

Council Agenda

Date: Tuesday 22nd June 2021
Time: 11.00 am
Venue: Macclesfield Leisure Centre, Priory Lane, Macclesfield
SK10 4AF

Please note that face coverings will need to be worn, unless exempt, by those entering the venue to attend the meeting. The meeting is open to the public but due to social distancing restrictions public attendance will be limited and priority given to those people wishing to speak at the meeting. The meeting is being audio recorded and the recording will be uploaded on the Council's website.

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.

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

1. **Apologies for Absence**

2. **Declarations of Interest**

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

3. **Minutes of Previous Meeting** (Pages 5 -10)

To approve as a correct record the minutes of the meeting of Council held on 4 May 2021.

4. **Mayor's Announcements**

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

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

In accordance with paragraph 1.31 of the Council Procedure, 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.

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

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

7. **Recommendation to Council: Supplementary Revenue Estimate** (Pages 11 - 20)

To consider and approve the Supplementary Revenue Estimates.

8. **Recommendation from Corporate Policy Committee: Proposed Senior Management Restructure** (Pages 21 - 64)

To consider the recommendations of the Corporate Policy Committee.

9. **Constitution Update** (Pages 65 - 252)

To approve the proposed amendments to the Constitution.

10. **Recommendation from Corporate Policy Committee: Member Allowances** (Pages 253 - 266)

To consider the recommendations of the Corporate Policy Committee.

11. **Community Governance Review of Town and Parish Council Governance** (Pages 267 - 286)

To consider the recommendations.

12. **Notices of Motion** (Pages 287 - 288)

To consider any Notices of Motion that have been received in accordance with paragraph 1.33 of the Council Procedure Rules.

13. **Questions**

In accordance with paragraph 1.19 of 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. All questions must be sent in writing to the Monitoring Officer at least 3 clear working days before the meeting.

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. Questions will be selected by the Mayor taking into account the time available. Any questions which are accepted, but which cannot be dealt with during the allotted period will be answered in writing. Questions must be brief, clear and focussed.

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CHESHIRE EAST COUNCIL

Minutes of a virtual meeting of the **Council**
held on Tuesday, 4th May, 2021

PRESENT

Councillor B Burkhill
Councillor S Edgar

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

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A Critchley, A Gregory, D Jefferay, L Roberts, L Smith, and R Vernon.

2 DECLARATIONS OF INTEREST

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

3 ELECTION OF MAYOR 2021/22

Council was requested to elect a Mayor for the Borough of Cheshire East for 2021-2022 Municipal Year, who would also act as Chairman of the Council for that period.

It was proposed by Councillor Toni Fox, seconded by Councillor Mike Hunter that Councillor Sarah Pochin be elected as Mayor for 2021-2022 Municipal Year.

The motion was put to the vote and declared carried with 71 votes for, 0 against and 4 not voting.

RESOLVED

That Councillor Sarah Pochin be elected Mayor of the Borough of Cheshire East for the year 2021-2022 Municipal Year and be appointed as Chairman of the Council for that period.

The Mayor was invested with her chain of office and took the oath of loyalty.

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

4 APPOINTMENT OF DEPUTY MAYOR 2021/22

Council was requested to appoint a Deputy Mayor of the Borough of Cheshire East for the year 2021-2022 Municipal Year, who would also act as Vice-Chairman of the Council for that period.

It was proposed by Councillor Arthur Moran, seconded by Councillor Joy Bratherton that Councillor David Marren be appointed as Deputy Mayor for 2021-2022 Municipal Year.

The motion was put to the vote and declared carried with 71 votes for, 0 against and 3 not voting.

RESOLVED:

That Councillor David Marren be appointed as Deputy Mayor of the Borough of Cheshire East for the year 2021-2022 Municipal Year and as Vice-Chairman of the Council for that period.

The Deputy Mayor thanked the Council for appointing him as Deputy Mayor and took the oath of office.

5 MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 19 April 2021 be approved as a correct record subject to the following amendment:

Minute 54 – Leader’s and Deputy Leader’s Announcements

Second bullet point be amended to say, “was shocked to read that only 52% of people properly self-isolated when required to do so.”

6 ELECTION OF THE LEADER OF THE COUNCIL

Nominations were invited for the election of the Leader of the Council.

It was proposed by Councillor Carol Bulman and Seconded by Councillor Craig Brown that Councillor Sam Corcoran be elected as the Leader of the Council for the 2021-2022 Municipal Year.

The motion was put to the vote and declared carried with 42 votes for, 9 against and 24 not voting.

RESOLVED:

That Councillor Sam Corcoran be elected as Leader of the Council for the 2021-2022 Municipal Year.

7 APPOINTMENT OF DEPUTY LEADER OF THE COUNCIL

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

It was proposed by Councillor Amanda Stott and seconded by Councillor Sam Corcoran that Councillor Craig Browne be appointed as the Deputy Leader of the Council for the 2021-2022 Municipal Year.

The motion was put to the vote and declared carried with 39 votes for, 3 against and 32 not voting.

RESOLVED:

That Councillor Craig Browne be appointed as Deputy Leader of the Council for the 2021-2022 Municipal Year.

8 POLITICAL REPRESENTATION ON THE COUNCIL'S COMMITTEES

Consideration was given to a report relating to the political representation the Council's Committees and addressed the changes which were required following the recent joining of the Independent Group of a previously non-grouped independent councillor.

