) electorate (200 electors) outside the Crewe-Basford expansion area. So if the expansion area is assigned to Crewe Town Council, the remaining part of Basford would have an electorate of 200.

## **Bollington**

Currently there is a part of the boundary between Bollington Town Council – West ward (Bollington borough ward) and Macclesfield Town Council – Tytherington ward (Macclesfield Tytherington borough ward) where the boundary line runs through the middle of a residential estate, with the properties on the northern side of this residential area effectively being an expansion of Macclesfield into Bollington. Hence there is a case for extending the Macclesfield Town Council Tytherington Ward boundary with Bollington further north, so it aligns with the Silk Road (A523) and includes the whole of this residential area.

Bollington West ward is coterminous with 8 Output Areas: OAs E00093747 to E00093754 inclusive. ONS dwelling stock data indicate that these OAs had a total of 975 houses as of 2010. The Borough Council's housing database extract used for the 2019 CGR electorate forecasts shows that a further 96 properties were built during 2010-18<sup>12</sup>, with 36 more expected to be completed during 2018-25. Hence it is expected that Bollington West's will have a total of 1,107 houses (975 + 96 + 36) by 2025.

Ordnance Survey map data indicates about 90 properties currently within the expansion area and no expected completions in this area during 2018-25. Hence it is expected that the expansion area would still have an estimated 90 homes by 2025, which equates to 8 per cent (90/1,107) of Bollington West's 2025 housing stock.

Bollington West is forecast to have 1,933 electors by 2025. Assuming the expansion area's percentage share of these electors is the same as its share of Bollington West's properties, the expansion area's estimated electorate (in 2025) is 157 (8 per cent x 1,933), with the rest of Bollington West comprising 1,776 electors (1,933 minus 157).

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<sup>12</sup>This includes the 3 completions (during 2010-18) at housing database site reference 4860, which is only new development expected in the area between the current boundary and the potential alternative (Silk Road) boundary.

## Brereton

There are three housing development sites that are near to Holmes Chapel Parish boundary and which make up almost all of that settlement's urban expansion into Brereton.<sup>13</sup> These sites involve a total of 220 new homes over the 2010-25 period; of these, 18 were built during 2010-18 and the remaining 202 are expected between 2018 and 2025. The largest site (190 homes) is the one furthest from the boundary.

Adjacent to the southern edge of the new 190-home site – and also included in the expansion area - is Allum Brook Farm (counted as one residential property). Also near the large housing site, at the southwestern edge of the expansion area, is a relatively recent (but pre-2010) development, of five homes, at Dunkirk Farm. Ordnance Survey data, combined with the information on Google Maps, indicates around five residential properties within the part of the expansion area that lies east of the A50; all but one of these are alongside Mill Lane; the other is on the eastern side of the A50. In total, therefore, it is estimated that the expansion area has 11 properties that predated 2010.

Hence the expansion area as a whole is expected to have 231 (11 + 220) properties by 2025.

Brereton parish is coterminous with three Output Areas (OAs): E00092809, E00092810 and E00092811. ONS housing stock data for these OAs indicates that the whole parish had a total of 499 homes in 2010. The Borough Council's housing database records show there were a further 73 completions during 2010-18, with 214 more homes expected during 2018-25. Hence the parish is forecast to have 786 homes (499 + 73 + 214) by 2025, with the expansion area accounting for 29 per cent (231/786) of the parish's housing stock.

The parish is forecast to have 1,430 electors by 2025. Assuming the expansion area's percentage share of these electors is the same as its share of the parish's properties, the expansion area's estimated electorate (in 2025) is 420 (29 per cent x 1,430), with the rest of the Parish comprising 1,010 electors (1,430 minus 420).

## Chorlton

There is a case for redrawing the boundary between Hough and Chorlton along the railway line, as this would form a more natural boundary. This would mean the merger of the part of Chorlton west of the railway line with Hough.

<sup>13</sup> Housing database site reference numbers 2365, 4121 and 5709.

From Ordnance Survey data, it is estimated that there are a total of 22 existing dwellings in this area and the Council's housing database records indicate that no more housing completions are expected by 2025. The local borough ward (Wybunbury) has an average of 1.870 electors per property expected by 2025. Applying this average to the dwellings figure implies that an estimated 41 electors ( $22 \times 1.870$ ) would be affected if the boundary were changed.

### Church Lawton

In Alsager, the Twyford Estate (Local Plan Strategy Site LPS 21, Twyford's Bathrooms, Lawton Road, Alsager) crosses the boundary of Alsager Town Council – East Ward and Church Lawton. There is a case for extending the boundary in this area so it runs along Crewe Road (the B5077) and Linley Lane (A5011), thereby including the whole of the Twyford Estate within Alsager Town Council.

The CGR forecasts predict that Church Lawton will have 1,872 electors by 2025. However, these forecast already include all the Estate's electors within Alsager, as the site's easting and northing – and most of the site's land - fall within the existing Town Council boundary.

From Ordnance Survey data of the Twyford Estate area, it is estimated that around 25 of the Estate's individual properties are on the Church Lawton side of the current parish boundary. Assuming the average number of electors per property matches the average for the local borough ward of Odd Rode (estimated at 1.794 for 2025), it is further estimated that this part of the Estate contains around 45 electors ( $25 \times 1.794$ ). Hence a more precise estimate of the impact of the potential boundary change is that Church Lawton would have 1,872 electors if the boundary were adjusted, but 1,917 ( $1,872 + 45$ ) if it were not.

### Crewe Green

Part of the residential area west of Sydney Road (covering some properties on Stanier Close, Sydney Road, Nigel Gresley Close and Stephenson Drive) is currently within Crewe Green parish, but these are part of the Crewe conurbation. Ordnance Survey data indicates that this area currently has 29 houses and the Council's housing database records show that no more development is expected by 2025. Using the average number of electors per property for Crewe East borough ward (forecast at 1.541 by 2025), it is estimated that 45 electors ( $29 \times 1.541$ ) would be affected if this area were moved to Crewe Town Council.<sup>14</sup>

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<sup>14</sup> Applying the local borough ward (Haslington) average number of electors per property (1.894 by 2025) implies 55 electors ( $29 \times 1.894$ ), but as this area is part of the Crewe conurbation, use of the average for Crewe East ward (1.541) seems more appropriate.



There is also a case for redrawing the part of the Crewe-Crewe Green boundary immediately to the south of Crewe Green Roundabout, so it aligns with University Way and places the Aldi supermarket driveway in Crewe Green (where the supermarket itself is located). This realignment forms part of Cheshire East Council's recommendation. However, this area does not contain any houses and nor is any residential development expected there by 2025.

## Eaton

Eaton is affected by the outward expansion of Congleton.

Its expansion area uses the path of the Congleton Link Road as a natural boundary as far east as the Link Road goes, then runs south down the A536 and then eastwards along Havannah Lane and the River Dane.

The western part of parish's expansion area (west of the A536) includes Site LPS 30 (Manchester Road to Macclesfield Road, Congleton), which involves the completion of 20 homes during 2010-18 and 116 more between 2018 and 2025.<sup>15</sup> Ordnance Survey map data also show around five existing houses on the north side of Moss Lane, near to the Moss Lane/ A536 junction.<sup>16</sup>

The other (eastern) part of the expansion area includes Havannah, where an existing (old) development south of a bend in the river has expanded significantly into Eaton. This area has seen a number of homes built since 2010: a 40-home site developed during 2010-18 and one other house (built in 2015).<sup>17</sup> Ordnance Survey and Google Maps data indicate around 80 individual buildings on the Eaton side of the Havannah area<sup>18</sup>, which appear to be largely or entirely residential; it is assumed that this includes the 41 homes completed since 2010.

Between Site LPS 30 and the Havannah overspill is a small group of buildings, on the southern side of Havannah Lane, near to the junction with Moss Lane and the A536. Ordnance Survey data and Google Maps indicate three separate properties here, which appear to be residential (though one is also identified by Google as a business premises).

<sup>15</sup> Housing database site reference number 5721.

<sup>16</sup> This small cluster of properties includes housing database site reference number 5431, which involves the completion of three dwellings: one of them completed by 2018 and the other two due to be built in 2019; it is assumed that these three are among the five currently shown on Ordnance Survey maps.

<sup>17</sup> Housing database site reference numbers 2521 (the 40-home site) and 4644 (the single dwelling).

<sup>18</sup> The number of buildings is estimated (from Google Maps) at between 70 and 80; the higher end of this range (80) is used for the calculations, so as to avoid understating the impact of the expansion area potentially being transferred to Congleton.



On this basis, it is estimated that there will be a total of 224 homes in the whole expansion area by 2025: the 136 being built on Site LPS 30, plus the 80 existing houses in Havannah and the 8 existing ones (five on Moss Lane and three on Havannah Lane) between these larger developments.

Eaton parish is coterminous with a single Output Area (OA), E00093853. Office for National Statistics housing stock data for this OA indicate that, in 2010, the area had a total of 137 homes. The Council's housing database records show 70 more homes being built during 2010-18 and an additional 121 expected between 2018 and 2025. Hence the Parish is forecast to have a total of 328 homes (137 + 70 + 121) by 2025. The expansion area will therefore account for an estimated 68 per cent (224/328) of the parish's housing by 2025.

The parish as a whole is forecast to have 607 electors by 2025. Assuming the expansion area's percentage share of these electors is the same as its share of the parish's properties, the electorate is forecast to be 415 (68 per cent x 607) for the expansion area and 192 (607 minus 415) for the rest of the parish.

The Eaton expansion area borders both Congleton Town Council's East Ward and its West Ward. Given the expansion area's extent and shape, it would need to be split between these two wards if it were transferred to Congleton and the existing Town Council wards were retained. A logical dividing line for this split is the A536: in other words, 141 of the expansion area's houses (the 136 properties being built on LPS 30 and the five on Moss Lane) would move to Congleton Town Council West Ward and the other 83 (those in the Havannah area) would move to Congleton East. The 141 houses that would move to the West Ward would make up an estimated 43 per cent (141/328) of Eaton's 2025 housing stock and the 83 that would move to the East Ward would make up 25 per cent (83/328) of the parish's properties. Assuming these two areas' share of the parish's electors match their share of Eaton's housing stock, that would mean 261 electors (43 per cent x 607) were transferred to Congleton West Ward and 154 were transferred to Congleton East.

Under the new Congleton Town Council ward boundaries proposed by the Borough Council, the part of the Eaton expansion area east of the A536 and its 154 electors would be transferred to the new Ward 1 (provisional name Congleton North East) and the rest of the expansion area, with its 261 electors, would be moved to the new Ward 5 (provisional name Congleton North West).

## Edleston

The Borough Council's Ordnance Survey map data suggest that all existing and future development within Edleston Parish is an expansion of Nantwich, apart from around 20 buildings that are (maybe with some exceptions) likely to be residential properties, including two farms and Edleston Hall. Although it provides additional detailed information, it is difficult to gauge the number of likely residential properties using Google Maps, because of the large, sparsely-populated area in question – but the Google data suggest that 20 is a reasonably broad estimate for the current number of properties<sup>19</sup>. Applying the local borough ward's (Wrenbury's) electors per property ratio to this (1.818) implies only 36 (20 x 1.818) electors in this area. With the parish as a whole expected to have 687 electors by 2025, that implies the expansion area will contain an estimated 651 electors (687 minus 36).

Even though the estimate of 36 electors outside the expansion area may be an undercount (with the farms or Hall perhaps containing multiple residential properties), it is reasonable to assume there will be only a very small number of electors in this remaining rural area, even in 2025. In contrast, 272 homes were built in the expansion area during 2010-18 and 118 more are expected during 2018-25<sup>20</sup>: in other words, a net increase of 390 homes on top of that area's existing (pre-2010) housing development.<sup>21</sup>

## Gawsworth

The expansion of Macclesfield into Gawsworth parish includes all of Gawsworth Moss parish ward (which is all part of the Macclesfield conurbation) and one major site, LPS 15 (Land at Congleton Road, Macclesfield).<sup>22</sup> LPS 15 had no completions up to 2018, but 185 homes are expected there during 2018-25 and a further 765 thereafter.<sup>23</sup>

To provide a clear indication of the extent of the expansion area, this area also includes some rural land to the west, south and north of LPS 15, so that use can be made, where practical, of natural boundaries like roads and existing parish boundaries. More specifically, the western part of the expansion area boundary runs south along Congleton Road, beyond the edge of LPS 15 and

<sup>19</sup> The Google Maps data should include two properties built in this area during 2010-18 (housing database site reference numbers 1920 and 5937).

<sup>20</sup> The housing database reference numbers for these sites are 3428, 5159 and 5379.

<sup>21</sup> A single OA (E00093065) covers both Edleston and the parish of Baddington. Therefore the total number of properties in Edleston as of 2010 is unknown: hence the use of an alternative calculation approach here.

<sup>22</sup> Housing database site reference number 5476.

<sup>23</sup> LPS 15 lies entirely within Gawsworth Village Parish Ward. However, the 2019 CGR electorate forecasts used an easting and northing for the site which map to a point just within Gawsworth Moss parish ward. Therefore those forecasts assigned all the new development's electors to Gawsworth Moss.

then runs up the minor road leading to Brownhills Farm and Dalehouse Farm (including the two farms) and then follows Gawsworth Road north to the parish boundary with Macclesfield (including houses on both sides of Gawsworth Road).

Ordnance Survey data, supplemented by information available from Google Maps, indicates that this rural part of the expansion area contains around 20 properties: a few on the northern side of Congleton Road; the two farms on the minor road; around ten homes on the western side of Gawsworth Road and two to three homes along Penningtons Lane.

The expansion area contains two Output Areas (E00093818 and E00093821) in their entirety and part of another, E00093817, but Ordnance Survey data show that the 20 existing rural homes identified above are currently the only ones in the expansion area part of E00093817. Office for National Statistics housing stock data indicate that E00093818 and E00093821 had a combined total of 257 houses in 2010 and the Council's housing database records show that the LPS 15 site, with its 185 homes up to 2025, is the only site in the expansion area where house-building is expected over the 2010-25 period. Hence the expansion area is expected to contain a total of 462 properties (20 + 257 + 185) by 2025.

Gawsworth parish as a whole is coterminous with six Output Areas: OAs E00093816 to E00093821. Office for National Statistics housing stock data indicate that these OAs had a total of 759 homes in 2010. The Council's housing database records show a further six homes being completed in the parish during 2010-18 and 190 due to be built during 2018-25, so the Parish is expected to have a total of 955 homes (759 + 6 + 190) by 2025.

The expansion area will therefore account for an estimated 48 per cent (462/955) of the Parish's housing by 2025.

Gawsworth is forecast to have 1,712 electors by 2025. Assuming the expansion area's percentage share of these electors is the same as its share of the parish's properties, the expansion area is expected to contain 828 (48 per cent) of the Parish's electors by 2025. Hence it is expected that Gawsworth's electorate would fall by 828, to 884, if the expansion area were assigned to Macclesfield.

Gawsworth Moss parish ward is in the same borough ward (Macclesfield South) as the adjoining part of Macclesfield, whereas Gawsworth Village parish ward is within Gawsworth borough ward. Hence the Gawsworth Village part of the expansion area would require a separate polling district if allocated to Macclesfield Town Council. Given this, it is worth noting the number of expansion area properties that are (a) inside and (b) outside Gawsworth Moss parish ward. Apart from the 20 existing rural properties outside LPS 15, all the expansion area's existing properties are inside Gawsworth Moss parish ward, but, as noted earlier, LPS 15 itself is

entirely within Gawsworth Village parish ward. Hence Gawsworth Moss is expected to contain 257 properties by 2025<sup>24</sup>, and that the rest of the expansion area is forecast to contain 205 properties by then (185 on LPS 15 plus the 20 existing rural ones).

## Haslington

The expansion of Alsager into Haslington lies entirely within Haslington's Oakhanger parish ward (the Haslington parish ward adjoining Alsager).

Oakhanger parish ward is coterminous with two Output Areas (OAs). One of these, E00093176, contains all the developments that reflect Alsager's expansion into Haslington. These sites<sup>25</sup> involve 112 completions to date (2010-18) and 302 more during 2018-25. The latter figure includes a 185-home development<sup>26</sup>, at Site LPS 20 (White Moss Quarry, Alsager), which lies mainly within OA E00093176 but extends into Oakhanger parish ward's other OA, into Alsager and (slightly) into Barthomley parish.

E00093176 and the White Moss Quarry site make up the vast majority of the part of Oakhanger parish ward that lies east of the M6. The rest of the parish ward's land on this side of the M6 is rural, with very few electors. Hence there is a case for treating the M6 as a natural limit for any revised parish boundary.

Hence the expansion area includes:

- OA E00093176 in its entirety;
- the part of the White Moss Quarry site that extends outside E00093176 and into Oakhanger's other OA (E00093177);
- all other Oakhanger parish ward land that lies east of the M6.

<sup>24</sup>On this basis (assuming electorate share matches housing share), Gawsworth Moss parish ward would have an estimated 461 electors (1,712 electors x 257/955) by 2025 and Gawsworth Village parish ward the other 1,251. These figures differ substantially from those in the original (2019) electoral forecasts report because the original forecasting allocated all of the expansion area's LPS site housing to Moss ward instead of Village ward (due to the site's easting and northing being marginally on the Moss side of the parish ward boundary).

<sup>25</sup> Housing database site reference numbers 4072, 4154, 4556, 5535, 5906, 5940 and 6481.

<sup>26</sup> Housing database site reference number 4154.

ONS housing stock data indicate that OA E00093176 had 51 homes in 2010, so by 2025 it and the White Moss Quarry site are expected to have a total of 465 homes (51 + 112 + 302). Although this figure includes those White Moss Quarry homes (a minority of the site's total) in Alsager and Barthomley, it is the best available estimate of the expansion area's housing stock by 2025.

Ordnance Survey and Google Maps data indicate the rest of the expansion area – the rest of the Oakhanger Parish Ward land that lies east of the M6 – has about three residential properties.

Hence the whole expansion area is forecast to have a total of 468 homes (465 + 3) by 2025.

The other OA in Oakhanger Parish Ward (E00093177) had 87 homes in 2010 (including the three within the expansion area), three completions during 2010-18 and eleven more completions expected during 2018-25, so by 2025 it is forecast to have 101 homes (87 + 3 + 11). Therefore the total number of houses in the parish ward is expected to be 566 (465 + 101) by 2025, with the expansion area accounting for 83 per cent (468/566) of these. Oakhanger parish ward is forecast to have 1,052 electors by 2025. Assuming the expansion area's percentage share of these electors is the same as its share of the parish ward's properties, that implies 870 electors (1,052 x 83 per cent) in the expansion area, with the other 182 (1,052 – 870) in the rest of the parish ward.

Under current boundaries, Haslington as a whole is predicted to have 6,922 electors by 2025. Hence it is expected that this would fall by 870, to 6,052, if the expansion area were assigned to Alsager.

## Henbury

Henbury is affected by the outward expansion of Macclesfield. The expansion area includes housing development within Site LPS 18 (Land between Chelford Road and Whirley Road, Macclesfield) and a small number of existing properties adjacent to this southern edge of this LPS site. The expansion area boundary is based on existing field and property boundaries, except for its southernmost part, which is aligned with a local waterway.

Site LPS 18 is adjacent to the Macclesfield Town Council boundary and Macclesfield's existing urban area already extends as far as the parish boundary. LPS 18 had no housing as of 2018, but 135 homes are due to be built there during 2018-25<sup>27</sup> (though no others are being completed thereafter).

<sup>27</sup> Housing database site reference number 3994.

Ordnance Survey and Google Maps data indicate around 20 residential properties that are adjacent to the southern edge of this development site. These will become joined to the Macclesfield conurbation when LPS 18 is developed. Hence the Macclesfield-Henbury expansion area consists of these existing properties and LPS 18: in other words, an estimated total of 155 homes (135 + 20) by 2025.

Henbury parish as a whole is coterminous with three Output Areas (OAs): OAs E00093854 to E00093856. Office for National Statistics housing stock data indicate that these OAs had a total of 264 homes in 2010. The Borough Council's housing database records show a further 20 homes being completed in the parish during 2010-18 and 147 due to be built during 2018-25, so the parish is expected to have a total of 431 homes (264 + 20 + 147) by 2025.

Hence the expansion area would make up an estimated 36 per cent (155/431) of the parish's housing stock by 2025. The parish's total electorate is forecast to be 758 by 2025. Assuming the expansion area's percentage share of these electors is the same as its share of the parish's properties, then by 2025 the expansion area will have an estimated 273 electors (36 per cent x 758), with the rest of the parish containing the other 485 (758 minus 273) electors.

## Henhull

Henhull is affected by the outward expansion of Nantwich.

Two housing sites<sup>28</sup> are being developed in the Henhull expansion area immediately north of Nantwich. On one of these, on Site LPS 46 (Kingsley Fields, Nantwich), 20 homes were built during 2010-18 and 259 more are expected between 2018 and 2025. However, the site's total capacity is much greater still and a total of 1,003 homes are expected by the time site construction eventually ends (well after 2025). The other site, which is between Welshmen's Lane and the B5341, involves the completion of 18 houses between 2018 and 2025.

The Council's Ordnance Survey map data suggest there is little housing development currently in this part of Henhull Parish (east of Welshmen's Lane). More specifically, this map data shows only two farms (Kingsleyfield Farm and Holly Farm), Henhull Hall and a pair of buildings (just southwest of Nantwich Town Football Club) that are in a residential part of the Nantwich conurbation but on the Henhull side of the parish boundary. Google Maps indicate that the latter pair of buildings consists of five separate properties.

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<sup>28</sup> Housing database site reference numbers 2926 (Site LPS 46) and 5215.



There were only 88 Henhull parish electors on the Electoral Register as of the end of November 2018 and it is assumed these will include occupants of the 20 homes completed on LPS 46 up to that date, as well as the residents of the two farms, the Hall and the small cluster of around five properties near the Football Club: that is, around 28 residential properties. Assuming the average number of electors per property is the same as for Bunbury, the local borough ward (1.789 in 2018), it is estimated that the expansion area contained 50 electors ( $28 \times 1.789$ ) as of 2018 and that the other 38 lived outside this area. As no development is expected outside the expansion area during 2018-25, it is estimated that the number of electors outside this expansion area will still be 38 by 2025.<sup>29</sup> As the parish as a whole is forecast to have 583 electors by 2025, this implies 545 of them (583 minus 38) will be living in the expansion area.<sup>30</sup>

### Higher Hurdsfield

Higher Hurdsfield is affected by the outward expansion of Macclesfield. Higher Hurdsfield consists of three Output Areas (OAs): E00094223, E00094224 and E00094225. Their geographical location and extent and their housing stock (based on Office for National Statistics housing stock data for 2010 and the Borough Council's housing database records for 2010 onwards) are summarised in the table below.

As this table indicates, the southernmost OA, E00094225, accounts for an estimated 138 of the parish's 2025 housing stock, the central one, E00094224, for 110 and the northernmost one, E00094223, for another 100, giving a total of 348 houses in the parish by 2025.

<sup>29</sup> This allows (as the CGR electorate forecasting methodology does) for a 1.1% fall in the average number of electors per property during 2018-25, but a 1.1% reduction from 38 still (after rounding off to the nearest whole number) means 38 electors.

<sup>30</sup> A single Output Area (E00093063) covers both Henhull and Acton. Therefore the total number of properties in Henhull as of 2010 is unknown: hence the use of an alternative calculation approach here.

| OA        | Location and geographical extent  | Homes in 2010 | 2010-18 housing completions | 2018-25 housing completions | Homes in 2025 (sum of previous 3 columns) |
|-----------|---|---------------|-----------------------------|-----------------------------|---|
| E00094225 | Southernmost part of the parish. Contains the vast majority of the housing overspill from Macclesfield.   | 137           | 0                           | 1                           | 138                                       |
| E00094224 | In between the other two OAs. Contains the remainder of the Macclesfield overspill, a small part (the southernmost part) of Higher Hursfield village and the houses in between. | 109           | 0                           | 1                           | 110                                       |
| E00094223 | Northernmost part of the parish. Contains most of Higher Hursfield village.   | 93            | 5                           | 2                           | 100                                       |
| Total     |   | 339           | 5                           | 4                           | 348                                       |

Making use of available natural boundaries, the northern extent of the expansion area runs north along the B5470 (Rainow Road), including properties on both sides of the road and those on the side road leading to Higher Hursfield Playground/ Rainow Road Play Area. However, it excludes the playground/ play area itself. Beyond this side road, the expansion area boundary continues for a short distance up the B5470, including properties on the east side of the road only and then runs along Cliff Lane to the parish boundary with Rainow. Elsewhere (to the east, south and west) the expansion area follows existing parish boundaries.

Thus defined, the expansion area covers all current and expected future residential properties in the parish's central and southernmost OAs, but excludes all homes that are (or will be) in the parish's other OA. It is therefore expected to contain 248 houses (138 + 110) by 2025.

Hence the expansion area would make up an estimated 71 per cent (248/348) of the parish's housing stock by 2025. The parish's total electorate is forecast to be 605 by 2025. Assuming the expansion area's percentage share of these electors is the same as its share of the parish's properties, then by 2025 the expansion area will have an estimated 431 electors (71 per cent x 605), with the rest of the parish containing the other 174 (605 minus 431) electors.



## Hulme Walfield and Somerford Booths

Hulme Walfield Parish Ward is the only one of this Parish's wards affected by Congleton's expansion. Its expansion area uses the new Congleton Link Road as a natural boundary.

There are two major housing development sites<sup>31</sup> within this expansion area:

- Site LPS 28 (Giantswood Lane South, Congleton), where 39 homes were built during 2010-18 and a further 88 are expected during 2018-25;
- Site LPS 29 (Giantswood Lane to Manchester Road, Congleton), where no homes were built prior to 2018, but 148 are expected during 2018-25.

This means a total of 275 new homes (39 + 88 + 148) are due to be developed on these sites by 2025.

Adjacent to these LPS sites – and at the southern end of the expansion area - is a small area of existing development: the Borough Council's Ordnance Survey data and Google Maps information indicates around 20 separate properties in this location, all of which appear to be residential.

The expansion area also includes Site LPS 27 (Congleton Business Park Extension). No new homes are expected to be built on LPS 27 until after 2025, but this site at present has a small number of existing properties on it (estimated to number 13 in total).

Hence the whole Congleton-Hulme Walfield expansion area is expected to contain an estimated 303 homes (275 + 20 + 13) by 2025.

Hulme Walfield parish Ward is coterminous with Output Area E00092798. According to Office for National Statistics housing stock data, this area had 65 homes in 2010. The Borough Council's housing database records indicate that 40 more homes were built during 2010-18, with a further 249 expected during 2018-25. Hence Hulme Walfield parish ward is expected to have 354 homes (65 + 40 + 249) by 2025.

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<sup>31</sup> Sites LPS 28 and LPS 29 (housing database site reference numbers 2409 and 2533 respectively).

Hence the expansion area will make up an expected 86 per cent (303/354) of the parish ward's housing stock by 2025. Hulme Walfield parish ward's electorate is forecast to be 612 by 2025, while Somerford Booth parish ward's electorate is forecast to be 192.

Assuming the expansion area's percentage share of Hulme Walfield's electors is the same as its share of the parish ward's properties, then by 2025 the expansion area will have 524 electors (86 per cent x 612). Hence if this expansion area is assigned to Congleton, the remaining part of the parish ward will have 88 (612 minus 524) electors and the remaining part of the whole parish would have a total of 280 (88 + 192) electors.

Under the new Congleton Town Council ward boundaries proposed by the Borough Council, the Hulme Walfield and Somerford Booths expansion area would be transferred to the new Ward 5 (provisional name Congleton North West).

## Leighton

A large area of Leighton is affected by the expansion of Crewe. There are several sites in the parish where housing development is expected during 2018-25, including some very large-scale individual developments. One of these is on Site LPS 5 (Leighton, Crewe), where there were no completions as of 2018, but 185 homes are expected during 2018-25, with 400 homes on the site eventually (after 2025).<sup>32</sup> Another of these sites had 192 homes built during 2010-18 and a further 198 are expected there during 2018-25.<sup>33</sup>

The expansion of Crewe into Leighton consists of the Leighton's existing urban overspill from Crewe and its other recent and forthcoming development sites, including most of the area covered by Site LPS 4 (Leighton West, Crewe) and all of Site LPS 5, along with Leighton Hall Farm, which is adjacent to LPS 4 and also a development site.<sup>34</sup>

This expansion area also includes the rural land in the northeast corner of Leighton Parish (so that the existing parish boundary can be used as a clear and easily-defined border) and the rural areas of land between the LPS sites and the A530 (as the A530 provides a natural boundary on the western side).

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<sup>32</sup> Housing database site reference 3639.

<sup>33</sup> Housing database site reference 3376.

<sup>34</sup> Housing database site reference 5092.

Office for National Statistics (ONS) data are not available on the exact number of properties in the parish prior to the start of the Local Plan period (2010-30), but there were around 2,000 homes in Leighton as of 2010<sup>35</sup>, with 634 more due to be built in the expansion area between 2010 and 2025 (205 completed during 2010-18 and 429 more expected during 2018-25).

Given the absence of ONS housing stock data for the whole of Leighton, the approach used to calculate the Parish's expansion area electorate is different to that employed for most other parishes.

This alternative approach starts with an estimate of the number of properties outside the expansion area. Ordnance Survey and Google Maps data indicates around 10 residential properties along the western side of the A530 (with Red Hall being mainly non-residential<sup>36</sup> and Leighton Grange entirely non-residential). No further house-building is expected in this part of the parish up to 2025, so it is estimated there will still be around 10 properties in the area by that date. Applying the local borough ward's (Leighton's) electors per property ratio (2.006) to this property estimate implies only 20 electors outside the expansion area by 2025. With the Parish as a whole expected to have 5,194 electors by 2025, that implies the expansion area will contain 5,174 electors.

## Moston

Moston is affected by the outward expansion of Middlewich (to Moston's north) and Sandbach (to its south).

There was no house-building around the Middlewich-Moston boundary during 2010-18, but there are two large developments in this area where new homes are due to be built. One of these is on Site LPS 45 (Land off Warmingham Lane West (Phase II), Middlewich)<sup>37</sup>, where 185 homes are expected during 2018-25 (and 235 eventually). The vast majority (roughly 90 per cent) of this site's land area (and its easting and northing) is on the Middlewich side of the boundary and so the 2019 CGR electorate forecasts assigned all this site's housing and electors to Middlewich.

<sup>35</sup>Of the fifteen OAs covering Leighton, fourteen are entirely within the expansion area and these had a total of 1,955 homes as of 2010, but the other one (E00093258, with 204 houses in 2010) includes not just the rest of the expansion area, but the rest of Leighton and the whole of Minshull Vernon parish. Therefore the exact number of properties in Leighton as of 2010 is unknown (though the available ONS data indicate it would have been around 2,000): hence the use of an alternative calculation approach here.

<sup>36</sup> Red Hall had a single new completion during 2010-18 and the estimate of 10 homes takes account of this.

<sup>37</sup> Housing database site reference number 2658.

The other is on Site LPS 42 (Glebe Farm, Middlewich)<sup>38</sup>, where 185 houses are expected during 2018-25 (and 450 eventually). The vast majority (roughly 75 per cent) of this site's land area is within Moston, as is its easting and northing, so the 2019 CGR electorate forecasts assigned all this site's housing and electors to Moston.

Assuming that the homes on sites LPS 42 and 45 are evenly distributed across the sites' land areas, the number of new homes expected on Site LPS 42 (185) is probably a reasonable approximation to the total number of LPS 42 and LPS 45 homes that will be on the Moston side of the current boundary.

The Sandbach-Moston expansion area includes the major housing developments on the former Albion Inorganic Chemicals site and a small number of existing properties along the A533. There are two developments at this location, one involving 120 new homes and one involving 371 new homes.<sup>39</sup> A total of 95 homes were built on these sites during 2010-18 and 379 more are expected by 2025.

Besides the new build homes already completed on the Albion Chemicals land, Ordnance Survey and Google Maps data shows around five residential buildings in existence elsewhere in the expansion area, all of them alongside the A533.

Hence it is expected that the Sandbach-Moston expansion area will contain a total of 479 houses (5 + 95 + 379) by 2025.

Moston parish as a whole is coterminous with a single Output Area (E00092812). Office for National Statistics housing stock data indicate that this area had 164 residential properties in 2010. The Borough Council's housing database records show that 105 more were built during 2010-18 and a further 568 homes are expected during 2018-25. This gives an expected total of 837 homes (164 + 105 + 568) by 2025.

Hence the Middlewich-Moston expansion area is estimated to contain around 22 per cent (185 / 837) of Moston's final (2025) housing stock and the Sandbach-Moston expansion area is forecast to contain 57 per cent (479/837) of the parish's 2025 housing stock.

Moston is forecast to have 1,456 electors by 2025.

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<sup>38</sup> Housing database site reference number 4958.

<sup>39</sup> Housing database site reference numbers 2360 and 6434.

Assuming the two expansion areas' percentage shares of these electors are the same as their shares of the parish's properties, the Middlewich-Moston expansion area is expected to contain 322 (22 per cent) of the Parish's electors by 2025 and the Sandbach-Moston expansion area is expected to contain 833 (57 per cent) of the Parish's electors.

Hence the forecasts indicate that Moston's electorate would:

- fall by 322, to 1,134, if the Middlewich-Moston expansion area were assigned to Middlewich, but the boundary with Sandbach were left unchanged.
- fall by 833, to 623, if the Sandbach-Moston expansion area were assigned to Sandbach, but the boundary with Middlewich were left unchanged.

fall by 1,155, to 301, if the Middlewich-Moston expansion area were assigned to Middlewich and the Sandbach-Moston expansion area were assigned to Sandbach.

### **Over Alderley**

Local Plan Strategy Site LPS 61 involves the redevelopment of the Alderley Park site, partly for housing. This site lies largely within Nether Alderley Parish, but also extends into Over Alderley.

381 houses are due to be built on LPS 61, 356 on the Nether Alderley side and the other 25 within Over Alderley. The CGR forecasts for the two parishes, which were produced in 2019, reflect expectations about the Alderley Park site at that time: namely that only 316 of these dwellings (all of them on the Nether Alderley side) would be completed by 2025, with the remaining 40 dwellings being completed between 2026 and 2030; the 25 houses due for completion on the Over Alderley side have yet to gain planning permission.

Hence the extent of the completed development may not cut across the existing parish boundary until after the end of the CGR forecast period. Even so, it is not ideal to have parish boundaries that will, in time, split estates or other communities into two. Therefore there is a case for amending the parish boundary so that LPS 61 falls entirely within Nether Alderley. The expansion area that could potentially be moved from Over Alderley to Nether Alderley makes use of available natural boundaries: specifically, its eastern extent runs east along Hocker Lane, then turns south down the lane (to Higher Park Farm) that links Slade Lane to Birtles

Lane, then follows Birtles Lane southwest and turns slightly into the track to The Wall House, where it converges with the Henbury Parish boundary.

Ordnance Survey and Electoral Register data indicate that the expansion area currently contains an estimated 53 properties (28 on Hocker Lane, 11 on Birtles Lane and 14 at Birtles Hall).

By 2025, Over Alderley Parish is forecast to contain 148 residential properties, with 53 (36 per cent) of these in the expansion area. According the Council's housing database extract that was used for the 2019 CGR forecasts, there is only one additional house in this area is due for completion during the 2018-25<sup>40</sup>, but this dwelling was completed in early 2019 and so it is assumed that this property is already included among the 53 existing properties.

Over Alderley Parish is coterminous with a single Output Area: E00093860. According to ONS dwelling stock data, this OA had 143 houses as of 2010, with three more completions during 2010-18 and two expected during 2018-25. Hence the parish is expected to have 148 properties by 2025.

By 2025, the expansion area's houses will therefore equate to an estimated 36 per cent (53/148) of the parish's housing stock.

Assuming the expansion area's percentage share of these electors is the same as its share of the parish's properties, the expansion area is expected to contain 93 (36 per cent) of the parish's electors by 2025. Hence it is expected that Over Alderley's electorate would fall by 93, to 166, if the expansion area were assigned to Nether Alderley.

## Rope

There is a small area of recent housing development in Rope that is effectively an overspill from Shavington village. This expansion area covers the area between the parish boundary (to the south) and the A500 dual carriageway to the north, with the A road acting as a barrier to further expansion. Ordnance Survey and Google Maps data indicate around 50 properties in this location. The (limited) address information on Google Maps tallies with some of the addresses for the 47 properties built on a single site<sup>41</sup> in this area during 2010-18. On this basis (and in the absence of further information), it seems reasonable to assume that the buildings shown on Ordnance Survey and Google Maps data equate to the 47 homes in the Council's own housing database records.

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<sup>40</sup> Housing database site reference number 4701.

<sup>41</sup> Housing database reference number 3379.

Rope parish is coterminous with six Output Areas: OAs E00093380 to E00093385 inclusive. Office for National Statistics housing stock data indicate that these areas collectively had 828 homes in 2010. The Council's housing database records show a further 62 homes being built during 2010-18 (and no others expected between 2018 and 2025). Hence the parish is estimated to have 890 (828 + 62) properties at present, with no further homes expected by 2025.

Hence the expansion area accounts for an estimated 5 per cent (47/890) of Rope's 2025 housing stock. Rope is forecast to have 1,833 electors by 2025. Assuming the expansion area's percentage share of the parish's electors is the same as its share of the parish's properties, the expansion area will have an estimated 97 electors (1,833 x 5 per cent) in 2025. If this area is transferred to Shavington parish, the rest of Rope will therefore have an estimated 1,736 electors (1,833 minus 97).

There is also a case for redrawing the rest of the Shavington-Rope boundary (further south), so it aligns with A500 and this forms part of Cheshire East Council's recommendation. However, this area does not contain any houses and nor is any residential development expected there by 2025.

## Sandbach

The southern edge of Sandbach is affected by the outward expansion of the Wheelock Heath/ Winterley area, which is part of Haslington parish. The expansion area includes the overspill of Wheelock Heath into Sandbach and uses the natural boundary of the A534 (Wheelock-Haslington bypass) as its northern limit.

Based on Google Maps and Ordnance Survey data, this expansion area includes 59 existing houses (27 of them mobile homes): of these, 52 are in Wheelock Heath and the other seven are alongside or north of Mill Lane. Only one additional home (in Wheelock Heath) is expected to be built by 2025.<sup>42</sup>

Sandbach Town Council is coterminous with 59 OAs (E00093004 to 62 inclusive). According to ONS housing stock data, these OAs had a total of 8,050 as of 2010 and the Borough Council's housing database indicates 1,699 completions with the Town

<sup>42</sup>Housing database reference number 2822. This site involves the completion of four properties, which were (at the time the CGR forecasts were produced) due to be finished by 2019. However, at the time that the forecasts for this expansion area were being calculated, Ordnance Survey maps showed only three completed houses at this location.



Council boundary during 2010-18 and a further 1,265 expected during 2018-25. Hence Sandbach is predicted to have 11,014 houses by 2025.

Hence the whole expansion area is estimated to contain only 0.5 per cent (60/11,014) of Sandbach's 2025 total housing stock. Sandbach is forecast to have 18,507 electors by 2025. Assuming the expansion area's percentage share of the Town Council's electors is the same as its share of the Council's properties, the expansion area will have an estimated 101 electors (18,507 x 0.5 per cent). This expansion area is entirely within Sandbach Ettiley Heath and Wheelock ward and this ward would therefore have 101 fewer electors in 2025 (4,276 rather than 4,377) if this boundary were changed. Sandbach as a whole would have 18,406 electors (18,507 minus 101) if this boundary were changed.

## Shavington

### Shavington boundary with Crewe

Shavington's Gresty Brook parish ward consists entirely of part of the Crewe conurbation. The housing in Gresty Brook is well established and there has been no new development there since pre-2010 and no more is expected up to 2025.

However, Crewe is also expanding into the northern part of Shavington Village parish ward. There is a significant housing stock in this part of the parish already and major new developments are expected up to 2025. One housing site within LPS 3 (Basford West, Crewe) saw 114 homes completed during 2010-18, with a further 241 expected between 2018 and 2025.<sup>43</sup> Other sites in this part of Shavington involved the completion of 91 homes during 2010-18, with nine more expected between 2018 and 2025.<sup>44</sup> In total, therefore, 455 new homes are expected in the northeastern part of Shavington parish between 2010 and 2025.

This existing and expected future development covers all parts of the parish that lie north of the A500, apart from the rural area that is south of Gresty Lane and west of Crewe Road. The latter area contains only one residential property, Brook Farm. However, it is logical to regard this rural land as part of the same expansion area, as the A500 forms a natural southern boundary. Hence the total expansion area is taken as all the land area in Shavington parish that lies north of the A500, i.e. including the whole of the Gresty Brook Parish Ward but also a large part of Shavington Village parish ward.

This expansion area equates to virtually all the current and expected housing in three Output Areas (OAs): E00093088 (part of Gresty Brook Parish Ward), E00093089 (the rest of Gresty Brook Parish Ward) and E00093327. However, Ordnance Survey and

<sup>43</sup> Housing database site reference number 3498.

<sup>44</sup> Housing database site reference numbers 2901, 2921, 5981 and 6348.



Google Maps data shows around 25 properties in E00093327 that are south of the A500 (on the edge of Shavington village urban area).

According to Office for National Statistics (ONS) housing stock data, the three OAs containing the expansion area had a total of 364 homes in 2010. Adding on to this the Borough Council's housing database records on the number of expected new homes (455 during 2010-25) gives a total of 819 houses by 2025. If the estimated number of E00093327 properties outside the expansion area (25) is deducted from this, that leaves a total of 794 properties within the expansion area.

Shavington Parish as a whole is coterminous with 16 OAs: E00093088, E00093089 and E00093323 to E00093336. ONS housing stock data and the Borough Council's housing database indicate that this area had 2,048 homes in 2010, with 489 additional properties built between 2010 and 2018 and 725 more due for completion during 2018-25.<sup>45</sup> Hence the parish's housing stock is forecast to increase to 3,262 (2,048 + 489 + 725) by 2025.

Hence the expansion area accounts for an estimated 24 per cent ( $794/3,262$ ) of the parish's 2025 housing stock. Shavington is forecast to have 5,513 electors by 2025, with 4,972 of these electors being in the Village parish ward. Assuming the expansion area's percentage share of the parish's electors is the same as its share of the parish's properties, the expansion area will have an estimated 1,342 electors ( $5,513 \times 24$  per cent) in 2025 and the rest of the parish will have the remaining 4,171 (5,513 minus 1,342).

### **Shavington boundary with Wybunbury**

Residents of the part of Shavington parish that is south of Newcastle Road (including houses on the southern side of that road) identify as being part of Wybunbury. Hence there is a case for redrawing the boundary along Newcastle Road. Ordnance Survey data indicate that there are an estimated 58 existing houses in this area and the Borough Council's housing database records indicate a further five housing completions (all at one site)<sup>46</sup> are expected by 2025, giving an estimated total of 63 properties by 2025.

As noted earlier, Shavington parish is expected to have 3,262 homes and 5,513 electors by 2025, so the 63 houses south of Newcastle Road account for 2 per cent of the Parish's housing stock. Assuming the average number of electors per property is

<sup>45</sup> These figures include a site where four homes are due to be built during 2018-25 (housing database reference number 4997). This site falls within Wybunbury if Output Area boundaries are used, but (due to slight mismatches in boundaries) is within Shavington if (as for the 2019 CGR forecasts) borough ward boundaries are used. For consistency, the site has been allocated to the same parish here as in the original forecasting work.

<sup>46</sup> Housing database site reference number 5491.

same in this area as elsewhere in the parish, that means 106 electors (5,513 x 2 per cent) would be affected if the boundary were changed.

## Somerford

Somerford is affected by the outward expansion of Congleton. The new Congleton Link Road (up to the point where it bends sharply eastwards) and the northern part of Chelford Road (including all farms and residential properties on the western side of this stretch of road) is taken as a natural boundary for the expansion area.

Somerford is coterminous with two Output Areas (OAs): E00092804 and E00092805. The outward expansion of Congleton into Somerford covers the whole of E00092804 and several sites within E00092805.

Office for National Statistics housing stock data and the Borough Council's housing database records show that E00092804 had 58 homes in 2010, with seven more built during 2010-18 and a further 188 expected between 2018 and 2025. The latter figure consists entirely of homes being built on part of Site LPS 26 (Back Lane/ Radnor Park, Congleton).<sup>47</sup> Hence this OA is expected to have 253 houses (58 + 7 + 188) by 2025.

The expansion area sites within E00092805<sup>48</sup> involve the completion of 250 homes during 2010-18 and a further 371 between 2018 and 2025, giving a total of 621 built since 2010. The expansion area part of E00092805 also includes:

- the westernmost part of Site LPS 26;
- the residential properties (including farms) on either side of Chelford Road and the eastern side of Sandy Lane;
- all residential properties (including farms) east of Chelford Road that are bounded by LPS 26 and Back Lane to the south and the parish boundary (with Hulme Walfield and Somerford Booths) to the north;
- a small area of additional land along the A54 that is west of Chelford Road, but on the inner (Congleton town) side of the Congleton Link Road route. There is one property (a farm) in this area.

<sup>47</sup> Housing database site reference numbers 5908 (185 homes during 2018-25) and 5611 (three homes).

<sup>48</sup> Housing database site reference numbers 347, 2194, 2541, 3429, 4369, 4691, 4736, 4957, 5224, 5556, 5909 and 6039. Note: For site reference 4691, the 2019 electorate forecasting work mapped 2010-18 completions (42 homes) to Somerford Parish, but mapped 2018-25 completions (28 homes) to Congleton. This may be due to the fact that the site's easting and northing place it virtually dead on the boundary between the two parishes. For consistency with modelling to date, this report treats the site's earlier completions as being in Somerford and its later ones as being in Congleton.

From Ordnance Survey and Google Maps data, it is estimated that there are a total of 23 existing residential properties on the western side of Chelford Road and 13 others on the eastern side (six of these near the junction with the A54 and the other seven north of Back Lane), plus (as noted earlier) the farm further west on the A54. These locations include six properties built during 2010-18. Hence it is estimated that the expansion area part of E00092805 contains around 31 homes ( $23 + 13 + 1 - 6$ ) that existed prior to 2010.

Adding these to the total of 621 post-2010 housing completions gives a total of 652 homes expected in the expansion area part of E00092805 by 2025.

Hence the whole expansion area is expected to have 905 homes ( $253 + 652$ ) by 2025.

Output Area E00092805 as a whole had 69 homes in 2010, with another 271 built during 2010-18 and 372 more expected during 2018-25, so a total of 712 homes ( $69 + 271 + 372$ ) are forecast for this OA by 2025. Adding this to the forecast number of homes for E00092804 gives a total for the whole parish of 965 homes ( $712 + 253$ ) by 2025.

Therefore the expansion area accounts for an estimated 94 per cent ( $905/965$ ) of the parish's 2025 housing stock. Somerford is forecast to have 1,719 electors by 2025. Assuming the expansion area's percentage share of the parish's electors is the same as its share of the parish's properties, the expansion area will have an estimated 1,612 electors ( $1,719 \times 94$  per cent) in 2025 and the rest of the parish will have the remaining 107 ( $1,719$  minus  $1,612$ ).

Under the new Congleton Town Council ward boundaries proposed by Cheshire East Council, the Somerford expansion area would be transferred to the new Ward 5 (provisional name Congleton North West).

## **Stapeley**

Nantwich has expanded significantly into Stapeley and is expected to continue doing so.

This area includes a 189-home development which is outside the Local Plan Strategy development area, but for which the developer won an appeal in July 2020. Therefore this housing site was not factored into the CGR electorate forecasts produced in 2019. However, the expansion area forecasts set out below do take account of this additional development. Following the appeal

verdict, the Borough Council estimates that 92 homes will be completed on this site by the end of 2025.<sup>49</sup> This housing site is located along the western side of the expansion area and is bounded by the A530 to the north, the A529 to the west and south and by the Stapeley Water Gardens housing development to the east.

Stapeley on its own is not coterminous with any group of Output Areas (OAs), as there are some OAs which each cover parts of both Batherton parish and Stapeley. However, the Batherton and Stapeley group of parishes covers exactly the same area as four OAs: E00093434, E00093435, E00093436 and E00093437. The past, current and expected future number of homes in these OAs (based on Office for National Statistics housing stock data and the Borough Council's housing database records) are summarised in the table below. All the figures in this table relate to housing within Stapeley parish, except where specified otherwise.

| OA        | Homes in 2010 | Housing completions, 2010-18 | Housing completions, 2018-25 | Homes in 2025 (sum of previous 3 columns) |
|-----------|---------------|------------------------------|------------------------------|---|
| E00093434 | 329           | 269                          | 74                           | 672                                       |
| E00093435 | 773           | 6                            | 96*                          | 875                                       |
| E00093436 | 84            | 0                            | 3**                          | 87  |
| E00093437 | 77            | 0                            | 0                            | 77  |
| Total     | 1,263         | 275                          | 173                          | 1,711                                     |

\*Includes expected completions (92 up to 2025) on the 189-home development site outside the Local Plan Strategy development area and three completions at a site in Batherton parish.

\*\*Includes two completions at a site in Batherton parish.

All of the 77 homes in E00093437 and the vast majority (roughly 90%) of the 672 homes in E00093434 are part of the expansion area. So too are the vast majority (roughly 95 per cent) of all the 773 homes in E00093435 that were built up to 2010; the 189-home site won on appeal in 2020 (with its expected 92 completions by 2025) is also within this OA, but none of the other post-2010 housing completions in this OA fall within the expansion area. Hence the estimated total number of homes in the expansion area (by 2025) is  $77 + (0.9 \times 672) + (0.95 \times 773) + 92 = 77 + 605 + 734 + 92 = 1,508$ .

<sup>49</sup> The planning application references for this development are 12/3747N and 12/3746N.

For the Batherton and Stapeley group of parishes as a whole, the estimated number of homes by 2025 is 1,711, as shown in the table above. Hence the number of homes outside the expansion area is 203 (1,711 minus 1,508).

Therefore an estimated 88 per cent (1,508/1,711) of Batherton and Stapeley's 2025 housing stock is inside the expansion area.

The 2019 CGR forecasts put the 2025 electorate at 2,921 in Stapeley and 44 in Batherton, giving a total of 2,965. However, as noted above, this excludes the houses that will be built on the additional 189-home site won on appeal. Assuming these homes have (on average) 1.637 electors per property – the same as the average for the local borough ward (Nantwich South and Stapeley), that implies an extra 151 electors (1.637 x 92) living on this site by 2025. Hence the updated forecast is 3,072 (2,921 + 151) electors for Stapeley and 3,116 (3,072 + 44) electors for the Batherton and Stapeley group of parishes as a whole.

Assuming the expansion area's percentage share of the parish group's electors is the same as its share of the parish group's properties, there would be an estimated 2,746 electors (3,116 x 88 per cent) in the expansion area and 370 electors (3,116 minus 2,746) outside it. As the 370 electors outside the expansion area include the whole of Batherton (44 electors), it follows that an estimated 326 (370 minus 44) of Stapeley's electors would be outside the expansion area.

## Styal

Styal is affected by the outward expansion of Handforth.

Local Plan Strategy site LPS 34 (Land Between Clay Lane and Sagars Road, Handforth), which is just on the Styal side of boundary with Handforth, involves a 249-home development<sup>50</sup>. No houses were built on this site prior to 2018, but 185 are expected during 2018-25. However, no other homes, either existing or expected, are within this boundary area. LPS 34 therefore constitutes the Handforth-Styal expansion area.

Estimating the numbers of homes outside this expansion area – something that is necessary in order to estimate the numbers of electors inside and outside this area – is complicated by the fact that the Styal parish boundary is not coterminous with Output Area (OA) boundaries.

<sup>50</sup> Housing database site reference number 3527.

However, two OAs, E00094140 and E00094150, are completely within Styal. Office for National Statistics housing stock data and the Borough Council's housing database records indicate that these areas had a total of 297 homes in 2010, with eight more houses completed during 2010-18 and a further 189 expected during 2018-25. This makes a total of 494 residential properties (297 + 8 + 189) by 2025.

A third OA, E00094139, includes the rest of Styal Parish, but also a significant part of Wilmslow. The area covered by this OA had only two homes built on its Styal side during 2010-18 and only two more expected on this side during 2018-25.<sup>51</sup> Ordnance Survey data indicates only four existing residential properties (all farms) on this side of the parish boundary. It is therefore assumed that the Styal part of this OA will have only eight homes (4 + 2 + 2) by 2025, making a total of 502 (494 + 8) for Styal as a whole.

Hence the expansion area will account for an expected 37 per cent (185/502) of the Parish's homes by 2025.

Styal's electorate is forecast to be 896 by 2025. Assuming the expansion area's percentage share of the parish's electors is the same as its share of the parish's properties, it is estimated that the expansion area will have 330 electors (896 x 37 per cent), with the rest of Styal containing the other 566 (896 minus 330).

Under the Borough Council's proposal for Handforth, Wilmslow and Chorley to be merged, the Styal expansion area would become part of the new Handforth ward on the new council.

## Sutton

Sutton Lyme Green is the only one of Sutton's parish wards that is affected by the outward expansion of Macclesfield. Even allowing for all expected development up to 2025, there will still be undeveloped land separating Macclesfield from Sutton's other wards.

Sutton Lyme Green ward includes development on Site LPS 17 (Gaw End Lane, Macclesfield)<sup>52</sup> and a single-home site due for completion during 2018-25.<sup>53</sup> There were no homes built on LPS 17 up to 2018, but 148 houses are expected during 2018-25 and 310 eventually. The parish ward also includes part of Site LPS 13 (South Macclesfield Development Area), but no completions are

<sup>51</sup> Housing database site reference numbers 3979, 5071, 5757 and 5898.

<sup>52</sup> Housing database site reference number 3512.

<sup>53</sup> Housing database site reference number 6285.

expected on this part of LPS 13 before 2025. Hence the parish ward is expected to see its stock of homes increase by 149 during 2010-25.

These residential developments collectively, along with existing commercial development on the edge of Macclesfield, will anchor Sutton Lyme Green Parish Ward's residential areas firmly to the Macclesfield urban area.

The only residential part of Lyme Green that would not be adjoined to the Macclesfield conurbation is a cluster of buildings in the northeast of the parish ward. In this location, Ordnance Survey and Google Maps data indicate six separate properties that appear to be residential. However, the parish ward boundary provides a more natural and clearly defined limit to the expansion area than any dividing line between this handful of properties and the rest of Sutton Lyme Green. Consideration also has to be given to the relatively limited benefits of making alternative electoral arrangements for such a small area of land involving so few of the parish ward's electors.

The expansion area therefore covers all land within Lyme Green Parish Ward.

Office for National Statistics housing stock data indicate that the two Output Areas (OAs) that make up Lyme Green ward (E00094078 and E00094079) had a total 313 homes as of 2010. Adding on the Council's housing database records of the expected number of housing completions (149 new homes up to 2025) gives a forecast of 462 homes in Lyme Green by 2025.

According to the CGR electorate forecasts produced in 2019, the parish ward is forecast to have a total of 821 electors by 2025.

Sutton Parish as a whole is expected to have 2,666 electors by 2025 under current boundaries, so this would fall by 821, to 1,845, if the expansion area were transferred to Macclesfield.

## Tabley

Tabley is affected by the outward expansion of Knutsford. More specifically, Local Plan Strategy Site LPS 36A (Land North of Northwich Road, Knutsford) extends both sides of the Knutsford-Tabley parish boundary. This site was not included in the 2019 CGR electorate forecasts, as no development was expected over the 2018-25 period at the time those forecasts were produced. However, more recent information indicates that 175 houses (the total number that the site allows for) will be built there by 2025. Roughly 60 per cent of the site area is on the Tabley side of the current boundary and 40 per cent on the Knutsford side.



The extent of the expansion area is based on natural boundaries: it is bounded by Northwich Road to the south, the M6 to the west and Tabley Hill Lane to the north. It excludes the non-residential development (adjacent to the motorway service station) that is on the southern side of Northwich Road.

As such, the expansion area includes a swathe of rural land to the west of LPS3 6A. Analysis of Ordnance Survey data, along with the information available on Google Maps, indicates that this rural land currently includes only two farms and no other residential properties.

The original CGR forecasts indicated that Tabley would have 442 electors by 2025. Assuming that, for the new development at LPS 36A, the average number of electors per property is the same as for Knutsford borough ward (1.679), the expected number of electors living in the new homes is 294 ( $175 \times 1.679$ ). Furthermore, assuming that this housing is evenly distributed across the site area (i.e. around 60 per cent of the site's properties are on the Tabley side of the current boundary) and assuming the same electors-per-property ratio on both sides of the boundary, it is expected that Tabley will contain 176 ( $294 \times 60$  per cent) of these electors and the other 118 will be in Knutsford.

Assuming (for simplicity) that the expansion area's existing properties (the two farms) also have the same number of electors per property as Knutsford borough ward average, that implies a further three electors ( $2 \times 1.679$ ) in this area.

Hence an updated (2020) forecast is that the area covered by Tabley will have 618 electors by 2025, 179 ( $176 + 3$ ) of them in the expansion area (the part of site LPS 36A currently within Tabley) and 439 (618 minus 179) elsewhere in the Parish.

Under the Cheshire East Council's proposal for new (redrawn) Knutsford Town Council wards, the Tabley expansion area would become part of the redrawn Nether ward on the Town Council.

## **Weston**

### **Weston boundary with Chorlton**

There is a case for redrawing the boundary between Chorlton and Weston, so that the whole of Wychwood Park is brought within a single parish. Moving the boundary between Chorlton and Weston to the A531 would achieve this. The part of Weston that would be merged with Chorlton under this potential boundary change is entirely within Weston Wychwood parish ward.



Weston Wychwood is expected to have 860 electors by 2025. From Ordnance Survey data, it is estimated that the total number of existing dwellings in Wychwood Park area (all those in the parish ward south of A531) is 107 and the Borough Council's housing database records indicate that no more housing completions are expected by 2025. The local borough ward (Wybunbury) has an average of 1.870 electors per property expected by 2025. Applying this average to Wychwood Park implies that an estimated 200 electors ( $107 \times 1.870$ ) would be affected if the boundary were changed; Weston Wychwood's other 660 electors would remain in Weston.

### **Weston boundary with Crewe**

Only one of Weston's two parish wards, Weston Village, is affected by the outward expansion of Crewe.

Weston Village parish ward includes part of Site LPS 2 (Basford East, Crewe). Two major housing developments are due to be built within LPS 2 from 2018 onwards: one of these involves the completion of 185 homes during 2018-25 and a total of 490 eventually; the other involves 185 homes over the 2018-25 period and a total of 325 eventually.<sup>54</sup> In other words, a total of 370 new homes are expected by 2025. However, whilst the eastings and northings for these two developments are within Weston Village parish ward, LPS 2 also extends into Crewe Town Council and Basford parish.

Weston Village parish ward also includes part of Site LPS 8 (South Cheshire Growth Village, South East Cheshire) – as does Crewe Green parish - although no housing is expected on this site by 2025.

The part of LPS 2 that falls within Weston Village parish ward can therefore be seen as the Crewe-Weston expansion area. This area is bounded to the north by the railway line and to the east by the field boundary for LPS 2. Besides the new (post-2018) housing developments, this area contains no residential properties apart from Crotia Mill Farm. Assuming that the farm remains on the site, there will be an expected 371 ( $370 + 1$ ) homes in this expansion area by 2025.

Weston parish as a whole is coterminous with four Output Areas: E00093178, E00093179, E00093180 and E00093181. Office for National Statistics housing stock data and the Borough Council's housing database records indicate that the parish had 765 homes in 2010, with another 131 built during 2010-18 and 484 more expected during 2018-25. Therefore a total of 1,380 homes ( $765 + 131 + 484$ ) are forecast for the parish by 2025.

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<sup>54</sup> Housing database site reference numbers 5255 and 5477 respectively.

Hence the expansion area accounts for an estimated 27 per cent (371/1,380) of the parish's 2025 housing stock. Weston parish is forecast to have 2,578 electors by 2025, with 1,718 of these electors being in the Weston Village parish ward. Assuming the expansion area's percentage share of the parish's electors is the same as its share of the parish's properties, the expansion area will have an estimated 693 electors ( $2,578 \times 27$  per cent) in 2025 and the rest of the parish will have the remaining 1,885 (2,578 minus 693), with the latter figure consisting of all 860 Weston Wychwood parish ward electors and 1,025 (1,885 minus 860) Weston Village parish ward electors.

### **Weston boundary with Crewe Green**

There is a case for redrawing the boundary between Weston and Crewe Green, so that Site LPS 8 (South Cheshire Growth Village, South East Cheshire) falls entirely within Crewe Green parish, rather than being split between parishes. This could be achieved by moving the boundary between the two parishes southwards, to the A500 (but excluding Site LPS 2, which is an expansion of Crewe, as discussed above).

From Ordnance Survey and Google Maps data, it is estimated there are 22 houses in this area (namely everything in Weston north of the A500, except Site LPS 2). These are all existing properties and the Borough Council's housing database records show no further housing completions are expected up to 2025. The local borough ward (Haslington) has an expected average ratio of 1.894 electors per property by 2025 and applying that ratio to the 22 houses gives a total of 42 electors ( $22 \times 1.894$ ). Hence an estimated 42 electors would be transferred from Weston to Crewe Green if this boundary change were made.

### **Woolstanwood**

Woolstanwood is affected by the outward expansion of Crewe. Virtually all of Woolstanwood's existing housing is already part of the same urban conurbation as Crewe and this is a consequence of the town's expansion. The expansion area includes a small part of Site LPS 4 (Leighton West, Crewe), although no house-building has occurred or is expected here until after 2025. Similarly, for the parish as a whole, all the housing stock dates from pre-2010 and no new homes are anticipated until after 2025.

Office for National Statistics housing stock data are not available for the expansion area itself, nor for any close approximation to it. However, the part of the parish outside the expansion area is rural and very sparsely populated, with Ordnance Survey data showing only a handful of farms and other residential properties, most of them facing the western side of the A530. It is therefore simpler to estimate the number of properties and electors in the expansion area by aggregating the number of homes in the residual rural area and deducting that from the parish total.

Google Maps and Ordnance Survey data suggest that this rural area – the part of the parish west of the A530 - contains around 30 residential properties.

Woolstanwood parish consists of two Output Areas, E00093289 and E00093290. Office for National Statistics housing stock data indicate that these OAs had a total of 287 houses in 2010. With the Borough Council's housing database records showing no new homes being built during the 2010-25 period, the expected number of properties in the Parish in 2025 is also 287.

Hence the number of residential properties in the expansion area is estimated to be 257 (287 – 30), or 90 per cent of the parish's total housing stock.

Woolstanwood is forecast to have 556 electors by 2025. Assuming the expansion area's percentage share of these electors is the same as its share of the parish's properties, the expansion area is expected to contain 498 (90 per cent) of the parish's electors by 2025. Hence it is expected that Woolstanwood's electorate would fall by 498, to 58, if the expansion area were assigned to Crewe.

## Appendix 3: Calculation of electorate forecasts for proposed new Congleton and Knutsford wards

### Congleton

As set out in Section 4.4, the proposed new Congleton wards would consist of the following polling districts (all currently within Congleton Town Council) and relocated areas of Eaton, Hulme Walfield and Somerford Booths and Somerford:

- Ward 1 (provisional name North East): polling districts COB1, COB2, CON1, CON2, CON3, and CON4 and the part of Eaton Parish east of the A536 that is recommended for transfer to Congleton.
- Ward 2 (provisional name East): polling districts COS1, COS2, COS3 and COS4.
- Ward 3 (provisional name Central): polling districts COC1, COC2, COC3.
- Ward 4 (provisional name South West): polling districts COW1, COW2, COW3 and COW4.
- Ward 5 (provisional name North West): polling districts CNW2 and CNW3, the part of Eaton Parish west of A536 that is recommended for transfer to Congleton and the parts of Hulme Walfield and Somerford Booths and Somerford parishes that are recommended for transfer to Congleton.

The 2025 elector forecasts for each of the proposed new Congleton wards were calculated by summing the original (2019) Community Governance Review forecasts for their respective polling districts (taken from the CGR Electorate forecasts technical report produced in 2019) and then constraining the resulting totals, so that the new wards covering the current Congleton Town Council East ward (Wards 1 and 2) summed to the electorate forecast for the current Congleton Town Council East ward (11,292 electors) plus the part of Eaton expansion area east of the A536 (154 electors) and those covering the current Congleton Town Council West ward (Wards 3, 4 and 5) summed to the electorate forecast for Congleton Town Council West ward (12,723 electors) plus the rest of the Hulme Walfield and Somerford Booths, Somerford and Eaton expansion areas (2,397 electors).

### Knutsford

The elector forecasts for each of the proposed new Knutsford wards were calculated by taking 2010 dwelling stock figures published by the Office for National Statistics (ONS) at Output Area (OA) level and assigning the ONS dwelling figures for each of Knutsford's 46 OAs to the new ward that they fell within. The Borough Council's housing database was then used to add on the number of net housing completions in each OA for the period 2010-20. In cases where an OA was split between two or more of the proposed new wards, Ordnance Survey data was used to estimate the number and percentage of properties in the affected OA that

fell with each ward and 2020 housing numbers were apportioned between wards on the basis of these percentages. The expected number of 2021-25 housing completions in each ward was calculated by mapping the site locations for these future developments, to see which wards they fell within. 2025 housing stock estimates for each ward were calculated by adding the 2021-25 completions figures to the 2020 housing stock estimates. The housing stock figure for the new Nether ward included both the existing (2020) housing stock in the Tabley expansion area (derived from Ordnance Survey data) and the expected future completions on site LPS 36A (as all of this site lies within the proposed new Nether ward). Elector forecasts for the new wards for 2025 were then estimated by taking each ward's share of the enlarged Town Council's 2025 housing stock and multiplying this by the total 2025 electorate forecast for the expanded Town Council.

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## Appendix 4: Calculation of electorate forecasts for Lower Peover Parish Group

This Appendix explains the calculation of the forecast for Lower Peover group of parishes (the only Parish Council that is split between Cheshire East and Cheshire West and Chester), as the original (2019) forecasts did not include the Cheshire West and Chester part of this Parish Council.

The Cheshire East part of Lower Peover, Peover Inferior parish, currently has three seats and is forecast to have an electorate of only 94 by 2025.

The Cheshire West and Chester part, Nether Peover parish, currently has four seats.

Given that it lies outside Cheshire East, the Community Governance Review (CGR) electorate forecasts produced in 2019 did not include a forecast for Nether Peover. However, Nether Peover had 342 electors as of 1<sup>st</sup> April 2020<sup>55</sup>. Using the same approach as for the 2019 CGR electorate forecasts, Cheshire East estimates that Nether Peover will have an electorate of 414 by 2025. This forecast of 414 electors is based on the following data and assumptions:

- An expected 1.1% decline – for all parishes covered by the CGR - in the average number of electors per property over the CGR review period. The 1.1% figure is based on Local Plan Strategy population and housing forecasts<sup>56</sup> which indicate a 1.1% fall in the average number of residents aged 17 and above per property, over the 2018-25 period. This would mean that the electorate in the existing (2020) housing stock falls to 338 ( $342 \times 0.989$ ) by 2025.
- Cheshire West and Chester's Planning Policy Team information indicating that (as of April 2020) 41 new homes are due to be completed in Nether Peover between 1<sup>st</sup> April 2020 and the end of 2025.<sup>57</sup>

<sup>55</sup> Figure provided by Democratic Services, Cheshire West and Chester, April 2020.

<sup>56</sup> Population and housing forecasts produced by Opinion Research Services (ORS) for the Cheshire East Housing Development Study 2015, ORS, June 2015.

<sup>57</sup> This may be an overestimate: at the time the data were provided, Cheshire West and Chester had not yet monitored actual completions over the year to end March 2020 and so it may be that some of the 41 homes had already been built by that time.

- The 2019 electorate forecasts putting the average number of electors per property in Chelford borough ward (the ward containing Peover Inferior) at 1.846 for 2025. Using this ratio as a proxy and applying it to the 41 extra properties leads to an estimate of 76 extra electors ( $41 \times 1.846$ ) during 2020-25.

When the estimated number of electors in the new homes (76) is added to the expected total electorate in existing properties (338 by 2025), this gives a total for the Nether Peover Parish of 414 electors. When the 2025 electorate forecast for the Peover Inferior (Cheshire East) Parish (94) is added to this, this results in an estimated overall total of 508 electors for the whole Lower Peover Parish Council by 2025.

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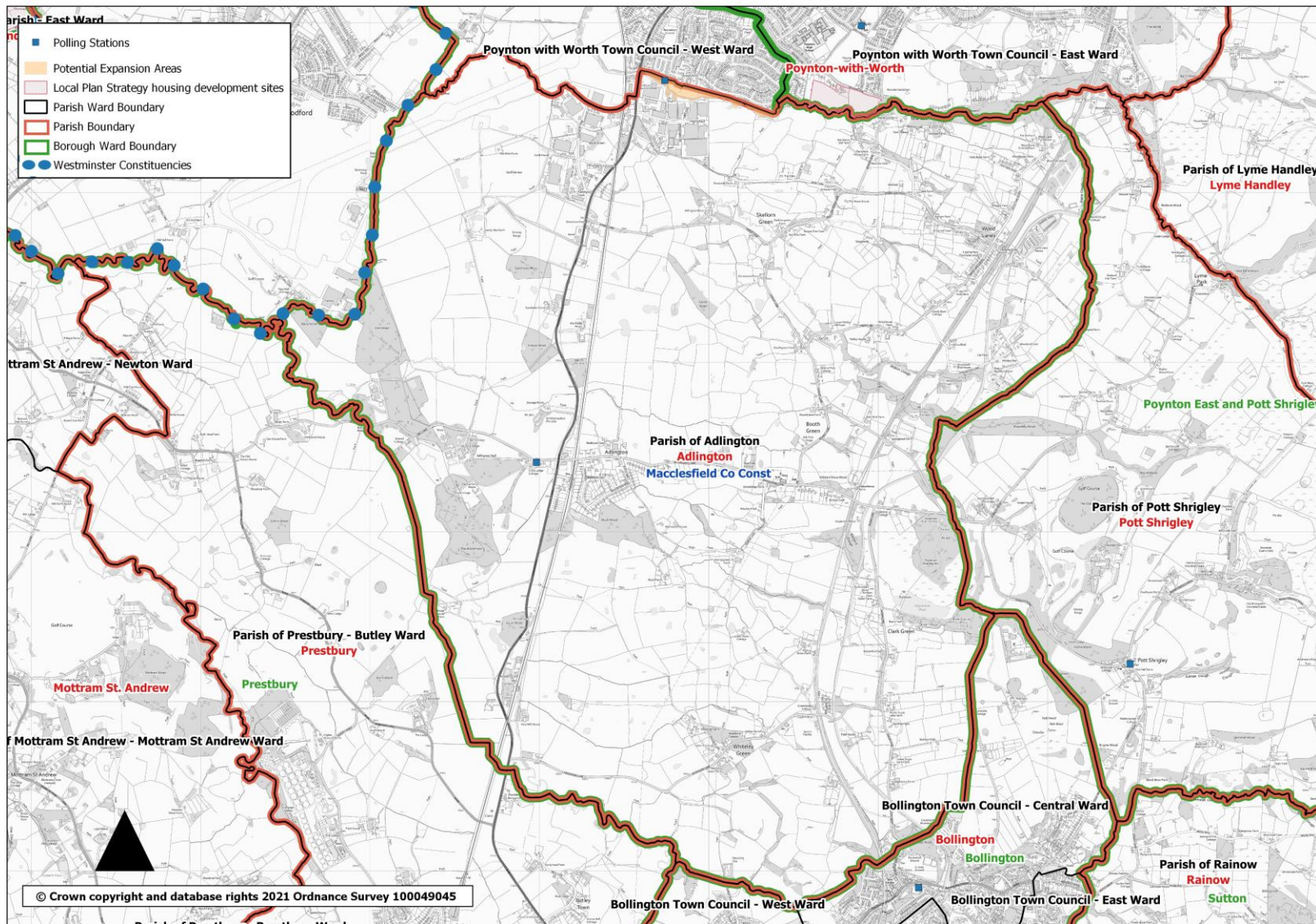
# **Cheshire East Council Community Governance Review Draft Recommendations**

**Production date: 22/03/21**

**Report produced by:**  
**[CommunityGovernance@cheshireeast.gov.uk](mailto:CommunityGovernance@cheshireeast.gov.uk)**

## **Appendix 5: Maps**

# Map 1: Adlington





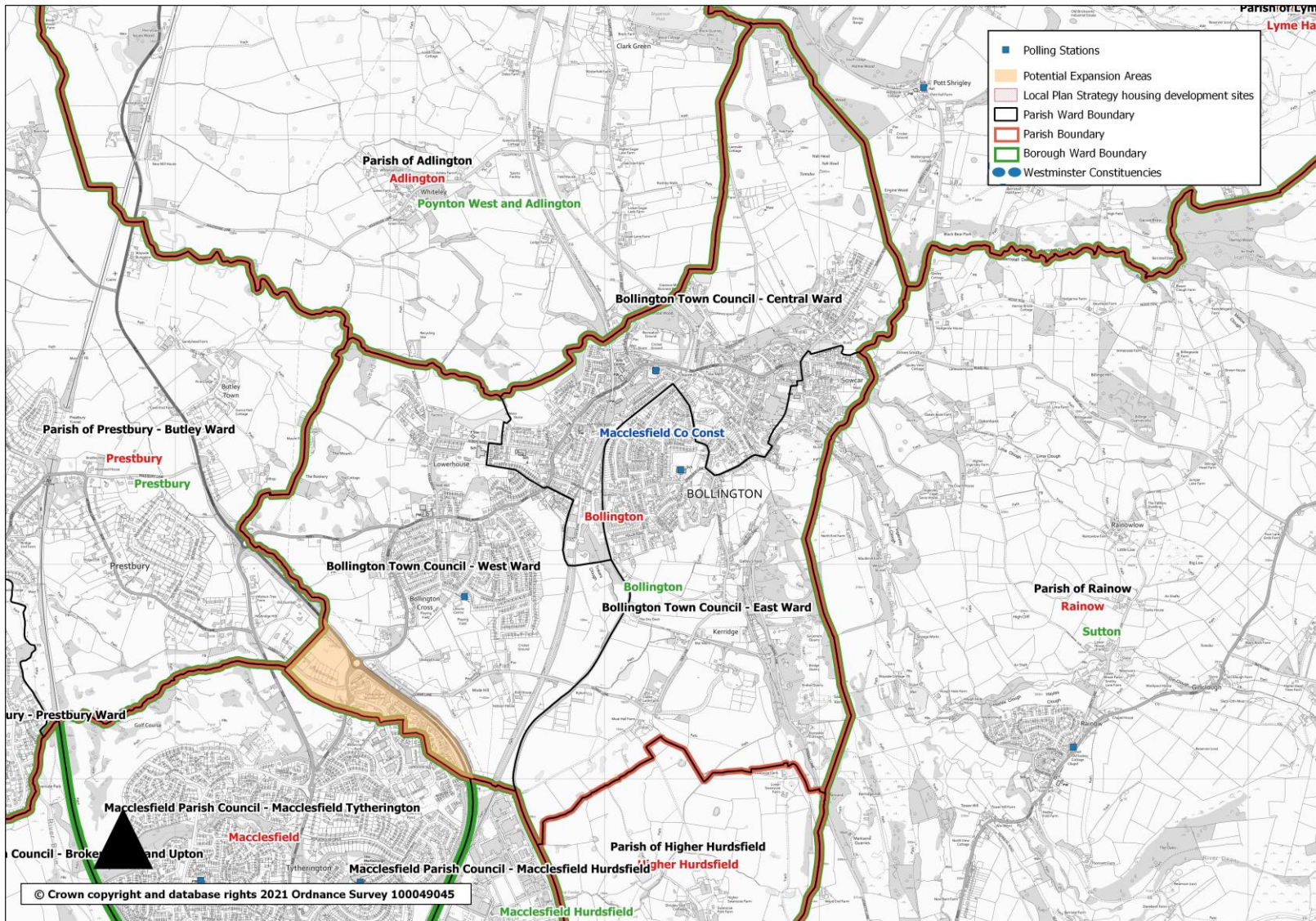






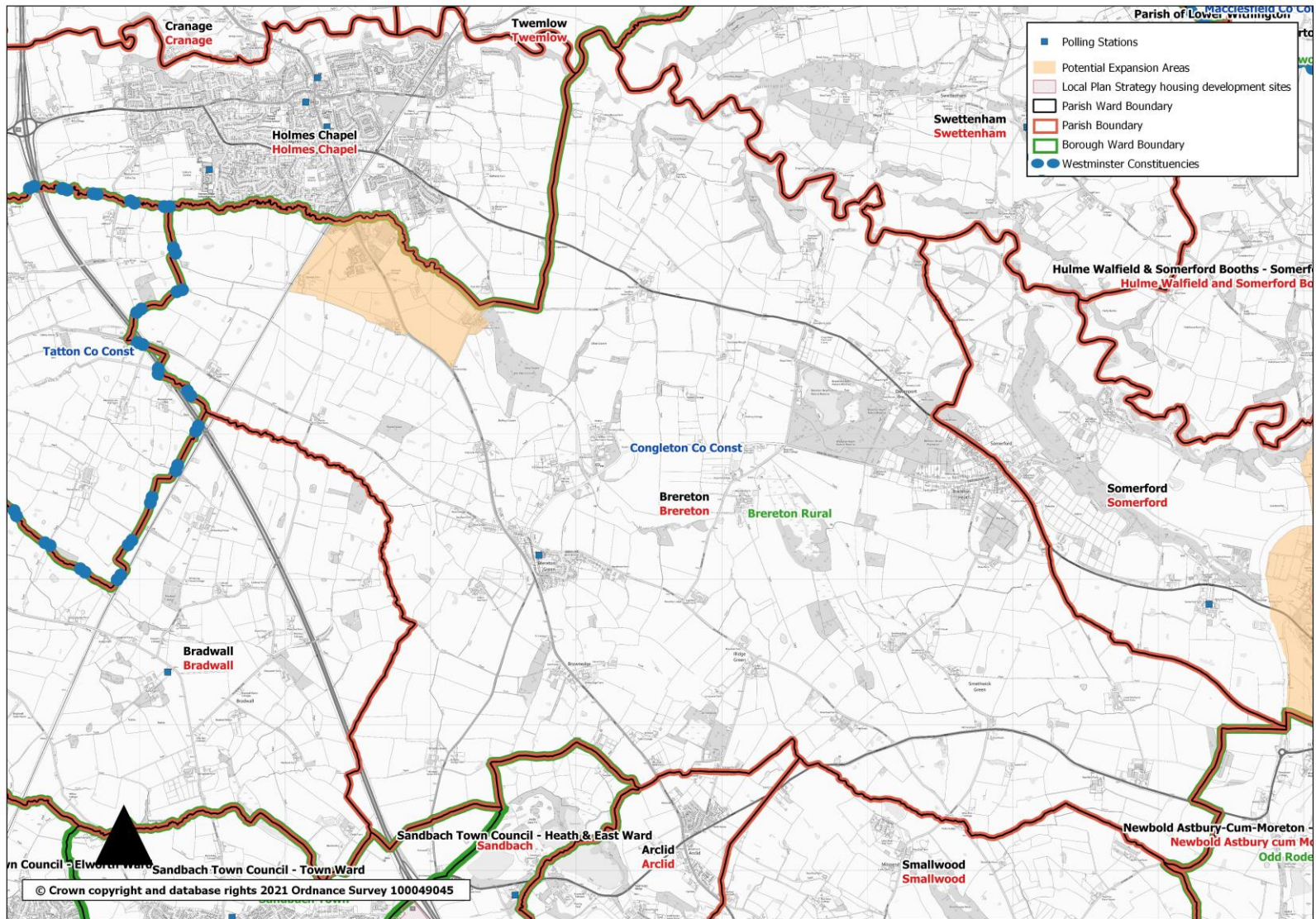


# Map 4: Bollington



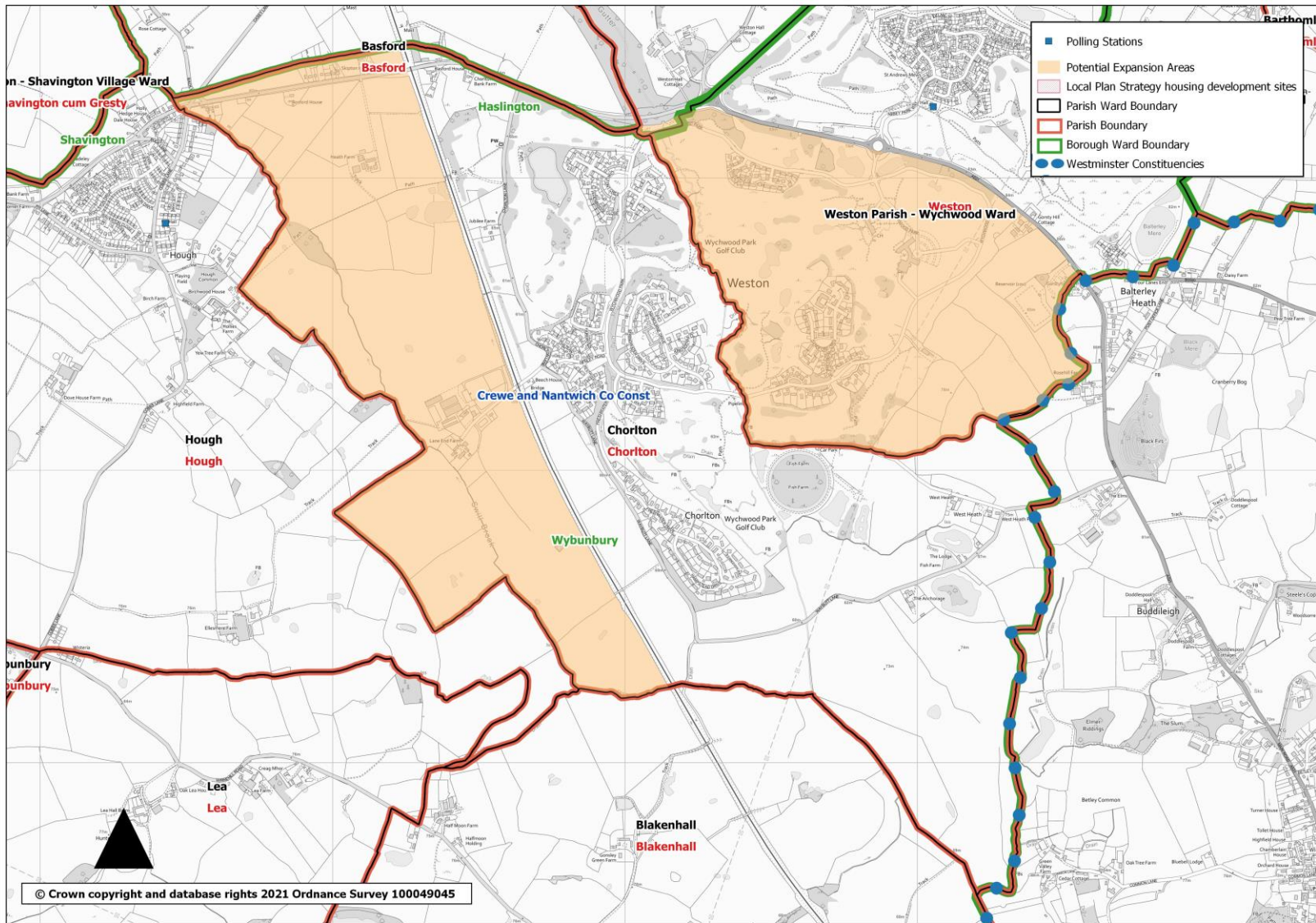


# Map 5: Brereton



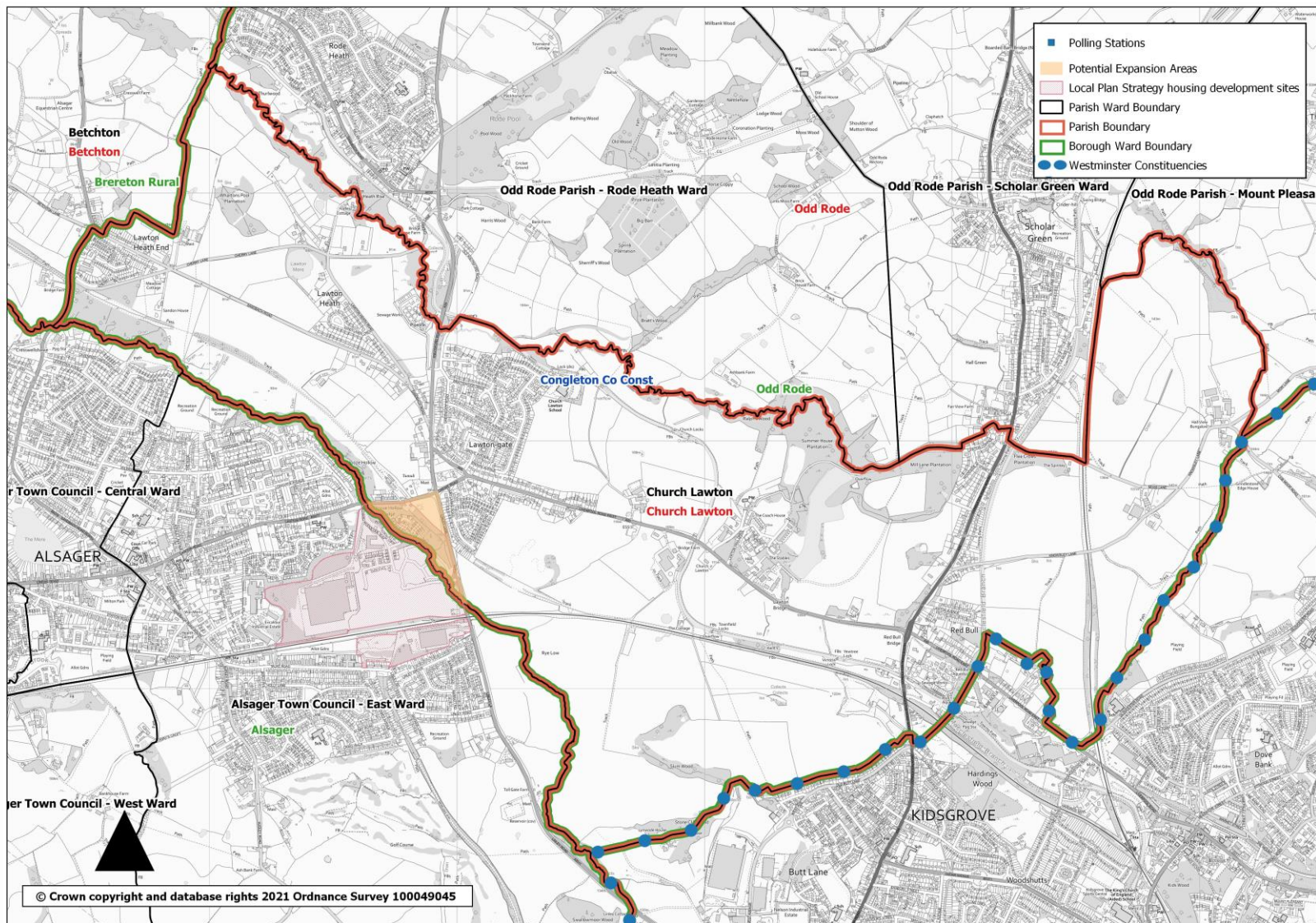


## Map 6: Chorlton



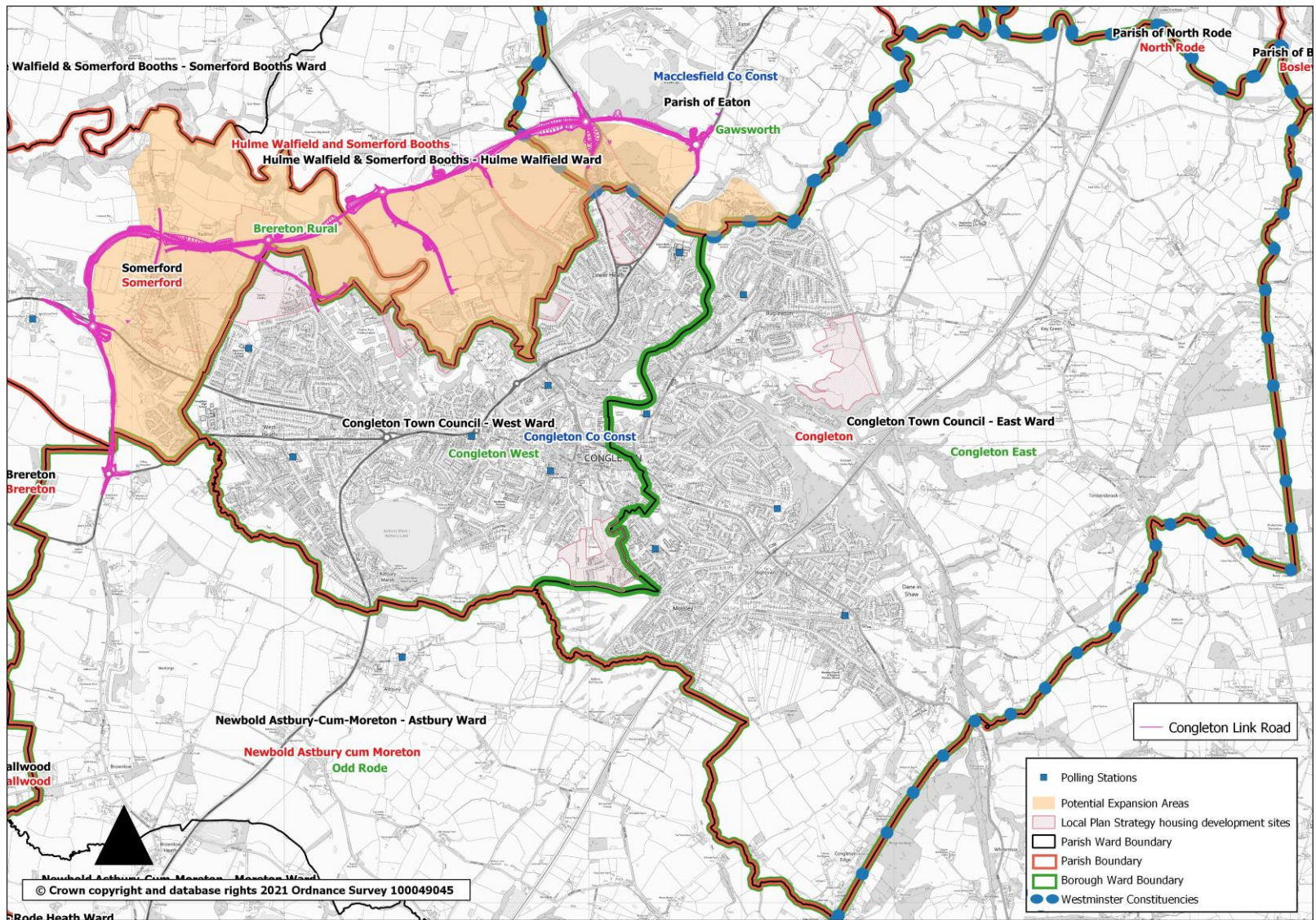


# Map 7: Church Lawton



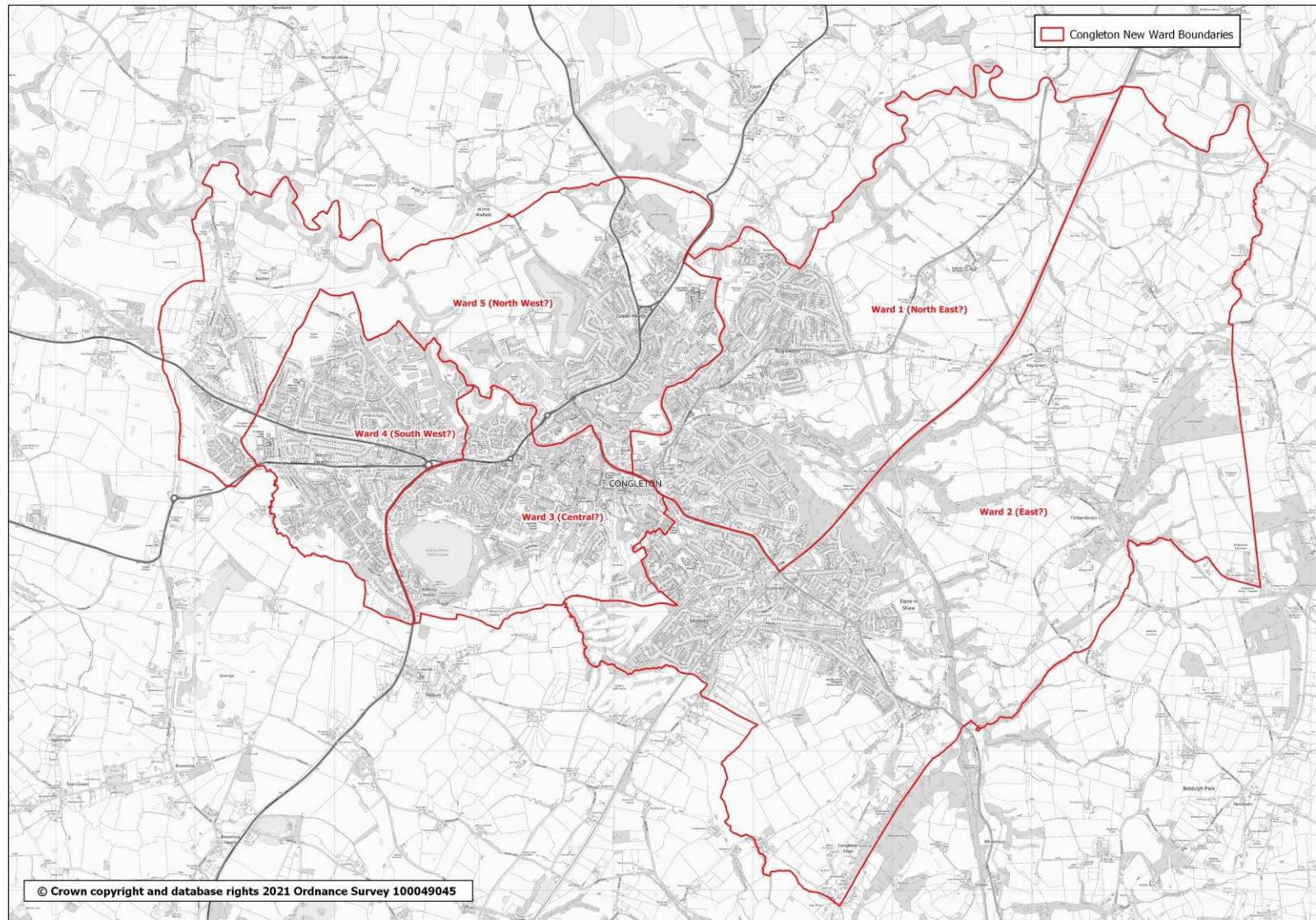


# Map 8a: Congleton





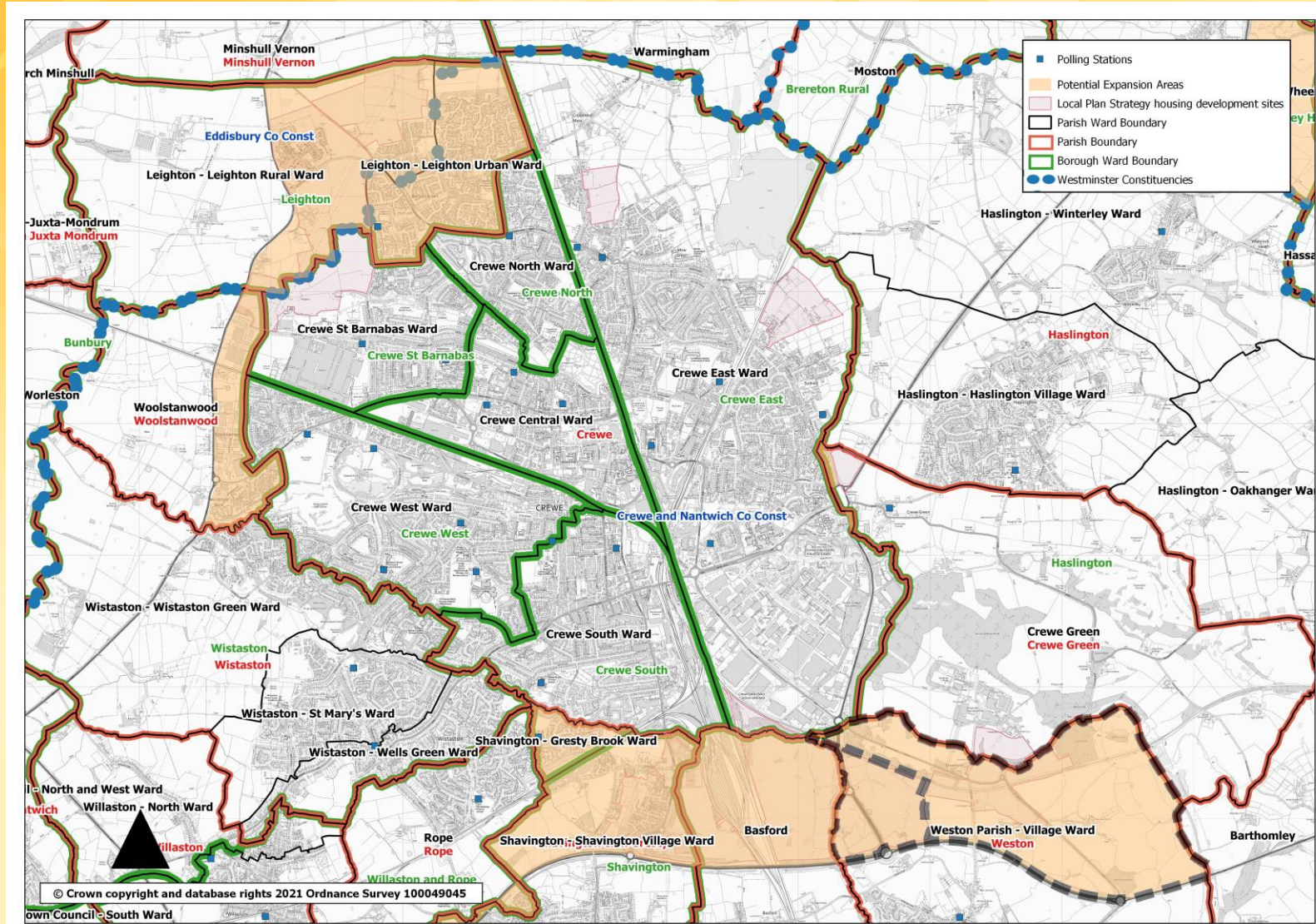
# Map 8b: Congleton – proposed new wards





## Map 9: Crewe

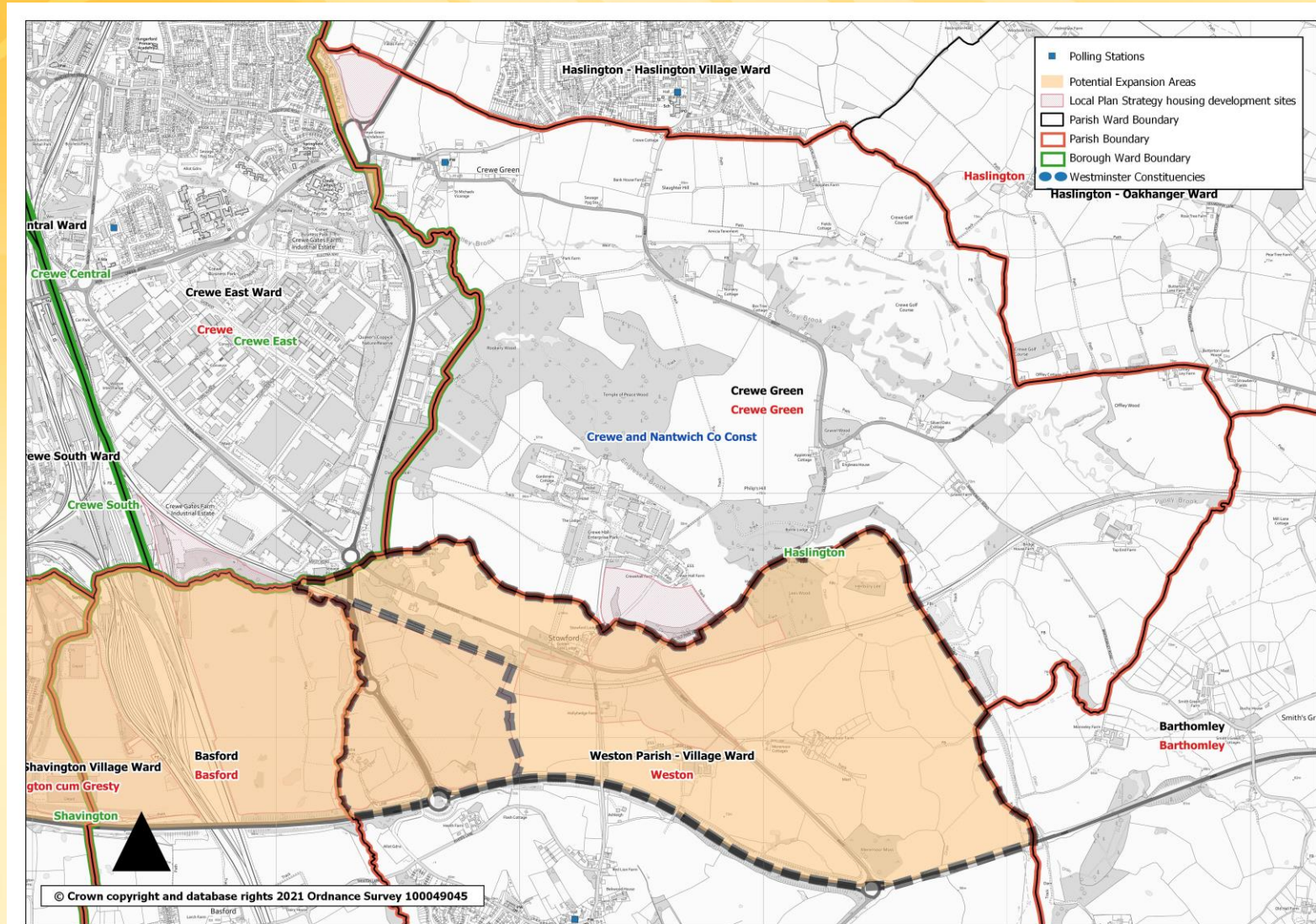
Dotted line indicates which parts of Weston would transfer to Crewe and which parts to Crewe Green.





