

# Council Agenda

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**Date:** Wednesday 20th July 2022  
**Time:** 11.00 am  
**Venue:** Crewe Lifestyle Centre, Moss Square, Crewe. CW1 2BB

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

It should be noted that Part 1 items of Cheshire East Council decision making meetings are audio 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. **Minutes of Previous Meeting** (Pages 5 - 12)

To approve as a correct record the minutes of the meeting of Council held on 18 May 2022.

4. **Mayor's Announcements**

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

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

In accordance the Council Procedural Rules, a total period of 30 minutes is allocated for members of the public to speak at Council meetings. Individual members of the public may speak for up to 2 minutes, but the Chair will have discretion to vary this requirement where they consider it appropriate.

Members of the public wishing to speak are required to provide notice of this at least three clear working days' in advance of the meeting and should include the question with that notice. Questions should be submitted to: [katie.small@cheshireeast.gov.uk](mailto:katie.small@cheshireeast.gov.uk) or [brian.reed@cheshireeast.gov.uk](mailto:brian.reed@cheshireeast.gov.uk).

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

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

7. **Recommendation from Children and Families Committee: Approval of Supplementary Estimates** (Pages 13 - 20)

To consider the recommendation from the Children and Families Committee.

8. **Recommendation from Adults and Health Committee: Approval of Supplementary Estimates** (Pages 21 - 26)

To consider the recommendation from the Adult and Health Committee.

9. **Recommendation from Corporate Policy Committee: Approval of Supplementary Estimates** (Pages 27 - 34)

To consider the recommendation from the Corporate Policy Committee.

10. **Recommendation from Finance Sub Committee: Approval of Supplementary Estimates and Virements** (Pages 35 - 52)

To consider the recommendations from the Finance Sub Committee.

11. **Recommendation from Corporate Policy Committee: UK Shared Prosperity Fund - Cheshire East Allocation** (Pages 53 - 66)

To consider the recommendations from the Corporate Policy Committee.

12. **Recommendation from Adult and Health Committee and Scrutiny Committee: Establishment of a Cheshire and Merseyside Joint Health Scrutiny Committee and Consequential Revisions to the Constitution** (Pages 67 - 116)

To consider the establishment of a Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee; and adoption of the amended Protocol for the establishment of Joint Health Scrutiny Arrangements in Cheshire and Merseyside, and to note the consequential revisions to the Constitution.

13. **Political Representation on the Council's Committees** (Pages 117 - 122)

To determine the political representation on the Council's Committees.

14. **Notices of Motion** (Pages 123 - 126)

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

15. **Questions**

In accordance with the Council Procedure Rules, opportunity is provided for Members of the Council to 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.

At Council meeting, there will be a maximum question time period of 30 minutes. A period of two minutes will be allowed for each Councillor wishing to ask a question. The Mayor will have the discretion to vary this requirement where they consider it appropriate.

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

held on Wednesday, 18th May, 2022 in the The Tenants' Hall, Tatton Park,  
Knutsford WA16 6QN

**PRESENT**

Councillor D Marren (Mayor/Chair)

Councillors S Pochin, D Marren, S Akers Smith, L Anderson, J Barber, M Beanland, M Benson, J Bratherton, S Brookfield, D Brown, C Browne, J Buckley, C Bulman, B Burkhill, P Butterill, S Carter, J Clowes, S Corcoran, L Crane, A Critchley, S Davies, T Dean, D Edwardes, S Edgar, H Faddes, A Farrall, JP Findlow, K Flavell, A Gage, S Gardiner, M Goldsmith, P Groves, S Handley, A Harewood, G Hayes, S Hogben, S Holland, M Houston, M Hunter, D Jefferay, L Jeuda, A Kolker, C Leach, A Martin, A Moran, R Moreton, C Naismith, J Nicholas, K Parkinson, J Parry, B Puddicombe, P Redstone, J Rhodes, L Roberts, J Saunders, M Sewart, M Simon, L Smetham, J Smith, A Stott, L Wardlaw, M Warren, J Weatherill, P Williams, J Wray and N Wylie (pm only)

**1 APOLOGIES FOR ABSENCE**

Apologies were received from Councillors M Addison, R Bailey, L Braithwaite, D Brown, B Evans, A Farrall, R Fletcher, L Gilbert, A Gregory, I Macfarlane, N Mannion, B Murphy, D Murphy, L Roberts, L Smith, D Stockton and M Warren.

**2 DECLARATIONS OF INTEREST**

It was noted that Councillor David Marren and Councillor Rod Fletcher had a personal interest in the appointment of Mayor and of Deputy Mayor, respectively.

**3 ELECTION OF MAYOR 2022/23**

Council was requested to elect a Mayor for the Borough of Cheshire East for 2022-23 Municipal Year, who would also act as Chairman of the Council for that period.

It was proposed by Councillor A Moran, seconded by Councillor S Akers Smith that Councillor David Marren be elected as Mayor for 2022-23 Municipal Year.

The motion was put to the vote and declared carried.

**RESOLVED:**

That Councillor David Marren be elected Mayor of the Borough of Cheshire East for the year 2022-23 Municipal Year and be appointed as Chairman of the Council for that period.

The Mayor was invested with his chain of office and then completed his Declaration of Acceptance of Office and took the oath of loyalty.

The Mayor thanked the Council for electing him to this office and informed Members that his wife, Mrs Belinda Marren, was to be his Mayoress.

(Councillor Marren, as Mayor, took the chair).

**4 APPOINTMENT OF DEPUTY MAYOR 2022/23**

Council was requested to appoint a Deputy Mayor of the Borough of Cheshire East for the year 2022-23 Municipal Year, who would also act as Vice-Chairman of the Council for that period.

It was proposed by Councillor P Williams, seconded by Councillor C Browne that Councillor Rod Fletcher be appointed as Deputy Mayor for 2022-23 Municipal Year.

The motion was put to the vote and declared carried.

**RESOLVED:**

That Councillor Rod Fletcher be appointed as Deputy Mayor of the Borough of Cheshire East for the year 2022-23 Municipal Year and as Vice-Chairman of the Council for that period.

**5 VOTE OF THANKS TO THE RETIRING MAYOR**

Councillor Sam Corcoran paid tribute to the retiring Mayor, Councillor Sarah Pochin, for the dedicated work that they had undertaken during their term of office.

The Mayor presented Councillor Pochin with a Past Mayor's Medal.

Councillor Pochin then addressed Council, as outgoing Mayor.

**6 MAYOR'S ANNOUNCEMENTS**

The Mayor announced that he would be using his term in office to raise money for Ukrainian refugees.

The Mayor referred to the Council's commitment to tackling climate change and asked those present to listen to a piece of music entitled

'Manta Ray' from the documentary 'Racing Extinction', which encouraged people to think about what they could do and change to help tackle climate change.

The Mayor thanked all those who had attended the Mayor Making Ceremony and stated that the meeting would now be adjourned and would be reconvened, following lunch.

*(The meeting was adjourned at 12.20 pm and reconvened at 1.45 pm)*

**7 APOLOGIES FOR ABSENCE**

Apologies for absence were updated.

**8 DECLARATIONS OF INTEREST**

No declarations of interest were made.

**9 MINUTES OF PREVIOUS MEETING**

**RESOLVED:**

That the minutes of the meeting held on 27 April 2022 be approved as a correct record.

**10 ELECTION OF LEADER OF THE COUNCIL 2022/23**

Nominations were invited for the election of the Leader of the Council. The following were nominated:

Councillor Sam Corcoran – proposed by Councillor M Houston and seconded by Councillor C Browne  
Councillor Janet Clowes – proposed by Councillor S Gardiner and seconded by Councillor M Simon

A requisition for a named vote was submitted. The nominations were put to the vote with the following result:

**For Councillor Corcoran - 34**

Cllrs S Akers Smith, L Anderson, J Barber, J Bratherton, S Brookfield, C Browne, J Buckley, C Bulman, B Burkhill, P Butterill, S Carter, S Corcoran, L Crane, D Edwardes, H Faddes, K Flavell, M Goldsmith, S Handley, A Harewood, S Hogben, M Houston, M Hunter, D Jefferay, L Jeuda, A Moran, R Moreton, C Naismith, J Nicholas, J Parry, S Pochin, B Puddicombe, J Rhodes, A Stott and P Williams.

**For Councillor Clowes - 25**

Cllrs M Beanland, Cllr M Benson, Cllr J Clowes, Cllr S Davies, Cllr T Dean, Cllr S Edgar, Cllr JP Findlow, Cllr A Gage, Cllr S Gardiner, Cllr P Groves,

Cllr G Hayes, Cllr S Holland, Cllr A Kolker, Cllr C Leach, Cllr A Martin, Cllr K Parkinson, Cllr P Redstone, Cllr J Saunders, Cllr M Sewart, Cllr M Simon, Cllr L Smetham, Cllr L Wardlaw, Cllr J Weatherill, Cllr J Wray and Cllr N Wylie.

**Not Voting - 3:**

Cllr A Critchley, Cllr D Marren and J Smith

**RESOLVED:**

That Councillor Sam Corcoran be elected as Leader of the Council for the 2022-23 municipal year.

**11 ELECTION OF DEPUTY LEADER OF THE COUNCIL 2022/23**

Nominations were invited for the appointment of the Deputy Leader of the Council.

It was proposed by Councillor J Nicholas and seconded by Councillor L Crane that Councillor Craig Browne be appointed as the Deputy Leader of the Council for the 2022-2023 Municipal Year.

The motion was put to the vote and declared carried.

**RESOLVED:**

That Councillor Craig Browne be appointed as Deputy Leader of the Council for the 2022-2023 Municipal Year.

**12 POLITICAL REPRESENTATION ON THE COUNCIL'S COMMITTEES**

Consideration was given to a report relating to the political representation on the Council's Committees.

The recommendation was moved and seconded.

**RESOLVED:**

That the committees set out in Appendix A to the report be appointed, with the same functions, roles and responsibilities as are currently set out in the Constitution; and that the political group and other representation, as set out in Appendix A and the methods, calculations and conventions used in determining this, as outlined in the report be adopted, and the allocation of places to Committees be approved.

**13 APPOINTMENT OF CHAIRS AND VICE-CHAIRS OF COMMITTEES OF THE COUNCIL**

Consideration was given to the appointment of Chairs and Vice Chairs of the Council's committees.

The Appendix to the report set out the nominated persons for Chair and Vice-Chair for each committee.

The appointments for Chairs and Vice-Chairs were moved and seconded and put to the vote and declared carried.

**RESOLVED:**

That the offices of Chair and Vice-Chair be allocated as detailed in the Appendix to the report.

**14 APPOINTMENTS TO THE CHESHIRE POLICE AND CRIME PANEL AND THE CHESHIRE FIRE AUTHORITY**

Consideration was given to a report inviting Council to make appointments to the Cheshire Fire Authority and the Cheshire Police and Crime Panel.

In relation to the Cheshire Fire Authority, it was reported that that the Cheshire East Council allocation of seats had increased from 8 Members, to 9 Members as a consequence of changes in the May 2022 electorates for the local authorities which nominate Members to the Fire Authority.

The nominations for the Cheshire Police and Crime Panel and the Cheshire Fire Authority were moved and seconded and put to the vote and declared carried.

**RESOLVED:** That

- 1 Councillors Paul Findlow, Laura Jeuda and Mick Warren be appointed to the Cheshire Police and Crime Panel, with Councillor Denis Murphy as named substitute.
- 2 Councillors Rachel Bailey, Michael Beanland, David Brown, Marilyn Houston, Nick Mannion, Rob Moreton, Denis Murphy, James Nicholas, Jonathan Parry be appointed to the Cheshire Fire Authority.

**15 APPOINTMENTS TO THE ADOPTION PANEL AND THE FOSTERING PANEL**

Consideration was given to a report inviting Council to approve a number of appointments to Statutory Panels which did not fall within the definition of "Committee" for the purpose of legislation.

It was moved and seconded that Councillor Brian Puddicombe be appointed to the Adoption Panel and that Councillor Carol Bulman be appointed to the Fostering Panel.

The motion was put to the vote and was declared carried.

**RESOLVED:** That

- 1 Councillor Brian Puddicombe be appointed to the Adoption Panel; and
- 2 Councillor Carol Bulman be appointed to the Fostering Panel.

**16 APPROVAL OF ABSENCE FROM COUNCIL MEETINGS**

Consideration was given to a report seeking the approval of Council in respect of Councillor Bryon Evans' absence from Council meetings for a period of over 6 months due to reasons of ill-health.

**RESOLVED:**

That Councillor Byron Evans' absence from Council meetings for a period of over six months, due to reasons of ill-health be approved; such approval to apply until the date of the next local elections on 4 May 2023.

**17 HOMES FOR UKRAINE SCHEMES - GRANT FUNDING**

Consideration was given to a report seeking approval of a fully funded supplementary capital estimate.

The report detailed the expectations of local authorities as part of the Homes for Ukraine Scheme and sought approval to delegate authority to the Chief Executive to accept funding from the Department for Levelling Up, Housing and Communities, up to £12,600,000. This sum made provision for up to 1,000 Ukrainian guests (£10,500 per individual) arriving and residing in 500 sponsor properties (a £4,200 thank you payment per annum per property).

**RESOLVED:** That Council

- 1 approves a supplementary revenue estimate of up to £12,600,000 for the 2022/23 Financial Year; and
- 2 delegates authority to the Chief Executive to accept up to £12,600,000 of grant funding from the Department of Levelling Up, Housing and Communities for the Homes for Ukraine Scheme.
- 2 authorises the Chief Executive to take all other action, including the distribution of grant monies, as they deems necessary, to ensure that the grant funding can be properly administered.

The meeting commenced at 11.05 am and concluded at 2.25 pm

Councillor D Marren  
Mayor/Chair

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**COUNCIL MEETING – 20 JULY 2022****RECOMMENDATION FROM CHILDREN AND FAMILIES COMMITTEE: APPROVAL OF SUPPLEMENTARY ESTIMATES****RECOMMENDATION**

**That Council approve the supplementary estimates over £1,000,000 set out in Appendix B, Table E.**

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Extract from the Minutes of the Children and Families Committee meeting on 23 May 2022

**12 CHILDREN AND FAMILIES BUDGETS 2022/23**

The Committee received the report which determined the allocation of the approved budgets for 2022/23 to the Children and Families Committee.

A concern was raised that some schools appeared to be accessing the Educational Psychologist traded service while others were not and that the message needed to be publicised consistently. It was agreed that a written response would be provided.

**RESOLVED** (by majority):

That the Children and Families Committee:

1. Note the decision of the Finance Sub-Committee to allocate the approved capital and revenue budgets, related policy proposals and earmarked reserves to the Children and Families Committee, as set out in Appendix A.
2. Note the supplementary estimates already approved as set out in Appendix B, Tables A and B.
3. Approve the supplementary estimates set out in Appendix B, Table C and Table D.
4. Recommend to Council to approve the supplementary estimates set out in Appendix B, Table E.
5. Note the financial reporting timetable as set out in Appendix C.

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## Appendix B – Supplementary Estimates

### **Table A Specific Grant Supplementary Estimates less than £1,000,000 – Already approved for noting purposes only**

Finance Sub-Committee approved the following supplementary estimates for specific grants coded directly to services up to and including £1,000,000.

Committee	Year	Type of Grant	£000	Details
Children and Families	2022/23	Holiday Activities & Food Programme Grant 2022/23	879	The purpose of the grant is for local authorities to make free places at holiday clubs available in the Easter, Summer and Christmas school holidays in 2022. This will be made available to children in the local authority area who are eligible for and receive benefits-related free school meals.
Children and Families	2021/22	COVID-19 Recovery Premium	292	Recovery premium received on behalf of schools and allocated out as per funding <a href="#">schedule</a> (breakdown by school).
Children and Families	2021/22	School Led Tutoring Grant	233	This grant will give schools and academy trusts the flexibility in determining how best to provide tutoring intervention to support catch-up for lost education due to the coronavirus (COVID-19) pandemic. Grant <a href="#">conditions</a> .
Children and Families	2021/22	Tackling Troubled Families (Payments by Results)	103	In April 2012, the Government launched the Troubled Families Programme, a £448m scheme to incentivise local authorities and their partners to turn around the lives of 120,000 troubled families by May 2015. This programme worked with families where children are not attending school, young people are committing crime, families are involved in anti-social behaviour and adults are out of work.

Committee	Year	Type of Grant	£000	Details
				In June 2013, the Government announced plans to expand the Troubled Families Programme for a further five years from 2015/16 and to reach up to an additional 400,000 families across England. £200 million has been committed to fund the first year of this five year programme. This increased investment is testament to the Government's ongoing commitment to improve the lives of troubled families and as this work is taken to a significantly greater scale, to transform local public services and reduce costs for the long-term.
Children and Families	2021/22	Holiday Activities & Food Programme Grant	65	The purpose of the grant is for local authorities to make free places at holiday clubs available in the Easter, summer and Christmas school holidays in 2021. This will be made available to children in the local authority area who are eligible for and receive benefits-related free school meals. This request is being made in relation to the contingency amount only – if this is not used the resulting budget increase will not be taken forward.
Children and Families	2021/22	Afghanistan Resettlement (Education) Grants 2021/22	64 120	September to November December to March  The Secretary of State for Education is providing financial assistance to local authorities, in the form of the Afghanistan Resettlement (Education) Grant 2021-22 for the financial year beginning 1 April 2021.  Eligibility for the funding is restricted to local authorities where families arriving from Afghanistan under Afghan

Committee	Year	Type of Grant	£000	Details
				Relocation and Assistance Policy (ARAP), Afghanistan Citizens Resettlement Scheme (ACRS) and British Nationals, are currently residing in bridging accommodation, namely hotels funded by the Home Office.
<b>Total Children and Families</b>			<b>1,756</b>	

**Table B - Supplementary Estimates over £1,000,000 – Already approved for noting purposes only**

Finance Sub-Committee recommended to Council to approve fully funded supplementary revenue estimates for specific grants coded directly to services over £1,000,000.

Committee	Year	Type of Grant	£000	Details
Children and Families	2021/22	Household Support Fund	2,204	The purpose of the grant is to provide support to certain local authorities in England for expenditure lawfully incurred or to be incurred by them in accordance with the Grant Conditions to provide support to households who would otherwise struggle to buy food or pay essential utility bills or meet other essential living costs or housing costs (in exceptional cases of genuine emergency) this winter as the economy recovers.  Replaced Covid Local Support grant from 1 October 2021.
<b>Total Children and Families</b>			<b>2,204</b>	
<b>Total Grants over £1m Recommendation to Council</b>			<b>2,204</b>	

**Table C – Supplementary Estimates for Approval**

Committee	Year	Type of Grant	£000	Details
Children and Families	2021/22	Senior Mental Health Lead Training Grant	22	This grant is for senior mental health lead training to around a third of all eligible state-funded schools and colleges in the 2021 to 2022 financial year.
Children and Families	2021/22	Hong Kong UK Welcome Programme Grant	4	Reimbursement for the costs of providing English language support to BN(O) status holders and their dependants.
Children and Families	2021/22	Early Years Professional Development Programme: Building On Success	29	Funding has been awarded to local authorities for work that will be used to enable settings to provide overtime payments or hire agency staff so that practitioners can attend training, and funding towards admin costs incurred by the local authorities in administering the programme. This will develop a high-quality early years workforce, and ensure children have the support they need to recover from the COVID-19 pandemic.
Children and Families	2022/23	Domestic Abuse Safe Accommodation Housing Grant	2	The Domestic Abuse Act 2021 placed new duties on local authorities across England to ensure that victims of domestic abuse and their children can access the right support in safe accommodation when they need it. This is for the additional amount allocation which was slightly higher than the estimate in the MTFS report.
<b>Total Children and Families</b>			<b>57</b>	

Table D Supplementary Capital Estimates for Approval – up to £1m

Capital Scheme	Year	£000	Details
Future Years Basic Need Block Allocation	2022-23	76	Additional Basic Need Grant allocated for 2022/23 as per the Department of Education's Grant Confirmation letter not previously approved in the capital programme
Future Years Basic Need Block Allocation	2024/25	44	Additional Basic Need Grant allocated for 2024/25 as per the Department of Education's Grant Confirmation letter not previously approved in the capital programme
School Condition Grant Block Allocation	2022/23	706	Additional School Condition Grant allocated for 2022/23 as per the Department of Education's Grant Confirmation letter not previously approved in the capital programme
<b>Total Children and Families</b>		<b>826</b>	

Table E Supplementary Capital Estimates for Council Approval – above £1m

Capital Scheme	Year	£000	Details
Future Years Basic Need Block Allocation	2023/24	10,612	Additional Basic Need Grant allocated for 2024/25 as per the Department of Education's Grant Confirmation letter not previously approved in the capital programme
SEN/High Needs Block Allocation	2022/23	5,014	Additional SEN/High Needs allocated for 2022/23 as per the Department of Education's Grant Confirmation letter not previously approved in the capital programme
SEN/High Needs Block Allocation	2023/24	3,820	Additional SEN/High Needs allocated for 2023/24 as per the Department of Education's Grant Confirmation letter not previously approved in the capital programme
<b>Total Children and Families</b>		<b>19,446</b>	

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**COUNCIL MEETING – 20 JULY 2022****RECOMMENDATION FROM ADULTS AND HEALTH COMMITTEE: APPROVAL OF SUPPLEMENTARY ESTIMATES****RECOMMENDATION**

**That Council approve the supplementary estimates over £1,000,000 set out in Appendix B, Table D.**

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Extract from the Minutes of the Adults and Health Committee meeting on 30 May 2022.