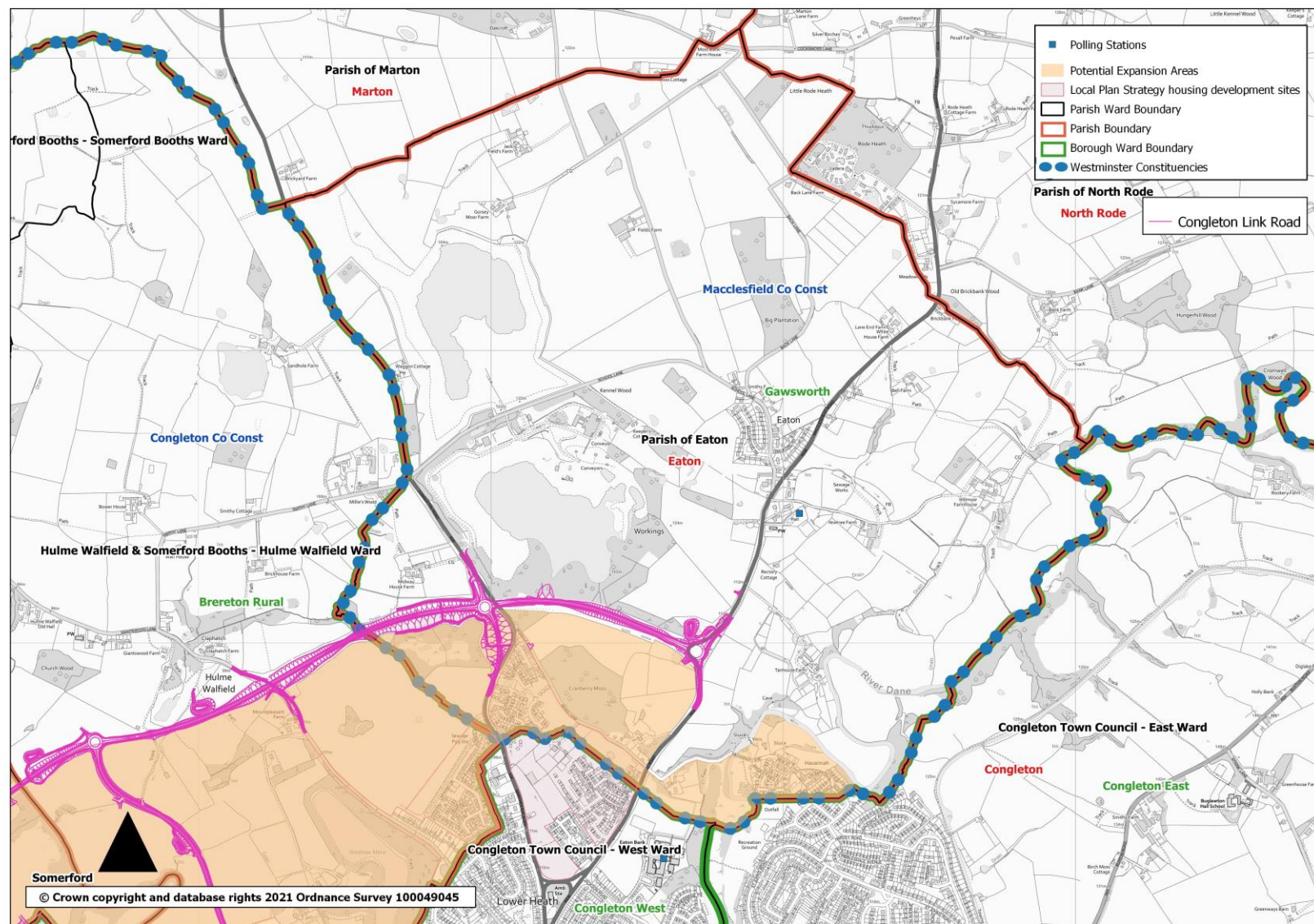
# Map 10: Crewe Green

Dotted line indicates which parts of Weston would transfer to Crewe and which parts to Crewe Green.



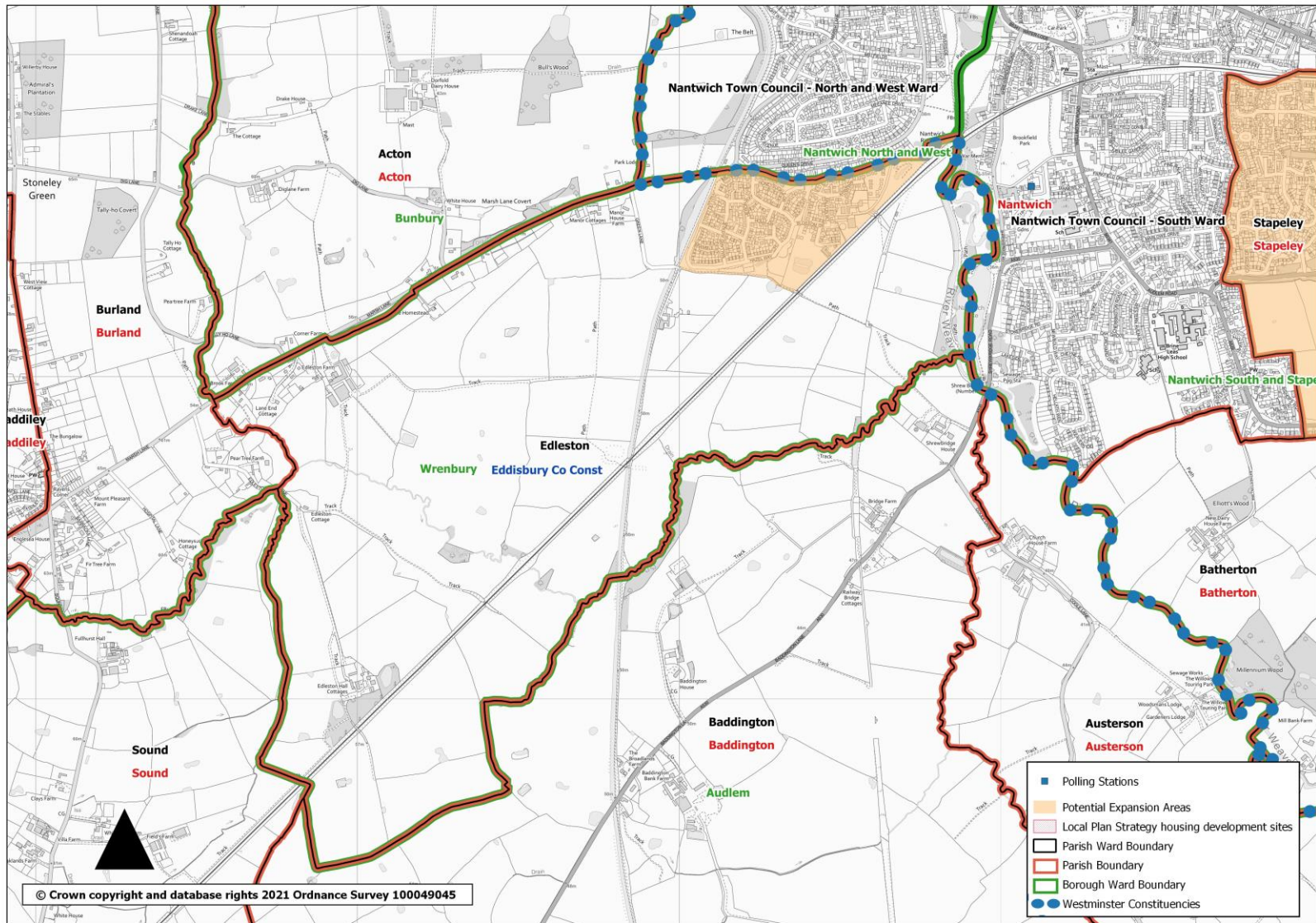


# Map 11: Eaton



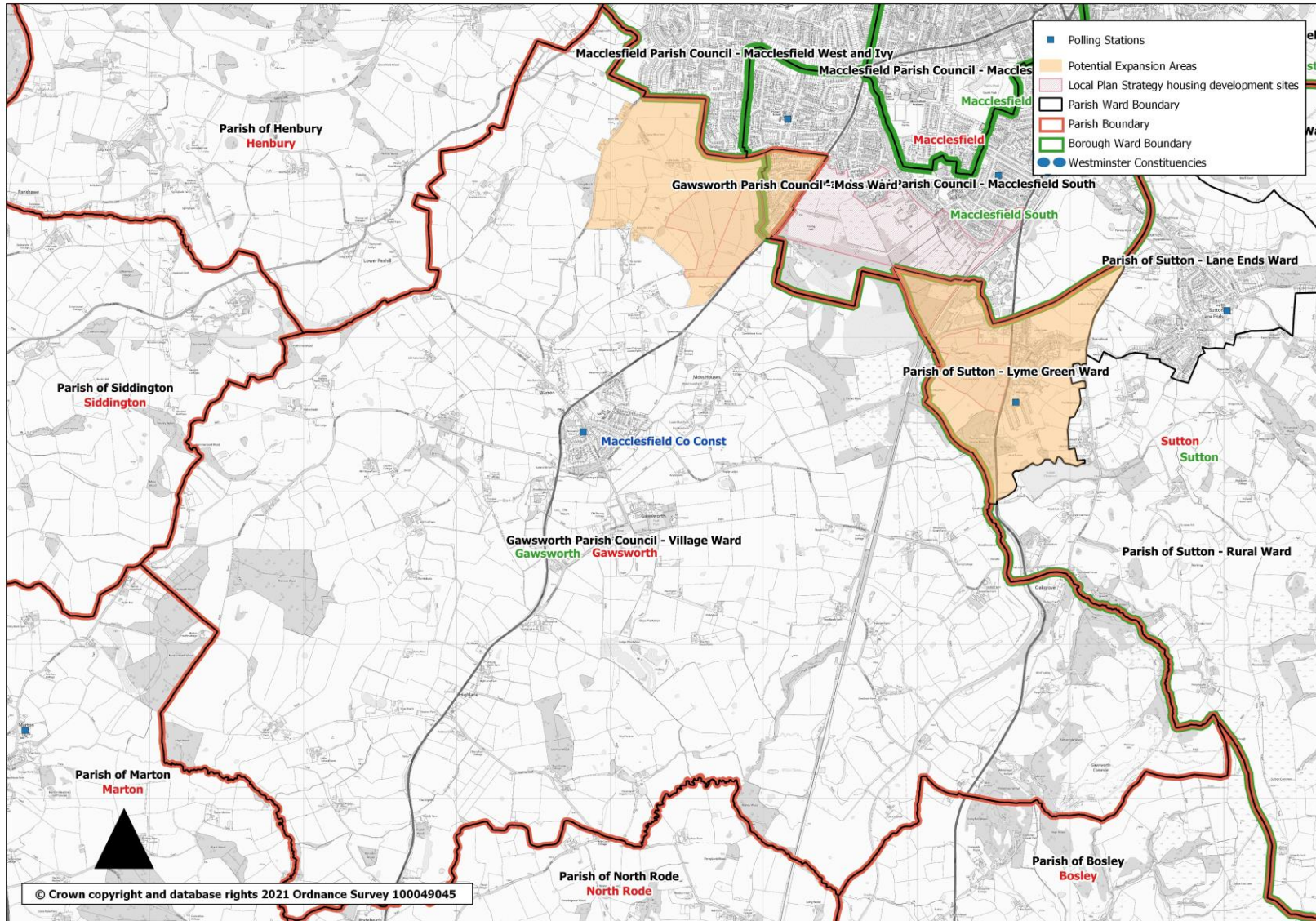


# Map 12: Edleston



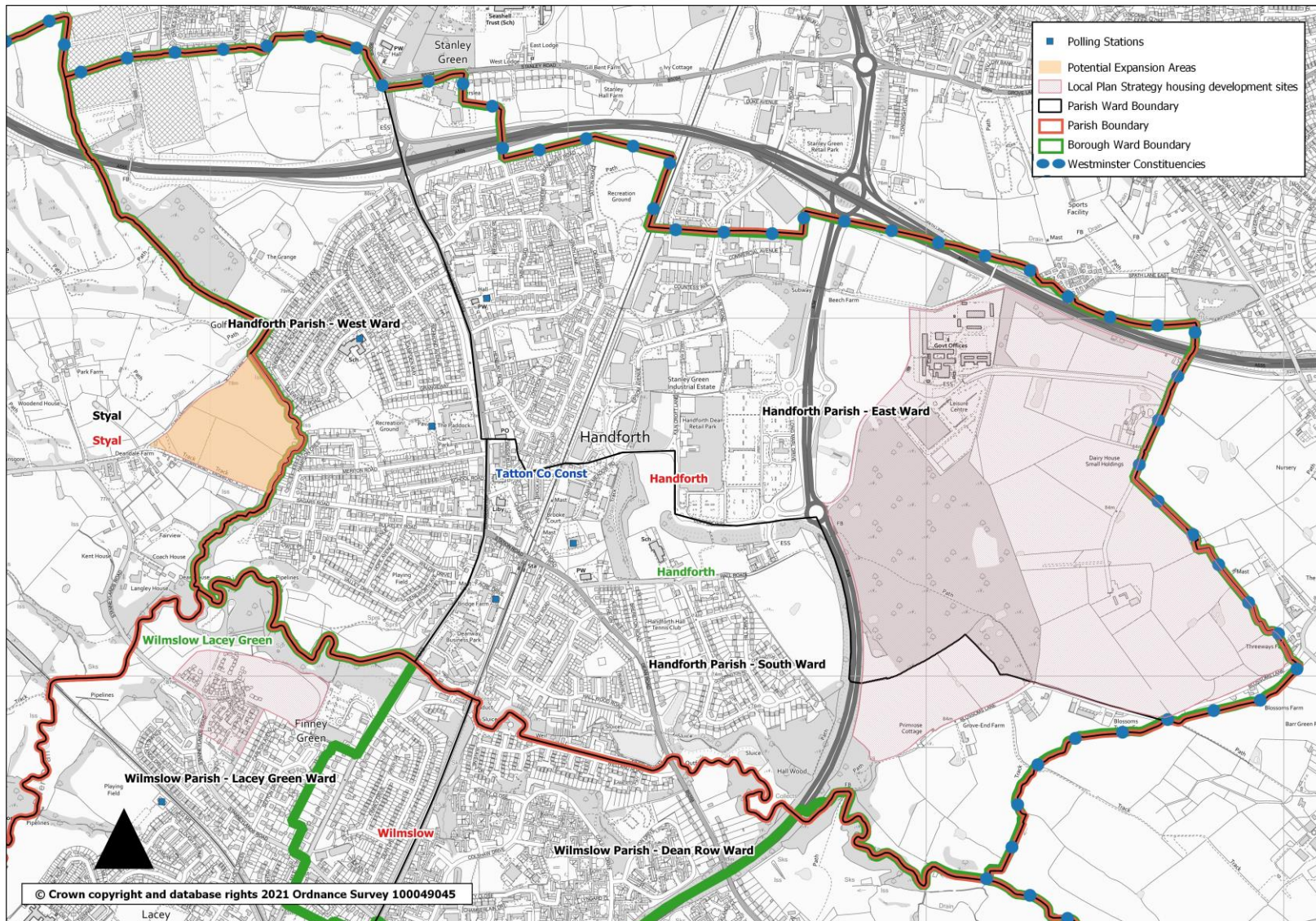


# Map 13: Gawsworth



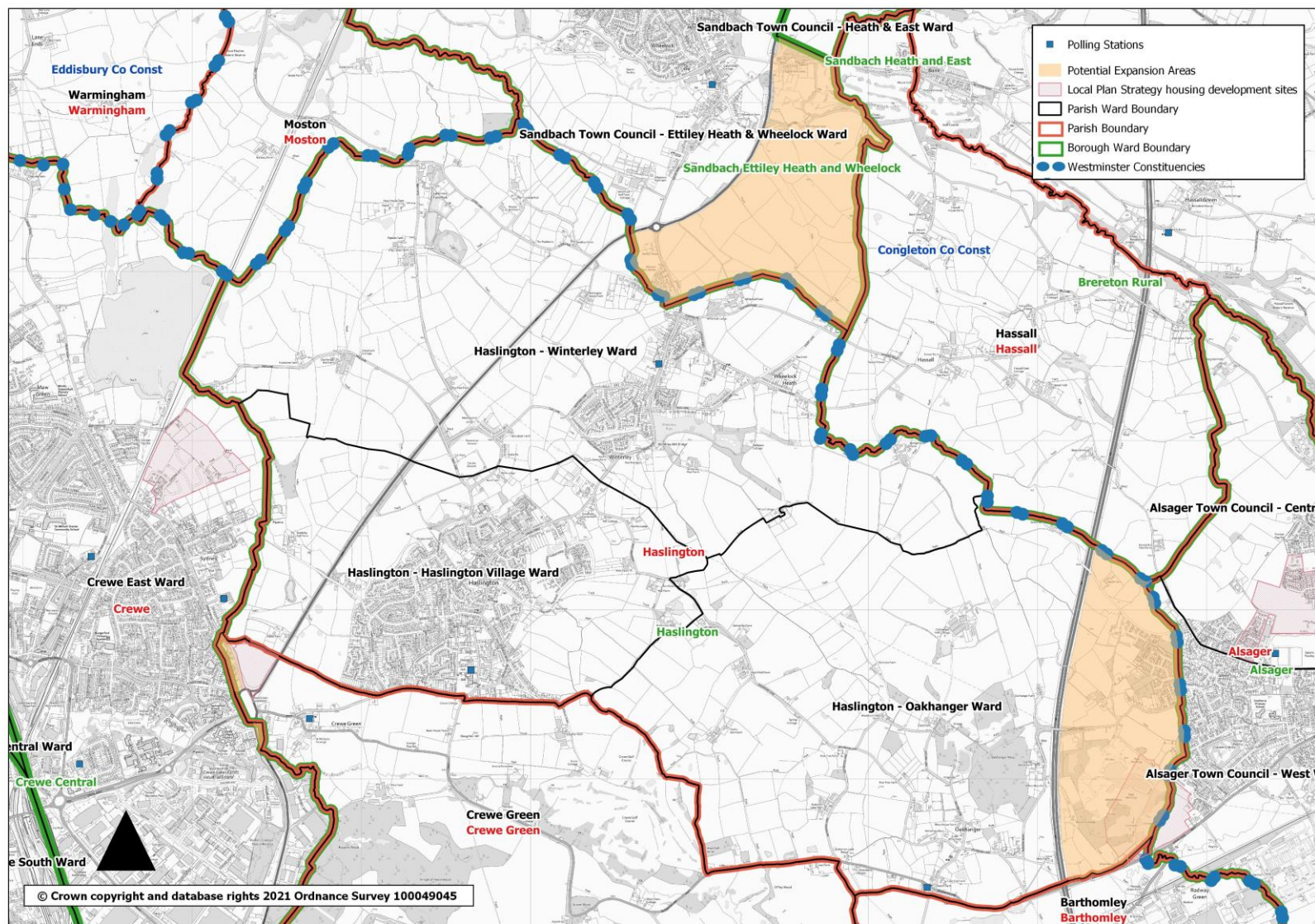


## Map 14: Handforth



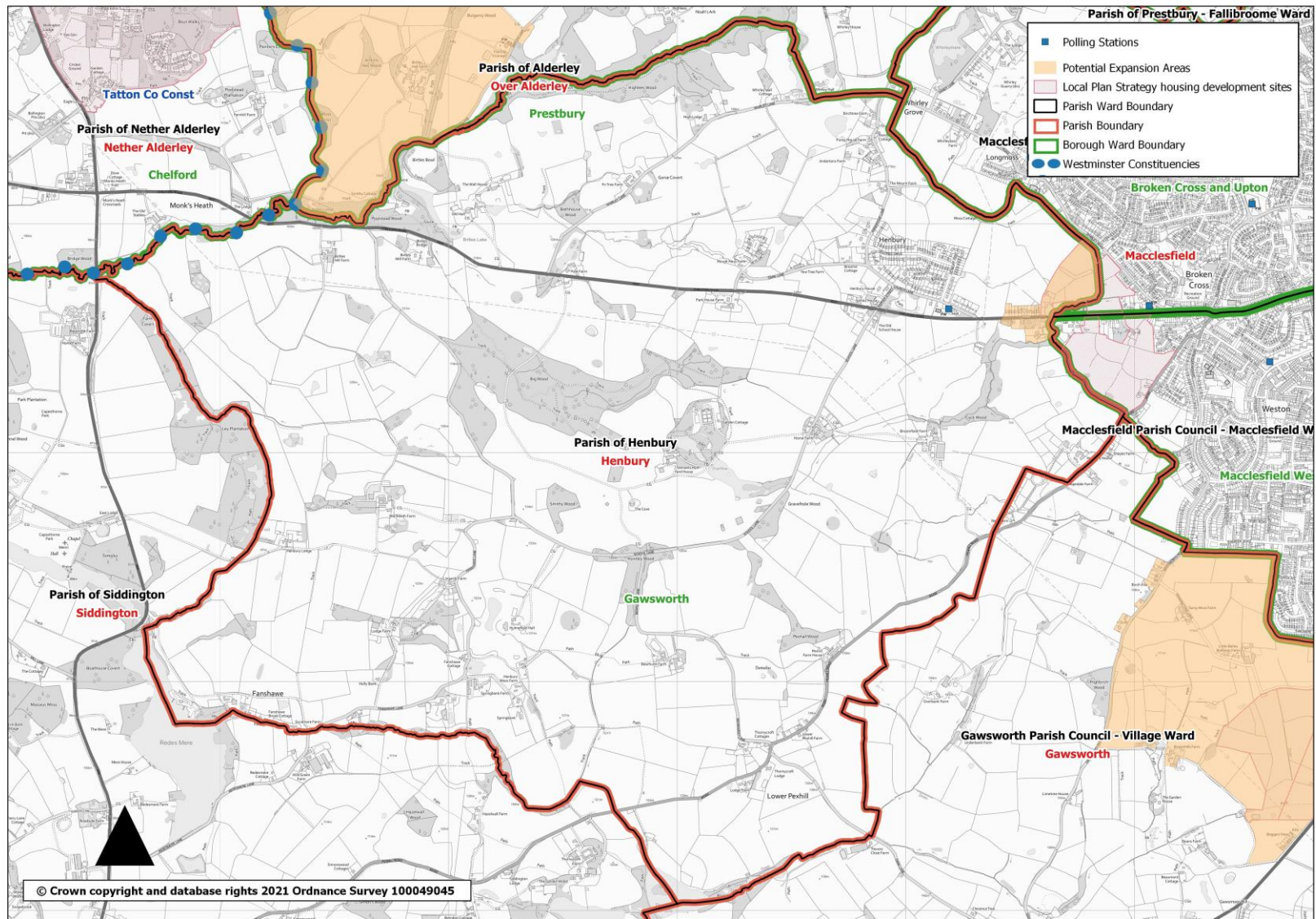


# Map 15: Haslington



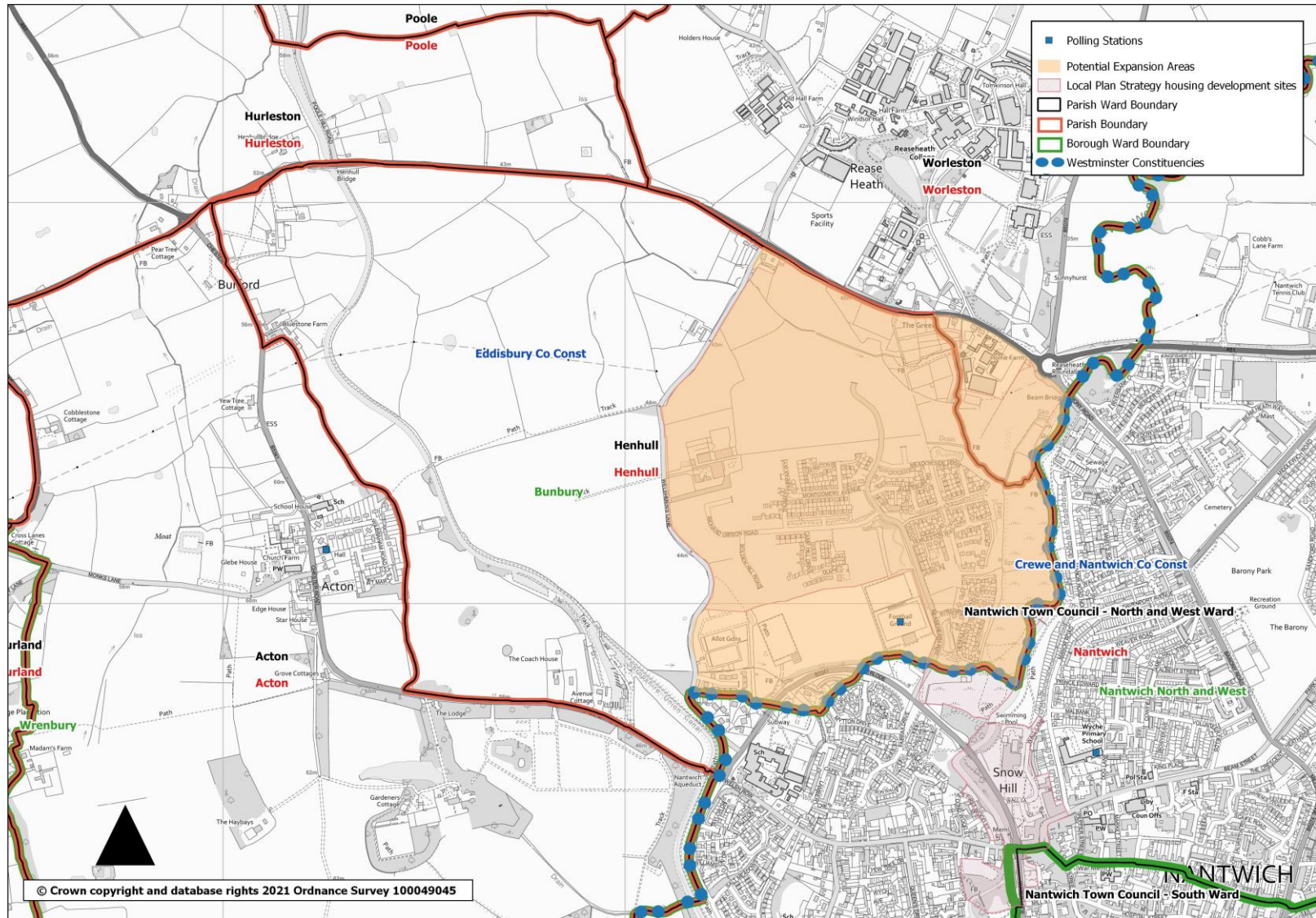


# Map 16: Henbury





# Map 17: Henhull

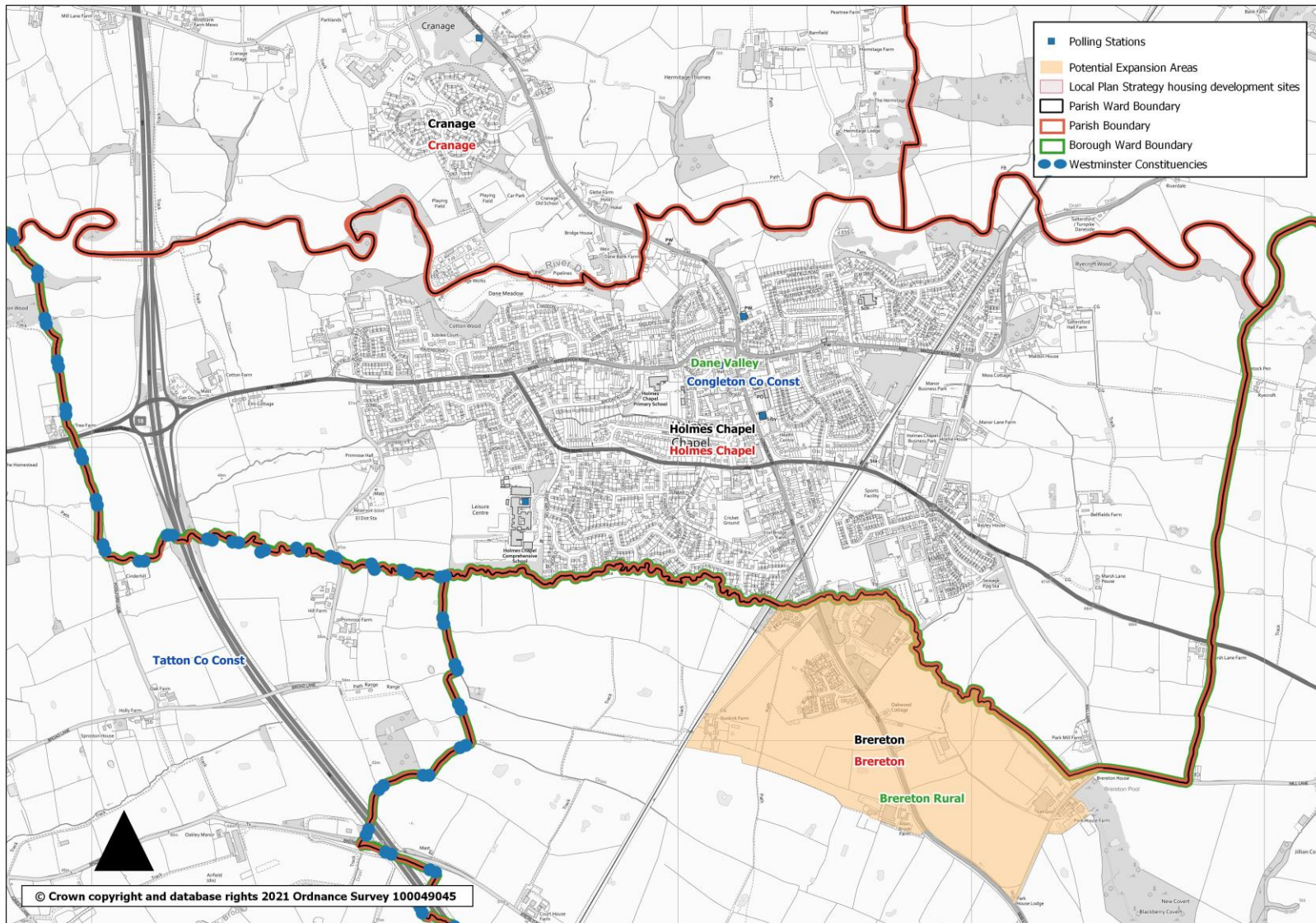






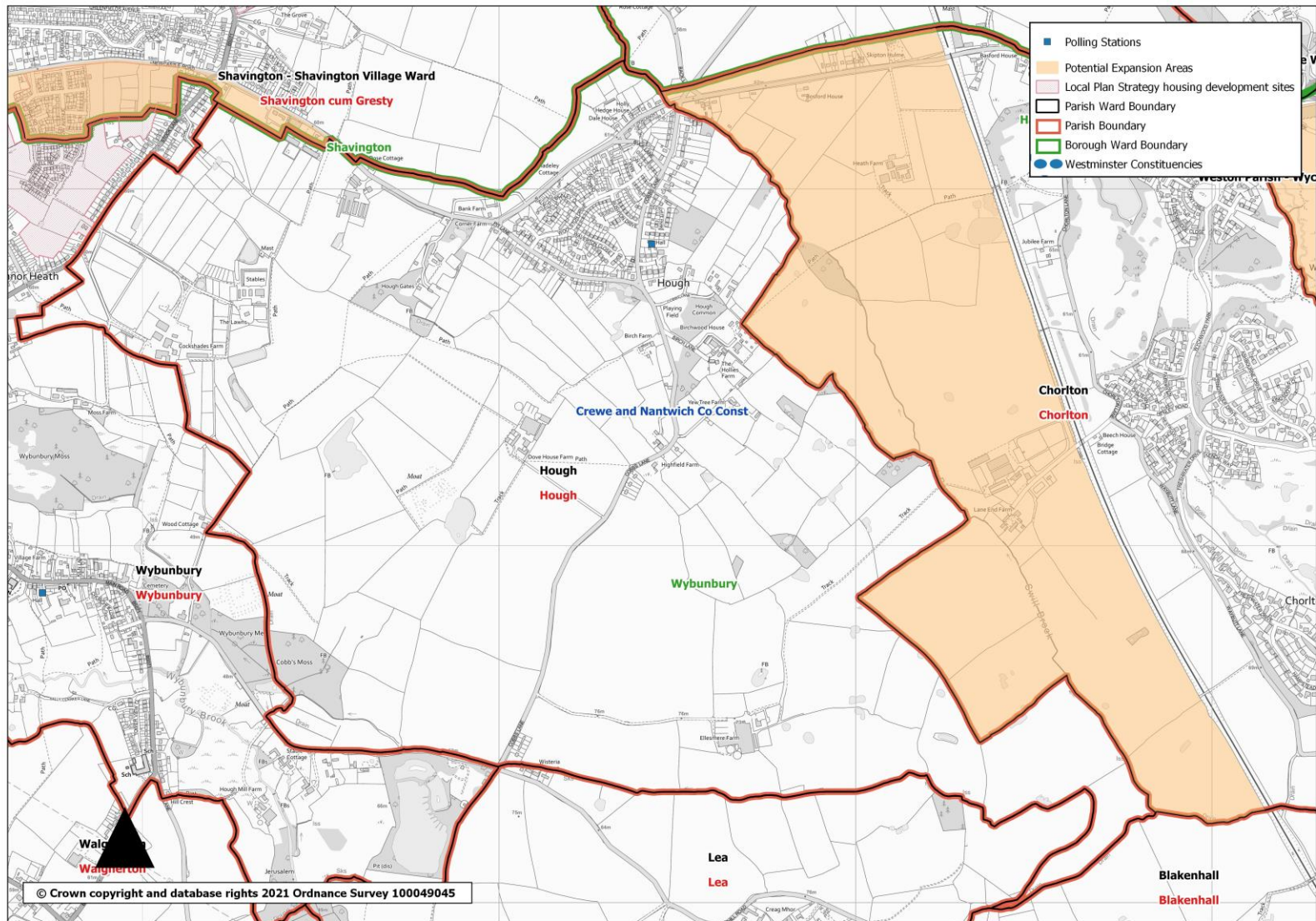


# Map 19: Holmes Chapel



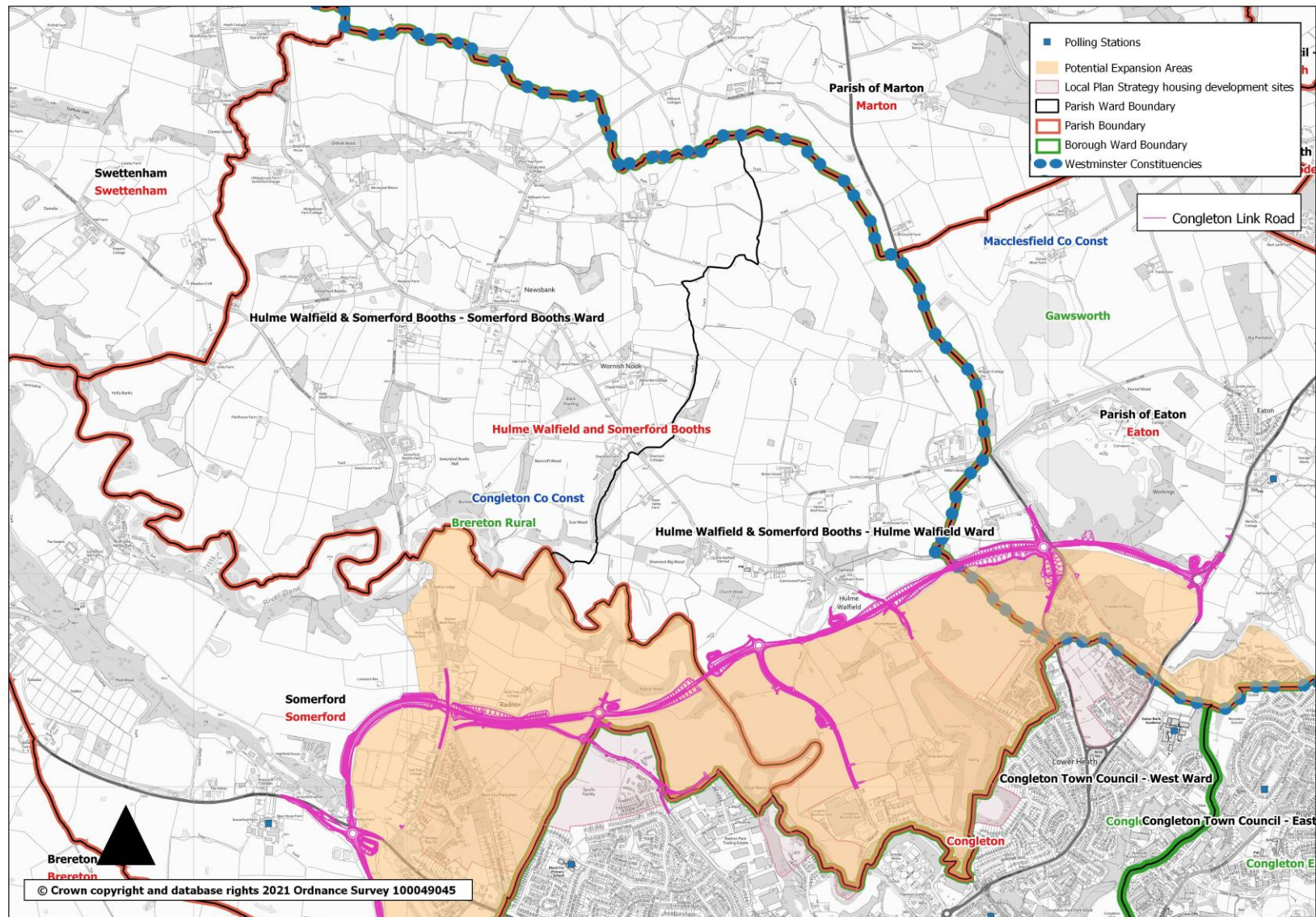


# Map 20: Hough



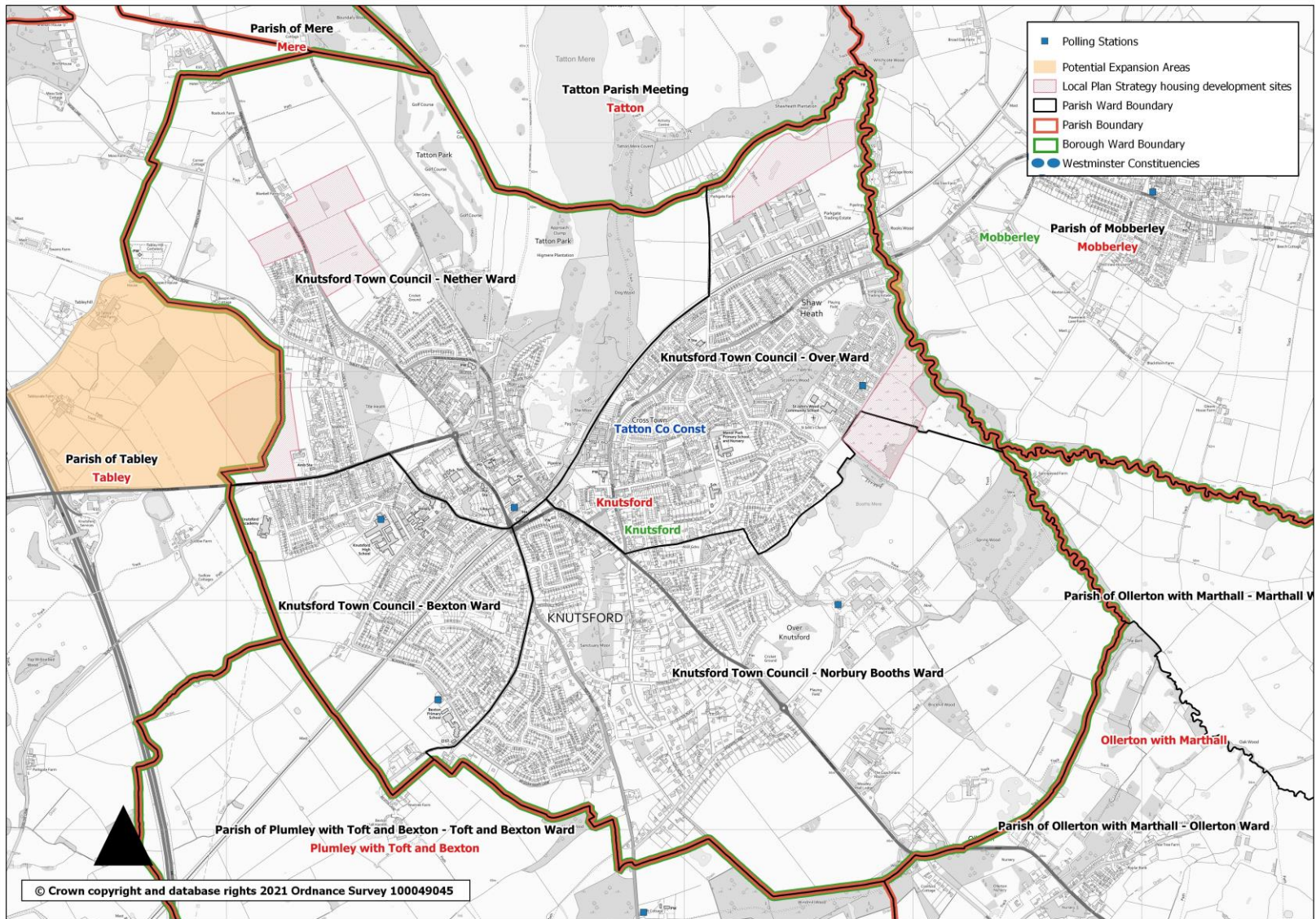


# Map 21: Hulme Walfield and Somerford Booths





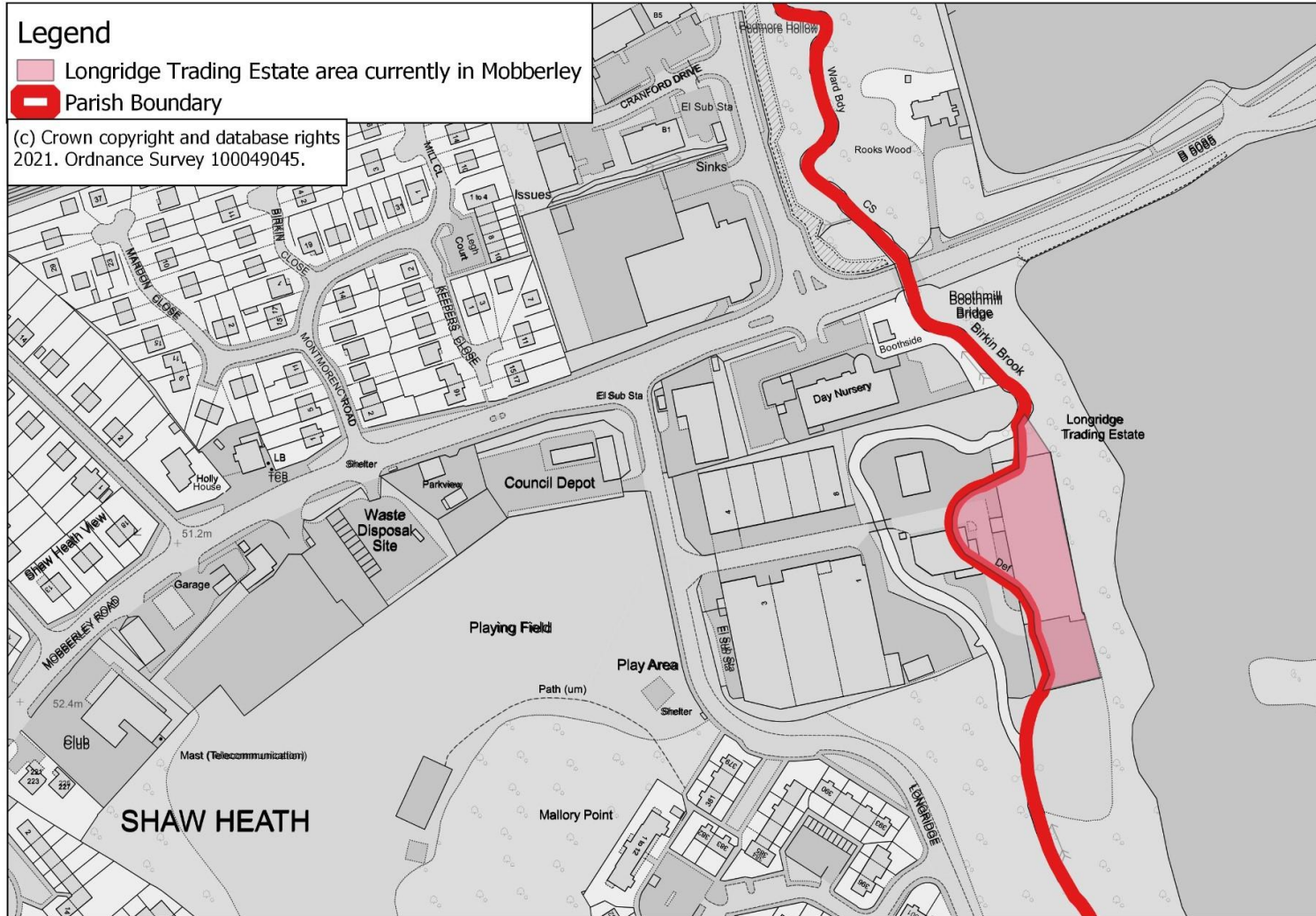
# Map 22a: Knutsford



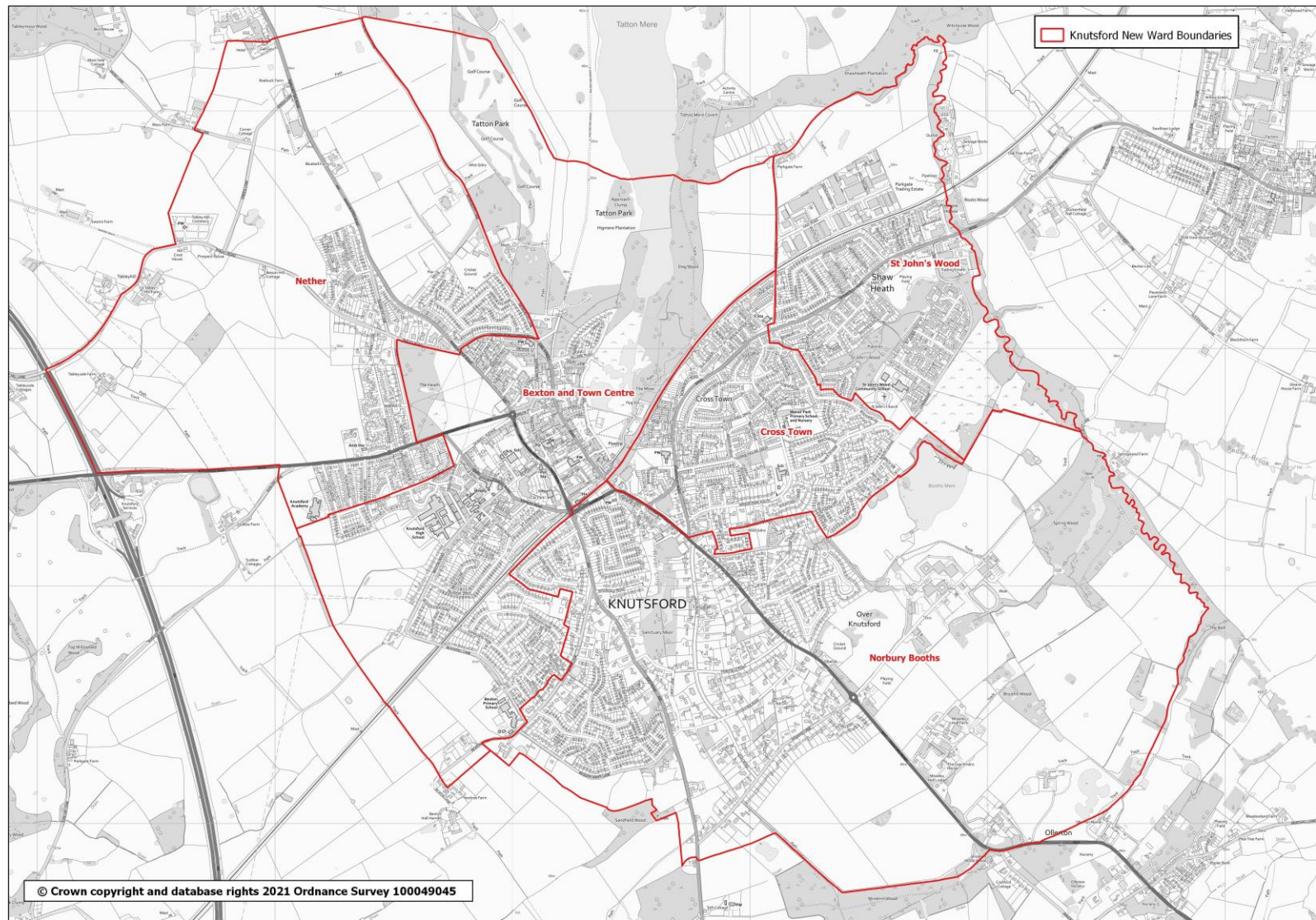


# Map 22b: Knutsford – Longridge Trading Estate

## Knutsford-Mobberley boundary around Longridge Trading Estate

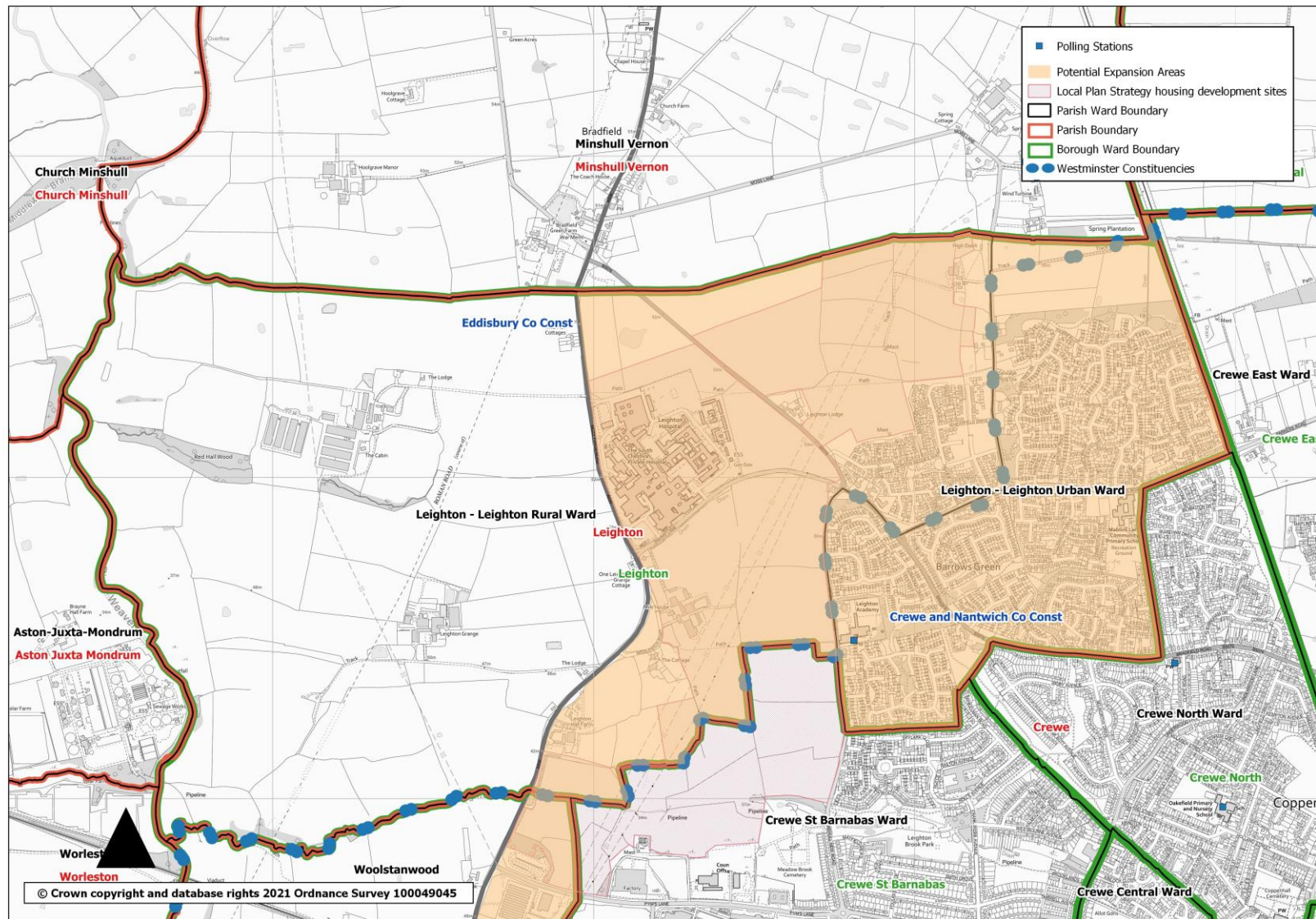


# Map 22c: Knutsford – proposed new wards



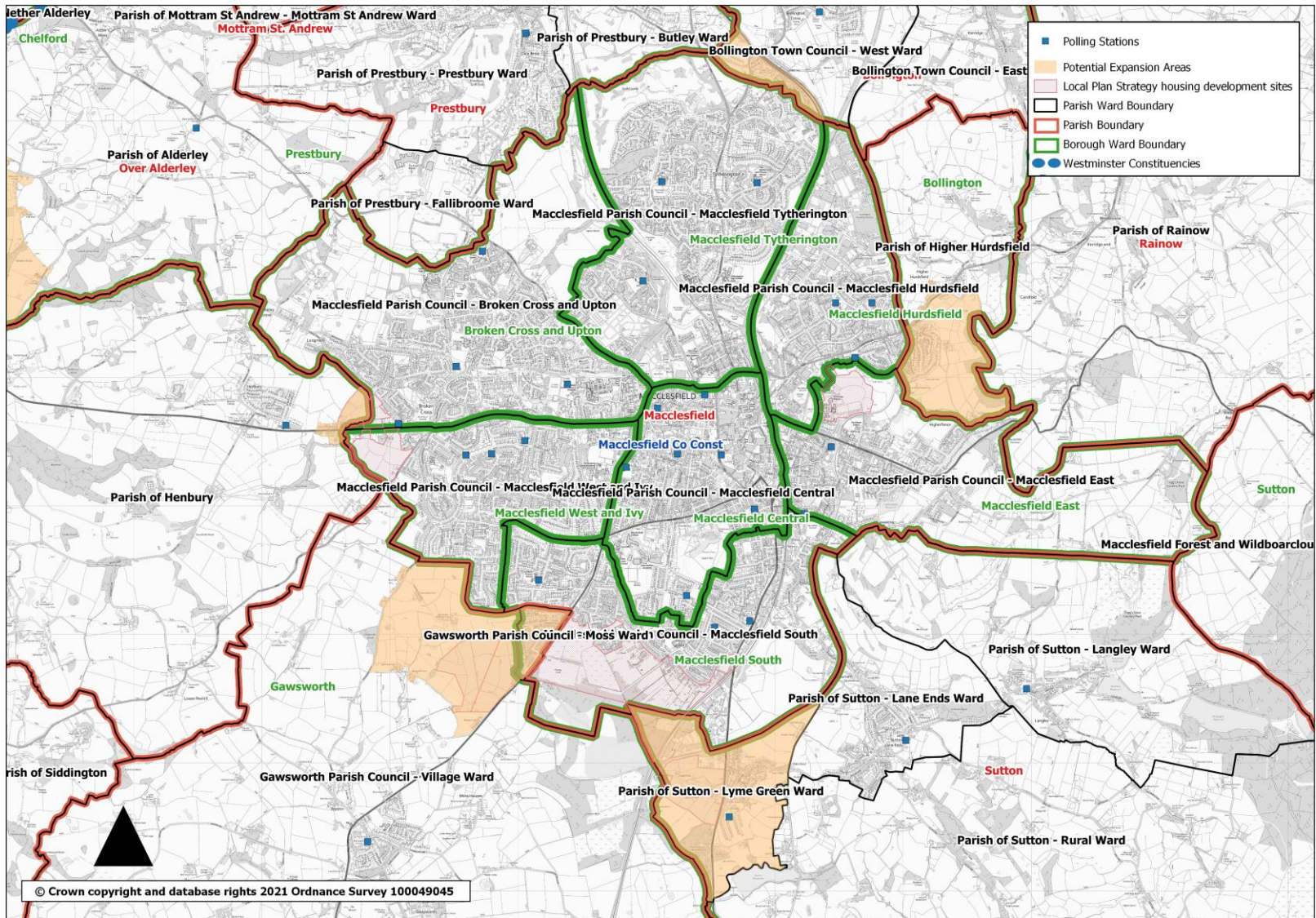


# Map 23: Leighton



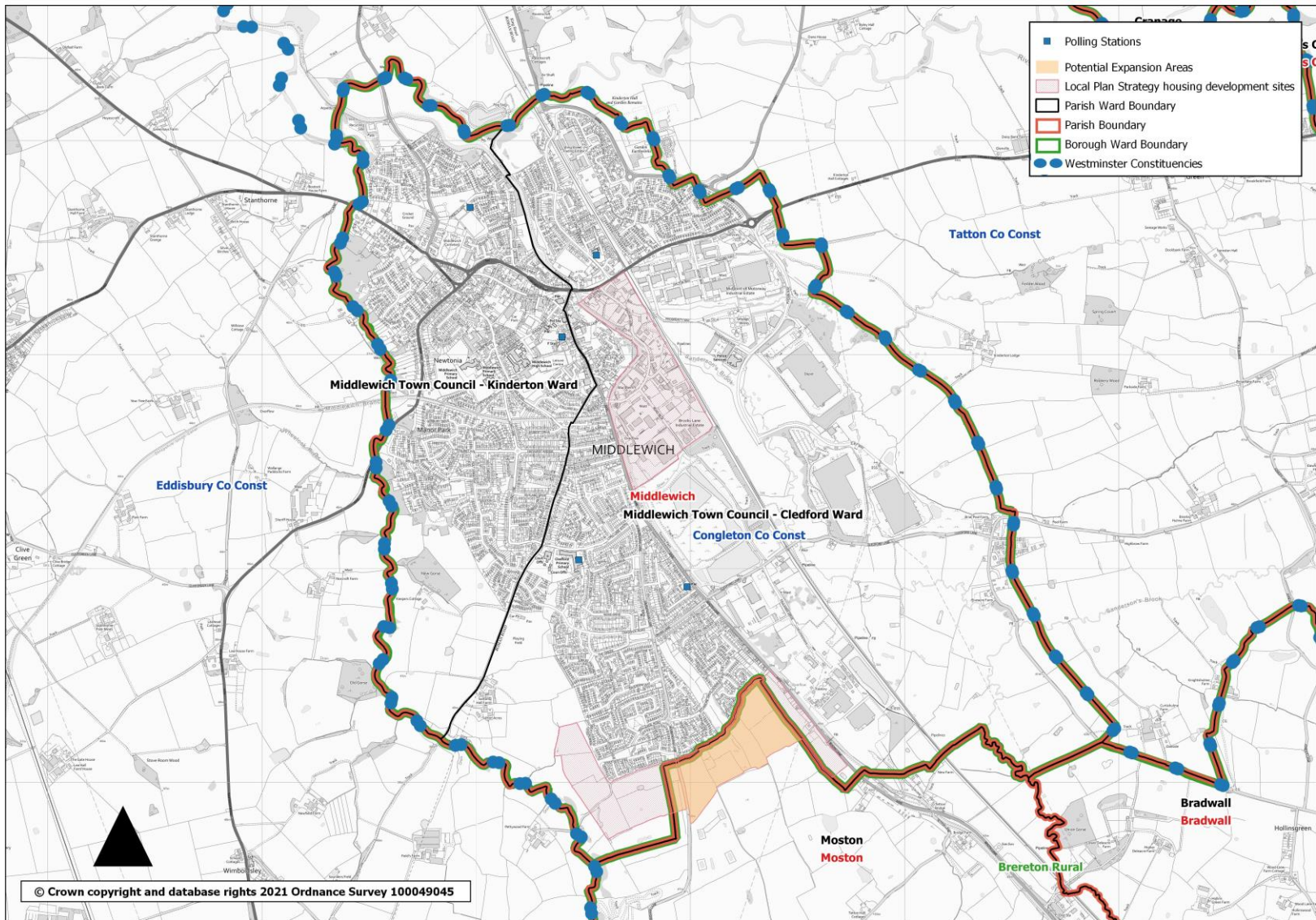


# Map 24: Macclesfield



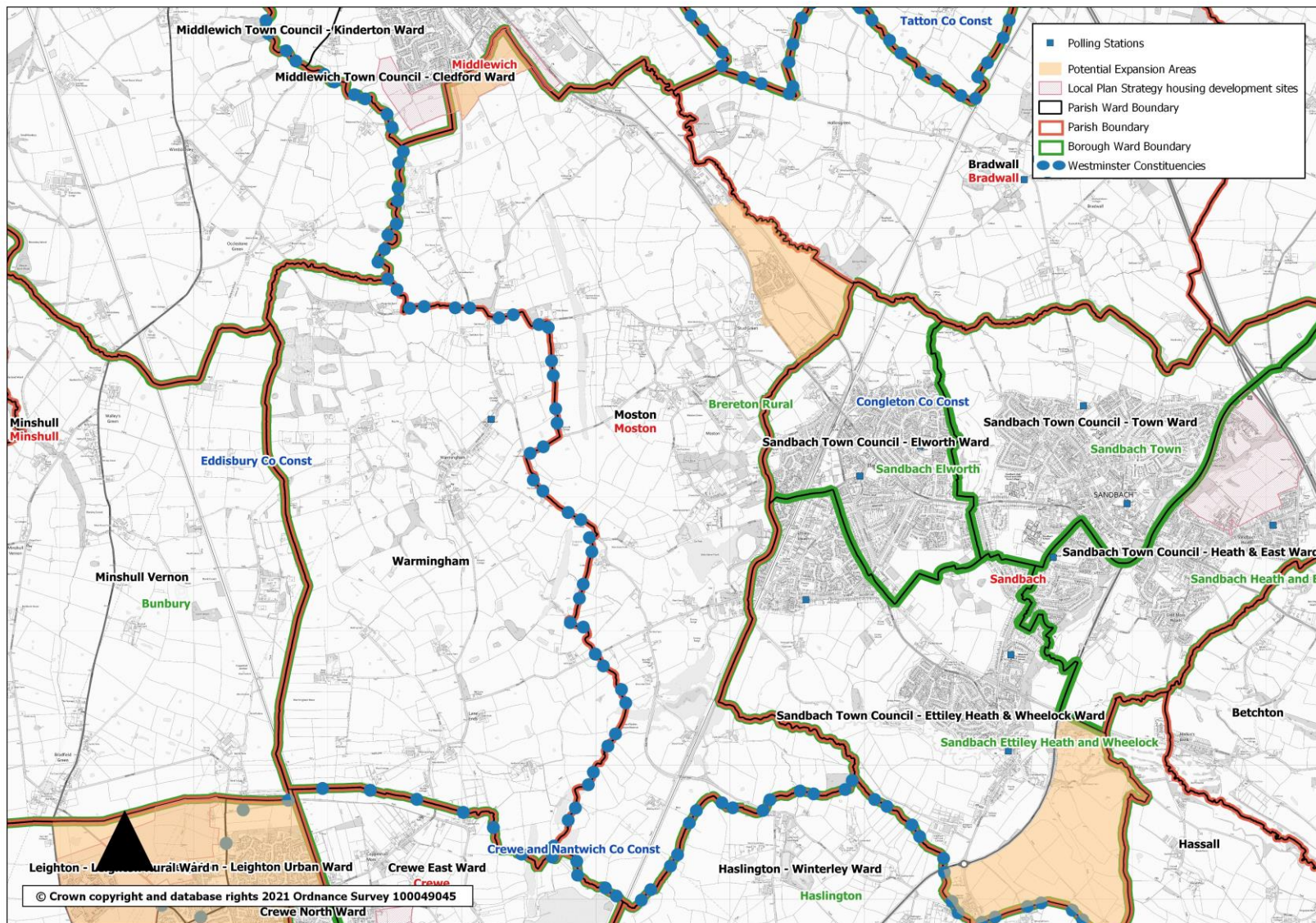


# Map 25: Middlewich



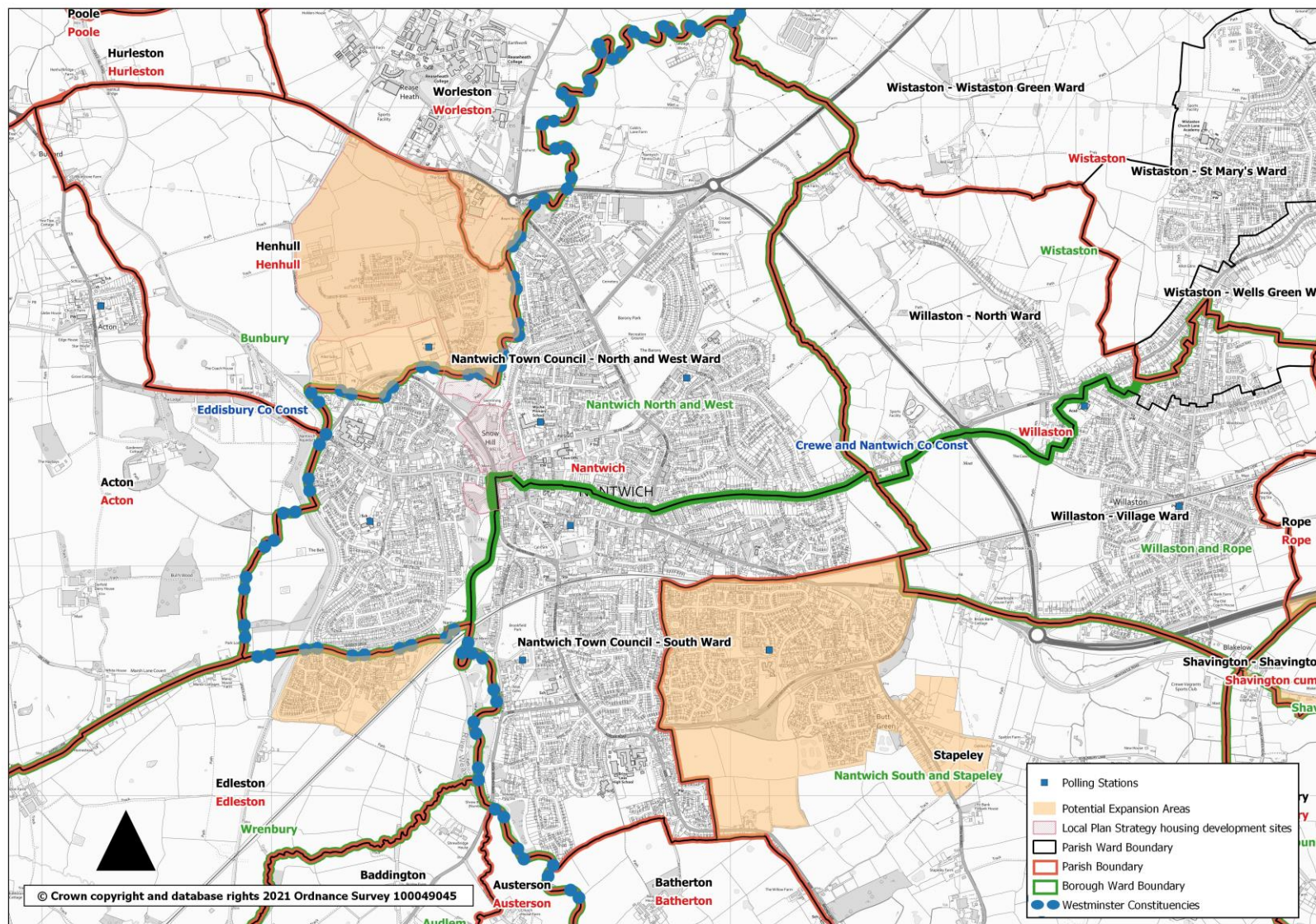


# Map 26: Moston



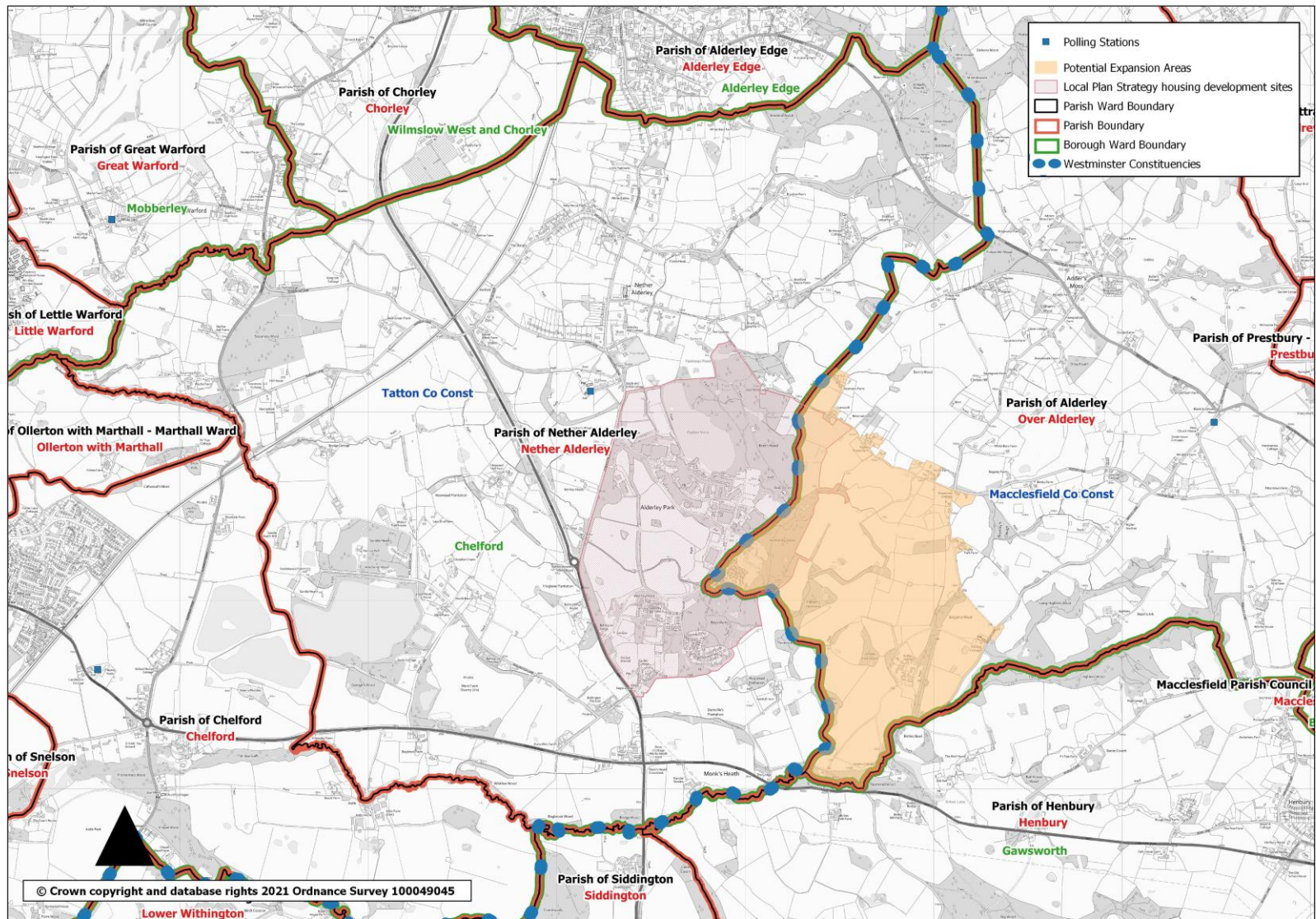


# Map 27: Nantwich



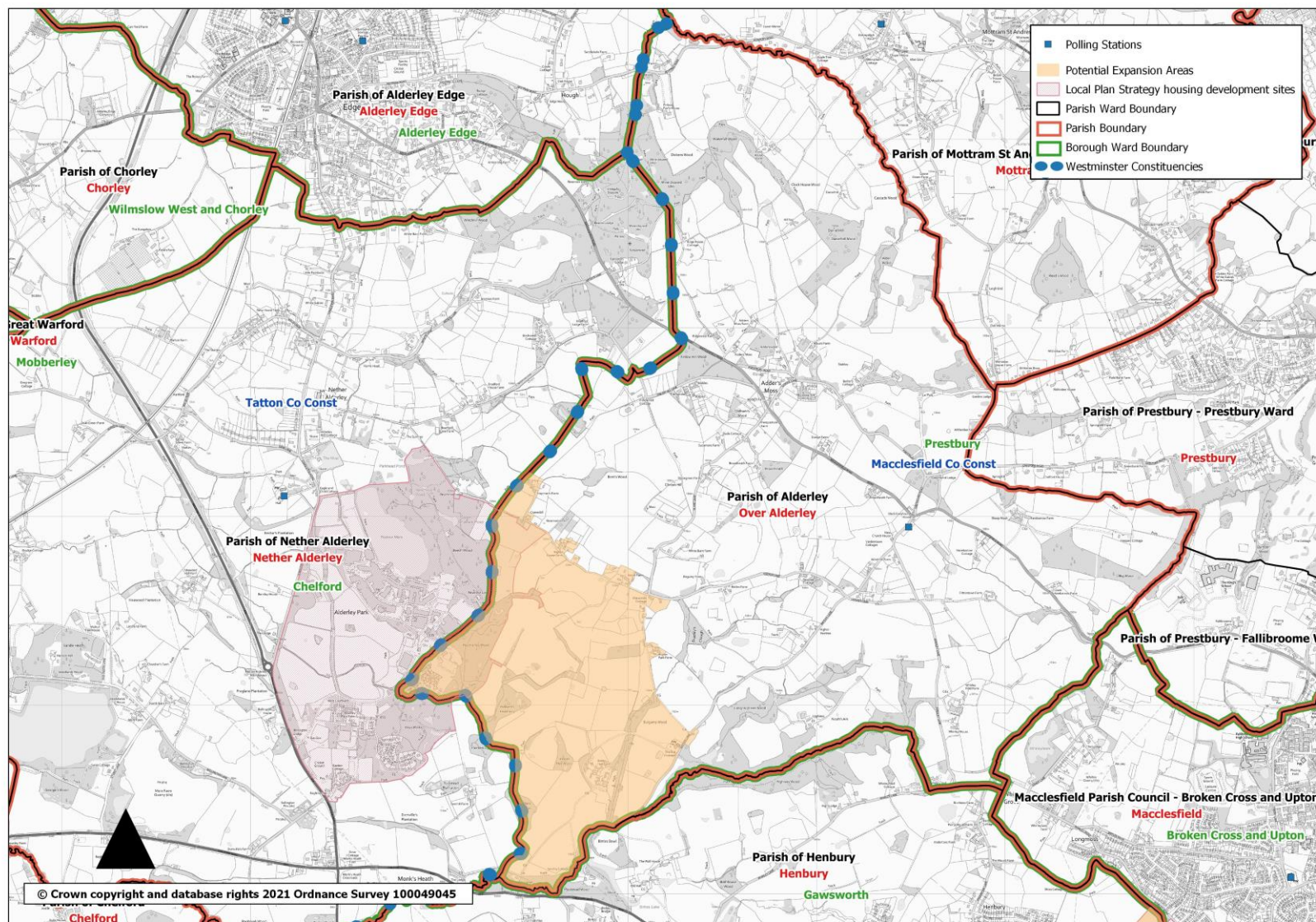


# Map 28: Nether Alderley



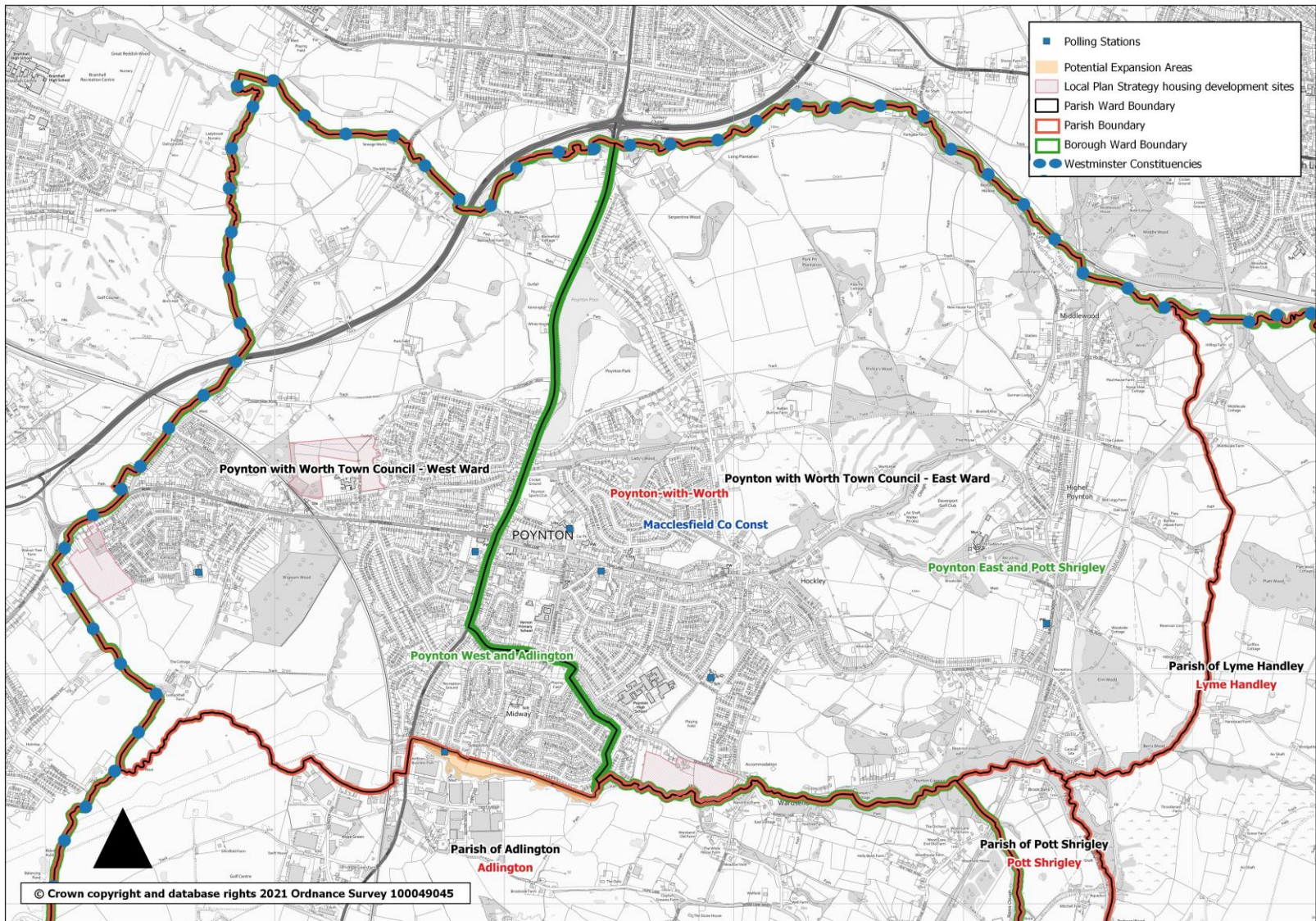


# Map 29: Over Alderley





# Map 30: Poynton

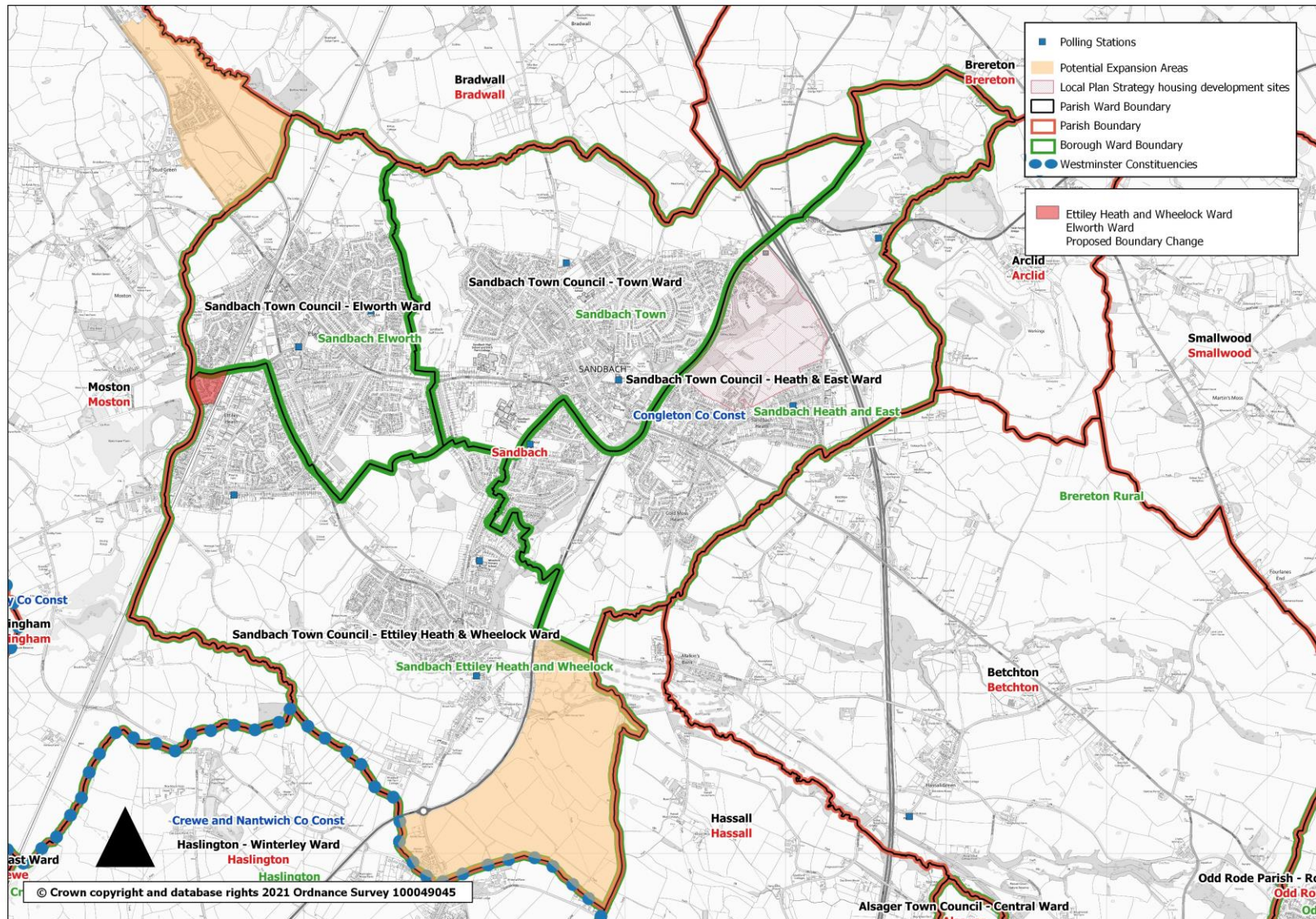








# Map 32a: Sandbach





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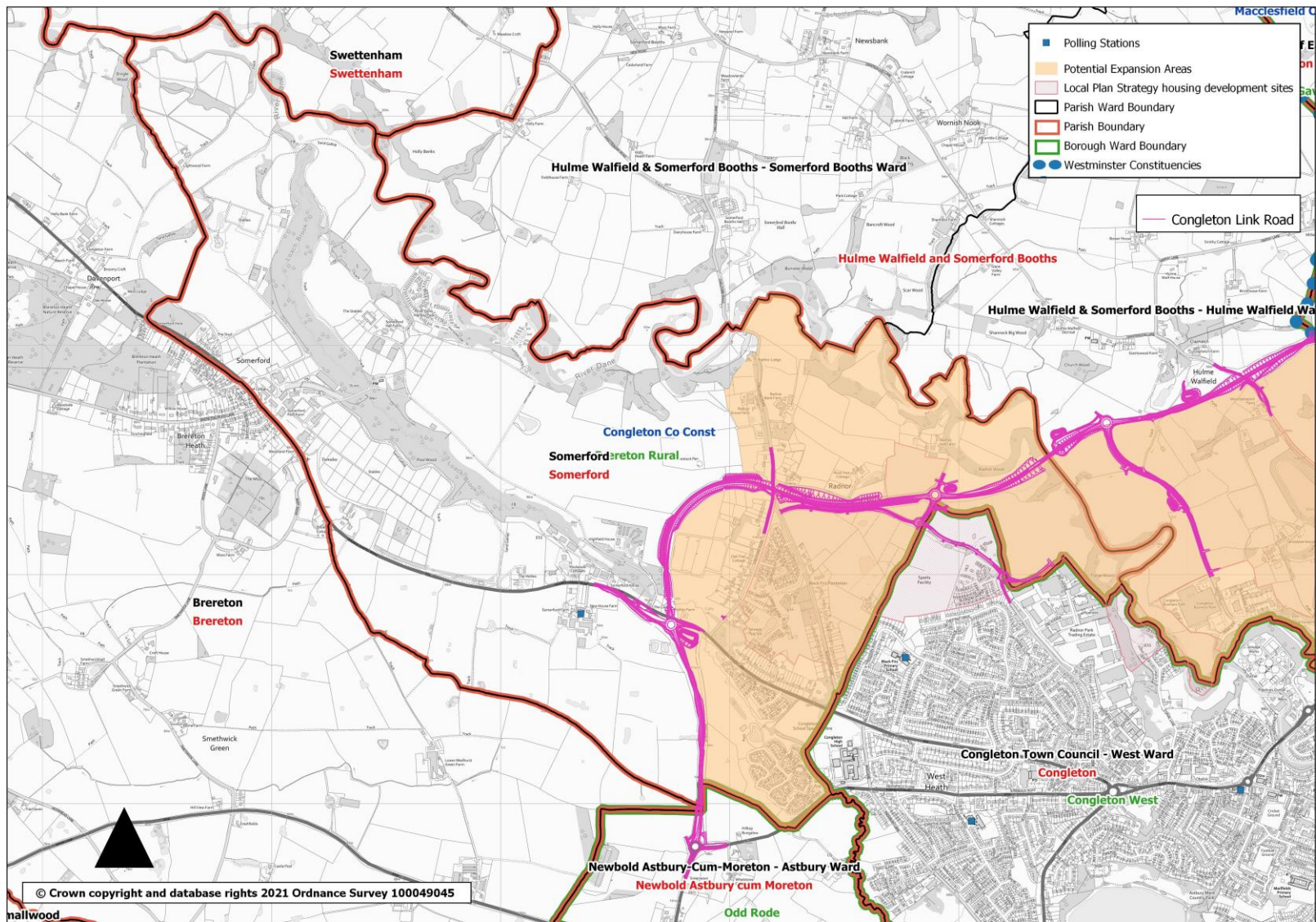