**6 ADULTS AND HEALTH BUDGETS 2022/23**

The Committee received the report which determined the allocation of the approved budgets for 2022/23 to the Adults and Health Committee.

There would be monitoring reports coming to committee throughout the year which would demonstrate how the Council was measuring demand, dealing with price pressures, and how delivery of the planned savings was progressing.

There was a request that a footnote be inserted in relation to the European Social Fund Income for Journey First and Parents First to make it clear that this funding was administered from the Department of Work and Pensions.

Comments and questions were received from members in relation to the following:

- Had conversations started following the publication of the Newton report in respect of adult social care fees and the difficulties experienced with the care market;
- Public Health Grant – were there specific things that this would be spent on.

It was agreed that a summary of the Newton report would be brought to Committee and considered as part of the implementation of policy going forward.

**RESOLVED** (Unanimously) that :-

1. The decision of the Finance Sub-Committee to allocate the approved capital and revenue budgets, related policy proposals and earmarked reserves to the Adults and Health Committee be noted.
2. The supplementary estimates already approved as set out in Appendix B, Tables A and B of the report be noted.
3. The supplementary estimates set out in Appendix B, Table C of the report be noted.

4. That the Adults and Health Committee recommend to Council to approve the supplementary estimate set out in Appendix B, Table D of the report.
5. The financial reporting timetable as set out in Appendix C of the report be noted.

## Appendix B – Supplementary Estimates

### **Table A - Specific Grant Supplementary Estimates less than £1,000,000 – Already approved for noting purposes only**

Finance Sub-Committee approved the following supplementary estimates for specific grants coded directly to services up to and including £1,000,000.

Committee	Year	Type of Grant	£000	Details
Adults and Health	2022/23	Public Health Grant	476	Local authorities (upper tier and unitary) are responsible for improving the health of their local population and reducing health inequalities. In 2022 to 2023 the CEC public health grant has increased by £475,572 compared to 2021/22. The grant will be ringfenced for use on public health functions. This may include public health challenges arising directly or indirectly from COVID-19.
Adults and Health	2022/23	ICT Workforce: Contract Extension Funding	173	<p>Champs Public Health Collaborative, on behalf of the Cheshire and Merseyside Directors of Public Health, submitted a successful bid to the Department of Health and Social Care for funding to support a pilot around the transformation of contact tracing services across the sub region. A fundamental aspect of this was to ensure we maintained our workforce capacity during the winter period by ensuring we took action to extend short term contracts of contact tracers and team leaders to reduce the risk of people feeling the need to leave in early 2022.</p> <p>To secure the existing workforce beyond 1 April 2022, the C&amp;M Directors of Public Health agreed to utilise an element of our DHSC funding to extend fixed term contracts for local authority contact tracers and team leaders from 1 April 2022 to 31 July 2022, where contracts were due to end 31 March 2022. This gives us a stable workforce as we continue to work together on</p>

Committee	Year	Type of Grant	£000	Details
				establishing a sustainable, resilient contact tracing service across our sub-region.
<b>Total Adults and Health</b>			<b>649</b>	

**Table B – Urgent Decisions already made for noting**

Committee	Year	Type of Grant	£000	Details
Adults and Health	2021/22	COVID-19 Infection Control Fund and Rapid Testing Grant: October 2021 to March 2022.	3,465	A supplementary revenue estimate for the 2021/22 financial year of £3,465,255 be approved; this to funded from Adult Social Care Infection Control and Rapid Testing Fund Round 3 allocation for Cheshire East Council as set out in DoHCS guidance published on 21 October 2021.
<b>Total Adults and Health</b>			<b>3,465</b>	

**Table C – Supplementary Estimates for Approval**

Committee	Year	Type of Grant	£000	Details
Adults and Health	2021/22	Syrian Resettlement Programme - education element	5	Syrian educational element of the Syrian Settlement Programme for refugees enrolled in schools. Funding is passported to the schools where the refugees are enrolled.
Adults and Health	2021/22	COVID-19 Adult Social Care Omicron Fund	363	Additional funding to support the sector in recognition of the increased pressure on existing funding sources caused by the Omicron variant.
<b>Total Adults and Health</b>			<b>368</b>	

**Table D – Supplementary Estimates for Council Approval**

Committee	Year	Type of Grant	£000	Details
Adults and Health	2021/22	European Social Fund Income for Journey First and Parents First	1,682	<p>The Journey First programme provides intensive 1-2-1 support for young people and adults helping participants to identify their skills and reach their goals, whether that be support with job searches and employment or access to further education or training.</p> <p>Parents First is a holistic employment support service for parents of young children who take up the free childcare entitlement as well as parents of young children who have not yet engaged with those services. The support will ensure parents are able to explore and develop education, training, and employment aspirations, get job ready or find meaningful employment.</p>
<b>Total Adults and Health</b>			<b>1,682</b>	

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**COUNCIL MEETING – 20 JULY 2022****RECOMMENDATION FROM CORPORATE POLICY COMMITTEE: APPROVAL OF SUPPLEMENTARY ESTIMATES****RECOMMENDATION**

**That Council approve the supplementary estimates over £1,000,000 set out in Appendix B, Table E.**

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Extract from the Minutes of the Corporate Policy Committee meeting on 9 June 2022.

**5 CORPORATE SERVICES BUDGETS 2022/23**

The Committee considered a report on the allocation of the approved budgets for 2022/23 to the Corporate Policy Committee.

The Finance Sub-Committee at its meeting on 2<sup>nd</sup> March 2022 had approved the allocation of the approved capital and revenue budgets, related policy proposals and earmarked reserves to each of the service committees.

Councillor P Redstone spoke as a visiting member in relation to the B4B Programme and raised issues relating to complaints in some schools about payroll and pensions. Officers were aware of the issues which were being addressed.

**RESOLVED:** That the Committee

1. notes the decision of the Finance Sub-Committee to allocate the approved capital and revenue budgets, related policy proposals and earmarked reserves to the Corporate Policy Committee, as set out in Appendix A to the report;
2. notes the supplementary estimates already approved as set out in Appendix B, Tables A, B and C;
3. approves the supplementary revenue estimates set out in Appendix B, Table D;
4. recommends to Council to approve the supplementary revenue estimates set out in Appendix B, Table E;
5. approves the supplementary capital revenue estimates set out in Appendix B, Table F;
6. approves the capital budget virement set out in Appendix B, Table G; and
7. notes the financial reporting timetable as set out in Appendix C.

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## Appendix B – Supplementary Estimates

### **Table A General Purpose Grant Revenue Supplementary Estimates less than £1,000,000 – Already approved for noting purposes only**

Finance Sub-Committee approved supplementary revenue estimates for general purpose grants coded centrally up to and including £1,000,000.

Committee	Year	Type of Grant	£000	Details
Corporate Policy	2022/23	Lower Tier Services Grant	7	The Lower Tier Services Grant was introduced in the local government finance settlement 2021 to 2022 for local authorities with responsibility for lower tier services.
Corporate Policy	2021/22	Tax Income Guarantee Scheme (Reserves)	3	Compensation for Business Rates losses.
<b>Total Corporate Policy</b>			<b>10</b>	

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### **Table B Specific Grant Supplementary Estimates less than £1,000,000 – Already approved for noting purposes only**

Finance Sub-Committee approved supplementary estimates for specific grants coded directly to services up to and including £1,000,000.

Committee	Year	Type of Grant	£000	Details
Corporate Policy	2021/22	Local Authority Data Sharing (LADS)	1	Funding for software and staffing to administer the required changes for Local Authority Data Sharing.

Committee	Year	Type of Grant	£000	Details
Corporate Policy	2021/22	COVID-19 Test and Trace Support (Self Isolation Payment)	257	Test and Trace Support Payment scheme – awards and administration of the scheme to support people self-isolating on a low income. For period October to December 2021.
Corporate Policy	2021/22	New Burdens 5 Post Payment Assurance, Reconciliation and Debt Recovery (Tranche 1 + 2)	49	Business Grant assurance and reporting processes required for all business grant schemes from the 1 August 2020 to 31 March 2022.
Corporate Policy	2021/22	New Burdens (6) Omicron Hospitality and Leisure Grant and the Additional Restrictions Grant (3rd Top Up) COVID-19 Grant Schemes	53	New Burden grant relating to the additional costs resulting from grant delivery of the Omicron Hospitality and Leisure Grant scheme and the Additional Restrictions Grant scheme between 30 December 2021 and 31 March 2022.
<b>Total Corporate Policy</b>			<b>360</b>	

**Table C - Supplementary Estimates over £1,000,000 – Already approved for noting purposes only**

Finance Sub-Committee recommended to Council to approve fully funded supplementary revenue estimates for specific grants coded directly to services over £1,000,000.

Committee	Year	Type of Grant	£000	Details
Corporate Policy	2022/23	Business Rate Compensation Grant (Reserves)	13,890	S31 grants received to compensate for reduced business rates collected as a result of reliefs mandated by Central Government after the setting of the Business Rates Baseline in 2013/14 (grant covers CEC 49% share).
<b>Total Corporate Policy</b>			<b>13,890</b>	

**Table D - Supplementary Revenue Estimates for approval**

Committee	Year	Type of Grant	£000	Details
Corporate Policy	2021/22	Covid-19 Compensation for Sales, Fees and Charges Income	108	The Sales, Fees and Charges scheme compensates local authorities for irrecoverable income losses due to Covid-19 for the period April - June 2021. This is for the additional amount received above the estimated payment for 2021/22 in the December report.
Corporate Policy	2021/22	Council Tax Family Annexe Discount Grant	23	The purpose of the grant is to compensate billing authorities in England for the council tax foregone in 2021-22 due to their implementation of the national council tax discount scheme for family annexes.
Corporate Policy	2021/22	Local Government Transparency Code - New Burdens	13	New burdens in relation to the Council's obligation to publish information in line with the Government's Transparency Code 2014.
Corporate Policy	2021/22	Redmond Review Local Audit Fees Grant	61	The Redmond Review recommended that the current fee structure for local audit be revised to ensure that adequate resources are deployed to meet the full extent of local audit requirements. To support the implementation of this, in the

				government response to the Review, ministers announced £15 million in additional funding in 2021/22. This is intended to support affected local bodies to meet the anticipated rise in audit fees in 2021/22, driven by new requirements on auditors including the 2020 Code of Audit Practice, and to enable local authorities to develop standardised statements of service information and costs.
Corporate Policy	2022/23	Council Tax Rebate Scheme - New Burdens on Account Payment	170	New Burden grant relating to the additional costs resulting from administration of support for energy bills - the council tax rebate 2022-23.
Corporate Policy	2022/23	Council Tax Support Administration Subsidy	29	Council Tax Support administration within the Benefits team. Increase on MTFS 2022-26 estimate. The grant is provided towards expenditure incurred, or to be incurred, in respect of the provision of local Council Tax Support Administration in 2022/23.
Corporate Policy	2022/23	HB Admin Subsidy Grant	82	Additional amount received that was higher than the estimated amount in the MTFS.
Corporate Policy	2021/22	New Burden grants - incapacity benefit reassessment	12	New burden funding for activities relating to incapacity benefit reassessment, improvements to supported & temporary accommodation and council tax data submissions ONS.
Corporate Policy	2021/22	Police & Crime Commissioner Panel administration grant	65	Each PCC panel is hosted by a local authority which is responsible for establishing and maintaining a panel, provides administration support, legal advice, communications and democratic services support to the panel.
Corporate Policy	2021/22	Elections grant	345	Grant claim for the May '21 PCC elections.
<b>Total Corporate Policy</b>			<b>908</b>	

**Table E - Supplementary Revenue Estimates for Council approval**

Committee	Year	Type of Grant	£000	Details
Corporate Policy	2021/22	Housing Benefit Subsidy	5,719	Payment of claims administration within Housing Benefits.
<b>Total Corporate Policy</b>			<b>5,719</b>	

**Table F Supplementary Capital Estimates for Approval – up to £1m**

Capital Scheme	Year	£000	Details
Best4Business	2021/22	491	To increase the budget to cover expenditure in 2021-22 with an additional contribution from Cheshire East of £61k and contributions from Cheshire West & Chester of £429k to match that being funded by Cheshire East overall.
Prevero - implementation of the forecasting tool (FP & A)	2021/22	14	To increase the budget to cover expenditure in 2021-22 funding split 50:50 Cheshire East and Cheshire West & Chester.
<b>Total Corporate Policy</b>		<b>505</b>	

**Table G Capital Budget Virements for Approval – up to £5m**

Capital Scheme	Year	£000	Details
Strategic Capital Projects	2021/22	-878	To cover the final CPO compensation claim referred to the Upper Tribunal (Lands Chamber) on Crewe Green Link Road. Settlement of Post Reference costs.
<b>Total Corporate Policy</b>		<b>-878</b>	

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**COUNCIL MEETING – 20<sup>TH</sup> JULY 2022****PROVISIONAL FINANCIAL OUTTURN 2021/22****RECOMMENDATION**

**That Council approve**

- 1. fully-funded supplementary revenue estimates over £1,000,000 in accordance with Financial Procedure Rules as detailed in Appendix 2, Table 1; and**
  - 2. the virement of £2.3m in 2022/23 from the Medium-Term Financial Strategy Reserve to the General Reserve as detailed in Appendix 5, paragraph 4.**
- 

Extract from the Minutes of the Finance Sub-Committee meeting on 6<sup>th</sup> July 2022

**15 PROVISIONAL FINANCIAL OUTTURN 2021/22**

The Sub-Committee considered a report providing the pre-audited overview of the Cheshire East Council outturn for the financial year 2021/22. The report also proposed treatment of year-end balances that reflected risks identified in the Medium-Term Financial Strategy approved by Council in February 2022.

The report included a narrative from the Council's Draft Group Accounts, to highlight financial performance within the year, as well as associated appendices to show how the Council had achieved against the priorities contained within the Corporate Plan as well as other important financial matters.

The Chair placed on record her thanks and appreciation to the Director of Finance and Customer Services and the Finance Team for their work in producing the outturn report.

Members commented as follows in relation to the report:

- There was concern that whilst the Council's finances were being managed in an efficient and transparent way, there were numerous projects within the capital programme that were not proceeding as planned. The Director of Finance and Customer Services advised that, owing to the upheaval of the pandemic and subsequent movements within the labour market, both the Council and its contractors were facing capacity issues at the present time, as had been highlighted previously. There was also a need to reprofile planned projects in view of the current high rate of inflation. Each service committee would be asked to review its programmes and priorities with a view to officers updating committees in the September/October cycle. On the specific question of staff recruitment and retention, the Director undertook to take the matter away for further consideration and report back both to this and other service committees.

- Whilst the proposed increase in the level of General Reserves was welcomed, members asked if there was a benchmark to which councils should work based on a specific number of days' operating costs, as happened in certain other sectors. The Director of Finance and Customer Services responded that there had never been a benchmark for councils in relation to reserves but that the Corporate Plan had set a target of £20M for General Reserves. He undertook to ascertain how the Council was benchmarking against neighbouring and comparator authorities and report back.

**RESOLVED (unanimously)**

That the Sub-Committee

1. notes the overall financial performance of the Council in the 2021/22 financial year, as contained within the report, as follows:

(a) a Net Revenue Underspend of £1.1m against a revised budget of £297.4m (0.4%);

(b) an increase in General Reserves from £11.5m to £12.6m (further recommendation at 3.5.3); and

(c) Capital Spending of £84.5m against an approved programme of £144.9m (58.4%);

2. notes the contents of each of the following appendices:

Appendix 1 – Narrative from the Draft Group Accounts – providing context of the area and its people, commentary on performance and introduces the financial statements of the Council and the wider Group of Companies for the period 1 April 2021 to 31 March 2022;

Appendix 2 – Grants and Requests for Supplementary Revenue Estimates – including details of revenue grants received during 2021/22 and providing supplementary revenue requests relating to grants received in addition to existing budget;

Appendix 3 - Debt Management – providing a debt summary by directorate;

Appendix 4 – Capital Outturn and Requests for Supplementary Capital Estimates and Virements – including an update on the capital programme and details requests for supplementary capital estimates and virements;

Appendix 5 – Reserves Strategy – which details the reserve outturn position;

Appendix 6 – Treasury Management Strategy – year-end Treasury Management report including an economic outlook, borrowing and investing strategies and treasury management indicators; and

Appendix 7 – Investment Strategy – providing details about different types of investments that the Council holds;

3. approves supplementary revenue estimates up to and including £1,000,000 in accordance with Financial Procedure Rules as detailed in Appendix 2, Table 1;
4. approves supplementary capital estimates up to and including £1,000,000 and Capital Virements up to and including £5,000,000 in accordance with Financial Procedure Rules as detailed in Appendix 4, Annex C; and
5. recommends to Council approval of:
  - (a) fully-funded supplementary revenue estimates over £1,000,000 in accordance with Financial Procedure Rules as detailed in Appendix 2, Table 1; and
  - (b) the virement of £2.3m in 2022/23 from the Medium-Term Financial Strategy Reserve to the General Reserve as detailed in Appendix 5, paragraph 4.

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## Appendix 2

# Grants and Requests for Supplementary Revenue Estimates Register

## Government Grant Funding of Local Expenditure

1. Cheshire East Council receives two main types of Government grants; specific use grants and general purpose grants. The overall total of Government grant budgeted for in 2021/22 was £253.4m.
2. In 2021/22 Cheshire East Council's specific use grants held within the services was budgeted to be £234.2m based on Government announcements to February 2021. This figure was revised up at mid-year to £275.4m (an increase of £41.2m). By outturn, this figure was revised up again to £304.0m (an increase of £28.6m on mid-year).
3. The final outturn position has seen an increase in specific use grants of £28.6m. The main factors influencing this revised increased position are as follows:
  - Household Support Fund +£2.2m
  - ESF Income for Journey First and Parents First +£2.2m
  - Covid-19 Infection Control and Rapid Testing +£3.5m
  - Covid-19 Work Recruitment and Retention Fund +£2.8m
  - Covid-19 Contain Outbreak Management Fund +£3.8m
  - Housing Benefit Subsidy +£5.2m
  - Business Support grants +£6.7m
4. There were further grant increases in other service areas which were off-set by a reduction in the Dedicated Schools Grant (-£2.5m) and Restart Grant (-£2.7m).
4. Spending in relation to specific use grants must be in line with the purpose for which it is provided.
5. During 2020/21 the Government announced a number of grant schemes to provide support for businesses that were mandated to close as a result of the Covid-19 pandemic. Further one-off Restart grants were paid during 2021/22 to rate-paying non-essential retail business premises and hospitality, accommodation, leisure, personal care and gym business premises to help them reopen safely. The Council was responsible for making grant payments to businesses registered for business rates under eligibility criteria set by Government.
6. General purpose grants were budgeted to be £19.2m. Further in-year grant announcements had increased the amount received at mid-year to £68.1m.
7. However, by the financial year-end this amount had reduced to £49m (a reduction of £19.1m). This was mainly due to repayments made to the Department for Levelling-Up, Housing and Communities (DLUHC) relating to Covid-19 Business Rates Reliefs (£14.9m). A further £3.5m of S31 Business Rates Relief (BRRS) Compensation Grant was used

to fund the Revenue Budget and the £0.8m transfer of Sales, Fees & Charges Income Compensation to services.

8. The Covid-19 pandemic has seen additional financial support issued by Central Government.
9. In response to the Coronavirus pandemic, in the Budget on 11 March the Government announced that it would increase the discount to 100% and extend it to include the leisure and hospitality sectors. Following the announcement on 23 March 2020 of further measures to limit the spread of Coronavirus, the Government confirmed that some of the exclusions for this relief have been removed, so that retail, leisure, and hospitality properties that will have had to close as a result of the restriction measures were also eligible for the relief. 100% expanded retail relief has been extended to 30 June 2021 for eligible ratepayers. Relief has reduced to 66% from 1 July and Government have applied cash caps to the relief of £2 million for ratepayers meeting the eligibility for the closed cash cap or £105,000 for all other ratepayers. Relief awarded is fully funded by Government.
10. The estimated full cost for this additional relief for Cheshire East is £27.3m as at the Mid-year review. Usually, local authorities would only be paid their Business Rates Retention share (49%) of any new burdens measures, but in this instance 100% of the funding is being paid to councils to help with cash flow shortfalls as the estimate was not included at the NNDR1 stage when budgets were set. At the end of the financial year, following a detailed reconciliation, the share relating to DLUHC (50%) will be repaid to Government.
11. Approval to use additional general or specific purpose grants is requested throughout the year. New requests for the allocation of the additional grants received are detailed in **Table 1**.
12. **Table 2** provides a summary of the updated budget position for grants in 2021/22 by type and service. Further details of grants are shown in **Table 3** Corporate Grants Register.