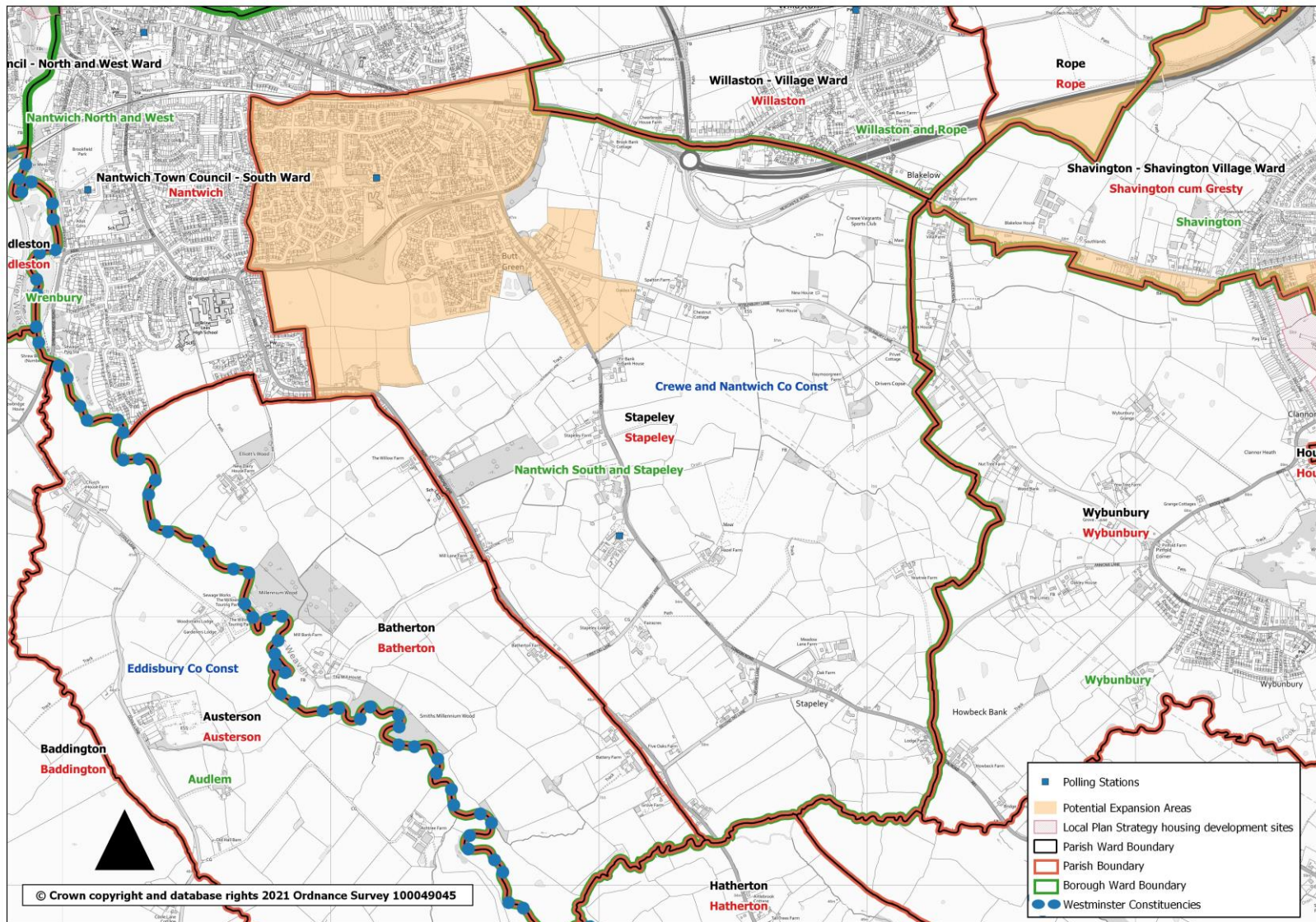


# Map 34: Somerford



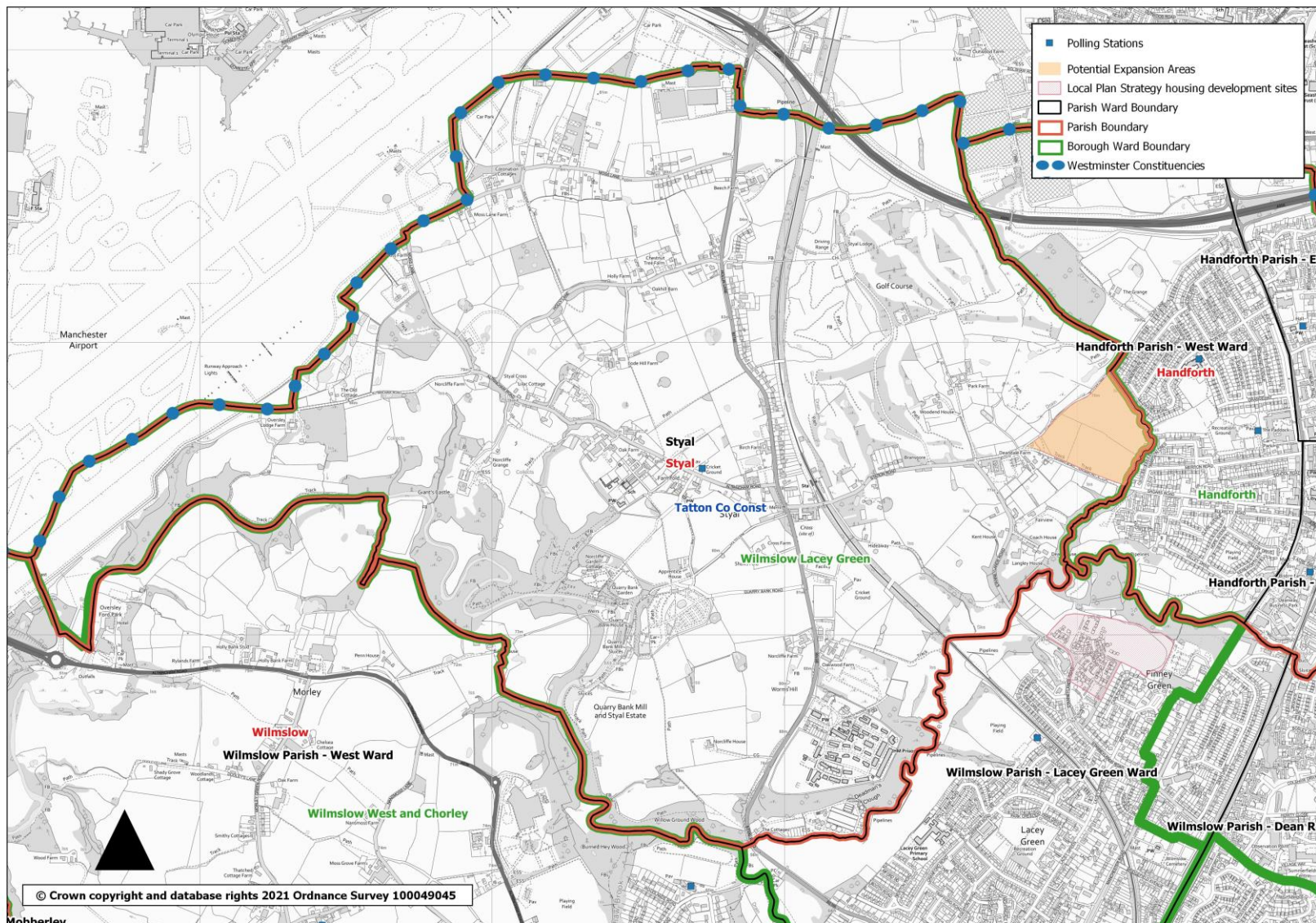


# Map 35: Stapeley



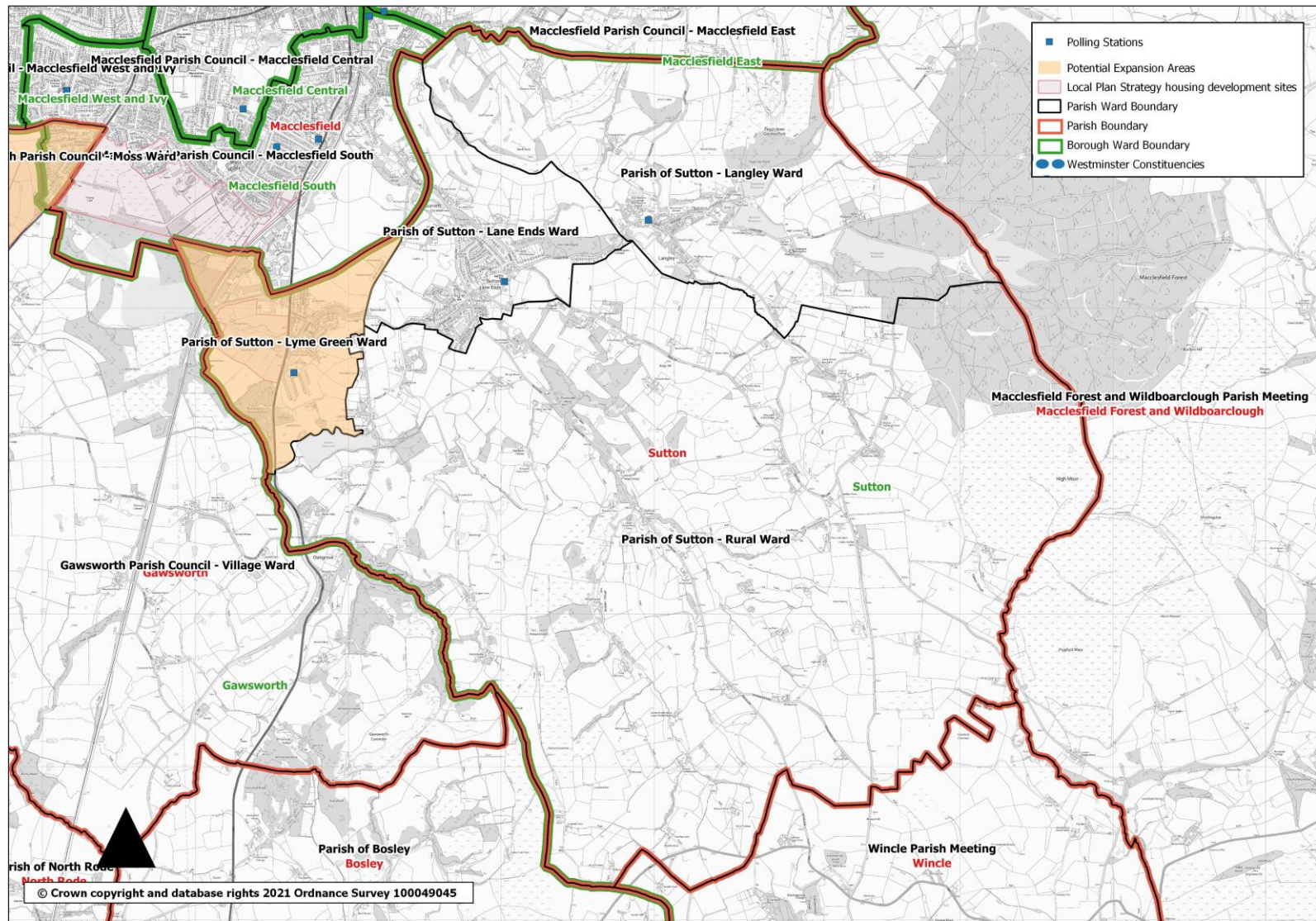


# Map 36: Styal



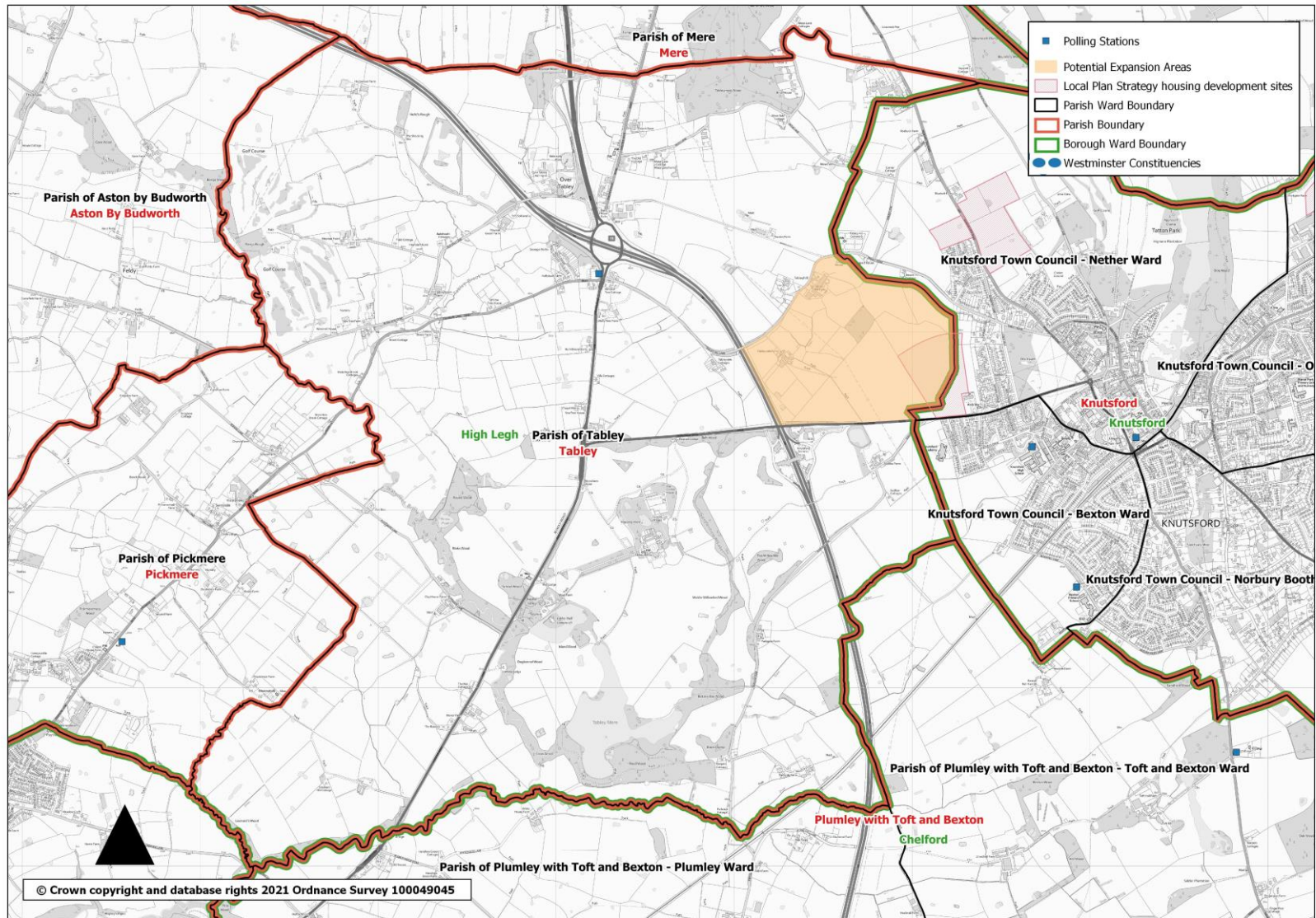


# Map 37: Sutton





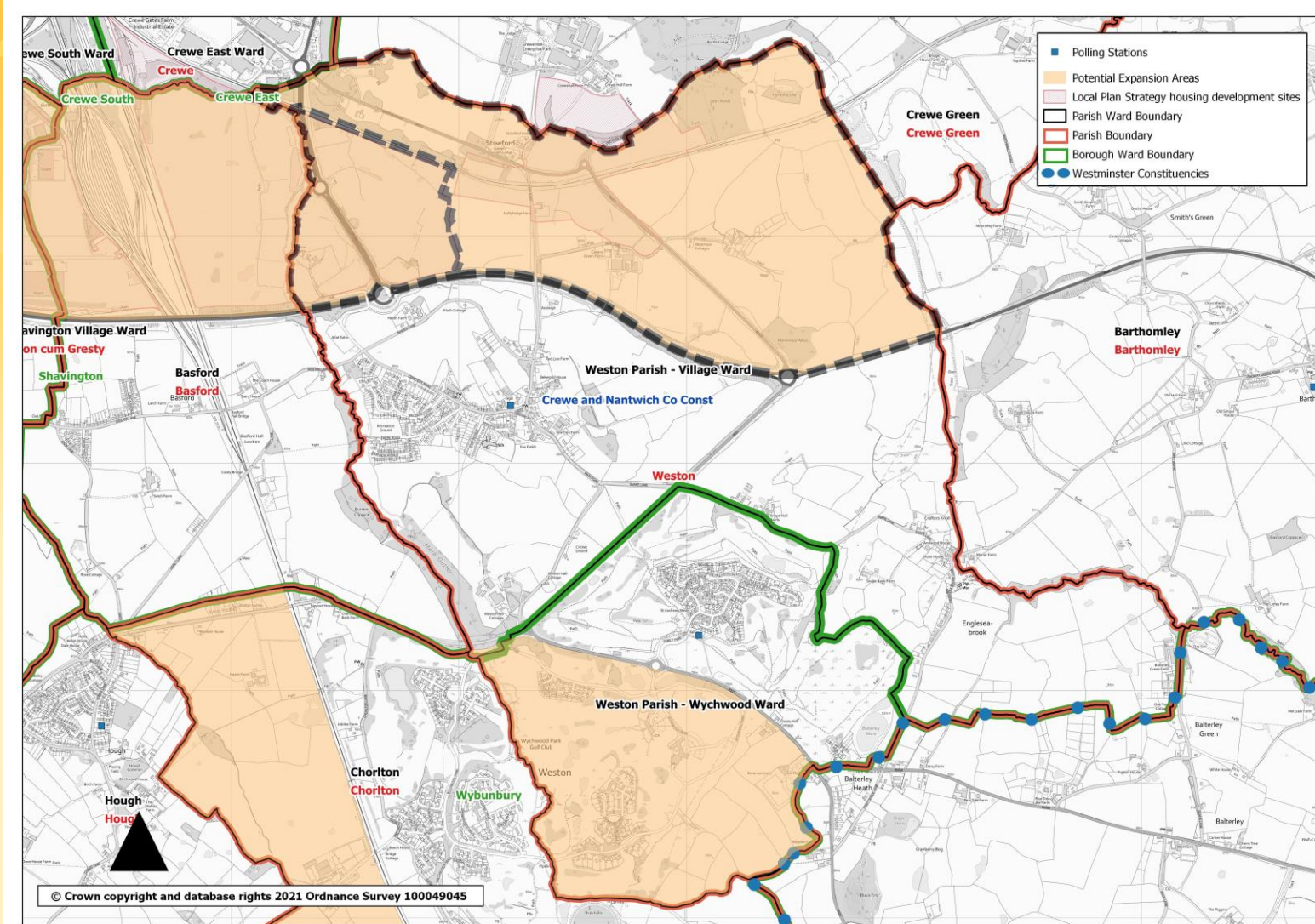
# Map 38: Tabley





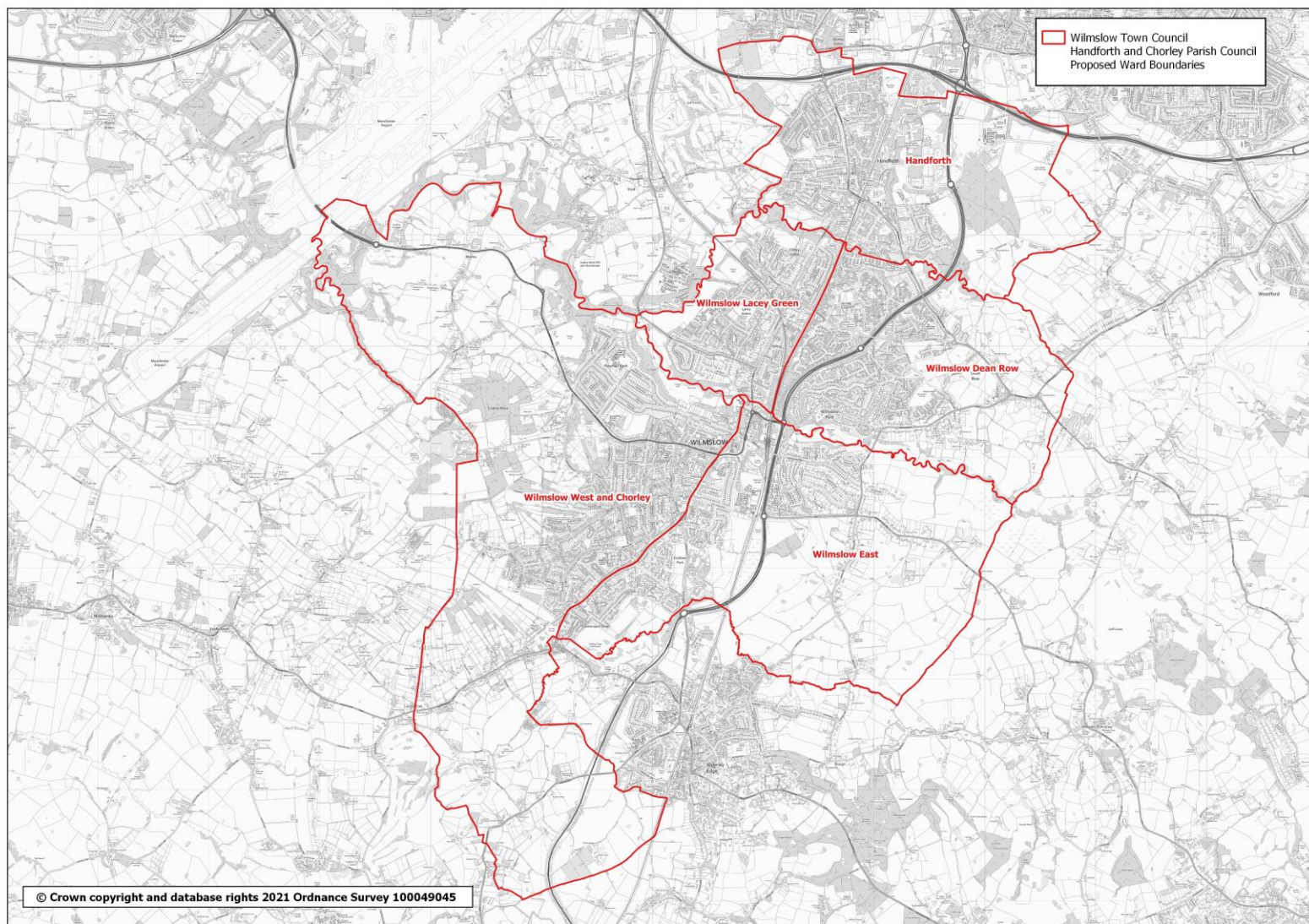
# Map 39: Weston

Dotted line indicates which parts of Weston would transfer to Crewe and which parts to Crewe Green.





# Map 40: Wilmslow/ Handforth/ Chorley merger



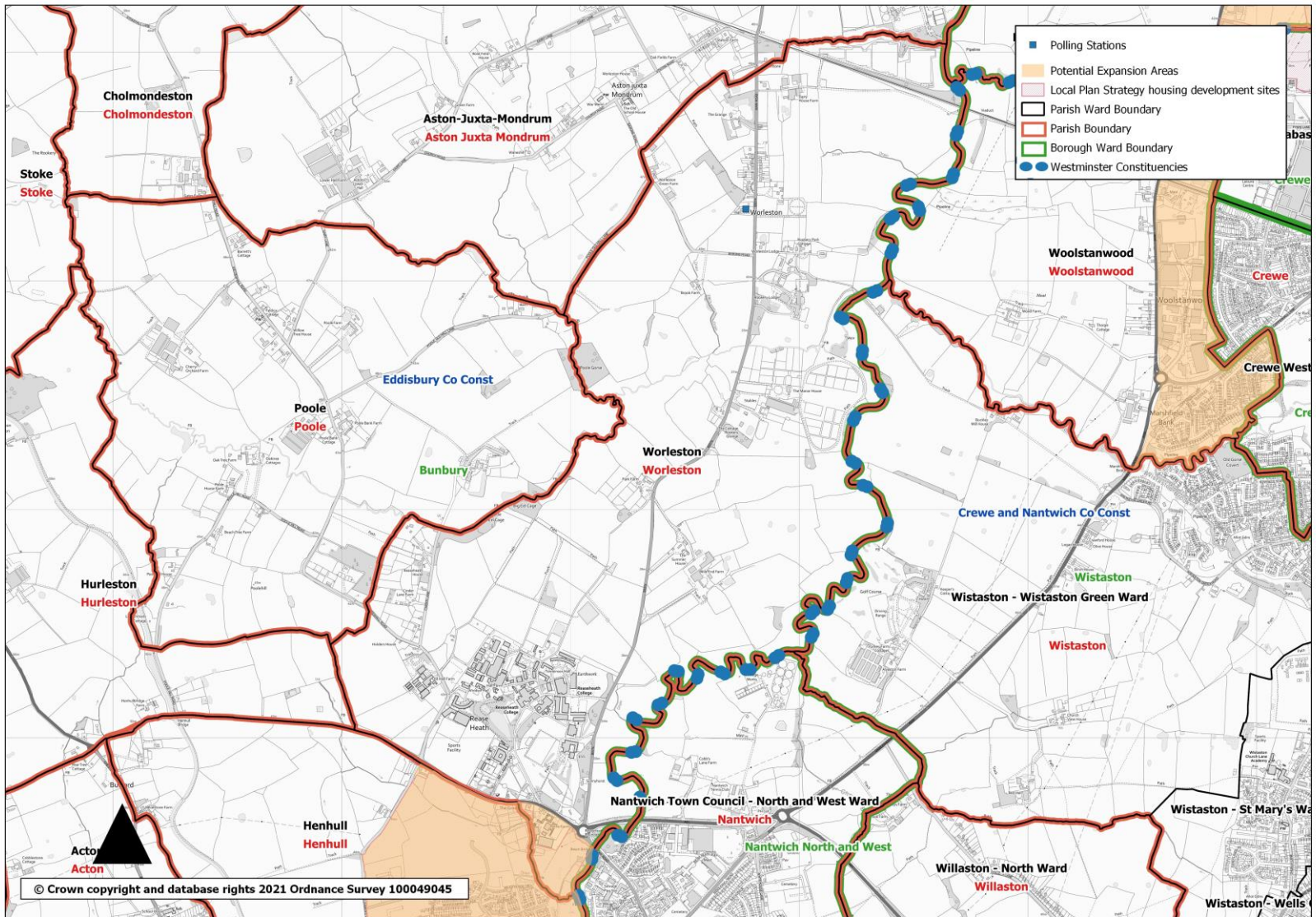


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# Map 42: Worlestone









Working for a brighter future together

## Constitution Committee

---

**Date of Meeting:** 6 April 2021

**Report Title:** Calendar of Meetings 2021-22

**Senior Officer:** David Brown, Director of Governance and Compliance

---

### 1. Report Summary

- 1.1. This report appends a draft Calendar of Meetings for Cheshire East Council for 2021-22.
- 1.2. The Committee is invited to recommend the draft Calendar to Council for approval.

### 2. Recommendation

- 2.1. That the draft Calendar of Meetings for Cheshire East Council 2021-22 be recommended to Council for approval.

### 3. Reasons for Recommendation

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

### 4. Background

- 4.1. As set out in its Constitution (Chapter 3 – Part 1 para 1.1) the Council is required to decide when its meetings will take place. These are set out in a Calendar of Meetings.

Full Council must approve the Calendar.

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

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

- 4.3. The scheduling of meetings has taken into account the Council’s business planning/performance reporting cycle, together with a range of additional issues

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arising from the implementation of the committee system, which will take place after the Council's Annual General Meeting (AGM). In brief summary, the Calendar no longer shows meetings of Cabinet, the existing four overview and scrutiny committees, or other bodies which will cease to exist following the AGM, such as the Constitution Committee.

- 4.4. The Calendar has been updated to include the six new service committees, a Finance Sub Committee, and the new Scrutiny Committee. The scheduling of these meetings has taken place following extensive work amongst officers to identify cyclical business, such as that which arises from the "financial cycle" and known forthcoming business. It should be noted that, given the scale of changes which arise from the introduction of the Council's forthcoming decision-making arrangements, there will be a period of time during which further changes might need to be made to the Calendar of Meetings, based upon the experience of the Council's new decision-making bodies. Such changes can be made in line with powers in law and the Constitution.
- 4.5. At the time of writing this report, the legislation which permits virtual meetings to take place, rather than requiring face to face meetings, expires on 6<sup>th</sup> May 2021.
- 4.6. Therefore, unless the legislation is amended, meetings from 7<sup>th</sup> May onwards will have to take place in the traditional way, in meeting rooms, with Members and the public being physically present.
- 4.7. In order to minimise risk at this stage of recovery from the pandemic, it has been determined that the inaugural meetings of the service committees should take place virtually. The business which they would be expected to deal with at their first meetings is non-formal business, such as training and awareness in respect of the committee terms of reference, meeting key officers, and giving thought to draft work programmes etc.
- 4.8. For that reason, and given that there appears to be no substantive formal business to conduct at this early stage of the Municipal Year, there is no need for formal face to face meetings to take place.
- 4.9. The arrangements for these meetings have not been finalised, but provisional dates for them (which could be subject to change) are as follows:
- 4.10. Finance Sub Committee– 17 May at 2pm  
Highways & Transport Committee – 18 May at 10.30am  
Corporate Policy Committee – 18 May at 2pm  
Children & Families Committee – 20 May at 2pm  
Economy & Growth Committee – 24 May at 2pm  
Environment & Communities Committee– 25 May at 10.30am  
Adults & Health Committee – 27 May at 10.30am
- 4.11. Members will be kept informed of any need to change the dates of these inaugural meetings.



- 4.12. The existing pattern of scheduling by those committees which remain unaffected by the new arrangements, has been largely retained. Some minor changes have been made to this scheduling, to accommodate such issues as arise from the financial cycle and to avoid meeting clashes, where possible. For example, it can be seen that there are a very small number of changes to the regular meeting day of Council.
- 4.13. The approach adopted to the construction of the Calendar of Meetings is based upon “cost neutrality” as set out in the report to Council on 19<sup>th</sup> November 2020, and the approved Design Principles for the new arrangements. Whilst careful attention has been paid to the business needs of the organisation, the draft Calendar proposes no more meetings than can be found in the existing Calendar of Meetings. The following principles, many of which will not be unfamiliar to Members, have also been observed:
- 4.14. August has been retained for recess except for planning meetings.
- 4.15. Meetings of full Council have been scheduled to be held on 21 July 2021, 20 October 2021, 18 November 2021, 15 December 2021, 24 February 2022, and 18 May 2022, with the start time of 11 am.
- 4.16. Due to the uncertainty of virtual meetings, a provisional date of 22 June 2021 has been arranged for Full Council meeting. If not required, this meeting will be cancelled.
- 4.17. Meetings of service committees have been scheduled to take place, based upon the business need of the Council rather than a set cycle of meetings . If there is a specific need for additional or fewer meetings, this can be dealt with under existing arrangements.
- 4.18. Strategic Planning Board, Northern Planning Committee and Southern Planning Committee are scheduled on a four-weekly cycle of meetings on Wednesdays; with any site visits taking place on the Friday before the meeting.
- 4.19. The Public Rights of Way Committee had been scheduled to take place quarterly, with the Audit and Governance Committee taking place six times each year and Licensing Committee meeting five times each year. Provisions exist for additional meetings to be called if needed.
- 4.20. The scheduling of meetings of the Scrutiny Committee has been approached on a quarterly basis. It is acknowledged however that there may be the need to arrange ad-hoc meetings, when required to deal with bespoke external scrutiny matters eg external proposals by health providers, using the general powers of the Committee Chair.

- 4.21. The quarterly scheduling will provide for annual reporting, with flexibility around the dates of meetings, to suit business needs.
- 4.22. Due to the evolving nature of the Calendar, the usual Member consultations have not taken place. The Calendar has, however, been shared with the Corporate Leadership Team, Group Leaders, Group Whips, Constitution Committee members, and members of the Governance Working Group.
- 4.23. The Committee is asked to refer the Calendar to Council for approval.

## **5. Implications of the Recommendations**

### **5.1 Legal Implications**

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

### **5.2 Finance Implications**

- 5.2.1 There are no direct finance implications.

### **5.3 Policy Implications**

- 5.3.1 There are no direct policy implications.

### **5.4 Equality Implications**

- 5.4.1 There are no direct implications for equality.

### **5.5 Human Resources Implications**

- 5.5.1 There are no direct implications for human resources.

### **5.6 Risk Management Implications**

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

### **5.7 Rural Communities Implications**

- 5.7.1 There are no direct implications for rural communities.

### **5.8 Implications for Children & Young People**

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

### **5.9 Public Health Implications**

- 5.9.1 There are no direct implications for public health.

## **5.10 Climate Change Implications**

5.10.1 There are no implications for climate change.

## **6. Ward Members Affected**

6.1. All Wards

## **7. Consultation & Engagement**

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

## **8. Access to Information**

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

## **9. Appendices**

9.1. Appendix A-Draft Calendar of Meetings.

## **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](mailto:brian.reed@cheshireeast.gov.uk)

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## Calendar of Meetings 2021-2022

| COMMITTEE                                    | MAY | JUNE                | JULY | AUG | SEP | OCT | NOV             | DEC | JAN              | FEB              | MAR | APRIL | MAY |
|--|-----|---------------------|------|-----|-----|-----|-----------------|-----|------------------|------------------|-----|-------|-----|
| Council (11 am)                              | 12  | 22<br>(provisional) | 21   |     |     | 20  | 18              | 15  |                  | 24               |     |       | 18  |
|  |     |                     |      |     |     |     |                 |     |                  |                  |     |       |     |
| Corporate Policy<br>(10.30 am)               |     | 3                   | 6    |     | 7   |     | 4               | 2   | 12               | 10               | 3   |       |     |
| Economy and Growth<br>(2 pm)                 |     |                     | 15   |     | 16  |     | 15              |     | 11               |                  | 17  |       |     |
| Highways and<br>Transport (10.30 am)         |     |                     | 19   |     | 21  |     | 16<br>(2.00 pm) |     | 13               |                  | 2   |       |     |
| Environment and<br>Communities<br>(10.30 am) |     |                     | 7    |     | 9   |     | 11              |     | 20               |                  | 7   |       |     |
| Children and Families<br>(2 pm)              |     |                     | 12   |     |     | 6   | 8<br>(10.30 am) |     | 10<br>(10.30 am) | 14<br>(10.30 am) | 24  |       |     |
| Adults and Health<br>(10.30 am)              |     |                     | 13   |     | 27  | 12  | 16              |     | 18               |                  | 28  |       |     |
| Finance Sub<br>Committee (2 pm)              |     |                     | 1    |     | 2   |     | 1               |     | 4                |                  | 1   |       |     |
|  |     |                     |      |     |     |     |                 |     |                  |                  |     |       |     |
| Scrutiny Committee<br>(10.30 am)             |     | 1                   |      |     | 6   |     |                 | 6   |                  |                  | 21  |       |     |
|  |     |                     |      |     |     |     |                 |     |                  |                  |     |       |     |
| Audit and Governance<br>Committee (2 pm)     | 27  |                     | 29   |     | 30  |     | 25              |     | 17               |                  | 10  |       |     |
| Appeals Sub<br>Committee (10 am)             |     | 8                   | 8    |     | 14  | 12  | 9               | 7   | 11               | 8                | 15  | 5     | 3   |
| Licensing Committee<br>(2 pm)                |     | 7                   |      |     | 6   |     | 8               |     | 10               |                  | 8   |       |     |
| General Licensing Sub<br>Committee (10 am)   |     | 15                  | 15   |     | 8   | 21  | 10              | 16  | 26               | 17               | 30  | 28    |     |

| COMMITTEE   | MAY | JUNE    | JULY | AUG | SEP     | OCT | NOV | DEC | JAN | FEB | MAR | APRIL | MAY |
|---|-----|---------|------|-----|---------|-----|-----|-----|-----|-----|-----|-------|-----|
| Public Rights of Way Committee (2 pm)                     |     | 14      |      |     | 13      |     |     | 6   |     |     | 14  |       |     |
| Strategic Planning Board (10 am)                          | 19  | 16      | 14   | 18  | 15      | 13  | 17  | 22  |     | 2   | 9   | 6     | 4   |
| Southern Planning (10 am)                                 | 26  | 23      | 28   | 25  | 22      | 27  | 24  |     | 5   | 9   | 16  | 13    |     |
| Northern Planning (10 am)                                 |     | 2<br>30 |      | 4   | 1<br>29 |     | 3   | 8   | 19  | 23  | 23  | 20    |     |
|   |     |         |      |     |         |     |     |     |     |     |     |       |     |
| Health and Wellbeing Board (2 pm)                         | 25  | 29      |      |     | 7       |     | 23  |     | 25  |     | 22  |       |     |
| Local Authority School Governor Appointments Panel (2 pm) |     |         | 5    |     |         | 11  |     |     |     | 14  |     |       |     |
| Corporate Parenting Committee (2 pm)                      |     | 21      |      |     | 14      |     |     | 21  |     |     | 15  |       |     |
| Shared Services Joint Committee (2 pm)                    |     | 25      |      |     | 24      |     | 26  |     | 21  |     | 25  |       |     |





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## **Constitution Committee**

---

**Date of Meeting:** 6 April 2021

**Report Title:** Cheshire East Mayoralty

**Senior Officer:** Jane Burns, Executive Director of Corporate Services

---

### **1. Report Summary**

- 1.1. This report summarises the work of the Mayoral Working Group that was established by the Constitution Committee late in 2019, and which met on four occasions.

### **2. Recommendations**

#### **2.1 That the Committee, recommends to Council that:**

- (i) A revised Mayoral Code of Practice be adopted, as contained in Appendix II to this report.
- (ii) The Council recognises the valuable civic role undertaken by Town Mayors, and agrees, if requested, that local Memorandums of Understanding be entered into with Town Councils in respect of civic relationships.
- (iii) The Mayor of Cheshire East should flexibly apply the rules of precedence, as outlined in the draft Mayoral Code of Practice, as set out in Appendix II to this report.
- (iv) Cheshire East cease the appointment of a Mayor's Chaplain, and discontinue the practice of holding an annual civic service, and the holding of prayers at the start of Council meetings.
- (v) The Head of Democratic Services and Governance be authorised to procure a Mayoral vehicle, being mindful of the Council's commitment to reducing CO2 emissions.
- (vi) Cheshire East Council discontinue the practice of hosting social events to which Mayors of other Boroughs are invited (Mayor's "At Homes").

- (vii) The Constitution Committee review the arrangements for the Mayoralty during the 2023/24 Municipal year, or sooner, if it wishes to do so.

### **3. Reasons for Recommendations**

- 3.1. The Working Group had detailed discussions on the future of the Cheshire East Mayoralty. Members of the Group expressed a range of views on the issue discussed, but there was general agreement about the desirability of modernising the Mayoralty and for recognising the role played by Town Mayors across the Borough.

### **4. Background**

- 4.1 The Mayoralty has existed since the creation of the Council in 2009, and few changes have been made to the way in which it operates. As indicated above, whilst Working Group members expressed a variety of views, there was a general agreement that the Mayor should continue to be politically impartial in all matters of policy and should not be involved in campaigns or controversial matters, other than as they relate to Ward issues.
- 4.2 The Working Group focussed its discussion on the civic elements of the role of Mayor. There was agreement that the Mayor should continue to Chair Council meetings.
- 4.3 The necessity for the Mayor to be politically neutral remains a central theme of the draft Code of Practice. However, on the advice of the Monitoring Officer, reference to the Mayor not being able to be a member of any Council Committee or a Director of an Alternative Service Delivery Vehicle (ASDV) has been removed. Nevertheless, it should be remembered that successfully fulfilling the role of Mayor can be very time consuming, which could compromise the ability of a Mayor to serve on a Committee or discharge the role of a Director of an ASDV.
- 4.4 The draft Code of Practice also differentiates between the role of a Councillor holding the position of Mayor from that Councillor's Ward responsibilities. In addition, the draft Code of Practice specifically permits a Councillor who is serving as Mayor to campaign for re-election to the Council should they choose to be a candidate.
- 4.5 The amended draft Code of Practice puts forward a number of suggestions in respect of how the Cheshire East Mayoralty could be modernised; these areas include:
- A clearer focus on civic leadership and community representation. (Paragraph 4.1)

- Removal of unnecessary formality, including less frequent use of Mayoral robes, and the Mace only being used on very formal occasions. (Paragraphs 5.1 and 5.2).
  - Removal of references to the standards of dress expected from Members at Council meetings, recognising that dress styles and standards change over time. Members of the Working Group hoped that whilst not making specific reference to dress in the Mayoral Code of Practice, Members would continue to dress appropriately for meetings and when representing the Council.
  - Removal of the requirement for Members to stand when the Mayor enters a room, unless the Mayor is wearing his or her robes. With a change of emphasis over the way the Mayoralty operates the Working Group anticipated that robes would be worn relatively infrequently. (Paragraph 1.1).
- 4.6 The draft Code of Practice clarifies the types of roles that it would be appropriate for the Mayor to undertake during their term of office. (Paragraph 2.2).
- 4.7 The draft Code of Practice removes reference to the Deputy Mayor being selected by the Administration or majority political Group, (Paragraph 3.1), simply stating that any Member can be nominated for the positions of Mayor and Deputy Mayor. The Working Group did feel that the Cheshire East custom and practice of a Member (in normal circumstances) only serving one term of office as Mayor should be included as guidance in the Code of Practice.
- 4.8 Across Cheshire East Borough there are 13 Town Councils, 10 of which currently have a Town Mayor. The current Mayoral Code of Practice makes no reference to Town Mayors. The existence of a Borough Mayor alongside Town Mayors can, on occasion, cause confusion. Over 95 per cent of invitations received by the Mayor of Cheshire East (typically in excess of 300 a year) are received electronically via the online invitation page of the Cheshire East website. The draft Mayoral Code of Practice suggests that information is placed on this page outlining the respective roles of the Borough and Town Mayors and providing contact information for Town Mayors. It should be noted that it is quite common for both Borough and Town Mayors to be invited to the same event. (Paragraph 6.1).
- 4.9 Section 22 (4) of the Local Government Act 1972 says “The chairman of a principal council shall have precedence in the area of that council....”. The Mayor is Chairman of the Council and therefore has precedence over Town Mayors. However, it is suggested that irrespective of the formal legal position there is nothing to stop the Mayor of Cheshire East from inviting a Town Mayor to take precedence over him / her at events hosted by the Town Council, or

share precedence at events to which they have both been invited to by a third party. There will be occasions where this will not be possible, including for example, a royal visit, but such occasions are likely to be few and far between. Such an approach has been detailed in the draft Code of Practice and in many ways formalises existing practice.

- 4.10 There may on occasions be civic issues where it would be helpful for the Council to formalise an arrangement with a Town Council. The draft Code of practice suggests that this could be done by means of a mutually agreed Memorandum of Understanding.
- 4.11 Traditionally the Mayor has been driven in a vehicle leased from Bentley Motors, recognising the status of the Mayoralty and the importance of Bentley Motors to the Borough and Council. The contract with Bentley expired in early 2020 and the vehicle was returned just before the Coronavirus lockdown in spring last year. At the time of writing this report, the Council has no Mayoral vehicle. Such a vehicle has not been needed due to the pandemic.
- 4.12 The Working Group discussed options for Mayoral transport. There was a general consensus that the default position was that it was appropriate for the Mayor to be driven to events, although recognising that there may be occasions when it was quite appropriate for the Mayor to drive themselves. Should the Council adopt the approach suggested in the draft Code of Practice (Paragraph 9.2), the overall mileage covered each year driving the Mayor to events is likely to slightly reduce.
- 4.13 There was less consensus over the type of vehicle that should be used to transport the Mayor. Gratitude was expressed for the support shown to the Council over many years by Bentley Motors, and an acknowledgement that this had been a superb showcase for the skills and creativity of the Cheshire East workforce.
- 4.14 It is suggested that further research is undertaken into the viability and cost effectiveness of procuring an electric vehicle (EV) for Mayoral use. The market for EVs is developing quickly and there are significantly more cost-effective options available than there were twelve months ago. There are a number of such vehicles (with zero emissions) which are likely to be able to provide effective Mayoral transport. (Paragraph 9.3).
- 4.15 There are a number of references in the current Code of Practice (Appendix I) which it is suggested are removed. These are:
- Ceasing to host Mayoral “At Home” events (events to which fellow Borough Mayors are invited).

- Ceasing the practice of appointing a Chaplain, the holding of an annual civic service and prayers at the start of Council meetings. Comment was made by Working Group members that rather than prayers, the Mayor may wish to make a few reflective comments at the start of a Council meeting, asking that Members treat each other with respect. It is suggested that Mayors be encouraged to do this, but that a requirement is not formally included in the draft Code of Practice.
- 4.16 There is one additional reference in the current Code of Practice that has not been included in the revised draft, that relates to the Mayor being the sovereign's representative in the Borough. Such statements are included in similar documents from a number of Borough Councils, but no legal authority can be found for such claims. The Lord Lieutenant is the sovereign's representative in Cheshire; as such they always take precedence over the Mayor (paragraph 7.4 of the draft Code of Practice). Including the statement made in the current Code of Practice could be seen by some as confusing the role of Mayor with that of the Lord Lieutenant.
- 4.17 Should the approaches suggested in this report be adopted there is scope for modest financial savings; these would be achieved by reduced costs for a Mayoral vehicle (lease costs and fuel), not holding a civic service and not hosting a Mayor's "At Home". In total it is estimated that savings of £10,000 a year could be achieved.
- 4.18 It is suggested that the Constitution Committee review the operation of a modernised Mayoralty once it has been in operation for two years, i.e. during the 2023/24 Municipal year.

## **5. Implications of the Recommendations**

### **5.1. Legal Implications**

- 5.1.1. There are no specific legal implications to the recommendations made in this report.

### **5.2. Finance Implications**

- 5.2.1. Modest financial savings of £10,000 a year will be made if the recommendations made are adopted.

### **5.3. Policy Implications**

- 5.3.1. There are no policy implications.

### **5.4. Equality Implications**

- 5.4.1. There are no equality implications.

**5.5. Human Resources Implications**

5.5.1. There are no HR implications.

**5.6. Risk Management Implications**

5.6.1. There are no risk management implications.

**5.7. Rural Communities Implications**

5.7.1. There are no direct implications for rural communities.

**5.8. Implications for Children & Young People/Cared for Children**

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

**5.9. Public Health Implications**

5.9.1. There are no direct implications for public health.

**5.10. Climate Change Implications**

5.10.1 Moving to a zero emissions Mayoral vehicle will help reaffirm the Council's commitment to addressing the ongoing climate emergency.

**6. Ward Members Affected**

7.1 All Wards would be affected by the recommendations.

**7. Consultation & Engagement**

7.1. No consultation has been undertaken.

**8. Access to Information**

8.1. There is no supporting information.

**9. Appendices**

9.1 Appendix One-Current Mayoralty Code of Practice

9.2 Appendix Two-Suggested amended Mayoral Code of Practice

**10. Contact Information**

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

Name: Martin Smith

Job Title: Registration and Civic Services Manager

Email: [martin.smith@cheshireeast.gov.uk](mailto:martin.smith@cheshireeast.gov.uk)



**Appendix I****Current Mayoralty Code of Practice**

1. The Mayoralty is the most exalted position within the gift of the Council. Officers, Members and staff must, at all times, respect the Mayor and show deference to his/her office.
2. The Mayor's construction or application of any of the Council's Constitution, or as to the proceedings of Council, should not be challenged.
3. Throughout the Mayor's term of office, he/she should remain politically impartial in all matters of policy and should not be involved in political matters or campaigns, or in controversial matters. The Mayor may therefore choose not to attend political group meetings during his/her year of office.
4. Any press enquiries about the Mayor should be made via the Communications Team.
5. The Mayor should not be appointed as Chairman or Vice Chairman or member of any committee or sub-committee of the Council, or as a Deputy Cabinet member, or be appointed to act as a Director of any of the Council's alternative service delivery vehicles. He/she may accept ex-officio positions with outside organisations or bodies where his/her membership stems from the position of Mayor. He/she may attend the annual meeting or other special meetings of an outside organisation or body and may accept the position of patron or president, but should not become actively involved during his/her term of office.
6. The Deputy Mayor will be chosen for election by the political group which has the majority of Council members. Prior to doing so, they may invite another political group or groups to put forward a nomination for their consideration. The Deputy Mayor will normally succeed to the Mayoralty in the following year. The selection process should normally ensure that, upon election to office, the Mayor will have served at least one term of office as a local authority councillor.
7. The Deputy Mayor will support the Mayor in the fulfilment of civic engagements, and will take the chair in the absence of the Mayor at Council meetings.
8. The Mayor may choose to organise a civic service at a venue to be chosen by him/her, and may also choose to appoint a Chaplain.
9. In his/her capacity as civic head or first citizen, the Mayor represents the Sovereign in the Borough, ranking in precedence only after the Lord Lieutenant (if attending in his official capacity representing the Queen) and members of the Royal Family. He/she should therefore officiate at all formal civic events, involving the Council, the public and press. In the absence of the Mayor, the Deputy Mayor should officiate or, at the Mayor's discretion, and always subject to his/her ruling, the appropriate Portfolio Holder may do so.
10. The Mayor and Deputy Mayor should wear their robes, chains and badges of office on all formal occasions within the Borough. At meetings of the Council, the

## Appendix I

Mayor and Deputy Mayor should wear their robes, chains and badges of office except where they Mayor determines that robes should not be worn.

11. The Mayor and Deputy Mayor should wear their chains and badges of office when attending functions, unless they determine that the wearing of a ribbon would be more appropriate.
12. Members of the Council should be appropriately dressed at Council meetings and should stand when the Mayor enters and leaves the room or chamber where a meeting is taking place.
13. The mace should be used on all Borough ceremonial occasions and will be carried before the Mayor.
14. The offices of Mayoress or Consort and Deputy Mayoress or Consort have no legal status. The appointment to these offices is made upon the invitation of the Mayor and Deputy Mayor, but where persons other than relatives are proposed for appointment, these are at the discretion of the Civic Sub-Committee (or replacement).
15. Support is provided to the Mayor and Deputy Mayor by the Head of Governance and Democratic Services, and their accommodation shall be in the Mayor's Parlours at Macclesfield Town Hall and the Crewe Municipal Buildings.
16. In circumstances where the Mayor is indisposed, the Deputy Mayor will be requested to assume the full duties of the post of Mayor for that time, but will not take the title. Where the Deputy Mayor is similarly indisposed, the Deputy Mayor Elect or the Leader of the Council will assume his or her civic and social duties, but will not take the title.
17. The former Mayors of the Council will be presented with a medallion as a memento of their office, which should be worn on such occasions and at such event as they are advised to do so.
18. The Mayor may organise "Mayor's at Home" events, at which light refreshments will be provided.
19. The Mayor should accept as many invitations as possible to attend events and functions. Where there are conflicting invitations, the Mayor may ask the Deputy Mayor to assist.
20. Any fundraising activities undertaken for the Mayor's charity are the responsibility of the Mayor, the Mayoress and friends. Fundraising for the Mayor's charity is discretionary. Officers will only provide support to the Mayor in respect of charitable activity at formal civic occasions, the Mayoral Ball, and the selling of tickets/reservation of places. The Mayor may consider establishing a committee to assist him/her in the preparation for this activity.

**Appendix II – Suggested amended Mayoral Code of Practice**

**NB: This Code of Practice relates to the role of the Mayor (and where relevant the Deputy Mayor), not that individual when acting in their capacity as a Ward Councillor.**

**1. Introduction**

- 1.1 The Mayor is the Borough's "first citizen", acting as a civic figurehead and the public face of the Borough. Members and Officers must appropriately respect the Mayor and his/her office, but there is no requirement for them or members of the public to stand when the Mayor enters a room at the start of meetings, unless the Mayor is wearing their ceremonial robes and chain.
- 1.2 In accordance with the provisions of the Constitution and law, the Mayor's interpretation of the Council's Constitution and the way this is applied to proceedings of Council should not be challenged at meetings, always subject to the Mayor taking advice from the legal officer present.
- 1.3 The Deputy Mayor will support the Mayor in the fulfilment of civic engagements and will take the chair in the absence of the Mayor at Council meetings.

**2. Mayoral impartiality**

- 2.1 Throughout the Mayor's term of office, he/she must remain politically impartial in all matters of policy and should not be involved in political matters, campaigns, or in controversial matters, other than when they relate to their role as a Ward councillor.
- 2.2 The Mayor may accept ex-officio positions (such as the chairmanship or presidency of a charity or sports club or become an organisation's patron) with outside organisations or bodies where his/her membership stems from the position of Mayor. He/she may attend the annual meeting or other special meetings of an outside organisation or body, but should not become actively involved in issues of policy during his/her term of office.
- 2.3 The Mayor, in their position as a Councillor and candidate in a forthcoming local election may campaign for re-election.

**3. Selection of the Mayor**

- 3.1 The Mayor and Deputy Mayor will be elected by Council. Any Member may be nominated and seconded for these positions. Custom and practice would dictate that unless in exceptional circumstances, an individual will only serve one twelve-month term as Mayor.

**Appendix II – Suggested amended Mayoral Code of Practice**

3.2 If either the Mayor and / or Deputy Mayor are indisposed for a protracted period and need to stand down from their position, Council will select a new Mayor and / or Deputy Mayor.

3.3 The offices of Mayoress or Consort and Deputy Mayoress or Consort have no legal status. The appointment to these offices is made upon the invitation of the Mayor and Deputy Mayor.

**4. Promoting and representing the Borough and the Council**

4.1 The Mayor will do all that they can to promote the Borough and to celebrate the achievements of its people and businesses.

4.2 In his/her capacity as first citizen the Mayor will always represent the Borough at formal, non-political events organised by third parties. In the absence of the Mayor, the Deputy Mayor should represent the Borough or, at the Mayor's discretion, and always subject to his/her ruling, the appropriate Committee Chair may do so.

4.3 In his/her capacity as first citizen, the Mayor should officiate at all formal civic events organised by Cheshire East Council. In the absence of the Mayor, the Deputy Mayor should officiate or, at the Mayor's discretion, and always subject to his/her ruling, the appropriate Committee Chair may do so.

**5. Civil ceremonies and regalia**

5.1 The Mayor and Deputy Mayor may wear their Chains of Office at formal events if they so wish, Mayoral robes will only be worn at the Council's annual Mayor Making Ceremony / Annual Council, and on other prestigious occasions such as royal visits, at the discretion of the Mayor.

5.2 The Mace, a physical symbol of the Council's authority and legitimacy should only be used at the Council's Mayor Making Ceremony and, by exception, at other formal events when deemed appropriate by the Mayor. It will not routinely be used at Council meetings.

**6. Invitations and attendance at events**

6.1 Details of how to invite the Mayor to events will be published on the Council's website. The website will outline the role of the Mayor of Cheshire East and the role of Town Mayors across the Borough, including contact details for Town Mayors, so that organisers of events can invite Town Mayors should they wish to do so.

6.2 The Mayor, taking advice from Officers when appropriate, should accept as many invitations as possible to attend events and functions. Where there are conflicting invitations, the Mayor may ask the Deputy Mayor to assist.

**Appendix II – Suggested amended Mayoral Code of Practice****7. Relationship with Town Mayors, local and national protocol**

- 7.1 When attending an event hosted by a Cheshire East Town Council and attended by the Town Mayor, the Town Mayor will be invited by the Borough Mayor to take precedence, irrespective of normal, national protocols.
- 7.2 When attending events alongside a Town Mayor (at the invitation of a third party) the Town Mayor will be invited by the Mayor of Cheshire East, irrespective of normal national protocols, to enjoy equal status, unless national procedures render this impossible (an example would be a Royal Visit where a strict national protocol always applies).
- 7.3 If a Town Council wishes, the Council will work with it to develop a mutually agreed Memorandum of Understanding which will set out the relationship between the Mayoralty and the Town Council, recognising any particular issues or unique features that are relevant to the relationship.
- 7.4 The Lord – Lieutenant for Cheshire, as the sovereign's representative in the county, always takes precedence over the Mayor.

**8. Fund raising**

- 8.1 Any fundraising activities undertaken for the Mayor's charity are the responsibility of the Mayor, the Mayoress / Consort and friends. Fundraising for the Mayor's charity is discretionary. Officers will only provide support to the Mayor in respect of charitable activity at formal civic occasions. The Mayor may consider establishing a committee to assist him/her in the preparation for this activity.
- 8.2 The Mayor should not manage any charity funds themselves, such funds will be managed and administered by Officers and may be subject to routine audit.

**9. Support to the Mayoralty**

- 9.1 Support is provided to the Mayor and Deputy Mayor by the Council's Head of Democratic Services and Governance, and their accommodation shall be in the Mayor's Parlours at Macclesfield Town Hall and the Crewe Municipal Buildings, recognising that these rooms are also used by others.
- 9.2 The Head of Democratic Services and Governance will ensure that, when appropriate, the Mayor is transported to and supported at events. The Mayor will be driven to most civic engagements, especially those held in the evening or when there is a significant distance to travel or when there are multiple events held on the same day.
- 9.3 The mode of transport used to transport the Mayor will be kept under review ensuring that environmental considerations are always of uppermost importance.



**Appendix II – Suggested amended Mayoral Code of Practice**

9.4 Press enquiries about the Mayor will be managed by the Council's Communications Team.

**10. Recognition of Service**

10.1 Former Mayors of the Council and their consorts will be presented with a medallion as a memento of their term of office, which should be worn on such occasions as they feel appropriate.

**Appendix II – Suggested amended Mayoral Code of Practice**

**Significant changes from existing Code of Practice:**

- Reference to the Mayor attending Group meetings has been removed.
- Reference to the Mayor not being a member of a Council Committee has been removed.
- Reference to the Mayor not being a director of an ASDV has been removed.
- Reference to Mayor / Deputy Mayor being nominated by the Administration / largest political Group has been removed.
- All reference to standards of dress have been removed.
- Reference to the Mayor Elect or Deputy Mayor Elect acting as Mayor if the Mayor and Deputy Mayor are indisposed have been removed.
- Reference to appointing a Chaplain, prayers at Council meetings and holding a civic service have been removed.
- Reference to a Mayor hosting a “At Home” have been removed.
- Reference to the Mayor being the Queen’s representative in the Borough has been removed.

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## **Constitution Committee**

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**Date of Meeting:** 06 April 2021

**Report Title:** Constitutional Update to Implement the Committee System

**Senior Officer:** David Brown, Director of Governance and Compliance

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### **1. Report Summary**

- 1.1. This report seeks to make provision to recommend to Council the necessary changes to implement the decision of Council made 19 November 2020 to move towards the committee system of governance.
- 1.2. The Committee is asked to recommend the report in appendix A to council. The attached draft report to council sets out the constitution in 4 segments.

#### **PART 1**

- Index.
- Chapter 1 Summary/Explanation

#### **PART 2**

- Chapter 2: Responsibility for Functions. Inc:
- Committee structure chart
- Committee terms of reference
- Officer structures/Delegations

#### **PART 3**

- Chapter 3 Procedure Rules
- Council Procedure Rules
- Committee Procedure Rules
- Finance Procedure Rules
- Contract Procedure Rules

## PART 4

- Chapter 4, Codes & Protocols
- Chapter 5 Allowances
- Chapter 6 Glossary
- Chapter 7 List of removed documents

## **2. Recommendations**

### 2.1. That committee:

- 2.1.1. Recommend the report at appendix 1 to council.

## **3. Background**

- 3.1. At its Annual Council meeting on 22<sup>nd</sup> May 2019, Council stated its commitment to implementing a change in its decision-making governance arrangements to a committee system of governance. On 19<sup>th</sup> November 2020, (the November 2020 report). Council resolved to cease operating the existing Leader and Cabinet model of governance, and to implement a committee system of governance at the Annual Council meeting in 2021.
- 3.2. To permit the Council to continue to function the Constitution or 'rule book' of the Council must be updated to reflect the changes in style of governance. The attached report represents the first phase of the updating to the constitution that will be eventually required.
- 3.3. The constitution is broadly set through a mixture of traditional attributes which gives a degree of continuity and certainty, the relevant guidance, model constitution, and the application of legislative provisions.
- 3.4. The attached report recognises both the legislative framework and the need to be adaptable as the Council moves forward. A rigid or prescriptive approach would frustrate the business of the Council and ambiguity or uncertainty would impede progress. The attached report is not a counsel of perfection but a working document which members must work with over the coming months to better inform the inevitable revision that will be required in November 2021 and next year. The associated transitional report highlights some of the additional areas of work that will be required.

## **4. Implications**

### **4.1. Legal Implications**

- 4.1.1. There are no direct implications for this report but there will be significant implications if the recommendation is accepted at full council



**4.2. Finance Implications**

4.2.1. There are no direct implications for this report but there will be significant implication if the recommendation is accepted at full council

**4.3. Equality Implications**

4.3.1. There are no direct implications for equalities.

**4.4. Human Resources Implications**

4.4.1. There are no direct implications for human resources

**4.5. Risk Management Implications**

4.5.1. This paper and the proposed changes to the constitution form part to f the risk management strategy in relation to the change in the system of governance.

**4.6. Rural Communities Implications**

4.6.1. There are no direct implications for rural communities.

**4.7. Implications for Children & Young People**

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

**4.8. Public Health Implications**

4.8.1. There are no direct implications for public health.

**5. Ward Members Affected**

5.1. All

**6. Consultation & Engagement**

6.1. A recommendation from the constitution committee.

**7. Access to Information**

7.1. Additional, supporting information is available to member on the committee system share point site.

**8. Appendices**

8.1 Appendix A-Report to Council.

**9. Contact Information**

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

Name: David Brown

Job Title: Director of Governance and Compliance

Email: [david.c.brown@cheshireeast.gov.uk](mailto:david.c.brown@cheshireeast.gov.uk)



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## Council

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**Date of Meeting:** 19 April 2021

**Report Title:** Constitutional Update to Implement the Committee System

**Senior Officer:** David Brown, Director of Governance and Compliance

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### 1. Report Summary

- 1.1. This report seeks to make provision for the initial changes to the constitution to facilitate the adoption of the first phase of the revised constitution to enable the committee system to function.
- 1.2. The revised constitutional provisions are set out in appendices 1 to 4.
- 1.3. The revised Constitution is not a 'perfected' document to be crystalised and retained unchanged but a document that will be subject to significant ongoing revision and change over the coming months and years.
- 1.4. The approach to the committee system as set out in the attached draft reflects the design principles confirmed at the 19 November 2020 council meeting and found at in appendix G of the report (the November 2020 report).
- 1.5. The drafting where completed aspires to gender neutral drafting, use of plain language, digital compatibility and improved accessibility for councillors and residents. The task has been constrained by the pandemic which has impacted on virtually all area of council business. The November 2020 Report at paragraphs 1.15 to 1.19 identified a significant number of strategic risks accompanying this change.
- 1.6. The phased approach to implementation ensures the necessary changes are in place for the commencement of the committee system. The committee system will start at the next Annual General Meeting (AGM). The AGM must occur by the end of May 2021.

- 1.7. Since November and allowing for a pandemic, staff changes, Christmas and Easter it was necessary to phase the approach for commencement of the committee system into the 'must haves' (phase 1) and the consequential changes (phase 2). Where possible and appropriate obvious inconsistencies and anomalies which would ordinarily be in phase 2 have been rectified at this stage.

## **2. Recommendations**

- 2.1. That Council is recommended to:

- 2.1.1. Agree the constitutional changes as set out in appendix 1 to 4.

## **3. Background**

- 3.1. At its Annual Council meeting on 22<sup>nd</sup> May 2019, Council stated its commitment to implementing a change in its decision-making governance arrangements to a committee system of governance. On 19<sup>th</sup> November 2020, Council resolved to cease operating the existing Leader and Cabinet model of governance and to implement a committee system of governance from the Annual Council meeting in 2021.
- 3.2. At that meeting, Council agreed the five design principles set out at Appendix G of the November 2020 report. Council also agreed the basic committee structure, terms of reference, roles of leader and deputy, decision review process, urgency provisions, role and powers of committee and sub-committee chairs. The majority of the consequential matters remain to be decided and are, in part, resolved in the draft constitution aligned with the design principles.
- 3.3. Council also resolved to authorise the Director of Governance and Compliance to prepare, in accordance with the principles agreed, the necessary constitutional provisions associated with the new arrangements.
- 3.4. The constitution is broadly structured by reference to the certainty which is found the old style model constitution, combined with the updated legislative provisions and modern stylistic approach. For example, the use of masculine words to cover people regardless of gender or sex is generally unnecessary, inaccurate and tends to reinforce historic gender stereotypes. Local Government is obligated to promote fairness and gender-neutral writing is about clarity, inclusion, and equality. This assists the Council in complying with statutory obligations, the design principal of openness, improving accessibility and plain language.

- 3.5. A local authority is a creature of statute. It must, by its very nature be subservient to the statutory regime imposed upon it. This means the Council has no legislative competence to opt out or change how legislation is applied. For example: terms such as openness and transparency may be open to interpretation by Councillors but the Council has a clear legislative framework, both in primary legislation (statute) and regulations on what must be published, when reports and committee meetings are open to the public and what must be disclosed on request. There are additional requirements imposed by legislation impacting upon the Council such as the Freedom of Information Act. All of these requirements must be met and the Council is unable to restrict information. However, the opposite is also true, the Human Rights Act restrictions on interference with private and family life, the Data Protection Act and the General Data Protection Regulations, Local Government Act 1972 Schedule 12 and other legislation sets out limitations and restrictions on information that can be disclosed. These limitations are repeated throughout many parts of the constitution and means there is often only limited discretion available to Councillors on significant parts of the constitution.
- 3.6. The key areas where members have greater freedom to adapt existing conventions to provide the best service to the council and residents relate to process and procedures which apply the statutory framework to the council.
- 3.7. It is essential the council has an operational system in place for to deliver the Corporate Plan as supported by the budget and medium term financial strategy agreed in February 2021. The attached draft constitutional changes set out in the appendices recognises the legislative framework and the need to adapt process and procedures as the Council moves forward with the committee system.
- 3.8. A rigid or prescriptive approach would frustrate the business of the Council and ambiguity or uncertainty would impede progress. The attached report is not a counsel of perfection but a working document which members must continue to work with over the coming months. Council has already provided for the review in November 2021. The associated transitional report highlights some of the additional areas of work that will be required.

## **4. Constitution**

### **PART 1**

- 4.1 The Index remains indicative until the final pagination is undertaken but members should carefully note the contents and structure.

4.2 Chapter 1 This chapter sets out an overview of how the Council operates, what the key parts of the Constitution cover and what rights members of the public have. It explains how decisions are taken within a committee system and how the Mayor is elected. This part is substantially complete.

## **PART 2**

4.3 Chapter 2 sets out the way in which functions have been allocated and which decision-making body/person within the Council has responsibility for making those decisions:

1. Diagrammatic explanation of Councillor decision making bodies. This was approved in appendix H of the November 2020 report. Alternative diagrammatic representation will also be produced for use in the coming months which include colour coding of committee by function such as regulatory, oversight or service and members will be able to consider if they wish to update the diagrammatic representation next November.
2. This part sets out an introduction to who makes decisions in the Council and has been redrafted.
3. Council. This is largely unchanged.
4. Committees. This section has removed Cabinet, Portfolio and references to the executive style of governance and has replaced it with service, regulatory and oversight committees. As part of the transitional provisions where practicable functions at risk of being 'orphaned' have been allocated to service committees.
5. This part sets out the Scheme of Officer Delegation and contains a diagram of the officer structure at the Council. It sets out the areas of responsibility of the Senior Officers and Statutory Officers and the arrangements for the discharge of the Proper Officer functions. This has been amended to reflect the committee system but will require further redrafting and is currently largely reflective of the current scheme of delegation based upon the 3 executive director model. As the Committee system moves forward the alignment of Director and Heads of Service to Committee provision will evolve and it is anticipated substantial review of alignment and delegations will be required in November 2021 and April 2022.

4.4 Significant changes have been made to Chapter 2 which is sufficient to provide for a working Committee system of governance. Members must note this is an evolving area of the constitution and will inevitably require further changes as committee decision making takes over from the previous executive model.

## **PART 3**

4.5 Chapter 3 provides the greatest area for members to engage and create bespoke approaches which best enable the Council to engage with



residents. The procedure rules look significantly different in presentation and now read sequentially with internal appendices reduced to a minimum. The design principle require officer support for each committee and a wider range of members and officers will now be required to access, understand and if appropriate advise on the rules and paragraph number section headings and sequential approach will be invaluable. The majority of the full council procedures although (consideration must be given to the role of questions) are unchanged save where repetition or inconsistency was identified. All the previous cabinet/executive procedure rules etc have been removed and the committee procedure rules updated. There are significant changes to these rules relating to the powers of chairperson, debate, length of speech and guillotine. Committees of 13 members with lengthy agendas will require appropriate authority to be vested in chairpersons to ensure business continues as required by the design principle of quick decision making.

- 4.6 Public engagement is also a design requirement and mentions petitions, public questions and speaking. It is suggested an approach of continuous development is taken to this aspect with the Council adopting elements that work well and redesign parts that work less well. A fundamental basis of engagement by the public is the ability to attend a committee, speak to a topic on the agenda and attempt to persuade the committee to adopt a particular position. This engagement and interaction will allow the committee to be better informed and have a greater understanding of an issue. The ability to ask a question does not always achieve that and can confuse the route for public to engage with services. To allow questions to be answered in a meaningful way they will require early notification otherwise they risk the moment or relevance to the committee lost. The development of the best approach to questions is likely to engage members into the future.

The role, engagement and empowerment of the public, ensuring the public obtain a timely and efficient response to questions, rather than multiple responses from different service areas, aligning service based questions with the customer service strategy will require further policy development through the Corporate Policy Committee.

The public also engage with the council through ward members, who are often asked to intervene or assist members of the public in dealing with the council. A key element of improving public engagement is likely to be through the empowerment and engagement of ward councillors which is again an area for further policy development.

- 4.7 Consideration has also been given to member questions, the role or purpose of questions in a cross group/party committee which is fundamentally different from questions to a controlling executive or cabinet. With a

proportionate committee groups are already engaged in the decision making process so the purpose and management of questions dealing with accountability, challenge, service requests etc and how this relates to the role of and empowerment ward councillor will require further policy development. Members will be required to strike a balance between ward issues and committee issues, to decide if ward councillors are to be the primary conduit or if committees are to engage in very local issues rather than borough wide decisions. This balance is likely to be reached through the evolution of the Cheshire East committee system and variation and additions to these provisions should be expected at each review point following recommendation from the Corporate Policy Committee.

4.8 The access to information rules are largely untouched but require substantial review for legislative compliance and these will be updated for November 2021.

4.9 The Budget and policy framework sets out the rules providing the framework for managing the Council's financial affairs. These remove reference to the framework for executive decisions and replace with the committee approach. The indicative budget process for the first year is set out in the transitional paper.

4.10 In the Finance procedures rules the fundamental elements remain unchanged and there are no significant variations to delegations. They have been substantively rewritten in respect of style and approach.

4.11 The Contract procedure rules are again broadly unchanged save for updating to language to reflect the post EU procurement landscape.

4.12 The removal of the staffing committee and creation of the appointments committee has resulted in a technical rewrite of the employment procedure rules which have consequential updates to reflect changes the local government landscape.

## **PART 4**

4.13 The whole of this part remains as currently drafted save for consequential changes to use consistent language and cross referencing in codes and protocols. All the codes and protocol are due for revision and this work will continue through the next two updating cycles of the constitution. Some changes will be driven by engagement and with the committee system, for example the member/officer protocol has been updated to reflect changes from officers interaction with portfolio holders to committees other changes to be considered are a consequence of command papers and changes to the draft model codes of conduct.

- 4.14 The member allowance schedule will be drawn directly from the independent remuneration panel report and is simply a link to the web page that has been populated with the relevant data after agreement at council.
- 4.15 Chapter 6 is the glossary. The removal of definitions in the body of the text and the use of a single definition in a glossary is a significant aid to interpretation and helps avoid consistency errors and duplication.
- 4.16 Chapter 7 a schedule of removed items and will be completed at the conclusion of the process.

## **5. Implications**

### **5.1. Legal Implications**

- 5.1.1. It is imperative that a lawful and transparent decision-making process exists which translates the existing forms of decisions into the new style of governance. If Council remains silent on these issues the efflux of time will create issues of urgency and cost which require officers to act. This would be costly and defeating the design principles of openness.

### **5.2. Finance Implications**

- 5.2.1. The clear decision making, and the adoption of a budget setting process is a legal necessity. A failure to agree an approach would result in statutory intervention. A failure to set a lawful budget may result in personal liability for Councillors. This process is designed to facilitate the setting of the budget, assist residents in understanding the process that will be followed and protect councillors.

### **5.3. Equality Implications**

- 5.3.1. No Equality Impact Assessment has been completed but the accessibility and intelligibility the constitution has remained at the forefront of the drafting process.

### **5.4. Human Resources Implications**

- 5.4.1. There are no direct implications for human resources although Council should be aware wider training will be taking place to assist the transition of staff into the new arrangements.

### **5.5. Risk Management Implications**

- 5.5.1. This represents the first phase of legal and financial compliance and risk management. The absence of a functioning constitution would place the

council at risk and severally impede the council ability to make lawful decisions.

**5.6. Rural Communities Implications**

5.6.1. There are no direct implications for rural communities.

**5.7. Implications for Children & Young People**

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

**5.8. Public Health Implications**

5.8.1. There are no direct implications for public health.

**6. Ward Members Affected**

6.1. Borough wide

**7. Consultation & Engagement**

7.1. Leader, Deputy leader, have been consulted. The constitution committee working group has meet twice and this has been widely contributed by officers across the council via the project board. All Coucnillors will be offered traiing on the committeee system and an intorduction to the constittuion session.

**8. Access to Information**

8.1. Additional information is available to members from the council's committee system sharepoint site.

**9. Appendices**

- 9.1. Appendix One-Part One of the Constitution
- 9.2. Appendix Two-Part Two of the Constitution
- 9.3. Appendix Three-Part Three of the Constitution
- 9.4. Appendix Four-Part Four of the Constitution

**10. Contact Information**

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

Name: David Brown

Job Title: Director of Governance and Compliance

Email: [david.c.brown@cheshireeast.gov.uk](mailto:david.c.brown@cheshireeast.gov.uk)

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# CHESHIRE EAST COUNCIL

# CONSTITUTION

**Remember to delete when complete**

| Date     | Version | Author      | Summary of amendments made |
|----------|---------|-------------|----------------------------|
| 15.03.21 | 2       | J Barnes BB | Update                     |
| 22.03.21 | 3       | J Barnes BB | Update                     |
| 23.03.21 | 4       | D Brown CEC | Update                     |

EDITION: April 2021

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## Contents

| Chapter | Title   | Contents   |
|---------|---|--|
| 1       | <a href="#">Introduction, Summary and Explanation</a> | This chapter sets out an overview of how the Council operates, what the key parts of the Constitution cover and what rights members of the public have. It explains how decisions are taken and how the Mayor is elected.  |
| 2       | <a href="#">Responsibility for Functions</a>          | <p>This chapter sets out the way in which functions have been allocated and which decision-making body/person within the Council has responsibility for making those decisions:</p> <ol style="list-style-type: none"> <li>1. Diagrammatic explanation of Councillor decision making bodies</li> <li>2. Council</li> <li>3. Committees</li> <li>4. Officer delegations (including a diagram of the officer structure/Council management)</li> </ol>  |
| 3       | <a href="#">Procedure Rules</a>                       | <p>This chapter sets out the procedural rules relating to all Council activities grouped into the following parts:</p> <ol style="list-style-type: none"> <li>1. Procedure Rules governing meetings and decisions: <ul style="list-style-type: none"> <li>• Full Council Meetings</li> <li>• Committees and Sub-Committee Meetings</li> <li>• Scrutiny Procedure Rules</li> <li>• General Provisions relating to Procedure Rules</li> <li>• Virtual Meetings Procedure Rules</li> </ul> </li> <li>2. Access to Information Procedure Rules</li> <li>3. Finance Procedure Rules (FPRs)</li> <li>4. Contract Procedure Rules (CPRs)</li> </ol> |

| Chapter | Title   | Contents   |
|---------|---|--|
|         |   | 5. Employment Procedure Rules  |
| 4       | <a href="#">Codes and Protocols</a>           | This chapter sets out codes and protocols covering Councillor and Officer conduct, including: <ol style="list-style-type: none"> <li>1. Councillor Code of Conduct</li> <li>2. Officer Code of Conduct</li> <li>3. Councillor/Officer Protocol</li> <li>4. Planning Code of Conduct</li> <li>5. Whistleblowing Policy</li> </ol> |
| 5       | <a href="#">Councillors' Allowance Scheme</a> | This is the list of Councillors' Allowances.   |
| 6       | <a href="#">Glossary</a>                      | This glossary explains some of the key terms used throughout this document.  |
| 7       | <a href="#">List of associated documents</a>  | These are associated documents that support this constitution and can be accessed from it electronically.  |

## Chapter 1

---

### Introduction, Summary and Explanation

---

- 1 This document is the Council's Constitution. It contains details of how the Council works, how decisions are made and where to find information about the Council.

#### **Purpose of the Constitution**

- 2 This is a document to help residents, businesses, partners, stakeholders, Councillors and Officers understand how the Council works. We have included hyperlinks between different parts of the Constitution wherever possible to make it easy to navigate your way around the information. We have also included hyperlinks to other documents, information or sites where we think this will be helpful. All hyperlinks are coloured [blue like this](#).
- 3 If you have any queries about anything in this Constitution please contact:  
Brian Reed (Head of Democratic Services and Governance)  
01270 686670 [brian.reed@cheshireeast.gov.uk](mailto:brian.reed@cheshireeast.gov.uk)

#### **The Council**

- 4 Cheshire East Council has 82 elected Councillors (also called Members). Each Councillor represents the residents in their Ward. There are 52 Wards in the Council's area. Councillors are elected every four years. Find out when the [next election](#) will take place.
- 5 Find out which [Ward](#) you are in and who your [Councillors](#) are. See a [list of all Councillors](#) with their contact details. View details of the [political composition](#) of the Council.

#### **Councillors**

- 6 Councillors are directly accountable to residents and service users for the running of the Council. They have a duty to represent all constituents in their Ward and they must make decisions in the best interests of the borough as a whole. They are involved in decision making and [Chapter 2](#) of the Constitution gives details of who has authority to make decisions. Councillors can also represent the Council on external bodies.
- 7 Councillors have to observe a [Code of Conduct](#) and a [Protocol on Councillor/Officer Relations](#). As public servants Councillors should treat people with mutual respect and courtesy.
- 8 Councillors also have to register and declare certain interests. You can access the [Register of Councillors' Interests](#) online.

## How the Council makes decisions

- 9 All Councillors meet together a number of times each year as the Full Council. You can get details of forthcoming Full Council Meetings [here](#). Full Council elects a Mayor (who is the chair of the Full Council Meeting, performs the Council's civic role and represents the Council in the community) and appoints a Deputy Mayor.
- 10 There are three different types of Council meeting:
  - 10.1 The Annual Meeting of the Council, which will usually be held in May;
  - 10.2 Ordinary meetings; and
  - 10.3 Extraordinary meetings, which will be called as and when required in accordance with the [Council Procedure Rules](#).
- 11 You can find details of the calendar of Full Council and other meetings on the [Council's website](#).
- 12 The Council operates a 'committee system' form of governance. This means that decisions are made by full Council or delegated to Committees, Sub-committees and Officers. All Councillors meet together as full Council. Full Council is ultimately responsible for the exercise of all functions and certain matters are expressly reserved to be taken by a meeting of the full Council.
- 13 To enable it to operate more effectively some Council functions may be carried out jointly with other local authorities or in certain cases, by another local authority or public body on the Council's behalf. The structure of the Council's Committees and Sub-committees can be found [here](#). Those matters reserved to full Council are listed [here](#).
- 14 The meetings of Council and the committee system are modern, open and transparent. Public participation is encouraged and there is usually the opportunity for public speaking and petitions. There is a regularly updated work programme outlining the decisions to be made by each committee, which can be found [here](#).
- 15 The Council's Scrutiny Committee is able to look at proposed decisions relating to health partners, crime and disorder and flood risk management. The Scrutiny Committee may contribute to those issues and make recommendations as it sees fit.

## Principles of decision-making

- 16 The following principles apply to all decision making. Decision makers will:
  - take into account all relevant considerations and ignore those which are irrelevant
  - undertake a realistic evaluation of alternatives and options
  - carry out appropriate consultation



- take decisions which are proportionate to the desired outcome
- take into account statutory duties such as best value and fiduciary duties
- consider relevant professional advice
- respect equalities and human rights
- approach decision making on a transparent and open basis.

### **The Council's Staff/Employees**

- 17 Councillors are supported by staff/employees (who are also called "officers"). Officers provide advice, implement decisions and manage the day to day delivery of the Council's services.
- 18 The most senior officer is the Chief Executive. Other senior managers lead different parts of the Council's services. Some officers have specific duties to ensure that the Council operates within the law and uses resources wisely. These are the Monitoring Officer (who has duties regarding the law and the Ombudsman) and the Chief Finance Officer (who has responsibility for the proper management of the Council's financial affairs under Section 151 Local Government Act 1972).
- 19 See the [Council's Senior Management Structure](#). The functions and responsibilities which the Council has given to the senior officers are listed in the [Scheme of Delegation](#) in [Chapter 2](#).
- 20 The Chief Executive will designate one of the Executive Directors as the Deputy Chief Executive.
- 21 Officers have to comply with the [Officers' Code of Conduct](#) and the [Protocol on Councillor/Officer Relations](#). As public servants officers should treat people with mutual respect and courtesy.
- 22 The [recruitment, selection, discipline and dismissal of officers](#) must be done in accordance with specific rules.

### **Rights of residents and the public**

- 23 Everyone has an equal right to access high quality Council services. Members of the public have rights to:
  - 23.1 vote at local elections
  - 23.2 stand for election as a councillor if they live or work in Cheshire East
  - 23.3 attend the Council's meetings except where confidential or exempt information is being discussed
  - 23.4 participate in [Public Speaking and Questions](#) and present petitions in accordance with the Council's procedure rules

- 23.5 contact local Councillors about any matters of concern – access [Councillor details](#)
- 23.6 contribute to reviews by the Scrutiny Committee
- 23.7 complain where there are problems with Council services – access a [complaint form](#)
- 23.8 complain to the Local Government and Social Care Ombudsman after complaining to the Council if the Council has not followed its procedures properly – access the [Ombudsman complaint form](#)
- 23.9 complain to the Monitoring Officer if you believe there is evidence that a Councillor has not followed the Councillors' Code of Conduct – access the [Code of Conduct Complaint Form](#)
- 23.10 inspect the [Council's accounts](#).

## **Role of the Mayor and Chair of the Council**

### *Civic Role*

- 24 The Council's Mayor, supported by the Deputy Mayor will perform the Council's civic role.
- 25 This entails raising and maintaining the profile of the Council's area and its residents. The aims and values of the Council will be promoted in an apolitical manner.
- 26 The Mayor will decide which civic and ceremonial functions to promote following consultation, where appropriate, with officers. These functions may include representing the Council at events organised by other local authorities or organisations.

### *Council Role*

- 27 The Mayor is elected at the Annual Council meeting, usually held in May. The Deputy Mayor is appointed at the same meeting.
- 28 The Mayor is responsible for:
  - 28.1 upholding and promoting democracy and this Constitution and interpreting it, where necessary, with advice
  - 28.2 presiding over meetings of the Full Council to ensure that business is carried out efficiently and effectively
  - 28.3 ensuring the rights of Councillors and local people are protected in the running of the Full Council meeting (Guidance on the Role of a Chair which is relevant for all Chairs of Council meetings)
  - 28.4 ensuring that, at Full Council meetings, matters of concern to local people and Councillors can be debated at Council or the relevant Committee

- 28.5 promoting public involvement in the Council's activities and acting as a link between members of the public and organisations and the Council
- 28.6 carrying out other roles on behalf of the Council.
- 29 The Deputy Mayor will:
  - 29.1 support the Mayor in his/her civic role and also carry out civic duties on behalf of the civic office
  - 29.2 deputise for the Mayor in his/her absence.
- 30 The Mayoralty Code of Practice**
- 31 The Mayor shall comply with the [Mayoralty Code of Practice](#).
- 32 Who may become Mayor or Deputy Mayor**
- 33 Any Councillor shall be eligible for election to the office of Mayor, or appointment as Deputy Mayor, except for Councillors who are Chairs or Vice Chairs of the service or oversight Committees.

#### **Review of the Constitution**

- 34 This Constitution will be kept under review by the [Monitoring Officer](#) who may make minor adjustments, or will report to Councillors with a view to making significant changes.

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# CHESHIRE EAST COUNCIL

# CONSTITUTION

## Chapter 2 - Remember to delete when complete

| Date     | Version | Author      | Summary of amendments made                 |
|----------|---------|-------------|--|
| 15.03.21 | 1       | J Barnes BB | Update                                     |
| 22.03.21 | 2       | J Barnes BB | Update s151 to CFO; add ToR for Committees |
|          |         |             |  |

EDITION: April 2021

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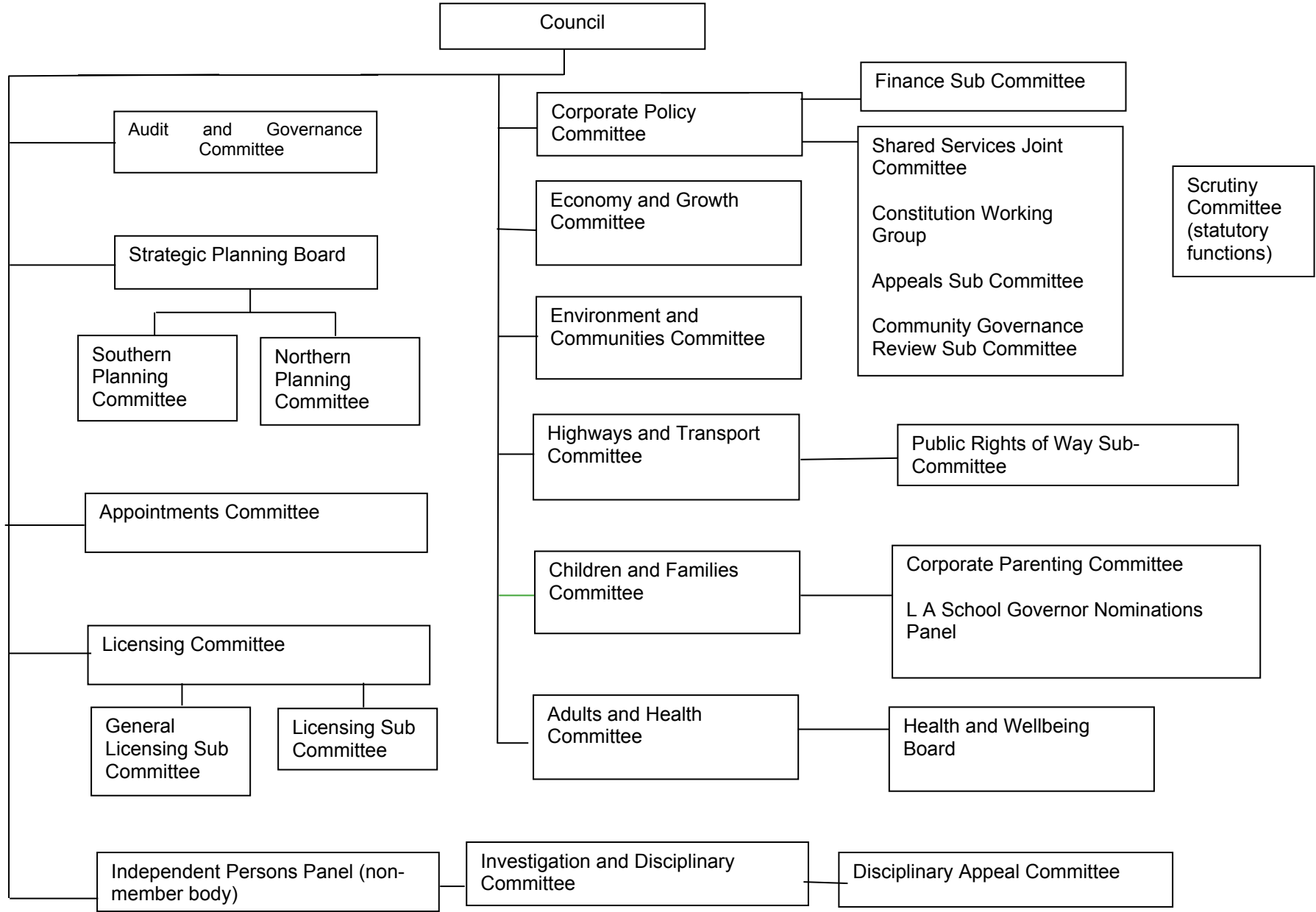
## Chapter 2

### Responsibility for Functions

| Part | Title   | Contents   |
|------|---|--|
| 1    | <a href="#">Explanation of Decision Making</a>  | This part shows a diagram of the Committee Structure   |
| 2    | <a href="#">Introduction to Decision Making</a> | This part sets out an introduction to who makes decisions in the Council   |
| 3    | <a href="#">The Full Council</a>                | <p>This part sets out:</p> <ul style="list-style-type: none"> <li>• <a href="#">Functions of the Full Council</a></li> <li>• <a href="#">Council Meetings</a></li> <li>• <a href="#">Policy Framework</a></li> <li>• <a href="#">The Budget</a></li> <li>• <a href="#">Appointment to Outside Organisations</a></li> </ul>   |
| 4    | <a href="#">Functions of Committees</a>         | <p>This part sets out the Functions, Roles and responsibilities of the Committees of the Council, which are:</p> <ul style="list-style-type: none"> <li>• <a href="#">Corporate Policy Committee</a></li> <li>• <a href="#">Finance Sub-Committee</a></li> <li>• <a href="#">Appeals Sub-Committee</a></li> <li>• <a href="#">Community Governance Review Sub-Committee</a></li> <li>• <a href="#">Economy and Growth Committee</a></li> <li>• <a href="#">Environment and Communities Committee</a></li> <li>• <a href="#">Highways and Transport Committee</a></li> <li>• <a href="#">Public Rights of Way Sub-Committee</a></li> <li>• <a href="#">Children and Families Committee</a></li> <li>• <a href="#">Corporate Parenting Committee</a></li> <li>• <a href="#">Health and Adults Committee</a></li> <li>• <a href="#">Health and Wellbeing Board</a></li> <li>• <a href="#">Scrutiny Committee</a></li> <li>• <a href="#">Strategic Planning Board</a></li> </ul> |

| Part | Title                               | Contents   |
|------|-------------------------------------|--|
|      |                                     | <ul style="list-style-type: none"> <li>○ <a href="#">Northern Planning Committee</a></li> <li>○ <a href="#">Southern Planning Committee</a></li> <li>• <a href="#">Licensing Committee</a></li> <li>• <a href="#">General Licensing Sub-Committee</a></li> <li>• <a href="#">Licensing Sub-Committee</a></li> <li>• <a href="#">Appointments Committee</a></li> <li>• <a href="#">Investigation and Disciplinary Sub-Committee</a></li> <li>• <a href="#">Disciplinary Appeals Committee</a></li> <li>• <a href="#">Independent Persons Panel</a></li> <li>• <a href="#">Audit and Governance Committee</a></li> <li>• <a href="#">Standards Sub-Committee</a></li> <li>• <a href="#">Independent Remuneration Panel</a></li> <li>• Joint Arrangements <ul style="list-style-type: none"> <li>○ <a href="#">Shared Services Joint Committee</a></li> <li>○ <a href="#">Cheshire Police and Crime Panel</a></li> <li>○ <a href="#">Cheshire Fire Authority</a></li> </ul> </li> </ul> |
| 5    | <a href="#">Officer Delegations</a> | <p>This part sets out the <a href="#">Scheme of Officer Delegation</a> and contains a diagram of the officer structure at the Council. It sets out the areas of responsibility of the Senior Officers and Statutory Officers and the arrangements for the discharge of the Proper Officer functions.</p>   |

Chapter 2 – Part 1: Committee Structure





## Chapter 2 – Part 2

### Introduction to decision making

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- 1 This Part of the Council's Constitution sets out how decisions are made so that members of the public are clear about which part of the Council or which individual has responsibility for particular types of decisions.
- 2 The Council and any Committee or Sub-Committee of the Council may delegate a function or decision to an officer in accordance with this Constitution. This can be on a permanent or one-off basis.
- 3 Where a matter covers numerous Committee Terms of Reference or there is any dispute or disagreement between Committees on:
  - Whether something falls within a Committee's Terms of Reference; or
  - A proposed course of action;
 the matter shall be referred to the Corporate Policy Committee (or Council if more convenient) to resolve and decide upon a way forward.

#### Types of decision and the decision-takers

- 4 When the Full Council makes decisions, it will comply with the [Council Procedure Rules](#).
- 5 When Committees and Sub-Committees make decisions, they will comply with the [Committee Procedure Rules](#).
- 6 When the Scrutiny Committee makes decisions, it will comply with the [Error! Reference source not found.](#)
- 7 On occasions, the Council, a Committee, Sub-Committee or an officer will act as a tribunal or in a quasi-judicial manner when they determine the civil rights, obligations or criminal responsibility of an individual. When this happens, they will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.
- 8 Significant decisions may appear on the [Council's Forward Plan](#).

## Chapter 2 – Part 3

### The Full Council

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#### Functions of the Full Council

- 1 The following functions are the responsibility of the Council and will be discharged by the Full Council (all Councillors meeting together) unless specifically delegated to another Committee, Sub-Committee, body or officer elsewhere in this Constitution. The Council:
  - 1.1 is accountable to residents and service users for the proper discharge of all of its functions and the delivery of its services
  - 1.2 will keep under review the running of the Council's affairs and will implement changes where it considers there is a need to do so to improve the way in which the organisation operates, its relationships with the public and the delivery of services in the most efficient and effective way to deliver best value
  - 1.3 will adopt the Council's Constitution and approve any amendments to it (except where specifically delegated to the Corporate Policy Committee or the Monitoring Officer)
  - 1.4 will:
    - 1.4.1 elect the Mayor
    - 1.4.2 appoint the Deputy Mayor
    - 1.4.3 elect the Leader of the Council
    - 1.4.4 appoint to such other offices and/or positions as may be required under this Constitution or by law.
  - 1.5 will adopt the [Policy Framework](#) and any of the policies within it
  - 1.6 will agree the Council's [Budget](#)
  - 1.7 will determine any decision which would otherwise be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget
  - 1.8 will adopt the Council's [Codes of Conduct](#) for Councillors and Officers and the [Protocol on Councillor/Officer Relations](#)
  - 1.9 will agree:
    - 1.9.1 the establishment and composition of Committees and Sub-Committees
    - 1.9.2 The political balance of such bodies as required from time to time



- 1.9.3 the allocation of Chairs and Vice-Chairs to those bodies (see paragraph 2 below).
- 1.10 will agree and amend the terms of reference of its Committees and Sub-Committees and the job description for committee Chairs
- 1.11 will determine any matter which is referred to it for determination by a Committee or Sub-Committee
- 1.12 will adopt (or otherwise) Motions submitted in accordance with the Council Procedure Rules
- 1.13 will approve the [Councillors' Allowance Scheme](#) for elected Members following advice from the [Independent Remuneration Panel](#)
- 1.14 will appoint/dismiss the Head of Paid Service, dismiss the Monitoring Officer and Chief Finance Officer, designate an officer to act as Monitoring Officer and an officer to act as Chief Finance Officer
- 1.15 will appoint the Returning Officer and Electoral Registration Officer
- 1.16 will approve the Council's response to any issues or proposals in relation to local government boundaries including Electoral Wards, the conduct of elections and community governance functions
- 1.17 may take decisions relating to the name of the area and may confer the title of Honorary Alderman or Freedom of the Borough
- 1.18 may make decisions relating to the making, amending, revoking, re-enacting, adopting or enforcing byelaws and promoting or opposing the making of local legislation or personal bills
- 1.19 will take decisions in respect of functions which have not been delegated by the Council to Committees, officers or elsewhere.
- 2 Nominations to the Council's Committees, Sub-committees and decision-making bodies, and changes to such nominations, including nominations to Chairs and Vice-Chairs, shall be notified by the Council's Group Leaders or Group Whips in writing or by email to the Head of Democratic Services and Governance and shall thereafter be published on the Council's website. Such nominations shall be in accordance with the relevant numerical allocations made by Council for that body.

### **Policy Framework**

- 3 By law, the Council must have a policy framework. This is a list of plans and strategies which are relevant to the Council's functions and are decided by the full Council. These are set out in the Budget and Policy Framework Procedure Rules.

**Budget**

- 4 The Full Council sets the Council's budget each year, following a recommendation from the Corporate Policy Committee. The budget has a number of elements as follows:
  - 4.1 The allocation of financial resources to different services and projects
  - 4.2 The Medium Term Financial Strategy
  - 4.3 The Council tax base
  - 4.4 Setting the Council tax
  - 4.5 The Capital Strategy
  - 4.6 The Reserves Strategy
  - 4.7 The Treasury Management Strategy, which includes the Council's borrowing requirement
  - 4.8 Council also sets the financial limits within the Finance Procedure Rules.

**Appointment to Outside Organisations**

- 5 The Corporate Policy Committee may make appointments to a number of ASDV's and [local and regional organisations](#) which can be found by clicking on the link.

## Chapter 2 – Part 4

### Functions of Committees

---

- 1 This section sets out the functions, roles and responsibilities of the Committees of the Council, which are listed in the Contents section on page 4. The Terms of Reference are set out below.
- 2 All committees and sub-Committees will be appointed in accordance with the political balance rules except for Licensing Sub-Committees and other quasi-judicial bodies (unless no Councillor votes against an alternative arrangement).
- 3 The quorum for all Committees and Sub-Committees is one third unless otherwise stated.
- 4 Committees are able to exercise all of the functions of their Sub-Committees and anything calculated to facilitate or conducive or incidental to the exercise of those functions.
- 5 Committees and Sub-Committees are appointed by Council and may appoint informal working groups or task groups.
- 6 All Panels, Working Groups and ad-hoc meetings of Sub-Committees may be convened by the Proper Officer under the normal processes for making appointments to committees (via Group Leader/Whip notification to the Head of Governance and Democratic Services).

#### Corporate Policy Committee

##### Membership: 13 Councillors

With the Leader of the Council as Chair and Deputy Leader as Vice Chair

##### **Functions**

- 1 The Corporate Policy Committee will provide strategic direction to the operation of the Council by developing and recommending the Corporate Plan to full Council and making decisions on policies and practice where such decisions are not reserved to full Council.
- 2 The Committee's responsibilities include:
  - 1.1 formulation, co-ordination and implementation of the Corporate Plan and
  - 1.2 corporate policies and strategies, alongside the medium term financial plan (budget) which is the responsibility of the Finance Sub-Committee. In the discharge of those responsibilities the Committee shall determine such matters to the extent that they are not reserved to full Council.

- 1.3 Human Resources, Organisational Development and Health and Safety matters affecting the Council; including adopting HR policies and practices;
- 1.4 to make recommendations to Council in relation to the annual Pay Policy Statement and any amendments to such statement.
- 1.5 to make recommendations to Council in relation to decisions affecting the remuneration of any new post whose remuneration is or is proposed to be or would become £100,000 p.a. or more.
- 1.6 make decisions in relation to proposed severance packages with a value of £95,000 or more as appropriate (excluding contractual and holiday pay).
- 1.7 exercise the functions relating to local government pensions, so far as they relate to Regulations made under sections 7, 12, or 24 of the Superannuation Act 1972 or subsequent equivalent legal provisions.
- 1.8 determination of key cross-cutting policies and key plans that impact on more than one service committee.
- 1.9 determination of policy matters not otherwise allocated to any other committee.
- 1.10 determination of any matter of dispute or difference between committees.
- 1.11 a co-ordinating role across all other committees and to exercise a corporate view of outcomes, performance, budget monitoring and risk management.
- 1.12 determination of any matter that has a major impact on a number of Council services or the Council as a whole.
- 1.13 oversight and scrutiny of the Corporate Services Directorate, including the following functions: Governance and Compliance, Finance and Customer Services, and Transformation; together with Strategic Partnerships and shared services;
- 1.14 independent assurance of the adequacy of the HR service and staffing related matters;
- 1.15 oversight and monitoring of the Councillors' Allowances budget and keeping under review the scheme for the payment of allowances to Councillors through the appointment of an Independent Remuneration Panel (IRP) to advise full Council on the adoption and any proposed amendments to such scheme.
- 1.16 review of the Council's Constitution and the recommendation of any changes to the Council;
- 1.17 consideration of recommendations and an Annual Report of the Council's involvement in ASDVs;

- 1.18 appointing representatives to serve on outside bodies and organisations (including education bodies and establishments) and reviewing the process for considering appointments to outside organisations;
  - 1.19 appointing Lay Members (who shall not be Councillors) to serve on the Independent Admissions and Exclusion Appeals Panel as required under the relevant legislation;
  - 1.20 approving the payment of a reasonable and proper allowances and expenses for the work undertaken by the Council's Independent Persons;
  - 1.21 approving annual conference and seminar attendance.
- 3 The Corporate Policy Committee shall be entitled to exercise: any function of the Council not otherwise allocated; as well as the functions of all other Committees and Sub-Committees, particularly where plans or activities straddle a number of Committees.

### **Finance Sub-Committee**

#### **Membership: 8 Councillors**

#### ***Functions***

- 1 The Finance Sub-Committee will co-ordinate the management and oversight of the Council's finances, performance and corporate risk management arrangements. The Sub-Committee will make recommendations to the Corporate Policy Committee regarding the development of the Medium Term Financial Strategy and the setting and monitoring of the Capital and Revenue Budgets in accordance with the Corporate Plan and the Policy Framework.
- 2 The Sub-Committee's responsibilities include:
  - 2.1 determination of finance issues, including but not limited to Treasury Management, Insurance, Procurement, , debt write off, settlement payments and virements in line with the constitution.
  - 2.2 establishment of a Procurement Forward Plan.
  - 2.3 Investment Strategy
  - 2.4 grant awards for sums in excess of £50,000;
  - 2.5 estates and property transactions including buying selling and appropriation of land and property;
  - 2.6 management of the Council's involvement in ASDVs and overseeing the production of an Annual Report on performance;
  - 2.7 making decisions as Shareholder, reviewing and approving Business plans, including risk registers and commissioning services and functions from the Council's ASDVs.

### Appeals Sub-Committee

**Membership: 3 Councillors**, established on an ad hoc basis in consultation with the Chair of the Corporate Policy Committee

#### **Functions**

- 1 To consider appeals from senior Staff in the following circumstances:
  - 1.1 Appeals against dismissal
  - 1.2 Appeals against grievances
  - 1.3 Appeals against policy (but only the first appeal where the appeals are based on the same issues/circumstances)
  - 1.4 [Appeals against action short of dismissal from the three designated Statutory Officers] (remove duplication by removing Disciplinary Appeals **Committee and placing functions here?.**)

### Community Governance Review Sub-Committee

**Membership: 7 Councillors**

#### **Functions**

- 1 The Sub-Committee is responsible for:
  - 1.1 undertaking a Borough-wide review of community governance arrangements for Cheshire East;
  - 1.2 Appointing persons to fill vacancies on Parish Councils where such Councils are otherwise unable to act; and
  - 1.3 All other Parish Council matters.

### Constitution Working Group

**Membership: [1] Councillors**

#### **Functions**

- 1 The Constitution Working Group will make recommendations to the Corporate Policy Committee and Council on:
  - 1.5 the Council's administrative business, including electoral matters; administrative boundaries and support for Councillors;
  - 1.6 determining policies and conventions in relation to the political management of the Council, including political balance and party groups for the purpose of Councillors' duties
  - 1.7 reviewing the Council's Constitution and recommending any changes to the Monitoring Officer (where not significant), Corporate Policy Committee and Council;



- 1.8 recommending to Council, as appropriate, the appointment of Councillors to Committees and Sub-Committees (including any co-opted Members)
- 1.9 overseeing and monitoring the Councillors' Allowances budget and keeping under review the scheme for the payment of allowances
- 1.10 making recommendations to the Council on civic issues, including those affecting the Mayoralty, Honorary Freemen and Aldermen, nationally significant events and the Council's flag flying policy and civic regalia.

## **Environment and Communities Committee**

### **Membership: 13 Councillors**

#### ***Functions***

- 1 The Environment and Communities Committee is responsible for developing policies and making decisions on matters relating to the delivery of inclusive and sustainable economic growth, improving the quality of the environment and delivering improvement in key front line services.
- 2 The Committee's responsibilities include:
  - 2.1 development and delivery of the Council's strategic objectives for Environmental Management, sustainability, renewables and climate change;
  - 2.2 development and delivery of Strategic Planning policies;
  - 2.3 development and delivery of the Council's estates, land and physical assets policies;
  - 2.4 external health and safety good practice and enforcement including instituting proceedings and prosecutions;
  - 2.5 determination of policies and exercising functions in relation to waste collection and disposal, recycling, leisure, culture, museums, libraries, the arts and sports development, bereavement services, trading standards, environmental health, nuisance and anti-social behaviour, public space protection orders, contaminated land and air quality;
  - 2.6 determination of policies and making decisions in relation to flooding and accessibility in co-ordination with the Scrutiny Committee.

## **Economy and Growth Committee**

### **Membership: 13 Councillors**

**Functions**

- 1 The Economy and Growth Committee will be responsible for developing policies and making decisions on matters relating to delivering inclusive and sustainable economic growth
- 2 The Committee's responsibilities include:
  - 2.1 determination of policies and making of decisions in relation to housing management and delivery.
  - 2.2 determination of policies and making of decisions in relation to economic development, regeneration, skills and growth.
  - 2.3 determination of policies and making decisions in relation to the rural and cultural economy

**Highways and Transport Committee****Membership: 13 Councillors****Functions**

- 1 The Highways and Transport Committee shall be responsible for developing policies and making decisions on matters relating to highways and transport as they affect the area of the Council taking into account regional and national influences
- 2 The Committee's responsibilities include:
  - 2.1 formulation, co-ordination and implementation of corporate policies and strategies in connection with all car parking, transport and accessibility matters.
  - 2.2 determination of any matter affecting the Council's interests in relation to national infrastructure matters, for example HS2, Northern Powerhouse Rail and the National Road Network.
  - 2.3 discharge of the Council's responsibilities as Highway Authority, including, but not limited to, highway adoption, highway maintenance, road safety, network management and street lighting.

**Public Rights of Way Sub-Committee****Membership: 7 Councillors**

Before any Councillor can attend a meeting and participate in the business of the meeting, determination of an application or an appeal by any individual or body he/she must attend a suitable training course dealing with the quasi-judicial nature of the role of the Committee.

**Functions**

- 1 The Public Rights of Way Sub-Committee's responsibilities include:

- 1.1 discharge all the functions of the Council in relation to public rights of way (except the determination of non-contentious Public Path Order applications which has been delegated to the Executive Director Place);
- 1.2 discharge of Commons and Town and Village Greens functions;
- 1.3 being apprised of, approve, and comment on a range of policies, programmes and practices relating to Rights of Way, Commons, Town and Village Greens and countryside matters including but not limited to:
  - 1.3.1 progress reports on implementation of the Rights of Way improvement Plan (part of the Annual Progress Review for the Local Transport Plan);
  - 1.3.2 Statements of Priorities;
  - 1.3.3 Enforcement Protocols;
  - 1.3.4 Charging Policy for Public Path Order applications.

## **Children and Families Committee**

### **Membership: 13 Councillors**

The Chair of the Committee shall be the statutory Lead Member for Children's Services

### ***Functions***

- 1 The Children and Families Committee will be responsible for those services which help keep children and young people safe and enable them to achieve their full potential. The responsibility incorporates matters in relation to schools and attainment, early help and family support and social care for children and families. The Committee shall have a particular focus on those children who are looked after and for whom the Council has corporate parenting responsibility.
- 2 The Committee's responsibilities include:
  - 2.1 determination of policies and making decisions in relation to the delivery of services to children and young people in relation to their care, well-being, education and health.
  - 2.2 discharge of the Council's functions in relation to children in need and child protection including safeguarding and youth justice.
  - 2.3 discharge of the Council's functions and powers in relation to the provision of education and oversight of the Schools Forum.
  - 2.4 development and maintenance of relationships with schools in relation to the raising of standards of attainment.

- 2.5 coordination of the Council's role as Corporate Parent with a focus on fostering and adoption.
- 2.6 discharge of the Council's functions in relation to Special Education Needs and Disability (SEND).
- 2.7 discharge of the Council's functions in relation to early help and family support.

### **Corporate Parenting Committee**

#### **Membership: 12 Councillors**

and representative young people from the My Voice (Cheshire East's Children and Care Council) to advise the Committee

#### ***Functions***

- 1 The purpose of the Corporate Parenting Committee is to ensure that the Council effectively discharges its role as Corporate Parent for all children and young people in care and care leavers from 0- 25 years of age and holds partners to account for the discharge of their responsibilities.
- 2 The Committee's responsibilities include:
  - 2.1 acting as advocate for children in care and care leavers, ensuring that their needs are addressed through key plans, policies and strategies throughout the Council and its commissioned services;
  - 2.2 ensuring key strategic plans and reports relating to children in care and care leavers are in place including the Corporate Parenting Strategy, Sufficiency Statement and Children and Young People's Plan;
  - 2.3 overseeing the implementation of Cheshire East's Corporate Parenting Strategy and action plan and monitoring the quality and effectiveness of services to ensure that they fulfil the Council's responsibilities;
  - 2.4 monitoring the quality of care delivered by Cheshire East's residential children's homes through visits and reports, including summary reports of Ofsted inspections;
  - 2.5 reviewing the performance of the Council in relation to outcomes for children and young people in care via the scrutiny of both quarterly performance reports and annual reports including the health of Cared for Children and Care Leavers, the Virtual School, Fostering and the Independent Reviewing Service;
  - 2.6 establishing an environment whereby Councillors and young people work together to address the needs and aspirations of Cheshire East's children and young people in care and empower

children and young people to participate in decision making with adults;

- 2.7 overseeing the implementation of best practice principles in all aspects of service delivery, with the aim of producing positive outcomes for children and young people in care;
- 2.8 supporting the work of foster carers and adopters in making a difference to the care and support they provide;
- 2.9 making sure that staff and partners commit to follow the pledges to cared for children and young people and care leavers set out in the Corporate Parenting Strategy.

### **Governance**

- 3 The Committee will:
  - 3.1 meet bi-monthly;
  - 3.2 report to the Council's Corporate Policy Committee on at least an annual basis; and
  - 3.3 review its terms of reference annually.
- 4 The Committee will be supported by Democratic Services.
- 5 The meetings will take place out of school hours to enable cared for children and young people to participate.

### **Appeals Sub-Committee**

**Membership:** 5 *Councillors* drawn from a pool of 10

### **Functions**

- 1 The Sub-Committee is responsible for:
  - 1.1 hearing and determining appeals lodged under the Marriage Acts;
  - 1.2 hearing and determining any appeals lodged with the Council for determination, as authorised under all relevant education legislation, excluding those duties falling to the Independent Appeals Panel (schools admissions and exclusions);
  - 1.3 hearing and determining any appeals lodged with the Council in respect of school transport;
  - 1.4 hearing and determining appeals from bus contractors in accordance with contract procedures;
  - 1.5 hearing and determining any appeals lodged with the Council as Social Services Authority, and as authorised under all relevant social services legislation;

- 1.6 hearing and determining any other appeals (other than staffing matters).

Before any Councillor who is a member of the Appeals Sub-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 Sub-Committee.

## **Health and Adults Committee**

### **Membership: 13 Councillors**

#### ***Functions***

- 1 The Health and Adults Committee will be responsible for the Council's communities, public health and adult social care services with a view to enabling all people to live fulfilling lives and to retain their independence. When discharging its functions the Committee shall recognise the necessity of promoting choice and independence.
- 2 The Committee's responsibilities include:
  - 1.1 promotion of the health and well-being of residents and others;
  - 1.2 determination of policies and making decisions in relation to people aged 18 and over (some young people up to the age of 25 may still be within Children's services as care leavers or with a Special Educational Needs and Disability) with eligible social care needs and their carers including;
  - 1.3 adult safeguarding, adult mental health, physical health, older people and learning disabilities and lifelong learning;
  - 1.4 determination of policies and making decisions in relation to Public Health in coordination with the Health and Wellbeing Board and the Scrutiny Committee;
  - 1.5 oversight of the Communities Strategy;
  - 1.6 provision and commissioning of domestic violence support services and quality assurance.

## **Scrutiny Committee**

### **Membership: 13 Councillors**

#### ***Functions***



The purpose of the Scrutiny Committee is to undertake reviews and make recommendations on services or activities carried out by other organisations and which affect residents, businesses as well as the Council and its Committees.

- 1 The Committee's responsibilities include:
  - 1.1 The discharge of the Council's responsibilities set out in section 19 of the Police and Justice Act 2006, section 244 of the Health and Social Care Act 2006, and section 9JA and 9JB of the Local Government Act 2000 in relation to flood risk management.

## **Planning and Development Control**

### **Committee Structure and Delegations**

- 1 Development control functions will be discharged by a Strategic Planning Board, supported by two Planning Committees as follows:

- 1.1 **Strategic Planning Board** (12)
- 1.2 **Northern Planning Committee** (12)
- 1.3 **Southern Planning Committee** (12)

Any Councillor (including planning pool Councillors), must attend all planning training sessions held each year (including induction), in order to properly discharge their planning committee obligations.

Any Member who cannot attend the training 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.

### **Substitutes and Pool of Planning Substitutes**

- 2 A cross party pool of 9 planning substitutes shall be maintained to supplement the substitution arrangements for planning committees. 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.

## **Strategic Planning Board**

### ***Functions***

- 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:

- 1.1 to monitor the volume and type of applications determined; assessing the performance of the Development Management service, and, if appropriate
  - 1.2 to vary the division of functions and delegations between the Board, the Planning Committees and the Head of Planning
  - 1.3 to adopt working protocols and procedures: e.g. 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 and country planning and development control, protection of important hedgerows, preservation of trees, regulation of high hedges, and any relevant applications pursuant to Schedule 17 of the High Speed Rail (West Midlands-Crewe) Act 2021.. 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:
- 2.1 Applications for Large Scale Major Development as defined by the Strategic Planning Board from time to time. Currently this includes:
    - 2.1.1 residential developments of 200 dwellings or more, or 4 ha. or more
    - 2.1.2 10,000 square metres or more, or 4ha. or more of retail, commercial or industrial or other floor space.
  - 2.2 This does not include re-applications for extant schemes or detailed applications where outline consent has been given or removal/variation of conditions.
- 3 Where the application is to vary or remove a condition that was imposed by the Planning Committee it will not be delegated.
- 4 However, there will be a presumption that a call in request by a local ward Member will be agreed where applications are for:
- 4.1 the renewal (or extension of time) of extant unimplemented permissions;
  - 4.2 applications for major minerals or waste development other than small scale works which are ancillary to an existing mineral working or waste disposal facility;
  - 4.3 applications involving a significant departure from policy which has been referred to SPB which a Planning Committee is minded to approve;
  - 4.4 any other matters which have strategic implications by reason of their scale, nature or location;

- 4.5 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 paragraph 2.1 above which have wider strategic implications.
- 5 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.
- 6 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.
- 7 To determine any relevant Schedule 17 applications as deemed appropriate by the Head of Planning.

### **Northern and Southern Planning Committees**

#### ***Functions***

- 1 To exercise the Council's functions relating to town and country planning and development control, the protection of important hedgerows, preservation of trees, regulation of high hedges and any relevant applications pursuant to Schedule 17 of the High Speed Rail (West Midlands-Crewe) Act 2021. 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:
  - 1.1 Applications for Small Scale Major Development for:
    - 1.1.1 residential developments of 20 to 199 dwellings or between 1 and 4ha.
    - 1.1.2 retail or commercial/industrial or other floor space of between 5,000 and 9,999 square metres or 2-4 ha.
- 2 This does not include re-applications for extant schemes or detailed applications where outline consent has been given or removal/variation of conditions.
- 3 Where the application is to vary or remove a condition that was imposed by the Planning Committee it will not be delegated.
- 4 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.
- 5 To determine any other planning and development control matters:
  - 5.1 advertised as a departure from policy, which the Head of Planning is minded to approve;
  - 5.2 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;

- 5.3 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;
- 5.4 referred up to them by a Councillor in accordance with the Committees` Referral procedure. However:
  - 5.4.1 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 a Schedule 17 application, where a 7 day time frame will apply);
  - 5.4.2 applications for householder development, listed building consents to alter/extend and conservation area consents will normally be dealt with under delegated powers;
  - 5.4.3 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;
  - 5.4.4 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.
- 5.5 any other matters referred up at the discretion of the Head of Planning.
- 5.6 To determine any relevant Schedule 17 applications as deemed appropriate by the Head of Planning in liaison with a Principal Planning Officer.
- 6 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.

## Licensing

- 1 The Licensing functions of the Council shall be carried out by the following bodies:
  - 1.1 A full Licensing Committee of **15 Councillors**

- 1.2 Sub-Committees to be established by the Licensing Committee on an ad hoc basis, comprising **3 Councillors** drawn from the full Committee, to deal with matters under the Licensing Act 2003 and the Gambling Act 2003.
- 1.3 Sub-Committees to be established by the Licensing Committee on an ad hoc basis, comprising **5 Councillors** (with a **quorum of 3**) drawn from the full Committee (of which at least one shall, subject to availability, be the Chair or Vice-Chair of the full Committee), to deal with 'general' licensing matters.
- 1.4 The requirement of political proportionality under section 15 of the Local Government and Housing Act 1989 is waived in relation to the sub-committee established under the above sub-paragraph.
- 2 Before any Councillor who is a member of the Licensing Committee can attend a meeting and participate in the business of the meeting, the determination of an application or appeal by any individual or body, that Councillor must have attended a suitable training course dealing with the quasi-judicial nature of the role of the Committee.

### **Functions**

- 3 The Licensing Committee and its Sub-Committees have responsibility for the following licensing and registration functions of the Council:
  - 3.1 Caravan sites and moveable dwellings/camping sites
  - 3.2 Hackney carriages and private hire vehicles, drivers and operators
  - 3.3 Sex shops and sex cinemas
  - 3.4 Performances of hypnotism
  - 3.5 Acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis
  - 3.6 Pleasure boats and vessels
  - 3.7 Market and street trading
  - 3.8 Premises for the preparation of food
  - 3.9 Scrap yards and motor salvage operators
  - 3.10 Dog breeding, pet shops, animal breeding, animal trainers and exhibitors, zoos and wild animals
  - 3.11 Employment of children
  - 3.12 Charitable collections
  - 3.13 Operation of loudspeakers
  - 3.14 Storage of celluloid

- 3.15 Meat product premises and dairy establishments
- 3.16 Egg products, butchers and fish products
- 3.17 Auction and wholesale markets
- 3.18 Food business premises
- 3.19 Licensed premises
- 3.20 Gambling
- 3.21 Alcohol Disorder Zones
- 3.22 Public Place Orders.
- 4 With the exception that the power to resolve not to issue a casino licence is reserved to Full Council.
- 5 The functions of the Licensing Committee or Sub-Committee shall be determined by the full committee based on the delegations set out below.
- 6 These delegations to Sub-Committees shall be subject to the proviso that the Chair or Vice-Chair of the full Committee may refer a matter up from a Sub-Committee to the full Committee where that matter is significant or controversial in nature.

***Ad Hoc Licensing Act 2003/Gambling Act 2005 Sub-Committee***

- 7 All functions under the Licensing Act 2003 and the Gambling Act 2005 shall be determined by the Sub-Committee or Officers other than the power to set fees for Premises Licences (section 212 2005 Act) which shall be reserved to the full Licensing Committee.

***General Licensing Sub-Committee***

- 8 All functions relating to:
  - 8.1 licensing of hackney carriages and private hire vehicles
  - 8.2 licensing of sex establishments
  - 8.3 licensing of street collections
  - 8.4 licensing of house to house collections
  - 8.5 licensing of street trading
  - 8.6 licensing of scrap metal dealers
  - 8.7 any other functions referred it by officers (with the exception of matters under the Licensing Act 2003/Gambling Act 2005) shall be determined by the General Licensing Sub-Committee or Officers other than the following functions which are reserved to the full Licensing Committee:



- 8.8 power to set fees in relation to hackney carriage and private hire drivers, vehicles and operators
- 8.9 power to set fees for sex establishments
- 8.10 power to designate streets as consent streets, licence streets or prohibited streets.
- 8.11 power to set fees in relation to street trading
- 8.12 power to approve policy in relation to the Scrap Metal Dealers Act 2013
- 8.13 power to set fees and charges in relation to scrap metal dealers licences.

### **Appointments Committee**

**Membership:** 8 Councillors

#### ***Functions***

- 1 The purpose of the Committee is to make or recommend senior appointments:
  - 1.1 with regard to the Head of Paid Service, Monitoring Officer and Chief Finance Officer (Designated Statutory Officers (the 'DSOs')):
    - 1.1.1 to undertake the recruitment and selection process in accordance with the Employment Procedure Rules
    - 1.1.2 make a recommendation to the Council to approve the proposed appointment before an offer of appointment is made to that person
  - 1.2 appoint the Statutory Directors, namely:
    - 1.2.1 The Director of Children's Services;
    - 1.2.2 Director of Adult Social Services
    - 1.2.3 Director of Public Health
  - 1.3 to appoint/the Executive Director Place.
  - 1.4 Excluding national agreements, to approve "in year" salary or other benefit increases to the Head of Paid Service provided that this is within the agreed annual pay policy.

### **Investigation and Disciplinary Committee (IDC)**

Please refer to the IDC Handbook (link provided in Chapter 7, list of associated documents) for further information.

**Membership: 5 Councillors**

- 2 Councillors must have completed mandatory training.
- 3 A quorum for the meeting shall be **3 Councillors**.

### **Functions**

- 4 Councillors shall be appointed to the Committee, as and when a Committee is required to be convened, under the normal processes for making appointments to committees (via Group Leader/Whip notification to the Head of Governance and Democratic Services). In accordance with the Model Disciplinary Procedure contained in the JNC Handbook for *Directors*, IDC meetings shall be convened by the Monitoring Officer (in consultation with the Chair of Corporate Policy Committee). Should the Monitoring Officer (MO) be unable to act, the Head of Paid Service or Deputy Monitoring Officer (DMO) can also convene the Committee. Subsequent meetings of a convened IDC Committee will be convened by the IDC Co-ordinator in conjunction with the Chair of the Committee.
- 5 The Monitoring Officer (or DMO) shall, in consultation with the Chair of the Corporate Policy Committee and the Chair of any existing IDC, filter out and deal with allegations of misconduct which are clearly unfounded, trivial or can best be dealt with under some other procedure. The MO/DMO will also consider whether informal resolution is appropriate.
- 6 For consistency, unless unavoidably indisposed or conflicted, once appointed, the same Councillors shall comprise the Committee (and any adjournment of it) over the course of the full consideration of the matter (and any related matter), until such time as the matter is completed. Should any Member become conflicted or indisposed over the course of the matter, any substitution shall be at the Chair's discretion in conjunction with the Committee's legal adviser.
- 7 All papers issued to the Committee by the IDC Co-ordinator must be returned to the Co-ordinator (legal representative) or IDC Clerk at the end of each IDC meeting.
- 8 If a matter passes the filter stage, the Committee will in conjunction with its legal adviser consider allegations/issues regarding disciplinary matters (as defined in The Local Authorities (Standing Orders) (England) Regulations 2001 as amended) relating to the DSOs.
- 9 The Committee will after taking advice from its legal adviser decide:
  - 8.1 Whether no further formal action under this procedure is required,
  - 8.2 To appoint an Independent Investigator ("II") to investigate the issue and to commission reports from an II;
  - 8.3 Whether it is appropriate to reach agreement with the DSO on a formal sanction (short of dismissal) without the need to appoint an II;

- 8.4 Whether to suspend a DSO or to reconsider suspension and to review at a frequency to be determined by the Committee, any decisions taken to suspend;
  - 8.5 What action should be taken against a DSO following an investigation. This could include a hearing, taking no further action, informal resolution/other appropriate procedures, disciplinary action short of dismissal or proposed dismissal. The Committee shall have delegated authority to impose disciplinary action short of dismissal in these circumstances.
- 10 In the event that the Committee recommends dismissal then that recommendation shall be referred to the Independent Persons Panel prior to being referred to full Council for a determination in accordance with the IDC Handbook.
  - 11 With the exception of a decision to recommend to full Council that a DSO be dismissed, there shall be a right of appeal to the Disciplinary Appeals Committee against any decisions made by the Committee to take disciplinary action against a DSO.

### **Disciplinary Appeals Committee [suggest merger with Appeals Subcommittee under Corporate Policy Committee.]**

#### **Membership: 5 Councillors**

No Member who was a member of the Investigation and Disciplinary Committee making the decision which is the subject of the appeal may be a member of the Disciplinary Appeals Committee. Members of the Committee must have completed mandatory training.

For consistency, unless unavoidably indisposed or conflicted, once appointed, the same Councillors shall comprise the Committee (and any adjournment of it) over the course of the full consideration of the matter (and any related matter) that it has been convened to consider, until such time as the matter is disposed of.

#### **Functions**

- 1 To consider any appeals brought by the DSOs against any decision made by the Investigation and Disciplinary Committee to take disciplinary action against a DSO short of dismissal.

#### *Procedure for the Disciplinary Appeals Committee*

- 2 The DSO shall have the right to attend and be accompanied at the Committee Meeting which considers the appeal by a trade union representative or work colleague of their choice.
- 3 The Committee shall consider the appeal in accordance with the Council's normal procedure for dealing with appeals.

#### *Access to Advice and Representation*

- 4 For the avoidance of doubt, the Committee may commission and have access to external legal and professional advice.
- 5 For the avoidance of doubt, if a DSO chooses to retain professional advice and/or representation at or in respect of any meeting of or hearing before the Committee, then the DSO in question shall be responsible for the cost of that advice or representation.

### **Independent Persons Panel**

**Membership:** At least two (preferably three) of the Independent Persons appointed by the Council under section 28(7) of the Localism Act 2011 or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate. The Monitoring Officer shall invite the Independent Persons, as necessary/appropriate.

The Panel will be appointed from those Independent Persons who have accepted an invitation to be considered for appointment, in accordance with the following priority order:

- an Independent Person who has been appointed by the authority and who is a local government elector in the Council's area
- any other Independent Person who has been appointed by the authority
- an Independent Person who has been appointed by another authority or authorities.

### **Functions**

- 6 The Independent Persons Panel is an advisory committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purpose of advising the authority on matters relating to the dismissal of the officers designated as the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer (together the "Designated Statutory Officers" or "DSOs") in accordance with Schedule 3 to The Local Authorities (Standing Orders) (England) Regulations 2001.
- 7 The advice of the Independent Persons Panel must be sought in accordance with the *Employment Procedure Rules* and IDC Handbook where the Investigation and Disciplinary Committee propose to recommend the dismissal of a DSO.
- 8 The advice of the Independent Persons Panel may (but need not) be sought by the Investigation and Disciplinary Committee at any other point in an investigation under the IDC process or (if not conflicted) by the Disciplinary Appeals Committee.
- 9 For the avoidance of doubt, the Committee may commission and have access to external legal and professional advice and may meet concurrently with an IDC hearing.

**Audit and Governance Committee**

**Membership: 10 Councillors** and one independent member

The success of the Audit and Governance Committee depends upon its ability to remain apolitical. It must adopt a non-political approach to its meetings and discussions at all times. Remaining apolitical also places a duty on Councillors not to make inappropriate use of information provided to the Committee for other purposes.

The co-option of an independent member is intended to bring additional knowledge and expertise to the Committee and reinforce its political neutrality and independence. To ensure that the Committee remains focussed on its assurance role, all members of the Committee, and any designated substitute, must be appropriately trained.

**Functions**

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

***Governance, risk and control***

- 5 To review the Council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.
- 6 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.

- 7 To consider the Council's arrangements to secure value for money and to review and scrutinise assurances and assessments on the effectiveness of these arrangements.
- 8 To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.
- 9 To monitor the effective development and operation of risk management in the council.
- 10 To monitor progress in addressing risk related issues reported to the committee.
- 11 To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions, including calling upon managers to explain progress.
- 12 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.
- 13 To oversee the operation of the Contract Procedure Rules and the Commissioning and Procurement Board.
- 14 To review the governance and assurance arrangements for significant partnerships or collaborations.
- 15 To review and monitor the Council's treasury management arrangements in accordance with the CIPFA Treasury Management Code of Practice.

### ***Internal Audit***

- 16 To approve the internal audit charter.
- 17 To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations
- 18 To approve and up-date 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.
- 19 To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.



- 20 To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.
- 21 To consider reports on internal audit's performance during the year, including the Quality Assurance and Improvement Programme, the Annual Governance Statement and the performance of external providers of internal audit services.
- 22 To consider the head of internal audit's annual report and other audit reports as requested
- 23 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.
- 24 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.
- 25 To consider a report on the effectiveness of internal audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit Regulations.
- 26 To provide free and unfettered access to the audit committee chair for the Head of Audit and Risk, including the opportunity for a private meeting with the committee.

### ***External Audit***

- 27 To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the authority's auditor panel as appropriate.
- 28 To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
- 29 To consider specific reports as agreed with the external auditor.
- 30 To comment on the scope and depth of external audit work and to ensure it gives value for money.

- 31 To commission work from internal and external audit.

### ***Financial Reporting***

- 32 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 or a Committee.
- 33 To consider the external auditor's reports and management letters.

### ***Accountability Arrangements***

- 34 To report to those charged with governance on the committee's findings conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangements, and internal and external audit functions.
- 35 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.
- 36 To publish an annual report on the work of the committee.

### ***Related Functions***

- 37 To approve and monitor Council policies relating to whistleblowing and anti-fraud and corruption.
- 38 Subject to the requirements set out below, to consider all findings of the Local Government and Social Care Ombudsman, including reports resulting in a finding of maladministration against the Council, and to make recommendations as to actions that may be necessary in connection with the Ombudsman's findings.

### ***Working Groups***

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

### ***Standards Arrangements***

- 40 The Committee is responsible for the Council's standards arrangements which seek to:

- (a) promote high standards of conduct and ethical behaviour by developing, maintaining and monitoring Councillor and co-opted Members Codes of Conduct and promoting good practice;
- (b) ensure that Councillors receive advice and as appropriate on the Code of Conduct; and
- (c) grant dispensations under the provisions of the Localism Act 2011 to enable a member or co-opted Member to participate in a meeting of the Authority.

41 Council on 14<sup>th</sup> December 2017 approved a procedure to be followed when considering a complaint that an elected member of the Council or of a town or parish council within its area has failed to comply with the Council's Code of Conduct. The full procedure is available [here](#).

### ***Hearing Sub-Committee***

42 The Hearing Sub-Committee is appointed to consider complaints under the Council's arrangements adopted under the Localism Act 2011. It has **3 Councillors** drawn from a cross party panel of 15 members of the Council. An Independent Person is invited to attend all meetings of the Hearing Sub-committee and his/her views are sought and taken into consideration before the Hearing Sub-committee takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

### **Independent Remuneration Panel**

Membership: 4 Members (the minimum is 3 Members)

### ***Functions***

- 1 To make recommendations to the Council:
  - 1.1 as to the amount of basic allowances that should be paid to Councillors
  - 1.2 about the responsibilities or duties which should lead to the payment of a special responsibility allowance and as to the amount of such allowance
  - 1.3 about the duties for which a travelling and subsistence allowance can be paid and as to the amount of such allowance
  - 1.4 as to the amount of the co-optees' allowance
  - 1.5 as to whether the Council's allowances scheme should include an allowance in respect of the expenses for arranging for the care of children and dependants and, if it does make such recommendation, the amount of such allowance and the means by which it is determined

- 1.6 on whether any allowance should be backdated to the beginning of a financial year in the event of the scheme being amended
- 1.7 as to whether annual adjustments of allowance levels may be made by reference to an index and, if so, for how long such a measure should run
- 1.8 as to treating basic allowance and special responsibility allowance as amounts in respect of which such pensions are payable.

## **Cheshire East Statutory Health and Wellbeing Board (CEHWB)**

### **Context**

1. The full name of the Board shall be the Cheshire East Health and Wellbeing Board. (CEHWB)
2. The CEHWB was established in April 2013.
3. The Health and Social Care Act 2012 and subsequent regulations provide the statutory framework for Health and Wellbeing Boards (HWB).
4. For the avoidance of doubt, except where specifically disapplied by these Terms of Reference, the Council Procedure Rules (as set out in its Constitution) will apply.

### **Purpose**

- To work in partnership to make a positive difference to the health and wellbeing of the residents of Cheshire East through an evidence based focus on improved outcomes and reducing health inequalities.
- To prepare and keep up to date the Joint Strategic Needs Assessments (JSNAs) and Joint Health and Wellbeing Strategies (JHWSs), which is a duty of local authorities and clinical commissioning groups (CCGs).
- To lead integrated working between health and social care commissioners, including providing advice, assistance or other support to encourage arrangements under section 75 of the National Health Service Act 2006 (ie lead commissioning, pooled budgets and/or integrated provision) in connection with the provision of health and social care services.
- To be a forum that enables member organisations of the Board to hold each other to account for their responsibilities for improving the health of the population

- To assist in fostering good working relationships between commissioners of health-related services and the CEHWB itself.
- To assist in fostering good working relationships between commissioners of health-related services (such as housing and many other local government services) and commissioners of health and social care services
- To undertake any other functions that may be delegated to it by the Council - such delegated functions need not be confined to public health and social care.
- To provide advice assistance and support for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services.

### **Roles and Responsibilities**

5. To work with the Council and CCG effectively to ensure the delivery of the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy.
6. To work within the CEHWB to build a collaborative partnership to key decision making that embeds health and wellbeing challenge, issue resolution and provides strategic system leadership.
7. To participate in CEHWB discussions to reflect the views of their partner organisations, being sufficiently briefed to be able to make recommendations about future policy developments and service delivery.
8. To champion the work of the CEHWB in their wider work and networks and in all individual community engagement activities.
9. To ensure that there are communication mechanisms in place within partner organisations to enable information about the CEHWB's priorities and recommendations to be effectively disseminated.
10. To share any changes to strategy, policy, and the system consequences of such on budgets and service delivery within their own partner organisations with the CEHWB to consider wider system implications.

### **Accountability**

11. The CEHWB carries no formal delegated authority from any of the individual statutory bodies.

12. Core Members of the CEHWB have responsibility and accountability for their individual duties and their role on the CEHWB.
13. The CEHWB will discharge its responsibilities by means of recommendations to the relevant partner organisations, which will act in accordance with their respective powers and duties.
14. The Council's Core Members will ensure that they keep Policy Committee and wider Council advised of the work of the CEHWB.
15. The CEHWB may report and be accountable to Full Council and to the relevant Governing Body of the NHS Clinical Commissioning Group by ensuring access to meeting minutes and presenting papers as required.
16. The CEHWB will not exercise scrutiny duties around health or adult social care services directly. This will remain the role of the Cheshire East Health and Adult Social Care Scrutiny Committee and in respect of children's health, the Children and Families Scrutiny Committee. Decisions taken and work progressed by the CEHWB will be subject to scrutiny by the Health and Adult Social Care Scrutiny Committee.
17. The CEHWB will provide information to the public through publications, local media, and wider public activities by publishing the minutes of its meetings on the Council's website. The CEHWB is supported by an Engagement and Communications Network across HWB organisations to ensure this function can operate successfully.

### Membership

18. The Core membership of the CEHWB will comprise the following:

#### Voting members:

- **Three councillors** from Cheshire East Council
- The Executive Director of People (Director of Adult Social Care and Director of Children's Services)
- The Director of Public Health
- A local Healthwatch representative
- Two representatives from the Cheshire Clinical Commissioning Group
- Two representatives from the Cheshire Integrated Care Partnership
- The Chair of the Cheshire East Place Partnership

#### Non-voting members:

- The Chief Executive of the Council
- A nominated representative of NHS England / NHS Improvement



The councillor membership of the CEHWB is nominated by the Leader of the Council. The Leader can be a member of the CEHWB as one of the three councillors who are voting members.

19. The Core Members will keep under review the Membership of the CEHWB and if appropriate will make recommendations to Council on any changes to the Core Membership.
20. The above Core Members through a majority vote have the authority to appoint individuals as Non-Voting Associate Members of the CEHWB.. The length of their membership will be for up to one year and will be subject to re-selection at the next Annual General Meeting “AGM” of the CEHWB. Associate Members will assist the CEHWB in achieving the priorities agreed within the Joint Health and Wellbeing Strategy and may indeed be chairs of sub structure forums where they are not actual Core Members of the CEHWB.
21. The above Core Members through a majority vote have the authority to recommend to Council that individuals be appointed as Voting Associate Members of the CEHWB. The length of their membership will be for up to one year and will be subject to re-selection at the next Annual General Meeting “AGM” of the CEHWB.
22. Each Core Member has the power to nominate a single named substitute. If a Substitute Member be required, advance notice of not less than 2 working days should be given to the Council whenever practicable. The Substitute Members shall have the same powers and responsibilities as the Core Members.

### **Frequency of Meetings**

23. There will be no fewer than four public meetings per year (including an AGM), usually once every three months as a formal CEHWB.
24. Additional meetings of the CEHWB may be convened with agreement of the CEHWB’s Chair.

### **Agenda and Notice of Meetings**

25. Any agenda items or reports to be tabled at the meeting should be submitted to the Council’s Democratic Services no later than seven working days in advance of the next meeting. Generally, no business will be conducted that is not on the agenda.
26. Any voting member of the Board may approach the Chair of the Board to deal with an item of business which the voting member believes is urgent and under the circumstances requires a decision of the Board. The Chair’s ruling of whether the requested item is considered / tabled or not at the meeting will be recorded in the minutes of the meeting.

27. In accordance with the Access to Information legislation, Democratic Services will circulate and publish the agenda and reports prior to the next meeting. Exempt or Confidential Information shall only be circulated to Core Members.

### **Annual General Meeting**

28. The CEHWB shall elect the Chair and Vice Chair at each AGM, the appointment will be by majority vote of all Core voting Members present at the meeting.
29. The CEHWB will approve the representative nominations by the partner organisations as Core Members.

### **Quorum**

30. Any full meeting of the CEHWB shall be quorate if there is representation of any **three of the following statutory members**: – the relevant NHS Cheshire CCG(s), Local Health Watch, a Councillor and an Officer of Cheshire East Council.
31. Failure to achieve a quorum within fifteen minutes of the scheduled start of the meeting, or should the meeting become inquorate after it has started, shall mean that the meeting will proceed as an informal meeting but that any decisions shall require appropriate ratification at the next quorate meeting.

### **Procedure at Meetings**

32. General meetings of the CEHWB are open to the public and in accordance with the Council's Committee Procedure Rules will include a Public Question Time Session. Papers, agendas and minutes will be published on the Cheshire East Health and Wellbeing website.
33. The Council's Committee Procedure Rules will apply in respect of formal meetings subject to the following:
34. The CEHWB will also hold development/informal sessions throughout the year where all members are expected to attend and partake as the agenda suggests.
35. Core Members are entitled to speak through the Chair. Associate Members are entitled to speak at the invitation of the Chair.
36. With the agreement of the CEHWB, subgroups can be set up to consider distinct areas of work. The subgroup will be responsible for arranging the frequency and venue of their meetings. The CEHWB will approve the membership of the subgroups.

37. Any subgroup recommendations will be made to the CEHWB who will consider them in accordance with these terms of reference and their relevance to the priorities within the Joint Health and Wellbeing Strategy and its delivery plan.
38. Whenever possible decisions will be reached by consensus or failing that a simple majority vote by those members entitled to vote.

### **Expenses**

39. The partnership organisations are responsible for meeting the expenses of their own representatives.
40. A modest CEHWB budget will be agreed annually to support engagement and communication and the business of the CEHWB.

### **Conflicts of Interest**

41. In accordance with the Council's Committee Procedure Rules, at the commencement of all meetings all CEHWB Members shall declare disclosable pecuniary or non-pecuniary interests and any conflicts of interest.
42. In the case of non-pecuniary interests Members may remain for all or part of the meeting, participate and vote at the meeting on the item in question.
43. In the case of pecuniary matters Members must leave the meeting during consideration of that item.

### **Conduct of Core Members at Meetings**

44. CEHWB members will agree to adhere to the seven principles of Public Life outlined in the CEHWB Code of Conduct when carrying out their duties as a CEHWB member.

### **Review**

45. The above terms of reference will be reviewed every two years at the CEHWB AGM.
46. Any amendments shall only be included by consensus or a simple majority vote, prior to referral to the Constitution Committee and Council.

***January 2017***

***Revised July 2019***

***Revised August 2020***

### **Definitions**

**Exempt Information**

*Which is information falling within any of the descriptions set out in Part I of Schedule 12A to the Local Government Act 1972 subject to the qualifications set out in Part II and the interpretation provisions set out in Part III of the Schedule in each case read as if references to “the authority” were references to “CEHWB” or any of the partner organisations.*

**Confidential Information**

*Information furnished to, partner organisations or the CEHWB by a government department upon terms (however expressed) which forbid the disclosure of the information to the public; and information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.*

**Conflict of Interest**

*You have a Conflict of interest if the issue being discussed in the meeting affects you, your family or your close associates in the following ways;*

☐ ☐ *The issue affects their well being more than most other people who live in the area.*

☐ ☐ *The issue affect their finances or any regulatory functions and*

☐ ☐ *A reasonable member of the public with knowledge of the facts would believe it likely to harm or impair your ability to judge the public interest.*

**Associate Members**

*Associate Member status is appropriate for those who are requested to chair sub groups of the CEHWB.*

**Health Services**

*Means services that are provided as part of the health service.*

**Health-Related Services** *means services that may have an effect on the health of individuals but are not health services or social care services.*

**Social Care Services**

*Means services that are provided in pursuance of the social services functions of local authorities (within the meaning of the Local Authority Social Services Act 1970)*

**CEHWB Member Code of Conduct****1. Selflessness**


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Members of the Cheshire East Health and Wellbeing CEHWB should act solely in terms of the interest of and benefit to the public/patients of Cheshire East. They should not do so in order to gain financial or other benefits for themselves, their family or their friends

**2. Integrity**


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Members of the Cheshire East Health and Wellbeing CEHWB should not place themselves under any financial or other obligation to outside

individuals or organisations that might seek to influence them in the performance of their duties and responsibilities as a CEHWB member

### **3. Objectivity**

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In carrying out their duties and responsibilities members of the Cheshire East Health and Wellbeing CEHWB should make choices based on merit and informed by a sound evidence base

### **4. Accountability**

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Members of the Cheshire East Health and Wellbeing CEHWB are accountable for their decisions and actions to the public/patients of Cheshire East and must submit themselves to whatever scrutiny is appropriate

### **5. Openness**

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Members of the Cheshire East Health and Wellbeing CEHWB should be as transparent as possible about all the decisions and actions that they take as part of or on behalf of the CEHWB. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands

### **6. Honesty**

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Members of the Cheshire East Health and Wellbeing CEHWB have a duty to declare any private interests relating to their responsibilities and duties as CEHWB members and to take steps to resolve any conflicts arising in a way that protects the public interest and integrity of the Cheshire East Health and Wellbeing CEHWB

### **7. Leadership**

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Members of the Cheshire East Health and Wellbeing CEHWB should promote and support these principles by leadership and example

## **Health and Wellbeing Board Principles and Behaviours**

The Cheshire East Health and Wellbeing Board Partners shall work together to achieve the objectives of the Cheshire East Health and Wellbeing Strategy and The Cheshire East Place Partnership Five Year Plan. The Board shall:

- (a) Collaborate and work together on an inclusive and supportive basis, with optimal use of their individual and collective strengths and capabilities;
- (b) Engage in discussion, direction setting and, where appropriate, collective agreement, on the basis that all the Partners will participate where agreed proposals affect the strategic direction of the Health and Wellbeing Board and/or of Services, and in establishing the direction, culture and tone of the work and meetings of the Board;
- (c) Act in the spirit of partnership in discussion, direction setting and, where appropriate, collective agreement making;

- (d) Always focus upon improvement to provide excellent Services and outcomes for the Cheshire east population;
- (e) Be accountable to each other through the Board by, where appropriate, taking on, managing and accounting to each other in respect of their financial and operational performance;
- (f) Communicate openly about major concerns, issues or opportunities relating to the Board;
- (g) Act in a way that is best for the delivery of activity to drive forward the Five Year Plan, and shall do so in a timely manner and respond accordingly to requests for support promptly;
- (h) Work with stakeholders effectively, following the principles of co- design and co-production.

## **Joint Arrangements**

### **Shared Services Joint Committee**

#### ***Terms of Reference of the Joint Committee***

- 1 The Joint Committee's role is to oversee the management of those services which are provided on a Cheshire wide basis on behalf of Cheshire West and Chester Borough Council and Cheshire East Borough Council, to ensure effective delivery of such services and to provide strategic direction.
- 2 The Joint Committee is specifically responsible for:
  - 2.1 Ensuring that service strategies and the resources and budgets required to deliver the service strategies are in place and overseeing the implementation of the service strategies.
  - 2.2 Ensuring that adequate risk management and audit processes are in place for each shared service.
  - 2.3 Overseeing changes and projects and changes to shared services.
  - 2.4 Report on the performance of the five service areas (Civil Contingencies and Emergency Planning, Farms Estate, Archaeology Planning Advisory and Cheshire Rural Touring Arts Network)
  - 2.5 Overseeing and developing ICT, TSC and Archives.
  - 2.6 Agreeing the basis for apportioning cost between the two councils and the amount to be apportioned.
  - 2.7 Resolving issues that have been referred to the joint Committee.



- 2.8 Reviewing the Shared Services Outturn and Performance Report, which will take a back wards look and a forward look, on an annual basis and by exception as appropriate, and initiating additional or remedial action as appropriate.
- 2.9 Agreeing business cases for proposed changes and overseeing the progress of the subsequent work.
- 2.10 Ensuring that there are robust plans for any disaggregation of services and that there is a smooth transition into the separate arrangements.

The following matters are reserved to the councils:

- 2.11 Approving the budget for the specified functions.
- 2.12 The delivery of service business plans via client and service manager

### ***Constitution of the Joint Committee***

- 3 Each of the Councils shall appoint three Members (being elected Members of that Council) as its nominated members of the Joint Committee; the Members appointed shall have full voting rights.
- 4 Each Council may nominate one or more substitute Members to attend any meeting in place of an appointed Member from that Council, subject to notification being given to the Lawyer and Secretary to the Joint Committee before the start of the meeting. The Member appointed as a substitute shall have full voting rights where the Member for whom they are substituting does not attend. If a Council's nominated Members attend a meeting of the Joint Committee, any named substitute may also attend as an observer but shall not be entitled to vote.
- 5 Each Member of the Joint Committee shall comply with the Code of Conduct of their Council when acting as a Member of the Joint Committee.
- 6 Each of the Councils may remove any of its nominated Members or substitute Members of the Joint Committee and appoint a different Member or substitute to the Joint Committee by giving written notice to the Lawyer and Secretary to the Joint Committee.
- 7 Each Council shall have three votes. These shall be exercised by the nominated Members who are elected Members of the Council. In the absence of a Council's nominated Member, a vote may be exercised by the named substitute who is an elected Member of the Council.
- 8 Each Member of the Joint Committee shall serve upon the Joint Committee for as long as he or she is appointed to the Joint Committee by the relevant Council but a Member shall cease to be a Member of the Joint Committee if he or she ceases to be a Member of the Council appointing him or her or if the relevant Council removes him or her as a Member of the Joint Committee.

- 9 Any casual vacancies howsoever arising shall be filled by the Council from which the vacancy arises by notice in writing sent to the Lawyer and Secretary to the Joint Committee.
- 10 Meetings of the Joint Committee shall be held at the offices of the Member appointed as the Chair.
- 11 The Council hosting the first Meeting shall appoint one of its nominated Members as Chair and that Member shall remain Chair until the first meeting taking place after the elapse of one year from the time of his or her appointment unless he or she ceases to be a Member of the Joint Committee. On the expiry of the first Chair's term of office, the Council which did not appoint the first Chair shall appoint one of its nominated Members as Chair for a period of one year from the date of his or her appointment. The same procedure shall be followed for the appointment of Chair in subsequent years.
- 12 The Council which has not appointed the Chair of the Joint Committee In any year shall appoint one of its nominated Members as Vice-Chair.

### **Cheshire Police and Crime Panel**

#### *Terms of Reference*

- 13 The Terms of Reference for the [Cheshire Police and Crime Panel](#) are available.

### **Cheshire Fire Authority**

#### *Constitution*

- 14 The [Constitution for the Cheshire Fire Authority](#) can be accessed on its own website.

## Chapter 2 – Part 5

### Responsibility for Functions – Officer Delegations

#### *Scheme of Delegation*

#### Introduction

- 1 This part of the Constitution sets out the ways in which the officers of the Council can make decisions and which decisions they have the power to make. It is called the "Scheme of Delegation."
- 2 This Scheme of Delegation is set out as follows:

| Title  | Contents   |
|--|--|
| Introduction   | Sets out what this Part of the Constitution (the "Scheme of Delegation") covers and relevant definitions                         |
| <a href="#">General Principles Relating to Officer Delegation</a>          | Sets out the general principles which apply to all decision making by officers   |
| <a href="#">General Delegations to all Directors</a>                       | Sets out the delegations which apply to all officers called " <i>Directors</i> "   |
| <a href="#">Delegations to the Chief Executive/Head of Paid Service</a>    | Sets out the delegations which apply to this officer   |
| <a href="#">Delegations to the Executive Director (People)</a>             | Sets out the delegations which apply to this officer   |
| <a href="#">Delegations to the Executive Director (Place)</a>              | Sets out the delegations which apply to this officer   |
| <a href="#">Delegations to the Executive Director (Corporate Services)</a> | Sets out the delegations which apply to this officer   |
| <a href="#">Delegations to the Chief Finance Officer</a>                   | Sets out the delegations which apply to this officer   |
| <a href="#">Delegations to the Monitoring Officer</a>                      | Sets out the delegations which apply to this officer   |
| <a href="#">Arrangements for Proper Officer functions</a>                  | Sets out the legal requirements for "proper officers", what this means and a link to the <a href="#">Proper Officer Register</a> |

- 3 “Officers” is the term used to refer to the people employed, retained or appointed by the Council to advise and support Councillors and implement their decisions. The term “officers” in this Constitution includes all the people who operate in this capacity including contractors, consultants, agency staff and volunteers.
- 4 The Council operates a “Cascade” principle of delegation to ensure that decisions are taken at the most appropriate level closest to those who will be affected. This means that the vast majority of the Council's decisions and actions will fall into the category of operational day to day decisions taken by its officers.
- 5 In order to ensure the smooth functioning of the Council and the efficient delivery of services, Full Council and the Committees and Sub-Committees have delegated to officers all of the powers that they need to perform their roles.
- 6 Certain officers have specific legal duties to ensure that the Council acts within the law, uses its resources wisely and exercises its powers properly. These officers are known as “Statutory” or “Proper” Officers and some have specific legal titles in addition to their job titles. These roles are explained below.
- 7 The way the Council structures its services and its officer arrangements changes from time to time to reflect changes in service delivery and best practice. The current arrangements include a **Chief Executive/Head of Paid Service** (as the most senior officer of the Council) supported by other senior roles as the [Corporate Leadership Team](#)
- 8 The Head of Paid Service, the Chief Finance Officer and the Monitoring Officer are also called “Statutory Officers” (because every Council is required by statute – the law – to have these posts).
- 9 There are also a number of formal functions which the Council has to allocate to named officers called “Proper Officers”. There is a [Proper Officer Register](#) which sets out these details.
- 10 See the [current organisational structure](#) of the Council, showing more detail about the roles and responsibilities of the *Directors* and the officers supporting them to deliver all the Council's services.

### General Principles Relating to Officer Delegation

- 11 This scheme gives the power for the Directors and Statutory Officers to take decisions in relation to all the functions in their areas of responsibility except where:
  - 11.1 a matter is prohibited by law from being delegated to an officer, and
  - 11.2 a matter has been specifically excluded from delegation by this scheme, by a decision of the Council, a Committee or Sub-Committee.

Directors and Statutory Officers may not take decisions unless specifically provided for within the constitution or specifically delegated by a Committee or Sub-Committee.

- 12 The cascade principle under which this scheme operates means that any officer given powers under this scheme can further delegate those powers to other officers either:
  - 12.1 through a Local Scheme of Delegation (which sets out all the standing delegations given to specific officers in defined areas of the Council's service areas). This is a [full list of the Local Schemes of Delegation](#) and you can look at any of the schemes in detail, or
  - 12.2 through a Specific Delegation in relation to an individual decision which must be evidenced in writing using the agreed standard form, dated and signed by the officer delegating the power with a copy supplied to the Monitoring Officer – here is a [register of these Specific Delegations](#).
- 13 All Local Schemes of Delegation (and any changes to them) must be agreed by the Executive Director (Corporate Services) and the Monitoring Officer.
- 14 Where a function has been delegated to an officer (including where sub-delegated through the Cascade principle), the person or body making the delegation may at any time take back responsibility for the function and may therefore exercise the function (make the decision) despite the delegation.
- 15 In some circumstances the officer to whom a power has been delegated may consider a matter to be of such importance or sensitivity that their delegated authority should not be exercised. In these circumstances he or she may refer the matter back to the delegator for determination.
- 16 Any power delegated or cascaded under this Scheme can be exercised by the relevant *Director* or Statutory Officer and in all cases by the Chief Executive personally.
- 17 The powers of this Scheme are delegated to the officers referred to by title within this Scheme of Delegation. So the delegations apply to whoever holds that post title at any time – not to the individual person. The powers are automatically transferred to any successor officer, to whom the functions are allocated following any reorganisation of the Council's management arrangements, irrespective of a change in the title/name of the officer post. Nominated Deputies are able to exercise all functions of the person delegating the functions.
- 18 Delegations relate to all provisions for the time being in force under any applicable legislation and cover functions of the Council and all powers and duties incidental to that legislation.
- 19 Any delegation must be exercised:

- 19.1 In compliance with the Budget and Policy Framework, all the Council's Procedure Rules, the Pay Policy Statement approved annually and the Officer Code of Conduct
  - 19.2 In accordance with the decision-making requirements set out in the Constitution, including requirements for decision-records and access to information
  - 19.3 Having identified and managed appropriate strategic and operational risks within the officer's area of responsibility
  - 19.4 Within the approved budget and policy framework approved by the Council (or separate approval must be sought)
  - 19.5 Following any appropriate legislative, regulatory, consultation, equalities or procedural requirements that may be required.
- 20 An officer, in exercising delegated powers may consult the relevant Committee Chair if he/she considers it appropriate to do so and shall consult other appropriate officers for professional advice including legal, financial and technical officers and shall have regard to any views and advice received.
- 21 Whenever legislation is amended or replaced by new provisions, then the relevant delegated authority in this scheme applies to those new provisions. Whenever new legislation relevant or related to the functions exercised by the *Directoris* introduced, that Officer will have the delegated authority to exercise powers or otherwise take action under that legislation until such time as the Council, a committee or the Chief Executive decides to whom to allocate responsibility for the new legislation.
- 23 Directors may appoint another officer as their deputy and such deputy shall have all the powers of the Director as set out in this Constitution. A deputy may be appointed in relation to all the areas of service delegated to the Director under this Constitution or in relation to a particular area of service only. A deputy may be appointed for a specific period of time (for example to cover the absence of a Chief Officer) or without time limitation. The appointment of a deputy shall not prevent the exercise by the Director of any delegation set out in this Constitution.
- 24 If there is any dispute or lack of clarity as to which Director has power to make decisions on specific areas of service, the Chief Executive shall have power to determine where the delegation should be exercised.

### **General Delegations to all Directors**

- 25 The following delegations shall apply to all Directors (and to any appointed deputies).

#### *Urgent action*

- 26 To act on behalf of the Council in cases of urgency in the discharge of any function of the Council for which his/her Directorate or Service has responsibility, other than those functions which by law can be discharged



only by the Council or a specific Committee. This delegation is subject to the conditions that any urgent action:

- 26.1 shall be reported to the appropriate Committee
- 26.2 shall take account of advice of the Monitoring Officer and the Chief Finance Officer
- 26.3 shall be exercised in consultation with the Chair of the appropriate Committee.

#### *Implementation of decisions*

- 27 To take all necessary actions (including the letting of contracts, undertaking statutory processes and incurring expenditure) to implement decisions of Council a Committee or Sub-Committee, or an Officer.

#### *General operational*

- 28 To have overall responsibility for the operational management of the relevant area of service and for bringing forward such strategic plans and policies, and implementing all decisions, including the allocation of resources within approved estimates, as are necessary to exercise the functions for which the service is responsible.

#### *Consultation*

- 29 To undertake and consider the outcome of statutory and non-statutory consultations on service provision.
- 30 To respond to Government Consultations and consultations from other bodies, in consultation with the relevant Committee Chair.
- 31 To undertake all steps required to complete Government Statistical Returns.

#### *Finance*

- 32 To manage the finance of their departments to ensure value for money and the development of budget policy options with a detailed assessment of financial implications.
- 33 To enter into contracts and incur expenditure.
- 34 To determine the level of fees or charges payable in respect of any goods or services supplied, work undertaken or the loan or use of plant, equipment or machinery.
- 35 To submit applications for grant funding that align with the Council Budget and Policy Framework, in accordance with the approvals required under the Financial Procedure Rules.

#### *Staffing*

- 36 To deal with the full range of employment and staff management issues, below Director level including but not limited to appointments, terms and conditions (other than those negotiated nationally) training, discipline,

dismissal, performance, progression, promotion, shifts and working hours, grievance, grading, emoluments, expenses, allowances, sick pay, leave, equal opportunities and health and safety in accordance with approved policies and the *Employment Procedure Rules*.

- 37 To implement changes to staffing structures subject to prior consultation with all appropriate parties affected by the decision, including any Trades Union, except where the restructure:
  - 37.1 involves the loss of one or more posts not currently vacant
  - 37.2 involves re-grading of posts or the grading of new posts
  - 37.3 involves changes to existing National or Local Agreements and policies
  - 37.4 cannot be achieved within the delegated powers in respect of budgets.
- 38 To enter into reciprocal arrangements for the authorisation and appointment of officers to facilitate cross-border co-operation in the discharge of delegated functions with any other council or enforcement authority.

#### *Land and assets*

- 39 To manage land, premises, vehicles, plant, equipment, machinery, stock, stores, supplies, materials, furniture appliances and uniforms necessary for the provision of services.
- 40 To administer the supply of goods and services to other public authorities and bodies under the Local Authorities (Goods and Services) Act 1970 and all other enabling legislation.
- 41 To make application for planning permission and any other necessary applications for other consents required for the development of land.

#### *Legal authorisation and enforcement*

- 42 To act as “duly authorised officers” (for the purposes of all relevant legislation) and to enforce/administer the requirements of all relevant regulatory legislation which shall (for the avoidance of doubt) include (but not be limited to) taking the following action (and all actions reasonably necessary, expedient or ancillary in order to facilitate or enable the same):
  - 42.1 Applying for warrants, carrying out investigations, inspections or surveys, entering land and premises, taking samples and seizing property
  - 42.2 issuing (or declining to issue) licences, certificates or certified copies of documents, approvals, permissions, consents, notices, orders, directions or requisitions for information
- 43 With the approval of the Monitoring Officer, to authorise the institution, defence or participation in civil and criminal proceedings and quasi-proceedings (which for the avoidance of doubt shall include but not be limited to all court hearings, tribunal, inquiry and appeal processes),

administer cautions and/or take any other action considered necessary to protect the interests of the Council.

- 44 To exercise the role of authorising officer and designated person under the Regulation of Investigatory Powers Act 2000. (The Monitoring Officer is excluded from this provision as he/she has the formal 'reviewer' role.)

*Safeguarding children and vulnerable adults*

- 45 To ensure that arrangements are in place to discharge the responsibilities of the Council within their functional responsibilities in respect of the need to safeguard and promote the welfare of children and of vulnerable adults.

**Delegations to the Chief Executive/Head of Paid Service**

- 46 The Chief Executive is the most senior officer in the Council. It is his/her role to support the Councillors and to provide leadership for the Council.
- 47 The Chief Executive is empowered to operate all the services of the Council and except where powers, duties and functions are delegated to a Councillor decision-making body, to exercise all powers, duties and functions of the Council, including those delegated to other officers.
- 48 Every Council has to, by law, appoint one of its officers as the Head of Paid Service. The Chief Executive is also the Council's Head of Paid Service. His/her responsibility in this role is to make proposals to the Council about the manner in which the discharge of the Council's functions is co-ordinated and the numbers, grades and organisation of staff required and the proper management of those staff.
- 49 The Chief Executive is given delegated power to undertake the following roles and responsibilities and to take the following decisions subject to the terms of this Constitution:
- 49.1 To be the Council's principal officer representative and to promote its good image and reputation
  - 49.2 To lead and direct the strategic management of the Council
  - 49.3 To appoint other officers as Proper Officers for the purposes of any specific Council service area or function
  - 49.4 Unless another officer is appointed as Proper Officer, to act as Proper Officer for the Council for the purposes of all Council service areas and functions
  - 49.5 To maintain an up to date Proper Officer Register showing who is appointed to act as the Proper Officer for all Council service areas and functions
  - 49.6 To discharge emergency planning and civil protection functions;
  - 49.7 To take such steps (including the incurring of expenditure where necessary) as may be required in the event of any national or local emergency requiring immediate action by the Council

- 49.8 To sign settlement agreements for employees/ex-employees, in consultation with the Leader of the Council and Chair of the Staffing Committee
- 49.9 Subject to paragraph 49.6 above, to approve the pay, terms and conditions of service and training of any employee except where an approval would be contrary to the provisions of the annual Senior Officer Pay Policy Statement which is reserved to full Council or where an approval falls within the responsibilities of the Corporate Policy Committee or would be contrary to the employment policies of the Council
- 49.10 To make decisions affecting the remuneration of any existing post whose remuneration is or is proposed to be or would become £100,000 p.a. or more in consultation with the Leader as Chair of the Corporate Policy Committee.
- 49.11 To undertake the communications, marketing and media functions of the Council with regard to policy and strategic direction (operational responsibility rests with the Executive Director (Corporate Services)).

#### **Delegations to the Executive Director (People)**

- 50 The Executive Director (People) holds a number of statutory roles for the Council:
  - 50.1 The Director of Children's Services (required by Section 18 of the Children Act 2004)
  - 50.2 The Chief Education Officer (required by Section 532 of the Education Act 1996) and
  - 50.3 The Director of Adult Services (required by Section 6 of the Local Authority Social Services Act 1970).
- 51 The Executive Director (People) is given delegated power to take any decisions in relation to the following areas of the Council's operations and services, subject to the terms of this Constitution:

#### **Children's Social Care**

- Cared for Children and Care Leavers
- Children in Need and Child Protection

Children's Safeguarding

#### **Education and 14-19 Skills**

- Education Infrastructure and Outcomes
- Education Participation and Pupil Support

### **Children's Prevention and Support**

- Preventative Services
- Special Educational Needs and Disability

### **Children's development and partnerships**

### **Adult Social Care and Health**

- Adult Social Care Services
- Care4CE (internal care provision)
- Mental Health and Learning Disability Services
- Adult Safeguarding
- Social Work Support
- Deprivation of Liberty Safeguards

### **Public Health**

- Public Health Intelligence
- Health Improvement
- Public Health Protection

### **Commissioning**

- Integrated commissioning
- Children's commissioning
- Adults commissioning
- Contract management and quality
- Support and Finance

### **Delegations to the Executive Director (Place)**

52 The Executive Director (Place) is given delegated power to take any decisions in relation to the following areas of the Council's operations and services, subject to the terms of this Constitution.

### **Environment and Neighbourhood Services**

- Strategic Planning and Planning Policy
- Neighbourhood Services
- Development Management

- Planning Enforcement
- Regulation and Protection
- Libraries
- Emergency Planning
- HS2 Schedule 17 Applications

#### **Infrastructure and Highways**

- Strategic Transport
- Parking Services
- Infrastructure
- Highways Asset Management
- Highways Contract Operations ManagementHS2

#### **Growth and Enterprise**

- Housing
- Economic Development
- Rural and Cultural Economy
- Tatton Park
- Estates
- Assets and Property Management
- Asset Disposals and Acquisitions
- Facilities Management

#### **Client Commissioning (Alternative Service Delivery Vehicles / ESAR)**

- Civicance Limited
- Transport Service Solutions
- ANSA
- Orbitas Bereavement Services Limited
- Everybody Sport and Recreation
- Tatton Park Enterprises Limited



## **Business Management**

- Policy and Partnerships
- Programme Manager (Constellation)
- Business Support

## **Delegations to the Executive Director Corporate Services**

- 53 The Executive Director Corporate Services is given delegated power to take any decisions in relation to the following areas of the Council's operations and services, subject to the terms of this Constitution.

## **Governance and Compliance**

- Legal Services
- Governance and Democratic Services
- Audit and Risk
- Insurance

## **Finance and Customer Services**

- Finance and Procurement
- Customer Services

## **Transformation**

- Business Change
- Human Resources
- ICT/Information Services Intelligence
- Business Solutions
- Collaboration and Shared Services

## **Delegations to the Chief Finance Officer**

- 54 The Chief Finance officer is:

54.1 The financial adviser to the Council, Committees and Officers

54.2 The Authority's 'responsible financial officer', and

- 54.3 Responsible for the proper administration of the Council's financial affairs as specified in, and undertakes the duties required by, section 151 of the Local Government Act 1972, Section 114 of the Local Government Finance Act 1988, the Local Government and Housing Act 1989, the Local Government Act 2003, and all other relevant legislation.
- 55 The Chief Finance officer shall have the following delegated powers and responsibilities:
  - 55.1 To carry out the functions and responsibilities which are detailed in the Finance Procedure Rules.
  - 55.2 To secure effective treasury management, including taking all action necessary in relation to all debts, payment of accounts, loans (including guarantees and indemnities), grants, advances, investments, financing and banking generally.
  - 55.3 To take all action necessary to ensure the safeguarding of assets by maintaining and administering appropriate insurance and approving requests to postpone legal charges.
  - 55.4 To take all action necessary to facilitate debt recovery and enforcement action including instituting prosecutions, making applications to courts and tribunals and authorising officer to appear on behalf of the Council.
  - 55.5 To take all necessary action in respect of the Council's role in relation to the administration and operation of the Cheshire Pension Fund
  - 55.6 To make recommendations to the Council on Council Tax requirements, on the Council tax base and to administer and manage generally all matters relating to Council Tax, Non Domestic Rates, Community Charge and General Rates including the awarding of discounts, relief, and exemptions and the levying, collection, recovery, and disbursement of all sums due to the Council in respect of the same in accordance with all governing Regulations, and
  - 55.7 To negotiate, enter into arrangements and act generally on behalf of the Council in respect of continuing financial matters arising from arrangements and obligations existing between the former Cheshire County Council and six District Councils.

#### **Delegations to the Monitoring Officer**

- 56 The Monitoring Officer is appointed in accordance with Section 5 of the Local Government and Housing Act 1989 and is responsible for supporting and advising the Council in relation to:
  - 56.1 the lawfulness and fairness of the decision making of the Council
  - 56.2 the Council's compliance with its legal responsibilities and requirements, and

- 56.3 matters relating to the conduct of Councillors (including Parish Councillors).
- 57 The Monitoring Officer will provide advice to ensure that decisions are taken on proper authority, by due process, and in accordance with the budget and policy framework.
- 58 The Monitoring Officer shall, where necessary, and in consultation with the Head of Paid Service and the Chief Finance officer, report any proposal, decision or omission considered to be unlawful or that amounts to maladministration to the Council as appropriate in accordance with Section 5 of the Local Government and Housing Act 1989.
- 59 The Monitoring Officer shall have the following delegated powers and responsibilities:
  - 59.1 To authorise the settlement of actual or potential uninsured claims, borehole claims or Local Government and Social Care Ombudsman cases across all functions of the Council up to £25,000 (which after settlement shall be reported to the relevant Committee).
  - 59.2 To authorise the settlement of actual or potential uninsured claims, borehole claims or Ombudsman cases across all functions of the Council in accordance with the Financial Procedure Rules.
  - 59.3 To prosecute, defend, make application, serve any notice or appear on behalf of the Council in any Court, Tribunal or hearing on any criminal, civil or other matter (including appeals).
  - 59.4 To institute legal proceedings for any offences under any local Byelaws or Orders in force within the Council's area.
  - 59.5 To lodge objections to any proposal affecting the Council's interests.
  - 59.6 To determine applications for the display of the crest or logo of the Council.
  - 59.7 To take all action including the completion of agreements, the service of notices, giving of directions, obtaining or issuing orders, authorising the execution of powers of entry, and the institution and defence of legal proceedings necessary or desirable to protect and advance the interests of or discharge the roles, functions and responsibilities of the Authority.
  - 59.8 To make discretionary payments under Land Compensation Act 1973 on the recommendation of the District Valuer.
- 60 In accordance with the Council's approved policy to monitor the integrity of the operation of the Regulation of Investigatory Powers Act 2000 by:
  - 60.1 Ensuring compliance with all relevant legislation and with the Codes of Practice.
  - 60.2 Engagement with the Inspectors from the Investigative Powers Commissioners Office when they conduct their inspections, and, where necessary, oversight of the implementation of post-inspection action plans approved by the relevant oversight Commissioner.

- 60.3 Monitoring authorisations and conducting a quarterly review of applications, authorisations and refusals, and reviewing renewals and cancellations.
- 61 To make Orders for the Temporary Closure of Highways and Regulation of Traffic.
- 62 To attest the affixing of the Council's seal to all documents approved for sealing.
- 63 To authorise appropriate Officers to administer formal cautions in respect of criminal offences.
- 64 To determine whether a particular claim for payment under the *Councillors Allowances Scheme* is appropriate.
- 65 To authorise appropriately qualified employees or persons acting on behalf of the Council to appear in, and conduct legal proceedings in, any Court or Tribunal on behalf of the Authority.
- 66 To prove debts owed to the Authority in bankruptcy and liquidation proceedings.
- 67 In consultation with the Chair and Vice-Chair of the Constitution Committee, to make such changes to the Council's Constitution as he/she deems to be necessary and which are in the Council's interests and not major in nature, including, but not limited to, changes:
  - 67.1 amounting to routine revisions
  - 67.2 to provide appropriate clarity
  - 67.3 to correct typographical and other drafting errors
  - 67.4 to reflect new legislation
  - 67.5 to correct inconsistencies in drafting
  - 67.6 to reflect new officer structures and job titles, properly approved through Council processes.
- 68 To determine applications for dispensations under Section 33 of the Localism Act 2011, in consultation with the Chair of the Audit and Governance Committee, as follows:
  - 68.1 if it is considered that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
  - 68.2 if it is considered that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
  - 68.3 if it is considered that granting the dispensation is in the interests of persons living in the authority's area; or

- 68.4 if it is considered that it is otherwise appropriate to grant a dispensation.

### **Arrangements for Proper Officer functions**

- 69 Many legislative provisions require the appointment of a "Proper Officer" to undertake formal responsibilities on behalf of the Council.
- 70 The Chief Executive/Head of Paid Service shall be the Proper Officer of the Council for the purposes of the Local Government Act 1972, the Local Government Act 2000 and for all other statutory purposes unless:
- 70.1 such designation is given by the Council to any other officer, or
- 70.2 the Chief Executive/Head of Paid Service, exercising the powers given to him/her by this Constitution, appoints another officer of the Council to be the Proper Officer for a specific service area or function.
- 71 The Proper Officer shall maintain a [Proper Officer Register](#) which shall record all Proper Officer appointments.