**Table 1 – Requests for Allocation of Additional Grant Funding**

Committee	Year	Type of Grant	£000	Details
Children & Families	2022/23	LA Supplementary Grant (Specific Purpose)	2,072	In the 2022 to 2023 financial year, schools will be allocated £1.2 billion of this additional funding, to provide support for the costs of the Health and Social Care Levy and wider costs. This funding will be allocated through the schools supplementary grant 2022 to 2023.
Children & Families	2022/23	Household Support Fund (Specific Purpose)	2,300	Extension to the Household Support Fund to support vulnerable people (estimated allocation). Guidance will be issued in due course to Local Authorities to ensure they can provide assistance to those most in need of additional support, including those not eligible for the Cost of Living Payments set out on 26 May 2022.
<b>Total Allocation above £1m Council Approval</b>			<b>4,372</b>	
Adults & Health	2021/22	European Social Fund Income for Journey First and Parents First (Specific Purpose)	525	<p>The Journey First programme provides intensive 1-2-1 support for young people and Adults helping participants to identify their skills and reach their goals, whether that be support with job searches and employment or access to further education or training.</p> <p>Parents First is a holistic employment support service for parents of young children who take up the free childcare entitlement as well as parents of young children who have not yet engaged with those services. The support will ensure parents are able to explore and develop education, training, and employment aspirations, get job ready or find meaningful employment.</p>
Adults & Health	2021/22	Covid-19 Community Testing Programme (Specific Purpose)	321	Funding for Community Testing in response to the Covid-19 outbreak.
Children & Families	2021/22	Asylum Seekers	315	Based on clients' claims so therefore will fluctuate based on age / numbers of claims – we are also receiving

Committee	Year	Type of Grant	£000	Details
		(Specific Purpose)		some additional funding from those that move through the National Transfer Scheme.
Children & Families	2021/22	Tackling Troubled Families (Specific Purpose)	105	The Troubled Families programme works with families where children are not attending school, young people are committing crime, families are involved in anti-social behaviour and adults are out of work.
Children & Families	2021/22	Adoption Support Fund (Specific Purpose)	18	The adoption support fund provides funds to local authorities and regional adoption agencies to pay for essential therapeutic services for eligible adoptive and special guardianship order families.
Children & Families	2022/23	Staying Put Implementation Grant (General Purpose)	130	The purpose of the grant is to provide support for local authorities in England for expenditure lawfully incurred or to be incurred by them, in respect of a young person aged 18 and their former foster carer, who wish to continue living together in a 'Staying Put' arrangement. For the purposes of this grant 'young person' means a former relevant child who was looked after immediately prior to their 18th birthday. This supported arrangement can continue until the young person's 21st birthday.
Children & Families	2022/23	Extended Personal Adviser duty Implementation Grant (General Purpose)	57	The Children and Social Work Act 2017 introduced a new duty on local authorities, requiring them to offer Personal Adviser support to all care leavers up to age 25. This duty came into force on 1 April 2018. The purpose of this grant is to provide support to local authorities in England, to help them to meet the requirements of this duty, in response to young people that may request such support from the local authority after the age of 21 and up to their 25th birthday.
Children & Families	2022/23	Extended rights to home to school travel	250	The Department for Education provides additional transport funding to local authorities to support children from low-income families to be able to attend schools

Committee	Year	Type of Grant	£000	Details
		(Specific Purpose)		further from home than the statutory walking distances. The funding is paid as a non-ring-fenced grant paid via the Department for Communities and Local Government under the Local Services Support Grant (section 31 of the Local Government Act 2003).
Economy & Growth	2021/22	Natural England - Stewardship Scheme  (Specific Purpose)	4	This is for grant aided ecological works on various Countryside sites within Cheshire East
Economy & Growth	2022/23	Homelessness Prevention Grant  (Specific Purpose)	582	The purpose of the grant is to provide support to local authorities in England towards expenditure lawfully incurred or to be incurred by them in supporting local authorities to discharge their homelessness duties under homelessness legislation. The grant is ring-fenced for 2022-2023 and is to be spent in adherence with the following principles: 1. To fully enforce the Homelessness Reduction Act and contribute to ending rough sleeping by increasing activity to prevent single homelessness. 2. Reduce family temporary accommodation numbers through maximising family homelessness prevention and reduce the use of unsuitable B&Bs for families. 3. Ensure service financial viability of services by contributing to the costs of statutory duties, including implementing the Homelessness Reduction Act and supporting with the costs of temporary accommodation.
Corporate Policy	2021/22	Skills for Care  (Specific Purpose)	41	The Workforce Development Fund supports the provision of high quality care and the continuing professional development of staff across the adult social care sector by providing a contribution towards the costs of vocational learning.

Committee	Year	Type of Grant	£000	Details
Various committees	2021/22	Covid-19 Apprenticeship Funding (Specific Purpose)	19	Funding to support employers, apprenticeship training and assessment providers.
<b>Total Allocation £1m or below</b>			<b>2,117</b>	
<b>Total</b>			<b>6,489</b>	

**Table 2 – Corporate Grants Register (Summary)**

Grants 2021/22	Original Budget	Revised Forecast MYR	Final Outturn	Change from MYR
	2021/22 £m	2021/22 £m	2021/22 £m	2021/22 £m
<b>SPECIFIC USE</b>				
Children and Families	160.1	157.8	159.2	1.4
Adults and Health	29.4	38.3	50.5	12.2
Economy and Growth	0.8	27.6	35.7	8.1
Environment and Communities	0.0	0.9	0.5	(0.4)
Highways and Transport	0.3	0.9	1.7	0.8
Corporate Policy	43.6	49.9	56.4	6.5
<b>TOTAL SPECIFIC PURPOSE</b>	<b>234.2</b>	<b>275.4</b>	<b>304.0</b>	<b>28.6</b>
<b>GENERAL PURPOSE</b>				
Children and Families	0.3	0.5	0.5	0.0
Adults and Health	9.1	9.2	9.2	0.0
Economy and Growth	0.0	0.0	0.0	0.0
Environment and Communities	0.0	0.1	0.1	0.0
Highways and Transport	0.0	0.0	0.0	0.0
Corporate Policy	9.8	58.3	39.2	(19.1)
<b>TOTAL GENERAL PURPOSE</b>	<b>19.2</b>	<b>68.1</b>	<b>49.0</b>	<b>(19.1)</b>
<b>TOTAL GRANT FUNDING</b>	<b>253.4</b>	<b>343.5</b>	<b>353.0</b>	<b>9.5</b>

**Table 3 – Corporate Grants Register (Detail)**

Grants 2021/22	Original Budget	Revised Forecast MYR	Final Outturn	Change from MYR	Treatment of Grant
	2021/22 £000	2021/22 £000	2021/22 £000	2021/22 £000	Notes 2 - 5
<b>CHILDREN and FAMILIES</b>					
<b>Specific Use (Held within Services)<sup>1</sup></b>	160,065	157,768	159,211	1,443	
<b>General Purpose (Held Corporately)</b>					
Staying Put Implementation Grant	0	113	113	0	
Extended Rights to Free Transport (Home to School Transport)	201	258	258	0	
Extended Personal Adviser Duty Implementation	0	56	56	0	
Extension of the role of Virtual School Heads	60	60	61	1	
<b>TOTAL CHILDREN and FAMILIES</b>	<b>160,326</b>	<b>158,255</b>	<b>159,698</b>	<b>1,444</b>	

Grants 2021/22	Original Budget	Revised Forecast MYR	Final Outturn	Change from MYR	Treatment of Grant
	2021/22 £000	2021/22 £000	2021/22 £000	2021/22 £000	Notes 2 - 5
<b>ADULTS and HEALTH</b>					
<b>Specific Use (Held within Services)</b>	29,360	38,284	50,560	12,277	
<b>General Purpose (Held Corporately)</b>					
Social Care Support Grant	7,979	7,979	7,979	0	
Independent Living Fund	818	861	861	0	
Local Reform & Community Voices, Social Care in Prisons and War Pension Scheme Disregard	340	340	332	(8)	
<b>TOTAL ADULTS and HEALTH</b>	<b>38,497</b>	<b>47,463</b>	<b>59,731</b>	<b>12,268</b>	

Grants 2021/22	Original Budget	Revised Forecast MYR	Final Outturn	Change from MYR	Treatment of Grant
	2021/22 £000	2021/22 £000	2021/22 £000	2021/22 £000	
<b>ECONOMY and GROWTH</b>					<i>Notes 2 - 5</i>
<b>Specific Use (Held within Services)</b>	787	27,588	35,661	8,074	
<b>General Purpose (Held Corporately)</b>					
Homelessness Domestic Abuse New Burdens	0	9	9	0	
<b>TOTAL ECONOMY and GROWTH</b>	<b>787</b>	<b>27,597</b>	<b>35,670</b>	<b>8,074</b>	

Grants 2021/22	Original Budget	Revised Forecast MYR	Final Outturn	Change from MYR	Treatment of Grant
	2021/22 £000	2021/22 £000	2021/22 £000	2021/22 £000	
<b>ENVIRONMENT and COMMUNITIES</b>					<i>Notes 2 - 5</i>
<b>Specific Use (Held within Services)</b>	0	850	475	(375)	
<b>General Purpose (Held Corporately)</b>					
Neighbourhood Planning Grant	0	70	70	0	
<b>TOTAL ENVIRONMENT and COMMUNITIES</b>	<b>0</b>	<b>920</b>	<b>545</b>	<b>(375)</b>	

Grants 2021/22	Original Budget	Revised Forecast MYR	Final Outturn	Change from MYR	Treatment of Grant
	2021/22 £000	2021/22 £000	2021/22 £000	2021/22 £000	
<b>HIGHWAYS and TRANSPORT</b>					<i>Notes 2 - 5</i>
<b>Specific Use (Held within Services)</b>	348	949	1,713	764	
<b>General Purpose (Held Corporately)</b>					
Pavement Licensing - New Burdens	0	0	15	15	
<b>TOTAL HIGHWAYS and TRANSPORT</b>	<b>348</b>	<b>949</b>	<b>1,727</b>	<b>778</b>	

Grants 2021/22	Original	Revised	Final	Change from	Treatment of
	Budget	Forecast MYR	Outturn	MYR	Grant
	2021/22 £000	2021/22 £000	2021/22 £000	2021/22 £000	Notes 2 - 5
<b>CORPORATE POLICY</b>					
<b>Specific Use (Held within Services)</b>	43,626	49,940	56,369	6,429	
<b>General Purpose (Held Corporately)</b>					
Housing Benefit and Council Tax Administration	1,022	1,082	1,082	(0)	
NNDR Administration Allowance	569	569	569	0	
Breathing Spaces (Debt Respite Scheme)	0	2	2	0	
Council Tax Family Annex Discount	0	0	23	23	Reserves
New Homes Bonus	7,841	7,841	7,841	0	
Individual Electoral Registration	0	5	5	0	
Local Government Transparency Code - New Burdens	0	0	13	13	
Lower Tier Services Grant	335	335	335	0	
COVID-19 Business Rates Reliefs 2021/22	0	27,280	12,408	(14,872)	Reserves
COVID-19 Compensation for Sales, Fees and Charges Income	0	800	0	(800)	
COVID-19 Local Council Tax Support	0	3,373	3,373	0	Reserves
COVID-19 Local Authority Support Grant	0	8,508	8,508	0	Balances/Reserve
COVID-19 Additional Relief Fund	0	0	0	0	Reserves
Business Rates Reliefs Grant 2021/22	0	8,606	5,106	(3,500)	Reserves
Tax Income Guarantee Scheme: Compensation for Business Rates Losses	0	0	3	3	Reserves
<b>TOTAL CORPORATE POLICY</b>	<b>53,393</b>	<b>108,340</b>	<b>95,636</b>	<b>(12,704)</b>	

#### Notes

- 1 The Dedicated Schools Grant, Pupil Premium Grant, Sixth Form Grant and Other School Specific Grant from the Education Funding Agency (EFA) figures are based on actual anticipated allocations. Changes are for in-year increases/decreases to allocations by the DfE and conversions to academy status.
- 2 SRE - Supplementary Revenue Estimate requested by relevant service.
- 3 ODR - Officer Decision Record to approve immediate budget change to relevant service.
- 4 Reserves - transfer to reserves at year end.
- 5 Balances - amount will be included as a variance to budget.

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# Appendix 5

## Reserves

### Management of Council Reserves

1. The Council's Reserves Strategy states that the Council will maintain reserves to protect against risk and support investment.
2. The opening balance at 1 April 2021 in the Council's General Reserves was £11.5m as published in the Council's Statement of Accounts for 2020/21.
3. At 31 March 2022, the General Reserve minimum level has increased to £12.6m due to the outturn underspend giving some protection against potential risks.
4. In February 2022 the forecast overspend for 2021/22 was £2.3m and this was to be funded from the MTFFS earmarked reserve. The positive improvements in the final quarter of the year means this transaction is no longer required and it is proposed this funding is instead transferred to the General Reserve in 2022/23. This recognises emerging risks such as inflation and particularly the DSG deficit, which it was highlighted in the MTFFS as having no alternative funding.
5. The Council also maintains Earmarked Revenue Reserves for specific purposes. At 31 March 2022 balances on these reserves stood at £80.9m, excluding balances held by Schools.
6. This valuation includes the appropriation of £12.4m to the Collection Fund Reserve, funded from S31 grant. The increase is as a result of a timing difference, with the grant received in 2021/22 to fund the deficit that will be released in 2022/23.
7. At the end of 2018/19, a central contingency referred to as the MTFFS (Medium-Term Financial Strategy) Reserve was created to support in-year pressures against the revenue budget. Use of this Earmarked Reserve has been subject to approval of robust business cases. At 31 March 2022 the balance on this reserves stood at £10.1m.
8. **Table 1** shows the total reserves at 31 March 2022 prior to the proposed change between the MTFFS reserve and General Fund reserve. Overall the Council remains in a strong financial position given the major challenges across the public sector.

**Table 1 – Reserves Position**

	£m
General Reserve	12.6
Earmarked Reserves (excluding Schools)	80.9
<b>Total Reserves Balance at 31 March 2022</b>	<b>93.5</b>

9. Further details of individual reserves are provided in **Table 2**.

**Table 2 – Earmarked Reserves (excluding Schools)**

<b>Earmarked Reserves</b>	<b>Balance at 31 March 2021 £000</b>	<b>Transfers Out 2021/22 £000</b>	<b>Transfers in 2021/22 £000</b>	<b>Balance at 31 March 2022 £000</b>
<b>Children and Families Committee</b>				
Childrens Directorate	-500	32	-1,079	-1,547
Domestic Abuse Partnership	-79	0	-33	-112
<b>Children and Families Committee Total:</b>	<b>-579</b>	<b>32</b>	<b>-1,112</b>	<b>-1,659</b>
<b>Adults and Health Committee</b>				
Adults Directorate	-1,020	0	0	-1,020
Public Health	-2,118	0	-1,102	-3,220
PFI Equalisation - Extra Care Housing	-2,618	312	-409	-2,715
DOL's Assessments	-600	203	0	-397
NHB Community Grants Staffing	-132	0	0	-132
<b>Adults and Health Committee Total:</b>	<b>-6,488</b>	<b>515</b>	<b>-1,511</b>	<b>-7,484</b>
<b>Economy and Growth Committee</b>				
Place Directorate	-1,254	625	-1,055	-1,684
Investment (Sustainability)	-682	2	0	-680
Legal Proceedings	-560	275	0	-285
Investment Portfolio	0	0	-155	-155
Tatton Park Trading Reserve	0	0	-111	-111
Other Useable Reserves (<£200k in value)	-153	54	0	-99
<b>Economy and Growth Committee Total:</b>	<b>-2,649</b>	<b>956</b>	<b>-1,321</b>	<b>-3,014</b>
<b>Environment and Communities Committee</b>				
Strategic Planning	-638	70	0	-568
Trees / Structures Risk Management	-627	425	0	-202
Other Useable Reserves (<£200k in value)	-54	3	0	-51
<b>Environment and Communities Committee Total:</b>	<b>-1,319</b>	<b>498</b>	<b>0</b>	<b>-821</b>
<b>Highways and Transport Committee</b>				
HS2	-303	0	-682	-985
Flood Recovery Works	-430	30	0	-400
Well Managed Highway Infrastructure Delay	-200	0	-30	-230
Other Useable Reserves (<£200k in value)	-282	0	0	-282
<b>Highways and Transport Committee Total:</b>	<b>-1,215</b>	<b>30</b>	<b>-712</b>	<b>-1,897</b>

<b>Earmarked Reserves</b>	<b>Balance at 31 March 2021 £000</b>	<b>Transfers Out 2021/22 £000</b>	<b>Transfers in 2021/22 £000</b>	<b>Balance at 31 March 2022 £000</b>
<b>Corporate Policy Committee</b>				
Corporate Directorate	-1,341	54	-581	-1,868
Collection Fund Management	-12,699	6,317	-8,634	-15,016
Collection Fund - Covid-19 Grant	-30,134	30,134	-12,408	-12,408
Financing Reserve	-10,882	2,134	-782	-9,530
Insurance Reserve - Cheshire East Fund	-4,933	2,132	-2,363	-5,164
Insurance Reserve - Cheshire County Fund	50	317	-497	-130
Brighter Future Transformation Programme	-2,050	270	0	-1,780
Pay Structure (M Grade Review)	-550	0	-34	-584
Elections General	-251	0	-226	-477
HR (CARE4CE Review, Culture Change, Pay realignment, Learning Mgt System)	-59	0	0	-59
MTFS Reserve	-8,083	392	-2,377	-10,068
Revenue Grants	-3,102	759	-637	-2,980
Revenue Grants - Covid-19	-5,153	0	-836	-5,989
<b>Corporate Policy Committee Total:</b>	<b>-79,187</b>	<b>42,509</b>	<b>-29,375</b>	<b>-66,053</b>
<b>Reserves Total</b>	<b>(91,437)</b>	<b>44,540</b>	<b>(34,031)</b>	<b>(80,928)</b>

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*Working for a brighter future together*

## **Corporate Policy Committee**

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<b>Date of Meeting:</b>	14 July 2022
<b>Report Title:</b>	UK Shared Prosperity Fund – Cheshire East Allocation
<b>Report of:</b>	Jayne Traverse, Executive Director – Place
<b>Report Reference No:</b>	N/A
<b>Ward(s) Affected:</b>	All wards

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### **1. Purpose of Report**

- 1.1.** The purpose of this report is to inform Corporate Policy Committee of the new UK Shared Prosperity Fund (UKSPF) and the process required to secure the funding allocation for Cheshire East.
- 1.2.** The report seeks recommendations to Full Council on 20 July to provide delegated authorities to approve a UKSPF Investment Plan for 2022-25 for submission to Government, accept the Cheshire East UKSPF allocation of up to £13,121,309 and approve any amendments to the Investment Plan as required to deliver the programme.
- 1.3.** The UKSPF, as an external funding resource and part of the government's Levelling Up programme will contribute to the Corporate Plan priority outcomes as defined in the Council's Corporate Plan 2021-2025:
  - 1.3.1. OPEN** – Helping to provide strong community leadership in considering how to make best use of the support available through UKSPF as a major opportunity to bring more income into the Borough.
  - 1.3.2. FAIR** – UKSPF is a component of the Levelling Up agenda so is focussed on levelling up social and health inequalities to support our ambitions to promote fairness and opportunity for all and create inclusive and resilient communities.
  - 1.3.3. GREEN** – Levelling Up initiatives will also support our priorities to protect and enhance our environment, tackle the climate emergency and drive sustainable development.

## **2. Executive Summary**

- 2.1.** Cheshire East has a conditional allocation of £11,585,762 from the core UKSPF plus £1,535,547 for a Multiply (Adult Numeracy Programme) element, both to be spread over the years 2022-23 to 2024-25.
- 2.2.** The funding is non-competitive and does not require any match funding to be provided, but it is conditional on central government approval of Investment Plans (IPs) which the Council must develop internally and submit to government for approval in order to secure the funding.
- 2.3.** The Cheshire East allocation for the Multiply element of the UKSPF is £1,535,547. This is revenue funding to be spent on interventions to improve adult numeracy over the years 2022-23 to 2024-25. An IP has been prepared in consultation with local stakeholders, setting out how this funding would be best used to deliver interventions within Cheshire East. This IP was submitted to the Department of Education (government department responsible for Multiply) for the 30 June 2022 deadline.
- 2.4.** The Cheshire East allocation for the Core SPF element is £11,585,762. This can be made up of a revenue/capital mix of which Cheshire East Council must identify minimum capital spend of 10% in year 1, 13% in year 2 and 20% in year 3.
- 2.5.** Up to £20,000 is available to each eligible local authority area (LA) to support the development of the IP and each LA can spend up to 4% of its total allocation on future management and administration costs.
- 2.6.** There are 3 Investment Priorities within the core UKSPF over which each LA has flexibility to decide its own allocations. However, the Prospectus is clear that People and Skills interventions should not be selected until 2024-25 other than, with the exception of protecting provision currently delivered by voluntary and community organisations at significant risk of ending due to the tail off of EU funds.
- 2.7.** An IP for this part of the funding is being developed in consultation with local stakeholders, setting out the priorities and intended outcomes and interventions for Cheshire East. This IP is due to be submitted to the Department for Levelling Up, Housing and Communities by the deadline of 01 August 2022.
- 2.8.** Subsequently (and subject to approval of the IPs), Cheshire East will have responsibility and act as accountable body for the managing and running of the UKSPF programme, including procurement, contracting, monitoring and making payments; functions which had previously been carried out by government departments for the EU funding programme.
- 2.9.** There is also a requirement for putting in place appropriate governance structures, including working with a diverse range of local and regional stakeholders, and establishing a Local Partnership Group to provide advice on strategic fit and deliverability.

### **3. Recommendations**

#### **3.1. That the Corporate Policy Committee:**

3.1.1. Notes the Local Investment Plan for the Multiply (Adult Numeracy Programme) element of UK Shared Prosperity Fund allocation for Cheshire East which was submitted to the government Department for Education on 30 June 2022. (Appendix 1 sets out a short summary of the proposed programme)

#### **3.2. That the Corporate Policy Committee recommends to Council that:**

3.2.1. Authority is delegated to the Executive Director Adults, Health and Integration to:

3.2.1.1. Make any amendments to the Local Investment Plan for the Multiply element of the Shared Prosperity allocation for Cheshire East as are required by government in order to release Multiply funding or as required during the plan period to enable the effective management of the fund; and

3.2.1.2. Accept the Multiply funding allocation for Cheshire East and approve a Supplementary Revenue Estimate of up to £1,535,547, and to allocate that funding as set out within the Local Investment Plan over the years 2022-23 to 2024-25.

3.2.2. Council notes the emerging Local Investment Plan for the core element of the UK Shared Prosperity Fund allocation for Cheshire East. (Appendix 2 sets out the key components of the proposed programme).

3.2.3. Council notes that the Chief Executive, S151 Officer and Leader are required to approve the core UKSPF Investment Plan once completed to comply with the requirements of the UKSPF government Prospectus.

3.2.4. Authority is delegated to the Executive Director – Place to:

3.2.4.1. Submit the approved completed Investment Plan for the core UK Shared Prosperity Fund allocation for Cheshire East to the government Department for Levelling Up, Housing and Communities for the deadline of 01 August 2022;

3.2.4.2. Make any amendments to the Investment Plan for the core UK Shared Prosperity allocation for Cheshire East as required by government in order to release the funding or as required during the plan period to enable the effective spend of the fund;

3.2.4.3 Accept the core UK Shared Prosperity Fund allocation for Cheshire East and approve a Supplementary Revenue/Capital Estimate of up to £11,585,762, (split to be confirmed on approval of the Investment Plan) and to allocate the funding as set out within the Local Investment Plan over the years 2022-23 to 2024-25; and

3.2.4.4 Manage the Cheshire East UK Shared Prosperity Fund 2022-25 programme, taking all necessary actions in the interests of maximising the impacts of the fund aligned to the fund parameters and local priorities aligned to the core UK Shared Prosperity Fund Investment Plan.

3.2.5. Notes that the Council will act as accountable body for the Shared Prosperity Fund where funds are allocated to third party organisations, for the duration of the funding.

#### **4 Reasons for Recommendations**

**4.1** This new fund is in effect, succession funding for the EU structural funds. The UKSPF will provide £3 billion of new funding (revenue and capital) for local investment by March 2025, with all areas of the UK receiving a conditional allocation via a funding formula rather than through a competitive bidding process.

**4.2** With all areas of the UK receiving an allocation from the UKSPF via a funding formula rather than a competition, there is some recognition that even the most affluent parts of the UK contain pockets of deprivation and need support.

**4.3** UKSPF could support the delivery of a significant number of interventions across the borough, but it is predicated on the submission of IPs setting out how the programme of activity will be delivered which has been developed in conjunction with local stakeholders.

**4.4** This provides the opportunity to direct funding where it is needed right across the borough. Interventions do not need to be geography-based; for example, supporting disabled people into work is just as important in any location across Cheshire East.

**4.5** Therefore, this report is seeking recommendations to provide delegated authorities to approve a UKSPF Investment Plan for 2022-25 for submission to Government, accept the Cheshire East UKSPF allocation of up to £13,121,309 and make any amendments to the Investment Plans as required to deliver the programme.

## 5 Other Options Considered

- 5.1** The UKSPF is intended to fill the gap left as EU funded projects are coming to an end. UKSPF is the government's new route to external funding as set out in the Levelling Up White Paper in February this year. No other funding route for these type of projects is available currently.

Option	Impact	Risk
Not to meet the conditions to accept this funding i.e. submit an Investment Plan to government	Cheshire East may not be able to secure its funding allocation from the UKSPF of £13,121,309	Medium

## 6 Background

- 6.1** Alongside the publication of the Levelling Up White Paper in February this year, the government also published pre-launch guidance on the UKSPF providing information regarding the aims of the fund and the delivery roles of local partners.
- 6.2** There are 2 elements to UKSPF:
- 6.2.1** SPF Core funding – nationally £2.6bn investment into three priorities of Communities and Place, Supporting Local Business, and People and Skills to be overseen by the Department for Levelling Up, Housing and Communities (DLUHC)
- 6.2.2** SPF Multiply – nationally £559m towards an adult numeracy programme overseen by the Department for Education (DfE)
- 6.3** SPF interventions are to be planned and delivered by LA areas. Each eligible LA (lead LA) will have flexibility over how they deliver the fund, for example they may wish to use a mix of procurement, local competitions or deliver some activity through in-house teams.
- 6.4** To access their allocation, LAs will have to submit an Investment Plan (IP) for each element of the UKSPF, setting out the headline outcomes they are looking to deliver and the interventions they are looking to prioritise and agree with Government. It does not require breakdowns by project, business cases, options appraisals or that level of detail at this stage; this should follow once the IP is agreed and the delivery stage begins.
- 6.5** In completing their IPs, LAs are required to describe how they have engaged with public sector, private sector and civil society organisations, and also to summarise their intended governance structures and partnership groups, including confirmation that all MPs covering the LA area have been invited to join the local partnership group.

- 6.6** UKSPF was first noted by Cheshire East Council's Corporate Leadership Team (CLT) on 16 March and a further update was provided on 01 June once the individual lead Local Authority (LA) allocations of funding were announced. Finance Sub Committee also received a briefing on the UKSPF and the Supplementary Estimates expected to be received over the next 3 years.

## **7 Consultation and Engagement**

- 7.1** LAs are being encouraged to identify a representative cross section of local groups and organisations who can provide insight on local needs and start early conversations on how the SPF can best be implemented locally to support people and businesses taking account of the UKSPF objectives and investment priorities.
- 7.2** The Prospectus is quite prescriptive about the sectors of the community that should be involved and these stakeholders within Cheshire East have been engaged in the development of IPs through a series of workshops and a pro forma on the Cheshire East website which has been designed specifically to capture ideas and suggestions of where support could provide most impact.
- 7.3** Local MPs have also been included in the engagement process, with consideration that their constituencies form different geographies across the borough.

## **8 Implications**

### **8.1 Legal**

- 8.1.1** The decisions associated with the UKSPF are treated as Supplementary Capital and Revenue Estimates as this funding will support an increase in the Council's approved budget. The timescales associated with the IPs are such that the IP for Multiply has been urgently submitted to meet the 30 June deadline. Recommendations will be made to Full Council to enable officers to approve the IP for the core SPF and to further delegate authority to the relevant Officers to make any necessary amendments to the IP and accept the funds once allocated.
- 8.1.2** Where within the IPs the Council allocates funds to third parties, it will act as accountable body. In addition to reporting and monitoring responsibilities, a detailed assessment will need to be made about whether any intended activity constitutes a subsidy to potential recipients of the funding, and any specific measures that will be taken to make sure the subsidy is permitted in accordance with Government guidance on subsidy control.
- 8.1.3** Legal Services will provide support with addressing the above matters and any other issues arising (out of the compilation/amendment of the IPs, the terms and conditions of any onward funding) throughout the project lifetime.

## 8.2 Finance

- 8.2.1 The funding is not currently reflected in the current Medium Term Financial Strategy 2022-26 (MTFS) and would require Supplementary Revenue and Capital Estimates to incorporate which this paper seeks authority to do.
- 8.2.2 Funding is confirmed for three financial years – 2022-23, 2023-24 and 2024-25 providing a predictable baseline element of funding subject to approval of the Investment Plan by DLUHC. Care should be taken to allocate the funding across the years in a way that is realistic and achievable noting that underspends need to be repaid to government each year and there may not be the same flexibilities and freedoms with this funding as there are with other government funds.
- 8.2.3 The expected split of revenue to capital and the split over the 3 year period will be confirmed once the IPs are agreed with government. The expectation is that a higher % of funding is spent on capital each year and given the extremely tight funding window available there will be a need to ensure projects and schemes identified as suitable for funding are well developed and ready to deliver from the earliest point with a clear plan. Consideration will need to be given for projects that are incomplete when the funding window closes.
- 8.2.4 Consideration will need to be given to capacity within the Council when considering the most appropriate means of delivering the Investment Plan to ensure optimal drawdown and delivery of outcomes within the funding window. Additional roles for the delivery of project outcomes are permissible and would sit outside of the allocation for management of the fund.
- 8.2.5 A proportion of the allocation is by default available to undertake necessary UKSPF administration, such as financial monitoring, procurement support, legal advice, project assessment, contracting and ongoing fund monitoring and evaluation.

## 8.3 Policy

- 8.3.1 The UKSPF will primarily operate over the strategic geographies of the MCAs and the Greater London Authority, and lower tier or unitary authorities elsewhere. The Prospectus states that delivery responsibility will align with devolution deals and will be reviewed as deals are developed.

## 8.4 Equality

- 8.4.1 The recommendations do not have an Equality Impact Assessment (EIA) at this stage although engagement with stakeholders that are helping to shape the IP is ongoing .

- 8.4.2 If further EIAs are required, they will be developed alongside any plans to enable the effective spend of the UKSPF fund and to align and support the design of plans to deliver the Multiply funding allocation for Cheshire East.

## **8.5 Human Resources**

- 8.5.1 The work entailed in preparing and then delivering IPs will have human resource implications across the Place and People Services, particularly for the Growth and Enterprise and Commissioning teams.
- 8.5.2 There is an allocation within the fund available to use on our own support and administration of the UKSPF.
- 8.5.3 There will be new roles and opportunities for the staff required to carry out project commissioning, contract management and administration. The UKSPF team within Cheshire East will be working closely with HR on developing the right JDs and contracts so that there will minimal financial/HR risks.
- 8.5.4 For delivery, the Council will manage the work using existing resources and commission external delivery providers as appropriate.

## **8.6 Risk Management**

- 8.6.1 There is a risk that the IPs do not gain approval from government and are unable to proceed with the plan and accept the funding. This will be mitigated by the Council only putting forward interventions that are supported by a strong evidence base, fit with the corporate plan and are covered by the SPF prospectus.
- 8.6.2 A detailed risk register will be developed and reviewed regularly as a key aspect of governance controls.

## **8.7 Rural Communities**

- 8.7.1 Specific interventions will be confirmed on government approval of the IPs but as actions are not restricted to specific geographies or urban areas there may be scope to support rural communities.

## **8.8 Children and Young People/Cared for Children**

- 8.8.1 Specific interventions will be confirmed on government approval of the IPs but some actions may be able to be directed towards young people and cared for children. Examples of where the programme could support groups of NEETs and care leavers have already been noted.

## 8.9 Public Health

8.9.1 There are several key Public Health determinants used in the Tartan Rug that cut across all aspects of UKSPF e.g. development of green spaces, physical assets that improve emotional well-being and mental health, programmes that tackle obesity, life-style choices and of course support into employment which increases life expectancy. There are stark comparisons re life-expectancy figures across Cheshire East.

8.9.2 Examples already noted for discussion with stakeholder groups include support for people with Mental Ill Health and also Learning Disabilities. However, we also need to refer to this in all elements of the UKSPF.

## 8.10 Climate Change

8.10.1 Specific interventions will be confirmed on government approval of the IPs but actions will be able to support the Council's environmental and sustainability priorities. Examples of where the programme could support decarbonisation, active travel and climate change mitigation have already been noted.

8.10.2 These interventions will also support the work of the Sustainable and Inclusive Growth Commission, contributing towards the recommendations coming out of the Commission's report 'Cheshire & Warrington: Transitioning to a sustainable and inclusive economy'.

<b>Access to Information</b>	
Contact Officer:	Carol Young, Policy and Partnerships Officer <a href="mailto:Carol.young@cheshireeast.gov.uk">Carol.young@cheshireeast.gov.uk</a> 07968 217206
Appendices:	Appendix 1 – Summary of the IP or the Multiply element of UK SPF Appendix 2 – Summary of the key components of the IP for the Core UKSPF
Background Papers:	SPF Prospectus and supporting documents - <a href="http://www.gov.uk">UK Shared Prosperity Fund: prospectus - GOV.UK (www.gov.uk)</a>

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**REPORT TO CORPORATE POLICY COMMITTEE 14 JULY 2022****UK SHARED PROSPERITY FUND – CHESHIRE EAST ALLOCATION****APPENDIX 1****1. Summary of the IP for the Multiply element of the UKSPF**

- 1.1. Multiply is a specific part of the Government's Shared Prosperity Fund (SPF). SPF is the Government's domestic replacement of European funding.
- 1.2. The Multiply element is specifically and only for numeracy courses for people aged 19 and over. Any Multiply delivery must not duplicate what is already in place and must provide something different and complimentary to current Adult Education Budget funded provision.
- 1.3. Unlike previous ESF (European Social Fund) provision there is no bidding for this money. There is no requirement for match funding.
- 1.4. Each Local Authority has been awarded a specific amount which will cover years 22/23, 23/24 and 24/25. The total amount awarded to Cheshire East is: £1.535m. This sum is to be split across the financial years as follows:

<b>Year 1 22/23</b>	<b>Year 2 23/24</b>	<b>Year 3 24/25</b>
464,235	535,655	535,655

**2. The Cheshire East Approach**

- 2.1. Some Local Authorities already provide directly delivered numeracy courses. However, in Cheshire East the bulk of the provision is delivered through FE colleges, community learning and some elements of ESF provision.
- 2.2. The approach to be taken in Cheshire East therefore, is that a commissioning exercise will take place and engagement with the market place of providers for delivery of Multiply.
- 2.3. 10% of the total available funds can be used for Administration purposes. This sum will be used by Cheshire East Council to take on an overall commissioning/project/contract manager post and a finance admin post. The remaining 90% of the funds will be available for delivery partners.

**3. Timescales**

- 3.1. All Local Authorities including Cheshire East must submit their Implementation Plan by the 30 June 2022. This will set out broad high-level proposals for delivery including numbers of starts, unit costs, types of interventions and outcomes.
- 3.2. The Department of Levelling Up Housing and Communities will review the proposals and then enter into any discussions about any of the elements of the Implementation

Plan that they may wish to see modified. This means that there will be “room for manoeuvre” after the submission of the plan.

- 3.3.** Due to the expected length of time to proceed through the commissioning exercise and agreeing contracts, we do not envisage any actual delivery of learning to take place before January 2023.

#### **4. Year 1 Challenges**

- 4.1.** Clearly Year 1 is already at month 3 and as explained above, actual delivery is not likely to start before January 2023. It is expected that as this is a new provision that starts on programme are likely to be lower than in Years 2 and 3. All this means that there is an unusual challenge of seeing how and for what purposes, the full allocation of Year 1 funding can be spent.
- 4.2.** Multiply submission documents provide 10 pull-down menu interventions that can be chosen, with accompanying data on numbers of starts, costs and outcomes to be achieved.
- 4.3.** The Cheshire East proposal is that 5 of these will be the focus of delivery. As well as the standard menu options the Multiply submission documentation also allows for “off-menu” proposals if good business cases can be evidenced.
- 4.4.** The Cheshire East Implementation Plan therefore exploits this option to the full by proposing 10 off-menu activities for Year 1 only, which are not direct delivery, but support and help the development of delivery.

#### **5. Background Data to Justify Choices**

- 5.1.** Cheshire East Council and Warrington Borough Council commissioned the Cheshire and Warrington Learning and Enterprise Council to research all relevant background data to include facts and figures on: existing provision (where, by who, numbers, cohorts and outcomes).
- 5.2.** As well as this the brief was to look at employer and sector demand going forwards in Cheshire East for numeracy skills in work. This report has been utilised heavily in the pulling together of initial proposals.
- 5.3.** The summary of the findings is as follows:
- Low take up of males into current numeracy learning (only 23% currently)
  - Low take up of entry-level courses
  - Only 18% take-up in the 19-23 age group
  - Comparatively very few in Community Learning compared to neighbouring Authorities. (For instance 37 in Cheshire East compared to 420 in Cheshire West and Chester)
  - The high demand for numeracy declared by employers advertising for Admin, Book keeping, Customer Services, Sales and IT
  - The very high demand for numeracy skills advertised by employers for apprenticeship vacancies

**REPORT TO CORPORATE POLICY COMMITTEE 14 JULY 2022**

**UK SHARED PROSPERITY FUND – CHESHIRE EAST ALLOCATION**

**APPENDIX 2**

**1. Summary of the key components of the IP for the Core UKSPF**

- 1.1. UKSPF funding is allocated to each LA area on a non-competitive basis and match funding is not required. However, each LA has to submit an Investment Plan to the Department of Levelling Up, Housing and Communities (DLUHC) by 1st August 2022 in order to release their allocated funding.
- 1.2. Up to £20k is available per area to support the development of the Investment Plan. In addition, each LA can spend up to 4% of its total allocation on future management and admin costs (expectation is that it would be lower for larger LAs).
- 1.3. There are 3 Investment Priorities over which each LA has flexibility to decide its own allocations:
  - Communities and Place
  - Supporting Local Business
  - People and Skills

**2. Communities and Place – key themes**

- 2.1. Strengthening our social fabric and fostering a sense of local pride and belonging, through investment in activities that enhance physical, cultural and social ties and access to amenities, such as community infrastructure and local green space, and community-led projects.
- 2.2. Building resilient, healthy and safe neighbourhoods, through investment in quality places that people want to live, work, play and learn in, through targeted improvements to the built and natural environment innovative approaches to crime prevention.

**3. Supporting Local Business – key themes**

- 3.1. Creating jobs and boosting community cohesion, through investments that build on existing industries and institutions, and range from support for starting businesses to visible improvements to local retail, hospitality and leisure sector facilities.
- 3.2. Promoting networking and collaboration, through interventions that bring together businesses and partners within and across sectors to share knowledge, expertise and resources, and stimulate innovation and growth.
- 3.3. Increasing private sector investment in growth-enhancing activities, through targeted support for small and medium-sized businesses to undertake new-to-

firm innovation, adopt productivity-enhancing, energy efficient and low carbon technologies and techniques, and start or grow their exports.

**4. People and Skills – key themes**

- 4.1. Reducing levels of economic inactivity through investment in bespoke intensive life and employment support tailored to local need. Investment should facilitate the join-up of mainstream provision and local services within an area for participants, through the use of one-to-one keyworker support, improving employment outcomes for specific cohorts who face labour market barriers..
- 4.2. Supporting people furthest from the labour market to overcome barriers to work by providing cohesive, locally tailored support including access to basic skills.
- 4.3. Supporting local areas to fund gaps in local skills provision to support people to progress in work, and supplement local adult skills provision e.g. by providing additional volumes; delivering provision through wider range of routes or enabling more intensive/innovative provision, both qualification based and non-qualification based. This should be supplementary to provision available through national employment and skills programmes.
- 4.4. There is no spend allowed for People and Skills until 2024/25 unless to support voluntary sector led projects which are closing.