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# CHESHIRE EAST COUNCIL

# CONSTITUTION

## **Chapter 3 Procedure Rules-Remember to delete when complete**

| Date     | Version | Author      | Summary of amendments made                                 |
|----------|---------|-------------|--|
| 15.03.21 | 1       | J Barnes BB | Update   |
| 22.03.21 | 2       | J Barnes BB | Update s151 to Chief Finance Officer; various minor amends |
|          |         |             |  |

EDITION: April 2021

## Chapter 3

### Procedure Rules

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This part of the Constitution covers the following areas:

| Part | Title   | Contents   |
|------|---|--|
| 1    | <a href="#">Rules of Procedure</a>                          | <p>This part sets out the rules of procedure relating to meetings and decisions of the Council covering:</p> <ol style="list-style-type: none"> <li>1. Council Meetings</li> <li>2. Committee and Sub-Committee Meetings</li> <li>3. Scrutiny Procedure Rules</li> <li>4. General Provisions</li> <li>5. Virtual Meeting Procedure Rules</li> </ol> <p>Appendix: Public Speaking</p> |
| 2    | <a href="#">Access to Information Procedure Rules</a>       | <p>This part sets out the rights to access documents and information of the Council and the obligations to publish and make information available.</p>   |
| 3    | <a href="#">Budget and Policy Framework Procedure Rules</a> | <p>This part sets out the rules providing the framework for managing the Council's financial affairs.</p>  |
| 4    | <a href="#">Finance Procedure Rules (FPRs)</a>              | <p>This part sets out the rules relating to the financial operation of the Council, covering:</p> <ol style="list-style-type: none"> <li>1. Introduction</li> <li>2. Financial Management</li> <li>3. Financial Planning</li> <li>4. Risk Management and Control of Resources</li> <li>5. Financial Systems and Procedures</li> <li>6. External Arrangements</li> </ol>              |

## Appendix Three

| Part | Title   | Contents  |
|------|---|---|
| 5    | <a href="#">Contract Procedure Rules (CPRs)</a> | <p>This part sets out the rules covering the way in which the Council contracts with other organisations, covering:</p> <ol style="list-style-type: none"><li>1. General Rules</li><li>2. Rules which apply to ALL contracts</li><li>3. Contracts below the Public Procurement Threshold</li><li>4. Contracts at or above the Public Procurement Threshold</li><li>5. Procedures for ALL Requests for Quotation and Invitations to Tender</li><li>6. Contracts and Post Procurement Requirements</li><li>7. Waiver and Breach</li></ol> |
| 6    | <a href="#">Employment Procedure Rules</a>      | <p>This part sets out the rules relating to the recruitment, appointment and dismissal of senior staff.</p>   |

## Chapter 3 – Part 1

### Rules of Procedure

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#### **1. Council Meetings**

- 1.1 The Council will decide when and where its meetings will take place. Details will be contained in a calendar of meetings which will be approved by the Council.
- 1.2 The Mayor, or the Council, can agree to hold a meeting at a different place or time.
- 1.3 An extraordinary meeting can be called by resolution of the Council or by the Mayor, or five Councillors can ask the Mayor, in writing, to call a special meeting. If the Mayor does not agree within 7 days, then those Councillors can call the meeting by giving written notice to the Monitoring Officer, provided the purpose of the meeting is a valid one.
- 1.4 The Monitoring Officer, in consultation with the Mayor, may also call a special meeting, taking into consideration the subject matter of the request, its urgency and impact on the Council, Councillors and their constituents.
- 1.5 Before the start and at the end of each meeting, Councillors and Officers will stand whilst the Mayor and the Deputy Mayor enter and leave the room.

#### ***Mayor and Deputy Mayor of the Council***

- 1.6 At its annual Mayor-making meeting, the Council will elect its Mayor and appoint its Deputy Mayor for the following year.
- 1.7 The Mayor of the Council, or in his/her absence the Deputy Mayor (who will have the same powers and duties as the Mayor), will preside at meetings of the Council.

#### ***Quorum***

- 1.8 No business shall be dealt with at a Council meeting if there are fewer than 21 Councillors present. Where the meeting has started, and the number of Councillors present falls below 21, the Mayor will adjourn the meeting. Where the Mayor does not give a date and/or time to re-convene, all business not completed will be considered at the next scheduled meeting.

#### ***What the Council can decide***

- 1.9 The Council will decide such matters as required by the law, and those matters set out in **Chapter 2** of this Constitution.

**Council Agenda and Order of Business**

- 1.10 The Council has adopted **Error! Reference source not found.** – these are for guidance only.

**Agenda for Annual Council Meeting**

- Prayers
- Apologies for Absence
- Declarations of Interest
- Election of Mayor and Appointment of Deputy Mayor
- Mayor's Announcements
- Approval of Minutes of previous meeting
- Leader's Announcements
- Political Representation on the Council's Committees
- Allocation of Chairs and Vice-Chairs of the Committees of the Council
- Appointments to non-executive Organisations and Panels

**Agenda for Ordinary Council Meetings**

- Prayers
- Apologies for Absence
- Declarations of Interest
- Approval of Minutes of previous meeting
- Mayor's Announcements
- Leader's Announcements
- Recommendations from Committees
- Notices of Motion
- Questions from Councillors

- 1.11 Business shall be dealt with in the order in which it is set out in the agenda unless the Mayor (or the Council) decides otherwise.

**Urgent Business**

- 1.12 Business cannot be dealt with at a Council meeting unless it is included in the Summons or unless the Mayor has agreed that it is urgent and cannot wait until the next meeting. The Mayor must give the reasons for urgency, which must be recorded in the Minutes of the meeting.

**Confirmation of Minutes**

- 1.13 Minutes of the last Council meeting must be confirmed at the next ordinary meeting of the Council where possible.
- 1.14 Only matters relating to the accuracy of the Minutes can be raised, which must be done by way of a motion which is proposed, seconded and voted upon. Where no issues are raised, or after the motion has been dealt with, the Mayor shall sign the Minutes.

**Matters for Decision by the Council**

- 1.15 When the item is reached on the agenda, the appropriate Chair of the relevant Committee will, where appropriate, move the recommendation or

advice, or endorsement of a Committee decision. Another Councillor may second the motion.

- 1.16 The Chair cannot ask the Council to agree to withdraw a recommendation of a Committee unless new and relevant information has become available after the decision of the body concerned. The information must be disclosed to the Council.

### ***Withdrawal of Motion***

- 1.17 A motion or amendment may be withdrawn by the mover provided the meeting, without discussion, agrees. Once the mover has asked for permission to withdraw, there should be no further discussion, unless the meeting refuses to agree to the request.

### ***Motions Moved Without Notice***

- 1.18 Motions and amendments which can be moved at a Council meeting without notice are:
- (a) Appointment of a Chair for the meeting.
  - (b) Motions relating to the accuracy of the minutes of the Council, a Committee or Sub-Committee.
  - (c) That an item of business specified in the summons should have precedence.
  - (d) Reference to a Committee or Sub-Committee.
  - (e) Appointment of or appointment to Committees, Sub-Committees occasioned by an item mentioned in the summons to the meeting.
  - (f) Receipt of Records of Decisions and Minutes of Committees and Sub-Committees
  - (g) Adoption of recommendations of Committees and Sub-Committees and any consequent resolutions.
  - (h) That leave is given to withdraw a motion.
  - (i) Receipt of reports of officers and any consequent resolutions.
  - (j) Extending the time limit for speeches.
  - (k) Amendment to motions.
  - (l) That the Council proceed to the next business.
  - (m) That the question be now put.
  - (n) That the debate be now adjourned.
  - (o) That the Council do now adjourn.
  - (p) Authorising the sealing of documents.
  - (q) Suspending Procedure Rules, in accordance with Procedure Rule 4.17.
  - (r) Motion under Section 100A(4) of the Local Government Act 1972 to exclude the press and public.
  - (s) That a Councillor named under Procedure Rules 4.6 and 4.7 should not be heard further or should leave the meeting.
  - (t) Giving consent of the Council where consent of the Council is required by these Procedure Rules.

### ***Speaking and Questions at Council meetings***

- 1.19 A Councillor may ask the Mayor or the Chair of a Committee any question about a matter which the Council, or the Committee has powers, duties or



responsibilities. The response will be given within 10 working days by written answer with a copy to all other Councillors (except where the response contains exempt or confidential information).

- 1.20 A Councillor may ask the nominated/designated representative of the Cheshire Fire Authority or the Cheshire Police and Crime Panel any question about the responsibilities of his/her respective Authority.
- 1.21 For the Chair of a Committee or the nominated/designated representative of the Cheshire Fire Authority or the Cheshire Police and Crime Panel questions must be sent in writing to the Monitoring Officer at least 3 clear working days before the meeting.
- 1.22 There will be a maximum question time period of 30 minutes. A maximum period of 2 minutes will be allowed for each Councillor wishing to ask a question during Councillors' question time. The Mayor or person presiding will have discretion to vary this requirement where he/she considers it appropriate.
- 1.23 Questions will be selected by the Mayor taking into account the time available.
- 1.24 Those Councillors submitting more than one question in writing may indicate the priority of importance of each question.
- 1.25 Questions in writing will not be read out at Council meetings.
- 1.26 All Questions will be brief, clear and focussed.
- 1.27 No questions will be allowed which, in the opinion of the Monitoring Officer are:
  - inappropriate, frivolous, derogatory, offensive or vexatious;
  - related to a Council employment or staffing matter;
  - potentially defamatory; or
  - substantially the same as questions submitted to a meeting of Council during the preceding 6 months.
- 1.28 Questions will be asked and answered without discussion. In replying, the Councillor responding will use all reasonable endeavours to address the matters raised in the question. The Councillor responding may decline to answer any question or may: reply direct, reply by reference to a publication, or reply by written answer with a copy to such other Councillors as the Council agrees, or refer the question to an appropriate Committee.
- 1.29 Following the answer to each question, the Mayor may permit the questioner to ask a concise and focussed supplementary question which relates to the subject matter of the initial question and answer.
- 1.30 Where a question submitted under this Procedure Rule relates to a matter that appears on the agenda for that meeting, the question shall be

put and answered in accordance with this Procedure Rule, at the start of the consideration of that matter.

### ***Notices of Motion***

- 1.31 A notice of motion must relate to matters for which the Council has responsibility or which affects its area.
- 1.32 Notice of every motion (other than a motion which may be moved without notice) shall be given in writing, signed by the Member(s) of the Council giving the notice, and delivered, at least 7 clear working days before the next meeting of the Council, to the Monitoring Officer or the Head of Governance and Democratic Services by whom it shall be dated, in the order in which it is received.
- 1.33 Councillors are permitted to submit Notices of Motion in email and electronic form.
- 1.34 The Monitoring Officer shall, if need be, give a ruling as to whether the Motion is relevant and acceptable.
- 1.35 If the Monitoring Officer considers the motion, amendment or question to be substantially the same as a motion submitted to a meeting of Council during the previous 6 months or to be vexatious, irrelevant, potentially defamatory, frivolous, offensive, related to employees or is otherwise improper the Monitoring Officer will return it to the Councillor who submitted it along with an explanation in writing to the Councillor about why it will not be included on the agenda for the meeting.

### ***Motions to be set out in Summons***

- 1.36 The agenda papers for every ordinary meeting of the Council will set out the full text of all motions of which notice has been duly given, unless the Councillor giving the notice has intimated in writing, when giving it, that he/she proposed to move it at some later meeting or has withdrawn it. The motions will be listed in the papers according to the order in which they have been received.

### ***Withdrawal of Motion which is before the Council***

- 1.37 A Notice of Motion will be regarded as withdrawn if:
  - (a) prior to the Council meeting, an indication to this effect is given in writing to at least one of the above-named officers by the Councillor who submitted the Notice, or
  - (b) at the Council meeting, oral notice to this effect is given by the Councillor who submitted the Notice, or
  - (c) the Notice of Motion is not moved and seconded at the meeting of Council.

### ***Procedure at the Meeting***

- 1.38 When a Motion has been moved and seconded the mover and seconder shall jointly be allowed a total period of 2 minutes in which to explain the purpose of the motion before it is dealt with. The Mayor may then decide that the motion shall stand referred without discussion to such of those

bodies as the Mayor may determine, for determination. However, if the Mayor considers it conducive to the despatch of business, the motion may be dealt with at the meeting at which it is initially considered.

***Procedure after the Meeting***

- 1.39 Each motion will then be referred to the relevant decision-making body for determination, without the need for any reference back to Council except where:
- (a) arising from consideration of the motion, the Committee recommends to the Council a change to the Constitution, or
  - (b) there is some other legal or Constitutional requirement for the matter to be referred back to Council.
- 1.40 Unless the Chair of the appropriate decision-making body agreed there were good reasons not to do so, notices of motion must be referred to that body within two meeting cycles, and the proposer of the motion would be consulted before the body decided the matter.
- 1.41 At the meeting of the body to which the motion has been referred for consideration, the proposer of the motion if present shall be invited to speak first, followed by the seconder. The matter will then be opened up to wider discussion.

***Rules of Debate***

***Motions and Amendments***

- 1.42 No motion or amendment shall be discussed unless it has been proposed and seconded. Where required by the Mayor, motions or amendments shall be put in writing and handed to the Mayor before they are further discussed or put to the meeting. The Mayor may, at his/her discretion, allow a motion or amendment to be put which is not in writing, provided that the Mayor has concluded that the wording of the motion or amendment is understood by all members of the body concerned. This requirement does not apply to motions submitted under paragraph 1.32.

***Secunder's Speech***

- 1.43 When seconding a motion or amendment a Councillor may advise the Mayor that he/she will reserve his/her right to speak until a later period in the debate.

***Only One Councillor to Stand at a Time***

- 1.44 When speaking at a Council meeting a Councillor would usually be required to stand and address the Mayor. However, the Mayor may choose to relax this convention. While a Councillor is speaking the other Councillors will remain seated, unless rising on a point of order or in personal explanation.

***Content and Length of Speeches***

- 1.45 A Councillor will confine his/her speech to the question under discussion, a personal explanation or a point of order. Except as indicated below, in the case of speeches made by Councillors when the Council is agreeing

a budget, or where the Council, Committee or Sub-Committee otherwise agrees, no speech will exceed 3 minutes.

- 1.46 In advance of the meeting at which the Council is due to agree a budget, the Council's Political Groups may agree that a limited number of speeches will be made on behalf of each Political Group, which exceed the 3 minute limitation contained in these Rules. The Mayor will have discretion as to how this will be implemented at the meeting and, where no agreement can be reached between the Political Groups, whether and (if so) how any extension of the 3 minute limitation might be permitted to operate.

***When a Councillor may speak again***

- 1.47 At a Council meeting a Councillor who has spoken on any motion shall not speak again whilst it is the subject of debate, except:
- (a) to speak once on an amendment moved by another Member
  - (b) if the motion has been amended since he/she last spoke, to move a further amendment
  - (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which he/she spoke was carried
  - (d) in exercise of a right of reply given by paragraph 1.54 (Right of Reply) or 1.56 (closure)
  - (e) on a point of order referring to the specific Procedure Rule
  - (f) by way of personal explanation
  - (g) to move one of the motions specified in 1.55 (b) to (j), below when the procedure in those paragraphs shall be followed.

***Amendments to Motions***

- 1.48 An amendment must be relevant to the motion and shall be to:
- (a) leave out words
  - (b) leave out words and add others
  - (c) insert or add words
- but such amendment shall not have the effect of negating the motion before the Council.

***Number of Amendments***

- 1.49 Only one amendment may be moved and discussed at a time. No further amendment shall be moved until the amendment under discussion has been disposed of, although the Mayor may allow two or more amendments to be discussed (but not voted on) together if this would facilitate the proper conduct of the business before the meeting.

***Status of Amendments***

- 1.50 If an amendment is lost, another amendment may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

***Alterations to Motions or Amendments***

- 1.51 A Councillor may alter a motion or amendment of which he/she has given notice and may also, with the consent of the seconder, alter a motion or amendment which he/she has moved. At least 24 hours' notice should be provided of any proposed amendment to the Monitoring Officer. In both cases, the consent of the Council is required. There should be no discussion on whether consent should or should not be given.

***Right of Reply***

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

***Motions which may be moved during debate***

- 1.53 When a motion is under debate no other motion shall be moved except the following:
- (a) to amend the motion
  - (b) to adjourn the meeting
  - (c) to adjourn the debate
  - (d) to proceed to the next business
  - (e) to suspend Procedure Rules
  - (f) to refer a matter to the Council, a Committee or Sub-Committee for consideration or reconsideration
  - (g) that the question be now put
  - (h) that a Councillor be not further heard
  - (i) by the Chair under paragraph 4.7, that a Councillor do leave the meeting
  - (j) a motion under Section 100A(4) of the Local Government Act 1972 to exclude the public.

***Closure Motions***

- 1.54 A Councillor may move, without comment, at the conclusion of a speech of another Member, "That the Council proceed to the next business", "That the question be now put", "That the debate be now adjourned", or "That the Council do now adjourn". When one of these Motions has been seconded the Mayor shall proceed as follows:
- (a) on a motion to proceed to next business - unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall first give the mover of the original motion the right of reply, and then put to the vote the motion to proceed to next business
  - (b) on a motion that the question be now put - unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall put to the vote the motion that the question be now put and, if it is passed, give

- the mover of the original motion the right of reply before putting the motion to the vote
- (c) on a motion to adjourn the debate or the meeting - if in his/her opinion the matter before the meeting has been insufficiently discussed on that occasion he/she shall put the adjournment motion to the vote without giving the mover of the original motion the right of reply on that occasion.

### ***Points of Order***

- 1.55 A Councillor may rise on a point of order or in personal explanation and shall be entitled to be heard immediately. A point of order shall relate only to an alleged breach of a Procedure Rule or statutory provision, and the Councillor shall specify the Procedure Rule or statutory provision and the way in which he/she considers it has been breached. A personal explanation shall be confined to some material part of a former speech by him/her which may appear to have been misunderstood in the current debate.

### ***Ruling of Chair on a Point of Order/Personal Explanation***

- 1.56 The ruling of the Chair of the meeting on a point of order or on the admissibility of a personal explanation shall not be open to discussion and shall be final.

### ***Respect for the Chair***

- 1.57 At the Council meeting whenever the Mayor rises during a debate any Councillor then standing shall sit down and the Council shall be silent.

### ***Rescission of Earlier Resolution***

- 1.58 Subject to paragraph 1.59, no motion or amendment shall be moved at a meeting of the Council to rescind any resolution of the Council which was passed within the preceding 6 months or which is to the same effect as one which has been rejected within that period.
- 1.59 Such a motion may be moved if:
- 1.59.1 it is recommended by a Committee, or
  - 1.59.2 notice of such motion has been given under paragraph 1.32 and signed by at least 8 Councillors.

### ***Voting***

- 1.60 Voting will be by a show of hands.
- 1.61 When a Councillor asks for a recorded vote to be taken, and 8 other Councillors support the request, the vote will be recorded to show whether each Councillor voted for or against the motion or abstained.
- 1.62 A recorded vote will not be taken if the vote has already begun to be taken by a show of hands.



- 1.63 Councillors must be in their designated seats for their vote to be counted. The Mayor may agree to waive this requirement before the vote is taken.
- 1.64 A Councillor may require, after a vote is completed, that the Minutes of the meeting record how he/she voted or abstained.
- 1.65 A Councillor may, immediately after the item of business is voted upon, request that a lost motion or amendment be recorded in the minutes.
- 1.66 Where there are equal votes cast for a motion or amendment the Mayor or the person presiding shall have a second or casting vote.

### ***Offices and Appointments***

- 1.67 A vote will be held to elect or appoint the Mayor and Deputy Mayor of the Council, the Leader of the Council and Councillors to any office or position where more than one person is nominated.
- 1.68 If more than one person is nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

### ***Election of Chairs of Committees and Sub-Committees***

- 1.69 The Chairs and Vice-Chairs of the Council's committees and sub-committees shall be allocated to the political groups each year at the Annual Meeting of Council. Nominations to Chairs and Vice-Chairs shall be notified by the Council's Group Leaders or Group Whips in writing or by email to the Head of Democratic Services and Governance and shall thereafter be published on the Council's website. Such nominations shall be in accordance with the relevant numerical allocations made by Council in relation to the body in question.
- 1.70 A Councillor appointed as Chair or Vice-Chair must be a member of the relevant Committee or Sub-Committee.
- 1.71 Where a vacancy occurs in the office of Chair or Vice-Chair, the relevant Group Leader or Whip shall nominate a replacement.
- 1.72 Where both the Chair and Vice-Chair are absent from a meeting of the relevant body, a Chair will be appointed from those Councillors of the body present, provided the meeting is quorate.
- 1.73 A description of the [Role and Responsibilities of a Chair](#) of a meeting is available.

### ***Length of Meeting***

- 1.74 Meetings of the Council shall normally last up to 3 hours. An audible warning will be signalled after 2 hours and 50 minutes to advise Councillors of the need to conclude the business of the meeting.

- 1.75 Should there be unfinished business then a motion may be moved and seconded to extend the meeting by one hour to a maximum of 4 hours and the motion will be put to the meeting without debate.
- 1.76 In the event that the motion to extend the meeting is lost any remaining business shall then proceed in turn to be voted on without debate.
- 1.77 [Do you wish to have the option to adjourn to another time and place or not?]

### **3. Urgent Decisions Taken Outside of Meetings**

#### ***Definition of an urgent decision***

- 1.78 A decision will be urgent in the case of: civil emergency; natural or man-made disaster; matter of serious public health; matters regarding safeguarding of people; or where the Council is at risk of serious reputational damage; loss or claims; or any other matters where the Chief Executive or in his/her absence the Chief Finance Officer has declared that an urgent decision is required to protect the interests of the Council. If a decision is deemed an urgent decision caused by a failure to plan appropriately or work without due regard to timeliness, the circumstances giving rise to the need for the decision should be reported to the Audit and Governance Committee.

#### ***Urgent Decisions***

- 1.79 If a decision would normally be required to be made by full Council and which has to be decided before the next meeting of the Council the decision may be made by the Chief Executive or in his/her absence the Deputy Chief Executive (or in their absence their nominee) in consultation with Group Leaders and the Mayor (or in his/her absence the Deputy Mayor) subject to the following requirements being met:
- (a) The decision-maker is satisfied that the matter is urgent and cannot await the next meeting of the Council, or an urgently convened Council meeting;
  - (b) The decision is reported for information to the next available meeting of the Council;
  - (c) The provisions of legislation are complied with;
  - (d) Advice has been taken from the Chief Executive, Council's Monitoring Officer and Chief Finance Officer;
  - (e) All Councillors are notified of the decision taken by electronic means.

## **2. Committee and Sub-Committee Procedure Rules**

- 2.1 The standing committees and sub-committees of the Council and their membership size are set out in **Chapter 2 Part 4** of the Constitution.

### ***Co-option***

- 2.2 A committee or sub-committee may co-opt any person as a non-voting member.
- 2.3 A Scrutiny Committee or sub-committee may co-opt persons to advise and/or assist in the scrutiny of particular areas of the Committee's functions.

### ***Appointment to Committees and Sub-Committees***

- 2.4 Where a by-election takes place during the year, and following receipt of notice from a Political Group, the Council will decide upon the composition of Committees and Sub-Committees to reflect any change in political balance.

### ***Substitution Arrangements***

- 2.5 A Political Group may appoint a substitute Member to a Committee or Sub-committee. All members of a Political Group will be regarded as being reserve members, who may take the place of an appointed Councillor at a particular meeting of a committee or sub-committee, but see further below in respect of the Planning and Licensing Committees.
- 2.6 In respect of the Planning and Licensing Committees, each Political Group will, by notice to the Monitoring Officer, nominate appropriately trained Councillors to be reserve Members for those Committees. Such reserve Councillors may take the place of an appointed Councillor at a particular meeting of the Planning or Licensing Committee in question.
- 2.7 In addition to being appropriately trained, a substitute Councillor for a planning committee meeting must be a member of another planning committee or in the pool of planning substitutes.
- 2.8 Any reserve Councillor acting as substitute shall inform the Chair at the beginning of the meeting. The outgoing Councillor shall cease to be the Political Group's representative on that Committee or Sub-Committee for the duration of that meeting or any adjournment of it, and that reserve Councillor shall become the representative on the Committee or Sub-Committee for the same period. At the end of the meeting, the outgoing Councillor shall resume his/her place on the Committee or Sub-Committee in question and the Councillor who had been appointed as substitute in his/her place shall revert to being a reserve member.

### ***Notice of Meetings***

- 2.9 The Monitoring Officer shall give notice of meetings and distribute agendas to all members of the Committee or Sub-Committee. Agendas will be made available to members by electronic means.

***Urgent Decisions***

- 2.10 An item of urgent business which has to be decided before the next meeting of a Committee or Sub-Committee can be determined as follows:
- 2.11 The Chief Executive or in his/her absence the Deputy Chief Executive (or in their absence their nominee) in consultation with the Chair and/or Vice-Chair of the relevant Committee or sub-committee has delegated authority to take any decision subject to the following requirements being met:
- (a) The decision-maker is satisfied that the matter is urgent and cannot await the next meeting of the Committee or Council, or an urgently convened Committee or Council meeting;
  - (b) The decision is reported for information to the next available meeting of the Committee or Council;
  - (c) The provisions of legislation are complied with;
  - (d) Advice has been taken from the Chief Executive, Council's Monitoring Officer and Chief Finance Officer;
  - (e) All Councillors are notified of the decision taken by electronic means.

***Changes to the Calendar of Meetings***

- 2.12 Meetings of Committees and Sub-Committees will be set out in the calendar of meetings approved by the Council. There will be a presumption against alterations to the date, time and venue for meetings.
- 2.13 A meeting of a decision-making body scheduled in the Calendar of Meetings may be cancelled or changed by the Monitoring Officer following consultation with the Chair provided that wherever possible such cancellation or change takes place at least five clear working days before the scheduled date of the meeting to enable sufficient public notice to be given.
- 2.14 When it is necessary to arrange a special meeting, the Head of Democratic Services and Governance will consult the Chair and Spokespersons of the relevant Committee or Sub-Committee before any action is taken.

***Quorum at Committees and Sub-Committees***

- 2.15 Business cannot be transacted at meetings of Committees and Sub-Committees unless there is at least one third of the members of the body present, subject to a minimum of 3 where the total membership of any Committee or Sub-Committee comprises eight or fewer members. The quorum of one third of the membership will be rounded up where this cannot readily be divided by 3.
- 2.16 These arrangements may be varied because of a legal requirement or by the Council.

***Minutes of Committees and Sub-Committees***

- 2.17 The Minutes of a Committee or Sub-Committee must be confirmed at its next meeting where possible.

- 2.18 Only matters relating to the accuracy of the Minutes can be raised. Where accuracy is questioned, this must be by a motion which is proposed, seconded and voted upon.
- 2.19 Where no issues of accuracy are raised, or after any motion has been dealt with, the Chair shall sign the Minutes.
- 2.20 The Minutes of any Sub-Committee must be submitted to the next meeting of the parent Committee by the Sub-Committee Chair.
- 2.21 Councillors may ask a question or comment on any Minute. The Chair of the Sub-Committee will then reply. There will be no debate on any question or comment raised under this procedure and no further motions can be moved.
- 2.22 Where a Councillor has a question or comment on an exempt, private or confidential Minute, the question or comment must be given in writing to the Monitoring Officer at least 24 hours before the start of the meeting.

***Motions moved without Notice at Committees and Sub-Committees***

- 2.23 [Error! Reference source not found.](#) those motions and amendments which can be moved without notice in rule 1.18.

***Public Speaking and Questions***

- 2.24 A total period of 10 minutes will be usually be allocated for members of the public to speak or ask questions at Committee meetings.
- 2.25 Members of the public are required to give 48 hours' notice of their intention to make use of the public speaking and questions facility.
- 2.26 Members of the public may speak on any matter relating to the work of the Committee, provided that the Chair retains the discretion to rule a question out of order and require the member of the public to cease speaking if the speech covers confidential issues or is derogatory or defamatory or inappropriate for any other reason.
- 2.27 At meetings of Committees, members of the public will be allowed up to 3 minutes each to speak, subject to the Chair having discretion to vary this requirement where he/she considers it appropriate.
- 2.28 Further information is included within the [Appendix on Public Speaking](#).

***Rules of Debate at Committees and Sub-Committees***

- 2.29 Rules of debate shall be the same as for Council meetings.

***Voting***

- 2.30 Voting at Committee and Sub-Committee meetings will be by a show of hands.
- 2.31 When a Councillor asks for a recorded vote to be taken, and one other Councillor supports the request, the vote will be recorded to show whether each Councillor present voted for or against the motion or abstained.

- 2.32 A recorded vote will not be taken if the vote has already begun to be taken by a show of hands.
- 2.33 A Councillor may require, after a vote is completed, that the Minutes of the meeting record how he/she voted or that he/she abstained.
- 2.34 A Councillor may request that a lost motion or amendment be recorded in the minutes by requesting this immediately after the vote is taken.
- 2.35 Where there are equal votes cast for a motion or amendment, the person presiding at the meeting will be entitled to, and shall exercise, a second or casting vote. However, where there remains an equality of votes in respect of a motion, the motion will be lost.

#### ***Offices and Appointments***

- 2.36 A vote will be held to elect or appoint Councillors to any office or position where more than one person is nominated.
- 2.37 If more than one person is nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

#### ***Mover of a Motion at Council: Attendance at Committee and Sub-Committee***

- 2.38 Where a question or motion has been referred under paragraph 1.28 or 1.43 from the Council to a Committee or Sub-Committee for consideration and report, the mover of the motion has the right to attend the meeting and to explain the motion within a period of up to 3 minutes.
- 2.39 The questioner or the mover of the motion will be advised of the date and time of the meeting at which the matter is to be considered and he/she will be sent a copy of the relevant papers.

#### ***Requests by Councillors for Items of Business to be included on Agendas of a Committee or Sub-Committee***

##### ***Agenda Items Submitted By Councillors***

- 2.40 This facility does not apply to special meetings of Committees and Sub-Committees.
- 2.41 A Councillor may, by notice given to the Monitoring Officer no later than 10 clear working days before the appropriate meeting, request that an item of business be included on the agenda of a Committee or Sub-Committee.
- 2.42 A Councillor may not give notice of more than one item of business for any one meeting. The notice shall state the nature of the business and shall include the signature of that Member.
- 2.43 This procedure shall not apply where the item of business, if agreed, would have the effect of rescinding or amending any resolution passed by



a Committee or Sub-Committee of the Council within the preceding 6 months.

- 2.44 Items arising from such notices shall appear on the agenda at the end of the Part 1 or 2 business.
- 2.45 Sections 9J, 9JA or 9JB Local Government Act 2000 and Regulations enable a Councillor to request that an item of business is added to an agenda of a Scrutiny Committee provided it is not an excluded matter and is relevant to the functions of the Scrutiny Committee.

#### ***Committee and Sub-Committee Agenda – Urgent Items of Business***

- 2.46 Generally, business will only be transacted at meetings of Committees and Sub-Committees which appears on the agenda and which has been available for public inspection at least five clear working days before the meeting or, where the meeting is convened at short notice, from the time the meeting is convened.
- 2.47 The Chair of the Committee or Sub-Committee may agree to deal with an item of business at the meeting if, in his/her opinion, the matter is urgent given the circumstances requiring a decision. The Chair's ruling and the reasons for urgency will be recorded in the Minutes of the meeting.

#### ***Attendance of Councillors at Committees and Sub-Committees of which they are not Appointed Members***

- 2.48 Notwithstanding their rights as a member of the public, a Councillor may:
  - 2.48.1 attend any meeting of a Committee or Sub-Committee to which he/she has not been appointed, for the purposes of performing his/her duties as a Councillor, subject to rule 2.35.2
  - 2.48.2 when exempt or private and confidential business is transacted, the Councillor seeking to attend a meeting on the basis set out in paragraph 2.35.1 must have the prior agreement of the Monitoring Officer in consultation with the Chair of the Meeting on the basis that the Councillor has a "need to know" about the exempt or private and confidential business to be transacted.
- 2.49 For clarification, nothing in paragraph 2.35 above shall require a Councillor to obtain any prior agreement before attending the open session of any meeting of a Committee or Sub-Committee.
- 2.50 Where a Councillor has permission to attend a meeting under paragraph 2.35.2 above, he/she will be given, when he/she arrives at the meeting, a copy of the agenda and relevant papers.
- 2.51 The Councillor has no right to vote but may speak only with the consent of the Chair of the meeting.
- 2.52 At meetings of the Strategic Planning Board and Planning Committees, Councillors' speaking rights are subject to the protocol on public speaking

entitled '[Public Speaking Rights at Strategic Planning Board and Planning Committees](#)'.

**Respect for the Chair**

- 2.53 In Committee or Sub-Committee meetings, whenever the Chair rises from his/her seat, the Councillors should remain in their seats and the Committee or Sub-Committee shall be silent.

**4. Scrutiny Committee*****Agenda for Scrutiny Committees***

- 2.54 The Scrutiny Committee may hold enquiries in relation to matters within its Terms of Reference and may appoint specialists to assist in this process. They may visit sites, conduct public surveys, hold public meetings, commission research and undertake such other things they consider reasonable and necessary to inform their deliberations. They may call witnesses on any matter under consideration and may pay to any specialists and witnesses a reasonable fee and expenses for doing so within budgetary provision.

***Reports from the Scrutiny Committees***

- 2.55 The Council or a Committee (as appropriate) shall consider any report from the Committees at its next programmed meeting.

***Councillors and Officers Giving Account***

- 2.56 Where the Scrutiny Committee requires an officer to attend to answer questions or discuss issues, this will be agreed with the Chief Executive.
- 2.57 Where it is agreed that an officer should appear to answer questions, their evidence should, as far as possible, be confined to questions of fact and explanation relating to policies and decisions. Officers may explain:
- (a) what the policies are
  - (b) the justification and objectives of those policies as the Committee sees them
  - (c) the extent to which those objectives have been met, and
  - (d) how administrative factors may have affected both the choice of policy measures and the manner of their implementation.
- 2.58 Officers may be asked to explain and justify advice they have given prior to decisions being taken. They may also be asked to explain and justify decisions they have taken under delegated powers.
- 2.59 Officers should not be expected and should avoid being drawn into discussions of politically contentious matters and any officer input should be consistent with the requirements for political impartiality.
- 2.60 The requirements of the [Error! Reference source not found.](#) and the [Error! Reference source not found.](#) must be adhered to where an officer is attending a meeting of a Scrutiny Committee.
- 2.61 Where any Councillor or officer (with the Chief Executive's agreement) is required to attend a Scrutiny Committee under this provision, the Chair of that Committee will inform the Monitoring Officer, who will inform the Councillor or officer in writing, giving at least ten clear working days' notice of the meeting. The notice will state the nature of the item on which

he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Councillor or officer concerned will be given reasonable and sufficient notice to allow for its preparation.

- 2.62 Where, in exceptional circumstances, the Councillor or officer is unable to attend on the required date, then the Committee shall, in consultation with the Councillor or officer, arrange an alternative date for attendance.

- 2.63 As well as reviewing the documentation, in fulfilling its scrutiny role, it may require any Councillor or Officer, to attend before it to explain in relation to matters within their remit:

2.63.1 any particular decision or series of decisions;

2.63.2 the extent to which the actions taken implement Council policy;  
and/or

2.63.3 performance of the function

and it is the duty of those persons to attend if so required.

#### ***Attendance by Others***

- 2.64 The Scrutiny Committees may invite individuals other than Councillors and officers to address it, discuss issues of local concern and/or answer questions.

#### ***The Party Whip***

- 2.65 It is generally accepted that the Party Whip should be suspended in respect of Scrutiny matters. However, when considering any matter in respect of which a Member of a Scrutiny Committee is subject to a formal party whip, the Councillor must declare the existence of the Whip, and the nature of it before the commencement of the Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the Minutes of the meeting.

#### ***Joint Scrutiny Protocol***

- 2.66 The Council has approved a joint scrutiny protocol for Cheshire, Merseyside and Wirral to consider consultations by NHS bodies or service providers in connection with substantial developments or variations in service. Nominations to any joint scrutiny committee established under the protocol will be made by the Chair of the Scrutiny Committee.
- 2.67 Where a Scrutiny Committee conducts investigations (e.g. with a view to policy review), it may also ask people to attend to give evidence at its meetings, which are to be conducted in accordance with the following principles:

2.67.1 The investigation is to be conducted fairly and all members of the Committee are to be given the opportunity to ask questions of attendees, and to contribute and speak

- 2.67.2 Those assisting the Committees by giving evidence are to be treated with respect and courtesy, and
- 2.67.3 The investigation to be conducted so as to maximise the efficiency of the investigation or analysis.
- 2.68 Following any investigation or review, the Committee shall prepare a report, for submission to the appropriate Committee and/or Council as appropriate and shall, unless there are exceptional reasons, make its report and findings public.
- 2.69 There is no facility to allow questions by members of the public at meetings of the Scrutiny Committee. However, a period of 10 minutes will be provided at the beginning of such meetings to allow members of the public to make a statement on any matter that falls within the remit of the committee, subject to individual speakers being restricted to 3 minutes.

## **5. General Provisions**

### ***Records of Attendance***

- 2.70 Councillors attending a meeting of which they are a member must sign their name on the attendance sheet provided.

### ***Disclosure of Confidential/Exempt Matters***

#### ***Matters not open to the Public or Press***

- 2.71 No Councillor shall disclose to any person the whole or any part of the contents of any agenda, report or other document which is marked “confidential” or “not for publication” unless and until the document has been authorised to be made available to the public or the press by or on behalf of the Council, a Committee or Sub-Committee.

#### ***Matters which may prejudice the interest of the Council***

- 2.72 No Councillor shall disclose to any person other than another Councillor any matter arising during the proceedings of the Council, a Committee, Sub-Committee, Panel or Board and which comes to his/her knowledge by virtue of his/her office as a Councillor where such disclosure would prejudice the interest of the Council or would be contrary to law.

### ***Decisions or Proceedings of the Council, Committees, Sub-Committees, Panels and Boards***

- 2.73 No Councillor shall, without the consent of the Chair of the appropriate body, disclose to any person any decision or proceedings of that body except:
- 2.73.1 when a report on the matter has been circulated to the Council by that body
  - 2.73.2 when the decision has become public knowledge, or
  - 2.73.3 when the matter comes within the powers of that body and a final decision has been made upon it

provided that this paragraph shall not authorise any disclosure which would contravene paragraphs 3.2 or 3.3.

### ***Prohibited Disclosure***

- 2.74 The press and public shall be excluded during the consideration of any item of business which would be likely to disclose exempt or confidential information.

### ***Disorderly Conduct***

#### ***Motion to end Disorderly Conduct***

- 2.75 If at a meeting any Councillor, in the opinion of the person presiding, misconducts themselves in any way, the person presiding or any other



Councillor may move “That the Councillor be not further heard”. The motion, if seconded, shall be put and determined without discussion.

***Persistent Misconduct***

- 2.76 If the Councillor continues the misconduct after a motion under the foregoing paragraph has been carried, the person presiding may: either move “That the Councillor do leave the meeting” (in which case the motion shall be put and determined without seconding or discussion); or adjourn the meeting.

***General Disturbance***

- 2.77 In the event of general disturbance at any meeting which, in the opinion of the person presiding, renders the due and orderly dispatch of business impossible, the person presiding, will have the power to adjourn the meeting.

***Disturbance by members of the Public***

- 2.78 If a member of the public interrupts the proceedings at any meeting, the person presiding shall warn him/her. If he/she continues, the person presiding shall order his/her removal from the meeting. In cases of general disturbance in any part of the meeting room open to the public, the person presiding shall order that part to be cleared.

***Inspection of Documents***

***Supply of Agenda papers to Members of the body in question***

- 2.79 Members of Council, decision-making and other bodies will not be provided with hard copies of agenda papers, unless a request is received in writing by the Head of Democratic Services and Governance and approved.

***Supply of Agenda and Minutes to those Councillors who are not Members of that particular body***

- 2.80 To help a Councillor perform his/her duties as a Member, agenda papers and records of decisions, or minutes of decision-making bodies will be made available to them electronically. Private, confidential and exempt reports will not be made available but may be requested from the Monitoring Officer who will have discretion to provide or withhold such reports, having considered the reasonableness of the request and the ‘need to know’.

***Minutes of the decision making bodies – Open for Inspection***

- 2.81 Minutes of the Council, Committees or Sub-Committees shall be open for inspection by any Councillor.

***Provisions relating to Personnel Matters***

- 2.82 The recruitment and appointment of staff and the responsibilities for Personnel matters will be governed by the Staff Employment Procedure Rules.

***Sealing of Documents******Authority***

- 2.83 The Common Seal of the Council shall not be affixed to any document unless the sealing has been properly and lawfully authorised. A resolution of the Council (or of a Committee or Sub-Committee where such body has the power) or an Officer authorising the acceptance of any tender, the purchase, sale, letting, or taking of any property, the issue of any stock, the presentation of any petition, memorial or address, the making of any rate of contract, or any other matter or thing, shall be a sufficient authority for sealing any document necessary to give effect to the resolution.

***Attestation***

- 2.84 The seal shall be attested by the Monitoring Officer or his/her authorised deputy, designated for this purpose, as required by this Constitution and a record of the sealing of every document shall be kept.

***Variation and Revocation of Procedure Rules***

- 2.85 Any motion to vary or revoke these Rules shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

***Suspension of Procedure Rules******Motion Required***

- 2.86 Subject to paragraph 5.18 below, any of the preceding Procedure Rules may be suspended in respect of any business at a meeting of the Council, a Committee or Sub-Committee where its suspension is moved and carried.

***Notice of Motion***

- 2.87 A motion to suspend Procedure Rules shall not be moved without notice (under paragraphs 1.18 to 1.34) unless there shall be present at least one-third of the members of the Council or that Committee or Sub-Committee respectively.

***Interpretation of Procedure Rules***

- 2.88 The ruling of the person presiding as to the construction or application of any of these Procedure Rules, or as to any proceedings of the Council, shall not be challenged at any meeting.

***Submission of Notices by Councillors – Electronic Means***

- 2.89 A Councillor of the Council may communicate, by electronic means, any notice under any of the Constitution's Procedural Rules to initiate any process or procedure provided it is clear that the notice has been originated by that Member.

***Disclosable Pecuniary Interests – Requirement to Withdraw from Meeting***

- 2.90 A Councillor who declares a disclosable pecuniary interest in an item of business is required to withdraw from the meeting at the appropriate juncture.

***Petitions***

- 2.91 Petitions regarding matters affecting the area or the functions of the Council or relating to consultation exercises or pursuant to specific legislation may be accepted at the start of an Ordinary Council meeting or a Committee. Petitions will not be considered at the Annual Meeting of Council or at Extraordinary Meetings of Council unless the Extraordinary Council Meeting is convened to consider the subject matter of the petition.
- 2.92 Petitions must be 'signed' (in person or by name if electronic) by at least 5,000 petitioners and contain the name and contact details of the 'petition organiser'.
- 2.93 Petitions that are considered by the Monitoring Officer to be vexatious, frivolous, abusive, defamatory or otherwise inappropriate will not be accepted.
- 2.94 Petitions will be referred to the relevant Committee with or without debate.
- 2.95 Further information on submitting a petition can be found on the Council's website

## VIRTUAL MEETINGS PROCEDURE RULES (“VMPR”)

April 2020

### Introduction and Application of the VMPR

The [Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020](#) (“the Regulations”) make provision for remote attendance at, and remote access to, meetings held on or before 7 May 2021.

The Regulations, made under section 78 of the Coronavirus Act 2020, apply notwithstanding any other legislation or current or pre-existing standing orders or any other Procedure Rules of the Council which govern meetings. This means that, wherever there is a conflict, these Virtual Meetings Procedure Rules (“VMPR”) take precedence in relation to any virtual meeting.

The effect of the Regulations on the Council’s Constitution is to insert what are, in effect, mandatory standing orders for those Councils that wish to hold meetings remotely, either wholly or partially.

The Regulations, and therefore the standing orders, have an automatic amending effect on the Council’s existing Procedure Rules and can be applied immediately in order to run meetings remotely.

Nonetheless, these interim Procedure Rules have been agreed, in consultation with Group Leaders, the Mayor, the Chair & Vice-Chair of the Constitution Committee, in accordance with the Monitoring Officer’s delegation set out in Chapter 2, Part 6 of the Council’s Constitution, namely:

*“to make such changes to the Council’s Constitution as he/she deems to be necessary and which are in the Council’s interests and not major in nature, including, but not limited to, changes:*

- *to provide appropriate clarity*
- *to reflect new legislation”*

These interim Procedure Rules exist only on a temporary basis and will remain in force until 7th May 2021.

**RULE 1 - VIRTUAL MEETINGS****Virtual meetings generally**

- 1.1 A virtual meeting is a meeting of full Council, a Committee or Sub-Committee held by remote access and where remote attendance by Councillors and the public is by way of video or telephone conferencing.
- 1.2 The Regulations enable the Council to hold meetings without all, or any, of the members being physically present in a room. This allows for remote meetings through electronic, digital, virtual locations, live webcast, live interactive streaming, video and telephone conferencing.
- 1.3 In order for members to be able to attend meetings remotely, they need not be physically present, provided they are able to hear and be heard and, where possible, see and be seen by other councillors and members of the public attending remotely or in person.

**Holding virtual meetings**

- 1.4 The Council, Committees, Sub-Committees may hold all such virtual meetings that are deemed necessary and where such meetings are held these Rules of Procedure shall apply.

**RULE 2 - AMENDMENTS TO EXISTING PROCEDURE RULES**

- 2.1 The existing provisions in the Procedure Rules in Chapter 3 of the Constitution apply to virtual meetings in the same way as they do for other meetings, except where they conflict, in which case these Procedure Rules take precedence over other Procedure Rules in relation to the governance of virtual meetings.
- 2.2 Some of the existing provisions in the Council Procedure Rules, Committee Procedure Rules, and Access to Information Procedure Rules as listed in the table at **Appendix 1** to these Rules shall be suspended or amended where necessary in respect of their application to virtual meetings.
- 2.3 For the avoidance of doubt, where there is any inconsistency between these Rules and existing provisions in the Council's Constitution, these Rules shall take precedence.

**RULE 3 – ACCESS TO INFORMATION****Notice of Meetings and Agenda Papers**

- 3.1 The Proper Officer will give the requisite notice to the public of the date and time of the virtual meeting and the agenda in the normal way in accordance with the Council's existing Access to Information Procedure Rules.
- 3.2 The Proper Officer will give the details of how to join the meeting which will be available on the agenda for the meeting published on the Council's website.

- 3.3 Councillors will be notified of a virtual meeting by email via the modern.gov.uk agenda software in the normal way and all agenda papers will be available on the Council's website. Hard copy agenda will continue to be issued to members only where a written request has been approved by the Head of Democratic Services and Governance.
- 3.4 The 'place' at which the meeting is held may be at a Council building, or where the organiser of the meeting is located, or an electronic, digital or virtual location, a web address, or a conference call telephone number, or could be a number of these combined. The meeting may also be held in a meeting room with a proportion of the membership and any participating public additionally attending remotely.
- 3.5 For all purposes of the Constitution, the terms "notice", "summons", "agenda", "report", "written record" and "background papers" when referred to as being a document that is:
- (a) "open to inspection" shall include for these and all other purposes as being published on the website of the Council; and
  - (b) to be published, posted or made available at offices of the Council shall include publication on the website of the Council.

#### **RULE 4 – REMOTE ACCESS TO VIRTUAL MEETINGS**

- 4.1 (a) For all purposes of the Constitution the term "meeting" is not limited in meaning to a meeting of persons all of whom, or any of whom, are present in the same place, for which purposes any reference to:
- (i) "place" is to be interpreted as where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers; and
  - (ii) "open to the public" includes access to the meeting being through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person; and
- (b) If the Chair is made aware that the meeting is not accessible to the public through remote means, due to any technological or other failure of provision, then the Chair shall adjourn the meeting immediately. If the provision of access through remote means cannot be restored within a reasonable period, then the remaining business will be considered at a time and date fixed by the Chair. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.
- 4.2 Councillors and members of the public and the press will be encouraged to use the Council's Microsoft Teams teleconferencing facilities to attend a virtual meeting. A link to the meeting will be published on the Council's website and on the agenda.



- 4.3 If this is not possible, attendance may be through an audio link, which will also be published on the Council's website and on the agenda.
- 4.4 Remote access for members of the public and Councillors who are not attending to participate in the virtual meeting together with press facilities, will be provided through Microsoft Teams Live Events.

## **RULE 5 – COUNCILLORS IN REMOTE ATTENDANCE AT VIRTUAL MEETINGS**

- 5.1 (a) A Councillor in remote attendance is present and attends the meeting, including for the purposes of the meeting's quorum, if at any time all three of the following conditions are satisfied, those conditions being that the Councillor in remote attendance is able at that time:
- (i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other Councillors in attendance.
  - (ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
  - (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.
- (b) A Councillor in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in (a) above are not met. In such circumstance the Chair may, as they deem appropriate;
- (i) adjourn the meeting for a short period to permit the conditions for remote attendance of a Councillor contained in (a) above to be re-established;
  - (ii) count the number of Councillors in attendance for the purposes of the quorum; or
  - (iii) continue to transact the remaining business of the meeting in the absence of the Councillor in remote attendance.
- 5.2 The attendance of those Councillors attending a virtual meeting of which they are a Member will be recorded by the Clerk following a roll of names at the start of the meeting by the Chair.
- 5.3 The normal quorum requirements for meetings as set out in the Council's Constitution will also apply to virtual meetings.
- 5.4 In the event of any apparent failure of the video, telephone or conferencing connection, the Chair should immediately determine if the meeting is still quorate:

- if it is, then the business of the meeting will continue; or
- if there is no quorum, then the meeting shall adjourn for a short period specified by the Chair, to allow the connection to be re-established.

- 5.5 Should any aspect of an individual's remote participation fail, the Chair may call a short adjournment for a specified period so to determine whether the connection can quickly be re-established, either by video technology or telephone in the alternative. If the connection is not restored within that time, the meeting should continue to deal with the business whilst this happens, providing the meeting remains quorate and the public are able to hear.
- 5.6 In the event of connection failure, the remote Member(s) will be deemed to have left the meeting at the point of failure and if the connection cannot be re-established to those Member(s) before the end of the meeting, then the presumption will be that the meeting should continue to deal with the item/s.
- 5.7 If the connection is successfully re-established, then the remote Member(s) will be deemed to have returned at the point of re-establishment.
- 5.8 If a connection to a Councillor is lost during a regulatory meeting (including Planning or Licensing), the Chair will stop the meeting to enable the connection to be restored. If the connection cannot be restored within a reasonable time, the meeting will proceed, but the Councillor who was disconnected will not be able to vote on the matter under discussion as they would not have heard all the facts.

## **RULE 6 – REMOTE ATTENDANCE BY MEMBERS OF THE PUBLIC**

- 6.1 (a) A member of the public entitled to attend the meeting in order to exercise a right to speak at the meeting is in remote attendance at any time if all three of the following conditions are satisfied, those conditions being that the member of the public in remote attendance is able at that time:
- (i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, Councillors in attendance;
  - (ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any other members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
  - (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.
- (b) A member of the public in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in Procedure Rule 5 above are not met. In such circumstance the Chair may, as he or she deems appropriate:

- (i) adjourn the meeting for a short period to permit the conditions for remote attendance contained in Procedure Rule 5 above to be re-established;
- (ii) suspend consideration of the item of business in relation to the member of public's attendance until such time as a following item of business on the agenda has been transacted and the conditions for the member of the public's remote attendance have been re-established or, on confirmation that this cannot be done, before the end of the meeting, whichever is the earliest; or
- (iii) continue to transact the remaining business of the meeting in the absence of the member of the public in remote attendance.

## **RULE 7 – VIRTUAL MEETINGS PROCEDURE**

- 7.1 The Council facilitates remote attendance and access to its virtual meetings through the medium of Microsoft Teams Live Events, which enables the following to take place:
- (a) contributions to be received from people using a wide variety of devices, not all of whom are on the Council network
  - (b) being accessible to both participants and members of the public who are not taking an active role but just observing
  - (c) presentations and documents (maps, plans, etc) to be displayed and spoken to.
- 7.2 Before the meeting, all participants shall be made aware of the following recommended etiquette for virtual meetings:
- (a) Join the meeting at least 15 minutes in advance of the start time to enable a prompt start and avoid unnecessary interruptions
  - (b) Mute microphones when not talking
  - (c) Switch off cameras when not speaking (to save bandwidth)
  - (d) Indicate a wish to speak by using the chat function
  - (e) The chat facility must not be used for private conversations between councillors
  - (f) Only speak when invited to by the Chair
  - (g) Anyone speaking should state their name before making a comment
  - (h) If referring to a specific page or slide, mention the page or slide number
  - (i) Councillors should be careful to not allow exempt or confidential papers to be seen on camera in the video-feed.
- 7.3 The Chair or the Clerk may:
- (a) Pause (adjourn) the meeting by taking down the stream (live feed) from public viewing and then resume it when needed
  - (b) Switch on each active participant's microphone when they are invited to speak and switch them off afterwards
  - (c) Mute someone speaking at any time
  - (d) Mute everyone speaking except themselves at any time

- (e) Switch some active participants and the observers off, so they are paused and have neither 'live' visual or audio feed whilst the meeting deliberates in private or an officer present gives the committee advice (following the meeting having moved exclusion of the press and public). By taking down the live feed content from the public and just displaying a holding slide, decision makers may hold a separate meeting on Microsoft Teams. The live stream can then be resumed when needed.
- 7.4 The meeting facilitator or 'producer' will control the Microsoft Teams Live video conferencing technology to enable remote access and attendance and to administer the public and Member interaction, engagement and connections on the instruction of the Chair.
- 7.5 It will assist the co-ordination of the virtual meeting, if those visiting Councillors who wish to speak on a topic or a particular agenda item could indicate their wish to speak in advance of the meeting, where possible. Political groups are also encouraged to co-ordinate this activity wherever possible and particularly at meetings likely to result in a high number of requests to speak.
- 7.6 The Chair will follow the rules set out in the Constitution when determining who may speak, as well as the order and priority of speakers and the content and length of speeches in the normal way.
- 7.7 The Chair, at the beginning of the meeting, will explain the protocol for Councillor and public participation and the rules of debate. The Chair's ruling during the debate will be final.
- 7.8 Where members of the public are exercising speaking rights at the meeting via remote attendance, the Chair will as part of their introduction explain the procedure for their participation which will reflect those relevant elements of the above. Members of the public and Councillors must adhere to these Procedure Rules otherwise they may be excluded from the meeting following appropriate warnings by the Chair.

## **RULE 8 – REMOTE VOTING**

- 8.1 Unless a recorded vote is demanded, which may be confirmed by the requisite number of Councillors confirming the demand verbally when requested by the Chair, the Chair will take the vote either:
  - (a) by use of the electronic voting system for Virtual Meetings in Microsoft Teams where appropriate
  - (b) by the affirmation of the meeting if there is no dissent; or
  - (c) the Chair or Clerk to the meeting will take the vote by roll-call and the number of votes for or against the motion or amendment or abstaining from voting will be recorded.

- 8.2 At the conclusion of the voting, the Chair shall announce the result of the vote and announce whether the motion has been passed or lost.
- 8.3 Details of how Councillors voted will not be kept or minuted unless a Recorded Vote is called. Where a Recorded Vote is requested, the Chair will ask Councillors in turn to signify verbally whether or not they support that request.

## **RULE 9 – DECLARATIONS OF INTERESTS AND COUNCILLORS EXCLUDED FROM THE MEETING**

- 9.1 Any Councillor participating in a virtual meeting who declares a disclosable pecuniary interest, or other declarable interest, in any item of business that would normally require them to leave the room, must also leave the virtual meeting. Their departure will be confirmed by the Clerk to the meeting, who will invite the relevant Councillor by link, email or telephone, to re-join the meeting at the appropriate time.
- 9.2 Where a Councillor is required to leave the virtual meeting, the means of remote attendance and access is to be severed whilst any discussion or vote takes place in respect of the item or items of business which the Councillor or co-opted member may not participate.

## **RULE 10 – EXCLUSION OF THE PUBLIC AND PRESS**

- 10.1 There are times when Council meetings are not open to the public, when confidential, or “exempt” issues (as defined in Schedule 12A of the Local Government Act 1972) are under consideration. The Clerk to the meeting will ensure that there are no members of the public in remote attendance or remotely accessing the meeting are able to hear or see the proceedings once the exclusion has been agreed by the meeting.
- 10.2 Each Councillor in remote attendance must ensure and verbally declare that there are no other persons present who are not entitled to be (either hearing or seeing) consideration of such items, and/or recording the proceedings.

## **RULE 11 – PUBLIC ACCESS TO MEETING DOCUMENTATION FOLLOWING THE VIRTUAL MEETING**

- 11.1 Members of the public may access minutes, decisions and other relevant documents through the Council’s website. The definition of access to information and available to the public is the same as at Procedure Rule 3 above.

## **RULE 12 - REVIEW**

- 12.1 These Rules will be kept under regular review and updated as necessary by the Monitoring Officer following learning as practice develops and virtual meetings are conducted.

| Provision                            |                                       | Amendment/suspension  |
|--------------------------------------|---------------------------------------|---|
| <b>Council Procedure Rules (CPR)</b> |                                       |   |
|                                      |                                       |   |
| CPR 1.5                              | Council Meetings                      | <p><i>“Before the start and at the end of each meeting, Councillors and Officers will stand whilst the Mayor and the Deputy Mayor enter and leave the room”</i></p> <p>– to be suspended.</p>   |
| CPR 1.6                              | Mayor and Deputy Mayor of the Council | <p><i>“At its Annual Mayor-making meeting, the Council will elect its Mayor and appoint its Deputy Mayor for the following year”</i></p> <p>– to be suspended.</p> <p>The new Regulations allow the requirement to hold an Annual Meeting to be disregarded. Where an Annual Meeting is cancelled or delayed, all appointments from the 2019 Annual Meeting continue.</p> |
| CPR 1.60                             | Voting                                | <p><i>“Voting will be by a show of hands”</i></p> <p>– to be suspended and replaced with VMPR 8.</p>  |
| CPR                                  | Voting                                | <p><i>“A recorded vote will not be taken if the vote has already begun to be taken by a show of hands”</i></p> <p>- delete ‘by a show of hands’</p>   |



| <b>Access to Information Procedure Rules (APR)</b> |  |   |
|--|--|---|
| <b>APR4</b>  | Notice of Meetings                       | Delete ' <i>at Westfields, Middlewich Road, Sandbach, CW11 1HZ</i> ' and retain ' <i>by posting details on its website</i> '  |
| <b>APR54</b>                                       | Audio Recording of Meetings              | Suspended   |
| <b>Committee Procedure Rules (CoPR)</b>            |  |   |
| CoPR 2.21  | Voting                                   | ' <i>Voting at Committee and Sub-Committee meetings will be by a show of hands</i> '<br><br>– to be suspended and replaced with VMPR 8  |
|  | Rules of Debate at full Council meetings |   |
|  | Motions and Amendments                   | Replace ' <i>Where required by the Chair, motions or amendments shall be put in writing and handed to the Chair</i> '<br><br>with ' <i>shall be put in writing and submitted electronically to the Chair and Clerk to the meeting</i> ' |
|  | Only One Councillor to Stand at a Time   | To be suspended   |
|  | Points of Order                          | Delete " <i>A Councillor may rise on a point of order or in personal explanation...</i> "<br><br>and replace with " <i>A Councillor may indicate they wish to speak on a point of order or in personal explanation...</i> "             |
|  | Respect for the Chair                    | Delete paragraph and replace with ' <i>At a virtual Council meeting, whenever the Mayor or Chair of the meeting speaks during a debate, a Councillor then speaking shall stop and the</i>   |

|  |  |   |
|--|--|---|
|  |  | <i>meeting shall be silent. If required, the Mayor, the Chair of the meeting or the Clerk may mute a Councillor who has been asked to stop speaking’.</i>   |
|  | Public Speaking and Questions  | Delete:<br><br><i>‘Members of the public are not required to give notice of their intention to make use of the public speaking facility (although as a matter of courtesy, a period of 24 hours’ notice is encouraged.’</i>   |
|  | Records of Attendance  | Delete <i>‘Councillors attending a meeting of which they are a Member must sign their name on the attendance sheet provided’</i> and replace with<br><i>‘Councillors attending a virtual meeting of which they are a Member will have their attendance recorded by the Clerk by a roll call at the start of the meeting.’</i> |
|  | Disclosable Pecuniary Interests – Requirement to withdraw from meeting | Suspend and replace with VMPR 9   |

This table is intended to capture both the existing Procedure Rules which are inconsistent with the Regulations for the purpose of clarity and ease of reference and those that are being amended at the Council’s discretion in order to facilitate virtual meetings. It should be noted that any Procedure Rules that have not been referenced in this table, but that are nonetheless inconsistent with the Regulations, will be disapplied by virtue of Regulation 5(5).

**APPENDIX****APPENDIX***Public Speaking and Questions*

- 1 There will be public speaking at Council meetings.
- 2 A total period of 10 minutes will be allocated for members of the public to speak at meetings of Committees and sub-committees of the Council. This does not apply to meetings of the Council's Planning and Licensing Committees and sub-committees, which have separate arrangements in place for public involvement. The arrangements for planning meetings are set out in the [Protocol on Public Speaking Rights at Strategic Planning Board and Planning Committees](#).
- 3 Members of the public are required to give 48 hours' notice of their intention to make use of the public speaking facility.
- 4 Members of the public may speak on any matter relating to the work of the body in question, provided that the Chair retains the discretion to rule a speech out of order and require the member of the public to cease speaking if the speech covers confidential issues or is derogatory or defamatory or inappropriate for any other reason.
- 5 At meetings of Committees members of the public will be allowed up to 3 minutes each to speak, subject to the Chair or person presiding having discretion to vary this requirement where he/she considers it appropriate and the Chair will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.
- 6 During public speaking time, members of the public may ask questions of the appropriate Chair of the committee or sub-committee which has responsibility for the matter in question.
- 7 Where a member of the public wishes to ask a question of the Chair of a committee or sub-committee, at least 2 clear working days' notice must be given in writing to the Head of Democratic Services and Governance, in order that an informed answer may be given.
- 8 The Councillor responding to the question may answer the question, may decline to do so, may agree to reply at a later date or may refer the question to an appropriate committee. Questions will be asked and answered without discussion.
- 9 In addition to the general provisions for public speaking set out in this Appendix, the following specific provisions apply to meetings of the [Public Rights of Way Committee](#) in relation to individual applications on the agenda:
  - 9.1 For each application on the agenda, a total of 6 minutes is allocated for public speaking, with 3 minutes being allocated for objectors and 3 minutes being allocated for supporters. If there is more than one person wishing to speak as an objector or supporter, the 3 minutes

shall be divided equally among them or they may appoint one of their number to speak for all.

- 9.2 No member of the public shall speak on a matter before the Chair has introduced the report. Members of the public may not participate in the debate or ask questions of officers or Councillors.
- 9.3 At the Chair's discretion, members of the Committee may, through the Chair, ask questions of a speaker for clarification but should not enter into a discussion with them.
- 9.4 Any member of the public wishing to address the Committee must give notice of their intention, in writing, to the Head of Democratic Services and Governance by 12 noon 2 clear working days before the meeting.
- 9.5 These provisions may be varied at the discretion of the Chair.

### *Virtual Planning Meetings – Public Speaking Protocol*

## **PROTOCOL ON PUBLIC SPEAKING RIGHTS AT VIRTUAL PLANNING MEETINGS**

### **INTRODUCTION**

This protocol explains how the Council's arrangements for public speaking at planning meetings will continue at virtual planning meetings, during distancing restrictions. It follows the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and supplements the Council's own Virtual Meetings Procedure Rules in its Constitution

Planning Meetings make decisions on the merits of each individual application, upon the basis of what is in the Development Plan and other material considerations. All written representations made to the Council will be taken into account in the Officers' written report to Committee, but this Protocol allows members of the public and Councillors who are not members of the Strategic Planning Board or its Northern and Southern Planning Committees to attend a virtual Planning Meeting, by telephone or video conferencing, and to speak for or against an application prior to the Meeting making a decision about the application or other item on their public agenda.

### **1. WHO CAN SPEAK**

1.1 The following individuals/groups are eligible to speak

- ☐ Objectors
- ☐ Applicants or their agents
- ☐ Supporters
- ☐ The relevant Parish or Town Council

- ☐ Ward Councillors if they are not on the Board/Committee provided that they do not have a Disclosable Pecuniary Interest
- ☐ Councillors who are not on the Board/Committee and are not Ward Members provided that they do not have a Disclosable Pecuniary Interest

[Note: lobby groups shall be included within the time allowed for objectors/supporters to speak.]

- 1.2 Each person or group identified shall be entitled to speak for a period of up to three minutes including Ward Councillors and representatives of the relevant local parish or town council. If there is more than one person wishing to speak from a particular group e.g. objectors, people are encouraged to consult each other and agree how to share their time slot. The Chair has a general discretion which may be exercised to extend time limits, but this will normally only be exercised in exceptional cases.

## **2 HOW TO JOIN VIRTUAL PLANNING MEETINGS**

- 2.1 Planning Committees and Strategic Planning Board will hold virtual meetings once every four weeks each, commencing at 10am.
- 2.2 A list of virtual meetings can be seen on the Council's website and Planning Case Officers will be able to advise on the progress of applications. The agenda for each virtual meeting is available five clear working days beforehand on the website. Interested groups and individuals should keep themselves up-to-date with agendas, report updates, meeting dates and times, in case of change.
- 2.3 It is necessary to inform, the Democratic Services Section in writing (email, fax or letter), of an intention to speak at a Planning Meeting, no later than 12.00 noon the day before the day of the planning meeting. Any emails should be sent to [Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk). Councillors should note that they still need to register their intention to speak even if they have called in an application.
- 2.4 The Council facilitates remote attendance and access to its virtual meetings by telephone and/or by videoconferencing via Microsoft Teams Live Events. This enables participation between people using a wide variety of devices, whether or not they are on the Council's own network.
- 2.5 Having registered, Public Speakers will be sent a link through which they can join the Planning Meeting, together with a joining Guide. If they have any queries, they should contact the Democratic Services Officer for assistance
- 2.6 Speakers should dial or click into the meeting at least 15 minutes before it is due to commence: this will enable the Democratic Services Officer to register the full complement of Councillors, Officers and Speakers in time for a prompt start.
- 2.7 If using video, they should type their name in full on joining, have their camera on but their microphone off. They will be held in a virtual lobby while their details are checked against the registered list and the

Democratic Services Officer checks their speakers, audio and video. They should be allowed into the virtual meeting about 3 minutes before it is due to start and should wait with their microphone & video off until the Chair invites them to speak. This may take some time if they are not the first application on the agenda.

- 2.8 Down the right-hand side of their screen will be a Chat function which Councillors use to alert the Chair to a technical problem or to indicate a wish to speak. Public Speakers should only use this to warn of a technical issue e.g.: audio connection lost.

### **3. LENGTH OF TIME ALLOTTED FOR PUBLIC SPEAKERS**

#### **3.1 Public speaking follows**

- ☐ Announcement of the item by the Chair
- ☐ Introduction and description of the application by the Planning Officer, including any update of the Committee report and an oral report of any site visit and highlighting of the key issues

The following time is allowed

- ☐ Ward Councillor(s) (5 mins) (NB. In single Member Wards, the Ward Member may at his or her discretion delegate the right to speak to an alternative Member.)
- ☐ Councillors who are not on the Board/Committee and are also non-Ward Councillors (3 mins)
- ☐ Parish/Town Council representations (5 mins)
- ☐ Objectors' representations (3 mins)
- ☐ Supporters' representations (3 mins)
- ☐ Applicants' representations (3 mins)
- ☐ Further comments by Planning Officer
- ☐ Ward Councillor if a Member of the Board/Committee
- ☐ Board/Committee Members debate and decision taken

- 3.2 At the Chair's discretion, members of the Strategic Planning Board or Planning Committee may ask, through the Chair, any of the speakers listed above to clarify any matter of fact which was unclear in their representations. Visiting Councillors, including Ward Councillors, may be questioned for 5 minutes, or longer at the Chair's discretion. The Chair may also ask that questions of fact are clarified by a speaker during the Councillors' discussion. Speakers are not permitted to ask questions of the Councillors or other speakers or to interrupt the Councillors' discussion. Once a Public Speaker has finished their statement to the virtual Board or Committee and answered any questions arising after it, they should not intervene in the remainder of the proceedings.



- 3.3 In exceptional circumstances, the Chair may (with the approval of the Board or Committee) extend the speaking period for some or all speakers or allow more speakers if appropriate. This power will be treated with caution for controversial or complex schemes and if additional time is granted to objectors, a similar allowance will be given to supporters and/or the applicant.

#### **4 STATEMENT CONTENTS**

- 4.1 A statement to the Strategic Planning Board or Planning Committee should only refer to planning issues, for example:

- ☐ exterior design, size, appearance, layout, etc.
- ☐ residential amenity
- ☐ highway safety
- ☐ character of the area
- ☐ trees and historic buildings
- ☐ planning policy (Local Plan/Structure Plan)
- ☐ Government guidance

- 4.2 Planning Officers will show on screen any relevant slides, documents, plans, photographs, agenda extracts etc during their presentation of the application. In order to be fair to all parties, Speakers may not display their own presentation aids.

- 4.3 The Planning Meeting cannot take into account non-planning issues, for example:

- ☐ boundary disputes/property rights
- ☐ personal comments about any individual
- ☐ loss of property value or loss of view
- ☐ matters covered in other laws

- 4.4 Speakers are reminded of the law relating to defamation. If, at the meeting, they say or write in the Chat Function something which is not true about another person, they could be at risk of legal action. Further, Equalities and Human Rights legislation will not allow any discriminatory comments, for example regarding race, religious beliefs or disability.

#### **5 VIRTUAL SPEAKING ETIQUETTE**

- 5.1 To produce the clearest sound and vision for those listening, watching and taking part, only one person may speak at any one time. Public Speakers should;

(a) Mute their microphone when not talking

(b) Switch off their camera when not speaking (to save bandwidth)

(c) Only switch on their microphone and camera (if available) and speak, when invited to do so by the Chair

(d) confirm their name to the Meeting and whether they are representing a group, before beginning their statement

(e) If referring to part of the Officer's Report or plans, mention the page number

5.2 After Public Speakers have made their statement to the Meeting, they have no further right to speak (unless the Chair invites them to). At the end of the allotted time, speakers will be muted therefore, it is imperative that speakers time their speeches accordingly. They should turn their mic and camera off and not use the Chat stream for the remainder of the Meeting.

5.3 Attendees will be given one warning for the misuse of the chat function, or speaking outside of the allocated time. Should they continue, attendees will be removed from the meeting.

5.4 To produce the clearest sound and vision for those listening, watching and taking part, and to keep the virtual Meeting in good order, at any time the Chair or Democratic Services Officer may

(a) pause and resume the live stream of the Meeting i.e.: adjourn,  
(b) switch on or mute participants' microphones and cameras

5.5 If the conduct of any participant disrupts the good governance of the virtual Meeting, the Chair may exclude them from it, following appropriate warnings.

## **6 LOSING CONNECTION**

6.1 If a Public Speaker loses vision but retains sound, the Meeting shall continue with sound only, but if the Public Speaker loses audio connection and cannot hear or be heard, then the Chair may adjourn the Meeting for a short period to see if communication can be re-established: if it cannot, the Meeting will continue with the item in their absence.

6.2 The Chair's ruling is final regarding the governance of the Meeting.

## **7 COUNCILLORS INTERESTS, PREDETERMINATION AND SPEAKING**

7.1 Councillors who have a Disclosable Pecuniary Interest in an application must not speak on it and must leave the virtual meeting as soon as the application is introduced. If a member has a non pecuniary private interest they should declare it and leave the virtual meeting but may exercise public speaking rights before doing so. If a member of the committee could be seen to be biased or has pre-determined an application they may not exercise public speaking rights and must leave the virtual meeting. The Democratic Services Officer will invite them back into the Meeting after the application has been determined.

**8 AFTER THE DECISION**

- 8.1 Speakers are asked to respect the Councillors' debate during the course of the meeting. The Planning Meeting's decision is final, but applicants do have a right of appeal to the Secretary of State if their application is refused or if conditions are attached which they do not like. Objectors do not have a right of appeal to the Secretary of State but they can seek to have a decision quashed by the High Court by way of judicial review.
- 8.2 If an application is deferred to a future meeting for consideration, Public Speakers will need to register to speak for that meeting in accordance with this protocol.

*Virtual Licensing Hearings Procedure***Procedure for Hearings – Licensing Act 2003**

This procedure has been drawn up to take account of the restrictions placed on the Country by the Government in its response to the COVID-19 pandemic and the Council's move towards the holding of virtual meetings.

As a Licensing Authority the Council is conscious that all Hearings of this nature must be run in accordance with the rules of natural justice and that any modifications to the format of the hearing should not undermine the requirements to hold a fair hearing.

It is the Council's intention to run the Hearing as close as possible to its procedure for Hearings set out in its Statement of Licensing Policy. However, it will be necessary to make a number of specific alterations.

The Council does not intend to hold any Hearings just on the pre-Hearing papers (e.g. applications and written representations). The Council considers that a Licensing determination based solely on written material and without the opportunity for amplification, clarification, and questions does not best serve the decision-making process.

**The Licensing Committee**

The full Licensing Committee consists of fifteen elected Councillors. From this full Committee will be drawn sub-committees of three Councillors to deal with licensing functions under the Licensing Act 2003. The Chair and Vice-Chair of the Licensing Committee shall have the discretion to refer a matter up to a hearing of the full Licensing Committee.

**Platform**

The Council will use Microsoft Teams for all Hearings. This platform can be accessed on a landline, mobile, laptop or tablet. Democratic Services Officers will ensure that the meeting is set up within the Microsoft Teams platform. All parties to the Hearing will receive the Notice of Hearing required by the regulations and an email invitation with specific joining instructions for Microsoft Teams.

**Web Casting**

All Council meetings are web cast through the Council's website. This will continue to be the case during any lockdown period and will allow members of the public to listen to proceedings from their own home.

**Connectivity Test**

The Council will require Councillors, officers, and all parties to the Hearing to be available for a connectivity test 30 minutes before the start of the Hearing. This is to ensure that any issues can be identified and overcome before the start of the meeting. Notes on how this test will be conducted will be sent directly to parties.

**Technical Issues**

If, during the course of the meeting, the Chair determines that any technical issues (for example, parties dropping out of the meeting or parties being unable to hear or follow proceedings etc) are compromising the integrity of the Hearing, the Chair will have discretion to adjourn the matter to a later date. The test the Chair will use when considering any adjournment is what is best in the public interest (including the right of all parties to have a fair hearing). Any adjournment will either be to a date when technical issues can be overcome or to a date when a full hearing with all parties physically present can be held.

**Etiquette**

In order to maximise the effectiveness of the Hearing, all parties should:

- Identify themselves at the start of the Hearing when asked to do so by the Chair.
- Put their webcam and microphone on 'mute' at all times other than when addressing the Committee.
- Indicate that they wish to speak by using the 'chat' function.
- Only address the Committee when called to do so by the Chair.

**Committee Reports**

The Committee report and all relevant information will be posted on the Council's website at least 7 days prior to the Hearing. A link to the documents will be provided with the Notice of Hearing. The Committee report pack will be paginated and all parties should refer to this pack rather than their own bundles.

**Late Evidence**

Parties should submit any evidence for consideration by the Committee prior to the drawing up of the Committee agenda packs. This will ensure that all information is contained in one paginated bundle that can be referred to by the parties (referencing pages numbers).

Evidence submitted on the day of the hearing can only be included if all parties to the hearing agree. It will ultimately be for the members of the Committee to decide if late evidence is accepted.

**Decisions**

In accordance with the Hearings Regulations, the Committee will make a determination at the end of the Hearing and the decision will be given within 5 working days. Some decisions are required to be given at the end of the Hearing; in this case the public meeting will resume once Councillors have deliberated and formed their decision.

**Officers at Hearings**

- **The Committee Officer** introduces all parties and records the proceedings.

- **The Legal Adviser** provides independent advice to Councillors on legal matters and procedure and will draw up the decision notice.
- **The Licensing Officer** will introduce the matter and outline the application; the officer will also answer any questions Councillors may have.

## PROCEDURE

NOTE: If the Sub-Committee has not already elected a Chair that will be the first item of business.

|    |  |  |
|----|--|--|
| 1  | <b>Chair</b>   | The Chair will:<br>(i) call the matter to be considered<br>(ii) call for any declarations of interest<br>(iii) ask all parties to introduce themselves<br>(iv) summarise the procedure to be followed at the hearing<br>(v) will consider any request made by a party for another person to appear at the hearing<br>(v) will advise the parties of any maximum period of time in which it has to present its case (if a maximum is imposed this shall be equal for all parties) |
| 2  | <b>Licensing Officer</b>   | Will introduce and summarise the application, highlighting areas of contention or dispute.   |
| 3  | <b>Committee Members</b>   | May ask questions of the Licensing Officer   |
| 4  | <b>Applicant</b>   | Will present his/her case, calling witnesses, as appropriate. <i>(If necessary, applicant will produce any notices required by law. Legal Adviser will draw attention to this if required.)</i>  |
| 5  | <b>Responsible Authorities<br/>(who have made representations)</b> | Each in turn may ask <u>questions</u> of the applicant, by way of clarification.   |
| 6  | <b>Other Persons<br/>(who have made representations)</b>           | To be invited to ask <u>questions</u> of the applicant, by way of clarification.<br><i>It is normal practice for a spokesperson only to speak on behalf of a group of residents.</i>   |
| 7  | <b>Committee Members</b>   | Each in turn may ask <u>questions</u> of the applicant.  |
| 8  | <b>Applicant</b>   | May make a <u>statement</u> or ask his witnesses to clarify any matters which he feels are unclear, or may have been misunderstood.  |
| 9  | <b>Responsible Authorities</b>                                     | Will make their representations.   |
| 10 | <b>Applicant</b>   | Or his representative or witnesses to ask <u>questions</u> of Responsible Authorities represented at the meeting, by way of clarification.   |



|    |  |  |
|----|--|--|
| 11 | <b>Other Persons</b><br><b>(who have made representations)</b> | May ask <u>questions</u> of the Responsible Authorities represented at the meeting, by way of clarification.<br><b>(Note: This is not the point at which they should be stating their objections.)</b>   |
| 12 | <b>Committee Members</b>                                       | May ask <u>questions</u> of the Responsible Authorities represented at the meeting   |
| 13 | <b>Other Persons</b><br><b>(who have made representations)</b> | The local residents who are objecting to the application will be invited <b><u>to make observations on the application</u></b> and present the bases of their objections.  |
| 14 | <b>Applicant</b>   | Or his representative or witnesses may ask <u>questions</u> of the Local Residents, by way of clarification.   |
| 15 | <b>Committee Members</b>                                       | May ask <u>questions</u> of the Local Residents.   |
| 16 | <b>Chair</b>   | To invite both <b>Responsible Authorities</b> and <b>Local Residents</b> to make their closing addresses.  |
| 17 | <b>Applicant</b>   | Or his representative will <u>briefly summarise the application</u> and comment on the observations and any suggested conditions.  |
| 18 | <b>Close of Public Meeting</b>                                 | When the Chair determines that all relevant information has been heard and no further matters are to be discussed, the public meeting will end. All parties to the hearing (including Licensing Officers and Responsible Authorities) will be excluded from the platform.  |
| 19 | <b>Committee</b>   | <u>Will retire to consider the application.</u> They will be accompanied by their Legal Advisor and the Democratic Services Officer. This means that the Members of the Committee can determine the matter in private session. And can take the opportunity to seek legal advice.<br>Councillors will give their decision with 5 working days by the issuing of a decision notice. |

## Notes

1. The Committee can exclude members of the press and public from participation in a Hearing; any such decision will be taken on the basis that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing taking place in public.
2. The Chair may require any person behaving in a disruptive manner to be excluded from the Hearing and may (a) refuse to permit that person to return, or (b) permit him/her to return only on such conditions as the authority may specify, but any such person may submit in writing any information which they would have been entitled to provide orally if they had not been required to leave.
3. Prior to the Hearing each party shall have given notification and served documentation (e.g. statements of witnesses or reports of experts) as required. Late representations and evidence will only be considered with the agreement of all parties.

4. Anyone entitled to be heard may be represented by any person, whether or not that person is legally qualified.
5. Hearsay will be permitted but the Sub-Committee will be reminded to give it appropriate weight.
6. Due note shall be taken of the provisions of the Hearings Regulations 2005.
7. The Chair may, in the interests of expediency or convenience of the parties, vary the procedure from time to time, provided notice is given to the parties and the rules of natural justice are observed.

## **Summary of Procedure**

1. Chair appointed (if this has not been done previously).
2. Chair to call for declarations of interest and request that all parties introduce themselves.
3. Chair summarises the procedure for the hearing.
4. The Licensing Officer summarises the application.
5. Applicant to present his/her case.
6. Applicant to be questioned by all parties (to clarify points only) following which, he/she can clarify any other matters which he/she feels may have been misunderstood when the application was presented.
7. Applicant to be questioned by the Committee.
8. Responsible Authorities to make their representations following which they can be questioned by all parties by way of clarification.
9. Other Persons will be invited to present the bases of their objections, following which they can be questioned by all parties by way of clarification.
10. The applicant will be invited to sum up his/her case
11. Committee/Sub-Committee withdraws to make its decision
12. Committee/Sub-Committee will provide its decision in writing

## Chapter 3 – Part 2

### Access to Information Procedure Rules

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- 1 This section sets out the functions, roles and responsibilities of the Committees of the Council. In summary, these are:

#### Scope

- 1.1 These rules cover all meetings of the Council and its Committees, Sub-Committees, Advisory Panels, (together called meetings) and decisions made by Officers.
  - 1.2 These rules also cover Councillors' rights of access to information.
  - 1.3 These rules do not cover public rights of access to information under the Freedom of Information Act 2000, and the Data Protection Act 1998. [Details of these rights are on our website](#) or can be obtained from the Council Offices, Westfields, Middlewich Road, Sandbach, CW11 1HZ.
- 2 These rules do not affect any more specific rights to information contained elsewhere in this Constitution or in any Act.

#### Public Access to Meetings

- 3 Members of the public may attend all meetings subject only to the exceptions in these rules.

#### Notice of Meetings

- 4 The Council will give at least five clear working days' notice of any meeting by posting details of the meeting at Westfields, Middlewich Road, Sandbach, CW11 1HZ (the designated office) and on its website. The notice will specify the business proposed to be transacted at the meeting.
- 5 Councillors entitled to attend a meeting, will receive a summons giving five clear working days' notice to attend and specifying the business proposed to be transacted at the meeting. Except in the case of business required by law to be transacted at the annual meeting, or other business brought before the meeting as a matter of urgency in accordance with the Constitution, no business shall be transacted at a meeting other than that specified in the summons.

#### Public Access to Agenda and Reports Before the Meeting

- 6 The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least 5 clear working days before the meeting, except that where a meeting is convened at shorter notice, the copies of the agenda and reports shall be open to inspection from the time the meeting is convened.

- 7 Where an item is added to the agenda, and the report is open to the public, copies of any report for the meeting relating to the item, and the revised agenda shall be available for inspection from the time the item is added to the agenda.
- 8 Where copies of the agenda and reports open to the public are not made available for inspection in this way, an item of business will not be considered unless, by reason of special circumstances, which shall be specified in the minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

**Public Access to Copies**

- 9 The Council will supply copies of:
  - 9.1 any agenda and reports which are open to public inspection
  - 9.2 any further statements or particulars necessary to indicate the nature of the items in the agenda, and
  - 9.3 if the Proper Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item to any person on payment of a charge for postage, copying and any other costs.
- 10 The Council will make available for the use of members of the public present at meetings, a reasonable number of copies of the agenda and of those reports which are open to the public.

**Public Access to Minutes etc. after the Meeting**

- 11 The Council will make available for inspection copies of the following for six years after a meeting:
  - 12.1 the minutes of the meeting excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information (as defined in paragraphs 9 and 10)
  - 12.2 a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record
  - 12.3 the agenda for the meeting, and
  - 12.4 reports relating to items when the meeting was open to the public.

**Public Access to Background Papers***List of Background Papers*

- 12 The author of a report will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:
  - 13.1 disclose any facts or matters on which the report or an important part of the report is based; and

13.2 have been relied on to a material extent in preparing the report

but this does not include published works or those which disclose exempt or confidential information (as defined in paragraphs 20 to 25), nor does this include the advice of a political advisor, or any draft report or document.

13 Background papers will be published on the Website.

### **Public Inspection**

14 A copy of each of the documents listed will be available for inspection at the same time as the report is available for public inspection.

15 The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

### **Exclusion of Public Access to Reports**

16 The Proper Officer will exclude access by the public to reports which in his/her opinion contain confidential and exempt information (as defined below).

17 Such reports will be marked "Not for publication" together with "confidential information" or the exemption relied upon.

18 Where exclusion for exempt information is relied upon, any such report must contain the reasons why, as in all in the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### **Confidential Information – Requirement to Exclude Public Access**

19 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

20 Confidential information means:

22.1 information given to the Council by a Government Department on terms which forbid its public disclosure, or

22.2 information the disclosure of which to the public is prohibited by or under another Act or by Court.

### **Exempt Information – Discretion to Exclude Public Access to Meetings**

21 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed provided:

21.1 the meeting resolves so to exclude the public, and that resolution identifies the proceedings or part of the proceedings to which it applies

- 21.2 that resolution states, by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (paragraph 24 below), the description of the exempt information giving rise to the exclusion of the public, and
- 21.3 that resolution states, by reference to reasons given in a relevant report or otherwise, in all the circumstances of the case, that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 22 In these circumstances, public access to reports, background papers and minutes may also be excluded.
- 23 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.
- 24 Exempt information means information falling within the following categories (subject to any condition):

| Category   | Condition   |
|--|---|
| 1. Information relating to any individual.   | Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information   |
| 2. Information which is likely to reveal the identity of an individual.  | Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information   |
| 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).<br><br>"Financial or business affairs" includes contemplated, as well as past or current, activities | Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information<br><br>Information within paragraph 3 is not exempt if it must be registered under<br><br>(a) the Companies Act 2006;<br>(b) the Friendly Societies Act 1974;<br>(c) the Friendly Societies Act 1992;<br>(d) the Co-operative and Community Benefit Societies Act 2014;<br>(e) the Building Societies Act 1986; or<br>(f) the Charities Act 2011. |
| 4. Information relating to any consultations or negotiations, or contemplated consultations or   | Information is exempt if and so long, as in all the circumstances of the case, the public   |



| Category   | Condition   |
|--|---|
| negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.<br><br>“Labour relations matter” are as specified in paragraphs (a) to (g) of section 218(1) of the Trade Unions and Labour Relations (Consolidation) Act 1992, i.e. matters which may be the subject of a trade dispute within the meaning of that Act or any dispute about any such matter | interest in maintaining the exemption outweighs the public interest in disclosing the information   |
| 5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.   | Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information |
| 6. Information which reveals that the authority proposes –<br><br>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or<br><br>(b) to make an order or direction under any enactment   | Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information |
| 7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime  | Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information |
| <b>EXCEPT THAT</b><br><br>Information falling within any of paragraphs 1 to 7 is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission under regulation 3 of the Town and Country Planning General Regulations 1992.  |   |
| 7A. Information which is subject to any obligation of confidentiality.   | Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information |
| 7B. Information which relates in any way to matters concerning national security.  | Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information |
| 7C. Information presented to a Panel or Sub-committee of the Audit and Governance  | Information is exempt if and so long, as in all the circumstances of the case, the public   |

| Category  | Condition   |
|---|---|
| Committee, set up to consider any matter regarding a failure to comply with a Code of Conduct.  | interest in maintaining the exemption outweighs the public interest in disclosing the information |
| (Section 7C was created to allow complaints submitted under the Standards Committee (England) Regulations 2008 to be discussed in private. Although these Regulations have been repealed the subsequent changes to the Access to Information provisions remain in the constitution) |   |

### **Procedure at Panel or Sub-Committee of the Audit and Governance Committee**

- 25 When a meeting of an Initial Assessment Panel is called this will be held in private. If a meeting of the Local Resolution Panel or a Hearing Sub-Committee of the Audit and Governance Committee is called it will normally meet in public unless exempt or confidential information would be disclosed.

### **The Forward Plan of Significant Decisions**

#### *Period of Forward Plan*

- 26 Forward plans will be prepared to cover a minimum period of one calendar month (longer where this is possible) beginning with the first day of any month. They will contain outstanding matters from the previous forward plan.

#### *Content of Forward Plan*

- 27 The Forward Plan will contain matters which the Committee Chairs have reason to believe will be significant decisions to be taken by a Committee or Sub-Committee during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:
- 27.1 the matter in respect of which a decision is to be made
  - 27.2 where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership
  - 27.3 the date on which, or the period within which, the decision will be taken
  - 27.4 the identity of the principal groups whom the decision taker proposes to consult before taking the decision
  - 27.5 the means by which any such consultation is proposed to be undertaken
  - 27.6 the steps any person might take who wishes to make representations to decision taker about the matter in respect of

which the decision is to be made, and the date by which those steps must be taken

- 27.7 a list of the documents submitted to the decision taker for consideration in relation to the matter, and
- 27.8 where the decision is to be taken in private the reasons for this.
- 28 Exempt information and confidential information and the advice of political advisers will not be included in a forward plan but the Forward Plan should contain particulars of the matter.
- 29 Public access to records of individual decision. As soon as reasonably practicable after any decision has been made by an officer, he/she will prepare, or instruct the Proper Officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. Significant decisions made by Officers will also be open to inspection. This does not require the disclosure of exempt or confidential information, or advice from a political adviser or assistant.

### **Councillor Access to Exempt or Confidential Documents**

- 30 Members of a committee or decision-making body of the Council are automatically provided with, and entitled to receive, copies of confidential or exempt reports of that body.
- 31 In addition, the following categories of Councillor may receive copies of confidential or exempt reports with the agreement of the Monitoring Officer, where a need to know can be demonstrated:
  - 31.1 Group Leaders
  - 31.2 Local Ward Members for the Ward affected, in accordance with the [Ward Member Protocol](#)
  - 31.3 Scrutiny committee Chair and Vice-Chair if relevant
  - 31.4 Councillors visiting the meeting in question (with the agreement of the Monitoring Officer) who would receive the papers upon arrival

### **Audio Recording of Meetings**

- 32 All decision-making meetings of the Council and Committees shall be audio recorded except where the public and press have by resolution been excluded from the meeting. Informal non-decision-making bodies such as working groups are excluded from this requirement. The audio recordings of meetings shall be published on the Council's website.

### **Reporting of Meetings by the Public and Press**

- 33 Any member of the public or press attending a public meeting of the Council may now record the proceedings and report them to others. 'Reporting' means filming, photographing, making an audio recording or some other such method of recording proceedings and then reporting or providing a commentary on those proceedings, orally or in writing. A

person attending the meeting may use any appropriate communication method, including the Internet, to publish or share the recorded material. This would include the use of social media.

- 34 Any person wishing to record a public meeting is not required to give the local authority prior notice although they are encouraged to do so in order that reasonable facilities can be provided.
- 35 No one is entitled to record or report the proceedings of a meeting if the meeting has moved into Part 2 to consider confidential or exempt business. In such circumstances, the public and press would, as now, be required to leave the meeting and to deactivate and/or remove any recording or communications equipment.
- 36 Any person recording or reporting a meeting may not use flash photography or intrusive lighting, or move around the room, or ask any of the participants at the meeting to repeat something they have said. They may not cause excessive noise when installing or moving equipment. They may not give an oral commentary during the meeting. All of these activities would serve to disrupt proceedings and anyone acting in a disruptive manner may be excluded from the meeting.
- 37 Any person recording or reporting a meeting may not film any children or vulnerable adults present at the meeting, or any member of the public who objects to being filmed.
- 38 Anyone wishing to record or report on meetings should be warned at the outset that the law of defamation will apply, as well as the law relating to public order offences. They should also be reminded that freedom of speech should be exercised with personal and social responsibility, showing respect and tolerance towards the views of others. The Chair or person presiding at the meeting would be expected to give this advice with the support of officers.



## Chapter 3 – Part 3

### Budget and Policy Framework Procedure Rules

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- 1 The Council is responsible for the adoption of its Budget and Policy Framework.
- 2 The Corporate Policy Committee and the Finance Sub-Committee have responsibility for proposing to Council a budget and policies that will form part of the Budget and Policy Framework.
- 3 Committees and Sub-Committees have responsibility for making decisions within that Budget and Policy Framework. Departures will need to be agreed by Council unless they are within the virement rules set out below including appropriate agreement where functions overlap.

#### **Process for Developing the Framework and Budget**

- 4 The process by which the Budget and Policy Framework shall be developed is:
  - 4.1 The Corporate Policy Committee will consider proposals regarding the review or adoption of any plan or strategy forming part of the Policy Framework and make recommendations to full Council.
  - 4.2 Following consultation with the administration the Chief Finance Officer will prepare a draft budget. The Finance Sub-Committee will propose the parameters within which variations to the Medium Term Financial Strategy (MTFS) can be made. Parameters will ensure compliance with the requirement to have a balanced budget taking in to account the likely plans and strategies set out in the Policy Framework.
  - 4.3 The Corporate Policy Committee will make proposals to Council to vary the budget within the MTFS according to the parameters set by the Finance Sub-Committee.
  - 4.4 The Finance Sub-Committee will decide upon the length of consultation for the MTFS (usually this will not be less than four weeks).
  - 4.5 The Service Committees and Scrutiny Committee shall be asked to give their views as part of that consultation.
  - 4.6 At the end of the consultation period, the Corporate Policy Committee will draw up firm proposals having regard to the responses received from the consultation.
  - 4.7 The Corporate Policy Committee will submit those firm proposals to the Council together with a report that will set out the comments made by consultees and, in particular the Corporate Policy Committee's response to views expressed in any consultation process.



- 4.8 Once Corporate Policy Committee has approved the firm proposals they will be referred to the full Council for decision.
- 4.9 In reaching a decision, the Council may adopt the Corporate Policy Committee's proposals, or propose amendments to them.
- 4.10 If it accepts the recommendations without amendment, the Council may make a decision, which has immediate effect.
- 4.11 Proposed amendments to the Budget must be submitted to the Chief Finance Officer at least 3 working days before the Council meeting and must enable the Budget to balance.
- 4.12 The Council may approve a decision which does not accord with the recommendation of the Corporate Policy Committee.
- 4.13 The decision shall then be published and implemented immediately.

### **Decisions Outside the Budget or Policy Framework**

- 5 Where a Committee wishes to make a decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget approved by full Council, then that decision may only be taken by the Council, unless it is urgent or falls within virement or supplementary estimate rules.
- 6 Advice shall be taken first from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget. If the advice of either of those Officers is that the decision would not be in line with the existing Budget and/or Policy Framework, then the decision must be referred to the Council for decision, unless the decision is urgent, in which case the provisions below shall apply.

### **Urgent Decisions Outside the Budget or Policy Framework**

- 7 In exceptional circumstances and if the decision is a matter of urgency a decision may be taken by a Committee or Officer if:
  - 7.1 it is not practical to convene a quorate meeting of the full Council, and
  - 7.2 the Chair and Vice Chair of the Corporate Policy Committee agrees that the decision is urgent.
- 8 In the absence of the Chair or Vice Chair of the Corporate Policy Committee the consent of the Chair or Vice-Chair of the Finance Sub-Committee, or, in the absence of any or all of them, the Mayor, will be sufficient.
- 9 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency. The reasons why it was not practical to convene a quorate meeting of full Council and the consent of the Chair and Vice Chair of the Corporate Policy Committee (or

others) to the decision being taken as a matter of urgency must be noted on the record of the decision.

### **Policy Framework – In-year Changes**

- 10 Changes (including modifications, revisions, variations, withdrawal or revocation) to Policy Framework plans or strategies must ordinarily be approved by the Council. However, the Council may, at the time when the plan or strategy is approved, authorise a Committee, Sub-Committee or an Officer, to make changes, including changes that will:
  - 10.1 result in the closure or discontinuing of a service, in whole or in part to meet a budgetary constraint, or
  - 10.2 ensure compliance with the law, ministerial direction or Government guidance, or
  - 10.3 determine matters where the existing policy document is silent on the matter under consideration.

### **The Policy Framework**

- 11 The Council's Policy Framework comprises:
  - 11.1 The Corporate Plan
  - 11.2 Children and Young People's Plan
  - 11.3 Crime and Disorder Reduction Strategy
  - 11.4 Local Transport Plan
  - 11.5 Local Development Plan and Development Plan Framework documents
  - 11.6 Youth Justice Plan
  - 11.7 Licensing Authority Policy Statement
  - 11.8 Gambling Statement of Principles
  - 11.9 Equality and Diversity Strategy
  - 11.10 Housing Investment Programme
  - 11.11 Environment Strategy 2020-24.
  - 11.12 Annual Pay Policy Statement
- 12 The process by which the documents forming part of the Local Plan and Development Plan documents shall be developed and approved is set out in legislation.
- 13 Where a new plan or strategy is required to be produced as part of the Policy Framework, either by Council of its own volition, or following a recommendation to Council by a Committee, then the Committee or the Corporate Policy Committee shall develop the new plan or strategy.

## Financial Limits

- 14 This section of the Budget and Policy Framework Rules is a table setting out the financial limits that apply in various parts of this Constitution. The purpose of this table is to assist readers in identifying relevant financial limits and their location in the Constitution.

| Page | Reference                    | Area  | Financial Limit   |
|------|------------------------------|---|---|
|      | Chapter 2, Part 4            | Corporate Policy Committee                            | To make recommendations to Council in relation to decisions affecting the remuneration of any new post whose remuneration is or is proposed to be or would become £100,000 p.a. or more.  |
|      | Chapter 2, Part 4            | Corporate Policy Committee                            | To make decisions in relation to proposed severance packages with a value of £95,000 or more as appropriate (excluding accrued holiday pay and pay in lieu of notice)   |
|      | Chapter 2, Part 6            | Delegations to Chief Executive / Head of Paid Service | To make decisions affecting the remuneration of any existing post that is or is proposed to be, or would become £100,000 p.a. or more in consultation with the Leader and Chair of the Corporate Policy Committee, provided the post falls within the framework contained in the Council's Pay Policy Statement   |
|      | Chapter 2 Part 6             | Delegations to the Monitoring Officer                 | To authorise the settlement of actual or potential uninsured claims, claims, litigation or Ombudsman cases across all functions of the Council <ul style="list-style-type: none"> <li>• up to £100,000; or</li> <li>• above £100,000 and below £500,000 in consultation with the Finance Sub-Committee Chair and the Executive Director (Corporate Services)</li> </ul> (subject to being reported to the relevant Committee after settlement).   |
|      | Chapter 3, Part 4            | Urgent Decisions                                      | For the purposes of this urgency provision, no financial limit shall be placed on the decision-making powers of the Chief Executive   |
|      | Chapter 3, Part 4, Section 4 | Asset Disposal / Asset write Offs                     | The Chief Finance Officer may authorise: <ul style="list-style-type: none"> <li>• the write off of losses; or</li> <li>• disposals, of obsolete or surplus equipment, materials, vehicles or stores</li> </ul> up to a value of £25,000.<br><br>Where the sum exceeds £25,000 but is less than or equal to £100,000 this shall be carried out in consultation with the Finance Sub-Committee Chair. Write offs over £100,000 will be the responsibility of the Finance Sub-Committee or Corporate Policy Committee. |

| Page | Reference                          | Area   | Financial Limit   |
|------|------------------------------------|--|---|
|      | Chapter 3,<br>Part 4,<br>Section 4 | Salaries and Wages                               | The Chief Executive or Executive Director (Corporate Services) may approve severance up to £95,000, excluding accrued holiday pay and pay in lieu of notice. Corporate Policy Committee will determine cases above this threshold or a waiver will be sought from full Council and central Government |
|      | Chapter 3,<br>Part 4,<br>Section 5 | Ordering and Paying for Work, Goods and Services | Where a requisition for the purchase of goods or services exceeds £25,000 in value, Contract Procedure Rules Part 5 Section 3 applies   |
|      | Chapter 3,<br>Part 4,<br>Annex     | Request for Quotation                            | An invitation to providers to submit quotations for Contracts to provide goods, services or works valued between £25,000 and the relevant Public Procurement Threshold  |
|      | Chapter 3,<br>Part 5,<br>Section 2 | Electronic Tendering                             | All tendering above the relevant Public Procurement Threshold (and for Contracts which are below those thresholds but higher than £25,000 in value) must be undertaken via an electronic tendering method and shall use the e-tendering Portal accessible through the CPU.                            |
|      | Chapter 3,<br>Part 5,<br>Section 2 | Contracts Register                               | The Contracts Register shall be controlled by the CPU and the Commissioning Officer must ensure that all Contracts above £10,000 in value are recorded.   |
|      | Chapter 3,<br>Part 5,<br>Section 3 | Competition Requirements                         | Up to £10,000 – 3 quotes are advisable but not mandatory (local firms being preferable where appropriate)   |
|      | Chapter 3,<br>Part 5,<br>Section 3 | Competition Requirements                         | Between £10,000 and £25,000 – A minimum of three quotations shall be sought, together with advice from the CPU or Legal Services on the appropriate form of Contract  |
|      | Chapter 3,<br>Part 5,<br>Section 3 | Competition Requirements                         | Between £25,000 and the applicable Public Procurement Threshold – A minimum of three quotations shall be sought via the E-tendering Portal, and/or Find a Contract Service together with advice from the CPU or Legal Services on the appropriate form of Contract                                    |
|      | Chapter 3,<br>Part 5,<br>Section 5 | Opening Bids                                     | Bids above £1,000,000 will be verified by Legal Services  |
|      | Chapter 3,<br>Part 5,<br>Section 5 | Opening Bids                                     | Bids from the Public Procurement Threshold up to £1,000,000 will be verified by the Procurement Manager or a Category Manager that has not been involved in the tender in question  |

| Page | Reference                    | Area   | Financial Limit  |
|------|------------------------------|--|--|
|      | Chapter 3, Part 5, Section 5 | Opening Bids   | Bids between £25,000 and the Public Procurement Threshold will be verified by a Procurement Officer that has not been involved in the procurement process in question  |
|      | Chapter 3, Part 5, Section 5 | Opening Bids   | Bids between £10,000 and £25,000 will be opened in accordance with any guidance issued by CPU from time to time  |
|      | Chapter 3, Part 5, Section 6 | Signed Contracts                                       | Contracts (with a value not exceeding £1,000,000) shall be signed on behalf of the Council by a duly authorised Officer in accordance with the local Scheme of Delegation  |
|      | Chapter 3, Part 5, Section 6 | Contract Sealing                                       | A Contract must be executed under seal by Legal Services where it exceeds £1,000,000 in value  |
|      | Chapter 4, Part 1            | Gifts and Hospitality                                  | You must within 28 days of receipt, notify the Monitoring Officer in writing of any single gift, benefit or hospitality with a value of £50 or more that you have been offered or accepted as a Councillor from any person or body other than the Authority and a cumulative total from the same source of £100 in 12 months |
|      | Chapter 4, Part 1            | Disclosable Pecuniary Interests and Personal Interests | For the purposes of this Code, a relevant person is any person or body in whom such persons have a beneficial interest and a class of securities exceeding the nominal value of £25,000 or one hundredth of the total issued share capital of that body  |
|      | Chapter 4, Part 1            | Dispensations: Securities                              | The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body  |
|      | Chapter 4, Part 2            | Gifts and Hospitality                                  | Small insignificant gifts of a value of less than £25, such as pens, diaries, calendars, mouse mats or mugs, may be accepted and modest hospitality  |

### **Virement (the transfer of funds between budgets)**

- 15 The Council has set virement limits within which decision-makers can exercise discretion in approving or otherwise financial transfers within the Budget. The limits are set out in the table below.
- 16 Decision-makers are able to vire across budget heads between Committees, provided there is compliance with the financial limits in the table below and the Finance Procedure Rules and agreement. It is not permitted to vire funds from any ring-fenced budget.

- 17 Any dispute or disagreement between Committees regarding proposed virement shall be resolved by the Corporate Policy Committee.
- 18 Virement between budget heads (excluding reserves / contingencies)

| <b>Virement Amount</b>   | <b>Approval Level</b>   |
|--|---|
| Up to and including £100,000   | Head of Service   |
| In excess of £100,000 up to and including £500,000   | Chief Finance Officer in consultation with the Relevant Member(s) of CLT  |
| In excess of £500,00 up to and including: <ul style="list-style-type: none"> <li>£1,000,000 revenue; or</li> <li>£5,000,000 capital</li> </ul>                   | Relevant Member(s) of CLT and Chief Finance Officer in consultation with Chair of the relevant Committee and the Chair of Finance Sub-Committee |
| Over <ul style="list-style-type: none"> <li>£1,000,000 revenue; or</li> <li>£5,000,000 capital</li> </ul> (where virement is within budget and policy framework) | Committee<br>And<br>Finance Sub-Committee   |

### **Virement from Reserves or Contingencies**

Council may approve the allocation of earmarked reserves or contingencies within the Budget Control Total of a Committee.

| <b>Supplementary Estimate Amount</b>                 | <b>From Earmarked Reserves or Contingencies</b>                       |
|--|---|
| Up to and including £250,000                         | Chief Finance Officer   |
| In excess of £250,000 up to and including £500,000   | Chief Finance Officer in consultation with the Relevant Member of CLT |
| In excess of £500,000 up to and including £1,000,000 | Committee<br>And<br>Finance Sub-Committee                             |
| Over £1,000,000                                      | Council with recommendation from Finance Sub-Committee                |

### **Supplementary Estimates**

- 19 Where services wish to undertake an activity not originally identified in the budget or incur additional revenue expenditure on an existing activity where this is fully funded (for example through additional specific grant allocations or developer contributions), approval must be sought for a



supplementary estimate in accordance with the tables below. The Chief Finance Officer must be consulted in all cases.

**Supplementary Estimates Externally funded other than from Grants**

| <b>Supplementary Estimate Amount</b>                 | <b>Approval Level</b>   |
|--|---|
| Up to and including £250,000                         | Relevant Member of CLT  |
| In excess of £250,000 up to and including £500,000   | Relevant Member of CLT in consultation with the Chair of the relevant Committee, Chair of Finance Sub-Committee and Chief Finance Officer |
| In excess of £500,000 up to and including £1,000,000 | Committee<br>And Finance Sub-Committee  |
| Over £1,000,000                                      | Council with recommendation from Finance Sub-Committee  |

**Funded from Additional Grants**

Directors may make applications for grants, without commitment, in consultation with the Chief Finance Officer –

| <b>Approval level</b>  | <b>Amount of grant to be received</b>   |
|--|---|
| Officers   | Up to and including £100,000  |
| Relevant Member of CLT in consultation with Chair of the relevant Committee and Chair of Finance Sub-Committee | Between £100,000 and £500,000   |
| Committee  | £500k and up to £1m<br><br>If grant application or receipt commits expenditure outside of the Control Totals then a Virement or Other Supplementary Estimate will also be required. |
| Council  | £1m and above   |

- 20 Grants that require spending within restricted timescales may require the use of urgency powers to approve spending in line with the conditions of the grant.
- 21 Any dispute or disagreement between Committees regarding scope of authority, budgets or other matters shall be resolved by the Corporate Policy Committee.

## Chapter 3 – Part 4

### Finance Procedure Rules (FPRs)

#### 1. Introduction

- 1.1. The Finance and Contract Procedure Rules provide the framework for managing the Council's financial affairs. They apply to every Councillor and Officer and anyone acting on its behalf, including School Governors operating under local delegation arrangements. All decision makers need to ensure that they are not only empowered under the Constitution to make a decision, but that they are also authorised under these Rules to incur the financial consequences of every decision that they make.
- 1.2. The Rules identify the financial responsibilities of the full Council, Committees, and Officers. A written record shall be kept of all decisions taken under these Rules that are taken using delegated powers.
- 1.3. The Chief Finance Officer is responsible for maintaining a continuous review of the Finance and Contract Procedure Rules and submitting any additions or changes necessary to the full Council for approval. The Chief Finance Officer is also responsible for reporting, where appropriate, breaches of the Finance and Contract Procedure Rules to Audit and Governance Committee.
- 1.4. The Corporate Leadership Team is responsible for ensuring that all staff are aware of the existence and content of the Council's Finance and Contract Procedure Rules and other internal regulatory documents and that they comply with them, as required by the Council's Code of Conduct for Employees and this Constitution. Failure to comply with the Code of Conduct may result in disciplinary action.
- 1.5. The Chief Finance Officer is responsible for issuing advice and guidance to underpin the Finance and Contract Procedure Rules that Councillors, Officers and others acting on behalf of the Council are required to follow.
- 1.6. Councillors have a fiduciary duty to local taxpayers to spend money wisely and to balance the interests of those who will pay against the interests of those who will benefit from the expenditure.
- 1.7. The Rules are not intended to cover every eventuality, but the spirit of the Rules must always be followed. Where there is any uncertainty in matters of interpretation, advice should be sought from the Director of Finance & Customer Services before decisions or actions are taken.

**2. Financial Management****Why is this important?**

- 2.1 Financial Management covers all financial accountabilities in relation to the running of the Council, including the policy framework and budget.

**Committees**

- 2.2 Committees are responsible for discharging the Council's functions within the Budget and Policy Framework provided by Council. The Budget will be aligned with Committee and Head of Service responsibilities as far as possible.

**Audit and Governance Committee**

- 2.3 The Audit and Governance Committee has a right of access to all the information necessary to effectively discharge its responsibilities and may consult directly with internal and external auditors.
- 2.4 The Committee is responsible for a range of matters, including:
- 2.4.1 overseeing the Council's role and responsibilities in respect of Corporate Governance and Audit
  - 2.4.2 supporting the Council's audit function, both internal and external
  - 2.4.3 approving any Council Statement of Accounts as may be required by the relevant Account and Audit Regulations
  - 2.4.4 reviewing and approving the Annual Governance Statement
  - 2.4.5 ensuring the Council's Risk Management arrangements are operating effectively
  - 2.4.6 ensuring the Council has in place appropriate policies and mechanisms to safeguard resources
  - 2.4.7 promoting and maintaining high standards of probity and ethical behaviour.

**The Chief Finance Officer (Section 151 Officer)**

- 2.5 The Chief Finance Officer is the Council's 'responsible financial officer' under the Accounts and Audit Regulations. He or she is responsible for the proper administration of the Council's affairs as specified in, and undertaking the duties required by Section 151 of the Local Government Act 1972, Section 114 of the Local Government Finance Act 1988, the Local Government Act 2003 and all other relevant legislation.
- 2.6 The Chief Finance Officer is responsible generally, for discharging, on behalf of Cheshire East Council, the responsibilities set out in the

CIPFA Statement on the Role of the Chief Financial Officer in Local Government, including:

- 2.6.1 in conjunction with the other Corporate Leadership Team, the proper administration of the Council's financial affairs
- 2.6.2 setting and monitoring compliance with financial management codes and standards
- 2.6.3 advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
- 2.6.4 providing financial information
- 2.6.5 preparing the revenue budget and capital programme
- 2.6.6 treasury management including borrowing and investment.
- 2.6.7 reporting on the robustness of estimates and adequacy of reserve within the medium term financial strategy
- 2.7 Section 114 of the Local Government Finance Act 1988 includes a requirement for the Chief Finance Officer to report to the full Council and the external auditor if the Council or one of its decision-makers:
  - 2.7.1 has made, or is about to make, a decision which involves incurring unlawful expenditure
  - 2.7.2 has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the Council
  - 2.7.3 is about to make an unlawful entry in the Council's accounts.
- 2.8 Section 114 of the 1988 Act also requires:
  - 2.8.1 the Chief Finance Officer to nominate a properly qualified Member of staff to deputise should he or she be unable to perform the duties under section 114 personally. The designated deputy for this purpose is the Head of Financial Management.
  - 2.8.2 the Authority to provide the Chief Finance Officer with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under section 114.

### **Money Laundering Reporting Officer**

- 2.9 The Chief Finance Officer is appointed as the Council's Money Laundering Reporting Officer and will maintain and advise on Anti-Money Laundering procedures.
- 2.10 The Chief Finance Officer is responsible for notifying the Serious Organised Crime Agency of any suspected cases of money laundering committed within the accounts of the Council as soon as

possible and fulfil other duties as defined by legislation or regulation related to the post. The Chair of the Finance Sub-Committee will be kept informed of any such notifications and of any issues arising from them.

### **Corporate Leadership Team**

- 2.11 Corporate Leadership Team members are responsible for financial management within their directorates and spending within the limits of the budgetary framework set by Council. They shall manage the development of budget policy options with a detailed assessment of financial implications within the budget process and resource framework agreed by the Council.

### **Schemes of Financial Delegation**

- 2.12 Corporate Leadership Team members will establish, operate and keep under review Local Schemes of Financial Delegation, in consultation with the Chief Finance Officer, to ensure that:
- 2.12.1 the day to day financial management of services within their directorate is carried out in a secure, efficient and effective manner, and in accordance with the Finance Procedure Rules and associated relevant guidance.
  - 2.12.2 expenditure is contained within the service's overall approved budget and that individual budget heads are not overspent, by monitoring the budget and taking appropriate and timely corrective action where significant variances are forecast and if necessary, seeking specific in year approval for the transfer of resources between budgets
  - 2.12.3 regular reports in an approved format are made to Committees on projected expenditure against budget and performance against service outcome targets set out in the business plan
  - 2.12.4 prior approval is sought at the appropriate level for new proposals that create financial commitments in future years, change existing policies, initiate new policies or materially extend or reduce the Council's services
  - 2.12.5 resources are only used for the purposes for which they were intended
  - 2.12.6 compliance with the scheme of virement set out above
  - 2.12.7 risks are appropriately assessed, reviewed and managed
  - 2.12.8 all members of staff are fully trained, aware of and comply with the requirements of Financial Procedure Rules, including the Contract Procedure Rules
  - 2.12.9 all allegations of suspected fraud, corruption and financial irregularity are promptly reported to the Chief Finance Officer

and Monitoring Officer and that any local investigations are undertaken thoroughly, consistently and impartially.

- 2.13 The financial limits specified in the Scheme of Financial Delegation will be used to control access to financial systems and on-line transaction approvals.

### **Managing Expenditure**

- 2.14 Budget holders are expected to manage within the budgets provided by full Council. Committee and Sub-Committees are responsible for monitoring financial control and making decisions as required by these rules.
- 2.15 Virement rules allow the transfer of funds between budgets.
- 2.16 Supplementary estimates may be requested from increase budgets.

### **Treatment of Year End Balances**

- 2.17 The Finance Sub-Committee is responsible for agreeing procedures for carrying forward under and overspendings on budget headings.
- 2.18 Overspends or underspends in relation to the approved revenue budget may occur for a variety of reasons. With regard to General Fund budgets, there is no 'as of right' carry forward of underspends from one financial year to another except where this is provided for by a binding partnership agreement or other legal agreement with a third party. Decisions on carry forward of overspending or underspending will be made in the context of the financial position of the council as a whole and not any one particular service area.
- 2.19 Any revenue underspending at the year-end may be carried forward, subject to the agreement of the Chief Finance Officer in consultation with the Chair of the Finance Sub-Committee. All carry forward proposals must be supported by an appropriate Business Case demonstrating that the underspend was planned and that the resources carried forward will be earmarked for a specific and appropriate purpose. The Corporate Leadership Team should include provisional indications of likely carry forward requests in their reports on the three-quarter review of performance. Before approval is sought for a carry forward, the Corporate Leadership Team should ensure that there are no unfunded overspends within their directorate. It is extremely unlikely that proposed carry forwards for a service will be approved if there are unfunded overspends elsewhere within the directorate.
- 2.20 Capital block provisions are allocations within which the value of approved schemes must be contained. Any uncommitted sum at the year-end may be carried forward, subject to agreement of the Chief Finance Officer. Any uncommitted sum which is not justified will be returned to Council balances. Equally, any overspending will be carried forward as the first call on the following year's provision.



## Accounting Policies, Records and Returns

- 2.21 The Chief Finance Officer is responsible for control and assurance and therefore determines appropriate accounting policies and procedures; exercising oversight of financial and accounting records and systems; and preparing and publishing reports containing statements on the overall finances of the Council, including the annual statement of accounts.
- 2.22 Financial statements must present fairly the financial position of the Council and its expenditure and income.
- 2.23 All accounts and accounting records will be compiled by the Chief Finance Officer or under his/her direction. The form and content of records maintained in other directorates will be approved by the Chief Finance Officer along with reconciliation procedures.

## The Annual Statement of Accounts

- 2.24 The Chief Finance Officer is responsible for ensuring that the annual statement of accounts is prepared in accordance with the *Code of Practice on Local Council Accounting in the United Kingdom* (CIPFA/LASAAC) and signing them in accordance with the Accounts and Audit Regulations 2015. Oversight of the accounts is a responsibility of the Audit and Governance Committee.

## 3. Financial Planning

- 3.1 Full Council is responsible for agreeing the Council's Budget and Policy Framework. In terms of financial planning, the key elements are:

- 3.1.1 The **Medium Term Financial Strategy** sets out:

- what the Council wants to achieve in the short and medium term
- how services will change in the light of priorities, performance, resources, workforce planning needs and consideration of risks
- investment required to deliver change
- how much services will cost in overall terms and to service users
- how much Council Tax will be levied.

- 3.1.2 The **Budget** is the financial expression of the Council's Corporate Plans. It sets out the allocation of resources to Committees, services and projects, the level of contingency funding, the Council Tax base and Council Tax rate, borrowing limits and capital financing requirements

- 3.1.3 The **Capital Strategy** – Capital expenditure involves acquiring or

enhancing fixed assets with a long-term value to the Council, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs

- 3.1.4 The **Treasury Management Strategy** –sets out the arrangements for the management of the Council's borrowing, lending, cash flows and investments.
- 3.1.5 The **Corporate Plan** sets out the Council's medium-term vision, values and aspirations.
- 3.1.6 The **Investment Strategy** – which sets out the arrangements and financial limits of the Councils non-Capital and non-Treasury investments
- 3.1.7 The **Reserves Strategy** – which sets out the Council's approach to the maintenance and use of the Council's useable reserves.
- 3.1.8 **Specific Service Plans and Strategies** which have a financial implication.

### **Strategic Planning Framework**

- 3.2 Each year the Council produces a Medium Term Financial Strategy, including an approved Budget, Capital Strategy, Treasury Management Strategy, Investment Strategy and Reserves Strategy detailing the financial and service scenario over a three or four year planning horizon (the **Medium Term Financial Strategy** (MTFS)) and the policy and expenditure changes required to respond to this scenario.
- 3.3 The Chief Finance Officer will advise the Council on the financial environment, financial policies (including the appropriate levels of reserves and contingencies, prudential borrowing and treasury management) and the policy and expenditure options to assist in the determination of its Budget. The Chief Finance Officer then has authority to implement decisions within those strategies on borrowing, reserves and investment without any financial limit.
- 3.4 The Finance Sub-Committee, advised by the Chief Finance Officer, Corporate Leadership Team and Heads of Service, will develop a budget package including financing options, policy and expenditure options and a capital programme. The final Budget policies and Council Tax will be determined by Council.

### **Budgeting**

- 3.5 The general format of the budget will be determined by the Chief Finance Officer. The draft budget will include allocation to Committees, different services and projects, proposed taxation levels and contingency funds.

- 3.6 The Chief Finance Officer is responsible for reporting to full Council on the robustness of estimates contained within the budget and the adequacy of reserves allowed for in the budget proposals. The Chief Finance Officer shall determine the level of financial reserves that are prudent for the authority within the Reserves Strategy.
- 3.7 The Council shall not approve amendments to either revenue or capital budgets without first having considered the advice of the Chief Finance Officer on the financial implications arising.

### **Monitoring and Control**

- 3.8 The Chief Finance Officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He or she must monitor and control expenditure against budget allocations at a corporate level and report to the Committees on the overall position on a regular basis.
- 3.9 It is the responsibility of Corporate Leadership Team to control income and expenditure within their area and to monitor performance, taking account of financial information and guidance provided by the Chief Finance Officer. They must report on variances within their own areas. They must also take any action necessary to avoid exceeding their budget allocation and alert the Chief Finance Officer to any potential overspending or under-achievement of income budgets in a timely manner.
- 3.10 The Chief Finance Officer, with the support of the Corporate Leadership Team, is responsible for establishing an appropriate framework of budgetary management and control which:
  - 3.10.1 Ensures that:
    - budget management is exercised within annual cash limits unless the full Council agrees otherwise
    - timely information on receipts and payments is made available, which is sufficiently detailed to enable officers to fulfil their budgetary responsibilities
    - expenditure is committed only against an approved budget head
    - all officers responsible for committing expenditure comply with relevant guidance and Finance and Contract Procedure Rules
    - each cost centre has a single named manager, determined by the relevant Head of Service. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure

- significant variances from approved budgets are investigated and reported by budget managers regularly.
- 3.10.2 Reports to Committees and full Council, with the relevant Director or Head of Service, where they are unable to balance expenditure and resources within existing approved budgets under their control
  - 3.10.3 Reports on the Council's projected income and expenditure compared with the budget on a regular basis.
  - 3.10.4 Ensures that Schemes of Financial Delegation are maintained for all functions within their area of responsibility
  - 3.10.5 Ensures that Best Value and best consideration is obtained.
  - 3.10.6 A Business Case must be prepared for all revenue proposals with a significant financial impact, risk profile or policy change. The template, in a form agreed by the Director of Finance & Customer Services, must include an assessment of the Service consequences, risk and impact on users, and include any differential impact on particular groups or localities.

### **Capital Approvals**

- 3.11 Capital approvals are the total cost of each provision or scheme rather than the anticipated expenditure in each year.
- 3.12 A Business Case must be prepared for all capital proposals before approval is sought for inclusion in the Capital Programme. The Business Case will be in a format to support decision making, and must identify whole life costs, for revenue and capital. The amount of detail will be proportionate to the value and level of risk. Where there is a greater risk further detail in the Business Case may also be required.

### **Capital Monitoring and Amendments to the Capital Programme**

- 3.13 Any 'in year' approval sought to vary the financial values or implications of a capital scheme, must be supported by an update to the Business Case.
- 3.14 Once the Capital Programme has been approved, project owners must ensure that the scheme is appropriately managed to achieve appropriate Time, Quality and Cost measures in accordance with the business case. This could be supported by production of a more detailed Business Case outlining how the Project or Programme will achieve the associated benefits.
- 3.15 Project owners must provide regular reporting (at least quarterly) of progress of their schemes. Where project performance or outcomes are at risk of significantly varying from the business case the project owner is responsible for taking appropriate mitigating action including the need

to seek appropriate approvals as required. All reporting and monitoring activity should be evidenced and recorded in a way that can be accessed to support auditing of project activity. Guidance should be sought from the Chief Financial Officer if required.

- 3.16 Major recurring programmes of capital expenditure will require a detailed report to be submitted to the relevant Service Committee covering all the schemes within each programme of works and will include total projected cost, expenditure profile and the full financial implications, both capital and revenue. This will include, but not be limited to, the programmes for Schools & Corporate Landlord Planned Maintenance, ICT Investment and the Local Transport Plan.
- 3.17 The Capital Programme will distinguish between committed expenditure from schemes already approved, recurring programmes and new proposals, both medium and longer term.
- 3.18 Where budget provision is included for feasibility work and option development in the capital programme and subsequently the scheme does not progress the expenditure incurred will be treated as abortive costs and charged to revenue.
- 3.19 Wherever possible, expenditure in respect of Highways improvements funded by developers and Rechargeable works should be included in the Capital Programme. Where this is not possible Heads of Service may approve capital expenditure in respect of:
  - 3.19.1 highway improvements fully funded by developers under Section 278 of the Highways Act 1980, provided that a formal agreement has been completed with the developer
  - 3.19.2 other rechargeable reinstatement work
  - 3.19.3 urgent work to repair, replace or reinstate vehicles, buildings or equipment, where the work is to be fully funded from insurance monies.
- 3.20 In addition, Heads of Service may authorise essential design work required in advance of the start of the financial year on capital schemes which are in the programme approved by Council in February.
- 3.21 Council will approve the re-profiling of spend on approved capital schemes across financial years and carry forward of slippage/accelerated spend into future financial years as part of the budget process in February.

### **Capital Receipts**

- 3.22 The Chief Finance Officer must be informed of all proposed capital receipts including sales of land and buildings so that the effect on financial and property management can be assessed.
- 3.23 On the advice of the Chief Finance Officer, the Council will determine how capital receipts will be applied when setting the budget.

**Leasing and Rental Agreements**

- 3.24 Leasing or renting agreements must not be entered into unless the service has established that they do not constitute a charge against the Council's prudential borrowing limits. Advice must be obtained from the Chief Finance Officer on general leasing arrangements and approval must be obtained for lease agreements.
- 3.25 Leases relating to land or property also require the approval of the Chief Finance Officer. Only the Monitoring Officer or his/her authorised deputies, or persons specifically authorised by the Service Scheme of Financial Delegation, may sign such agreements.

**Reporting**

- 3.26 Officers are responsible for preparing regular reports on overall financial and non-financial performance and progress against service plan targets. The Corporate Leadership Team is responsible for setting appropriate timelines and the format of such reporting. This includes the onward reporting to Committees and Council as necessary to support informed decision making and governance. These reports must include specific reference to the implementation of policy changes and new developments agreed as part of the budget setting process and other specific requirements as notified in the reporting guidance.
- 3.27 These reports must include specific reference to the implementation of policy changes and new developments agreed as part of the budget setting process and other specific requirements as notified in the reporting guidance. Capital Project Managers will report periodically to their relevant Committee Chair on the progress and forecast of all capital expenditure and income against the approved programme.
- 3.28 These regular reports are also to include specific reference to Service performance against the expected non-financial outcomes in the form of key performance targets and progress against key activities. Officers are expected to achieve value for money in the delivery of services and the reports should demonstrate how this has been achieved together with an analysis of how key policy and expenditure proposals have been implemented.
- 3.29 The key reporting stages are:
  - 3.29.1 Approval of service plans, including resource requirements and indicators of performance
  - 3.29.2 Approval of Business Cases to vary the Medium Term Financial Strategy
  - 3.29.3 Quarterly reviews of performance, including revenue and capital expenditure and income
  - 3.29.4 Final outturn reports for both revenue and capital expenditure and income, including post-implementation reviews, on major capital schemes completed during the



year.

- 3.29.5 Summary quarterly reviews and outturn position statements of both capital and revenue expenditure and income will also be reported to Council through its relevant subordinate bodies.
- 3.30 In addition, the reports will be specifically required to give details in respect of the following:
  - 3.30.1 Potential overspends and proposed remedial action, including any impact on balances and future year's budgets which may need to be factored in to future financial scenario planning
  - 3.30.2 Amendments to approved budgets (virements, supplementary capital estimates etc.) where Councillor approval is required.

#### **4. Risk Management and Control of Resources**

##### **Why is this important?**

- 4.1 It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the Council. This should include the proactive participation of all those associated with planning and delivering services.

##### **Risk Management and Insurance**

- 4.2 The Director of Governance & Compliance is responsible for advising Council on an appropriate risk management policy statement and strategy, including risk appetite/tolerance levels, and for reviewing the effectiveness of risk management including appropriate levels of insurance.
- 4.3 The Director of Governance & Compliance is responsible for preparing the Council's risk management policy statement and for promoting it throughout the Council.
- 4.4 The Audit and Governance Committee will provide Councillor oversight and review the arrangements periodically ensuring the Council's risks are managed effectively and that strategic decisions are informed by and influence the Corporate Risk Register.

##### **Insurance**

- 4.5 The Director of Governance & Compliance will maintain and administer the Council's insurances. The Director of Governance & Compliance is responsible for authorising the settlement or repudiation of insurance claims and associated costs acting on advice from the Council's solicitors, insurers, and claim handlers.

- 4.6 The Corporate Leadership Team and Heads of Service are responsible for informing the Director of Governance & Compliance immediately of:
- 4.6.1 any insurance claims received
  - 4.6.2 any events which may result in an insurance claim against the Council
  - 4.6.3 the terms of any indemnity which the Council is required to give prior to entering into any contracts etc.
  - 4.6.4 any new risks which might require to be insured, together with any changed circumstances affecting existing risks. Consideration should be given to new projects, new ways of working, changes in legislation requiring new ways of delivery etc., where the insurance impact is often overlooked.
- 4.7 No new insurances may be taken out without prior consultation with the Director of Governance & Compliance.
- 4.8 The Corporate Leadership Team must ensure that there is co-operation with the Insurance Team in providing the correct documentation and that the correct retention of documents is observed.
- 4.9 Service budgets will be charged with the cost of legal penalties or losses incurred by the Council as a result of any failure to comply with the requirements of the Civil Procedure Rules and these Finance and Contract Procedure Rules relating to claims.

### **Risk Management**

- 4.10 The Council's approach to Risk Management is that it should be embedded throughout the organisation at both a strategic and an operational level, through integration into existing systems and processes.
- 4.11 The Corporate Leadership Team is responsible for ensuring the Risk Management Strategy is implemented and that the full risk management cycle operates within their Services.
- 4.12 The full cycle consists of:
- 4.12.1 identification of risks, both negative and positive, in relation to the objectives of the Council.
  - 4.12.2 evaluation of risks scored for likelihood and impact, both gross (before any controls) and net (with existing controls)
  - 4.12.3 treatment of the risk either by: avoidance, mitigation, transfer or to consciously accept the risk.
  - 4.12.4 actions and risks monitored and reviewed on a regular basis.
  - 4.12.5 the Council's Risk Register will be maintained and co-ordinated by the Head of Audit and Risk.

- 4.13 There are two levels to the Risk Register:
- 4.13.1 **Strategic** – those risks that impact on the organisation's overall objectives either because of their frequency of occurrence or the significance of the impact.
  - 4.13.2 **Service** – those risks that impact on the service objectives. There should be a movement of risks both upwards and downwards throughout the levels and treatment addressed at the most appropriate level of the organisation.
- 4.14 Heads of Service are responsible for ensuring risk management is carried out at both an operational and strategic level in accordance with the agreed guidance and procedures.
- 4.15 Service strategic risk assessments will be carried out annually to inform the service plan. These risk assessments will form the basis of the Service element of the Council's risk register.
- 4.16 Heads of Service will take account of, and address, corporate risks where appropriate and inform the Head of Audit and Risk of any service risks that should be considered significant enough to raise to the corporate level.
- 4.17 Service risk registers, and associated actions, will be monitored and reviewed on a regular basis (at least quarterly) as part of the performance management process.
- 4.18 The Strategic Risk Register will be reported to the Corporate Leadership Team and to the Audit and Governance Committee in accordance with the budget reporting cycle.

### **Business Continuity**

- 4.19 The Civil Contingencies Act 2004 places a statutory requirement for Local Authorities to maintain plans for the continuation of services in the event of an emergency, so far as is reasonably practicable. Services are expected to have arrangements in place to ensure the effective identification, evaluation and management of business critical services. Further guidance is available on the intranet and from the Head of Audit and Risk.

### **Internal Controls**

- 4.20 The Chief Finance Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.
- 4.21 It is the responsibility of Corporate Leadership Team to establish sound

arrangements for planning, appraising, authorising and controlling their operations in order to achieve best value, that is continuous improvement, economy, efficiency and effectiveness, and for achieving their financial performance targets.

- 4.22 The Council must, on an annual basis, produce an Annual Governance Statement. This statement must provide a description of the system of internal control within the Council, a description of any work undertaken to assess the effectiveness of the internal control framework, and any significant internal control weaknesses.

## **Audit Requirements**

### **Internal Audit**

- 4.23 The Accounts and Audit Regulations 2015 require the Council to have a sound system of internal control which facilitates the effective exercise of its functions; the achievement of its aims and objectives; ensures that the financial and operational management of the authority is effective; and includes effective arrangements for risk management.
- 4.24 To contribute to the production of the Annual Governance Statement, the Head of Audit and Risk, is responsible for planning and delivering a programme of independent review of the Council's activities, the scope of the programme being based on the Council's objectives and an assessment of the risk which may affect the achievement of these objectives.
- 4.25 The Head of Audit and Risk will present an annual report to the Audit and Governance Committee, summarising the audit plans for the coming year and a commentary on audit activity which is completed or in progress, with a mid-year report setting out progress against the annual audit plan. In addition, any matters of material importance in relation to audit matters are also reported to the Audit and Governance Committee.
- 4.26 Audit staff have, in accordance with the Accounts and Audit Regulations, (with strict accountability for confidentiality and safeguarding records and information), full, free and unrestricted access to any and all of the Council's premises, personnel, assets, records and third party fund transactions pertinent to carrying out any engagement, including those of the Council's alternative service delivery vehicles. These rights of access should be documented in the management agreement.
- 4.27 With regards to organisations participating in partnering arrangements, Internal Audit staff shall have such access to the premises, personnel assets and records of the partner as is necessary for the purposes of the partnering arrangement, as detailed in section 6 below. Partners will be required to grant reasonable access when requested and details of such access should be agreed with the partner and set down in the Partnering Agreement. Where the right of access has not been

specified in existing arrangements then appropriate discussions with partners should take place.

### **External Audit**

- 4.28 The Local Audit and Accountability Act 2014 established new arrangements for the audit and accountability of relevant authorities. Under these new arrangements the Council has opted for its external auditors to be appointed by the Public Sector Audit Appointments Limited (PSAA), an independent company established by the LGA for this purpose.
- 4.29 The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs, who have statutory rights of access.

### **Preventing Fraud and Corruption**

- 4.30 The Executive Director (Corporate Services) is responsible for the development and maintenance of an anti-fraud and anti-corruption policy.
- 4.31 The Council has an approved Anti-Fraud and Corruption Policy which places responsibility for preventing fraudulent activity with all Members, Managers and individual members of staff. Any matters which involve, or are thought to involve, any fraud or other significant irregularity involving Council assets or those of a third party fund, must be notified immediately to the Head of Audit and Risk, in conjunction with other officers detailed in the Council's Anti-Fraud and Corruption Strategy.
- 4.32 In line with the Anti-Fraud and Corruption Strategy the Monitoring Officer will, in consultation with the appropriate Corporate Leadership Team member and Head of Audit and Risk, decide whether any matter under investigation should be recommended for referral to the Police or the appropriate enforcement agency. The Council's External Auditor also has powers to independently investigate fraud and corruption.

### **Assets**

- 4.33 In the context of these Rules, Assets include buildings, land and infrastructure; furniture; equipment; plant; stores and "intellectual property" such as computer software, data and information of all kinds.
- 4.34 Corporate Leadership Team, Directors and Heads of Service are responsible for the care, control and proper and economical use of all assets used in connection with the operation and delivery of their Services. Proper records should be maintained for these assets, together with appropriate arrangements for their management and security. Information Assets should be recognised in line with the Council's guidance and recorded in the Information Asset Register.
- 4.35 Heads of Service are responsible for ensuring that assets are used only for official purposes and that all appropriate rights, licenses and

insurances are obtained.

- 4.36 Heads of Service are responsible for ensuring that all computer software used is properly licensed.
- 4.37 The Head of Estates is responsible for maintaining and regular reporting of an Asset Management Strategy.

### **Property**

- 4.38 The Council's Asset Management Strategy sets out the vision, core values and objectives that form the context for the preparation of the Corporate Asset Management Plan and Service Asset Management Plans.
- 4.39 The Council has adopted a Corporate Landlord approach to the ownership and management of its property assets. This means that the ownership of property assets and the responsibility for their management and maintenance is transferred from service directorates to the Corporate Landlord, which is a centralised corporate function.
- 4.40 In this way the Corporate Landlord approach:
  - 4.40.1 enables the Council to utilise its assets to deliver better, more efficient services to our communities.
  - 4.40.2 unlocks the value of assets, seeks efficiencies through joint arrangements with our public sector partners and maximises private sector investment.
  - 4.40.3 ensures the provision of a consistent, corporate and strategic approach to the management of the Council's property portfolio, consolidating resources, eliminating duplication, improving efficiency, procurement and the establishment of corporate property standards
  - 4.40.4 supports the delivery of the Council's Corporate Plan.
- 4.41 The Corporate Landlord's responsibility extends to the acquisition, development and disposal of land and property. This means that the Corporate Landlord is responsible for asset review, feasibility and options appraisal across all services.
- 4.42 The Chief Finance Officer and the Executive Director Place must be consulted on all proposed acquisitions and disposals of land and property.
- 4.43 Separate rules apply to specific processes, such as the use of capital receipts from property sales to pay for new schemes, and guidance should be sought from the Chief Finance Officer and the Executive Director Place where this arises.
- 4.44 Acquisition and disposal of land and property and other assets over £2 million is the responsibility of the Finance Sub-Committee; and below £2m is a member of the Corporate Leadership Team in consultation



with the Chief Finance Officer and the Executive Director Place.

### **Inventories**

- 4.45 Heads of Service must ensure that proper arrangements are made to maintain inventories of all valuable and transportable items, including vehicles, furniture, computer and other equipment (including software), visual aids, expensive tools and sports equipment.
- 4.46 The inventory must be updated for all acquisitions and disposals and checked at least annually. Items acquired under leasing arrangements must be separately identified for disclosure in the published final accounts.

### **Stocks**

- 4.47 Stock is defined as consumable items constantly required and held by a Service in order to fulfil its functions. Heads of Service are responsible for the control of stocks. They must ensure that stocks are appropriately secured and recorded, do not exceed reasonable requirements and that all significant stock is accounted for in the year end accounts. Stocks should be checked at least once a year, more frequently in the case of expensive items.

### **Cash**

- 4.48 Cash held on any Council premises should be held securely and should not exceed any sums for which the Council is insured. If retention of cash on site is unavoidable in exceptional circumstances, the Head of Service is responsible for making appropriate security arrangements. All cash should be banked as quickly as possible.

### **Asset Disposal/Write-off**

- 4.49 The Chief Finance Officer may authorise the write off of losses up to £25,000, or disposals, of obsolete or surplus equipment, materials, vehicles or stores up to a disposal value of £25,000. Where the value exceeds £25,000, but is less than or equal to £100,000 this should be done in consultation with the Finance Sub-Committee Chair. Write offs over £100,000 will be the responsibility of the Finance Sub-Committee or Corporate Policy Committee.
- 4.50 Any write off which arises as a result of theft or fraud must be notified to the Head of Audit and Risk immediately.

### **Treasury Management**

- 4.51 The Council has adopted CIPFA's Code of Practice for Treasury Management in Local Authorities.
- 4.52 The full Council is responsible for approving the Treasury Management policy. The Chief Finance Officer has delegated responsibility for

implementing and monitoring the approved policy and practice (without financial limit).

- 4.53 All money in the hands of the Council is controlled by the Chief Finance Officer.
- 4.54 The Chief Finance Officer is responsible for reporting to the Finance Sub-Committee or Corporate Policy Committee periodically in each financial year on the activities of the treasury management operation and on the exercise of his or her delegated treasury management powers. One such report will comprise an annual report on Treasury Management for presentation by 30 September of the succeeding financial year.

### **Investments and Borrowings**

- 4.55 It is the responsibility of the Chief Finance Officer to:
  - 4.55.1 ensure that all investments of money are made in the name of the Council or in the name of approved nominees.
  - 4.55.2 ensure that all securities that are the property of the Council or its nominees and the title deeds of all property in the Council's ownership are held in safe custody
  - 4.55.3 effect all borrowings in the name of the Council.
  - 4.55.4 act as the Council's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the Council.

### **Trust Funds and Funds Held for Third Parties**

- 4.56 It is the responsibility of the Chief Finance Officer to:
  - 4.56.1 arrange for all trust funds to be held, wherever possible, in the name of the Council (e.g. 'Cheshire East Borough Council on behalf of.....'). All officers acting as trustees by virtue of their official position shall deposit securities, etc. relating to the trust with the Chief Finance Officer unless any deed otherwise provides.
  - 4.56.2 arrange, where funds are held on behalf of third parties, for their secure administration, approved by the Chief Finance Officer, and to maintain written records of all transactions.
  - 4.56.3 ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.

### **Staffing**

#### **Salaries and Wages**

- 4.57 The Corporate Leadership Team and Heads of Service are responsible, in consultation with the Head of Human Resources, for providing

accurate and appropriate information and instructions to the Transactional Service Centre to enable the calculation and prompt payment of salaries, expenses and pensions, including details of appointments, promotions, re-gradings, resignations, dismissals, retirements and absences from duty. Human Resources will advise the Transactional Service Centre of relevant changes in respect of employee pensions. The Transactional Service Centre manager will make arrangements for payment to the appropriate bodies, of all statutory, including taxation, and other payroll deductions.

- 4.58 Time sheets and other pay documents which are used to generate payment of salaries, wages or other employee-related expenses must be on official forms or via authorised electronic inputs. Heads of Service are responsible for ensuring that they are certified by an authorised officer and that they are submitted to the Transactional Service Centre in accordance with the specified timetable. This includes on-line input entered locally. The names and specimen signatures of authorised officers must be secured by the Corporate Leadership Team and Heads of Service and included in the service Scheme of Financial Delegation notified to the Chief Finance Officer.
- 4.59 The Head of Human Resources will implement national and local pay agreements as soon as possible after their notification from the appropriate body. Arrangements for funding such awards will be determined each year as part of the budgetary process.

### **Early Retirement/Severance**

- 4.60 Where Heads of Service wish to bring forward proposals under the Council's policies on severance and early retirement, they must be accompanied by a full cost and affordability assessment, in a form agreed by the Chief Executive, the Chief Finance Officer and the Head of Human Resources. The Chair of the Corporate Policy Committee shall be consulted for proposals relating to SM1 and above.
- 4.61 The Chief Executive or Executive Director (Corporate Services) in consultation with the Chair of the Corporate Policy Committee must approve all requests up to £95,000 (excluding pay in lieu of notice and accrued holiday pay). All such requests in excess of £95,000 must be approved by the Corporate Policy Committee or a waiver sought from full Council and central Government.
- 4.62 Heads of Service will generally be required to meet the costs of severance and early retirement from within their approved budget, subject to phasing over an agreed period.

### **Travelling and Subsistence**

- 4.63 Heads of Service are responsible for instructing the Head of Human Resources and for providing appropriate and accurate information to enable the prompt and accurate payment of travelling, subsistence and other expenses to authorised employees in accordance with the terms of employment agreed by the Council.

- 4.64 Heads of Service are responsible for ensuring that Council employees who use their cars for official business are properly insured to indemnify the Council against any loss and for ensuring that payments are only made in respect of journeys which are necessary and actually undertaken. Heads of Service should ensure that the most environmentally friendly and economically available means of transport is used, including pool cars, hire cars and car sharing.
- 4.65 All claims for reimbursement must be made using appropriate official claim forms, always using electronic processing where available.
- 4.66 Further guidance is available via the Centranet.

### **Third Party Funds**

- 4.67 A third party fund is defined as any fund financed other than by the Council, controlled wholly or partly by a member of the Council's staff in connection with the clients, establishments or activities of the Council such as School Funds, Amenity Funds or Criminal Injuries Compensation Payments for children in care.
- 4.68 Officers maintaining Third Party Funds are responsible for informing the Head of Audit and Risk of their nature and purpose.
- 4.69 Money or goods belonging to the Third Party Fund must be kept completely separate from other money or goods belonging to the Council. Similarly, completely separate records must be kept of the money or goods involved.
- 4.70 An independent auditor must be appointed who has suitable qualities though not necessarily professionally qualified, to audit the Third Party Fund on an annual basis. The Head of Audit and Risk will advise on such appointments. Annual Statements of Account and Audit Certificates must be formally presented to a Management Committee or other appropriate governing body.
- 4.71 The Corporate Leadership Team is responsible for ensuring that any Third Party Funds controlled by Council staff are:
  - 4.71.1 formally declared to the Head of Audit and Risk as part of a register kept by the Service/Service
  - 4.71.2 maintained separately and correctly in accordance with these Finance Procedure Rules and
  - 4.71.3 subject to the same standards of stewardship and probity as Council funds.
- 4.72 The Returning Officer will be responsible for maintaining complete and accurate records and for reconciliation with regard to elections accounts.

### **Retention of Records**

- 4.73 The Council, in common with other public and private organisations,

has certain statutory obligations it has to meet for the retention of its records. It also has to fulfil the requirements of HM Revenue and Customs, other legislative requirements and the external auditors in respect of its financial records.

- 4.74 The majority of financial records must be kept for 6 years from the end of the tax year to which they relate. Some records, however, may need to be kept for longer periods e.g. if required to defend future insurance claims. It is possible others can be destroyed within shorter periods. Guidance on the appropriate retention period is given in the Council's Retention Policy and its Information Asset Register.
- 4.75 All records held should have an appropriate retention period assigned to them, which meet the statutory obligations to retain financial records, but also takes into account legislative requirements such as the Limitation Act, GDPR, Data Protection Act; Freedom of Information requirements; and the business needs of the Service.

## **5. Financial Systems and Procedures**

### **Why is this important?**

- 5.1 Sound systems and procedures are essential to an effective framework of accountability and control.

### **Income and Expenditure**

- 5.2 The Council will approve the terms under which banking services, including overdraft facilities, are provided.

### **Banking Arrangements**

- 5.3 All bank accounts must be titled impersonally in the name of Cheshire East Borough Council.
- 5.4 Subject to any directions given by the Council, all arrangements with the Council's bankers must be made solely through the Chief Finance Officer. No bank accounts may be opened or arrangements made with any other bank except by agreement with the Chief Finance Officer.
- 5.5 Bank transfers must be authorised by the Chief Finance Officer, or those officers authorised to sign through the agreed Scheme of Financial Delegation or in accordance with the Treasury Management Practice Statements.
- 5.6 Cheques drawn must bear the mechanically impressed signature of the Chief Finance Officer or be signed by the Chief Finance Officer or other officer authorised to sign through the agreed Scheme of Financial Delegation.

### **Income**

### **Generating Income**

- 5.7 The Chief Finance Officer is responsible for developing and maintaining standards, procedures, systems and reports to facilitate the effective and efficient identification, collection, receipting, banking and recovery of income due to the Council in accordance with current relevant UK legislation.
- 5.8 The Corporate Leadership Team is responsible for ensuring that the appropriate legal authority for all income generating activities has been identified and for maintaining an Income and Charging Strategy in a format specified by the Chief Finance Officer.

### **Charging for Income**

- 5.9 Heads of Service shall determine the level of fees or charges payable in respect of any chargeable goods or services supplied, work undertaken or the loan or use of plant, equipment or machinery.
- 5.10 Charges must be reviewed annually by the Corporate Leadership Team in the light of all relevant information, to the service area, including consideration of appropriate inflation factors.

### **Collection of Income**

- 5.11 The Council operates a Sundry Debt Collection policy to secure invoiced sundry debt income for the provision of services. All debt owing to the Council must be collected promptly, effectively, efficiently and economically, while ensuring fair treatment of those that owe money, including consideration of any financial difficulties.
- 5.12 Council officers must comply with guidelines issued by the Chief Finance Officer for the safe and efficient collection and recording of all money due to the Council.
- 5.13 The Corporate Leadership Team is responsible for ensuring that accounts for income due to the Council, including grant claims, reimbursements and third party contributions, are raised immediately and accurately in a form approved by the Chief Finance Officer. These must include VAT where appropriate.
- 5.14 The cost of collection should be taken into account when raising accounts. Corporate Leadership Team must ensure that the method of collection is the most cost effective relative to the value of the transaction.
- 5.15 Payment shall be collected before the service or goods are provided unless explicitly agreed or stated otherwise in the fees and charges register.
- 5.16 The Corporate Leadership Team is responsible for ensuring that all income received is receipted, where required, recorded correctly against the appropriate budgets, and in the case of cash and cheques, banked with the minimum of delay. The frequency of banking should follow guidelines provided by the Chief Finance Officer and should avoid incurring disproportionate banking charges on relatively low value



transactions, taking into account local security arrangements.

- 5.17 The Corporate Leadership Team is responsible for monitoring income collection and ensuring appropriate recovery action is taken. A summary of the position on the level of outstanding debt and collection issues should be included in quarterly financial updates and the final outturn report. Full provision for income still outstanding six months after the due date should be made in Service accounts. This should not however preclude pursuit of the debt.
- 5.18 The Chief Finance Officer will monitor compliance with paragraphs 15 and 16 and may, in circumstances where avoidable adverse cash flow has resulted, determine an appropriate interest charge against Service budgets.
- 5.19 Credit notes must be authorised by appropriate officers nominated in the local Scheme of Financial Delegation.
- 5.20 Any receipts, tickets or other documents used as receipts should be in a format agreed by the Chief Finance Officer. All controlled stationery issued to a Head of Service must be recorded in a register, which is held by a single officer within each Service.

### Bad Debts

- 5.21 The Council has a Corporate Debt Policy with the guiding principle that customers have a responsibility to pay amounts that have been properly assessed as being due. The Council is committed to using the most appropriate and effective recovery methods available to it. In certain circumstances and for justifiable reasons it will be necessary to classify some debts as irrecoverable and to recommend that they be written off, however this does not preclude pursuit of the debt.
- 5.22 Chief Officers will critically review outstanding debts on a regular basis, in conjunction with the s151 officer, and take prompt action to write off debts no longer deemed to be recoverable. Chief Officers shall recommend to the s151 officer all debts to be written off.

| Approval level  | Amount                     |
|---|----------------------------|
| Chief Finance Officer   | Up to and including £5,000 |
| Chief Finance Officer in consultation with the Monitoring Officer | Over £5,000                |

- 5.23 The Corporate Leadership Team is responsible for ensuring that an adequate provision for bad debt is made in the Council's accounts at year end and that contributions to this provision are included in budgetary projections and outturn reports.
- 5.24 A record must be maintained for all debts written off. The appropriate accounting adjustments must be made following approval to write-off a debt.

## Ordering and Paying for Work, Goods and Services

### General Principles

- 5.25 The Corporate Leadership Team and Heads of Service are responsible for providing all appropriate information and instructions to Transactional Services to allow for prompt and accurate payment for goods and services provided and for the analysis of expenditure.
- 5.26 Except for purchases by Visa purchase card, all purchases must be supported by an official requisition and purchase order unless previously agreed with the Procurement Manager. All purchases must have regard to these Finance Procedure Rules.
- 5.27 All requisition and purchase orders must be authorised in accordance with the approved budget and the limits below to ensure that funds are available to pay for the purchase.

| Tier | Level  | Procurement<br>£ | Accounts<br>Receivable<br>invoices<br>£ | Credit Note<br>£ |
|------|--|------------------|---|------------------|
| 0    | Chief Executive  | 1bn              | 1bn                                     | 1bn              |
| 1    | Deputy Chief<br>Executive/Executive<br>Director/Chief<br>Finance Officer | 20m              | 20m                                     | 20m              |
| 2    | Director   | 10m              | 10m                                     | 10m              |
| 3    | Head of Service  | 2.5m             | 2.5m                                    | 2.5m             |
| 4    | Service Manager  | 500,000          | 500,000                                 | 500,000          |
| 5    | Budget Manager   | 100,000          | 100,000                                 | 100,000          |
| 6    | Budget Forecaster  | 25,000           | 50,000                                  | 25,000           |
| 7    | Cost Centre  | 5,000            | -                                       | 1,000            |
| 8    | Team Leader  | -                | -                                       | -                |
| 9    | Supervisor   | -                | -                                       | -                |

- 5.28 Where a requisition for the purchase of goods or services exceeds £10,000 in value, the Contract Procedure Rules apply.
- 5.29 All official purchase orders must include, as a minimum, the order number, the price agreed with the supplier, description of the goods or services to be provided, the delivery address, the address where invoices must be received and a link to the standard terms and conditions for the goods and services to be provided.
- 5.30 Heads of Service must ensure that there is adequate separation of duties in the raising and authorisation of requisitions, authorising of purchase orders, receipt of goods and authorisation of payments to creditors.
- 5.31 Heads of Service must ensure robust processes to continually maintain computer records and accesses, and Schemes of Financial Delegation so that electronic workflows associated with core financial systems are

not compromised.

- 5.32 All purchasing activity must be carried out in accordance with the Council's Procurement Strategy and Contract Procedure Rules and advice issued about efficient and effective use of the Council's core financial and e-procurement systems and processes. Such processes will include the deployment of VISA purchase cards.
- 5.33 Approval of the Procurement Manager must be sought in advance of entering into any supply agreement with a commercial creditor who has not been set up on the Council's core financial system.
- 5.34 Heads of Service must consult the Chief Finance Officer on appropriate arrangements for purchases of goods and services which cannot be accommodated within standard ordering and payment processes.

### **Payment of Invoices**

- 5.35 All invoices must be sent directly by the creditor to the address stated on the official purchase order to enable prompt payment.
- 5.36 All invoices, as a minimum, must include the official purchase order number, the description of the goods or services provided, the quantity delivered, the delivery address, the date of the invoices and/ or date of delivery of the goods or services, the address and VAT registration number of the supplier and the price and VAT at the prevailing rate.
- 5.37 Invoices received without a valid purchase order number will be returned to the creditor as unauthorised for payment.
- 5.38 The Council's standard payment terms are 30 days from receipt of a correct invoice by BACS (Bankers Automated Clearing System). Alternative terms may not be negotiated or agreed with suppliers without the explicit approval of the Procurement Manager. Heads of Service are responsible for notifying suppliers of these terms and for ensuring that they are observed by all those involved in the purchasing and payment processing.
- 5.39 Payment will only be made for goods and services which have been formally receipted in accordance with receipting procedures set out by the Chief Finance Officer.
- 5.40 All purchasing activity must be carried out in accordance with the Council's Procurement Strategy and Contract Procedure Rules and any advice or guidance that may be issued from time to time by the Procurement Manager regarding the efficient and effective use of the Council's core financial and e-procurement systems and processes. Invoices received for payment must comply with the Council's best practice processes.

### **Non-invoice Payments**

- 5.41 Where Heads of Service wish to initiate a payment to a third party without a supporting invoice, an official request for payment must be

submitted in a form approved by the Procurement Manager.

- 5.42 Any such requests must be authorised by an officer designated with an appropriate approval limit in the relevant service Scheme of Financial Delegation. They are responsible for ensuring that all payment details provided are accurate and that supporting records and documentation are available to substantiate the payment, including an official VAT receipt to allow for the reclaim of any VAT element.
- 5.43 Appropriately authorised requests for payment will be processed and paid by BACS.
- 5.44 Non-invoice payments should be requested on an exceptional basis only. Where payments of this type need to be made on regular basis Heads of Service must consider, in conjunction with the Procurement Manager, other alternative options which may be more appropriate. For the full list of exceptional payment types check the guidance available via the Centranet>Tasks and Tools>Buying Products and Services> Procurement>Payment Methods.
- 5.45 Payments or reimbursements in respect of salaries and wages, travelling expenses or other employment allowances must be processed through the Payroll system and not treated as a non-invoice payment.

### **Purchase Cards**

- 5.46 Purchase Cards are an effective method of payment for goods and services of low value and for one off purchases. Heads of Service are responsible for the appropriate deployment and management of VISA purchase cards within their service in accordance with the financial scheme of delegation.
- 5.47 Further guidance is available via the Centranet.

### **Imprest Accounts**

- 5.48 Wherever possible, purchase cards will be used for low value transactions and where there are no mandated procurement contracts in place. However, in the limited circumstances when purchase cards cannot be used, the s151 officer may provide bank imprest (petty cash) accounts to meet minor expenditure on behalf of the Council.
- 5.49 Heads of Service are responsible for ensuring that where local arrangements are in place:
  - 5.49.1 Local Schemes of Financial Delegation set out clearly the responsibilities and approval limits of individual officers in respect of these arrangements; and that these are reviewed and updated regularly
  - 5.49.2 They are operated in accordance with guidance issued and that appropriate management supervision and compliance monitoring is undertaken

- 5.49.3 Adequate records are maintained to allow for the verification and reconciliation of all payments made to the Council's general ledger and bank accounts, and to allow for the proper treatment of VAT
- 5.49.4 Arrangements are being operated for legitimate Council business only.
- 5.50 Local arrangements may not be used in any circumstances to circumvent either the Council's Corporate Procurement Strategy and Contract Procedure Rules or agreed approval and authorisation procedures, nor must they be used for any payments in respect of salaries and wages, travelling or other employment expenses, or payments for work carried out under the Construction Industry Tax Deduction Scheme.

### **Payment to Members**

- 5.51 The Executive Director (Corporate Services) is responsible for paying all allowances to Members.
- 5.52 The Executive Director (Corporate Services) will make payments to any Councillors entitled to claim allowances on receipt of the proper form, completed and certified in accordance with the approved scheme for allowances.

### **Taxation**

- 5.53 It is the responsibility of the Chief Finance Officer, in conjunction with Transactional Services to:
  - 5.53.1 complete all Inland Revenue returns regarding PAYE
  - 5.53.2 complete a monthly return of VAT inputs and outputs to HM Revenue and Customs
  - 5.53.3 provide details to HM Revenue and Customs regarding the construction industry tax deduction scheme
  - 5.53.4 maintain up-to-date guidance for Council employees on taxation issues.
- 5.54 It is the responsibility of Corporate Leadership Team to:
  - 5.54.1 ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Revenue and Customs regulations
  - 5.54.2 ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements
  - 5.54.3 ensure that all persons employed by the Council are added to the Council's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or

are employed by a recognised staff agency

- 5.54.4 follow the guidance on taxation issued by the Chief Finance Officer.

### **Trading Accounts and Business Units**

- 5.55 As a general rule, separate trading accounts are required when services are provided to either internal or external clients, on a basis other than a straightforward recharge of full cost. It is the responsibility of the Chief Finance Officer to advise on the establishment and operation of trading accounts and business units.
- 5.56 It is the responsibility of Heads of Service to:
- 5.56.1 consult with the Chief Finance Officer and Monitoring Officer where a business unit wishes to enter into a contract with a third party where the contract expiry date exceeds the remaining life of their main contract with the Council. In general, such contracts should not be entered into unless they can be terminated within the main contract period without penalty
  - 5.56.2 observe all statutory requirements in relation to business units, including the maintenance of a separate revenue account to which all relevant income is credited and all relevant expenditure, including overhead costs, is charged, and to produce an annual report in support of the final accounts
  - 5.56.3 ensure that the same accounting principles are applied in relation to trading accounts as for other services or business units
  - 5.56.4 ensure that each business unit prepares an annual business plan.

### **Alternative Service Delivery Vehicles**

- 5.57 The Council has moved to a commissioning model and the creation of a series of Alternative Service Delivery Vehicles (ASDVs) forms an essential part of this strategy.
- 5.58 A framework has been developed to enable the Council to set up a series of new delivery vehicles in a way which enables the risks to be managed thoroughly and effectively. The aim of the framework is to ensure that all vehicles are given the best chance of succeeding, whilst safeguarding the interests of local tax payers. The framework document is available on the Cheshire East website.
- 5.59 The wholly owned companies currently operate within the Financial Procedure Rules of Cheshire East Council and it is within the responsibility of the companies to determine if this approach is to be continued.



**6. External Arrangements****Why is this important?**

- 6.1 The Council provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders.

**Partnerships and Jointly Funded Projects**

- 6.2 The Council is involved in a wide range of different 'Partnership' arrangements involving joint/external funding. The main reasons for this are:
- 6.2.1 the ability to provide new and better ways of delivering services.
  - 6.2.2 the ability to access new resources
  - 6.2.3 the desire to find new ways to share risk
  - 6.2.4 the ability to forge new relationships.
- 6.3 The Corporate Policy Committee will agree periodically a policy in respect of joint/external funding, which will establish the general framework within which proposals and bids should be developed. Any financial impact falling on the Council through such an arrangement should be met through existing budgetary resources without any overspending resulting from the Council's involvement.
- 6.4 Any partnership arrangement which involves the creation of, or participation in, separate legal entities such as joint ventures, trusts or limited companies requires the prior agreement of the Chief Finance Officer and the Monitoring Officer. Officers should also consider the need for a business case and compliance with the Project Gateway Process. Corporate Policy Committee approval will also be required where any agreement requires the Council to act as guarantor for a third party or accountable body. The creation of any new ASDVs will be in accordance with the ASDV Framework.

**Definitions**

- 6.5 A 'partnership' can be as straightforward as a contractual arrangement. Alternatively partnerships can be entered into under the Partnerships Act 1890 or the Limited Liability Partnerships Act 2000 where the arrangement is formed with a view to profit. Any partnership under the Acts is heavily regulated as to the liabilities of partners. The majority of the 'partnerships' entered into by the Council are where the Council agrees to work with one or more external agencies to deliver common aims and objectives. These partner agencies could potentially be from a government department, any public, private, community or voluntary sector body or related party.
- 6.6 The Rules set out in this section deal with the approach to

Partnerships. Detailed guidance can be obtained within the **Partnerships Protocol**.

### **Public/Public Partnerships**

- 6.7 Public/public collaborations may not need to go through any specific process. However, it may be that the Public Contracts Regulations 2015 do apply and a call for partners should be advertised in accordance with the Contract Procedure Rules. Further advice should be sought from the CPU or Legal Services.
- 6.8 It is important to recognise that the Council can have a different role, outlined below, depending on the exact nature of the Partnership.

### **Contributing Partner**

- 6.9 Where the Council is contributing funding or other resources, to a wider partnership involving a partner or group of partners and where the 'Accountable Body' role is undertaken by another partner.

### **Lead Authority or Lead Partner**

- 6.10 Where the Council leads on behalf of the Partnership or consortium and is responsible for the wider management of the Partnership and may take on liabilities that it is intended will be shared.

### **Accountable Body**

- 6.11 The Council may, in certain circumstances, need to act as the 'Accountable Body'; even when the Council will not directly incur expenditure on behalf of the Partnership. The role assumes the responsibility for 'looking after another party's monies' and will require the putting in place of appropriate and robust financial accounting and monitoring systems with the aim of safeguarding resources and minimising any risks and potential liabilities falling to the Council.

### **Public/Private Partnerships**

- 6.12 Defined as involvement with a private sector organisation or commercial enterprise, excluding those where a formal contract has been agreed when the Contract Procedure Rules will apply. Those contracts known as 'Partnering Contracts' and those funded by Private Finance Initiatives (PFIs) are not covered by this rule and fall under the Contract Procedure Rules.

### **Key Controls**

- 6.13 The key controls to be considered before the funding of partnerships or other joint projects is agreed consist of:
  - 6.13.1 ensuring that the key conditions of funding and any statutory requirements are complied with and that the responsibilities

of the accountable body are clearly understood.

- 6.13.2 ensuring that funds are acquired only to meet the priorities, aims and objectives approved by the Council, and to add value to the services provided to the local community.
- 6.13.3 ensuring any finance (including any match funding), staffing, legal and audit requirements are given due consideration prior to entering into long term arrangements and that revenue budgets reflect these requirements.
- 6.14 These arrangements should be documented in the form of a Business Case in the format prescribed by the Director of Finance & Customer Services and be subject to the same Project Gateway process as all other Council proposals.

### **Responsibilities of Officers**

- 6.15 Heads of Service are responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts and that appropriate standards of probity, stewardship and best value are secured. This will include ensuring that all appropriate claims and returns are promptly and accurately submitted.
- 6.16 The Corporate Leadership Team is responsible for developing a policy framework for partnership working and joint funding, identifying key principles to ensure probity and value for money and obtaining the appropriate Councillor approval. This should identify any potential future partnerships and a risk assessment of the potential impact on services and budgets that may arise.

### Heads of Service

- 6.17 Before entering into any Partnership agreement involving joint funding, Heads of Service must consult the Monitoring Officer and the Chief Finance Officer, who will advise on the appropriate form of agreement or contract taking into account the nature and scale of the proposed arrangement and the extent of the legal and financial commitment involved. As a measure of good practice and as a minimum requirement, Heads of Service need to consider and apply all the following points, which are not exhaustive, to the agreement:
  - 6.17.1 The overall purpose and objectives of the arrangement, including appropriate performance standards and output measures
  - 6.17.2 The constitutional and representational arrangements including procedures for decision making and the extent to which powers and financial authority are to be delegated to individual officers
  - 6.17.3 The period of the agreement, exit strategies, notice and termination arrangements including redundancy costs and

other potential liabilities on termination

- 6.17.4 Roles and responsibilities of the various parties including arrangements for banking, taxation and VAT matters, employment contracts, insurances and ownership of assets
- 6.17.5 Auditing and reporting requirements and the applicability of these Finance Procedure Rules, other Council Regulations and Codes of Conduct
- 6.17.6 Financial and non-financial contributions to be made by the respective parties and, where the arrangement is to extend beyond one year, the method for calculating and collecting payments in future years
- 6.17.7 The named contact officer or project manager who will be responsible (within specified limits) for the Council's rights and obligations under the terms of the agreement and accountable for overall outcomes
- 6.17.8 A clear exit strategy, for example, in terms of any residual ongoing costs
- 6.17.9 Default procedures to be applied where the terms of the agreement are broken
- 6.17.10 Arrangements for Internal Audit staff to have sufficient access to partner's premises, assets and records as is necessary for the purposes of the partnership:
  - As a measure of best practice, all partnership agreements should be subject to a complete review at least every four years.
  - Add to partnership section of contracts register held by the CPU.

### Approval Routes

- 6.18 The Council's gross contributions to Partnerships may include capital and revenue expenditure, cash flow costs, support in kind (including staff time) and the cost of preparing and submitting bids. It is particularly important to identify support in kind, both to ensure that all such costs are recovered, where grant conditions allow, and to enable service and corporate managers to plan effectively. Capital funding must also meet the specific capital appraisal requirements as set out in Section 3 of these Rules.
- 6.19 Following the officer consultation process and prior to entering into any agreement, approval, based on the Council's gross contribution over the life of the partnership\* should be sought by the relevant Head of Service

*\* For the purpose of this paragraph the assumption is that a lifespan*

*of no more than 4 years should be the norm, consistent with the Council's financial planning cycle.*

- 6.20 The approval of partnership proposals will be subject to the same financial limits as other contractual arrangements.

### **Additional Funding Allocations or Policy Variations**

- 6.21 Partnerships often attract additional funding over and above their original levels of funding. If additional funding is made available which will result in the aggregate value remaining within the original approval limit then no further approval is required. Conversely if the additional funding increases the aggregate value to more than the original approval limit, then further approval is required in line with the routes identified above. Where the additional funding constitutes a variation from the policy originally agreed by the Committee, then further approval from the Committee is required.
- 6.22 If the contribution is to come from Council sources it will constitute a virement and Section 3 applies. Where the additional funding comes from an external source then approval for a fully funded supplementary estimate is required and Section 3 applies.

### **Bidding for Grant Funding**

- 6.23 Chief Officers are authorised, as set out in the Officer Scheme of Delegations, to submit applications for grant funding that align with Council priorities and initiatives in consultation with the relevant Chair. In the event that an application is successful, the decision making process for approval of the application, including acceptance of any conditions, will follow that set out in section 2 of these Financial Procedure Rules.

### **Reporting Requirements**

- 6.24 Where the Council participates in any partnership or external funding arrangement either as a contributor or as an Accountable Body, an annual report must be presented to the appropriate Committee, outlining how sums have been used and the key outcomes and achievements. The report should also review the affordability and continued relevance of the arrangement to Service policies and objectives and seek appropriate Business Plan approval.
- 6.25 Notwithstanding any statutory reporting requirement, the Head of Service will be required to provide, regular reports on progress and outcomes, financial and non-financial, for each significant partnership to the relevant Committee. Partnership projects should comply with the same regular reporting processes as other Council projects.

### **Support to Other Organisations**

- 6.26 The Corporate Policy Committee will on a periodic basis, agree a policy setting down the approach to be taken to the allocation of grants,

donations and other contributions to outside bodies.

- 6.27 Grants, donations and contributions will be paid by the Council in accordance with the policies determined under paragraph 6.27 above, subject to there being adequate provision in service budgets and the appropriate approvals being sought.

| Approval level  | Amount   |
|---|--|
| Officers  | Up to and including £50,000 (where grant is within approved grant policy and fully funded)   |
| Relevant Corporate Leadership Team member in consultation with the Chair of the relevant Committee and Chair of Finance Sub-Committee | Between £50,000 and £100,000 (where grant is within approved grant policy and fully funded)  |
| Committee   | All Grants of £100,000 or more.<br><br>All grants which do not fall within existing approved grant policy require Corporate Policy Committee approval. |

- 6.28 The **Grant Funding Protocol** sets out further guidance on grant funding, consideration of state aid implications, the process for allocation and any conditions that should apply to any grant funding.
- 6.29 The rules in this section and the Grant Funding Protocol shall not apply to grant funding arrangements relating to Capital Funding for School Places applied for by the Council on behalf of Academies, Foundation, Voluntary Aided and Free schools as these arrangements are delegated in the Constitution to the Director of Children's Services in accordance with the Council's educational functions under the Education Acts.



## Chapter 3 – Part 5

### Contract Procedure Rules

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#### 1. General Rules

##### Why is this important?

These Contract Procedure Rules are intended to promote good purchasing practice, public accountability and deter corruption. Officers responsible for purchasing must comply with them. They lay down **minimum requirements** and a more thorough procedure may be appropriate for a particular contract. (For example, if a Rule would normally require that Quotes be obtained, it might be appropriate in particular circumstances to seek additional Quotations in writing or Tender submissions). Following the rules promotes probity, integrity and impartiality and is the best defence against allegations of fraud or corruption. Failure to follow the rules could result in disciplinary action.

##### Brexit impact

Many of the laws and practices within this Constitution, such as the UK public procurement regime, derive from EU laws, and are therefore impacted by Brexit.

As of 31 January 2020, the UK is no longer an EU Member State and its relationship with the EU is governed by the Withdrawal Agreement, which came into effect on 1 February 2020 and provided for a transition period until 31 December 2020.

The UK continues to be bound by the Public Contracts Regulations 2015 and the Concession Contracts Regulations 2016. Whilst they are based on EU Law the rules are unlikely to change significantly in the short term and most likely only to accommodate World Trade Organisation or other Trade Rules.

**If at any time these rules differ from the law in force then the law must be followed as it will override any conflicting provision in these rules.**

**This Constitution and these Contract Procedure Rules will be kept under review during the implementation period and updated accordingly. For further guidance, please contact the Monitoring Officer.**

Key considerations for Officers engaged in purchasing works, goods and services include:

- Follow the rules if you purchase goods or services or order building work;
- Take legal, financial and procurement advice;
- Declare any personal financial interest in a contract.  
Corruption is a criminal offence;

- Check whether there is an existing Corporate Contract, Government Procurement Service framework, e.g. North West purchasing consortium, framework, procurement partnership or other purchasing arrangement you can make use of **before** undergoing a competitive process;
- Consider the social, economic and environmental wellbeing of the area and how this can be strengthened by delivering your needs locally (social value);
- Normally allow at least four weeks for submission of bids;
- Keep bids confidential;
- Complete a written contract or purchase order before the supply or works begin;
- Identify a contract manager with responsibility for ensuring the contract delivers as intended;
- Keep written records of dealings with suppliers;
- Report as required periodically on performance of the supplier; and
- Assess each contract afterwards to see how well it met the purchasing need and Best Value requirements.

Words in **bold** are defined in the [Glossary](#).

### Thresholds

Throughout these rules there are references to Public Procurement Thresholds and these are set out in the table below:

|   | <b>Supply, Services<sup>1</sup> and Design Contracts</b> | <b>Works &amp; Concession Contracts<sup>2</sup></b> | <b>Social and Other Specific Services<sup>3</sup></b> |
|---|--|---|---|
| Other public sector Contracting authorities | £189,330<br>(€214,000)                                   | £4,733,252<br>(€5,350,000)                          | £663,540<br>(€750,000)                                |

<sup>1</sup> With the exception of the following services which have different thresholds or are exempt:

- Social and other specific services (subject to the light touch regime) Article 74
- Subsidised services contracts specified under Article 13
- Research and development services under Article 14 (specified CPV codes are exempt).

<sup>2</sup> Except for subsidised works contracts specified under Article 13.

<sup>3</sup> As per Article 74. Services are listed in Annex XIV.

## 2. Contract Procedure Rules which apply to ALL Contracts

### Basic Principles

#### Introduction

- 2.1 Officers responsible for the procurement or commissioning of any goods, services, works or Concessions must comply with these Rules.
- 2.2 These Rules should be read in conjunction with the relevant parts of the Council's Constitution and guidance issued by the Procurement Manager (and published on Centranet) following consultation and endorsement from the Commissioning and Procurement Board
- 2.3 All references to Contract(s) in the Rules below also include, Framework Agreements, Dynamic Purchasing Systems and Concessions unless otherwise instructed.
- 2.4 All Contracts, procurement documentation, and procurement processes shall be consistent with the Council's Procurement Guides (available on Centranet), Procurement Strategy, Procurement legislation and these Rules.

#### Scope

- 2.5 The Rules apply to all Contracts procured on the Council's behalf.
- 2.6 For the avoidance of doubt, these Rules shall NOT apply to any of the following:
  - 2.6.1 The sale, leasing or purchase of land or immovable property, or any interest in land, provided the Council does not specify or control how the land is to be developed;
  - 2.6.2 Any contract of employment;
  - 2.6.3 Loans and treasury management decisions;
  - 2.6.4 The issue, purchase or sale of securities or other financial instruments (refer to Finance Procedure Rules).
- 2.7 The competition and procedure elements of these rules need not apply to any of the following situations; however, advice must be sought from Legal Services as to whether the arrangement meets the criteria set out below and to the most appropriate form of agreement to put in place:
  - 2.7.1 Contracts awarded to a contracting authority (as defined in relevant legislation) on the basis of an exclusive right which they enjoy pursuant to a law, regulation or published administrative provision compatible with the Treaty on the Functioning of the European Union (TFEU)
  - 2.7.2 Public-public co-operation, where the arrangement establishes or implements a collaboration between the Council and one or more contracting authorities with the aim of ensuring that the

public services they have to perform are provided with a view to achieving objectives they have in common, and implementation of the co-operation is governed solely by considerations relating to the public interest, and the parties concerned do not perform 20% or more of the activities concerned by the cooperation on the open market;

- 2.7.3 Any contracts between the Council and any company that is controlled by the Council in a similar way to which it controls its own departments / services. Such companies must perform more than 80% of their activities for, or on behalf of, the Council (or other legal persons controlled by the Council or other contracting authorities e.g. for jointly owned companies). Such companies should also have no private capital participation in them other than where required by legislation (in which case the control must be non-controlling and non-blocking).
- 2.7.4 Commissioning additional supplies, services or works outside of the scope of any existing contractual arrangements from a company controlled by the Council should be subject to a business case and demonstrate value for money and steps must be taken to ensure the arrangement fits within the criteria detailed above. In the interest of best practice and demonstrating value for money, the Commissioning and / or Procuring Officer may wish to subject such contracts to competition.

#### Legal Compliance

- 2.8 All procurement procedures and Contracts shall comply with these Rules and all legal requirements and no Officer, or Councillors shall seek to avoid them.
- 2.9 The only exception is where a valid waiver is granted under Section 7 of these Rules.
- 2.10 If there is any dispute regarding these Rules, it should be taken up with the Procurement Manager who will seek appropriate advice to resolve the matter with Legal Services.

#### Applicable Principles

- 2.11 In order to prevent the distortion of competition, the procurement and award of Contracts shall comply with the principles of transparency, equal treatment, non-discrimination and proportionality.

#### Contracts where the Council acts as agent

- 2.12 Where the Council acts as the agent for any of its wholly or partly owned companies or another council or public body or other company or organisation (Principal), these Rules shall apply unless the Principal in question instructs otherwise. Where the Council's wholly or partly owned companies act as agent for the Council, then these Rules shall

apply.

#### Calculating the financial value of a procurement

- 2.13 In determining the estimated value of the procurement, for the purpose of applying the relevant provisions within these Rules, the following should be taken into account:
- 2.13.1 The total amount payable (net of VAT) for the lifetime of the Contract being procured including any proposed options or renewal periods
  - 2.13.2 The aggregation of requirements with similar characteristics, or for the same type of goods, services or works, regardless of the number of Contracts that may be entered into or number of lots that the procurement may be split between for the duration of the Contract(s), especially where such aggregation means the value exceeds the relevant Public Procurement Threshold for goods, services or works
  - 2.13.3 The aggregate of 48 months' supply
  - 2.13.4 In the case of joint purchasing arrangements, the value shall be the aggregate of both/all parties' requirements that are the subject of the procurement.
- 2.14 No Officer or Councillor may seek to subdivide procurements, requisitions or individual spend amounts in order to avoid the application of these Rules or Public Procurement Legislation.

#### **Sustainable Development**

- 2.15 The Council endeavours to consider how it can help achieve sustainable development through its work by ensuring that there are good working conditions for our suppliers' employees, the products and services procured are sustainable and that socio-economic issues, such as equality and poverty, are addressed.

#### Social Value

- 2.16 Before starting a procurement process, the Public Services (Social Value) Act 2012 requires the authority to consider:
- 2.16.1 How what is proposed to be procured might improve the economic, social and environmental well-being of the area; and
  - 2.16.2 How, in conducting the process of procurement, the authority might act with a view to securing that improvement.

The above matters should influence the commissioning strategy and how local businesses can be supported relevant to what is proposed to be commissioned or procured.

- 2.17 Social value considerations (including any consultation) should be proportionate to the scale and nature of the Contract
- 2.18 Officers must have regard to the Council's Social Value Policy available at [Cheshire East Council social value policy](#).

### **Officer and Councillor Responsibilities**

#### Powers / Authority

- 2.19 All powers should be exercised through Officers and it should be noted that only Officers authorised in the relevant local scheme of delegation have the authority to commit the Council to any contractual obligations. No Councillor may instruct Officers to act in a way that is inconsistent with these Rules.

#### Adequate Budget Provision

- 2.20 Officers should not seek to enter into a Contract or purport to enter into a Contract, unless there is adequate provision in the agreed capital programme and/or agreed Revenue Budget for the relevant service.

#### Corporate Contracts

- 2.21 A Corporate Contract is a pre-existing Contract or Framework Agreement that has been set up for use by all Services (or specific Services) in the Council to address a common or specific need and that allows Commissioning Officers to quickly and efficiently source those requirements without undertaking repetitive tendering exercises and to comply with aggregation rules of Public Procurement Legislation.
- 2.22 Prior to any procurement activity, the Commissioning Officer shall ascertain whether any Corporate Contract exists in relation to their requirements. Where such a Corporate Contract exists, the Corporate Contract must be used unless better value for money can be clearly evidenced by another method.

#### Performance Bond or Parent Company Guarantee

- 2.23 The Commissioning Officer, in discussion with the Procurement Officer, shall in respect of all Contracts consider the need for a performance bond or parent company guarantee after assessing the following factors:
- 2.23.1 Potential risk to the Council in the absence of a bond or parent company guarantee
  - 2.23.2 Known technical difficulties associated with the project
  - 2.23.3 The financial status of the provider(s)
  - 2.23.4 Whether it is relevant and proportionate to the Contract
  - 2.23.5 The period of the contract, and
  - 2.23.6 Any costs associated with the provision of the bond.



Conflicts of Interest

- 2.24 A conflict of interest includes a situation where a relevant individual's financial, economic or personal interests might be perceived to compromise their impartiality and independence.
- 2.25 All Council Officers and Members (and third parties engaged on the Council's behalf) must take appropriate measures to effectively prevent, identify and seek to remedy conflicts of interests. Any conflict of interest must be declared in accordance with the common law, the Officer Code of Conduct, the Member Code of Conduct, and the Seven Principles of Public Life set out in those Codes.

**Collaborative Arrangements**Framework Agreements

- 2.26 Paragraphs 3.1 to 3.10 and paragraphs 4.1 to 4.4 will not apply where the requirements in question are to be procured by using a Framework Agreement which itself has been procured through compliance with these Rules or from a Central Purchasing Body or other Public Body.
- 2.27 Where a Framework Agreement is used, the Procurement Officer will undertake to check that the Framework Agreement is legally compliant and whether the Council is named in the OJEU/other notice for the Framework Agreement (either specifically or within a group of regional authorities) and therefore able to utilise that Framework Agreement.
- 2.28 The Procurement Officer must ensure that requirements are procured in accordance with the terms of the Framework Agreement (and where applicable Public Procurement Legislation).