**COUNCIL MEETING – 20 July 2022****RECOMMENDATIONS ARISING FOLLOWING MEETINGS OF THE ADULTS AND HEALTH COMMITTEE AND SCRUTINY COMMITTEE:****ESTABLISHMENT OF A CHESHIRE & MERSEYSIDE JOINT HEALTH SCRUTINY COMMITTEE**

and

**CONSEQUENTIAL REVISIONS TO THE CONSTITUTION****RECOMMENDATION of the Adults and Health Committee**

That Council

1. Agree to the establishment of a Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee as set out in the Joint Committee Arrangements document at Appendix A
2. Adopt the amended 'Protocol for the establishment of Joint Health Scrutiny Arrangements in Cheshire & Merseyside' as set out in Appendix B

**Further to note**

3. Note that Corporate Policy Committee at its meeting on 4 November 2021 delegated the appointment of members to external scrutiny functions to the Scrutiny Committee, which may invite any member with the appropriate knowledge of health and social care, having regard to political proportionality
4. Note the constitutional changes delegated by Council to the Director of Governance and Compliance on 27 April 2022 as set out in Appendix C

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**Extract from the Minutes of the Adults & Health Committee meeting on 30 May 2022**

The committee considered a report which noted the progress on the new governance arrangements for local Health and Care services. The committee were asked to consider and comment on the proposed joint scrutiny arrangements for Cheshire & Merseyside and approve the amended 'Protocol for the establishment of Joint Health Scrutiny Arrangements in Cheshire and Merseyside'.

The Committee heard that the joint health scrutiny arrangements would collectively take on the statutory responsibility to oversee and scrutinise the operation of the ICS at Cheshire and Merseyside level or any part of it, where more than one authority was affected.

There was extensive debate on how the figures on political balance had been arrived at, and members were advised that the Committee must be politically balanced across the whole region, which resulted in one Labour member from each Council and one Independent from Cheshire East, as this had the highest number of Independent councillors. Some members were unhappy with the political balance arrangements and a question was asked as to whether the Council could challenge the decision on political balance through the Secretary of State? It was agreed that the Director of Governance and Compliance would provide a written response to this question.

Members sought reassurance that Cheshire East would not be disadvantaged by the arrangements, and they were informed that this would not affect the ability of the Council to scrutinise health decisions which affect their area.

Members also questioned where the membership would be drawn from? Some members felt this should be from the existing Scrutiny Committee as they had expertise in this area.

**RESOLVED** that:

1. The progress to date on the Place Partnership Board be noted.
2. The Adults & Health Committee Recommend to Council that the establishment of a Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee be approved.
3. That the amended 'Protocol for the establishment of Joint Health Scrutiny Arrangements in Cheshire and Merseyside' be adopted.

(Councillor J Clowes, Councillor S Gardiner and Councillor A Kolker requested it be minuted that they voted against the recommendations).

### **Extract from the Minutes of the Scrutiny Committee meeting held on 14 June 2022**

Helen Charlesworth-May, Executive Director of Adults, Health and Integration introduced the report to the Committee, the report was considered by the Adults and Health Service Committee on 30 May, who had been asked to make decisions, detail of which was contained within the report that was for review by the Scrutiny Committee.

The report outlined progress with design and implementation and the proposed scrutiny arrangements for Cheshire East when the Integrated Care System (ICS) would be implemented across the Cheshire and Merseyside (C&M) footprint on the 1 July.

The key considerations for the report included the joint scrutiny arrangements and the political balance arrangement across the nine authorities, the Committee was advised that these did not impact on any existing stand-alone arrangements the local authority had in place for Health Scrutiny.

Deborah Upton, Senior Lawyer advised the Committee that as an example, if the Integrated Care Board (ICB) wished to implement any new policies across the C&M area, the joint committee would consider the referral. Political balance has to be calculated across all nine authorities, and would be reviewed post-elections and on an annual basis to ensure that any changes were taken into account.

The Chair noted there had been a point raised by members of the Adults and Health Committee, as to the proportionality of the joint committee, as Cheshire East had a larger population than some others and Members felt that this should have been taken into account when considering the proportionality. The Senior Lawyer advised that, the calculation of political balance had been adhered to across C&M as a collective and this did not take population numbers into consideration.

The Committee were invited to ask questions and make comments.

There were comments of concern that related to the proportionality of the joint committee.

The Senior Lawyer advised the Committee that there had been a request to write to the Secretary of State (SoS) by Members of the Adult and Health Committee. The Monitoring Officer had advised that any appeal to the SoS would require a change to legislation and therefore was unlikely to be successful.

The Committee were pleased to note that rural proofing had been retained within the report, however there was some discussion about coterminous boundaries. The Committee had a strong desire to retain co-terminosity across Cheshire. The Executive Director of Adults, Health and Integration advised that patient choice was recognised, and there are options for those requiring care into Greater Manchester, Derbyshire, or Staffordshire, however Cheshire East would be part of the wider C&M footprint and even if Cheshire East had local arrangements with Cheshire West, there were no guarantees that funding would flow from C&M equally.

The Chair asked that the specific and unique requirements of the rural borough be acknowledged, and additionally she requested further information for the Committee regarding the 2 seats allocated to Cheshire East for the Joint Scrutiny committee who was responsible for choosing/nominating Cheshire East representatives, and on what premise was the political proportionality of the Cheshire East representation to the Joint Scrutiny Committee based?

The recommendations within the report were considered, there was agreement to split the two parts of the second recommendation as the Committee were unable to reach an accord on the third recommendation.

**RESOLVED THAT:-**

- 1) the progress to date on the Place Partnership Board (working title) be noted;
- 2) the establishment of a Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee (Appendix A) be recommended to Council; and
- 3) a meeting date be sought for this Committee in July to discuss in more detail the 'Protocol for the establishment of Joint Health Scrutiny Arrangements in Cheshire and Merseyside' (Appendix B).

Footnote:

As per resolution 3 in the Scrutiny Committee minutes (14.06.2022), the Scrutiny Committee met informally via Microsoft Teams (05.07.2022) to seek clarity on:

- 1) who was responsible for choosing/nominating the 2 seats allocated to Cheshire East for the Joint Scrutiny committee; and
- 2) on what premise was the political proportionality of the Cheshire East representation to the Joint Scrutiny Committee based.

Both these points were explained by the Senior Lawyer and Monitoring Officer and the Committee were satisfied with the response.

The Committee agreed with the proposal to form a Joint Committee but did not agree with the political representation. The Committee noted the decision by the Corporate Policy Committee 4 November 2021 that appointment to the Joint Committee should be decided by the Scrutiny Committee.



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## **Adults & Health Committee**

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<b>Date of Meeting:</b>	30 May 2022
<b>Report Title:</b>	Place Partnership Board Update
<b>Report of:</b>	Helen Charlesworth-May Executive Director Adults, Health & Integration
<b>Report Reference No:</b>	AH/01/2022-23
<b>Ward(s) Affected:</b>	All

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### **1. Purpose of Report**

- 1.1 The purpose of this report is for members to note the progress on the new governance arrangements for local Health and Care services, to consider and comment on the proposed joint scrutiny arrangements for Cheshire & Merseyside and approve the amended 'Protocol for the establishment of Joint Health Scrutiny Arrangements in Cheshire and Merseyside'.

### **2. Executive Summary**

- 2.1 The government reforms of the NHS include introducing Integrated Care Systems (ICS) across the country. The geographical footprint of the local ICS covers 9 local authorities in Cheshire & Merseyside. Each of these 9 'places' will have a 'Place Partnership Board' or a similar governance forum, to allow for local decision making over health-related functions.
- 2.2 Discussions across Cheshire East are ongoing and have been very positive. There is a shared approach to tackling the wider determinants of health and to allocate resources at a 'place' level wherever possible. We need to put in place appropriate governance arrangements to facilitate local decision making and support greater integration of services for the benefit of our resident.

### **3. Recommendations**

The Committee is asked to:

- i. Note the progress to date on the Place Partnership Board (working title)
- ii. Recommend to Council that the establishment of a Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee be approved (Appendix A); and
- iii. Adopt the amended 'Protocol for the establishment of Joint Health Scrutiny Arrangements in Cheshire and Merseyside' (Appendix B).

### **4. Reasons for Recommendations**

- 4.1 The Health & Care Act 2022 abolishes NHS Clinical Commissioning Groups (CCGs) from 1 July 2022 and sees the creation of the Integrated Care Systems (ICS), with finances coming centrally to an Integrated Care Board (ICB) for each area. It is then for each ICB to agree how much funding it will delegate to the local level i.e., the 'Place'.
- 4.2 A governance forum at 'Place' is necessary if there is to be any funding delegation down to a Cheshire East ('Place') level, and this is envisaged in the statutory guidance. All partners are keen to have as much delegation down to Place level as possible, as local determination of services will provide the best results for our residents.
- 4.3 Actions are required to ensure that joint health scrutiny arrangements in Cheshire and Merseyside are fit to meet the challenge of the new statutory Integrated Care System (ICS) arrangements. This is the new ICS protocol.
- 4.4 Given the incoming changes and the establishment of Integrated Care Systems in England under the Health and Care Act 2022, the opportunity has been taken to review and update the existing Joint Health Scrutiny Protocol (agreed in 2014) to ensure that the framework for the operation of joint health scrutiny committees regarding substantial developments and variations of the health service across Cheshire and Merseyside was consistent with the arrangements for the new standing committee. This is the non-ICS elements. The proposed revised protocol is attached at Appendix B.

### **5. Other Options Considered**

- 5.1 Other options have not been considered, as the proposed changes are necessary to meet the requirements of the Health & Care Act 2022.

### **6. Background and Decisions to Date**

- 6.1 Integrating health and care services for the benefit of our residents is a clear priority within the Cheshire East Place Partnership Plan 2019-24. All partners signed up to the Plan, which sets out our aspirations to respond to the pressures facing health and care services and the opportunities provided by the establishment of integrated care systems.

- 6.2 Our plan sets out that we will work together to improve the health and wellbeing of local communities, enabling people to live longer and healthier lives. We will do this by creating and delivering safe, integrated, and sustainable services that meet people's needs through the best use of all the assets and resources we have available to us. The proposed legislative changes provide an opportunity to move this forward and support improved outcomes for the Cheshire East population.
- 6.3 This Committee at its meeting on 28 March agreed to enter into a S75 Agreement with the Clinical Commissioning Group (CCG) in respect of the Better Care Fund. This is an integral part of our joint approach to commissioning and integration for the future.
- 6.4 The Council at its meeting on 27 April agreed to set up a Section 75 Committee to share resources and decision making between the local authority and the NHS. The Section 75 Committee will comprise the Executive Director of Adults, Health & Integration and a representative from the NHS Cheshire CCG, who will formally oversee the S75 Agreement. This will then be taken over by the ICB from 1 July as part of the transfer of the CCG functions.
- 6.5 The Corporate Policy Committee at its meeting on 14 April noted the progress to date on governance arrangements at 'Place' and agreed that the terms of reference would come before this Committee to agree. It is of course necessary that all partners reach a consensus on the terms of reference, before putting them to their respective boards/committees.

## **7. Partnership Board Update**

- 7.1 Cheshire East established a Place Executive Group, led by the Council's Chief Executive, with senior membership from the CCG, local NHS, Healthwatch and VCFSE sector. This Group is working together with the current Place Partnership Board to consider the proposed Terms of Reference for the future Place arrangements. It is anticipated that these will come to the next meeting of the Committee, on 18 July 2022.
- 7.2 The emerging scope and functions of the new Partnership Board are still to be determined, as we await further details from the ICB as to what functions they intend to delegate to Place, and how these will be discharged. The ICB has appointed a Place Director for each of the nine regions, and the Place Director for Cheshire East (Mark Wilkinson) will commence his role on 15 June. It is likely that the scope and functions will change over time, as the Partnership Board becomes more established, and when more delegated decision making over funding is provided by the ICB at 'Place' level.

## **8. Establishment of a Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee**

8.1 In response to the proposed establishment of Integrated Care Systems, the Chief Executives of the nine Merseyside and Cheshire local authorities agreed several actions to ensure that joint health scrutiny arrangements in Cheshire and Merseyside are fit to meet the challenge of the new statutory arrangements. It is considered appropriate to establish a standing joint health scrutiny committee which will have the opportunity to take on the Authorities' collective statutory responsibility to oversee and scrutinise the operation of the ICS at Cheshire and Merseyside level.

8.2 The overarching role of the Joint Committee is to scrutinise the work of the ICS in the discharge of its statutory responsibilities and functions at Cheshire and Merseyside level in order to support their effective exercise and, where appropriate, to make reports or recommendations to the ICS. Appendix A sets the proposed standing joint committee arrangements.

8.3 The main features of the document are as follows:

- Membership – each authority should nominate 2 representatives to serve on Committee.
- Political balance –membership has to reflect the aggregate political balance across the nine authorities, and this would be subject to annual calculation.
- Joint Committee remit – this would cover the ICS responsibilities exercised at Cheshire and Merseyside level, plus any proposals for changes in health services that not only impact all nine local authority areas but are also considered to be a substantial change by each of the nine.

8.4 The Scrutiny Committee has indicated that it is supportive of the proposal for joint scrutiny arrangements, and it is intended to take the protocol to the Scrutiny Committee at its meeting on 14 June for their comments, prior to presenting the proposal to full Council at its meeting on 20 July 2022.

## **9. Legal Implications**

9.1 Many areas already have long established arrangements that enable decisions on key priorities to be made together in an agreed local collaborative forum. Decisions undertaken at these collaborative forums are possible due to the authority delegated to the relevant representative at that forum by their respective organisation and not by the forum itself. There are limited circumstances in which joint decision-making arrangements can be used, and this is recognised as a

weakness of the current system. The Health & Care Act 2022 provides that joint committees can be set up between the ICB and other partners for the future.

- 9.2 For the purposes of the proposed arrangements, the relevant joint committee powers are under Section 75 of the National Health Service Act 2006 and NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000. There is only power for a local authority to form a joint committee with the NHS where there is an agreement under Section 75 of the National Health Service Act 2006.
- 9.3 Post-July 2022 and the establishment of the ICS, local authorities will still have a statutory obligation to undertake health scrutiny at a “place” level. Individual local authority Health Scrutiny Committees will need to continue to meet to consider matters directly relating to their areas and to consider any potential substantial variations in health service provision that only impact on their respective local authority area. Each local authority will be responsible for determining these work plans and managing their relationships with NHS colleagues to ensure Health Scrutiny at this level (i.e. Place) meets its obligations and provides the necessary political oversight, transparency and challenge.
- 9.4 Joint committees must be politically balanced under the proportionality rules set out in the Local Government and Housing Act 1985. This means the joint scrutiny committee as a whole must be politically balanced across all nine local authorities.

## 10. Financial Implications

- 10.1 There are no direct financial implications as a result of the new Place Partnership Board and governance arrangements, although they will require administration and support. This is assumed to be provided by the ICB, although this is to be confirmed.
- 10.2 Temporary funding (£90k across all nine Local Authorities affected) has been requested to support the Joint Health Scrutiny Committee for an initial period of 18 months will be required. Each authority will be asked to contribute a total of £10,000 over the initial 18 months. This will be met from existing budgets.

## 11. Policy Implications

This report and its recommendations are within the Council’s existing policy framework, and it supports the priorities set out in the Cheshire East Place Partnership Plan 2019-2024.

## **12. Equality**

There are no direct equality implications as a result of this report.

## **13. Human Resources**

There are no direct human resources implications as a result of this report. However, the change from the CCG to the ICB will have HR implications, albeit they will be indirect for the Council.

## **14. Risk Management**

14.1 There is a risk that not all partners agree to the proposed terms of reference as set out in this report. However, this is considered very low risk as senior officers and members of the Place Partnership Board have been working together to collaboratively develop the integrated partnership arrangements. All relevant boards/committees within each partner organisation will be consulted in the same timeframe to ensure all organisations agree the current proposals.

14.2 It is assumed that partners can reach a consensus over decision making. However, in the event that a dispute arises between the partners over anything contained within the S75 Agreement, then the dispute mechanism in the S75 Agreement takes precedence. Similarly if any dispute arises over the allocation of ICB funding or priorities at Place, then this would be referred to the C&M ICB Chair for decision.

## **15. Rural Communities**

There are no direct implications for rural communities as a result of this report, as the Place Partnership Board's will deliver to the agreed objectives in the Cheshire East Place Plan.

## **16. Children and Young People/Cared for Children.**

There are no direct implications for Children and Young People/Cared for Children as a result of this report, as the Place Partnership Board's responsibility is to deliver the agreed objectives and priorities in the Cheshire East Place Plan, including those agreed for children and young people. The Director of Children's Services is a member of the Partnership Board and this will ensure that appropriate emphasis is given to those services which affect children and young people.

## **17. Public Health**

A key purpose of the Integrated Care System is to ensure that all areas consider the wider determinants of health and health inequalities and tackling these is key part of the Health & Care Bill, which the Partnership Board will need to consider. The Director of Public Health is to be a member of the Partnership Board and this will ensure the appropriate emphasis is given to these areas.

**18.Climate Change**

There are no direct implications for climate change as a result of this report.

<b>Access to Information</b>	
Contact Officer:	Deborah Upton, Legal Services <a href="mailto:deborah.upton@cheshireeast.gov.uk">deborah.upton@cheshireeast.gov.uk</a>
Appendices:	Appendix A Draft Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee – Joint Committee Arrangements Document Appendix B Draft revised Protocol for the Establishment of Joint Health Scrutiny Arrangements in Cheshire and Merseyside
Background Papers:	Health & Care Bill 2020 Report to Adults & Health Committee on 28 March 2022 entitled ' <i>Better Care Fund S75 Agreement</i> ' Report to Corporate Policy Committee on 14 April 2022 entitled 'Governance Progress Report' Report to Council on 27 April 2022 entitled 'Recommendations from Corporate Policy Committee: Progress on Governance for the Integrated Care System'

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## **Scrutiny Committee**

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<b>Date of Meeting:</b>	14 June 2022
<b>Report Title:</b>	Place Partnership Board Update
<b>Report of:</b>	Helen Charlesworth-May Executive Director Adults, Health & Integration
<b>Report Reference No:</b>	SC/01/22-23
<b>Ward(s) Affected:</b>	All

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### **1. Purpose of Report**

- 1.1 The purpose of this report is for members to note the progress on the new governance arrangements for local Health and Care services, to consider and comment on the proposed joint scrutiny arrangements for Cheshire & Merseyside and approve the amended 'Protocol for the establishment of Joint Health Scrutiny Arrangements in Cheshire and Merseyside'.

### **2. Executive Summary**

- 2.1 The government reforms of the NHS include introducing Integrated Care Systems (ICS) across the country. The geographical footprint of the local ICS covers 9 local authorities in Cheshire & Merseyside. Each of these 9 'places' will have a 'Place Partnership Board' or a similar governance forum, to allow for local decision making over health-related functions.
- 2.2 Discussions across Cheshire East are ongoing and have been very positive. There is a shared approach to tackling the wider determinants of health and to allocate resources at a 'place' level wherever possible. We need to put in place appropriate governance arrangements to facilitate local decision making and support greater integration of services for the benefit of our resident.

### **3. Recommendations**

The Committee is asked to:

- i. Note the progress to date on the Place Partnership Board (working title)
- ii. Recommend to Council that the establishment of a Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee (Appendix A); and 'Protocol for the establishment of Joint Health Scrutiny Arrangements in Cheshire and Merseyside' (Appendix B) be approved.

### **4. Reasons for Recommendations**

- 4.1 The Health & Care Act 2022 abolishes NHS Clinical Commissioning Groups (CCGs) from 1 July 2022 and sees the creation of the Integrated Care Systems (ICS), with finances coming centrally to an Integrated Care Board (ICB) for each area. It is then for each ICB to agree how much funding it will delegate to the local level i.e., the 'Place'.
- 4.2 A governance forum at 'Place' is necessary if there is to be any funding delegation down to a Cheshire East ('Place') level, and this is envisaged in the statutory guidance. All partners are keen to have as much delegation down to Place level as possible, as local determination of services will provide the best results for our residents.
- 4.3 Actions are required to ensure that joint health scrutiny arrangements in Cheshire and Merseyside are fit to meet the challenge of the new statutory Integrated Care System (ICS) arrangements. This is the new ICS protocol.
- 4.4 Given the incoming changes and the establishment of Integrated Care Systems in England under the Health and Care Act 2022, the opportunity has been taken to review and update the existing Joint Health Scrutiny Protocol (agreed in 2014) to ensure that the framework for the operation of joint health scrutiny committees regarding substantial developments and variations of the health service across Cheshire and Merseyside was consistent with the arrangements for the new standing committee. This is the non-ICS elements. The proposed revised protocol is attached at Appendix B.

### **5. Other Options Considered**

- 5.1 Other options have not been considered, as the proposed changes are necessary to meet the requirements of the Health & Care Act 2022.

### **6. Background and Decisions to Date**

- 6.1 Integrating health and care services for the benefit of our residents is a clear priority within the Cheshire East Place Partnership Plan 2019-24. All partners signed up to the Plan, which sets out our aspirations to respond to the pressures facing health and care services and the opportunities provided by the establishment of integrated care systems.