Joint or Partnering Arrangements

- 2.29 Joint or partnering arrangements between the Council and other bodies shall be subject to the prior approval of the relevant Executive Director and in the case of arrangements with private entities also the Chief Executive.
- 2.30 Advice from Legal Services must be sought as to the most appropriate form of agreement to put in place, especially where either party is undertaking work and / or tendering activity for the other and entering into contracts on behalf of the other e.g. a Collaboration or 'Partnership Agreement', etc.) depending on the nature of the arrangements.
- 2.31 Under any such agreement, where the Council is responsible for procuring anything, these Rules shall apply, regardless of who shall enter into the resultant contract.
- 2.32 Under any such agreement, where another party is responsible for procuring any requirements, their contract procedure rules, or equivalent, shall apply, regardless of who shall enter into the resultant contract unless agreed otherwise. Where the other party has no such contract procedure rules, the procedure applied by the other body shall

comply with the principles and safeguards contained in these Rules.

- 2.33 Under any such agreement, the terms and conditions for the arrangement shall include powers for the Council to have access to the records, assets, site, employees and sub-contractors of that party for the purposes of investigating or auditing compliance with the terms of the arrangement and with Public Procurement Legislation.

## **E-Procurement**

### Electronic Tendering

- 2.34 All tendering above the relevant Public Procurement Threshold (and for Contracts which are below the Public Procurement Thresholds but higher than £25,000 in value) must be undertaken via an electronic tendering method and shall use the e-tendering Portal accessible through the CPU. Where it is necessary to use another portal, prior approval must be sought on a tender-by-tender basis from the Procurement Manager.

## **Records**

### Contracts Register

- 2.35 As part of the Government's Transparency Agenda the Council is required to compile a contracts register to capture details of all live Contracts entered into by the Council ("Contracts Register"). The Contracts Register shall be controlled by the CPU and the Commissioning Officer must ensure that all Contracts above £5,000 in value are recorded. Copies of the contracts will be provided to Legal Services for retention.

## **Expenditure approval process**

### Pre-Contract requirements

- 2.36 All Officers requiring to commit expenditure in order to acquire goods, services or works on behalf of the Council must:
- 2.36.1 Obtain the prior approval of the relevant decision maker who has authority to give such approval under the constitution. This approval is subject to having sufficient budgetary provision and being included in the Council's capital programme or revenue budget.
  - 2.36.2 Complete a business case and risk log for all expenditure over £250k which is approved by the Commissioning and Procurement Board.
  - 2.36.3 Ensure that supplies of a similar type are procured together where it is practicable and cost effective to do so
  - 2.36.4 consider the Social Value implications

- 2.36.5 make sure that the appropriate authority is in place to start the process and spend the money in accordance with the appropriate local scheme of delegation
- 2.36.6 make sure that there is enough money in the budget to cover the total whole life financial commitment being made (including any consultants or other external charges or fees)
- 2.36.7 make sure that the Forward Plan and publicity requirements have been followed where appropriate.
- 2.36.8 Give regard to Best Value and the Public Sector Equality Duty and ensure that consultations with the public have been carried out as required.

### Community Right to Challenge

- 2.37 The Localism Act 2011 provides that under the 'community right to challenge', the Council is to consider an expression of interest (EOI) submitted by a 'relevant body' in relation to providing or assisting in providing a service provided by or on behalf of the Council.
- 2.38 When the Council accepts an EOI it must run a procurement exercise and award any Contract following these Rules.

## **3. Contracts below the Public Procurement Threshold**

### **Competition Requirements**

### **Advertising and Procedure**

- 3.1 Where the estimated cost of any requirements to be ordered on behalf of the Council is less than the applicable Public Procurement Threshold then proposals shall be invited as outlined below:
  - 3.1.1 Up to £10,000 – 3 quotes are advisable but not mandatory (local firms being preferable where appropriate)
  - 3.1.2 Between £10,000 and £25,000 – A minimum of three quotations shall be sought, together with advice from the CPU or Legal Services on the appropriate form of Contract
  - 3.1.3 Between £25,000 and the applicable Public Procurement Threshold – A minimum of three quotations shall be sought via the E-tendering Portal, and/or Find a Contract Service together with advice from the CPU or Legal Services on the appropriate form of Contract
- 3.2 Where compliance with 3.1.3 above is not possible due to less than 3 providers responding, authority to proceed with a procurement process must be obtained from the Procurement Manager.
- 3.3 The requirement in 3.1.3 to use the E-tendering Portal to advertise may be waived where there is an urgent need to do so. However, the Procurement Manager's written approval must be given to any such

waiver.

- 3.4 Officers are permitted to sign up for subscriptions for membership of industry associations without the need for competition provided they consider that the subscription offers value for money and there is available budget provision.

### **Award Criteria**

- 3.5 Below Public Procurement Threshold Contracts will generally be awarded on the basis of MEAT (Most Economically Advantageous Tender) defined on the basis of price or cost using a cost effectiveness approach, and may include the best price – quality ratio, however, awards on the basis of lowest price shall be acceptable where appropriate.
- 3.6 The Award Criteria and their relative importance must be set out in the competition Request for Quotation documents.

### **Best and Final Offer (BAFO)**

- 3.7 In certain circumstances it may be possible to provide for a BAFO stage in the procurement process and should only be used in consultation with Legal Services. Where the Procurement Officer and Commissioning Officer consider that a BAFO stage would be beneficial and could be exercised fairly in a procurement process, they should explain the reasons for the use of the BAFO process to the Procurement Manager and seek approval to proceed from the Procurement Manager (who shall consult Legal Services).
- 3.8 Where a BAFO stage is used, it must be conducted by the CPU through the E-tendering Portal, and should set a deadline for submission of BAFOs, to be returned via the E-tendering Portal.
- 3.9 Where a BAFO is submitted, any improvements in a Bidder's offer must be recorded in the applicable Evaluation Matrix with Bidder's submissions re-scored where appropriate. A record of both pre and post BAFO scoring must be maintained for audit purposes.

## **4. Contracts At or Above the Public Procurement Threshold**

### **Competition Requirements**

#### **Advertising and procedure**

- 4.1 Advertisement of Contracts over the Public Procurement Threshold shall be advertised additionally on the Government's Find a Contract Service.

### **Award Criteria**

- 4.2 Contracts will be awarded on the basis of MEAT (Most Economically Advantageous Tender) defined on the basis of price or cost using a

cost effectiveness approach and may include the best price – quality ratio. Where possible full lifecycle costs should be considered as part of the financial evaluation.

- 4.3 The Award Criteria and weightings must be set out in the Invitation to Tender.

### **Forms of procurement**

- 4.4 The Public Procurement Legislation sets out the procedures which can be used to procure Contracts at or exceeding the Public Procurement Thresholds. These include:

- 4.4.1 Open Procedure
- 4.4.2 Restricted Procedure
- 4.4.3 Competitive Procedure with Negotiation
- 4.4.4 Competitive Dialogue
- 4.4.5 Innovation Partnerships
- 4.4.6 Call Off from a Framework Agreement
- 4.4.7 E-auction

- 4.5 Other procedures are possible for Contracts for Light Touch Regime Services (as defined in Public Procurement Legislation) and for Concessions Contracts.
- 4.6 The Procurement Officer in consultation with the Commissioning Officer and Legal Services shall select the most appropriate procedure having regard to the requirements of the Public Procurement Legislation.
- 4.7 This process shall not remove or modify the responsibility of the relevant Executive Director to take such steps as may be reasonably necessary to safeguard the Council's best interests.
- 4.8 In order to determine a suitable procurement approach to a specific market, Officers, in liaison with CPU, may first choose to carry out non-committal soft market testing in order to inform the market of the Council's procurement plans and to understand the likely level of interest. Any such testing should not have the effect of distorting competition or result in a violation of the principles of non-discrimination or transparency.

## **5. Procedures for ALL Requests for Quotation and Invitations to Tender**

### **Application and Documentation**

#### Application

- 5.1 This Part 5 applies to all Contracts over £25,000 in value (including

those at or above the relevant Public Procurement Threshold).

- 5.2 Procurement procedures for Contracts below £25,000 will follow any guidance issued by CPU and will be assessed on their risk.

#### Documentation

- 5.3 All Requests for Quotations (RFQs) and Invitations to Tender (ITTs) shall include the following:
- 5.3.1 The Council must issue RFQs and ITTs and receive Bids via the E-tendering Portal. Bids submitted by any other means shall not be considered (unless there are exceptional circumstances)
  - 5.3.2 A requirement for Bidders to complete fully and sign or otherwise authorise the Form of Tender, which relates to canvassing and non-collusion before submission
  - 5.3.3 All electronic responses will be held within the E-tendering Portal in a restricted area that is only accessible by the appointed Verifying Officer after the specified fixed time and date
  - 5.3.4 All RFQs and ITTs must specify the goods, works or services that are required in sufficient detail to enable the submission of competitive Bids, together with the terms and conditions of the contract that will apply
  - 5.3.5 A description of the award procedure and a definition of the Award Criteria and weightings in objective terms. Where it is not possible to provide weightings for objective reasons, Award Criteria should be stated in descending order of importance
  - 5.3.6 Notification that Bids are submitted to the Council on the basis that they are compiled at the Bidder's risk and expense (except where prior agreement is given to reimburse those Bidders / providers engaged in a competitive dialogue or competitive procedure with negotiation)
  - 5.3.7 Notification that amendments must not be made to the contract documents by the Bidder (unless appropriate for the procurement procedure)
  - 5.3.8 Notification to the bidder that the Council is not bound to accept any or all tenders.
- 5.4 A record of Bids received in pursuance of these Rules shall be maintained by the CPU and retained in accordance with the Council's retention schedule.
- 5.5 An electronic contracts register will be maintained by the CPU and copies of Contracts are to be provided to Legal Services for retention.



**Closing Date for Receipt of Bids**

- 5.6 Bids received after the fixed date and appointed time, shall NOT be opened or considered, unless there are exceptional circumstances as agreed by the Procurement Manager, who will consult with Legal Services where appropriate.
- 5.7 An exceptional circumstance could be a system problem (of which there must be demonstrable evidence) with the E-tendering Portal which has prevented potential Bidders from uploading their documents.

**Method of Opening Bids**

- 5.8 In respect of Bids received electronically, ONLY a Verifying Officer as designated within the E-tendering Portal will have permission to open the Bids:
  - 5.8.1 Bids above £1,000,000 will be verified by Legal Services
  - 5.8.2 Bids from the Public Procurement Threshold up to £1,000,000 will be verified by the Procurement Manager or a Category Manager that has not been involved in the tender in question
  - 5.8.3 Bids between £25,000 and the Public Procurement Threshold will be verified by a Procurement Officer that has not been involved in the procurement process in question
  - 5.8.4 Bids between £10,000 and £25,000 will be opened in accordance with any guidance issued by CPU from time to time.

**Evaluation of Bids**Evaluation and Award

- 5.9 Bids shall be evaluated and awarded on the basis of the value for money they offer to the Council.
- 5.10 For Bids over the Public Procurement Threshold this must be in line with:
  - 5.10.1 MEAT (Most Economically Advantageous Tender) Principles. Award Criteria must be relevant to the Contract and apportioned between cost and quality in a ratio reflecting the risk and value of the contract
  - 5.10.2 Bids shall be evaluated and awarded in accordance with Award Criteria and weightings determined, and documented in an Evaluation Matrix,
  - 5.10.3 The relevant Public Procurement Legislation should be considered in determining what shall be included in the evaluation of cost.

Evaluation Panel

- 5.11 Evaluation Panels should be established prior to the issue of the RFQ/ITT, to ensure that they are engaged with the process and understand the evaluation criteria and weightings.
- 5.12 Evaluation Panels should include representation from the CPU, the commissioning department/key stakeholders, and should consist of a minimum of two Officers. However, should the risk be assessed as significant then the minimum number of people on the panel should be increased proportionately and in accordance with more detailed guidance from CPU. The Monitoring Officer and the Chief Finance Officer should be involved in any procurement exceeding £1M in value. Councillors shall not be involved in any Evaluation Panel.

Evaluation Matrix

- 5.13 The Evaluation Matrix will consist of defined evaluation criteria and weightings.
- 5.14 All Bids must be scored consistently against the Award Criteria set out in the Evaluation Matrix in the RFQ/ITT using the scoring model also set out in the RFQ/ITT.
- 5.15 All scores and notes made by the Evaluation Panel must be recorded in writing in the Evaluation Matrix and used for reference if further moderation is required.

Moderation

- 5.16 The Evaluation Panel will discuss their individual scores and must reach agreement on a consensus panel score and justifying comments.
- 5.17 Any consensus scores and applicable justifying comments must be recorded in the Evaluation Matrix for the procurement process.
- 5.18 All notes may be the subject of information requests or legal challenge against award of a Contract. It is crucial that accurate notes justifying awarded scores are maintained throughout by all personnel and relate solely to the relevant Award Criteria.

Clarification

- 5.19 Where post Bid clarification is required, it must be requested (and responses returned) via the E-tendering Portal. Importantly, post Bid clarification may only be sought in relation to an element of the Bidder's submission that has been provided, and which needs further understanding – negotiation is not permitted. Post Bid clarification must be used in a non-discriminatory manner and so that Bidders are not being given an opportunity to improve their Bids.
- 5.20 Evaluation scores can only be amended where specific clarification has been requested relating to the Award Criteria. Any decision to rescore must be discussed with the Procurement Manager.

- 5.21 All clarification questions and returns must be noted and any amended scores which result from clarification are to be updated in the Evaluation Matrix.
- 5.22 For above Public Procurement Threshold procurements, post Bid negotiation will not be acceptable unless permitted within the procedure available within Public Procurement Legislation.
- 5.23 For Contracts below the Public Procurement Thresholds in value, a best and final offer (BAFO) stage may be used.

### **Acceptance of Bids**

- 5.24 Bids may be accepted by the relevant Executive Director provided that all of the following apply:
  - 5.24.1 the Bid complies with the requirements, conditions and criteria set down in any OJEU/other notice and in the RFQ/ITT including any applicable selection criteria and Award Criteria
  - 5.24.2 the Bid proposed to be accepted is the most economically advantageous tender (or, where appropriate for Contracts below the Public Procurement Threshold, is the lowest priced Bid)
  - 5.24.3 where a Bid for a Contract above the Public Procurement Threshold appears abnormally low, the Bidder has been asked to explain the price or cost and the Council considers the explanation provided to satisfactorily account for the low price or cost, and
  - 5.24.4 Council or Committee approval has been given to spend the resources, if required.

### **Debrief – Intention and Award**

- 5.25 Once the award decision has been approved by the Officer with appropriate delegated authority, communication should be undertaken with all Bidders, providing details on the outcome of the procurement process.
- 5.26 For Bids above Public Procurement Thresholds, the provisions of the Public Procurement Legislation shall be followed regarding the content of notifications to Bidders and including any mandatory standstill periods outlined.

### **Errors in Tender**

- 5.27 If, before both parties have executed the Contract, it is discovered that an error has been made in the Bid it shall be dealt with as follows:
  - 5.27.1 The Procurement Manager should be consulted (who should consult Legal Services as necessary)

- 5.27.2 The Bidder should be given the opportunity of confirming or withdrawing the Bid. In the case of genuine and obvious errors the Bidder may be given the opportunity to correct the error. The same approach should be taken to all Bids.
- 5.28 Clarification surrounding such errors shall be sought in writing via the E-tendering Portal.
- 5.29 Where the Bidder elects to withdraw the Bid the next highest scoring Bid shall be considered and the same rules shall be applied in considering that Bid.

## **6. Contracts and Post Procurement Requirements**

### **Conditions of Contract**

- 6.1 Every Bid will be accompanied by the relevant conditions of contract which will either be supplied by CPU or Legal Services. In every written Contract there are certain clauses which must be inserted. These clauses are identified in the standard form contracts produced for use by the Council and may be amended by Legal Services from time to time. The removal of these clauses requires agreement by Legal Services.

### **Signed Contracts**

- 6.2 Subject to paragraph 6.3 below, Contracts (with a value not exceeding £1,000,000) shall be signed on behalf of the Council by a duly authorised Officer in accordance with the local Scheme of Delegation.

### **Contract Sealing**

- 6.3 A Contract must be executed under seal by Legal Services where any of the following apply to the Contract:
- 6.3.1 It exceeds £1,000,000 in value
  - 6.3.2 Where the Contract is such that Legal Services consider that an extended limitation period of at least 12 years would be of value
  - 6.3.3 Where it is required by statute or an external funding body that it is executed under seal
  - 6.3.4 Where the price paid or received under the Contract is a nominal price and does not reflect the value of the goods, services or works
  - 6.3.5 Where it is a construction-related or works Contract and it is required to be sealed in accordance with guidance issued by CPU.

### **Authorisation of Payments**

- 6.4 Payments under the contract shall be approved by an authorised Officer

in accordance with the local Scheme of Delegation.

### **Modification to Contracts**

- 6.5 Modifications to a Contract shall be in writing and shall be authorised by the appropriate Executive Director or on their behalf by an authorised Officer with agreement from the Procurement Manager and Legal Services. Such agreement will be dependent upon commercial considerations as well as considering if the modification is permitted under Public Procurement Legislation and the completion of any required documents as issued by the CPU from time to time.

### **Payments before Completion of Formal Contract**

- 6.6 No payment shall be made by the Council to the provider without a formal purchase order or an appropriate Contract in place. Payments should normally be made following the receipt of the requirements / achievement of desired outcomes.
- 6.7 Staged payments are permitted. Any such payments should only be made upon receipt of the desired requirements for that stage / milestone. Should the desired requirements / outcomes not be achieved when the provider submits an invoice, a dispute should be raised to prevent payment until such time as the desired requirements / outcomes have been achieved.
- 6.8 Advance payments are generally not permitted and the only exceptions without further approvals being required, shall be for:
- 6.8.1 software licences
  - 6.8.2 hardware and / or software support and / or maintenance
  - 6.8.3 warranties
  - 6.8.4 deposits
  - 6.8.5 leases / hires.
- 6.9 If any other reason arises for an advance payment to be made, approval must be sought from the relevant Executive Director and the Monitoring Officer in advance.

### **Monitoring of Contracts**

- 6.10 All Contracts should be monitored throughout the period of the Contract, and the performance of providers should be reviewed regularly, including:
- 6.10.1 how savings might be achieved within the contract period
  - 6.10.2 compliance with the specification and contract
  - 6.10.3 performance

- 6.10.4 any social value and best value requirements
- 6.10.5 levels of insurance
- 6.10.6 user satisfaction, and
- 6.10.7 risk management.
- 6.11 Accurate records of Contract monitoring activity and meetings including any issues raised / dealt with must be kept by the Commissioning Officers responsible for monitoring the Contract.

### **Contract Extensions**

- 6.12 Commissioning Officers and Contract Managers must consider a provider's performance throughout the period of a Contract when considering a contract extension. Officers should question whether the quality of goods or services being provided to the Council would continue to offer best value should an extension be agreed. When reviewing performance for the purpose of Contract extension, Officers should seek the views of the provider as to whether they have any suggestions or proposals which might improve value or delivery of service which might benefit the Council. These Officers should be aware of the market, the providers within the market, and the level of competition within the market.
- 6.13 Commissioning Officers should consider alongside the award of any optional extension period provided for in the Contract, what other alternatives may be available to the Council, and should offer reasoning as to why such alternatives are not proposed.
- 6.14 These Officers must ensure that prior to seeking approval of any proposed Contract extension; consultation is undertaken with the Procurement Manager and a Contract Extension Form is completed and signed by the Executive Director.
- 6.15 Contracts may be extended beyond the stated core Contract period, where provision for such extension was included in the RFQ/ITT, and in respect of above Public Procurement Threshold Contracts, the relevant OJEU Notices:
  - 6.15.1 it is not possible to extend a Contract, after it has expired. Any such requests will be viewed as new Contracts and the relevant provisions with these Rules must be followed.
  - 6.15.2 any requests to extend a Contract where there is no provision to extend for the period requested constitutes a modification to the contract and the appropriate provisions at paragraph 6.6 must be followed.

## **7. Waiver and Breach**

### **Waiver**



## Waiver Process

- 1.1 It is strongly expected that these Rules will be followed in all cases with very limited exceptions, however, in the event a Commissioning Officer believes a waiver to these Rules is essential to the efficient running of the Service they must seek a waiver by producing a report that must be approved by
  - £10,000 - £25,000 – the Procurement Manager
  - Above £25,000 – the S151 Officer and the Monitoring Officer
- 1.2 The report must be in accordance with the prescribed format available from the CPU. The format of the report shall be determined by the Procurement Manager, and must be used in line with any associated guidance published:
  - 1.2.1 Advice and guidance must be sought from the Procurement Manager prior to submission of the waiver form to the Chief Finance Officer and Monitoring Officer. If approval is granted, it is still required that an appropriate contract be entered into prior to any requirements being provided by the provider.
  - 1.2.2 The waiver of these Rules and the reason(s) for waiver shall be clearly recorded and reported to the Commissioning and Procurement Board.
  - 1.2.3 All notices of waiver reported to the Procurement Board shall be published retrospectively for information on the next Audit and Governance Committee agenda.
- 1.3 Exemptions from the above requirements may be agreed for instances of:
  - 1.3.1 extreme urgency, where there is an immediate risk to life, property or an individual's safety and wellbeing, and any inaction by the Council (related to risks to safety and wellbeing) would be a breach of our statutory duty and obligations.
  - 1.3.2 Significant reputational risk or where such an exemption is required to ensure continuity or to safeguard the Councils interests.
  - 1.3.3 Where there is genuinely only one approved supplier, such as for works of art, copy right material, or unique technology, where no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing down of the procurement.
  - 1.3.4 The selection of a supplier whose usage is a condition of a Grant funding approval.

- 1.3.5 The selection of a supplier on the instruction of a third party, providing the whole of the funding is met by the third party.
- 1.4 The agreement of the Procurement Manager must be sought prior to any action being taken except where the nature of the urgency and risk renders this impractical. Such instances must be reported at the earliest opportunity, retrospectively, to the Chief Finance Officer and Monitoring Officer and the relevant Executive Director following the incident.

### **Breach**

- 1.5 No Officer or Councillor may seek to actively avoid the application of these Rules.
- 1.6 Officers and Councillors must be aware that any non-adherence with these Rules is a breach of the Officer Code of Conduct / Member Code of Conduct and could result in disciplinary.
- 1.7 Service Directors are responsible for ensuring that their Commissioning Officers are made aware of the consequences of non-adherence and that they comply with these Rules.

### Reporting and Investigating Breaches

- 1.8 Any breach of, or non-adherence to, these Rules must, on discovery, be reported immediately to the Chief Finance Officer and the Monitoring Officer. The relevant Director or his/her designated representative shall complete the waiver process (detailed at paragraphs 7.1 to 7.3 above) outlining the reasons for the non-adherence and the steps taken to prevent a re-occurrence.
- 1.9 The relevant Director or his/her designated representative will be required to submit the form for sign off by the Chief Finance Officer and the Monitoring Officer.
- 1.10 Any such breaches will be reported to the Commissioning and Procurement Board setting out the number of non-adherence instances in the previous period and broken down by service and exceptional instance, following which all such notices reported to the Commissioning and Procurement Board shall be published retrospectively for information on the next Audit and Governance Committee agenda.
- 1.11 The Chief Finance Officer and Monitoring Officer shall consider whether each reported breach or non-adherence presents a significant risk of harm to the Council's interests and if satisfied that such risk exists, shall undertake any necessary investigation and report the findings to the relevant Director and the Chief Executive.
- 1.12 The Audit and Governance Committee shall be entitled to review these Procedure Rules and how they have been applied in practice and decide whether to recommend changes to Full Council for approval.

## Chapter 3 – Part 6

### Employment Procedure Rules

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#### General

- 1 Staff within the organisation are employed, appointed, designated or engaged on behalf of the whole Council and not by parts of the organisation or individuals.
- 2 The employment, appointment, designation or engagement of all staff will be in compliance with the law and any policies and practices of the Council.
- 3 Persons employed, appointed, designated or engaged by contractors under specific agreements or contracts are not staff of the Council, but are employees engaged by the contractor.
- 4 The Council will provide the necessary resources to support the appointed officer structure. Officers may be employees and other persons engaged on temporary contracts, consultancy arrangements or other appropriate terms.
- 5 Generally (except for certain senior staff appointments) the function of appointment and dismissal of and taking disciplinary action against a member of staff of the Council must be discharged on behalf of the authority by the Head of the Paid Service or by an officer nominated by him/her.

#### Recruitment and Appointment of Staff

- 6 Any candidate for any designation or appointment with the Council who knows that he/she is related to a Councillor or employee of the Council shall, when making application, disclose, in writing, that relationship to the Head of HR. A person who deliberately fails to disclose such a relationship shall be disqualified from designation or appointment and, if designated or appointed, shall be liable to dismissal.
- 7 Every Councillor and employee shall disclose to the Head of HR any relationship known to him/her to exist between him/herself and any person he/she knows is a candidate for a designation or appointment by the Council.
- 8 Any candidate for designation or appointment who directly or indirectly seeks the support of a Councillor or officer of the Council in any designation or appointment shall be disqualified and, if designated or appointed, shall be liable to dismissal. A Councillor shall not solicit for any person in respect of any designation or appointment with the Council but may give a written testimonial of a candidate's ability, experience or character.

- 9 Persons shall be deemed to be related to a candidate or officer if they are a spouse, partner (i.e. member of a couple living together) parent, parent-in-law, grandparent, child, stepchild, adopted child, grandchild, child of partner, brother, sister, uncle, aunt, nephew or niece or the spouse or partner of any of the preceding persons.
- 10 In the case of a dispute under paragraph 9 above about the status of a relationship in relation to an appointment, the Head of HR will rule and such ruling will be applied.
- 11 The Head of HR will ensure that the provisions of these Rules are reflected, as appropriate, in application forms or in any accompanying detailed procedures for each post, following advertisement.

### **Responsibility of the Corporate Policy Committee**

- 12 In addition to these rules, the responsibilities of the Corporate Policy Committee are set out in the Committee's Terms of Reference under the "Responsibilities for Functions" Section of this Constitution.
- 13 Subject to the provisions of these Rules, the Committee is responsible for hearing and determining appeals as set out in the Corporate Policy Committee terms of reference under the Council's employment-related policies. In determining these matters the Committee will have regard to the appropriate provisions of this procedure. The Committee may agree to discharge some of these functions through a Sub-Committee (particularly discipline of the Statutory Officers).

### **Appointment of Head of the Paid Service**

- 14 The appointment of Head of the Paid Service is subject to specific requirements as set out below.
- 15 Where the Council proposes to appoint to the Head of the Paid Service, the Corporate Policy Committee will oversee the arrangements for filling the vacancy.
- 16 The Corporate Policy Committee shall:
  - 16.1 draw up a statement specifying the duties of the officer concerned and any qualifications or guidelines to be sought in the person to be appointed
  - 16.2 where it is not proposed to appoint from existing employees, make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it
  - 16.3 make arrangements for a copy of the statement mentioned above to be sent to any person on request
  - 16.4 where a post has been advertised as required above, the Committee will select from the applications a short list of qualified candidates and will then interview those included in the short list.

- 17 Following the interview of candidates, the Committee will come to a view as to the most suitable person to recommend for the position.
- 18 The Committee must advise the Head of HR of:
  - 18.1 the name of the person in question
  - 18.2 any other particulars which the Committee consider are relevant to the appointment.
- 19 The Committee will recommend that person for appointment to the next meeting of the full Council or at a specially convened meeting of the Council. If the Council approve the recommendation, then a formal offer of appointment can be made.
- 20 Where following the interviews the Committee is of the view that there is no suitable candidate, it will re-advertise the post.
- 21 Where the Council does not approve the recommendation of the Committee, it shall indicate how it wishes to proceed.

#### **Other Chief Officers and Deputy Chief Officers**

- 22 The offer of appointment for:
  - 22.1 a statutory chief officer within the meaning of section 2(6) of the 1989 Act
  - 22.2 a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act or
  - 22.3 a deputy chief officer within the meaning of section 2(8) of the 1989 Act

must not be made by the appointor until the appointor has notified the Head of HR of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment.

#### **Dismissal of Head of Paid Service, Monitoring Officer and Chief Finance Officer**

- 23 Dismissal of the Designated Statutory Officers of the Council (the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer) (the 'DSOs') will be dealt with in accordance with the Investigation and Disciplinary Committee Terms of Reference above in **Chapter 2 – Part 4 – Committees**, together with the detailed guidance provided in the IDC Handbook which is included on the list of associated documents in **Chapter 7**. The requirements of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) and the Model Disciplinary Procedure and Guidance as set out in the JNC Conditions of Service Handbook will be followed in this regard.

**Political Assistants**

- 24 Where the Council decides to appoint political assistants it must do so in accordance with the requirements of the Local Government and Housing Act 1989 which
- (a) prohibits the making of an appointment to any post allocated to a political group until the authority have allocated a post to each of the groups which qualify for one;
  - (b) prohibits the allocation of a post to a political group which does not qualify for one; and
  - (c) prohibits the allocation of more than one post to any one political group.
- 25 The posts shall be filled from time to time in accordance with the wishes of a political group to which the post has been allocated.
- 26 The terms on which any person is appointed to or holds any appointment must be such as to secure that the annual rate of remuneration for the post is less than the relevant amount and that the appointment terminates at or before the end of the day in the appropriate year on which the authority holds the annual meeting.





# CHESHIRE EAST COUNCIL CONSTITUTION

**Remember to delete when complete**

| Date     | Version | Author      | Summary of amendments made  |
|----------|---------|-------------|---|
| 15.03.21 | 1       | J Barnes BB | Update  |
| 22.03.21 | 2       | J Barnes BB | Update s151 to CFO; check Glossary words/expressions are in the Constitution and update |
| 23.03.21 | 3       | D Brown CEC |   |

EDITION: April 2021

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## Chapter 4

### Codes and Protocols

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This part of the Constitution covers the following areas:

| Part | Title                         | Contents  |
|------|-------------------------------|---|
| 1    | Councillor Code of Conduct    | <p>This part sets out the ways in which Councillors must conduct themselves. It covers such things as:</p> <ul style="list-style-type: none"> <li>• General obligations</li> <li>• Registering and declaring interests</li> <li>• Pre-determination and bias</li> </ul>   |
| 2    | Officer Code of Conduct       | <p>This part sets the ways in which all employees of the Council must conduct themselves. It covers such things as:</p> <ul style="list-style-type: none"> <li>• The Values of the Council</li> <li>• The Council's Core Principles</li> <li>• The Council's Core Standards</li> <li>• Additional standards relevant to particular groups of employees</li> <li>• Guidance on compliance with the Code</li> <li>• Associated forms and referral points</li> </ul> |
| 3    | Councillor / Officer Protocol | <p>This Protocol is to guide Councillors and Officers in their relations with one another in such a way as to ensure the smooth running of the Council.</p>   |
| 4    | Planning Code of Conduct      | <p>An additional Code of Conduct for Councillors on Planning matters</p>  |
| 5    | Whistleblowing Policy         | <p>Although not a formal part of the Council's Constitution, it is considered useful to provide a link to the Whistleblowing Policy in this document.</p>   |

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## Chapter 4 – Part 1

### Councillor Code of Conduct

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- 1 Cheshire East Council has adopted this Code of Conduct to promote and maintain high standards of conduct and underpin public confidence in the authority and its Councillors and co-opted Members (referred to collectively in this Code as “Members”).
- 2 The Code has been adopted under the Localism Act 2011 and is based on the following core principles of public life:
  - 2.1 Selflessness
  - 2.2 Integrity
  - 2.3 Objectivity
  - 2.4 Accountability
  - 2.5 Openness
  - 2.6 Honesty
  - 2.7 Leadership
- 3 The Code sets out general obligations about the standards of conduct expected of Members and co-opted Members of the authority, together with provisions about registering and declaring interests.

#### General obligations

- 4 Whenever you are acting as a Member or co-opted Member of this authority you must act in accordance with the following obligations:

##### *Selflessness*

- 4.1 You must act solely in the public interest and must never use or attempt to use your position improperly to confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, friends or close associates.

##### *Integrity*

- 4.2 You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

*Objectivity*

- 4.3 When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
- 4.4 You should remain objective, listen to the interests of all parties appropriately and impartially and take all relevant information, including advice from the authority's officers, into consideration.
- 4.5 You should exercise independent judgement. Although you may take account of the views of others (including a political group), you should reach your own conclusions on the issues before you and act in accordance with those conclusions.

*Accountability*

- 4.6 You are accountable to the public for your decisions and you must co-operate fully with whatever scrutiny is appropriate to your office, including appropriate scrutiny by local residents.

*Openness*

- 4.7 You must be open and transparent where possible about your decisions and actions and the decisions and actions of your authority. You should be prepared to give reasons for those decisions and actions.

*Honesty*

- 4.8 You must declare any personal, pecuniary and non-pecuniary interests that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests as set out in Part 2 below.
- 4.9 You must only use or authorise the use of the authority's resources in accordance with the authority's requirements. You must, when using or authorising the use of such resources, ensure that they are used for proper purposes only. Resources must not be used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity in force from time to time.

*Leadership*

- 4.10 You must promote and support high standards of conduct when serving as a Member of the authority, by leadership and example, championing the interests of the community.



- 4.11 You should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in you.

### *Respect for Others*

- 4.12 You must treat others with courtesy. You should engage with colleagues and staff in a manner that underpins mutual respect and courtesy, essential to good local government.
- 4.13 You must not:
- (i) do anything which may cause your authority to breach any equality laws
  - (ii) compromise or attempt to compromise the impartiality of anyone who works for, or on behalf of, the authority
  - (iii) bully<sup>1</sup> any person, including other Councillors, officers of the authority or members of the public
  - (iv) intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings in relation to an allegation that a Member (including yourself) has failed to comply with his or her authority's code of conduct.

### Information

- 4.14 You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except<sup>2</sup> where:
- (i) you have the written consent of a person authorised to give it
  - (ii) you are required by law to do so

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<sup>1</sup> "Bullying" may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour and includes "cyber bullying". It may happen once or be part of a pattern of behaviour. It can be contrasted with the legitimate challenges a member may make in challenging policy or scrutinising performance. You may challenge others as to why they hold their views but must take care to raise issues in the appropriate forum and in an appropriate way. Ideas and policies may be robustly criticised but individuals should not be subject to unreasonable or excessive personal attack.

<sup>2</sup> It is your responsibility to ensure that any judgement you make in relying on any exception will stand up to rigorous objective scrutiny. In the case of any doubt advice should be sought from the Monitoring Officer or an independent qualified legal advisor.

- (iii) the disclosure is made to a professional third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person, or
  - (iv) the disclosure is reasonable, in the public interest; and made in good faith and in compliance with the reasonable requirements of the authority.
- 4.15 You must not prevent another person from gaining access to information to which that person is entitled by law.

#### Gifts and Hospitality

- 4.16 You must within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £100 which you have accepted as a Member from any person or body other than the Authority. The Monitoring Officer will place your notification on a public register of gifts and hospitality which will be made available on the Council's website.

### **Registering and Declaring Interests**

#### Registering and Declaring Interests – General Requirements

- 5 You must, within 28 days of:
- 5.1 the adoption of this Code
  - 5.2 taking office as a Member
  - 5.3 becoming aware of any new interest not already registered
  - 5.4 becoming aware of any change to any interest already registered
- notify the monitoring officer in writing of any disclosable pecuniary interest, or other type of interest as defined by this Code.
- 6 If you become aware of any such interest not already registered (or the subject of pending notification) during the course of any meeting of the authority at which you are in attendance then you must disclose the interest to the meeting, take the action required by the Code depending on the nature of the interest and notify the Monitoring Officer of the interest in accordance with the provisions of this Code.

#### Sensitive Interests

- 7 A 'sensitive interest' is described in the Localism Act 2011 as an interest the nature of which is such that the Member and the authority's Monitoring Officer consider that disclosure of the details of the interest could lead to the Member or a person connected with the Member being subject to violence or intimidation.
- 8 Where you consider that you have a sensitive interest, and the Monitoring Officer agrees, that part of the register recording that interest will not be published or made available for public inspection. A

declaration of interests must still be made at a meeting where relevant, but the sensitive information need not be disclosed.

#### Disclosable Pecuniary Interests

- 9 A [disclosable pecuniary interest is defined by statute](#) and is subject to change from time to time.
- 10 Unless dispensation has been granted, if you are present at any meeting of the authority and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting, you must leave the meeting while any discussion or voting on that matter takes place. You may not participate in any discussion of the matter at the meeting and you may not participate in any vote taken on the matter at the meeting.
- 11 You must not discharge or participate in the discharge of any function related to any matter in which you have a disclosable pecuniary interest.
- 12 Failure to comply with these requirements of the Code may amount to a criminal offence.

#### Other Interests – Personal Interests

- 13 In addition to disclosable pecuniary interests referred to above, you must also declare personal interests.
- 14 You have a personal interest in any business of the authority where the business of the authority relates to or is likely to affect any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority.
- 15 You will also have a personal interest in any business of the authority where the business of the authority relates to or is likely to affect any body exercising functions of a public nature, which is directed to charitable purposes or whose principle purposes includes influencing public opinion or policy where you are a member of that body or in a position of general control or management.
- 16 The Audit and Governance Committee may, from time to time, prescribe certain bodies the membership of which amounts to a personal interest.
- 17 You will also have a personal interest in any business of the authority where a decision in relation to that business might reasonably be regarded as affecting your wellbeing or financial position or the wellbeing or financial position of a relevant person to a greater extent than the majority of other Council tax payers, ratepayers, or inhabitants of the electoral division or ward, as the case may be, affected by the decision.
- 18 For the purposes of this Code, a relevant person is:
  - 18.1 a member of your family or any person with whom you have a close association, or

- 18.2 any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors, or
- 18.3 any person or body in whom such persons have a beneficial interest and a class of securities exceeding the nominal value of £25,000 or one hundredth of the total issued share capital of that body.
- 19 Unless your personal interest also amounts to a prejudicial interest, a disclosable pecuniary interest or pre-determination, you may remain in the meeting and take part in the debate and vote.

#### Other Interests – Prejudicial Interests

- 20 You will have a prejudicial interest if you have a personal interest in any business of the authority and where that personal interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business:
  - 1.1 affects your financial position or the financial position of a relevant person or body described in paragraph 14 or 15 above, or
  - 1.2 relates to the determination of any approval, consent, licence, permission or registration in relation to you or any relevant person or body described in paragraph 14 or 15 above.
- 21 Where you have a prejudicial interest, you may not participate in any discussion of the matter at the meeting or in any vote taken on the matter at the meeting. You are also required to leave the room where the meeting is taking place during the discussion and vote. However you may attend the meeting and make representations, answer questions or give evidence provided that the public are also allowed to attend the meeting for the same purpose and you leave the meeting immediately after having done so.

#### **Pre-Determination and Bias**

- 22 Separately from considerations as to personal, prejudicial or disclosable pecuniary interests, Councillors must be mindful of falling foul of the general obligations of this code by taking part in decisions where they are biased or have pre-determined the matter in question.
- 23 Simply put, a Councillor will be biased or will have pre-determined a matter if they have approached a matter with a closed mind. That is to say, if they have made up their mind on which way they will decide a matter before all of the relevant considerations are presented and debated in the appropriate decision-making forum.
- 24 Previous actions or statements of a Councillor will not be taken by themselves as proof of predetermination. A Councillor may be predisposed to a certain point of view, however notwithstanding any predisposition, Councillors need to be careful to ensure they approach

and, insofar as is possible, are seen to approach decisions with an open mind.

- 25 Particular scenarios to be mindful of are where a Councillor, in some other role, is seen to be a promoter or advocate for a proposal which later comes before them for decision. A risk arises when there has been significant personal involvement in preparing or advocating the proposal such that a Councillor may become or may be perceived by the public as being no longer able to approach the decision with an open mind.
- 26 If you feel that you have pre-determined a matter you should say so. You should not speak or vote on the proposal. You may, however, make representations on the proposal if a member of the public also has the right to do so. You are not legally obliged to withdraw from the meeting for the remainder of the debate and vote but in most circumstances doing so will counter any suggestion that you influenced the remaining Councillors by your continued presence. If you do not withdraw, as a minimum you must withdraw to the public area of the meeting room for the whole of the consideration of the matter, whether or not you are also exercising your right to speak.
- 27 If in any doubt you should seek advice from the Monitoring Officer.

#### Further Information

- 28 The Monitoring Officer, in consultation with the Chair of the Audit and Governance Committee, will publicise from time to time arrangements for [dealing with complaints made against Councillors](#) that their conduct has breached the requirements of this code. The Monitoring Officer will publicise from time to time a Monitoring Officer Protocol reflecting current trends in Councillor Conduct matters in order to provide guidance on how emerging or common issues will be approached.

#### **Dispensations**

- 29 The Audit and Governance Committee may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a prejudicial or disclosable pecuniary interest.
- 30 The following dispensations have been granted to all Councillors up to 28 September 2024:
  - (a) Any allowance, payment or indemnity given to Councillors;
  - (b) Any Ceremonial Honours given to Councillors;
  - (c) Statutory sick pay under Part X1 of the Social Security Contributions and Benefits Act 1992 where they were in receipt of or entitled to receive such pay;
  - (d) Setting the Council Tax or a precept under the Local Government Finance Act 1992 (or any subsequent legislation);

- (e) Setting a Local Council Tax Reduction Scheme or Local scheme for the payment of business rates (Including eligibility for rebates and reductions) for the purposes of the Local Government Finance Act 2012 (or any subsequent legislation);
- (f) School Meals or School Transport or Travelling expenses where the Councillor is a parent/guardian of a child in full time education or a parent governor (unless the matter relates specifically to the school the child attends);
- (g) To the extent that it may amount to a prejudicial or disclosable pecuniary interest, any allowance or other remuneration received from the Council in respect of Council duties or directorships of Council owned ASDVs; and
- (h) To allow Councillors to take part and vote on Community Governance Review matters in which they have disclosable pecuniary and prejudicial interests.

Extract from the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

- The following categories are Disclosable Pecuniary Interests
- “M” denotes the relevant Elected Councillor
- The regulations apply if the disclosable pecuniary interest is yours, your spouse’s or civil partner’s or is the pecuniary interest of somebody with whom you are living as a husband or wife or as if you were civil partners

| <i>Subject</i>                                    | <i>Prescribed description</i>  |
|---|--|
| Employment, office, trade, profession or vocation | Any employment, office, trade, profession or vocation carried on for profit or gain. |



|             |  |
|-------------|--|
| Sponsorship | Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a Member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(1). |
| Contracts   | Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—<br>(a) under which goods or services are to be provided or works are to be executed; and<br>(b) which has not been fully discharged.   |

| <i>Subject</i>      | <i>Prescribed description</i>  |
|---------------------|--|
| Land                | Any beneficial interest in land which is within the area of the relevant authority.  |
| Licences            | Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.   |
| Corporate tenancies | Any tenancy where (to M's knowledge)—<br>(a) the landlord is the relevant authority; and<br>(b) the tenant is a body in which the relevant person has a beneficial interest. |

Securities

Any beneficial interest in securities of a body where—

(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and  
(b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

## Chapter 4 – Part 2

### Officer Code of Conduct

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1. [Core Principles](#)
2. [Core Standards](#)
3. [3. Code of Conduct](#) Standards – Guidance
4. [Associated Forms and Referral Points](#)
5. [Code of Conduct – Matrix of Regulations and Standards Relevant to Specific Directorates](#)
6. [Cheshire East Core Values “FIRST Framework”](#)

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**1. Core Principles**

- 1.1 The following core principles underpin the concept of public service and apply to all employees of the Council regardless of the nature of the job they do:

**SELFLESSNESS**

Employees should take decisions solely in the terms of the public interest. They should not do so nor use their position in order to gain financial or other material benefits for themselves, their family or their friends.

**INTEGRITY**

Employees should not place themselves under any financial or other obligations to outside individuals or organisations that might influence them in the performance of their official duties.

**OBJECTIVITY**

In carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits, employees should make decisions on merit.

**ACCOUNTABILITY**

Employees are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**OPENNESS**

Employees should be as open as possible about all decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it.

**HONESTY**

Employees have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**RESPECT FOR OTHERS**

Employees must treat other people with respect and not discriminate unlawfully or unfairly against any person. They must treat Councillors and other co-opted Members of the authority professionally.

## TRUST

Employees must, at all times, act in accordance with the trust that the public is entitled to place on them. Employees must use any public money or service users' money entrusted to or handled by them, in a responsible and lawful manner and not make personal use of the Council resources unless properly authorised to do so.

## LEADERSHIP

Employees should promote and support these principles by leadership and example.

- 1.2 The Code of Conduct principles operate within the overall framework of the Core Values. Our Values for Cheshire East are depicted by the acronym FIRST (explained further in Section 6 of this document).

### 2. Core Standards

- 2.1 Our residents and customers, the general public, are entitled to expect the highest Standards of Conduct from us. The aim of this Code is to tell you about the standards which are expected and to help you avoid any misunderstanding or criticism.

- **Gifts and Hospitality**
- **Sponsorship**
- **Use of Financial Resources**
- **Use of Council Facilities**
- **Intellectual Property**
- **Political Neutrality**
- **Other Employment and External Activities**
- **Financial and Non-Financial Interests**
- **Relationships**
- **Appointments and Other Employment Matters**
- **Tendering and Contracts**
- **Private Use of Firms Dealing With The Council**
- **Disclosure of Information**



- **Compliance with the Code and Confidential Reporting**

- 2.2 You should also be aware of and abide by Service specific Standards or Regulations, especially when working with vulnerable adults and children or working in a school. The rules within the Standards of Conduct, for staff in Community Services, for example, if you are offered a gift, are much stricter than those included in this standard Code of Conduct.
- 2.3 Please liaise with your Manager who should refer you to the appropriate Standards. At the end of the Code of Conduct Guidance notes, you will also find a matrix to help sign post you to other relevant Standards.

### **3. Code of Conduct Standards – Guidance**

#### **Gifts and Hospitality**

- 3.1 If we accept gifts from people who are or may be dealing with the Council, the Council and its employees could be open to criticism. If you are declining hospitality please do so courteously and explain that the Council's rules do not allow you to accept.
- 3.2 You must refuse offers of hospitality where suggestions of improper influence is possible. Employees must be sensitive to the timing of any decisions being made between the Council and third party.
- 3.3 You should only accept hospitality where it is on a scale appropriate to the circumstances, and where it is apparent that no cause could reasonably arise for adverse criticism about the acceptance of the hospitality. Hospitality is usually acceptable when the invitation is corporate not personal.
- 3.4 Whatever gift/hospitality is provided to you, other than hospitality of nominal value only such as drink or small items of stationery, you should report the circumstances and the type of hospitality to your Head of Service. Small insignificant gifts of a value of less than £100, such as pens, diaries, calendars, mouse mats or mugs, may be accepted. However, in the case of those working in social care, no gift, however little the value, should be accepted in any circumstances.
- 3.5 It is a serious criminal offence to corruptly receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

**! If you are presented with a gift or offer of hospitality you must seek authorisation in advance, where possible, from your Head of Service, who will record every request on the relevant form.  
(Consider the decision checklist in section 4 of the Guidance Notes)**

- 3.6 All employees are required to complete an annual declaration of interest return, even if this is to confirm that they have nothing to declare, and then to report issues as and when they occur.

### **Sponsorship – Giving and Receiving**

- 3.7 If an organisation wants to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic rules about accepting gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 3.8 If the Council sponsors an event or service, you or anyone connected with you may not benefit from the sponsorship. Similarly, if the Council, gives financial support in the community, please ensure that impartial advice is given and that you have no conflict of interest.

**! You must inform your Head of Service of any personal interest you may have and complete a declaration of interest form.**

### **Use of Financial Resources**

- 3.9 You must ensure that you use public funds entrusted to you in a responsible and lawful manner. Please try to ensure value for money to the local community and to avoid the risk of legal challenge to the Council.

**! Employees must follow Standing Orders, Financial Regulations and operating procedures and advise management where they consider changes can be made to increase value for money.**

### **Use of Council Facilities**

- 3.10 At work you have access to facilities which include office equipment, computers, stores, transport etc. These facilities are provided purely for work and you must not use them for your own purposes.
- 3.11 There are certain minor exceptions to these rules - the use of telephones, fax machines and photocopiers on an incidental basis in line with our policies.

### **Telephones**

- 3.12 Ideally, private telephone calls should not be made or received. In practice, you may need to make or receive essential calls but these should be kept to a minimum and costs reimbursed to the Council, unless it is an emergency.

### **Fax machines and photocopiers**

- 3.13 If necessary, personal fax messages may be despatched to locations within Great Britain. Photocopies of personal documents (up to a

maximum of 10 copies at any one time) may be taken and costs reimbursed to the Council.

**! Costs must be reimbursed to the relevant person using the Council's reimbursement process.**

### **Intellectual Property**

- 3.14 Intellectual property means creative products, for example inventions, designs, trademarks, patents, creative writings, programmes and drawings (referred to in short as 'inventions'). It will normally be the case that the ownership of all 'inventions' and the copyright of all written material created during work for the Council, belong to the Council.

**! This is a complex area, further guidance must always be sought from Legal Services in any particular case.**

### **Political Neutrality**

- 3.15 Employees work for the Council as a whole. You must therefore work for all the Councillors and not just those of any controlling group or particular political party.
- 3.16 You must follow every lawful policy of the authority and must not allow your own personal or political opinions to interfere with your work.
- 3.17 Certain employees hold politically restricted posts (PoRPs). If your job is politically restricted, you will be notified. You are disqualified from membership of any council, other than a parish or community Council, from being an MP or canvassing on behalf of candidates.

**! Employees who are politically restricted must observe the restrictions imposed. A register of PoRPs is maintained by HR.**

### **Other Employment and External Activities**

- 3.18 As a general rule you must not undertake any type of private work which conflicts with the Council's interests or prevents you from fulfilling the terms of your employment contract.
- 3.19 If you are above NJC Grade 7 or equivalent, you must obtain the consent of your Head of Service before you do private work.
- 3.20 Whether or not you need to obtain consent before doing private work, you must not:
- 3.20.1 do private work during working hours nor on the Council premises nor use Council equipment

- 3.20.2 undertake any private work which prevents you from carrying out your duties with the Council or including any requirements to do contractual overtime
- 3.20.3 undertake private work for any person, firm or company if it will involve the Council
- 3.20.4 prepare or assist with any applications, for example, planning or building, in any private capacity if you deal with these normally
- 3.20.5 access Council Services, for example, if you want to make a planning application personally, unless you declare your employment in writing, in a covering letter with your application and submit this via your line manager
- 3.20.6 undertake private work that needs approval or consent from the Council
- 3.20.7 undertake private work for any person, firm or company who have a contractual relationship with or who are commissioned by the Council for any type of work
- 3.20.8 undertake private work for another employee responsible for supervising you or whom you supervise, or for a Councillor.
- 3.21 Employees must ensure they understand and can comply with both Working Time and Health and Safety regulations before considering other employment.

**! Employees must seek consent from their line manager before undertaking other work. All employees must declare an interest where a conflict may arise.**

- 3.22 All employees are required to complete an annual declaration of interest return, even if this is to confirm that they have nothing to declare, and then to report issues as and when they occur.

### **Financial and Non-Financial Interests**

- 3.23 The Local Government Act 1972, section 117, requires you to disclose any direct or indirect financial interest in any contract involving the Council. Failure to declare the interest may be a criminal offence.
- 3.24 If you have any direct or indirect interest in an organisation or company that is doing business with the Council, which you think conflicts with your job role, then you should inform your Head of Service.
- 3.25 You may have a conflict of interest even if you have no financial interest. For instance, relationships might be seen to influence judgements and give the impression of a personal motive e.g. a Council employee who is an Honorary Officer of an Association and who is

involved in dealing with an application for a grant by the Association. In such a case, again you should inform your Head of Service.

- 3.26 Employees are able to act as a Member of another council (provided they do not have a PoRP), a school governor, or member of a community organisation but must declare their interest if any potential conflict arises.
- 3.27 If, in connection with his/her employment with the Council, an employee uses his/her relationship with an organisation for his/her own or someone else's personal or financial gain, he/she will be regarded as being in breach of this Code of Conduct.
- 3.28 Employees who are members of other associations or bodies that have dealings with the Council should declare their interest, if there is any potential conflict.
- 3.29 Employees who during the course of attending a meeting believe they that may have a conflict with an item on the agenda should advise the Chair and leave the meeting for all or part of the meeting as appropriate.

**! Declare an interest on the Declaration form if there is a potential conflict.**

- 3.30 All employees are required to complete an annual declaration of interest return, even if this is to confirm that they have nothing to declare, and then to report issues as and when they occur.

## **Relationships**

### **3.31 Councillors**

- 3.31.1 Mutual respect between employees and Councillors is essential. Close personal familiarity between employees and individual Councillors can damage this relationship. You must be professional at all times and not allow your work and private interests to conflict.

### **3.32 The Local Community and Service Users**

- 3.32.1 You should always remember your responsibilities to the Community and give efficient and impartial service to all groups and individuals within that community as defined by the policies of the Council.

### **3.33 Contractors**

- 3.33.1 If you have a business or private relationship with external contractors or potential contractors you should tell your manager. Orders and contracts must be awarded on merit, by fair competition against other tenders and no special favour should be shown to businesses run by, for example, friends,

partners or relatives in the tendering process. No part of the local community should be discriminated against.

- 3.33.2 If you engage or supervise contractors or work with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, you should declare that relationship to the appropriate manager.

**! Declare an interest on the Declaration form if there is a potential conflict and do not take part in any related tendering or contract award processes.**

### **Appointments and Other Employment Matters**

- 3.34 If you are involved in the recruitment and selection of employees, appointments should be made on the basis of merit and in accordance with our Recruitment and Selection Policy and Procedures obtainable from HR. To avoid any possible accusation of bias, you should not be involved in an appointment where you are related to an applicant, or have a close personal relationship outside work with him or her.
- 3.35 Similarly, you should not be involved in decisions about discipline, promotion or pay adjustments for any employee who is a relative, partner etc.

**! Declare an interest on the Declaration form if there is a potential conflict.**

### **Tendering and Contracts**

- 3.36 During the Tendering process, if you are involved in the 'in-house' bid (except Executive Directors and, apart from when their own service is tendered, legal, financial and professional advisers) you must not at the same time be involved in certain client tasks e.g. selecting tenderers. You should seek guidance from your Head of Service as to how the tendering process is to be conducted and how the 'in-house contractor' and client responsibilities are to be discharged.
- 3.37 Employees working for 'in-house' contractors or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 3.38 If you are privy to confidential information on tenders or costs for either internal or external contractors you should not disclose that information to any unauthorised party or organisation.
- 3.39 If you are responsible for selecting contractors to tender or supply quotations, you should ensure that you are not also responsible for the receipt and opening of the tender or quotation except where the sums involved are minor.



**! Refer to the appropriate Corporate Procurement rules and guidance.**

### **Private Use of Services of Firms Dealing with the Council**

- 3.40 You should be cautious when using the services of firms you know have dealings with the Council. You should ensure that the goods or services bought from such firms are at a price readily available to the general public. This is a difficult and sensitive area. Please try to avoid offending anyone and if necessary, explain the Council's policy.
- 3.41 If you think that any offer of preferential terms is designed to promote a firm's interest, you should not deal with the firm.
- 3.42 You should not use your position with the Council to obtain a discount. However, you may purchase goods at discount terms under a scheme or arrangement which applies to e.g. your trade union.

**! If you require further guidance please refer to the Corporate Procurement Team.**

### **Disclosure of Information**

- 3.43 You must not:
- 3.43.1 use information about work which is confidential, for personal gain or benefit or pass it on to others who might use it in this way.
  - 3.43.2 give information to the media unless you are authorised to do so.
  - 3.43.3 disclose confidential information to someone else, unless it is a request from an approved source, e.g. HMRC, Department of Social Security and, where authorised, from bank managers or building societies. It is normal practice to ask the person requiring the information to put their request in writing use advance knowledge of a Council decision, particularly about investment decisions or proposed developments to benefit yourself or someone else.

### **Data Protection Act (Disclosing Information)**

- 3.44 You must use personal data in accordance with the Data Protection Act and GDPR. For example, the data must be held only for specified and lawful purposes and must not be used or disclosed for any other purposes.

**! If you are unsure please seek guidance from the Data Protection Officer or Communications Team, depending on the nature of the request.**

### Compliance with the Code

- 3.45 It is important that local government employees are exemplary in their conduct at work. Non-compliance with this Code will be dealt with in accordance with our Disciplinary Code.
- 3.46 Employees who consider other employees to be guilty of misconduct must report this to their line manager or raise it through one of the other available procedures e.g. grievance.
- 3.47 Employees must not treat employees who report (or who intend to report or are suspected of reporting) potential misconduct any less favourably than other employees.
- 3.48** If, in some instances, the employee cannot make use of the existing procedures for any reason then they should raise complaints or genuine matters of concern with the relevant person through the **Whistle Blowing Policy**.

**! This code is reviewed annually. Employees should therefore ensure they regularly familiarise themselves with the Code and its Guidance Notes.**

### 4. Associated Forms and Referral Points

- 4.1 The forms can be found on the HR website under the Code of Conduct.

| Name                             | Action taken by              | Refer to    |
|----------------------------------|------------------------------|-------------|
| Declaration of interest form     | Employee to Head of Service  |             |
| Ext. Gifts/Hosp/Sponsorship form | Employee to Head of Service  |             |
| Reimbursement of Costs           | Employee to Business Support |             |
| Register of PoRP                 | N/A                          | HR          |
| Whistle Blowing Policy           | N/A                          | HR intranet |

### Checklist for Assessing Potential Conflict – Gifts and Hospitality

- 4.2 Employees should consider the following Checklist:
- 4.2.1 Have you obtained the prior approval of your Director?
- 4.2.2 Is the donor, or the event, significant in the community or in the Council's area?
- 4.2.3 Are you expected to attend because of your position in the Authority?
- 4.2.4 Will the event be attended by others in the Authority or in other Authorities?

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- 4.2.5 Have you considered the motivation behind the invitation?
- 4.2.6 Would the acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future matter involving this Council?
- 4.2.7 Could you justify the decision to the Council, press and public?
- 4.2.8 Is the extent of the hospitality or the nature of the gift reasonable and appropriate?
- 4.2.9 How will you respond to the hospitality?

## **5. Code of Conduct – Matrix of Regulations and Standards Relevant to Specific Directorates**

- 5.1 In determining acceptable standards, employees are asked to familiarise themselves not only with those included in the Code of Conduct but also those included in Service specific Codes, corporate policies or operational procedures used by their own Services.

**! You will find an up-to-date list of those documents on the Human Resources section of the Centranet.**

## **6. Cheshire East Core Values “FIRST Framework”**

- 6.1 Values are the things in life that we consider to be important. In relation to work, values are what give purpose to our jobs; guiding our behaviours and the decisions we take. Values underpin the culture of our authority and the way we conduct ourselves at work.
- 6.2 Putting Residents First is about really listening and understanding what residents and businesses need and responding appropriately to provide the best possible Service.
- 6.3 This requires **Flexibility**, which means us all adapting quickly to changing circumstances and learning together from our experiences.
- 6.4 **Innovation** is about us being creative in our thinking and the way we approach our work and challenging convention where this no longer seems appropriate.
- 6.5 Taking personal **Responsibility** is at the heart of our values in delivering what we promise, and ensuring efficient use of resources, whether this is our people, funding, processes, information or technology.
- 6.6 **Service** ensures that we listen and respond appropriately enabling others to be empowered, independent and self-reliant.
- 6.7 Bringing this together is **Teamwork**, respecting and working well with others to collectively achieve the best outcomes for residents and communities.

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## Chapter 4 – Part 3

### Councillor / Officer Protocol

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#### Introduction and Principles

- 1 The purpose of this Protocol is to guide Councillors and Officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council.
- 2 Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It simply offers guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other circumstances.
- 3 This Protocol seeks to promote greater clarity and certainty. If the Protocol is followed it should ensure that Councillors receive fair treatment, objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Councillors.
- 4 It also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Councillors and Officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes, therefore, demand very high standards of personal conduct.
- 5 This Protocol is a local extension of the Councillors' and Employees' Codes of Conduct. Consequently, a breach of the provisions of this Protocol may also constitute a breach of those Codes.
- 6 This Protocol should be read in conjunction with the Councillors' and Officers' Codes of Conduct, the Council's Constitution and any guidance issued by the Audit and Governance Committee and/or Monitoring Officer.

#### **Allegations of Councillor or Officer Misconduct: Responses by Councillors or Officers as appropriate**

- 7 In a situation where a Councillor identifies that an Officer may have committed a breach of the Council's disciplinary rules and procedures, s/he shall draw the issue to the attention of the Chief Executive (Head of Paid Service) who will ensure that the appropriate action is taken. Thereafter the Councillor should not discuss or disclose the matter with any other person.
- 8 In respect of an Officer who believes a Councillor has breached the Councillors' Code of Conduct, they should:
  - 8.1 not offer any opinion or judgement upon that conduct to the Councillor

- 8.2 they must advise the Monitoring Officer immediately of the circumstances, facts, their belief and the rationale behind it, including supplying all and any documentation, and
  - 8.3 they should not comment further on the issue to any other Officer or Councillor without the prior consent of the Monitoring Officer.
- 9 These provisions are to protect both the Councillor and Officer, avoid Officers and Councillors from becoming unduly involved in allegations of misconduct at an inappropriate level or in inappropriate fora, and to ensure that any investigation that may need to be carried out by the Monitoring Officer or other agency, is not in any way fettered or damaged.

### **The Relationship: General Points**

- 10 Both Councillors and Officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Councillors and the Council, and to carry out the Council's work under the direction and control of the Council, the committees and subcommittees.
- 11 At the heart of the Code, and this Protocol, is the importance of mutual respect.
- 12 Councillor / Officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between Councillors and Officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.
- 13 Inappropriate relationships can be inferred from language / style. To protect both Councillors and Officers, Officers should address Councillors as "Councillor XX / Mr or Madam Mayor/Chair" save where circumstances clearly indicate that a level of informality is appropriate, e.g. a one to one between a Head of Service and their respective Committee Chair.
- 14 A Councillor should not raise matters relating to the conduct or capability of an Officer in a manner that is incompatible with the objectives of this Protocol. This is a long- standing tradition in public service. An Officer has no means of responding to such criticisms in public. If a Councillor feels s/he has not been treated with proper respect, courtesy or has any concern about the conduct or capability of an Officer, and fails to resolve it through direct discussion with the Officer, s/he should raise the matter with the respective Head of Service. The Head of Service will then look into the facts and report back to the Councillor.
- 15 If the Councillor continues to feel concern, then s/he should report the facts to the Director who heads the Directorate concerned, or if, after doing so, is still dissatisfied, should raise the issue with the Chief



Executive who will look into the matter afresh. Any action taken against an Officer in respect of a complaint, will be in accordance with the provisions of the Council's Disciplinary Rules and Procedures.

- 16 An Officer should not raise with a Councillor matters relating to the conduct or capability of another Officer or department. Such concerns should be raised through appropriate officer reporting lines.
- 17 Where an Officer feels that s/he has not been properly treated with respect and courtesy by a Councillor, s/he should raise the matter with his/her Head of Service, Director or the Chief Executive as appropriate, especially if they do not feel able to discuss it directly with the Councillor concerned. In these circumstances the Head of Service, Director or Chief Executive will take appropriate action either by approaching the individual Councillor and/or group leader/whip or by referring the matter to the Monitoring Officer.

### **The Relationship: Officer Support to Councillors: General Points**

- 18 Officers are responsible for day-to-day managerial and operational decisions within the authority and will provide support to both the Committees and individual Councillors.
- 19 Certain statutory officers – the Chief Executive, the Monitoring Officer and the Chief Financial Officer – have specific roles. These are addressed in the Constitution. Their roles need to be understood and respected by all Councillors.
- 20 The following key principles reflect the way in which the officer core generally relates to Councillors:
  - 20.1 all officers are employed by, and accountable to the authority as a whole
  - 20.2 support from officers is needed for all the authority's functions including Full Council, Committees, Scrutiny, individual Councillors representing their communities, etc.
  - 20.3 day-to-day managerial and operational decisions remain the responsibility of the Chief Executive and other officers
  - 20.4 the authority will seek to avoid potential conflicts of interest for officers arising from the separation of the Scrutiny role and Committees, and
  - 20.5 all officers will be provided with training and development to help them support the various Councillor roles effectively and to understand the new structures.
- 21 On occasion, a decision may be reached which authorises named Officers to take action between meetings following consultation with a Councillor or Councillors. It must be recognised that it is the Officer, rather than the Councillor or Councillors, who takes the action and it is the Officer who is accountable for it.

- 22 It is important that all Councillors, in exercising their functions as a Councillor, take appropriate legal, financial and professional officer advice, particularly about contractual matters. In order to ensure the highest standards of conduct are maintained at all times in relation to this important area of the Council's functions, additional guidance on Best Practice for Councillor Conduct during a Procurement Exercise is laid out in Appendix.
- 23 Generally, all Councillors should consider, when invited to / attending a meeting, whether or not minutes should be taken and/or an officer should be present. It is a matter for Councillors' judgement whether this is necessary / appropriate, but factors such as whether any commitment is likely to be given on behalf of the Council and/or whether any complex financial, legal or procurement issues may be discussed will be relevant in deciding that. In such situations, Councillors are generally recommended to have an officer present and to ensure that contemporaneous minutes are taken and, where appropriate, shared with the other parties present to ensure that an accurate record is maintained. It will, however, be a case of judgement on each and every occasion as to how and when this principle is applied.
- 24 Finally, it must be remembered that Officers within a Service are accountable to their Head of Service and Director and that whilst Officers should always seek to assist a Councillor, they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Head of Service or Director.

### **The Relationship: Officer Support: Councillors and Party Groups**

- 25 It must be recognised by all Officers and Councillors that in discharging their duties and responsibilities, Officers serve the Council as a whole and not any political group, combination of groups or any individual Councillor.
- 26 There is now statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups but must at all times maintain political neutrality. All Officers must, in their dealings with political groups and individual Councillors, treat them in a fair and even-handed manner.
- 27 The support provided by Officers can take many forms. Whilst in practice such Officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support is available to all party groups
- 28 Certain points must, however, be clearly understood by all those participating in this type of process, Councillors and Officers alike. In particular:

- 28.1 officer support must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if Officers are not present at meetings or parts of meetings, when matters of party business are to be discussed
  - 28.2 party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such, and
  - 28.3 similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Committee or Sub-Committee when the matter in question is considered.
- 29 Special care needs to be exercised whenever Officers are involved in providing information and advice to a party group meeting which includes persons who are not Councillors. Such persons are not bound by Codes of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons, Officers may not attend and/or give advice to such meetings.
  - 30 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group.
  - 31 Whilst any Councillor may ask a relevant Head of Service, Director or the Chief Executive for written factual information about a Directorate or service, such requests must be reasonable and not seek information relating, for instance, to case work of a similar nature, e.g. Social Services, employment, etc. Requests will be met subject to any overriding legal considerations (which will be determined by the Monitoring Officer), or if the recipient of any request considers the cost of providing the information requested or the nature of the request to be unreasonable. If a Councillor requesting such information is dissatisfied by such a response, s/he should raise the matter in the first place with the relevant Director, and if still dissatisfied should raise the matter with the Chief Executive who will discuss the issue with the relevant Group Leader(s).
  - 32 Requests for information about generic group employee matters such as Service structures, the overall cost of service provision for a group of employees etc. should be considered in the normal way as set out above. Heads of Service, Directors or the Chief Executive should ensure that any information supplied does not contain any personal information (within the meaning of the data Protection Act 1998) relating to individual employees such as salary, grade, Trade Union affiliation etc.

- 33 Requests for personal information about specific employees or where the group of employees is so small that individual employees personal details are likely to be revealed should only be considered where a Councillor has a demonstrable need for such detailed personal information in order to carry out the business of the Council and they could not carry out that business without the information being supplied in a redacted form. Any such request must be accompanied by the Councillors reasons for requiring the information and must be forwarded to the Head of HR for determination (following consultation with the Council's Data Protection Officer and / or Monitoring Officer as appropriate).
- 34 All information held by the Council, in whatever form, is confidential to the Council unless and until such confidentiality is waived by the Proper Officer and subject to the requirements of the Data Protection Act 1998. Officers and elected Councillors are responsible for ensuring that personal information and data is only handled and processed in accordance with the provisions of the Act and to familiarise themselves with their obligations under the Act accordingly. Officers or Councillors who require advice or assistance in relation to their duties under the Data Protection Act 1998 should take advice from the Monitoring Officer.
- 35 In relation to budget proposals:
- 35.1 the Administration shall be entitled to confidential information / discussions with Officers regarding options and proposals. These will remain confidential until determined by the Administration or until published in advance of Committee / Council meetings, whichever is the earlier; and
- 35.2 the opposition groups shall also be entitled to confidential information / discussions with Officers to enable them to formulate alternative budget proposals. These will remain confidential until determined by the respective opposition groups or until published in advance of Committee / Council meetings, whichever is the earlier.
- 36 As part of the Budget process, Officers may be called upon to give advice on budgetary proposals, wherever they may emanate from (once political confidentiality has been lifted). This is in addition to the "normal" rights that any Councillor has to seek advice "in confidence" from Officers. In addition, Officers may feel it appropriate to offer advice to individuals, groups or all Councillors. In doing so, they should be aware of the need to remain impartial. It is appropriate and indeed, in certain circumstances, necessary that as a matter of professional judgement, if a proposed course of action is imprudent, that Officers should advise the Councillors of the Authority that this is so. It would, however, be for the Officer to decide how and when to do so, subject to the general rules outlined in paragraph 33 below. This is without prejudice to issues of legality and financial administration which are covered by specific duties placed on the Chief Financial Officer and Monitoring Officer.

- 37 In view of the need to ensure that the professional integrity of Officers is not impugned, deliberately or inadvertently, the following principles will be applied (although they may be departed from by the Chief Executive, Monitoring Officer or Chief Financial Officer as and when appropriate given their specific statutory duties):
- 37.1 any advice or information provided to any Councillor(s) in writing will be marked 'strictly confidential, signed and dated by the responsible Officer
  - 37.2 occasionally, such advice / information will be provided to the Group Leaders,
  - 37.3 Group Leaders and Councillors who received such advice will treat such advice as strictly confidential to the Council and will ensure that, such advice is not further disseminated without approval of the Monitoring Officer. If such advice is further shared or disseminated within their groups, their groups understand that the advice is confidential to the Council and not to be disclosed further under any circumstances
  - 37.4 Officers will also provide, as appropriate, briefings for either Group Leaders and/or all Councillors as requested by the Group Leaders and/or determined by the Chief Executive, Chief Financial Officer and/or Monitoring Officer prior to the Budget on any particular issues or matters which those Officers, as a matter of professional judgement, consider should properly be drawn to Councillors' attention.
- 38 The over-riding obligation will be to ensure that the integrity of the administration of public affairs is maintained. The prime responsibility of Officers in the matter of any challengeable decision arises in advising Councillors before decisions are reached. It is incumbent, in these circumstances, for Councillors to be fully advised on the legal and financial consequences of any proposed course of action.
- 39 It must not be assumed by any party group or Councillor that any Officer is supportive of any policy or strategy developed because of that Officer's assistance in the formulation of that policy or strategy.
- 40 Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

#### **The Relationship: Officer Support: Committee Chairs**

- 41 It is clearly important that there should be a close working relationship between Committee Chairs and Officers who support and/or interact with them. Officers and Councillors should in accordance with best practice, meet to discuss agendas and reports in advance of agendas being published.

- 42 However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Councillors and other party groups.
- 43 Whilst Committee Chairs will routinely be consulted as part of the process of drawing up proposals for consideration or the agenda for a forthcoming meeting, it must be recognised that in some situations an Officer will be under a professional duty to submit a report. Similarly, a Head of Service or other senior Officer will always be fully responsible for the contents of any report submitted in his/her name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. This is to be distinguished from a situation where there is a value judgement to be made. Any issues arising between a Committee Chair and a Head of Service in this area should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.
- 44 Committee Chairs and Vice Chairs will:
- 43.1 lead the policy formation process with input and advice from Scrutiny Committees and any other persons as appropriate
  - 43.2 lead the preparation of the Council's budget
  - 43.3 take in-year decisions on resources and priorities, together with other stakeholders and partners in the local community, to deliver and implement the budget and policies decided by the Full Council; and
  - 43.4 be the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- 45 Where functions are delegated to Officers, Committees will nevertheless remain accountable to the Council for the discharge of those functions.
- 46 Committee Chairs must satisfy themselves that they are clear what exactly they can and cannot do.
- 47 The Council has put in place mechanisms / protocols which ensure that its Committees and Sub-Committees seek advice from relevant Officers before taking a decision. This includes taking legal advice, financial advice and professional officer advice (particularly about contractual matters) as well as consulting the Monitoring Officer where there is doubt about vires.
- 48 Guidance has been provided for all Councillors regarding discussions with potential tenderers / contractors / sub-contractors during the course of a procurement exercise.
- 49 Councillors should always be aware of legal and financial liabilities (consulting the Monitoring Officer and Chief Financial Officer as appropriate) which will arise from their decisions. To ensure effective leadership for the Council and the communities it serves, there are



arrangements to ensure co-ordination of and sharing responsibility for decisions including those made by individuals.

- 50 Officers will continue to work for and serve the local authority as a whole.
- 51 Councillors must respect the political neutrality of the Officers. Officers must ensure that, even when they are predominantly supporting the Committee Chairs, that their political neutrality is not compromised.
- 52 In organising support for Councillors, there is a potential for tension between Directors/Senior Officers and Committee Chairs. All Councillors and Officers need to be constantly aware of the possibility of such tensions arising and both Officers and Councillors need to work together to avoid such tensions and conflicts existing or being perceived.

### **The Relationship: Officer Support**

- 53 In relation to the actions of Councillors or Officers, this is the Chief Executive's function alone in relation to staff, and the Monitoring Officer's and Audit and Governance Committee as regards the conduct of Councillors. This means:
  - 52.1 Committee questioning should not be directed to the conduct of individuals, and should be about the sense of establishing the facts about what occurred in the making of decisions or implementing of Council policies, but without the implication of allocating criticism or blame
- 54 Complaints by individuals (Councillors, Officers or members of the public) should be dealt with through the correct procedures. These are internal, e.g. the Corporate Complaints Procedure, and external / statutory, e.g. Local Government Ombudsman or appeal to the Courts
- 55 It would be unfair to invite someone to appear before a Panel without telling them in general terms what they will be asked, or not giving them adequate time to prepare. Committees ought to provide written questions (or indicative topics) beforehand, so that the answers can form the basis of the questioning and discussion. In addition, speakers ought to be told the general line that further questioning is likely to take. Questioning should not stray outside the subject area that the body had previously indicated.
- 56 Committees are, however, entitled to the following:
  - 56.1 the level and extent of questioning, and the depth to which Councillors may probe Officers is dependent upon the seniority of the Officers present – accordingly when calling Officers to give evidence, Councillors may wish to consider the level and nature of the Officer they wish to have before them in the light of the line of questioning they wish to follow
  - 56.2 Officers may be asked to give a professional opinion, and Officers may be asked to give alternative options. Officers may not confine themselves solely to justifying either the position of or the advice

that they gave to the Committee, although in giving options, it is to be expected that they will explain the rationale for the advice that they gave and if the advice given to the Committee reflects, in their professional opinion, the best option, to justify that

57 Officers are expected:

- 57.1 to maintain political impartiality at all times when commenting on policies and actions
- 57.2 to be prepared to explain and justify advice given to Councillors, and the Council prior to decisions being taken and to justify decisions they themselves have taken under the Scheme of Delegation
- 57.3 to ensure that an Officer of sufficient seniority appears before the relevant meeting in the light of the indicative topics supplied by Scrutiny in advance
- 57.4 where requested to provide information e.g. on alternative options. to provide that information in a comprehensive and timely fashion
- 57.5 to respond to questions from Councillors in an open, constructive and helpful manner
- 57.6 not to mislead or be economical with the truth.

### **Support Services to Councillors and Party Groups**

- 58 The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photo-copying, transport etc.) to Councillors is to assist them in discharging their role as Councillors. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

### **Councillors' Access to Information and to Council Documents**

- 59 Councillors have the ability to ask for information pursuant to their legal rights to information. This right extends to such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as a Councillor. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Head of Service or another senior Officer of the Service concerned. Requests for employee related information (whether group of employees or individual employees) must be treated in accordance with paragraphs 5.8 to 5.10 above. In cases of doubt, Councillors should approach the Monitoring Officer for assistance.
- 60 As regards the legal rights of Councillors to inspect Council documents, these are covered partly by statute and partly by the common law.

- 61 Councillors will find set out in [Appendix](#) guidance on their rights to obtain information. The law in this area is complex, legislation including the Access to Information provisions of the Local Government Act 1972, the Data Protection Act 2018, Human Rights Act 1998 as well as the Local Government Act 2000 have all had an impact. However, the Freedom of Information Act 2000 will have an even greater impact, and could potentially provide Councillors with a single route through which to obtain information in support of their work, whatever their role within the authority. The guidance note set out in [Appendix](#) maps the hierarchy of rights of Councillors to information, but should be read in combination with the contents of the Constitution, most particularly the **Error! Reference source not found.** which cover the statutory obligations of the authority in terms of information and its relationship with the decision-making process.
- 62 Finally, any Council information provided to a Councillor is deemed to be information provided in confidence, is subject to the protections afforded by the Data Protection Act and GDPR and must only be used by the Councillor for the purpose for which it was provided, i.e. in connection with the proper performance of the Councillor's duties as a member of the Council. Therefore, for example, early drafts of Committee reports / briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied. This point is emphasised in Councillors' Code of Conduct.
- 63 Failure to observe this obligation or disclosure of confidential information may amount to a breach of the Code of Conduct. Failure to safeguard and protect the confidentiality of personal information within the meaning of the Data Protection Act 2018 may result in prosecution of the Authority and / or any individual Officer or Councillor by the Information Commissioner and the imposition of significant monetary penalties.

### Correspondence and Advice

- 64 Councillors seeking advice from officers shall be entitled to assume that such advice is given under "Chatham House rules" in terms of disclosure to other Councillors, unless otherwise agreed with the officer(s) concerned, i.e. it is not for further disclosure.
- 65 Correspondence between an individual Councillor and an Officer should not normally be copied (by the Officer) to any other Councillor. In other words, a system of "silent or blind copies" should not be employed.
- 66 Official letters on behalf of the Council should normally be sent in the name of the appropriate Officer, rather than in the name of a Councillor. It may be appropriate in certain limited circumstances (e.g., representations to a Government Minister) for a letter to appear in the name of a Committee Chair or the Leader or the Leaders of all political groups represented on the Council by agreement, but this should be the exception rather than the norm. Letters which, for example, create legal obligations or give instructions on behalf of the Council should never be sent out in the name of a Councillor.

- 67 Correspondence received by Democratic Services from the public with a request that it is either copied to Councillors and/or forwarded to Councillors will, subject to any over-riding legal considerations, be forwarded / copied.
- 68 Officers responding to Councillors' queries should do so in a timely manner, and in accordance with the agreed standards for replying to letters and emails from Councillors.

### **Publicity and Press Releases**

- 69 Local authorities are accountable to their electorate. Accountability requires local understanding. This will be promoted by the Authority, explaining its objectives and policies to the electors and rate-payers. In recent years, all local authorities have increasingly used publicity to keep the public informed and to encourage public participation. Every Council needs to tell the public about the services it provides. Increasingly, local authorities see this task as an essential part of providing services. Good, effective publicity aimed to improve public awareness of a Council's activities is to be welcomed.
- 70 Publicity is, however, a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential, therefore, to ensure that Council decisions on publicity are properly made in accordance with clear principles of good practice. The Government has issued a [Code of Recommended Practice on Local Authority Publicity](#). The purpose of the Code is to set out such principles. The Code affects the conventions that should apply to all publicity at public expense and which traditionally have applied in both central and local government.
- 71 Officers and Councillors will, therefore, in making decisions on publicity, take account of the provisions of this Code. If in doubt, Officers and/or Councillors should initially seek advice from the Head of Communications who will refer the matter to the Monitoring Officer if necessary / appropriate. Particular care should be paid to any publicity used by the Council around the time of an election. Particular advice will be given on this by the Monitoring Officer.

### **Involvement of Ward Councillors**

- 72 Whenever a public meeting is organised by the Council to consider a local issue, all the Councillors representing the Ward or Wards affected should as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members should be notified at the outset of the exercise. More generally, Officers should consider whether other policy or briefing papers, or other topics being discussed with a Committee Chair, should be discussed with relevant Ward Members.

**Conclusion**

- 73 Mutual understanding, openness on these sorts of sensitive issues and basic respect are the greatest safeguard of the integrity of the Council, its Councillors and Officers.

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## Chapter 4 – Part 4

### COUNCILLORS' PLANNING CODE OF CONDUCT

#### BASED ON THE LAWYERS IN LOCAL GOVERNMENT MODEL

#### Background

The Councillors' Planning Code of Good Practice was originally prepared in response to a series of successful court challenges against local planning authorities concerning Councillors' conduct or conflicts of interests.

This 2014 update takes into account the update to the Seven Principles of Public Life (the 'Nolan principles') and commentary from the Committee on standards in public life, the changes in the approach to codes of conduct and also to predetermination introduced by the Localism Act 2011 and the guide on 'Openness and transparency on personal interests' published by the Department for Communities and Local Government in 2013.

For further reading please refer to [Probity in planning: Advice for councillors and officers making planning decisions | Local Government Association](#) .

#### Introduction

**The aim of this Code:** to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

One of the key purposes of the planning system is to regulate the development and use of land in the public interest. **Your role as a Member of the Planning Authority is** to make planning decisions openly, impartially, with sound judgement and for justifiable reasons. You are also a democratically accountable decision-taker who had been elected to provide and pursue policies. You are entitled to be predisposed to make planning decisions in accordance with your political views and policies **provided** that you have considered all material considerations and have given fair consideration to relevant points raised.

**When the Code applies:** this code applies to Councillors at all times when involving themselves in the planning process. (This includes when taking part in the decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

**If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of his or her staff, and preferably well before any meeting takes place.**

## 1. Relationship to the Councillors' Code of Conduct

- **Do** apply the rules in the Councillors' Code of Conduct first, which must always be complied with. This is both the rules on Disclosable Pecuniary Interests (DPIs) and any other interests, and the general rules giving effect to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- **Do** then apply the rules in this Councillors' Planning Code, which seek to explain and supplement the Councillors' Code of Conduct and the law on decision making for the purposes of planning control. If you do not abide by this Councillors' Planning Code, you may put:
  - the Council at risk of proceedings on the legality of the related decision or maladministration; and
  - yourself at risk of being named in a report made to the Council or, if the failure is also likely to be a breach of the DPI provisions of Localism Act 2011, a complaint being made to the police to consider criminal proceedings.

## 2. Development Proposals and Personal Interests

- **Do** disclose the existence and nature of your interest as required by your Authority's Councillor Code of Conduct.
- **Do take into account when approaching a decision** that the Principle of Integrity is defined in terms that

*"Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. **They must declare and resolve any interests and relationships**".*

It is therefore advisable that you:

- **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a DPI or other personal conflict of interest in a proposal, using your position to discuss that proposal with officers or Councillors when other members of the public would not have the same opportunity to do so.
- **Do** note that you are not prevented from seeking to explain and justify a proposal in which you may have a conflict of interest to an appropriate officer, in person or in writing, but that your role as a councillor may place additional limitations on you in representing the proposal in which you have a personal interest.

- **Do** notify the Monitoring Officer in writing where it is clear to you that you have a disclosable pecuniary interest or other personal conflict of interest and note that:
  - you should send the notification no later than submission of any planning application where you can;
  - the proposal will always be reported to the Committee as a main item and not dealt with by officers under delegated powers;
  - you must not get involved in the processing of the application; and
  - it is advisable that you employ an agent to act on your behalf in respect of the proposal when dealing with officers and in public speaking at Committee.

### 3. **Fettering Discretion in the Planning Process**

(natural justice, predisposition and predetermination)

- **Don't** fetter your discretion by approaching the decision with a closed mind.
- **Do** be aware that in your role as an elected Councillor you are entitled, and are often expected, to have expressed views on planning issues and that these comments have an added measure of protection under the Localism Act 2011 that purely making a general comment, without more, is unlikely to be taken as having a closed mind.
- **Do** keep at the front of your mind that, when you come to make the decision, you
  - are entitled to have and to have expressed your own views on the matter,
  - provided that you are prepared to reconsider your position in the light of all the evidence and arguments;
  - must keep an open mind and hear all of the evidence before you, both the officers' presentation of the facts and their advice as well as the arguments from all sides;
  - are not required to cast aside views on planning policy you held when seeking election or otherwise acting as a Councillor, in giving fair consideration to points raised;
  - are only entitled to take account material considerations and must disregard considerations irrelevant to the question and legal context at hand; and
  - are to come to a decision after giving what you feel is the right weight to those material considerations.
- **Do** be aware that you can be biased where the Council is the landowner, developer or applicant if you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or

advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)

- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example, or both a district/borough and county councillor), provided:
  - the proposal does not substantially affect the well-being or financial standing of the consultee body;
  - you make it clear to the consultee body that:
- your views are expressed on the limited information before you only;
  - you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and
- you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee.
- **Do** explain where you do not intend to speak and vote as a member of the Committee because you may be perceived as having pre-judged the matter or alternatively you reserve the right to judge the matter elsewhere, so that this may be recorded in the minutes. (*Use the disclosure form provided for disclosing interests.*)
- **Do** take the opportunity to exercise your separate speaking rights as a Ward/Local Councillor (***where this is granted by the authority's standing orders or by the consent from the Chair and Committee***) where you have represented your views or those of local electors and fettered your discretion, but do not have a disclosable or other personal conflict of interest. Where you do:
  - advise the proper officer or Chair that you wish to speak in this capacity before commencement of the item;
  - remove yourself from the seating area for members of the Committee for the duration of that item; and
  - ensure that your actions are recorded.

#### 4. Contact with Applicants, Developers and Objectors

- **Do** refer those who approach you for planning, procedural or technical advice to officers.
- **Don't** agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should not seek to arrange that meeting yourself – you should ask the Development Control Manager to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, they will ensure that the meeting is properly

recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.

- **Do** otherwise:
  - follow the Authority's rules on lobbying;
  - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
  - report to the Development Control Manager any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

**In addition in respect of presentations by applicants/developers:**

- **Don't** attend a planning presentation without requesting an officer to be present.
- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee.
- **Do** be aware that a presentation is a form of lobbying and, whilst you may express any view on the merits or otherwise of the proposal presented, you should never state how you or other Councillors would intend to vote at a committee.

## 5. Lobbying of Councillors

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it may subsequently prejudice your impartiality, and therefore your ability to participate in the Committee's decision making, to make any sort of promise to vote one way or another or such a firm point of view that it amounts to the same thing.
- **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum value, its acceptance is declared as soon as possible, including its addition to your register of interests where relevant.
- **Do** copy or pass on any lobbying correspondence you receive to the Development Control Manager at the earliest opportunity.
- **Do** promptly refer to the Development Control Manager any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers

of gifts or hospitality), who will in turn advise the appropriate officers to follow up the matter.

- **Do** note that, unless you have a DPI or overriding other personal conflict of interest, you will not have fettered your discretion or breached this Planning Code through:
  - listening or receiving viewpoints from residents or other interested parties;
  - making comments to residents, interested parties, other Councillors or appropriate officers (making clear that you must keep an open mind when it comes to making the decision);
  - seeking information through appropriate channels; or
  - being a vehicle for the expression of opinion of others in your role as a Ward Councillor.

## 6. Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals unless it is your intention to openly campaign on the matter and will therefore step away from the Committee when it comes to make any relevant decisions.
- **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals (such as the Victorian Society, CPRE, Ramblers Association or a local civic society), but you should normally seek to disclose that interest on the grounds of transparency where the organisation has made representations on a particular proposal.
- **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.
- **Don't** decide or discuss how to vote on any application at any political group meeting, or lobby any other Councillor to do so. Political Group Meetings should never dictate how Councillors should vote on a planning issue.

## 7. Site Visits/Inspections

- **Do** try to attend site visits organised by the Council where possible.
- **Don't** request a site visit unless you feel it is strictly necessary because:
  - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
  - there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- **Do** ensure that you report back to the Committee any information gained from the site visit that you feel would benefit all Members of the Committee
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.



- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party, with the exception of the Ward Councillor(s) who should focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
- **Don't** express opinions or views.
- **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
  - you feel it is essential for you to visit the site other than through attending the official site visit;
  - you have first spoken to the Development Control Manager about your intention to do so and why (which will be recorded on the file); and
  - you can ensure you will comply with these good practice rules on site visits.

## 8. Public Speaking at Meetings

- **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking or through the Chair, as this may give the appearance of bias.
- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

## 9. Officers

- **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Development Control Manager, which may be incorporated into any committee report).
- **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service or those officers who are authorised by their Head of Service to deal with the proposal.
- **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

## 10. Decision Making

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, that your planning reasons are recorded and repeated in the report to the Committee.
- **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- **Do** make decisions in accordance with the Council's Development Plan and associated documents and neighbourhood plans unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse.
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
- **Do** have recorded the reasons for Committee's decision to defer any proposal.
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the Development Plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

## 11. Training

- **Don't** participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.
- **[Do** participate in any annual review of a sample of planning decisions to ensure that Councillors' judgements have been based on proper planning considerations.]

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## Chapter 4 – Part 5

### Whistleblowing Policy

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The Council has a [Whistleblowing Policy](#) in place.

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## Chapter 5

### **Scheme of Councillors' Allowances**

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The Council has a [Scheme of Councillors' Allowances](#) in place.



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## Chapter 6

### Glossary

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**Appropriation** – The transfer of land and property between purposes or functions of the Council.

**ASDV** – Alternative Service Delivery Vehicle.

**Award Criteria** – The criteria set in order to examine the merits of each Bid, Quote or Tender received. Refer to Evaluation Matrix also.

**Bad Debt** – A debt becomes bad if it has not been collected within 6 months. Full provision for all bad debts has to be made within the revenue account, but the debt is still pursued until it is either recovered or written off as unrecoverable.

**BAFO** – Best and Final Offer. This is a procedure to facilitate a final opportunity for Bidders to improve their Bids, which can include price, improvement in quality and/or a value added element.