- 6.2 Our plan sets out that we will work together to improve the health and wellbeing of local communities, enabling people to live longer and healthier lives. We will do this by creating and delivering safe, integrated, and sustainable services that meet people's needs through the best use of all the assets and resources we have available to us. The proposed legislative changes provide an opportunity to move this forward and support improved outcomes for the Cheshire East population.
- 6.3 This Committee at its meeting on 28 March agreed to enter into a S75 Agreement with the Clinical Commissioning Group (CCG) in respect of the Better Care Fund. This is an integral part of our joint approach to commissioning and integration for the future.
- 6.4 The Council at its meeting on 27 April agreed to set up a Section 75 Committee to share resources and decision making between the local authority and the NHS. The Section 75 Committee will comprise the Executive Director of Adults, Health & Integration and a representative from the NHS Cheshire CCG, who will formally oversee the S75 Agreement. This will then be taken over by the ICB from 1 July as part of the transfer of the CCG functions.
- 6.5 The Corporate Policy Committee at its meeting on 14 April noted the progress to date on governance arrangements at 'Place' and agreed that the terms of reference would come before this Committee to agree. It is of course necessary that all partners reach a consensus on the terms of reference, before putting them to their respective boards/committees.

## **7. Partnership Board Update**

- 7.1 Cheshire East established a Place Executive Group, led by the Council's Chief Executive, with senior membership from the CCG, local NHS, Healthwatch and VCFSE sector. This Group is working together with the current Place Partnership Board to consider the proposed Terms of Reference for the future Place arrangements. It is anticipated that these will come to the next meeting of the Committee, on 18 July 2022.
- 7.2 The emerging scope and functions of the new Partnership Board are still to be determined, as we await further details from the ICB as to what functions they intend to delegate to Place, and how these will be discharged. The ICB has appointed a Place Director for each of the nine regions, and the Place Director for Cheshire East (Mark Wilkinson) will commence his role on 15 June. It is likely that the scope and functions will change over time, as the Partnership Board becomes more established, and when more delegated decision making over funding is provided by the ICB at 'Place' level.

## **8. Establishment of a Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee**

8.1 In response to the proposed establishment of Integrated Care Systems, the Chief Executives of the nine Merseyside and Cheshire local authorities agreed several actions to ensure that joint health scrutiny arrangements in Cheshire and Merseyside are fit to meet the challenge of the new statutory arrangements. It is considered appropriate to establish a standing joint health scrutiny committee which will have the opportunity to take on the Authorities' collective statutory responsibility to oversee and scrutinise the operation of the ICS at Cheshire and Merseyside level.

8.2 The overarching role of the Joint Committee is to scrutinise the work of the ICS in the discharge of its statutory responsibilities and functions at Cheshire and Merseyside level in order to support their effective exercise and, where appropriate, to make reports or recommendations to the ICS. Appendix A sets the proposed standing joint committee arrangements.

8.3 The main features of the document are as follows:

- Membership – each authority should nominate 2 representatives to serve on Committee.
- Political balance –membership has to reflect the aggregate political balance across the nine authorities, and this would be subject to annual calculation.
- Joint Committee remit – this would cover the ICS responsibilities exercised at Cheshire and Merseyside level, plus any proposals for changes in health services that not only impact all nine local authority areas but are also considered to be a substantial change by each of the nine.

8.4 The Scrutiny Committee has indicated that it is supportive of the proposal for joint scrutiny arrangements, and it is intended to take the protocol to the Scrutiny Committee at its meeting on 14 June for their comments, prior to presenting the proposal to full Council at its meeting on 20 July 2022.

## **9. Legal Implications**

9.1 Many areas already have long established arrangements that enable decisions on key priorities to be made together in an agreed local collaborative forum. Decisions undertaken at these collaborative forums are possible due to the authority delegated to the relevant representative at that forum by their respective organisation and not by the forum itself. There are limited circumstances in which joint decision-making arrangements can be used, and this is recognised as a

weakness of the current system. The Health & Care Act 2022 provides that joint committees can be set up between the ICB and other partners for the future.

- 9.2 For the purposes of the proposed arrangements, the relevant joint committee powers are under Section 75 of the National Health Service Act 2006 and NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000. There is only power for a local authority to form a joint committee with the NHS where there is an agreement under Section 75 of the National Health Service Act 2006.
- 9.3 Post-July 2022 and the establishment of the ICS, local authorities will still have a statutory obligation to undertake health scrutiny at a “place” level. Individual local authority Health Scrutiny Committees will need to continue to meet to consider matters directly relating to their areas and to consider any potential substantial variations in health service provision that only impact on their respective local authority area. Each local authority will be responsible for determining these work plans and managing their relationships with NHS colleagues to ensure Health Scrutiny at this level (i.e. Place) meets its obligations and provides the necessary political oversight, transparency and challenge.
- 9.4 Joint committees must be politically balanced under the proportionality rules set out in the Local Government and Housing Act 1985. This means the joint scrutiny committee as a whole must be politically balanced across all nine local authorities.

## 10. Financial Implications

- 10.1 There are no direct financial implications as a result of the new Place Partnership Board and governance arrangements, although they will require administration and support. This is assumed to be provided by the ICB, although this is to be confirmed.
- 10.2 Temporary funding (£90k across all nine Local Authorities affected) has been requested to support the Joint Health Scrutiny Committee for an initial period of 18 months will be required. Each authority will be asked to contribute a total of £10,000 over the initial 18 months. This will be met from existing budgets.

## 11. Policy Implications

This report and its recommendations are within the Council’s existing policy framework, and it supports the priorities set out in the Cheshire East Place Partnership Plan 2019-2024.

## **12. Equality**

There are no direct equality implications as a result of this report.

## **13. Human Resources**

There are no direct human resources implications as a result of this report. However, the change from the CCG to the ICB will have HR implications, albeit they will be indirect for the Council.

## **14. Risk Management**

14.1 There is a risk that not all partners agree to the proposed terms of reference as set out in this report. However, this is considered very low risk as senior officers and members of the Place Partnership Board have been working together to collaboratively develop the integrated partnership arrangements. All relevant boards/committees within each partner organisation will be consulted in the same timeframe to ensure all organisations agree the current proposals.

14.2 It is assumed that partners can reach a consensus over decision making. However, in the event that a dispute arises between the partners over anything contained within the S75 Agreement, then the dispute mechanism in the S75 Agreement takes precedence. Similarly if any dispute arises over the allocation of ICB funding or priorities at Place, then this would be referred to the C&M ICB Chair for decision.

## **15. Rural Communities**

There are no direct implications for rural communities as a result of this report, as the Place Partnership Board's will deliver to the agreed objectives in the Cheshire East Place Plan.

## **16. Children and Young People/Cared for Children.**

There are no direct implications for Children and Young People/Cared for Children as a result of this report, as the Place Partnership Board's responsibility is to deliver the agreed objectives and priorities in the Cheshire East Place Plan, including those agreed for children and young people. The Director of Children's Services is a member of the Partnership Board and this will ensure that appropriate emphasis is given to those services which affect children and young people.

## **17. Public Health**

A key purpose of the Integrated Care System is to ensure that all areas consider the wider determinants of health and health inequalities and tackling these is key part of the Health & Care Bill, which the Partnership Board will need to consider. The Director of Public Health is to be a member of the Partnership Board and this will ensure the appropriate emphasis is given to these areas.

**18.Climate Change**

There are no direct implications for climate change as a result of this report.

<b>Access to Information</b>	
Contact Officer:	Deborah Upton, Legal Services <a href="mailto:deborah.upton@cheshireeast.gov.uk">deborah.upton@cheshireeast.gov.uk</a>
Appendices:	Appendix A Draft Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee – Joint Committee Arrangements Document Appendix B Draft revised Protocol for the Establishment of Joint Health Scrutiny Arrangements in Cheshire and Merseyside
Background Papers:	Health & Care Bill 2020 Report to Adults & Health Committee on 28 March 2022 entitled ' <i>Better Care Fund S75 Agreement</i> ' Report to Corporate Policy Committee on 14 April 2022 entitled 'Governance Progress Report' Report to Council on 27 April 2022 entitled 'Recommendations from Corporate Policy Committee: Progress on Governance for the Integrated Care System'

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**CHESHIRE AND MERSEYSIDE INTEGRATED CARE SYSTEM JOINT HEALTH  
SCRUTINY COMMITTEE**

**JOINT COMMITTEE ARRANGEMENTS DOCUMENT**

**Interpretation**

In this document the following expressions shall have the following meanings:

- the following local authorities are referred to singularly as ‘Authority’ and together as ‘the Authorities’
  - a) Cheshire East Council;
  - b) Cheshire West and Chester Council
  - c) Halton Borough Council
  - d) Knowsley Borough Council;
  - e) Liverpool City Council;
  - f) St. Helens Borough Council;
  - g) Sefton Borough Council;
  - h) Warrington Borough Council;
  - i) Wirral Borough Council;
- the “Cheshire and Merseyside (ICS) Joint Health Scrutiny Committee” means the Joint Health Scrutiny Committee established by the Authorities to hold to account and scrutinise the work of the Integrated Care System at Cheshire and Merseyside level;
- the “Secretariat” means the financial, administrative, scrutiny and other officer support to the Joint Committee;
- the “Host Authority” means the council which hosts the Secretariat at the relevant time;
- the “Joint Committee Arrangements Document” means this document, as amended from time-to-time;
- the “Rules of Procedure” means the rules of procedure as agreed by the Joint Committee from time to time;
- “the Act” means the National Health Service Act 2006
- the “2013 Regulations” means the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

The conduct of the Joint Committee and the content of this document shall be subject to the relevant legislative provisions, in particular Sections 244 and 245 of the Act (as amended) as well as the 2013 regulations, and in the event of any conflict between

the relevant legislative provisions/ regulations and this Joint Committee Arrangements Document, the requirements of the legislation/ regulations will prevail.

## 1. Background

1.1 The Health and Care Act 2022 confirms new structural arrangements for health governance through the formal establishment of Integrated Care Systems (ICSs) for specific geographical areas. ICSs will comprise:

1.1.1 an Integrated Care Board (ICB) in which will be vested statutory responsibilities and duties related to arranging for the provision of relevant hospital and health services for its area; and

1.1.2 an Integrated Care Partnership (ICP) which is a joint committee established by the ICB and the Authorities within the ICS area. The ICP is primarily charged with setting the strategic framework (an Integrated Care Strategy) for its area within which the ICB, NHS England and the Authorities, will be expected to exercise their respective functions to meet the area's assessed needs.

1.2 In Cheshire and Merseyside:

1.2.1 The ICS is known collectively as NHS Cheshire and Merseyside ICS.

1.2.2 The ICB is known as NHS Cheshire and Merseyside ICB

1.2.3 The ICP is known as the Cheshire and Merseyside Health and Care Partnership.

1.3 Under Section 245 of the Act and Regulation 30 of the 2013 Regulations, two or more Authorities may form a joint health scrutiny committee and arrange for relevant health scrutiny functions to be exercised by that joint committee.

1.4 In 2014, all nine Cheshire and Merseyside Authorities gave their approval to a "Protocol for Establishment of Joint Health Scrutiny Arrangements for Cheshire and Merseyside". This protocol was developed in accordance with the Act and the 2013 Regulations. Substantively it provides a framework for the mandatory establishment of ad hoc joint committees where 2 or more of the authorities deem a service change proposal to be a substantial variation in those services. Nevertheless, the protocol, in accordance with legislation, provides for the establishment of discretionary joint health scrutiny arrangements, where deemed appropriate, with the scope to review and scrutinise any matter relating to the planning, provision and operation of the health service.

1.5 In the context of the establishment of the statutory ICS arrangements for Cheshire and Merseyside, it has been deemed appropriate to establish a standing joint health scrutiny committee which will have the opportunity to take

on the Authorities' collective statutory responsibility to oversee and scrutinise the operation of the ICS at Cheshire and Merseyside Level:

- 1.6 The Authorities by being parties to this Joint Committee Arrangements Document signify their agreement to its terms. Each Authority and each Member of the Joint Committee established under the terms of this document must therefore comply with its provisions.
- 1.7 The Joint Committee must have regard to the relevant legislation, including the Local Government Act 1972, regulations related to health scrutiny and to any statutory guidance issued in this respect.

## 2. **Functions of the Joint Committee**

- 2.1 The functions of the Joint Committee — to be known as the “Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee”— are to be exercised with a view to supporting the effective planning, provision, and operation of health services at Cheshire and Merseyside level. This will include promoting transparency in how the ICS fulfils its responsibilities within Cheshire and Merseyside.
- 2.2 The overarching role of the Joint Committee is to scrutinise the work of the ICS in the discharge of its statutory responsibilities and functions at Cheshire and Merseyside level in order to support their effective exercise and, where appropriate to make reports or recommendations to the ICS.
- 2.3 In specific terms the Joint Committee's role will include the duties/ functions set out below:
  - To be consulted and provide feedback on the development of an integrated care strategy for Cheshire and Merseyside;
  - To review and scrutinise any matter relating to the planning, provision and operation of the health service at Cheshire and Merseyside level only;
  - To be consulted by a relevant NHS body (e.g. NHS Cheshire and Merseyside Integrated Care Board) on any service change proposals that has previously been deemed by all nine authorities to constitute a substantial variation in services.
  - To consider the merits of any service change proposals that have been deemed to be a substantial variation in services by all nine authorities and to exercise the collective statutory responsibilities of the authorities in relation to responding to such consultation by the proposer.

### 3. Operating Arrangements

- 3.1 Knowsley Borough Council shall act as the Host Authority and arrange for the necessary officer support in doing so. In this respect Knowsley Borough Council will be provide the Secretariat.
- 3.2 The Joint Committee initially shall be made up of 18 elected members in accordance with the provisions of the current Joint Health Scrutiny Protocol.

### 4. Council Membership

- 4.1 All elected members in the authorities will be entitled to serve on the joint committee other than executive members and those elected members appointed to serve on ICS bodies (e.g. on the Cheshire and Merseyside Health and Care Partnership)
- 4.2 Each of the authorities nominating representatives to serve on the Joint Committee will be expected to do so in accordance with the political balance that applies in their respective authorities, adjusted to take account of the overall political balance across the nine authorities.
- 4.3 The allocation of seats by both area and party for 2022/ 2023 based on two members per authority is therefore as follows in order to secure overall political balance within Cheshire and Merseyside:

Authority	Labour	Liberal Democrat	Conservative	Green	Ind	Total
Cheshire East						2
Cheshire West and Chester						2
Halton						2
Knowsley						2
Liverpool						2
St. Helens						2
Sefton						2
Warrington						2
Wirral						2
<b>Total</b>						<b>18</b>

*Allocation of seats to be confirmed following further consultation between the 9 authorities.*

- 4.4 The allocation of elected member places on the Joint Committee will be reviewed on an annual basis, ordinarily in the period following the date of the municipal elections. In years where municipal elections do not take place, the review will need to have taken place by 15 May in that year.
- 4.5 Taking into account the outcome of such a review, Elected Members will be appointed by their respective Authorities in accordance with the constitutional procedures applicable in those Authorities. In any event, each Authority will ordinarily be expected to appoint their representatives no later than 31 May in each year.
- 4.6 The term of office of each Authority representative appointed shall be a period of 1 year or until 31 May of the following year, whichever is the earlier. This term of office is however subject to the appointed Member remaining as an Elected Member during the term of office. In the event of a Joint Committee Member ceasing to be an elected member during the course of their term of office as a Joint Committee Member, their entitlement to serve on the Joint Committee will also cease at that point.
- 4.7 Each appointment may be renewable on an annual basis, subject to the decision of the respective Authority and the continuing entitlement of the appointee to serve on the Joint Committee.

## **5. Elected Members – Resignation or Removal from the Joint Committee**

- 5.1 An Authority may decide, in accordance with its procedures, to remove one of its Members from the Joint Committee at any time prior to conclusion of that Member's term of office, and upon doing so shall give written notice to the Secretariat of the change in its Member.
- 5.2 An Elected Member representative may resign from the Joint Committee at any time by giving notice to his or her appointing council who will inform the Secretariat.
- 5.3 In the event that any Elected Member resigns from the Joint Committee, or is removed from the Joint Committee by his or her Authority, the Authority shall immediately take the appropriate constitutional steps to nominate and appoint an alternative Member to the Joint Committee, in accordance with the agreed Joint Committee arrangements.
- 5.4 Where an Elected Member fails to attend meetings of the Joint Committee over a six-month period or for 3 consecutive meetings then the Secretariat shall recommend to the relevant Authority that due consideration is given to removing the member from the appointment to the Joint Committee and the appointment of a replacement member from that Authority.

- 5.5 Where it becomes clear that an Elected Member has ceased to represent the political group for which they were nominated by their respective Authority, either through withdrawal of the whip, suspension, or expulsion from the relevant group, that Member shall be immediately removed from the Joint Committee's Membership. In these circumstances, the relevant Nominating Authority will be obliged to take the appropriate steps, including liaison with the relevant political group, to nominate, at the earliest opportunity an alternative Member to the Joint Committee, in accordance with the allocation of seats at paragraph 4.3 above, so as to ensure the Joint Committee appropriate political balance is maintained.

## **6. Financial Arrangements**

- 6.1 The funding provided by the authorities collectively to support the work of the Joint Committee will be received by the Host Authority.
- 6.2 Each Authority will pay directly any expenses claimed by its own nominated representatives in the course of their duties on the Joint Committee.
- 6.3 The Host Authority will establish an independent remuneration panel to consider whether a Special Responsibility Allowance (SRA) should be paid to the Chairperson of the Joint Committee or any other Joint Committee Member, and if so, what the level of that SRA should be. If the Authorities subsequently decide, based on the recommendations of the independent remuneration panel that an SRA will be paid, the Authorities will be required to reach agreement on how the costs of the SRA will be apportioned between them.
- 6.4 The financial arrangements for the Joint Committee will be reviewed each year by the Authorities. If in subsequent years, the Joint Committee considers that the funding available to support its activities is insufficient to support it in carrying out its functions, it may make a request to the Authorities to approve additional funding. If additional funding is approved, the Authorities will decide how the additional costs will be apportioned between them.

## **7. Promotion and Support of the Joint Committee**

- 7.1 The Joint Committee shall be promoted and supported by the Host Authority and the Secretariat through:
- (a) The inclusion of dedicated webpages on the work of the Joint Committee, with the publication of meeting agendas; minutes; and papers where those papers are public, in line with the rules of procedure and legal obligations under the Local Government Act 1972. All reports and recommendations made, with responses from the ICS will be published. Information on member attendance and other publications will be included, as required on the webpages;

- (b) Other relevant administrative, financial, legal, communications and scrutiny officer support as appropriate.
- 7.2 The costs of any additional promotion work identified above will be identified as part of financial arrangements to be agreed by the Authorities as set out in section 6 above.
- 7.3 The Joint Committee shall be promoted and supported by each Authority including:
- (a) Ensuring that briefings take place on the work of the Joint Committee for members and officers at Authority level to ensure they are fully informed about relevant matters.
  - (b) Information on each respective website about the work of the Joint Committee and links to the main webpages.
  - (c) Sharing of information on the work of their respective designated statutory Health Scrutiny Committee in order to ensure that the work programme of the Joint Committee complements local scrutiny work and vice-versa.
  - (d) Co-operating to ensure that the Joint Committee, where appropriate, is provided with additional officer support for research, training and development or other areas of expertise.
- 7.4 The elected members on the Joint Committee will provide a communication channel between the Joint Committee and their respective appointing Authorities. They will report back to their Authority on the work of the Joint Committee as appropriate and provide support and guidance to their member colleagues and officers of their Authority.

## **8. Validity of Proceedings**

- 8.1 The validity of the proceedings of the Joint Committee shall not be affected by a vacancy in the membership of the Joint Committee or a defect in appointment.
- 8.2 All Joint Committee members (including co-opted members) must observe their own authority's Members Code of Conduct and any related Protocols as agreed by the Joint Committee.

## **9. Review and Amendment of Joint Committee Arrangements**

- 9.1 This Joint Committee Arrangements Document will normally be reviewed on an annual basis by all Authorities jointly.

- 9.2 Proposed changes to the Joint Committee Arrangements Document can only be made with the collective approval of all the Authorities in the ICS area.
- 9.3 The Joint Committee may propose amendments to the Joint Committee Arrangements document and any such proposals will be referred to the Authorities and will only be implemented if they are approved by all the Authorities.

## PROTOCOL FOR THE ESTABLISHMENT OF JOINT HEALTH SCRUTINY ARRANGEMENTS IN CHESHIRE AND MERSEYSIDE

### 1. INTRODUCTION

1.1 This protocol has been developed as a framework for the operation of joint health scrutiny arrangements across the local authorities of Cheshire and Merseyside. It allows for:

- scrutiny of substantial developments and variations of the health service; and,
- discretionary scrutiny of local health services.

1.2 The protocol provides a framework for health scrutiny arrangements which operate on a joint basis only. Each constituent local authority should have its own local arrangements in place for carrying out health scrutiny activity individually.

### 2. BACKGROUND

2.1 The relevant legislation regarding health scrutiny is:

- Health and Social Care Act 2012,
- The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013; and
- *The Health and Care Act 2022 (subject to parliamentary approval)*

2.2 In summary, the statutory framework authorises local authorities to:

- review and scrutinise any matter relating to the planning, provision and operation of the health service; and,
- consider consultations by a relevant NHS commissioning body or provider of NHS-funded services on any proposal for a substantial development or variation to the health service in the local authority's area.

2.3 Ultimately the regulations place a requirement on relevant scrutiny arrangements to reach a view on whether they are satisfied that any proposal that is deemed to be a substantial development or variation is in the interests of the health service in that area, or instead, that the proposal should be referred to the Secretary of State for Health and Social Care. In instances where a proposal impacts on the residents of one local authority area exclusively, this responsibility lays with that authority's health scrutiny arrangements alone.

2.4 Where such proposals impact on more than one local authority area, each authority's health scrutiny arrangements must consider whether the proposals constitute a substantial development or variation or not.

The regulations place a requirement on those local authorities that agree that a proposal is substantial to establish, in each instance, a joint overview and scrutiny committee for the purposes of considering it. This protocol deals with the proposed operation of such arrangements for the local authorities of Cheshire and Merseyside.

### **3. PURPOSE OF THE PROTOCOL**

3.1 This protocol sets out the framework for the operation of joint scrutiny arrangements where:

- a) an NHS commissioning body or health service provider consults with more than one local authority on any proposal it has under consideration, for a substantial development/variation of the health service;
- b) joint scrutiny activity is being carried out on a discretionary basis into the planning, provision and operation of the health service.

3.2 The protocol covers the local authorities of Cheshire and Merseyside including:

- Cheshire East Council
- Cheshire West and Chester Council
- Halton Borough Council
- Knowsley Council
- Liverpool City Council
- St. Helens Metropolitan Borough Council
- Sefton Council
- Warrington Borough Council
- Wirral Borough Council

3.3 Whilst this protocol deals with arrangements within the boundaries of Cheshire and Merseyside, it is recognised that there may be occasions when consultations/discretionary activity may affect adjoining regions/areas. Arrangements to deal with such circumstances would have to be determined and agreed separately, as and when appropriate.

### **4. PRINCIPLES FOR JOINT HEALTH SCRUTINY**

4.1 The fundamental principle underpinning joint health scrutiny will be co-operation and partnership with a mutual understanding of the following aims:

- To improve the health of local people and to tackle health inequalities;

- To represent the views of local people and ensure that these views are identified and integrated into local health service plans, services and commissioning;
- To scrutinise whether all parts of the community are able to access health services and whether the outcomes of health services are equally good for all sections of the community; and,
- To work with NHS bodies and local health providers to ensure that their health services are planned and provided in the best interests of the communities they serve, taking into account any potential impact on health service staff.

## **5. SUBSTANTIAL DEVELOPMENT/VARIATION TO SERVICES**

### **5.1 Requirements to consult**

- 5.1.1 All relevant NHS bodies and providers of NHS-funded services<sup>1</sup> are required to consult local authorities when they have a proposal for a substantial development or substantial variation to the health service.
- 5.1.2 A substantial development or variation is not defined in legislation. Guidance has suggested that the key feature is that it should involve a major impact on the services experienced by patients and/or future patients.
- 5.1.3 Where a substantial development or variation impacts on the residents within one local authority area boundary, only the relevant local authority health scrutiny function shall be consulted on the proposal.
- 5.1.4 Where a proposal impacts on residents across more than one local authority boundary, the NHS body/health service provider is obliged to consult all those authorities whose residents are affected by the proposals in order to determine whether the proposal represents a substantial development or variation.
- 5.1.5 Those authorities that agree that any such proposal does constitute a substantial development or variation are obliged to form a joint health overview and scrutiny committee for the purpose of formal consultation by the proposer of the development or variation.
- 5.1.6 Whilst each local authority must decide individually whether a proposal represents a substantial development/variation, it is only the statutory joint health scrutiny committee which can formally comment on the

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<sup>1</sup> This includes NHS E&I and any body commissioning services to the residents of Cheshire and Merseyside, plus providers such as NHS Trusts, NHS Foundation Trust and any other relevant provider of NHS funded services which provides health services to those residents, including public health.

proposals if more than one authority agrees that the proposed change is “substantial”.

- 5.1.7 Determining that a proposal is not a substantial development/variation removes the ability of an individual local authority to comment formally on the proposal and exercise other powers, such as the power to refer to the Secretary of State. Once such decisions are made, the ongoing obligation on the proposer to consult formally on a proposal relates only to those authorities that have deemed the proposed change to be “substantial” and this must be done through the vehicle of the joint committee. Furthermore the proposer will not be obliged to provide updates or report back on proposals to individual authorities that have not deemed them to be “substantial”.
- 5.1.8 For the avoidance of doubt, if only one authority amongst a number being consulted on a proposal deem it to be a substantial change, the ongoing process of consultation on the proposal between the proposer and the remaining authority falls outside the provisions of this protocol.

## **5.2 Process for considering proposals for a substantial development/variation**

- 5.2.1 In consulting with the local authority in the first instance to determine whether the change is considered substantial, the relevant NHS commissioning body / provider of NHS-funded services is required to:
- Provide the proposed date by which it requires comments on the proposals
  - Provide the proposed date by which it intends to make a final decision as to whether to implement the proposal
  - Publish the dates specified above
  - Inform the local authority if the dates change<sup>2</sup>
- 5.2.2 NHS commissioning bodies and local health service providers are not required to consult with local authorities where certain ‘emergency’ decisions have been taken. All exemptions to consult are set out within regulations.<sup>3</sup>
- 5.2.3 In considering whether a proposal is substantial, all local authorities are encouraged to consider the following criteria:
- *Changes in accessibility of services:* any proposal which involves the withdrawal or change of patient or diagnostic facilities for one or more speciality from the same location.

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<sup>2</sup> Section 23 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013

<sup>3</sup> Section 24 *ibid*

- *Impact on the wider community and other services:* This could include economic impact, transport, regeneration issues.
- *Patients affected:* changes may affect the whole population, or a small group. If changes affect a small group, the proposal may still be regarded as substantial, particularly if patients need to continue accessing that service for many years.
- *Methods of service delivery:* altering the way a service is delivered may be a substantial change, for example moving a particular service into community settings rather than being entirely hospital based.
- *Potential level of public interest:* proposals that are likely to generate a significant level of public interest in view of their likely impact.

5.2.4 These criteria will assist in ensuring that there is a consistent approach applied by each authority in making their respective decisions on whether a proposal is “substantial” or not. In making the decision, each authority will focus on how the proposals impacts on its own area/residents.

## **6. OPERATION OF A STATUTORY JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE**

### **6.1 General**

6.1.1 A joint health overview and scrutiny committee will be made up of each of the constituent local authorities that deem a proposal to be a substantial development or variation. This joint committee will be formally consulted on the proposal and have the opportunity to comment. It will also be able to refer to the Secretary of State for Health and Social Care if any such proposal is not considered to be in the interests of the health service.

6.1.2 A decision as to whether the proposal is deemed substantial shall be taken within a reasonable timeframe and in accordance with any deadline set by the lead local authority (see section 6.6), following consultation with the other participating authorities.

### **6.2 Powers**

6.2.1 In dealing with substantial development/variations, any statutory joint health overview and scrutiny committee that is established can:

- require relevant NHS bodies and health service providers to provide information to and attend before meetings of the committee to answer questions

- make comments on the subject proposal by a date provided by the NHS body/local health service provider
- make reports and recommendations to relevant NHS bodies/local health providers
- require relevant NHS bodies/local health service providers to respond within a fixed timescale to reports or recommendations
- carry out further negotiations with the relevant NHS body where it is proposing not to agree to a substantial variation proposal; and
- where agreement cannot be reached, to notify the NHS body of the date by which it intends to make the formal referral to the Secretary of State.

6.2.2 A joint health overview and scrutiny committee has the power to refer a proposal to the Secretary of State if:

- the committee is not satisfied that consultation with the relevant health scrutiny arrangements on any proposal has been adequate
- it is not satisfied that reasons for an 'emergency' decision that removes the need for formal consultation with health scrutiny are adequate
- it does not consider that the proposal would be in the interests of the health service in its area.

6.2.3 Where a committee has made a recommendation to a NHS commissioning body/local health service provider regarding a proposal and the NHS body/provider disagrees with the recommendation, the local health service provider/NHS body is required to inform the joint committee and attempt to enter into negotiation to try and reach an agreement. In this circumstance, a joint committee has the power to report to the Secretary of State if:

- relevant steps have been taken to try to reach agreement in relation to the subject of the recommendation, but agreement has not been reached within a reasonable period of time; or,
- there has been no attempt to reach agreement within a reasonable timeframe.

6.2.4 Where a committee disagrees with a substantial variation and has either made comments (without recommendations) or chosen not to provide any comments, it can report to the Secretary of State only if it has:

- Informed the NHS commissioning body/local health service provider of its decision to disagree with the substantial variation and report to the Secretary of State; or,
- Provided indication to the NHS commissioning body/local health service provider of the date by which it intends to make a referral.

6.2.5 In any circumstance where a committee disagrees with a proposal for a substantial variation, there will be an expectation that negotiations will

be entered into with the NHS commissioning body/local health service provider in order to attempt to reach agreement.

- 6.2.6 Where local authorities have agreed that the proposals represent substantial developments or variations to services and agreed to enter into joint arrangements, it is only the joint health overview and scrutiny committee which may exercise these powers.
- 6.2.7 A statutory joint health overview and scrutiny committee established under the terms of this protocol may only exercise the powers set out in 6.2.1 to 6.2.4 above in relation to the statutory consultation for which it was originally established. Its existence is time-limited to the course of the specified consultation and it may not otherwise carry out any other activity.

### 6.3 Membership

- 6.3.1 The participating local authorities must ensure that those Councillors nominated to a joint health overview and scrutiny committee produce a membership that reflects the overall political balance across the participating local authorities. However, political balance requirements for each joint committee established may be waived with the agreement of all participating local authorities, should time and respective approval processes permit.
- 6.3.2 A joint committee will be composed of Councillors from each of the participating authorities within Cheshire and Merseyside in the following ways:
- where 4 or more local authorities deem the proposed change to be substantial, each authority will nominate 2 elected members
  - where 3 or less local authorities deem the proposed change to be substantial, then each participating authority will nominate 3 elected members.

(Note: In making their nominations, each participating authority will be asked to ensure that their representatives have the experience and expertise to contribute effectively to a health scrutiny process)

<b>Local authorities who consider change to be 'substantial'</b>	<b>No' of elected members to be nominated from each authority</b>
4 or more	2 members
3 or less	3 members

6.3.3 Each local authority will be obliged to nominate elected members through their own relevant internal processes and provide notification of those members to the lead local administrative authority at the earliest opportunity.

6.3.4 To avoid inordinate delays in the establishment of a relevant joint committee, it is suggested that constituent authorities either arrange for delegated decision-making arrangements to be put in place to deal with such nominations at the earliest opportunity, or to nominate potential representatives annually as part of annual meeting processes to cover all potential seat allocations.

## **6.5 Quorum**

6.5.1 The quorum of the meetings of a joint committee shall be one third of the full membership of any Joint Committee, subject to the quorum being, in each instance, no less than 3.

6.5.2 There will be an expectation for there to be representation from each authority at a meeting of any joint committee established. The lead local authority will attempt to ensure that this representation is achieved.

## **6.6 Identifying a lead local authority**

6.6.1 A lead local authority should be identified from one of the participating authorities to take the lead in terms of administering and organising a joint committee in relation to a specific proposal.

6.6.2 Selection of a lead authority should, where possible, be chosen by mutual agreement by the participating authorities and take into account both capacity to service a joint health scrutiny committee and available resources. The application of the following criteria should also guide determination of the lead authority:

- The local authority within whose area the service being changed is based; or
- The local authority within whose area the lead commissioner or provider leading the consultation is based.

6.6.3 Lead local authority support should include a specific contact point for communication regarding the administration of the joint committee. There will be an obligation on the key lead authority officer to liaise appropriately with officers from each participating authority to ensure the smooth running of the joint committee.

6.6.4 Each participating local authority will have the discretion to provide whatever support it may deem appropriate to their own representative(s) to allow them to make a full contribution to the work of a joint committee.

## **6.7 Nomination of Chair/ Vice-Chair**

The chair/ vice-chair of the joint health overview and scrutiny committee will be nominated and agreed at the committee's first meeting.

## **6.8 Meetings of a Joint Committee**

6.8.1 At the first meeting of any joint committee established to consider a proposal for a substantial development or variation, the committee will also consider and agree:

- The joint committee's terms of reference;
- The procedural rules for the operation of the joint committee;
- The process/ timeline for dealing formally with the consultation, including:
  - the number of sessions required to consider the proposal; and,
  - the date by which the joint committee will make a decision as to whether to refer the proposal to the Secretary of State for Health and Social Care – which should be in advance of the proposed date by which the NHS commissioning body/service provider intends to make the decision.

6.8.2 All other meetings of the joint committee will be determined in line with the proposed approach for dealing with the consultation. Different approaches may be taken for each consultation and could include gathering evidence from:

- NHS commissioning bodies and local service providers;
- patients and the public;
- voluntary sector and community organisations; and
- NHS regulatory bodies.

## **6.9 Reports of a Joint Committee**

6.9.1 A joint committee is entitled to produce a written report which may include recommendations. As a minimum, the report will include:

- An explanation of why the matter was reviewed or scrutinised.
- A summary of the evidence considered.
- A list of the participants involved in the review.
- An explanation of any recommendations on the matter reviewed or scrutinised.

The lead authority will be responsible for the drafting of a report for consideration by the joint committee.

- 6.9.2 Reports shall be agreed by the majority of members of a joint committee and submitted to the relevant NHS commissioning body/health service provider or the Secretary of State as applicable.
- 6.9.3 Where a member of a joint health scrutiny committee does not agree with the content of the committee's report, they may produce a report setting out their findings and recommendations which will be attached as an appendix to the joint health scrutiny committee's main report.

## **7. DISCRETIONARY HEALTH SCRUTINY**

- 7.1 More generally, the Health and Social Care Act 2012 and the 2013 Health Scrutiny Regulations provide for local authority health scrutiny arrangements to scrutinise the planning, provision and operation of health services.
- 7.2 In this respect, two or more local authorities may appoint a joint committee for the purposes of scrutinising the planning, provision and operation of health services which impact on a wider footprint than that of an individual authority's area.
- 7.3 Any such committee will have the power to:
- require relevant NHS commissioning bodies and health service providers to provide information to and attend before meetings of the committee to answer questions.
  - make reports and recommendations to relevant NHS commissioning bodies/local health providers.
  - require relevant NHS commissioning bodies/local health service providers to respond within a fixed timescale to reports or recommendations.
- 7.4 Ordinarily, a discretionary joint committee will not have the power to refer an issue to the Secretary of State for Health and Social Care. However, please note section 8.3 below.
- 7.5 In establishing a joint committee for the purposes of discretionary joint scrutiny activity, the constituent local authorities should determine the committee's role and remit. This should include consideration as to whether the committee operates as a standing arrangement for the purposes of considering all of the planning, provision and operation of health services within a particular area or whether it is being established for the purposes of considering the operation of one particular health service with a view to making recommendations for its improvement. In the case of the latter, the committee must disband once its specific scrutiny activity is complete.

- 7.6 In administering any such committee, the proposed approach identified in sections 6.3 – 6.9 (disregarding any power to refer to the Secretary of State) of this protocol should be followed, as appropriate.

## **8. SCRUTINY OF CHESHIRE AND MERSEYSIDE INTERGRATED CARE SYSTEM**

- 8.1 Further to this protocol and in particular section 7 above, the nine local authorities have agreed to establish a discretionary standing joint health scrutiny committee in response to the establishment of the Cheshire and Merseyside Integrated Care System.
- 8.2 A separate Joint Scrutiny Committee Arrangements document has been produced in line with the provisions of this protocol to outline how the standing joint committee will operate.
- 8.3 In summary, the “Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee” has the following responsibilities:
- To scrutinise the work of the Integrated Care System in relation to any matter regarding the planning, provision and operation of the health service at footprint level only; and
  - To consider the merits of any service change proposals that have been deemed to be a substantial variation in services by all nine authorities.

## **9. CONCLUSION**

- 9.1 The local authorities of Cheshire and Merseyside have adopted this protocol as a means of governing the operation of joint health scrutiny arrangements both mandatory and discretionary. The protocol is intended to support effective consultation with NHS commissioning bodies or local health service providers on any proposal for a substantial development of or variation in health services. The protocol also supports the establishment of a joint health overview and scrutiny committee where discretionary health scrutiny activity is deemed appropriate.
- 9.2 The protocol will be reviewed regularly, and at least on an annual basis to ensure that it complies with all current legislation and any guidance published by the Department of Health and Social Care.

**PROPOSED CONSTITUTIONAL CHANGES**

83. The Council at its meeting on 27 April 2022 **RESOLVED THAT** Council:-

- 1 establish with NHS Cheshire Clinical Commissioning Group, a Committee under Section 75 of the Health and Care Act 2006 from 1 April 2022, as set out in Section 13 of the report, to oversee and manage the Section 75 Better Care Fund Agreement and Plan.
- 2 delegate authority to the Executive Director Adults, Health and Integration, in consultation with the Director of Governance and Compliance, to agree and finalise the Terms of Reference of the Section 75 Committee.
- 3 appoint the Executive Director Adults, Health and Integration (or their nominated representative) to the S75 Committee.
- 4 delegate authority to making any consequential amendments to the Constitution to the Director of Governance and Compliance.

The constitutional changes required as a result of Minute No. 83/2022 are set out below, and a copy of the Terms of Reference of the S75 Committee is appended.