**Balances (Revenue Account)** – The accumulated surplus of income over expenditure. Councillors may agree that Balances be used to reduce future Council Tax levels although a minimum level, consistent with prudence and best practice will be maintained. Amounts in excess of that required for day-to-day cash management and to finance working capital can be invested to generate income for the Council.

**Best Value** – Is the duty to secure continuous improvement in the way services are provided having regard to economy, efficiency and effectiveness.

**Bid** – A quotation or tender submitted in response to a Request for Quotation or Invitation to Tender issued by the Council.

**Bidder** – A contractor, supplier, provider or similar who submits a Bid.

**Block Provisions** – Annual capital allocations within which the value of approved schemes must be contained. Any uncommitted sum at the year-end may be carried forward, subject to agreement of the Chief Finance Officer. Any uncommitted sum which is not justified will be returned to Council balances. Equally, any overspending will be carried forward as the first call on the following year's provision.

The **Budget** – this is the financial expression of the Council's Corporate Plans in the Policy Framework and sets out the allocation of resources to Committees, services and projects, the level of contingency funding, the Council Tax base and Council Tax rate, borrowing limits and capital financing requirements.

**Business Case Template** – This is a proforma to be completed for all Capital schemes and all significant Revenue proposals. It will provide details on the expected outcomes falling from the proposed investment and identify how the proposal will meet corporate objectives. The template, in a form agreed by the Director of Finance & Customer Services, must include an assessment of the asset or Service consequences, risk and impact on users, and include any differential impact on particular groups or localities. The amount of detail will be proportionate to the value and level of risk.

**Capital Approval** – The total cost of each provision or scheme rather than the anticipated expenditure in each year. Capital programme provision may be amended by any supplementary estimates or virements.

**Capital Expenditure** – Expenditure on the purchase, construction or replacement of capital (fixed) assets, such as land, buildings, and major items of plant, equipment or vehicles, or expenditure which adds to the life or value of an existing fixed asset. Finance leases may be capital expenditure.

**Capital Programme** – The Council's plan of capital projects and spending over future years. Included in this category are the purchase of land and buildings, the erection of new buildings and works, Highway Improvement schemes and design fees (unless the scheme is aborted in which case fees will be charged to revenue), and the acquisition of vehicles and major items of equipment.

**Capital Project / Scheme** – These terms mean the same thing and are used interchangeably within the Procedure Rules. A project/scheme may be separately identified in the capital programme or be an item within a block provision.

**Capital Receipts** – Income received from the sale of capital assets and available (subject to rules in legislation or laid down by the Government or CIPFA) to finance new capital expenditure or to repay debt.

**Carry-forward** – An increase or reduction in a Service's new financial year budget, stemming from either an under or overspend in the previous year. All significant carry-forwards (except for Schools) need the approval of the Chief Finance Officer in consultation with the Chair of the Finance Sub-Committee upon the presentation of a Business Case.

**Central Purchasing Body** – An organisation (usually a contracting authority as defined in the Public Procurement Legislation) that provides centralised purchasing activities such as awarding contracts for works or the acquisition of supplies and/or services intended for use by other contracting authorities such as local authorities.

**Chief Executive** – The Chief Executive is the most senior officer in the Council. It is his/her role to support Councillors and to provide leadership for the Council. The Chief Executive is empowered to operate all the services of the Council and except where powers, duties and functions are delegated to a councillor decision-making body, to exercise all powers, duties and

functions of the Council, including those delegated to other officers. Every Council has to appoint one of its officers as the Head of Paid Service. The Chief Executive is also the Council's Head of Paid Service.

**Chief Finance Officer** – has the responsibility under section 151 Local Government Act 1972 for the proper management of the Council's financial affairs and occupies the post of Director of Finance and Customer Services.

**CIPFA** – the Chartered Institute of Public Finance and Accountancy;

**Clear Working Days** – a period of one or more working days means a period comprising one or several consecutive periods of 24 hours (excluding weekends and bank holidays) beginning and ending at midnight. A clear day excludes the date of dispatch and date of the meeting.

**Commissioning Officer** – An officer who is requesting and / or is in need of works, goods or services that will be commissioned/procured under the Contract Procedure Rules.

**Commissioning and Procurement Board** – a board of Councillors and officers established to ensure a strategic commissioning approach in the Council and that procurement of goods, services and supplies achieves value for money in delivering the Council's corporate strategy and strategic priorities. The Board has detailed Terms of Reference and its activity is overseen by the Audit and Governance Committee.

**Concession** – Any agreement between the Council and one or more parties (which may be procured under the Concession Contracts Regulations 2016) and which may include:

- The carrying out of works for the Council, in return for the right to exploit the works that are the subject of the contract with or without payment
- The delivery of services to the Council, in return for the right to exploit the services that are the subject of the contract with or without payment.

**Confidential information** – information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order, or by virtue of any enactment as defined in the Access to Information Rules in **Chapter 3 Section 2** of the Constitution.

**Contingencies** – Sums set aside to meet either:

- the potential costs of activities expected to occur during the year over and above those costs included in Service budgets (pay and price contingency); or
- items which are difficult to predict in terms of financial impact or timing (contingency for uncertain items).

**Contract** – A legally enforceable agreement to supply goods, services or works for a price. A contract is normally in writing however a contractual arrangement may be entered into orally.

**Contract Manager** – An Officer of the Council (or in the case of a Contract where the service/goods/works are procured on behalf of another organisation an officer of that organisation) who has day to day responsibility for overseeing the delivery of the Contract requirements by the provider and recording the performance of the provider against the performance criteria set out in the Contract.

**Contractor** – Any person or organisation awarded a Contract. This includes any consultant appointed by the Council to advise on any project.

**Corporate Leadership Team** – The officer management arrangements for the Council are overseen by a Corporate Leadership Team comprising the Chief Executive, Executive Directors for Place, People and Corporate Services, the Strategic Director of Adult Services, the Director of Children's Services, the Monitoring Officer and Chief Finance Officer. Each member of the Corporate Leadership Team is accountable to the Chief Executive for leading the Services within his or her area of responsibility and ensuring that the Services are managed in accordance with the objectives, plans, policies, programmes, budgets and processes of the Council.

**Corporate Procurement Unit (CPU) /Procurement** – The corporate procurement unit is the department responsible for procurement activity within the Council.

**Councillors** – Also known as Members, Councillors are elected to represent the 52 Wards in the Council's area. They are elected every four years. They are directly accountable to citizens for the running of the Council. They have a duty to represent all constituents in their Ward and they must make decisions in the best interests of the Borough as a whole.

**CPU** – Corporate Procurement Unit is the unit responsible for procurement activity within the Council.

**Dynamic Purchasing System** is similar to a Framework Agreement; however, the ability for providers to become party to the system and to be eligible to bid for Contracts awarded under it, remains open throughout its life.

**Earmarked Reserves** – These reserves represent monies set aside that can only be used for a specific use or purpose.

**Electronic Tendering Portal (E-tendering Portal)** – A system for the issue and receipt of electronic tenders and quotations as designated by the Executive Director (Corporate Services).

**Evaluation Matrix** – A document setting out the Award Criteria and weightings for a procurement process which reflect what is material to the

award of a particular Contract and its importance. This document will be updated to capture scores during the evaluation of Bids.

**Evaluation Panel** – A group of Officers set up to undertake the evaluation of Bids. The number of Officers and relevant disciplines required will vary for each procurement.

**Executive Director (or delegated representative)** – The Chief Executive or any Director of the Council to whom there has been specific delegation by the Council a Committee or in writing by the Chief Executive.

**Exempt information** – information that is not available for disclosure to the public as defined by Schedule 12A of the 1972 Act and the Access to Information Rules in **Chapter 3 Section 2** of the Constitution;

**Finance Leases** – Most of the risks and rewards associated with ownership are transferred to the lessee (responsibility for maintenance, insurance etc. will fall to the Council).

**Financial Schemes of Delegation** – Financial Schemes of Delegation are the documents that set out, for each Service, all specific financial authorisations and approval limits as delegated by the Heads of Service to Authorised Officers within their Service. Heads of Service are responsible for maintaining up to date and accurate Financial Schemes of Delegation.

**Financial Year** – The Council's accounting period covers the 12 months from April 1 to March 31.

**Framework Agreement** – Any agreement between one or more contracting authorities and one or more providers, that establishes defined terms governing contracts to be awarded during a given period for:

- the carrying out of works
- the purchase, leasing or hiring of goods or materials
- the delivery of services

**Finance Leases** – Most of the risks and rewards associated with ownership are transferred to the lessee (responsibility for maintenance, insurance etc. will fall to the Council).

**Forward Plan** – As defined in the Constitution, the Forward Plan is a public document which is prepared and published by the Leader of the Council, as set out in **Chapter 3 Part 2**.

**Full Council** – Means all 82 elected Members of the Council.

**Group** – two or more Councillors who notify the Head of Paid Service that they have formed a group

**Head of Paid Service** – See *Chief Executive*. The Officer who may report to Full Council on staffing requirements pursuant to Section 4 Local Government and Housing Act 1989.

**Internal Control** – A procedural system designed to manage risk to an acceptable level whereby different staff members perform different parts of a task, so that no one person is entirely responsible for processing a transaction from start to finish.

**Invitation to Tender (ITT)** – Refers to an invitation to providers to submit tenders for Contracts to provide goods, services or works valued at or above the Public Procurement Threshold.

**Leader** or (Leader of the Council) – The Leader is elected by the Full Council.

**Leases** – Agreements covering the hire/rental of equipment or buildings, generally for a specified period of time and at a specified rate. There are two types of leases; Finance leases and Operating Leases (see this Glossary).

**Monitoring Officer** – The Monitoring Officer is appointed in accordance with Section 5 of the Local Government and Housing Act 1989 and is responsible for supporting and advising the Council in relation to the lawfulness and fairness of the decision making of the Council, the Council's compliance with its legal responsibilities and requirements, matters relating to the conduct of elected Councillors and Local Government and Social Care Ombudsman complaints.

**Officers** – Officers are employees and office holders who support Councillors in providing advice, implementing decisions and managing the day to day delivery of Council Services.

**Operating Leases** – Where the risks and rewards of ownership remain with the lessor.

**Option Appraisal/Business Case** – This is required for all Capital schemes and all significant revenue proposals and takes the form of a Business Case Template. This will be used to assess whether the scheme is affordable and deliverable. Consequences to the Service are considered and evaluated and it will also provide a basis for monitoring and reporting progress. In the case of revenue proposals, it will also take into account the risk and impact on users.

**Political balance** – rules which require the Council to allocate seats on committees in accordance with the proportion of councillors from different political groups represented on the Council as a whole – unless no Councillor votes against, under the Local Government and Housing Act 1989 and Local Government (Committees and Political Groups) Regulations 1990/1553.

**Politically Restricted Post (PoRP)** – officers holding these posts cannot have any active political role and are prohibited from: standing for office as local councillors, MPs; canvassing on behalf of a political party or a person who is, or seeks to be, a candidate; and speaking to the public at large or publishing any written or artistic work that could give the impression that they are advocating support for a political party.



**Procurement Manager** – The manager of the CPU and his/her delegated representatives unless otherwise instructed.

**Procurement Officer or Procuring Officer** – An Officer of the CPU who shall undertake the appropriate procurement activities to provide the Commissioning Officer with their requirements.

**Project Board** – A group of senior officers, led by the Senior Responsible Owner (SRO) who are accountable for the success of a Project and represent specific business, user and supplier interests. More information on the make-up and operation of a Project Board can be found in the Project Management Handbook which is published and maintained by the Authority's Programme Management Office.

**Project Gateway process** – A series of control measures put in place to ensure that all projects are instigated, approved, managed and delivered effectively. The Project Gateway process is overseen by the S151 Officer and described in detail in the Project Management Handbook.

**Proper Officer** – An officer designated in the Proper Officer Register in **Chapter 2 Part 5** to undertake certain functions required by law.

**Provision** – An amount set aside by the Authority for any liabilities of uncertain amount or timing that have been incurred. The main category is estimates of liabilities or losses already incurred but whose exact amount will be determined in the future (e.g. bad debts, obsolete stock).

**Prudential Borrowing Limits** – The maximum amount of borrowing that the Council can enter into at any one point in time during the year. This limit is set by Council prior to the start of the year to which it relates and cannot be breached under any circumstances.

**Public Procurement Legislation** – Legislation which regulates the purchasing by public sector bodies and certain utility sector bodies of contracts for goods, works or services. The law is designed to open up the public procurement market to competition and to promote the free movement of goods, services and works.

**Public Procurement Threshold** – The financial thresholds above which the Public Contracts Regulations apply to a proposed Contract. The Thresholds are updated every two years, with the next update being in January 2022. The Thresholds are summarised below:

|  | Supply, Services <sup>1</sup><br>and Design<br>Contracts | Works<br>Contracts <sup>2</sup> | Social and Other<br>Specific<br>Services <sup>3</sup> |
|--|--|---------------------------------|---|
| Other public sector<br>Contracting authorities | £189,330<br>(€214,000)                                   | £4,733,252<br>(€5,350,000)      | £663,540<br>(€750,000)                                |

<sup>1</sup> With the exception of the following services which have different thresholds or are exempt:

- Social and other specific services (subject to the light touch regime) Article 74
- Subsidised services contracts specified under Article 13
- Research and development services under Article 14 (specified CPV codes are exempt).

<sup>2</sup> With the exception of subsidised works contracts specified under Article 13.

<sup>3</sup> As per Article 74. Services are listed in Annex XIV.

**Revenue Account** – An Account which sets out the Council's income and expenditure for the year for non-capital spending.

**Revenue Expenditure** – Spending on the day-to-day running expenses of the Council. It includes expenditure on employees, premises, transport and supplies and services.

**Request for Quotation** – An invitation to providers to submit quotations for Contracts to provide goods, services or works valued between £25,000 and the relevant Public Procurement Threshold

**Ring Fencing** – Certain budgets agreed by the Chief Finance Officer are "ring-fenced". This means that under-spends on these budgets will return to balances and overspends will be met centrally. This is to reflect the fact that certain items of expenditure are either demand-led or so significantly influenced by extraneous factors that they are beyond the direct control of managers. Ring-fenced budgets include planning levies, external audit fees some public health grants and election expenses.

**Schemes of Delegation** – Schemes of Delegation are the documents that set out, for each Service, all authorisations and approval limits as delegated by the Heads of Service to Authorised Officers within their Service. Heads of Service are responsible for maintaining up to date and accurate Schemes of Delegation. (See also: Financial Schemes of Delegation)

**Scrutiny** – Scrutiny provides an opportunity for members of the Council to examine the way in which the Council provides its services, by questioning how and why decisions are made, and by making recommendations on existing and future Council policies, primarily focussed on Health and Wellbeing, Flood Risk Management and Crime and Disorder.

**Section 151 Officer (Chief Finance Officer)** – The financial adviser to the Council, Committees, Sub-Committees and Officers and the Authority's 'responsible financial officer' under relevant legislation who is responsible for the proper administration of the Council's financial affairs and occupies the post of Director of Finance and Customer Services.

**Service Plan** – A plan which outlines measurable Service aims for the year ahead, encompassing both core purpose and specific key objectives for any given year. The Plan will consider both inputs and outputs.

**Social Value** – The duty under the Public Services (Social Value) Act 2012 to have regard before a procurement as to how what may be commissioned or procured will improve the economic, social and environmental wellbeing of the area.

**Supplementary Estimate** – An approved increase to a Service revenue or capital budget during the financial year, funded centrally from reserves, contingencies or external funding sources such as grants or partner contributions, developer contributions, receipts or government grant.

**Statutory Officers** – Means the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer, the Director of Adult Services, Director of Children's Services and the Director of Public Health.

**Statutory Protected Officers** – Means the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer.

**Third Party Fund(s)** – Funds provided by outside bodies or individuals in support of Council activities, establishments or clients. Can sometimes be known as trust funds.

**Underspend** – An underspend results when the net costs of a budget holder are lower than the net budget for the year.

**Virement** – A transfer of amounts from one budget heading to another within, or between, Heads of Service or changes to Capital budgets funded from within the existing Capital programme.

**Verifying Officer** – an Officer who will confirm that the Form of Tender is signed and that terms and conditions are agreed by all providers. They may be an Officer of the CPU or Legal Services.

**Waiver** – A process whereby approval may be granted to disregard some of the Procedure Rules or the requirements of competition.

**Note that:**

- Copies of Acts, Orders and Regulations are available at: [legislation.gov.uk](https://legislation.gov.uk)

- Note that any reference in this Constitution to legislation that is repealed and re-enacted is to the subsequent legislation that replaced it (in accordance with section 17 Interpretation Act 1978).

## Chapter 7

### List of Associated Documents

This Constitution contains references to a number of documents that are not reproduced in full within it, but which can be accessed electronically from it via hyperlinks to the necessary content.

These hyperlinked documents are listed below, together with their status<sup>3</sup> and ownership:

#### Tier 1

| Document  | Owned by                   | Page |
|---|----------------------------|------|
| <a href="#">Local Ward Member Protocol</a> <sup>4</sup> | Corporate Policy Committee |      |
| <a href="#">Scheme of Councillors' Allowances</a>       | Council                    |      |

#### Tier 2

| Document   | Owned by                       | Page |
|--|--------------------------------|------|
| <a href="#">Job Description of Committee Chairs</a>  | Corporate Policy Committee     |      |
| <a href="#">Whistleblowing Policy</a>  | Audit and Governance Committee |      |
| <a href="#">Planning Protocol of Conduct in relation to the Determination of Planning Matters</a>      | Strategic Planning Board       |      |
| <a href="#">Protocol on Public Speaking Rights at Strategic Planning Board and Planning Committees</a> | Strategic Planning Board       |      |
| <a href="#">Mayoralty Code of Practice</a>   | Corporate Policy Committee     |      |
|  |                                |      |

<sup>3</sup> These hyperlinked documents have been given a status, as set out below:

**Tier 1** links are links which take readers to documents which are required to be part of the Constitution and will need to be updated from time to time but which are self-standing.

**Tier 2** links are links which take readers to documents which support the Constitution but are not required legally to be part of it – sometimes referred to as "ancillary documents".

**Tier 3** links are links which take readers to documents completely outside the Constitution and possibly outside the Council itself but where it is useful to signpost readers to a particular source.

<sup>4</sup> Although not required by law, this is being treated as a Tier 1 Hyperlink.

## Tier 3

| Document   | Owned by                                | Page |
|--|---|------|
| <a href="#">Election Schedule</a>                                  | The Council                             |      |
| <a href="#">List of Council Wards</a>                              | The Council                             |      |
| <a href="#">List of Councillors</a>                                | The Council                             |      |
| <a href="#">Political Composition of the Council</a>               | The Council                             |      |
| <a href="#">Register of Members' Interests</a>                     | Democratic Services                     |      |
| <a href="#">Council Senior Management Structure</a>                | Chief Executive                         |      |
| <a href="#">Complaint Form</a>                                     | Chief Executive                         |      |
| <a href="#">Ombudsman Complaint Form</a>                           | Chief Executive                         |      |
| <a href="#">Forward Plan</a>                                       | Democratic Services                     |      |
| <a href="#">Local and Regional Organisations</a>                   | Chief Executive                         |      |
| <a href="#">Specific Delegation Register</a>                       | Monitoring Officer                      |      |
| <a href="#">IDC Handbook</a>                                       | Monitoring Officer                      |      |
| <a href="#">Governance, Risk and Control</a>                       | Executive Director (Corporate Services) |      |
| <a href="#">Financial Reporting</a>                                | Executive Director (Corporate Services) |      |
| <a href="#">Accountability Arrangements</a>                        | Executive Director (Corporate Services) |      |
| <a href="#">Complaints</a>   | Executive Director (Corporate Services) |      |
| <a href="#">Ombudsman</a>  | Executive Director (Corporate Services) |      |
| <a href="#">Cheshire Police and Crime Panel Terms of Reference</a> | Cheshire Police and Crime Panel         |      |

*List of Associated Documents*

|   |   |  |
|---|---|--|
| <a href="#">Cheshire Fire Authority Terms of Reference</a>      | Cheshire Fire Authority                 |  |
| <a href="#">Proper Officer Register</a>                         | Chief Executive                         |  |
| <a href="#">List of Local Schemes of Delegation</a>             | Monitoring Officer                      |  |
| <a href="#">Joint Scrutiny Protocol</a>                         | Corporate Scrutiny Committee            |  |
| <a href="#">ASDV Framework</a>                                  | Executive Director (Corporate Services) |  |
| <a href="#">Social Value Policy</a>                             | Chief Executive                         |  |
| <a href="#">List of Dispensations</a>                           | Chief Executive                         |  |
| <a href="#">Declaration of Interests Form</a>                   | Chief Executive                         |  |
| <a href="#">External gifts / Hospitality / Sponsorship Form</a> | Chief Executive                         |  |
| <a href="#">Reimbursement of Costs Form</a>                     | Chief Executive                         |  |
| <a href="#">Register of Politically Restricted Postholders</a>  | Democratic Services                     |  |

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## **Constitution Committee**

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**Date of Meeting:** 06 April 2021

**Report Title:** Transitional provisions and future constitutional work.

**Senior Officer:** David Brown, Director of Governance and Compliance

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### **1. Report Summary**

- 1.1. This report informs the committee of the proposed transition of decision making from the Cabinet Executive style to the Committee system. This will require the committee to recommend the report at appendix A to Council. To recommend the report the committee should consider the impact of the transitional provisions required to ensure a seamless transition from the Council's existing governance arrangements, to a committee system of decision-making. The report to Council is at appendix A and the schedule of provisions can be found in the first appendix of that report.
- 1.2. The Committee is also asked to note that further work on the constitutional and transitional provisions is required and additional technical matters will arise over time.

### **2. Recommendations**

- 2.1. That Committee recommend the report at Appendix A to council.

### **3. Background**

- 3.1. At its Annual Council meeting on 22<sup>nd</sup> May 2019, Council stated its commitment to implementing a change in its decision-making governance arrangements, comprising the implementation of a committee system of governance, subject to a legally and constitutionally robust process being in place to facilitate this.
- 3.2. On 19<sup>th</sup> November 2020, Council resolved to cease operating the existing Leader and Cabinet model of governance, and to implement a committee system of governance; this to take effect from the Annual Council meeting in 2021.
- 3.3. At that meeting, Council agreed a wide policy approach to the design principles, committee structure, roles of leader and deputy, decision review

process, urgency provisions, role and powers of committee and sub-committee chairs.

- 3.4. All existing decisions must translate across to the new system of governance otherwise existing projects which require implementation of member participation in decision making will become moribund if it is unclear which member is to participate. Decisions delegated to officer will be able to proceed unimpeded.
- 3.5. Council also resolved to authorise the Director of Governance and Compliance to prepare in accordance with the principles agreed the necessary constitutional provisions to give administrative efficacy to the new arrangements.
- 3.6. The Constitutional Committee is the body that must consider and make recommendations on the arrangements.

#### **4. Implications**

##### **4.1. Legal Implications**

- 4.1.1. The Constitution Committee is required to make a recommendation to council.

##### **4.2. Finance Implications**

- 4.2.1. The recommendations are required to ensure continuity of financial transactions and provide a degree of certainty to third parties dealing with the council.

##### **4.3. Equality Implications**

- 4.4. None

##### **4.5. Human Resources Implications**

- 4.5.1. None

##### **4.6. Risk Management Implications**

- 4.6.1. This report forms part of the corporate risk mitigation proposal

##### **4.7. Rural Communities Implications**

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

##### **4.8. Implications for Children & Young People**

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

**4.9. Public Health Implications**

4.9.1. There are no direct implications for public health.

**5. Ward Members Affected**

5.1. All

**6. Consultation & Engagement**

6.1. This is to give effect to a decision of full Council.

**7. Access to Information**

7.1. Members have access to information though the Constitutional Project SharePoint site.

**8. Appendices**

8.1. Appendix A-Report to Council on Transitional provisions and future constitutional work.

**9. Contact Information**

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

Name: David Brown

Job Title: Director of Governance and Compliance

Email: [david.c.brown@cheshireeast.gov.uk](mailto:david.c.brown@cheshireeast.gov.uk)

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**Council****Date of Meeting:** 19 April 2021**Report Title:** Transitional provisions and future constitutional work**Senior Officer:** Director of Governance and Compliance**1. Report Summary**

1.1. This report makes provision for the transition of past executive decisions into the new committee system. The report identifies the methodology for the distribution of decisions within the new arrangements and describes the translation of cabinet/portfolio roles into the new arrangements. The report also set out the some of the consequential impacts relating to some sub committees, external boards and appointments. The report provides for an indicative process for budget setting for next year and summarises the list of further work that will be undertaken on the constitution

1.2. All the relevant background information and decision making is set out in the Report to Council, for the Extraordinary Council Meeting on 19 November 2021

‘Proposed Change of the Council’s Governance Arrangements: Formal Resolution to Move to a Committee System Form of Governance’. (The November 2020 Report). This report had 13 Appendices A to M which are referenced this report. For clarity, the appendices of this report for 19 April 2021 are numbered 1, 2 and 3.

**2. Recommendations**

2.1. That Council:

2.1.1. Agree the transitional provisions in paragraph 4.6 and appendix 1

2.1.2. Note and approve the indicative approach to budget setting appendix 2

2.1.3. Agree the scope of the further constitutional review work in appendix 3

**3. Background**

3.1. At its Annual Council meeting on 22<sup>nd</sup> May 2019, Council stated its commitment to implementing a change in its decision-making governance arrangements, comprising the implementation of a committee system of

governance, subject to a legally and constitutionally robust process being in place to facilitate this.

- 3.2. On 19<sup>th</sup> November 2020, Council resolved to cease operating the existing Leader and Cabinet model of governance, and to implement a committee system of governance; this will take effect from the Annual Council meeting in 2021. This is currently proposed for the 12 May 2021.
- 3.3. In summary Council agreed policy approach that overall engagement with residents and councillors could be improved. The political solution adopted to achieve greater inclusivity was to change the governance structure of the Council to a committee system.
- 3.4. Council confirmed the five design principles as set out in appendix G of The November 2020 Report:  
  
Openness  
Quick efficient decision making  
Affordability  
Legal requirements  
A modern committee system
- 3.5. Council also resolved to authorise the Director of Governance and Compliance to prepare in accordance with the principles agreed the necessary constitutional provisions associated with the new arrangements.
- 3.6. The administrative approach to deliver the Council's objectives must be legally compliant, it must be operationally practicable, enforceable in terms of governance, understandable to the public, officers, and members. Importantly the final product must reflect the initial design principles in paragraph. This report assists Council the administrative delivery of the transitional provisions, note the indicative administrative approach to the budget and agree the scope of additional work to be completed.

#### **4. Transitional provisions Appendix 1**

- 4.1. Whilst every effort has been made to facilitate a seamless transition to the new committee system in May 2021, it is prudent for Council to put in place general provisions which will remove any future uncertainty in respect of the changes which will be implemented, and issues which might subsequently arise following the transfer from an executive system, to a committee system of governance.
- 4.2. Since the Council was formed in 2009 each decision has been made under an executive model. Every decision made by any cabinet will create a legacy which extends past the implementation of the committee system. The Council must be certain that previous decisions and any action or activity

under those decisions may continue under the new arrangements. Any matter in progress which involves a decision of the Council's Cabinet or is delegated to a Portfolio Holder or officer is resolved in using the principles in appendix 1. This for example, could apply to the delegation of powers by the Cabinet to a Portfolio Holder, or to an officer in consultation with a Portfolio Holder. Provision must be made for such delegation to operate effectively in the absence of a Portfolio Holder.

- 4.3. A further example might be that of a matter which Council had resolved to be considered by an overview and scrutiny committee. Provision must be made for the matter to continue to be considered in the light of the absence of overview and scrutiny committees.
- 4.4. Provision also needs to be made for the continuity of the work of various bodies, appointed by the Council, or attended by the Council, after May 2021. Such bodies may have members who are nominated by the Leader or Cabinet; for example, the Health and Wellbeing Board.
- 4.5. Council should also provide certainty for those Members appointed to the large number of its partner outside organisations, and for the organisations themselves, by making provision for the continuation of appointments. This provision should continue until the next appropriate review date, whether that be the next Annual Council meeting date, or the regular review of most outside organisation appointments, which takes place after the local elections.
- 4.6. This report, therefore, seeks a recommendation of the Constitution Committee to Council in respect of the following miscellaneous matters:
  - 4.6.1. Any matter currently in progress which involves, or is reliant upon, the Council's Cabinet or executive members will continue to be progressed by the executive until Annual Council and thereafter by officers with the involvement of the appropriate service committee, or consultation with its chair as appropriate.
  - 4.6.2. Where any work of the Council's overview and scrutiny committees remains unfinished as at the date of the Council's Annual General Meeting in May 2021, the appropriate Director will be required to consult with the chair and deputy chair of the responsible service committee to decide whether and how such work should be progressed.
  - 4.6.3. Appendix 1 also sets out the approach to be applied to the realignment of sub committees within the new structures. The nature and continuation of the subcommittee will be then revisited by the parent committee at its inaugural meeting.



4.6.4. Each Committee will also be asked to review the provisional workstream and calendar of meetings.

4.6.5. That existing outside organisation appointments shall continue until the next appropriate review date. Appointments may currently be made entirely on the basis of Cabinet membership, such appointees will, following the change to the committee system, be replaced by a member of the appropriate service committee.

## **5. Provisional approach to budget. Appendix 2**

5.1. The budget is and remains the responsibility of Council and primary budgetary responsibility rest with the Corporate Policy Committee (and Finance Sub-Committee) and the Chief Officers who are responsible for administering the budget. The Statutory obligations of the Chief Financial Officer to ensure, and if required impose, sound financial management controls is unchanged.

5.2. Service Committees will be constrained by the budgetary framework. Budgets have wherever practicable been aligned with service committees to facilitate expenditure assurance. Council wide budget control rests with the Corporate Policy Committee and Council. Committee members will receive further training on budget issues, but the fundamental principle is that officers are responsible for budget management; budgets are aligned to committees; committees do not hold 'a budget' but the Committee is responsible for assuring the budget is spent on delivering the objectives set out in the policy framework of the Corporate Plan.

5.3. The new budget process will provide each committee with a review of the midyear position and the opportunity to comment on future proposals relating to their areas which can be considered within the budgetary consultation process and will be considered by Corporate Policy Committee for recommendation to Council.

## **6. Ongoing workstreams to November 2021 Appendix 3**

6.1. The constitutional revision is a fundamental piece of work being undertaken by this council impacting on virtually all areas of business. The November 2020 Report at paragraphs 1.15 to 1.19 identified a significant number of strategic risks accompanying this change. The council has continued to manage the strategic response to the Covid-19 pandemic, and to understand, respond to and plan for recovery from an emergency that affects lives, health, care, education, businesses, livelihoods, culture and leisure.

- 6.2. The council has been operating in this emergency mode for more than 13 months and the next six months will continue to be challenging as the road map out of lock down is implemented and the plans on mitigating the impact of the pandemic on our residents are implemented.
- 6.3. Officer resources remain stretched and this is reflected in the phased approach being taken to implementation which remains the only major change facing the council that is entirely under its own control. The council has never before had to navigate through such high levels of uncertainty where it is difficult to forecast major issues even over the short term, for example at the time of drafting the mechanism to hold an 'in person' annual general meeting in May is unknown nor is it known how members will be able attend in person the inaugural May committees.
- 6.4. The statutory countdown has commenced and the committee system will start at the next Annual General Meeting, this must occur by the end of May 2021, (albeit the mechanism for holding such a meeting currently is unknown). Since November and allowing for a pandemic, new staff, Christmas and Easter it was necessary to phase the approach for commencement of the committee system into the 'must haves' (phase 1) and the consequential changes (phase 2) Appendix 3 represents a summary of the phase 2 work that must be undertaken. This approach was anticipated in recommendation 2.6 of the November 2020 Report which requires a further report to be presented for consideration at council by 12 November 2021.

## **7. Implications**

### **7.1. Legal Implications**

- 7.1.1. It is imperative that a lawful and transparent decision-making process exists which translates the existing forms of decisions into the new style of governance. If Council remains silent on these issues the efflux of time will create issues of urgency and cost which require officers to act. This would be costly and defeat the design principles of openness.

### **7.2. Finance Implications**

- 7.2.1. The clear decision making, and the adoption of a budget setting process is a necessity. A failure to set a budget due to a failure to agree an approach would result in statutory intervention. A failure to set a lawful budget may result in personal liability for Councillors. This process is designed to facilitate the setting of the budget, assist residents in understanding the process that will be followed and protect councillors.

### **7.3. Equality Implications**

- 7.3.1. There are no direct implications for equality. Every effort will be made to ensure the revised constitution is available in accessible formats.

#### **7.4. Human Resources Implications**

- 7.4.1. There are no direct implications for staff.

#### **7.5. Risk Management Implications**

- 7.5.1. The transitional provisions and future work streams form part of the wider risk management of the change of governance arrangements.

#### **7.6. Rural Communities Implications**

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

#### **7.7. Implications for Children & Young People**

- 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.

### **8. Ward Members Affected**

- 8.1. This report impacts on the functioning of the entire Borough.

### **9. Consultation & Engagement**

- 9.1. A recommendation from the constitution committee.

### **10. Access to Information**

- 10.1. Additional, supporting information is available to members on the committee system share point site.

### **11. Appendices**

- 11.1. Appendix One-Schedule of Transitional Provisions
- 11.2. Appendix Two-Indicative Budget Setting Process
- 11.3. Appendix Three-Phase 2

### **12. Contact Information**

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

Name: David Brown

Job Title: Director of Governance and Compliance

Email: [david.c.brown@cheshireeast.gov.uk](mailto:david.c.brown@cheshireeast.gov.uk)

## Schedule of Transitional Provisions

**General Provisions Cabinet**

Any matter in progress which involves a decision of the Council's Cabinet will continue to be progressed for decision by the appropriate service committee.

The Head of Democratic Services and Governance will allocate matters to appropriate service committees in accordance with their terms of reference. Where a matter appears to be relevant to more than one service committee, it will be allocated to the service committee which the Head of Democratic Services and Governance determines is the most appropriate.

**General Provisions Portfolio Holder**

Where Cabinet delegated the making of any decision to an individual Cabinet member, that decision will be allocated to the appropriate service committee, by the Head of Democratic Services and Governance in accordance with the following principles:

Matters to be decided by the relevant committee

- a) Any matter of policy
- b) Any matter requiring a decision in respect of a material<sup>1</sup> budget increase or decrease in relation to the original decision
- c) Any matter relating to material service increase or decrease in relation to the original decision
- d) Any matter not within the scope of the Corporate Plan or the current MTFS

Matters to be decided by the relevant Executive Director/ Director:

Any other matter previously delegated to a member of Cabinet/Portfolio Holder.

Reason

Full Council has stated the implementation of the committee system is based on an approach of minimum additional cost. Therefore, the number of additional papers or meetings arising from delegated Portfolio Holder decisions should be minimised.

**Portfolio Holder consultation**

Where a decision is delegated to an officer but requires consultation with an executive member, the matter remains delegated to the relevant officer. Consultation will be with the chair of the appropriate service committee<sup>2</sup>.

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<sup>1</sup> Material budget change is determined by the Chief Finance Officer and a material service change by the Chief Executive.

<sup>2</sup> It is not possible for the committee chair to re-consider or revisit the original decision.

### **General Provisions in respect of Scrutiny**

Save where work relates to the remaining terms of reference of the Scrutiny committee, where any other work of the Council's existing overview and scrutiny committees remains unfinished as at the date of the Council's Annual General Meeting in 2021, the Head of Democratic Services and Governance will allocate the work to the forward plan of the appropriate service committee and the appropriate Director will be required to consult with the chair and deputy chair of the service committee to determine whether and how such work should be progressed and the Head of Democratic Services and Governance will amend the forward plan.

### **Cabinet 4 May 2021**

If any decision of Cabinet on the 4 May 2021 is subject to a call in by members, the existing appropriate scrutiny committee shall consider the call-in, in accordance with the rules currently in force. The scrutiny committee must conclude its deliberations upon any such call-in no later than the day prior to the Council's Annual General Meeting in 2021. The decision of the scrutiny committee may be referred to the relevant service committee.

### **Continuation of Specific Committees, subcommittee, and boards.**

Health and Wellbeing Board: the lead service committee in respect of this Board will be the Adults and Health Committee; and the three Council nominees to the Board will be formally nominated by the Adults and Health Committee, the Corporate Policy Committee, and the Children and Families Committee.

The Local Authority School Governor Appointments Panel shall become a sub-committee of the Children's & Family Committee and shall be appointed at the Committee's first meeting.

The Community Governance Review Sub-Committee shall become a sub-committee of the Corporate Policy Committee and shall be appointed at the Committee's first meeting.

The role of the ASDV Shareholder Committee shall be undertaken on behalf of the Corporate Policy Committee by the Finance Sub Committee.

### **Shared Services and Scrutiny Committees**

The Shared Services Joint Committee shall continue to undertake the functions and responsibilities allocated to it by Cabinet on 24th March 2009, but the Council's nominees to the Committee shall be chosen by the Corporate Service Committee.

Where any work was initiated by, or which involved a decision of the Council's overview and scrutiny committees, or Cabinet, (for example, the delegation of powers to officers or work with other local authorities e.g. relating to Best4Business), such delegation or work will continue after the implementation of the committee system. Any necessary reports to Members will, thereafter, be made to the appropriate service committee of the Council or, where there are any cross-cutting issues, to the Council's Corporate Policy Committee.

The **Joint Extra Care Housing Management Board** last met on 12 December 2016. The Board is expected to carry out further work to potentially provide input (ranging from reviewing documents to approving decisions) as changes are negotiated to the PFI contract, and oversight of the contract

management over the next two to three years. The Board comprises three Portfolio Holders from each authority nominated by the leader. Nominations will be made by the Chair of Corporate, Adults and the Finance Sub -Committee.

### **The Appeals Sub-Committee**

This is a sub-committee of the Constitution Committee, which will no longer exist under the committee system arrangements. This function is transferred to the Corporate Policy Committee for reappointment of the sub-committee.

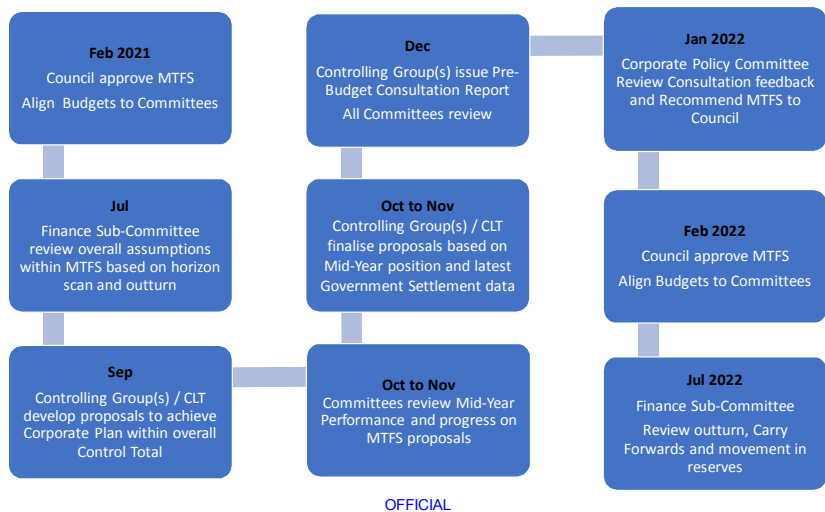
### **Appointments to Outside Bodies**

Where an appointment is made entirely on the basis of Cabinet membership, the chair of the relevant service committee shall continue in that role until a Member of the appropriate service committee is appointed.

Any other outside appointments shall continue until the next appropriate review date.



Indicative Budget Setting Process



## APPENDIX 3

### Phase 2

Council has directed the Director of Governance to provide a further report by 12 November 2021.

The provisional dates for Council meetings in the 2021/2022 municipal year provides for a meeting on 18 November 2021.

1. Finalise constitution review to remove inaccuracies and legislative inconsistencies.
2. Review of committee terms of reference to identify and clarify any anomalies following implementation.
3. Review of the Council and Committee procedure rules following the initial committees.
4. Access to information and transparency rules to be reviewed and checked for legal compliance.
5. Finance Procedure Rules review following implementation.
6. Contract Procedure Rules review following implementation
7. Review of the employment procedures rules and change of role of Appointment Committee.
8. Member Code of Conduct. Review and redraft to consider LGA model code and Committee for Standards in Public Life recommendations.
9. Officer Code of Conduct Review
10. Member & Officer Protocol Review
11. Planning and other protocols to be refreshed
12. Review of the scheme of delegation



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## **Constitution Committee**

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**Date of Meeting:** 6 April 2021

**Report Title:** Audit and Governance Committee Structure and Composition

**Senior Officer:** David Brown, Director of Governance and Compliance

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### **1. Report Summary**

- 1.1. This report presents, to the Constitution Committee, recommendations from the Audit and Governance Committee on its future composition and structure, for approval and inclusion in the Constitution.
- 1.2. The recommendations of this report have been developed through a working group established by the Audit and Governance Committee and were presented and agreed for recommendation to the Constitution Committee on 11<sup>th</sup> March 2021. That report is attached at Appendix 1, and the recommendations are summarised in the body of this report.
- 1.3. Following the meeting of the Audit and Governance Committee, a further clarification on the suggested Terms of Reference is proposed by the Director of Governance and Compliance; this is described and explained in this report.

### **2. Recommendations**

- 2.1. That the Constitution Committee recommend the changes proposed by the Audit and Governance Committee, with the additional clarification identified after the Committee, to full Council, with any outstanding items being delegated to the Director of Governance and Compliance to resolve in consultation with the Chair and Vice Chair of the Constitution Committee, if required.

### 3. Reasons for Recommendations

- 3.1. The composition and structure of the Council's Audit and Governance Committee, along with its Terms of Reference, have been reviewed and updated to ensure that they address and recognise recommendations made in the Corporate Peer Challenge, the completion of the current co-opted independent member's term in March 2021, and the move to a Committee system of decision making.

### 4. Background

- 4.1. The Audit and Governance Committee received a report at their November 2020 meeting setting out various aspects for consideration in relation to the composition and structure of the Committee. The Committee established a working group, which reported back to the Committee with recommendations in March 2021.
- 4.2. The recommendations, approved by the Audit and Governance Committee are summarised below, and include the suggested Terms of Reference included at Appendix 1.
- 4.3. Further to the report being agreed for recommendation by the Audit and Governance Committee, the Director of Governance and Compliance requests the inclusion of the following wording, shown in 4.4, to provide clarification on the proportionality arrangements for a hearing sub-committee. This would be included in the Terms of Reference after the current paragraph 40.
- 4.4. *The requirement of political proportionality under section 15 of the Local Government and Housing Act 1989 is waived in relation to the sub-committee established under the above sub-paragraph.*

#### Size of the Committee

- 4.4.1. The current size of the committee is 10 elected members and one independent person (with voting rights) which gives a current proportionality of 4:3:2:1:0 (Conservative: Labour: Independent: Liberal Democrat).
- 4.4.2. Following consideration of the scope of the terms of reference as set out in Appendix A, the Audit and Governance Committee suggested a committee size of 9 elected members, which would be subject to proportionality. This would currently give the following; 4:3:2:0:0:0.

#### Co-opted Members

- 4.4.3. The Committee currently has one co-opted independent member. The recommendation is to include 2 co-opted independent members in addition to the above Committee's membership, on a fixed term membership of 4 years. The independent person is entitled to be reimbursed for expenses but does not receive any allowance or remuneration.
- 4.4.4. Voting rights for the co-opted independent members need to have regard for the Local Government and Housing Act 1989, under which Committees may appoint third party individuals to be members of committees, but they are required to be non-voting or voting co-optees under s102(4).
- 4.4.5. As per section 102(3) that a committee/sub-committee for regulating and controlling the finance of the local authority or the area can only include third-party appointees in the event that it is advisory, the independent members may only vote in prescribed circumstances; for example where a committee is acting in an advisory capacity and making recommendations, all members of the committee should be able to vote on the recommendation. Where the Council has delegated to the Committee decisions such as the adoption of financial statements, the independent member should not be able to vote on those matters.

Other recommendations

- 4.4.6. To maintain the apolitical nature of the Audit and Governance Committee, membership should ensure separation from decision making. To achieve this, the following are recommended by the Working Group
- 4.4.6.1. Membership of the Audit and Governance Committee may not include the Leader or Deputy Leader of the Council.
- 4.4.6.2. Membership of the Audit and Governance Committee may not include Chairs or Vice Chairs from the Service Committees, including the Corporate Policy Committee and Finance Sub Committee.
- 4.4.6.3. The Chair and Vice Chair of the Audit and Governance Committee may not sit on a service committee. If practicable they should not be from the controlling groups.

- 4.4.6.4. Responsibility for the Member Code of Conduct/Standards arrangements remain within the function of the Audit and Governance Committee.
- 4.4.6.5. The standing Chair of the Hearing Sub Committee is the Chair of the Audit and Governance Committee; when convened for any individual item, the Chair should be of a different group to any subject member.
- 4.4.7. The Working Group recommended that the Terms of Reference of the Audit and Governance Committee are reviewed promptly within the first year of operation within the Committee System, with any recommendations for change being brought forward to Council in due course.

## **5. Implications of the Recommendations**

### **5.1. Legal Implications**

- 5.1.1. The Localism Act 2011 amended the Local Government Act 2000 to allow councils to revert to a non-executive form of governance i.e. a committee system.
- 5.1.2. In relation to recommendations arising as a result of the proposed move to the Committee structure, the Working Group has shown regard to the allocation of seats on Committees to give effect to the political balance rules. The rules for the allocation of seats are set out in Sections 15 and 16 of the Local Government and Housing Act 1989 and Local Government (Committees and Political Groups) Regulations 1990.
- 5.1.3. The Accounts and Audit (England) Regulations 2015 say that a local authority is responsible “for a sound system of internal control which facilitates the effective exercise of its functions and the achievement of its aims and objectives; ensures that the financial and operational management of the authority is effective and includes effective arrangements for the management of risk”; and section 151 of the Local Government Act 1972 requires every local authority to “make arrangements for the proper administration of its financial affairs”. Therefore, whilst primary responsibility for these arrangements lies with the Council’s s.151 officer, the role of the Committee in providing oversight, challenge and assurance is critical in supporting this.
- 5.1.4. The preparation of the suggested terms of reference has been guided and assisted by the CIPFA guidance ‘Audit Committees: Practical Guidance for Local Authorities and Police’ 2018.

## **5.2. Finance Implications**

- 5.2.1. Current arrangements in place are consistent with those for other non-elected, co-opted committee members. There are no financial implications outside of the MTFS in adopting the recommendations proposed.

## **5.3. Policy Implications**

- 5.3.1. The recommendations proposed demonstrate that the Committee has considered best practice and the impact of the move to the governance system operation and has identified proposals to ensure the Committee composition and structure is appropriate for local requirements.

## **5.4. Human Resources Implications**

- 5.4.1. There are no direct Human Resources Implications.

## **5.5. Risk Management Implications**

- 5.5.1. Failure to consider these aspects may undermine future effectiveness of the Committee's ability to achieve its objectives.

## **5.6. Rural Communities Implications**

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

## **5.7. Implications for Children & Young People/Cared for Children**

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

## **5.8. Public Health Implications**

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

## **5.9. Climate Change Implications**

- 5.9.1. There are no direct implications for Climate Change

## **6. Ward Members Affected**

- 6.1. Not applicable

## **7. Consultation & Engagement**

- 7.1. The Audit and Governance Committee has received reports in relation to this in November 2020, January 2021 (verbal updated) and March 2021. The March 2021 report is attached at Appendix 1.

## **8. Appendices**



- 8.1. Appendix One-Report of the Audit & Governance Committee, 11 March 2021.

## **9. Contact Information**

- 9.1. 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](mailto:josie.griffiths@cheshireeast.gov.uk)



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## **Audit and Governance Committee**

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**Date of Meeting:** 11 March 2021

**Report Title:** Audit and Governance Committee Composition and Structure

**Senior Officer:** David Brown, Director of Governance and Compliance

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### **1. Report Summary**

- 1.1. To update the Audit and Governance Committee following the meetings of the Working Group on its proposals for the Committee's future composition and structure.

### **2. Recommendations**

- 2.1. That the Committee consider the recommendations of the Working Group outlined in this report, and in suggested Terms of Reference set out in Appendix 1 and approve these as recommendations from the Audit and Governance Committee to the Constitution Committee, for inclusion in the Constitution.

### **3. Background**

- 3.1. The Audit and Governance Committee received a report to their November 2020 meeting setting out various aspects for consideration in relation to the composition and structure of the Committee, specifically the inclusion of co-opted independent members, the size of the Committee, and maintaining separation from decision making in the context of a Committee system model.
- 3.2. The following members were appointed to the Working Group,
  - Cllr Rod Fletcher
  - Cllr Rachel Bailey
  - Cllr Margaret Simon
  - Cllr Byron Evans
  - Cllr Carol Bulman
  - Cllr Marilyn Houston

3.3. The Working Group's terms of reference were to;

- 3.3.1. Review the structure and size of the Audit and Governance Committee in line with the recommendations of the Corporate Peer Review and the CIPFA guidance and make recommendations as needed.
- 3.3.2. Review the number of co-opted independent members and make recommendations for changes as needed
- 3.3.3. Identify any other associated recommendations arising as a result of the move to the Committee structure.

3.4. The recommendations to the Committee from the Working Group are set out below. Appendix A outlines a suggested term of reference for the Committee which has been updated after consideration by the Working Group.

#### Size of the Committee

3.5. Following consideration of the scope of the terms of reference as set out in Appendix A, the Working Group suggested that a committee size of 9 elected members, which would be subject to proportionality. This would currently give the following; 4:3:21:0:0.

#### Co-opted Members

3.6. The Working Group recommendation is to include 2 co-opted independent members as part of the Committee's membership, on a fixed term membership of 4 years. The independent person is entitled to be reimbursed for expenses but does not receive any allowance or remuneration.

#### Other recommendations

3.7. To maintain the apolitical nature of the Audit and Governance Committee, membership should ensure separation from decision making. To achieve this, the following are recommended by the Working Group

- 3.7.1. Membership of the Audit and Governance Committee may not include the Leader or Deputy Leader of the Council.
- 3.7.2. Membership of the Audit and Governance Committee may not include Chairs or Vice Chairs from the Service Committees, including the Corporate Policy Committee and Finance Sub Committee.
- 3.7.3. The Chair and Vice Chair of the Audit and Governance Committee may not sit on a service committee. If practicable they should not be from the controlling groups.

- 3.7.4. Responsibility for the Member Code of Conduct/Standards arrangements remain within the function of the Audit and Governance Committee.
- 3.7.5. The standing Chair of the Hearing Sub Committee is the Chair of the Audit and Governance Committee; when convened for any individual item, the Chair should be of a different group to any subject member.
- 3.8. The Working Group recommended that the Terms of Reference for the Audit and Governance Committee are reviewed promptly within the first year of operation within the Committee System, with any recommendations for change being brought forward to Council in due course.

#### **4. Implications of the Recommendations**

##### **4.1. Legal Implications**

- 4.1.1. The Localism Act 2011 amended the Local Government Act 2000 to allow councils to revert to a non-executive form of governance i.e. a committee system.
- 4.1.2. In relation to recommendations arising as a result of the proposed move to the Committee structure, the Working Group has shown regard to the allocation of seats on Committees to give effect to the political balance rules. The rules for the allocation of seats are set out in Sections 15 and 16 of the Local Government and Housing Act 1989 and Local Government (Committees and Political Groups) Regulations 1990.
- 4.1.3. The Accounts and Audit (England) Regulations 2015 say that a local authority is responsible “for a sound system of internal control which facilitates the effective exercise of its functions and the achievement of its aims and objectives; ensures that the financial and operational management of the authority is effective and includes effective arrangements for the management of risk”; and section 151 of the Local Government Act 1972 requires every local authority to “make arrangements for the proper administration of its financial affairs”. Therefore, whilst primary responsibility for these arrangements lies with the Council’s s.151 officer, the role of the Committee in providing oversight, challenge and assurance is critical in supporting this.
- 4.1.4. The Working Group should be guided and assisted by the CIPFA guidance ‘Audit Committees: Practical Guidance for Local Authorities and Police’ 2018.

#### **4.2. Finance Implications**

- 4.2.1. Current arrangements in place are consistent with those for other non-elected, co-opted committee members. There are no financial implications outside of the MTFS for the creation of a working group. Officer advice to the working group can be provided within existing resources.
- 4.2.2. The financial implications of any recommendations arising from the Working Group requiring amendment to the MTFS would need to be identified as part of the working group's report to the Audit and Governance Committee.

#### **4.3. Policy Implications**

- 4.3.1. The proposal to create a Working Group will ensure that the Committee considers best practice and changes to the governance system operation and identifies recommendations to ensure the Committee composition and structure is appropriate for local requirements.

#### **4.4. Human Resources Implications**

- 4.4.1. There are no direct Human Resources Implications.

#### **4.5. Risk Management Implications**

- 4.5.1. Failure to consider these aspects may undermine future effectiveness of the Committee's ability to achieve its objectives.

#### **4.6. Rural Communities Implications**

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

#### **4.7. Implications for Children & Young People/Cared for Children**

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

#### **4.8. Public Health Implications**

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

#### **4.9. Climate Change Implications**

- 4.9.1. There are no direct implications for Climate Change

### **5. Ward Members Affected**

- 5.1. Implications are Borough-wide.

## 6. Contact Information

- 6.1. Any questions relating to this report should be directed to the following officers:

Name: Josie Griffiths

Job Title: Head of Audit and Risk

Email: [josie.griffiths@cheshireeast.gov.uk](mailto:josie.griffiths@cheshireeast.gov.uk)

Name: Brian Reed

Job Title: Head of Democratic Services and Governance

Email: [brian.reed@cheshireeast.gov.uk](mailto:brian.reed@cheshireeast.gov.uk)

### **Statement of Purpose**

1. The Audit and Governance Committee is a key component of the Council's corporate governance. It provides:
  - a. independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards;
  - b. independent review of the Council's governance, risk management, control frameworks and oversees the financial reporting and annual governance processes; and
  - c. promotes high standards of ethical behaviour by developing, maintaining and monitoring Codes of Conduct for Members of the Council (including co-opted Members and other persons acting in a similar capacity).
2. The Committee receives reports and assurances from across the organisation. In doing so, the Committee will consider the effectiveness of the arrangements described, identifying further information needed, and/or making recommendations for improvements and additional action required.

### **Form and Structure**

3. **9** Members of the Council, subject to proportionality, which may be altered to accommodate the overall political balance calculation together with **2** co-opted independent committee members.
4. To support the political independence in this oversight committee, membership of the Committee may not include the Leader or Deputy of the Council, or the Chairs and Vice Chairs of service committees including the Corporate Policy Committee and Finance Sub Committee. The Chair and Vice Chair of the Audit and Governance Committee should not sit on service committees.
5. Members may not review decisions as part of the Audit and Governance Committee that they have made as a member of another Committee.
6. Co-opted independent members of the Committee are appointed to the Committee for a four year period. The Council on 22nd October 2015 resolved that the independent member be a voting member. <sup>1</sup>

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<sup>1</sup> The authority should have regard to section 13 of the Local Government and Housing Act 1989 which relates to the voting rights of non-elected committee members. In essence, where a committee is acting in an advisory capacity and making recommendations, all members of the committee should be able to vote on the recommendation. Where the Council has delegated to the Committee decisions such as the adoption of financial statements, the independent member should not be able to vote on those matters.



7. To ensure that the Committee remains focussed on its assurance role, all members of the Committee, and any designated substitute, must be appropriately trained.
8. The success of the Audit and Governance Committee depends upon its ability to remain apolitical. It must adopt a non-political approach to its meetings and discussions at all times. Remaining apolitical also places a duty on members not to make inappropriate use of information provided to the Committee for other purposes.

**Matters reserved for the Audit and Governance Committee**

***Accountability Arrangements***

1. To report annually to those charged with governance on the committee's findings conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks of the Council.
2. 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.

***Governance, risk and control***

3. To consider the Council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.
4. To 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 and includes an agreed action plan for improvements where necessary.
5. To consider the effectiveness of the system of risk management arrangements by receiving regular reports on the adequacy and effectiveness of the Council's risk management and reporting arrangements and receive assurance that actions have been taken as necessary.
6. To review the Council's Risk Management Policy and Framework and recommend it for approval by Corporate Policy Committee.
7. To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.

8. To monitor the counter-fraud strategy, actions and resources.
9. To review the governance and assurance arrangements for significant partnerships or collaborations.
10. To consider amendments to the Constitution and recommend proposals to Full Council for approval except where specifically delegated to the Monitoring Officer.

***Internal Audit***

11. To approve the internal audit charter.
12. 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.
13. To consider reports from the Head of Audit and Risk Management on internal audit's performance during the year, including
  - (a) updates on the delivery of the audit plan, including key findings, issues of concern and monitoring the actions taken in response to internal audit recommendations.
  - (b) reports on Internal Audit's effectiveness and compliance its Quality Assurance and Improvement Programme, including conformance with the Public Sector Internal Audit Standards, and the results of the external assessment review of Internal Audit when due.
14. To approve significant interim changes to the risk-based internal audit plan and resource requirements
15. To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.
16. To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.
17. Receive the annual report from the Head of Audit and Risk setting out internal activity during the year, and an opinion on the level of assurance as to the Council's arrangements for governance, risk management and internal control.
18. To consider summaries of specific internal audit reports as requested.

19. 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.

***External Audit***

20. To oversee the process by which the Council's external auditor is appointed.
21. To consider specific reports as agreed with the external auditor.
22. To commission work from internal and external audit.
23. To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

***Annual Statement of Accounts***

24. 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.
25. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.
26. Monitor management actions in response to issues raised by the external auditor

***Related Functions***

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

***Standards Arrangements***

28. The Committee is responsible for the Council's standards arrangements to:
  - (a) promote high standards of ethical behaviour.
  - (b) develop, maintaining and update Codes of Conduct and protocols.
  - (c) Training

29. The Committee is responsible for monitoring and advising Council about the operation of its Code of Conduct for Councillors in the light of best practice and any changes in the law.
30. The Committee will approve the arrangements for dealing with allegations that a Councillor or a town/parish Councillor within the borough has failed to comply with the relevant Councillors' Code of Conduct.
31. To assist the Council with the appointment of Independent Persons as required by the Localism Act 2011 and any independent persons under other secondary legislation.
32. To determine any request for a dispensation under Section 33 of the Localism Act 2011, where not determined by the Monitoring Officer or to appeal against a determination by the Monitoring Officer.
33. To respond on behalf of the Council to national reviews and consultations on standards related issues.
34. To consider and make recommendations to Full Council on any other matter that may be referred to the Standards Committee relating to the conduct and training of Councillors.
35. To review, advise, monitor and report to Full Council on member training.
36. To recommend proposals to Full Council for changes to the constitution in respect of any governance or standards matters, except where specifically delegated to the Monitoring Officer

### ***Hearing Sub Committee***

37. The Hearing Sub-Committee is a Sub-Committee of the Council's Audit and Governance Committee appointed to consider complaints referred under the Code of Conduct Complaints procedure.
38. The Hearing Sub-Committee quorum will be drawn from the Audit and Governance Committee.
39. The standing Chair of the Hearing Sub Committee is the Chair of the Audit and Governance Committee; when convened for any individual item, the Chair should be of a different group to any subject member
40. The Vice Chair will be appointed by the Audit and Governance Committee and if practicable, will be from a different political group to the Chair.

41. An Independent Person is invited to attend all meetings of the Hearing Sub-committee and his/her views are sought and taken into consideration before the Hearing Sub-committee takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.
42. The Independent Person is a person who has applied for the post following advertisement. He/she is appointed by Council.
43. Where the Committee finds that a failure to comply with the Code of Conduct has occurred, the Hearing Sub-Committee will determine what action, if any, to take and to apply the sanction or recommend to Council to apply an appropriate sanction.

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## **Constitution Committee**

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**Date of Meeting:** 06 April 2021

**Report Title:** Proposed changes to the Cheshire East Health and Wellbeing Board Terms of Reference.

**Senior Officer:** Nichola Thompson, Director of Commissioning

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### **1. Report Summary**

- 1.1. Recent changes within the Council's senior management team and the forthcoming introduction of the new Committee decision making system, require changes to the wording of the membership section of the Health and Wellbeing Board's Terms of Reference (ToR). These Terms of Reference are included within the Council's Constitution.
- 1.2. The report summarises the proposed changes to the ToR and seeks the endorsement of the Constitution Committee of those changes, prior to them being presented to Council. The draft revised ToR (with tracked changes indicating the wording alterations) are attached as Appendix One.
- 1.3. The Cheshire East Health and Wellbeing Board approved the changes at its meeting on Tuesday 23<sup>rd</sup> March.

### **2. Recommendations**

- 2.1. That the Constitution Committee consider and endorse the suggested amendments to the Cheshire East Health and Wellbeing Board ToR as set out below:
- 2.2. That the Acting Director of Adult Social Services be included as a core voting member of the Health and Wellbeing Board and the Interim Director of Children's Services a core non-voting member;



2.3. That the wording regarding the nomination of Councillors to sit on the Health and Wellbeing Board be amended as shown in paragraph 5.1 of the draft amended ToR;

2.4. That the amended references to the naming of the Scrutiny Committee in paragraph 4.6 of the draft ToR be accepted.

### **3. Reasons for Recommendations**

3.1. To ensure the ToR are fit for purpose as the Council introduces changes to its senior management team and a new decision-making structure.

### **4. Other Options Considered**

4.1. Not applicable

### **5. Background**

5.1. The Cheshire East Health and Wellbeing Board's Terms of Reference are usually reviewed at the Annual General Meeting every two years. They were last reviewed in 2020 so are not due for review until next year, 2022. However recent senior management personnel changes and the forthcoming introduction of the Committee System impacts upon the membership section (paragraph 5.1) of the current ToR and thus require these to be updated.

5.2. With the departure of the former Executive Director of People (Mark Palethorpe) an interim arrangement has been put in place to cover the roles of Director of Adult Social Services (DASS) and the Director of Children's Services (DCS).

5.3. The existing ToR include the post of Executive Director of People as a core voting member of the Board and acting as both the DASS and DCS. These two posts are both required to be members of a Health and Wellbeing Board by the Health and Care Act 2012, the legislation that set out how the Boards would function. The Council's interim arrangements to cover these posts are for two separate post holders, Jill Broomhall as Acting Director of Social Services and Ged Rowney as Interim Director of Children's Services.

5.4. It is proposed that whilst these interim arrangements are in place the DASS is added as a Core Voting Member of the Board and the DSC as a core non-voting member. If both were added as voting members the voting balance on the Board would be weighted in favour of the Council.

5.5. With regard to the implications of the introduction of the Committee system, these impact upon the membership of Councillors on the Board. The current

Terms of Reference state that the Leader of the Council will nominate the three Councillors who will join the Board. This will not be possible under the new arrangements.

- 5.6. It is therefore proposed to simplify the wording and state that three councillors will be nominated by Cheshire East Council, leaving the Council to determine how those Councillors are selected.
- 5.7. Further changes to membership may be required when the Council's new permanent senior management arrangements are finalised and the outcomes of the changes to NHS organisations brought about by the NHS 'Integration and Innovation' White Paper are concluded.
- 5.8. A change to the wording in paragraph 4.6 of the ToR has been made to reflect the new Scrutiny Committee arrangements that are being introduced.
- 5.9. If endorsed by the Constitution Committee, the proposed changes will be taken before the next meeting of Council for sign off as required by the Council's Constitution.

## **6. Implications of the Recommendations**

### **6.1. Legal Implications**

- 6.1.1. **The Health and Wellbeing Board is a committee of the Council under** S102 (1) of the Local Government Act 1972. In terms of legal requirements, section 194 of the Health and Social Care Act 2012 prescribes the requirements for establishment of Health and Wellbeing Boards. Nothing that is happening in relation to the proposed changes is affected per se.
- 6.1.2. Section 15 of the Local Government and Housing Act 1989 imposes a duty on Councils to review the representation of different political groups on bodies to which the Council makes appointments but Regulation 7 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 disapplies the political proportionality requirements in relation to Health and Wellbeing Boards. This means that it is up to individual Councils to decide the approach to Councillor membership on their Health and Wellbeing Boards.
- 6.1.3. In addition, the Council appoints or nominates Members to a variety of statutory bodies, or informal or consultative bodies that are not Council Committees or Sub-Committees of the Council and the political balance rules do not apply to these bodies.

**6.2. Finance Implications**

6.2.1. There are no financial implications.

**6.3. Policy Implications**

6.3.1. In the light of the recent Government White Paper 'Innovation and Integration: working together to improve health and social care for all', the role of the Health and Wellbeing Board is likely to become more important, particularly in relation to the Cheshire and Merseyside Integrated Care System.

**6.4. Equality Implications**

6.4.1. The Health and Wellbeing Board has an important role in relation to identifying and working to address inequality that impacts upon people's health. The Joint Health and Wellbeing Strategy sets out the Board's priorities and this includes reducing health inequalities and addressing the wider determinants of health.

**6.5. Human Resources Implications**

6.5.1. Not applicable

**6.6. Risk Management Implications**

6.6.1. Not applicable

**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. Not applicable

**7. Ward Members Affected**

7.1. Not applicable

**8. Appendices**

8.1. The draft revised Terms of Reference are attached as Appendix One.

## 9. Contact Information

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

Name: Guy Kilminster

Job Title: Corporate Manager, Health Improvement

Email: [guy.kilminster@cheshireeast.gov.uk](mailto:guy.kilminster@cheshireeast.gov.uk)

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## Cheshire East Statutory Health and Wellbeing Board

### Terms of Reference August 2020

#### 1. Context

- 1.1 The full name of the Board shall be the Cheshire East Health and Wellbeing Board. (CEHWB)
- 1.2 The CEHWB was established in April 2013.
- 1.3 The Health and Social Care Act 2012 and subsequent regulations provide the statutory framework for Health and Wellbeing Boards (HWB).
- 1.4 For the avoidance of doubt, except where specifically disapplied by these Terms of Reference, the Council Procedure Rules (as set out in its Constitution) will apply.

#### 2. Purpose

- To work in partnership to make a positive difference to the health and wellbeing of the residents of Cheshire East through an evidence based focus on improved outcomes and reducing health inequalities.
- To prepare and keep up to date the Joint Strategic Needs Assessments (JSNAs) and Joint Health and Wellbeing Strategies (JHWSs), which is a duty of local authorities and clinical commissioning groups (CCGs).
- To lead integrated working between health and social care commissioners, including providing advice, assistance or other support to encourage arrangements under section 75 of the National Health Service Act 2006 (ie lead commissioning, pooled budgets and/or integrated provision) in connection with the provision of health and social care services.
- To be a forum that enables member organisations of the Board to hold each other to account for their responsibilities for improving the health of the population
- To assist in fostering good working relationships between commissioners of health-related services and the CEHWB itself.
- To assist in fostering good working relationships between commissioners of health-related services (such as housing and many other local government services) and commissioners of health and social care services
- To undertake any other functions that may be delegated to it by the Council under section 196(2) of the Health and Social Care Act 2012.

Such delegated functions need not be confined to public health and social care.

- To provide advice assistance and support for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services.

### **3. Roles and Responsibilities**

- 3.1 To work with the Council and CCG effectively to ensure the delivery of the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy.
- 3.2 To work within the CEHWB to build a collaborative partnership to key decision making that embeds health and wellbeing challenge, issue resolution and provides strategic system leadership.
- 3.3 To participate in CEHWB discussions to reflect the views of their partner organisations, being sufficiently briefed to be able to make recommendations about future policy developments and service delivery.
- 3.4 To champion the work of the CEHWB in their wider work and networks and in all individual community engagement activities.
- 3.5 To ensure that there are communication mechanisms in place within partner organisations to enable information about the CEHWB's priorities and recommendations to be effectively disseminated.
- 3.6 To share any changes to strategy, policy, and the system consequences of such on budgets and service delivery within their own partner organisations with the CEHWB to consider the wider system implications.

### **4. Accountability**

- 4.1 The CEHWB carries no formal delegated authority from any of the individual statutory bodies.
- 4.2 Core Members of the CEHWB have responsibility and accountability for their individual duties and their role on the CEHWB.
- 4.3 The CEHWB will discharge its responsibilities by means of recommendations to the relevant partner organisations, which will act in accordance with their respective powers and duties.
- 4.4 The Council's Core Members will ensure that they keep Cabinet and wider Council advised of the work of the CEHWB.
- 4.5 The CEHWB may report and be accountable to Full Council and to the relevant Governing Body of the NHS Clinical Commissioning Group by ensuring access to meeting minutes and presenting papers as required.



- 4.6 The CEHWB will not exercise scrutiny duties around health or adult social care services directly. This will remain the role of the Cheshire East ~~Health and Adult Social Care Overview and Scrutiny Committee and in respect of children's health, the Children and Families Overview and Scrutiny Committee~~. Decisions taken and work progressed by the CEHWB will be subject to scrutiny by ~~the Health and Adult Social Care Overview and~~ that Scrutiny Committee.
- 4.7 The CEHWB will provide information to the public through publications, local media, and wider public activities by publishing the minutes of its meetings on the Council's website. The CEHWB is supported by an Engagement and Communications Network across HWB organisations to ensure this function can operate successfully.

## 5. Membership

- 5.1 The Core membership of the CEHWB will comprise the following:

### Voting members:

- **Three** councillors from Cheshire East Council
- The ~~Executive Director of People (Director of Adult Social~~ Services Care and Director of Children's Services)
- The Director of Public Health
- A local Healthwatch representative
- Two representatives from the Cheshire Clinical Commissioning Group
- Two representatives from the Cheshire Integrated Care Partnership
- The Chair of the Cheshire East Place Partnership

### Non-voting members:

- The Chief Executive of the Council
- The Director of Children's and Families
- A nominated representative of NHS England / NHS Improvement

The councillor membership of the CEHWB ~~(the three core voting members) will be determined by Cheshire East Council. is nominated by the Leader of the Council. The Leader can be a member of the CEHWB as one of the three councillors who are voting members.~~

- 5.2 The Core Members will keep under review the Membership of the CEHWB and if appropriate will make recommendations to Council on any changes to the Core Membership.
- 5.3 The above Core Members <sup>1</sup> through a majority vote have the authority to appoint individuals as Non-Voting Associate Members of the CEHWB. (Committee Procedure Rule 20.1 refers). The length of their membership will

<sup>1</sup> Regulation 5(1) removes this restriction in relation to health and wellbeing boards by disapplying section 104(1) of the 1972 Act to enable the local authority directors specified in the 2012 Act to become members of health and wellbeing boards

be for up to one year and will be subject to re-selection at the next Annual General Meeting “AGM” of the CEHWB. Associate Members will assist the CEHWB in achieving the priorities agreed within the Joint Health and Wellbeing Strategy and may indeed be chairs of sub structure forums where they are not actual Core Members of the CEHWB.

5.4 The above Core Members <sup>2</sup> through a majority vote have the authority to recommend to Council that individuals be appointed as Voting Associate Members of the CEHWB. The length of their membership will be for up to one year and will be subject to re-selection at the next Annual General Meeting “AGM” of the CEHWB.

5.5 Each Core Member has the power to nominate a single named substitute. If a Substitute Member be required, advance notice of not less than 2 working days should be given to the Council whenever practicable. The Substitute Members shall have the same powers and responsibilities as the Core Members.

## **6. Frequency of Meetings**

6.1 There will be no fewer than four public meetings per year (including an AGM), usually once every three months as a formal CEHWB.

6.2 Additional meetings of the CEHWB may be convened with agreement of the CEHWB’s Chairman.

## **7. Agenda and Notice of Meetings**

7.1 Any agenda items or reports to be tabled at the meeting should be submitted to the Council’s Democratic Services no later than seven working days in advance of the next meeting. Generally, no business will be conducted that is not on the agenda.

7.2 Any voting member of the Board may approach the Chairman of the Board to deal with an item of business which the voting member believes is urgent and under the circumstances requires a decision of the Board. The Chairman’s ruling of whether the requested item is considered / tabled or not at the meeting will be recorded in the minutes of the meeting.

7.3 In accordance with the Access to Information legislation, Democratic Services will circulate and publish the agenda and reports prior to the next meeting. Exempt or Confidential Information shall only be circulated to Core Members.

## **8. Annual General Meeting**

8.1 The CEHWB shall elect the Chairman and Vice Chairman at each AGM, the appointment will be by majority vote of all Core voting Members present at the meeting.

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<sup>2</sup> Regulation 5(1) removes this restriction in relation to health and wellbeing boards by disapplying section 104(1) of the 1972 Act to enable the local authority directors specified in the 2012 Act to become members of health and wellbeing boards

*As approved on behalf of Council August 2020 (by Urgent Decision Notice)*

**Draft revisions February 2021**

- 8.2 The CEHWB will approve the representative nominations by the partner organisations as Core Members.

## **9. Quorum**

- 9.1 Any full meeting of the CEHWB shall be quorate if there is representation of any three of the following statutory members: –the relevant NHS Cheshire CCG(s), Local Health Watch, a Councillor and an Officer of Cheshire East Council.
- 9.2 Failure to achieve a quorum within fifteen minutes of the scheduled start of the meeting, or should the meeting become inquorate after it has started, shall mean that the meeting will proceed as an informal meeting but that any decisions shall require appropriate ratification at the next quorate meeting.

## **10. Procedure at Meetings**

- 10.1 General meetings of the CEHWB are open to the public and in accordance with the Council's Committee Procedure Rules will include a Public Question Time Session. Papers, agendas and minutes will be published on the Cheshire East Health and Wellbeing website.
- 10.2 The Council's Committee Procedure Rules will apply in respect of formal meetings subject to the following:-
- 10.3 The CEHWB will also hold development/informal sessions throughout the year where all members are expected to attend and partake as the agenda suggests.
- 10.4 Core Members are entitled to speak through the Chairman. Associate Members are entitled to speak at the invitation of the Chairman.
- 10.5 With the agreement of the CEHWB, subgroups can be set up to consider distinct areas of work. The subgroup will be responsible for arranging the frequency and venue of their meetings. The CEHWB will approve the membership of the subgroups.
- 10.6 Any subgroup recommendations will be made to the CEHWB who will consider them in accordance with these terms of reference and their relevance to the priorities within the Joint Health and Wellbeing Strategy and its delivery plan.
- 10.7 Whenever possible decisions will be reached by consensus or failing that a simple majority vote by those members entitled to vote.

## **11. Expenses**

- 11.1 The partnership organisations are responsible for meeting the expenses of their own representatives.
- 11.2 A modest CEHWB budget will be agreed annually to support engagement and communication and the business of the CEHWB.

## **12. Conflict of Interest**

- 12.1 In accordance with the Council's Committee Procedure Rules, at the commencement of all meetings all CEHWB Members shall declare disclosable pecuniary or non-pecuniary interests and any conflicts of interest.
- 12.2 In the case of non pecuniary matters Members may remain for all or part of the meeting, participate and vote at the meeting on the item in question.
- 12.3 In the case of pecuniary matters Members must leave the meeting during consideration of that item.

## **13. Conduct of Core Members at Meetings**

- 13.1 CEHWB members will agree to adhere to the seven principles outlined in the CEHWB Code of Conduct when carrying out their duties as a CEHWB member [Appendix 1].

## **14. Review**

- 14.1 The above terms of reference will be reviewed every two years at the CEHWB AGM.
- 14.2 Any amendments shall only be included by consensus or a simple majority vote, prior to referral to the Corporate Policy Constitution Committee and Council.

January 2017  
Revised July 2019  
Revised August 2020  
Revised March 2021

## **Definition**

### **Exempt Information**

*Which is information falling within any of the descriptions set out in Part I of Schedule 12A to the Local Government Act 1972 subject to the qualifications set out in Part II and the interpretation provisions set out in Part III of the said Schedule in each case read as if references therein to "the authority" were references to "CEHWB" or any of the partner organisations.*

### **Confidential Information**

*Information furnished to, partner organisations or the CEHWB by a government department upon terms (however expressed) which forbid the disclosure of the information to the public; and information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court are to be discussed.*

### **Conflict of Interest**

*You have a Conflict of interest if the issue being discussed in the meeting affects you, your family or your close associates in the following ways;*

- *The issue affects their well being more than most other people who live in the area.*
- *The issue affect their finances or any regulatory functions and*

As approved on behalf of Council August 2020 (by Urgent Decision Notice)

Draft revisions February 2021

- A reasonable member of the public with knowledge of the facts would believe it likely to harm or impair your ability to judge the public interest.

### **Associate Members**

Associate Member status is appropriate for those who are requested to chair sub groups of the CEHWB.

### **Health Services**

Means services that are provided as part of the health service.

**Health-Related Services** means services that may have an effect on the health of individuals but are not health services or social care services.

### **Social Care Services**

Means services that are provided in pursuance of the social services functions of local authorities (within the meaning of the Local Authority Social Services Act 1970)

## **Appendix 1**

# **CEHWB Member Code of Conduct**

## **1. Selflessness**

Members of the Cheshire East Health and Wellbeing CEHWB should act solely in terms of the interest of and benefit to the public/patients of Cheshire East. They should not do so in order to gain financial or other benefits for themselves, their family or their friends

## **2. Integrity**

Members of the Cheshire East Health and Wellbeing CEHWB should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their duties and responsibilities as a CEHWB member

## **3. Objectivity**

In carrying out their duties and responsibilities members of the Cheshire East Health and Wellbeing CEHWB should make choices based on merit and informed by a sound evidence base

## **4. Accountability**

Members of the Cheshire East Health and Wellbeing CEHWB are accountable for their decisions and actions to the public/patients of Cheshire East and must submit themselves to whatever scrutiny is appropriate

## **5. Openness**

Members of the Cheshire East Health and Wellbeing CEHWB should be as transparent as possible about all the decisions and actions that they take as part of or on behalf of the CEHWB. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands

## 6. Honesty

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Members of the Cheshire East Health and Wellbeing CEHWB have a duty to declare any private interests relating to their responsibilities and duties as CEHWB members and to take steps to resolve any conflicts arising in a way that protects the public interest and integrity of the Cheshire East Health and Wellbeing CEHWB

## 7. Leadership

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Members of the Cheshire East Health and Wellbeing CEHWB should promote and support these principles by leadership and example

# Health and Wellbeing Board Principles and Behaviours

The Cheshire East Health and Wellbeing Board Partners shall work together to achieve the objectives of the Cheshire East Health and Wellbeing Strategy and The Cheshire East Place Partnership Five Year Plan. The Board shall:

- (a) Collaborate and work together on an inclusive and supportive basis, with optimal use of their individual and collective strengths and capabilities;
- (b) Engage in discussion, direction setting and, where appropriate, collective agreement, on the basis that all the Partners will participate where agreed proposals affect the strategic direction of the Health and Wellbeing Board and/or of Services, and in establishing the direction, culture and tone of the work and meetings of the Board;
- (c) Act in the spirit of partnership in discussion, direction setting and, where appropriate, collective agreement making;
- (d) Always focus upon improvement to provide excellent Services and outcomes for the Cheshire east population;
- (e) Be accountable to each other through the Board by, where appropriate, taking on, managing and accounting to each other in respect of their financial and operational performance;
- (f) Communicate openly about major concerns, issues or opportunities relating to the Board;
- (g) Act in a way that is best for the delivery of activity to drive forward the Five Year Plan, and shall do so in a timely manner and respond accordingly to requests for support promptly;
- (h) Work with stakeholders effectively, following the principles of co- design and co-production;



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## **Constitution Committee**

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**Date of Meeting:** 6 April 2021

**Report Title:** Amalgamation of the Council's Member Forum and Panels

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

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

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### **1. Report Summary**

1.1. The Committee is invited to:

1.1.1 Agree to amalgamate the Council's three informal member panels; the Brighter Future Members' Forum, the Member Technology and Development Panel and the Members' Enquiries Service Panel, into one body;

1.1.2 Agree the terms of reference for the new Panel, to be known as the "Members' Input Panel"; and

1.1.3 Agree that the Head of Democratic Services and Governance should agree the number of Panel members in consultation with the chairman and vice chairman of the Committee; based upon political proportionality, excepting that the Panel should have representation from all of the Council's political Groups.

### **2. Recommendations**

2.1. That the Members' Input Panel replace the Brighter Future Members' Forum, the Member Technology and Development Panel and the Members' Enquiries Service Panel;

2.2. The terms of reference for the Members' Input Panel appended to the report be approved; and

2.3. Membership of the new Panel be agreed as per paragraph 1.1.3 of the report.



### **3. Reasons for Recommendation**

3.1. The merger of the three existing panels will create efficiencies, avoid duplication, and will promote a more holistic approach to the support provided to Members.

### **4. Background**

4.1. Cheshire East Council currently has the following informal member bodies;

- the Brighter Future Members' Forum, established to provide a political steer and joint advocacy of the Brighter Future Transformation Programme objectives;
- the Member Technology and Development Panel, which considers Councillors' needs in respect of their IT and personal development; and
- the Members' Enquiries Service Panel, which monitors the operational aspects of the Members' Enquiries Service, and suggests improvements to the service.

4.2. Over the last twelve months, the work of the three bodies has begun to overlap and potentially, will overlap with the role of the new service committees post May 2021.

#### **The Proposal**

4.3. The Brighter Future Members' Forum discussed a proposal to amalgamate the Forum and the existing Panels into one body in May and November 2020. The Forum agreed to the merger, in principle, provided that the cultural role of the Forum was not diminished.

4.4. In November, the Forum indicated that it wished to hear the views of the chairman and members of the other Panels and the Corporate Overview and Scrutiny Committee, before reaching a conclusion. A meeting between the three chairmen took place on 17 December 2020, who were in support of the proposal. The Corporate Overview and Scrutiny Committee also considered the proposal on 7 January 2021 and made the following recommendations:

- that the amalgamation of the three panels be supported;
- in relation to the proposed workstreams of culture, ICT, members' enquiries, community engagement and governance; a sixth workstream of risk management be added;
- the minutes of the amalgamated panel be circulated to all members of the Council; and

- the amalgamated panel be formalised by the Constitution Committee.

4.5 The Forum considered the proposal again at its meeting on 9 February 2021, having regard to the Scrutiny Committee's feedback and its recommendations. The Forum confirmed its support for the merger.

4.6 It was agreed that the primary role of the new body would be to focus on how Councillors engage with the Council (in line with the work streams set out in its terms of reference), and to help and advise the Council to support Members in the operational aspects of being a Councillor.

4.7 As the Panel would have no decision making powers, it was requested and agreed that appropriate wording be added to the terms of reference to provide a clear pathway for referring matters requiring a decision to the appropriate decision-making body of the Council.

4.8 To promote the work of the Panel and inform Members of its discussions, it was agreed that a mechanism would be put in place to raise awareness of the Panel's work programme so that Members could feed in their views. The actions and recommendations arising from its meetings would also be circulated to Councillors.

## **5. Implications of the Recommendations**

### **5.1. Legal Implications**

- 5.1.1. The new Panel will continue to be non-decision making, with recommendations submitted to the appropriate decision-making body.

### **5.2. Finance Implications**

- 5.2.1. Efficiency savings can be achieved by reducing the number of meetings held.

### **5.3. Policy Implications**

- 5.3.1. None identified.

### **5.4. Equality Implications**

- 5.4.1. None identified.

### **5.5. Human Resources Implications**

- 5.5.1. None identified.

## **5.6. Risk Management Implications**

5.6.1. Adding a sixth workstream of risk management will enable the Panel to identify, manage and mitigate those risks which may impact on the delivery of its own objectives and outputs.

## **5.7. Rural Communities Implications**

5.7.1. There are no direct implications for rural communities.

## **5.8. Implications for Children & Young People/Cared for Children**

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

## **5.9. Public Health Implications**

5.9.1. There are no direct implications for public health.

## **5.10. Climate Change Implications**

5.10.1. A reduction in the number of meetings will help the Council to reduce its carbon footprint and achieve environmental sustainability by reducing energy consumption.

## **6. Ward Members Affected**

6.1. Implications are borough wide.

## **7. Consultation & Engagement**

7.1. Reports on the proposed merger have been shared with the Chairs and membership of the Brighter Future Members' Forum; Member Technology and Development Panel; Members' Enquiries Service Panel and Corporate Overview and Scrutiny Committee.

## **8. Access to Information**

8.1. The terms of reference for the Brighter Future Members' Forum, the Member Technology and Development Panel and the Members' Enquiries Service Panel have been considered as part of the report.

## **9. Appendices**

9.1. Appendix A, draft Terms of Reference, Members' Input Panel.

## **10. Contact Information**

10.1. 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](mailto:diane.moulson@cheshireeast.gov.uk)

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### **Terms of Reference: Members' Input Panel**

|                        |   |
|------------------------|---|
| Membership:            | Representation from all of the Council's political groups;<br>number of places to be confirmed                        |
| Status of the Panel:   | Not a formal decision-making body   |
| Purpose of the Panel:  | To provide a collective, cross-party policy steer and joint advocacy on the matters set out in the terms of reference |
| Reporting to:          | The relevant decision-making committee will be invited to consider any policy recommendations of the Panel            |
| Frequency of meetings: | Ad hoc  |
| Outputs:               | To be confirmed by the Panel  |

### **Objectives:**

#### **Culture**

The Panel will champion the organisation's culture by shaping and supporting the Brighter Future Culture Workstream, ensuring the council's vision, aspirations, objectives and outcomes are met.

Members of the Panel will act as "change agents" within and across their political parties, recognising role models of the cultural vision and challenging behaviours which are not acceptable and taking necessary and appropriate action.

#### **Members' ICT**

The Panel will represent the views of Members regarding their information technology and communication (ICT) requirements.

The Panel will champion new ways of working using information technology and will assess, monitor and recommend appropriate training to enable Members to carry out their duties effectively and improve the overall standards of ICT literacy amongst Councillors.

## **Members' Enquiries**

The Panel will promote the Members' Enquiries Service as an equal service for all Members to submit enquiries.

The Panel will monitor the effectiveness of the service by considering statistical reports on response times and feedback on performance. It may suggest improvements as appropriate to maintain the high quality of service provided to Councillors.

## **Community Engagement**

Subject to formal resolutions, the Panel will engage and influence other internal and external stakeholders, providing assurance that they are role modelling positive behaviours and challenging inappropriate conduct.

The Panel will advise officers of wider community connections, issues and opportunities that may need to be considered, as these may impact negatively or positively on the defined Brighter Future programme outcomes.

## **Governance**

The Panel will identify priorities for training and undertake delivery of the Member Development Framework and Training Programme, to ensure that Members appointed to the Council are fully equipped with the knowledge and skills required to discharge the duties and responsibilities placed upon them.

The Panel will seek to ensure that member behaviours are embedded across the Council; to enhance the member/officer relations beginning with the Induction Programme for newly elected Members.

The Panel will act as ambassadors for training and development; by reviewing the content of the Member Development Programme, supporting and encouraging colleagues to identify their own individual training needs and raising awareness of member development opportunities.

## **Risk Management**

The Panel will identify, manage and mitigate those risks which may impact on the delivery of the outcomes and outputs set out in the terms of reference above.





*Working for a brighter future together*

## **Constitution Committee**

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**Date of Meeting:** 6 April 2021

**Report Title:** Appointment of New Member to the Independent School Admission Appeals Panel and Independent Review Panel for Exclusion Reviews

**Senior Officer:** David Brown, Director of Governance and Compliance

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### **1. Report Summary**

1.1. The report invites the Committee to consider the appointment of one individual to become a member of the Independent School Admission Appeals Panel and the Independent Review Panel for Exclusion Reviews.

### **2. Recommendation**

2.1. That the Committee approve the appointment of one individual to become a member of the Independent School Admission Appeals Panel and Independent Review Panel for Exclusion Reviews.

### **3. Reasons for Recommendation**

- 3.1. Under s94 of the School Standards and Framework Act 1998, responsibility for making arrangements for appeals against the refusal of a school place rests with the admission authority of the school. The Local Authority is the admission authority of a number of schools in Cheshire East. The Local Authority also arranges appeals for other admission authorities under Cheshire East School Services (ChESS). Where the Local Authority is the admission authority, it must ensure that there are sufficient people appointed to sit on the appeals panel as and when required. By appointing additional panel members the Local Authority will meet its statutory duty.
- 3.2. Under s51A Education Act 2002 and the School Discipline (Pupil Exclusions and Reviews) Regulations 2012 the Local Authority, where it is the arranging authority, is responsible for ensuring that an exclusion review hearing is conducted by a review panel constituted in accordance with the regulations.

By appointing additional panel members the Local Authority will meet its statutory duty.

#### **4. Other Options Considered**

4.1. Not applicable.

#### **5. Background**

5.1. The Local Authority currently has a pool of people registered as panel members who are eligible to sit on the School Admission Appeals Panel and/or the Independent Review Panel for Exclusion Reviews.

5.2. The Local Authority is constantly reviewing the number of people eligible to sit on these panels and periodically seeks to appoint new members where numbers have declined due to retirement or resignation.

5.3. The Local Authority has received an application from a prospective panel member. The applicant was interviewed and evaluated by a lawyer in the Legal Services Adults and Education Team and their appointment would be recommended. The applicant's details are not included in this report. If members require the personal details of the applicant to be disclosed and discussed at the meeting, the Committee will have to resolve to move into Part II as the information is exempt by virtue of paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (information relating to any individual).

5.4. All members of the School Admission Appeals Panel and Independent Review Panel for Exclusion Reviews receive training before sitting on these panels.

#### **6. Implications of the Recommendation**

##### **6.1. Legal Implications**

6.1.1. The Local Authority has a legal responsibility to ensure that there is a sufficient pool of trained panel members, both lay members and educational members, to sit on Independent School Admission Appeals Panels and Independent Review Panels for Exclusion Reviews to ensure that these Panels operate lawfully and follow due process.

##### **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. Panel decisions are potentially subject to an investigation by the Local Government and Social Care Ombudsman, Education Funding Agency and/or Judicial Review.

#### **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. Not applicable.

### **8. Access to Information**

8.1. No further documents included.

8.2. Background papers relating to this report which are not exempt can be inspected by contacting the officer below.

### **9. Contact Information**

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

|            |  |
|------------|--|
| Name:      | Roisin Beressi   |
| Job Title: | Legal Team Manager Adults & Education  |
| Email:     | <a href="mailto:roisin.beressi@cheshireeast.gov.uk">roisin.beressi@cheshireeast.gov.uk</a> |

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