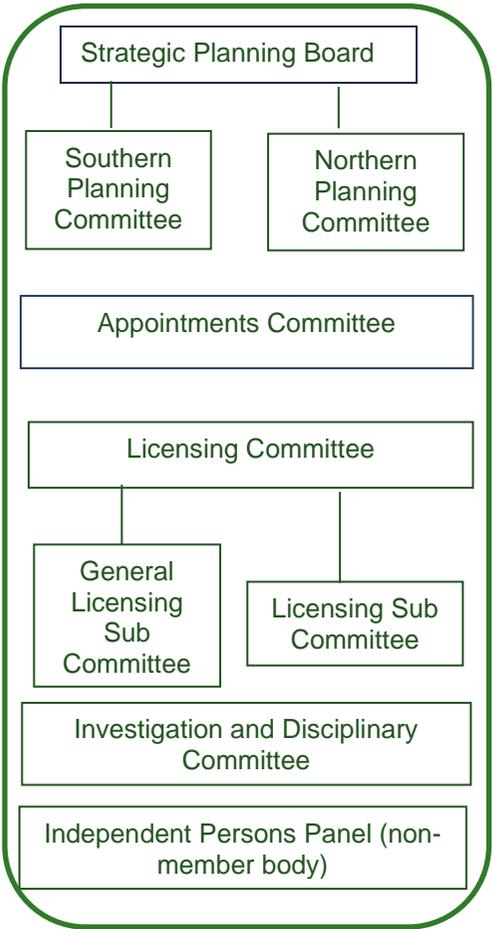
Provision	Paragraph	Change
Ch2 Pt 1	Page 5	Changes to the structure chart of the Council's committees to show the S75 Committee
Ch2 Pt 4	Page 21	Add the S75 Committee and its purpose
Ch2 Pt 5	Page 55	To record the delegation to Executive Director Adults and Health from full council 27 April 2022 <ul style="list-style-type: none"> <li>• Section 75 of the National Health Service Act 2006 and NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000</li> </ul>

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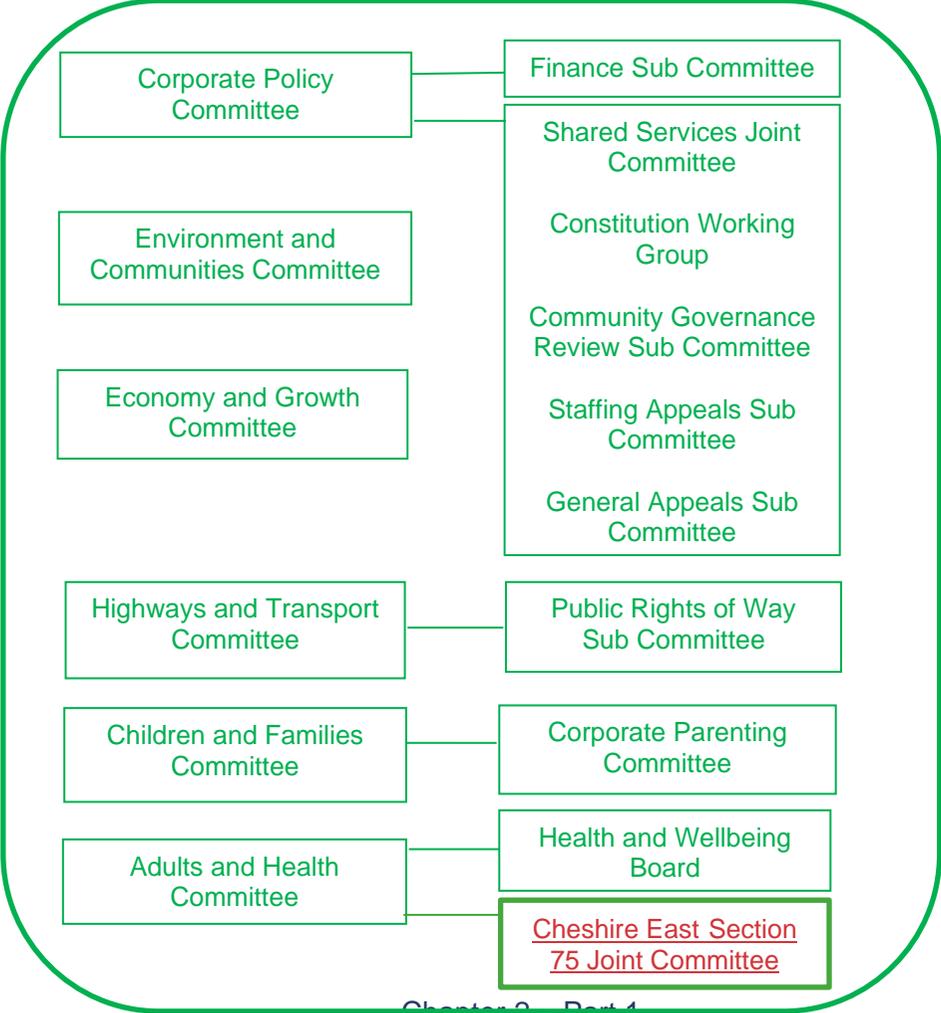
**Chapter 2 – Part 1: Committee Structure**

Council

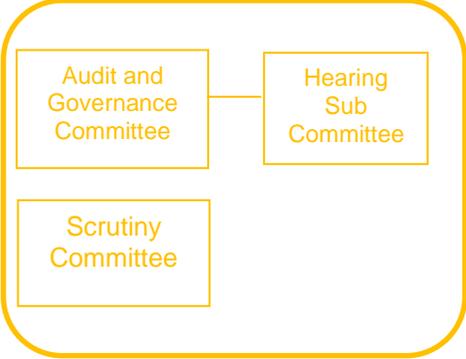
**Regulatory and other Committees**



**Service Committees**



**Oversight Committees**



## Cheshire East Section 75 Joint Committee – Terms of Reference

### Establishment and Purpose of the Committee

- 1 The Section 75 Joint Committee ('Committee) is a meeting of Cheshire East Council (CEC) and NHS Cheshire Clinical Commissioning Group (CCG). On 1 July 2022 the functions and responsibilities of the CCG will transfer under the Health & Care Act 2022 to the Cheshire and Merseyside Integrated Care Board. Existing joint agreements, such as the Section 75 Agreement ('S75 Agreement'), and agreed Terms of References for joint committees will be inherited and adopted by the ICB. As such all references to 'CCG' shall now referred to as 'ICB' to reflect the change to take effect from 1<sup>st</sup> July 2022.
- 2 The Committee will ensure delivery of outcomes in the priority areas of focus set out in the S75 agreement on 1<sup>st</sup> April 2022 between CEC and the ICB and will work towards the future intentions set out in Schedule 1 Part 3 of the S75 Agreement.
- 3 The Cheshire East Section 75 Joint Committee ('the Committee') will facilitate bringing together a single commissioning voice to ensure the design and implementation of new models of care that deliver the outcomes required for the Cheshire East population.
- 4 The Committee will support CEC and the ICB to deliver national requirements, including but not limited to the NHS Long Term Plan, and Spending Review, within Cheshire East.

### Membership

- 5 The membership of the Committee comprises the Director of Adults, Health & Integration (CEC) and the Cheshire East Place Director (ICB) or any other substitute nominated by those members.
- 6 Membership of the Committee may change if the scope of the Committee changes. Membership changes will need to be agreed by the member organisations of the Committee.

## **Delegations to the Executive Director (Adults, Health & Integration)**

- 22 The Executive Director (Adults, Health & Integration) holds the statutory role for the Council of the Director of Adult Social Services (required by Section 6 of the Local Authority Social Services Act 1970.
- 23 The Executive Director (Adults, Health & Integration) 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:

### **Adult Social Care Operations**

- Adult Social Care Services – Community Teams
- Adult Social Care – Hospital Teams
- Care4CE
- Mental Health and Learning Disability Services
- Adult Safeguarding

### **Public Health**

- Public Health Intelligence
- Health Improvement
- Public Health Protection and the Wider Determinants of Health

[Section 75 of the National Health Service Act 2006 and NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000](#)

### **Commissioning**

- Integrated commissioning - Communities and Public Health commissioning, contract management and quality assurance
- Integrated commissioning - Children's commissioning, contract management and quality assurance
- Integrated commissioning – Adult Social Care commissioning, contract management and quality assurance
- Adult Social Care Business Support and Finance

### **Public Sector Transformation Programme**

- Delivery of the Public Sector Transformation Programme

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The Committee will support CEC and the ICB to deliver national requirements, including but not limited to the NHS Long Term Plan, and Spending Review, within Cheshire East.

### 2. Membership

The membership of the Committee comprises the Director of Adults, Health & Integration (CEC) and the Cheshire East Place Director (ICB) or any other substitute nominated by those members.

Membership of the Committee may change if the scope of the Committee changes. Membership changes will need to be agreed by the member organisations of the Committee.

### 3. Authority/Accountability

The Committee is a meeting of the Council and the ICB representatives with the purpose of agreeing joint health and social care commissioning and delivery plans for Cheshire East. In discharging this, the Committee will use the authorised delegated authority of its individual representatives either under the Council/ICB Scheme of Delegation or through the S75 Agreement, as applicable. Both parties will have regard to any internal controls or statutory limits on their powers, and make these clear to the other party.

The Committee is also authorised to create working groups as necessary to fulfil its responsibilities within these terms of reference.

The existing Cheshire East Better Care Fund Governance Group (BCF Group) will report to and support the Committee.

### 4. Attendees

In addition to the Committee members, all members of the Cheshire Place Partnership Board [working title] are invited to attend all meetings of the Joint Committee and participate in the discussions of the Committee to help inform the decisions to be undertaken by its members.

Others may also be invited to attend the Joint Committee as necessary on an ad-hoc basis to inform discussions.

### **5. Quorum**

The Joint Committee will not be quorate and meet unless there is a member from each of the ICB and CEC.

The Joint Committee will aim to achieve its decisions by consensus of its members and attendees and so formal voting would be a last resort. Given the nature of the programme, securing the support of partners will be critical to the success of Joint Commissioning for Health and Care. In the event that a decision cannot be reached by consensus then only the named members of the Committee can vote.

In the event that it is unable to achieve agreement, all disputes will be dealt with in accordance with the mechanisms set out in the S75 Agreement.

Members will be required to be aware of what may constitute a conflict of interest, and will ensure that conflicts of interest are formally disclosed and will ensure they are subsequently managed in adherence with their organisations' respective policies. In addition, relevant Codes of Conduct will be followed at all times alongside adherence to the Nolan Principles and compliance with any statutory bar on participation and/or voting in particular circumstances.

### **6. Frequency and Notice of Meetings**

Meetings will be scheduled to be held bi-monthly. It is intended that when and where possible the Joint Committee meeting will be held at the same time and in the same place as the Cheshire East Place Partnership Board, as a meetings in common. Meetings can be held in public or in private. However, meetings can be held separately from the Cheshire East Place Partnership Board. Additional meetings may be required and the members of the Joint Committee can determine the exact frequency of meetings.

In addition, the members of the Joint Committee may call extraordinary meetings at their discretion. A minimum of five working days' notice will be required.

The agenda and papers will be distributed to members of the Committee at least five clear days in advance of the meeting, unless otherwise agreed by the Members. Papers for meetings in public will be published and be available on both organisations' websites five clear days in advance of the meeting.

### **7. Minutes and Reporting Arrangements**

The Joint Committee will formally record its deliberations within relevant minutes / action notes. This function will be undertaken by the designated officer support, alongside the management of paperwork and version control.

### **8. Meeting Effectiveness Review**

Members of the Joint Committee have a collective responsibility for its operation. They will participate in discussion, review evidence and provide objective and informed input to the best of their knowledge and ability, and endeavour to reach a collective view.

Members of the Joint Committee will behave in a manner consistent with the principles and behaviours expected from members of the Cheshire East Place Partnership Board, recognising that the success of the work programme will depend upon relationships and an environment of integrity, trust, collaboration and innovation.

These Terms of Reference may be amended by mutual agreement between parties at any time to reflect changes in circumstances which may arise.

**9. Review to be conducted by Committee**

The Terms of Reference of the committee shall be reviewed when required, in line with any review of the Place Partnership Board Terms of Reference.

**Date Terms of Reference Agreed:**

NHS Cheshire CCG Governing Body: 30 June 2022

Cheshire East Council:

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*Working for a brighter future together*

## **Council**

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<b>Date of Meeting:</b>	20 July 2022
<b>Report Title:</b>	Political Representation on the Council's Committees
<b>Report of:</b>	Jane Burns, Executive Director-Corporate Services
<b>Ward(s) Affected:</b>	All

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### **1. Purpose of Report**

- 1.1** To report to Council a change in political group membership and to secure a resolution from Council in respect of the political proportionalities of the Council, and committee memberships.

### **2. Executive Summary**

- 2.1** The law requires that each relevant Council decision making body must be politically balanced as far as reasonably practicable, and that there is an appropriate total balance of Committee seats across the political structure of the Council of the whole.
- 2.2** This report addresses a recent change in political group membership, a Conservative group member having become an Independent Group member.
- 2.3** The Appendix to this report reflects discussions between the Council's political groups, and the agreed position between them.
- 2.4** The report recommendations seek a resolution of Council, as required by legislation.

### **3. Recommendations**

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

#### **4. Reasons for Recommendations**

- 4.1. To comply with primary legislation, the Local Government and Housing Act 1989 and supporting secondary legislation, Local Government (Committees and Political Groups) Regulations 1990.

#### **5. Other Options Considered**

- 5.1. Legislation requires the Council's political representation on committees, and its political structure, to be reviewed upon a change in political group membership. Whilst one option might be for the Council to take no action in response to the change in Group membership, this is not an option which Council is advised to take.

#### **5.2. Background**

- 5.3. The Appendix sets out the political representation on committees, this being based on the political structure of the Council as a whole.

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

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

#### **6. Consultation and Engagement**

- 6.1. In preparing the Appendix to this report, consultation took place with the Council's political groups, which agreed its contents.

## **7. Implications**

### **7.1. Legal**

- 7.1.1.** The main rules on political proportionality are set out in S. 15(5) Local Government Housing Act 1989, and they are to be applied sequentially. Local Government (Committees and Political Groups) Regulations 1990, made pursuant to the Local Government and Housing Act 1989, make additional provisions in respect of the political group and non-grouped representation on a local authority's committees, in relation to the overall political composition of the Council. The legislation applies to overview and scrutiny committees and the decision-making committees and sub committees of the Council.
- 7.1.2.** The legislation requires that, where proportionality applies, and seats are allocated to different political groups, the authority must abide by the following principles, so far as is reasonably practicable:
- 7.1.3.** Not all of the seats can be allocated to the same political group (ie there are no single-group committees).
- 7.1.4** The majority of the seats on the body are to be allocated to a political group with a majority membership of the authority.
- 7.1.5** The total number of seats on all ordinary committees and sub committees allocated to each Political Group bears the same proportion to the proportion on the full Council.
- 7.1.6.** The proposals contained in this report meet the requirements of the legislation.
- 7.1.7.** The 1990 Regulations require Political Group Leaders to notify the Proper Officer of the Groups' nominations to the bodies in question.

### **8.1 Finance**

- 8.2.1.** There are no direct financial implications.

### **8.2 Policy**

- 8.3.1** There are no direct implications for policy.

### **8.4 Equality**

- 8.4.1** There are no direct implications for equality.

### **8.5 Human Resources**

- 8.5.1** There are no direct human resource implications.

**8.6 Risk Management**

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

**8.7 Rural Communities**

8.7.1 There are no direct implications for rural communities.

**8.8 Children and Young People/Cared for Children**

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

**8.9 Public Health**

8.9.1 There are no direct implications for public health.

**8.10 Climate Change**

8.10.1 There are no direct climate change implications.

<b>Access to Information</b>	
Contact Officer:	Brian Reed, Head of Democratic Services and Governance <a href="mailto:brian.reed@cheshireeast.gov.uk">brian.reed@cheshireeast.gov.uk</a> 01270 686670
Appendices:	Appendix A - Political Proportionalities
Background Papers:	The background papers relating to this report can be inspected by contacting the report writer.

22.07.20  
APPENDIX

**CHESHIRE EAST COUNCIL - POLITICAL PROPORTIONALITIES ON ALL BODIES (other than those to be appointed on an ad-hoc basis)**

Based upon the following:

Con:30; Lab:25; Ind:19; Lib Dem:4; R. Ind:2; NGI (non-Grouped independent Members):2

Committee	Con.	Lab.	Ind.	Lib. Dem.	R. Ind	NGI	Total Allocated
Overview and scrutiny cttee	4	3	3	1	2	0	13
Corporate Policy cttee	5	4	3	1	0	0	13
Economy and Growth cttee	5	4	3	1	0	0	13
Highways and Transport cttee	5	4	3	1	0	0	13
Env. and Communities Cttee	5	4	3	1	0	0	13
Children and Families cttee	5	4	3	1	0	0	13
Adults and Health cttee	4	4	3	1	0	1	13
Finance Sub cttee	3	3	2	0	0	0	8
Audit and Governance Committee	4	3	2	0	0	0	9
Strategic Planning Board	4	4	3	0	1	0	12
Northern Planning Committee	5	3	3	0	0	1	12
Southern Planning Committee	5	4	3	0	0	0	12
Licensing Committee	4	4	3	1	1	2	15
Appointment cttee	3	3	2	0	0	0	8
Committee	Con.	Lab.	Ind.	Lib. Dem.	R. Ind	N.G.I	Total
Total Places allocated	<b>61</b>	<b>51</b>	<b>39</b>	<b>8</b>	<b>4</b>	<b>4</b>	<b>167</b>
Percentage entitlement	<b>36.59</b>	<b>30.49</b>	<b>23.16</b>	<b>4.88</b>	<b>2.44</b>	<b>2.44</b>	<b>100%</b>
Proportional Entitlement	<b>61</b>	<b>51</b>	<b>39</b>	<b>8</b>	<b>4</b>	<b>4</b>	<b>167</b>
Difference	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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**COUNCIL – 20 JULY 2022****NOTICES OF MOTION****Submitted to Council in Accordance with the Council Procedural Rules****1 Review of Winter Service (Gritting) Programme Assessment Criteria****Proposed by Councillor Rob Moreton****Background**

Cheshire County Council (CCC) was previously responsible for delivering winter maintenance services across the whole of the county until its abolition in 2009. During a review carried out in 2016 it was found that approximately 203 km of roads on the gritting routes did not meet the existing CCC policy.

In 2016 the previous industry code of practice was replaced by “Well Managed Highways Infrastructure”, developed by UK Roads Liaison Group (UKRLG) and recommended a shift from defined, prescriptive guidance to a risk-based approach, categorising roads in order of importance.

The Council undertake precautionary treatments after carrying out detailed weather forecasting that considers factors such as air temperature, dew point, humidity, precipitation, cloud cover and road surface temperature.

During the 2021/22 Winter Season, there were 88 treatment days carried out in the High East (Macclesfield), a further 50 treatment days in the East (Macclesfield) and 44 treatment days in the South (Wardle).

An operational review of the winter service is undertaken annually, in order to identify operational issues that have occurred. In addition, the Highways Service may also look to amend the secondary gritting routes which are implemented during periods of long and severe winter weather.

As part of an operational review following the 2021/22 Winter Season, 20 Members of Cheshire East Council, across 17 wards, attended a meeting to discuss the winter service within their respective wards.

Six Town & Parish Councils have formally expressed interest in procuring additional gritting services. In summary the additional ‘top up’ services requested by these Town & Parish Councils would reintroduce 20.75km of highway network back into the winter gritting network.

**Notice of Motion**

Council resolves that: prior to carrying out the next planned operational review of the Winter Service (Gritting) Programme for the 2022/23 season and in advance of any changes to secondary gritting routes, the scoring assessment criteria and threshold for inclusion in the Winter Service (Gritting) Programme should also be reconsidered.

## **2 Safer School Streets**

**Proposed by Cllr Suzie Akers Smith and Seconded by Cllr Lata Anderson.**

### Background

Many towns and villages across the Borough have asked for a Safer School Street. It is a big change but is necessary if we want to bring in the benefits to children as described below.

See the following link to the School Streets Initiative:

<http://schoolstreets.org.uk/>

A Safer School Street is a road outside a school with a temporary restriction on motorised traffic at school drop-off and pick-up times. The restriction applies to school traffic and through traffic. The result is a safer, healthier and more pleasant environment for everyone.

School Street Schemes offer a proactive solution for school communities to tackle air pollution, poor health and road danger reduction. A School Street Scheme will encourage a healthier lifestyle and active travel to school for families and lead to a better environment for everyone.

Recently in Congleton a young girl was knocked over by the driver of a car. Luckily she escaped with cuts and bruises, but if the school had a Safer School Street, there would have been no cars to knock her over and would create a safe place for children to access their local school without worrying about speeding motor vehicles.

### Notice of Motion

That Council creates a process that allows a Safer School Street to be created for all schools, where supported by those schools, which will provide a safer environment and enable children to walk and cycle to school safely.

## **3 Sprinklers Save Lives and Protect Property from Fire**

**Proposed by Councillor N Mannion**

We want our Council to be a leader in securing the fitting of sprinklers in buildings in our Borough.

We want it to lead by example: fitting sprinklers during major refurbishments of its buildings; specifying the fitting of sprinklers in buildings that are constructed on its behalf; and prioritising the fitting of sprinklers in buildings that it owns where specific risks exist (for example, where people sleep).

We wish to do all that we can to secure the fitting of sprinklers in the following building types:

- Care homes, Extra Care Facilities and Specialised Housing
- Flats and apartment blocks (below 11m)\*
- Houses in Multiple Occupation

- Schools
- Large High Bay warehousing\*\*

We know that legislative change is required to national planning and building policy in this area. However, we know of the success that local authorities have had in shaping local development policies through for example, neighbourhood planning and supplementary planning documents.

Therefore, we recommend:

1. Our council explores local policy options to promote and secure the fitting of sprinklers in the above building types when they are built, or if they undergo a major refurbishment.
2. Our council writes to the Secretary of State for the Department for Levelling Up, Housing and Communities and local Members of Parliament to promote changes to the law to require sprinklers in at least the above building types.
3. Our council writes to the Secretary of State for the Department for Education to strongly oppose the proposed removal of sprinkler provisions from the revision of the design guide for fire safety in schools (Building Bulletin 100) and to request that the requirement for sprinklers in schools is strengthened rather than removed.

*This proposal has the unanimous support of the Cheshire Fire & Rescue Authority and is now being submitted to each of the four Councils that are covered by the Fire & Rescue Authority.*

### **Background Information**

Sprinklers save lives, protect property and benefit the environment.

There have been no recorded fire deaths in a building fitted with correctly installed and maintained residential sprinklers.

Only the sprinkler affected by the fire will activate using a controlled quantity of water.

There is a 1 in 16 million chance that a sprinkler will discharge due to a manufacturing defect.

Sprinklers are cost effective

It is a well-known fact that many businesses that suffer from significant fires and fire damage never return to operation. Sprinklers can safeguard against this and will significantly improve business continuity.

Cheshire Fire Authority has worked with Registered Social Landlords across Cheshire to secure the fitting of sprinklers in high-rise buildings. To date 17 high-rise buildings out of a possible 21 have been fitted with sprinklers with a

further one in the fit-out stage. All were part-funded by Cheshire Fire Authority.

The following link takes you to videos showing the effectiveness of sprinklers and a comparison of a fire in a room with and without sprinklers fitted.

<https://www.cheshirefire.gov.uk/business-safety/sprinklers/how-sprinklers-work/watch-how-sprinklers-put-out-fires>

\* Flats and apartment buildings above 11m are now required to be fitted with sprinklers

\*\* High Bay Warehousing does not need sprinklers until they exceed 20,000m<sup>2</sup>. As an example it can be 200m long and 100m wide before it needs sprinklers.