The recommendation was moved and seconded and put to the vote and declared carried with 70 votes for, 0 against and 4 not voting.

RESOLVED:

That the political group and other representation, as set out in the Appendix to the report (circulated separately) 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.

9 ALLOCATIONS OF CHAIRS AND VICE CHAIRS OF COMMITTEES

Consideration was given to the allocation of Chairmanships and Vice-Chairmanships of the Council's decision-making and other bodies.

The Appendix to the report had been circulated which set out the nominations for Chair and Vice-Chair for each committee.

The allocations of and the nominations for Chairs and Vice-Chairs were moved and seconded and put to the vote. The motion was declared carried with 43 votes for, 0 against and 32 not voting.

RESOLVED:

That the office of Chair and Vice-Chair be allocated to those members as listed in the circulated Appendix.

10 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 with 62 votes for, 0 against and 13 not voting.

RESOLVED

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

11 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. Council was asked to appoint eight Councillors to the Cheshire Fire Authority and to appoint three Councillors and a nominated substitute to the Cheshire Police and Crime Panel.

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

The motion was declared carried with 67 votes for, 1 against and 7 not voting.

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 Cllrs Rachel Bailey, Michael Beanland, David Brown, Marilyn Houston, Nick Mannion, Rob Moreton, James Nicholas and Jonathan Parry be appointed to the Cheshire Fire Authority.

The meeting commenced at 5.00 pm and concluded at 6.38 pm

Councillor S Pochin
MAYOR/CHAIRMAN

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Working for a brighter future together

Council

Date of Meeting:	22 June 2021
Report Title:	Supplementary Capital and Revenue Estimates
Report of:	Alex Thompson, Director of Finance and Customer Services
Ward(s) Affected:	All

1. Executive Summary

- 1.1. Council is being asked to approve expenditure related to the receipt of nine government grants: Towns Fund; Levelling Up Fund; Covid Support Grant; Holiday Activity Fund; Domestic Abuse Grant, Transport Grant, Future High Streets Fund; Wellbeing for Education Grant; and Staying Put Grant.
- 1.2. The decisions are treated as Supplementary Capital or Revenue Estimates, as the funding associated with these grants will support an increase in the Council's approved budget for 2021/22.
- 1.3. The value of the Towns and Levelling Up Funds are not yet known, so it is recommended that Council delegate the decision to accept and spend the funding. This approach avoids any risk of delay in starting the projects previously identified.
- 1.4. The Covid Support Grant was awarded by the Department of Work and Pensions (DWP) in May, with an initial Grant of £207,170. It is possible that this grant may be extended to cover Summer Holidays, but at the time of this meeting, increased funding levels are not yet known, so it is recommended that Council delegate the decision to accept and spend the funding. This approach avoids any risk of delay in extending the projects previously identified.
- 1.5. The Holiday Activity Fund Grant of £881,340 was awarded in January but split into two payments. The first payment was approved for spending during the Easter Holidays, and Council are now being asked to approve spending for the summer and Christmas activities.

- 1.6. The Domestic Abuse Grant of £680,000 was awarded in April, with the expectation that it supports the Council to comply with implementing the Domestic Abuse Bill.
- 1.7. The Additional Dedicated Home to School and College Transport Grants of £330,970, £257,881, and £26,152.50 were awarded to support the costs of additional transport capacity needed due to social distancing. Further funding may be available dependent on the social distancing review, so it is recommended that Council delegate the decision to accept and spend the funding. This approach avoids any risk of delay in arranging transport for children and young people.
- 1.8. The value of the Future High Streets Fund grant is £14.1m to be invested in a range of regeneration projects in Crewe town centre between 2021/22 and 2023/24. The acceptance of this funding follows a previous Cabinet resolution (Nov 2021) and an officer decision (ODR) relating to the associated delegations from that Cabinet resolution.
- 1.9. The value of the Wellbeing for Education Grant for 2021/22 is £48,163. The grant is awarded to provide support to schools and colleges on mental health and wellbeing.
- 1.10. The value of the Staying Put Grant for 2021/22 is £112,982. The grant is awarded to support young people to continue to live with their former foster carers once they turn 18.

2. Recommendations

2.1. That the Council approves:

- 2.1.1. Delegation of authority to the Executive Director – Place to approve Supplementary Capital and Revenue Estimates up to the value of the Towns Fund grant award, and further delegates authority to incur expenditure in line with the conditions of the Fund.
- 2.1.2. Delegation of authority to the Executive Director – Place to approve a Supplementary Revenue Estimate up to the value of the Levelling Up Fund, and further delegates the authority to incur expenditure in line with the conditions of the Fund
- 2.1.3. A Supplementary Revenue Estimate for £1,088,510 and delegates authority to the Executive Director – Children's Services to incur expenditure in line with the conditions of the Covid Support Fund and Holiday Activity Fund.
- 2.1.4. A Supplementary Revenue Estimate for £647,000 and delegates authority to the Executive Director – Children's Services, to incur expenditure in line with the conditions of the Domestic Abuse Fund.
- 2.1.5. A Supplementary Revenue Estimate for £615,003.50 and delegates authority to the Executive Director – Children's Services to accept further funding from the Additional Dedicated Home to School and

College Transport Grant and to incur expenditure in line with the conditions of the Grant.

- 2.1.6.** A Supplementary Capital Estimate of £14,148,128 and to note that Resolution 53 (3 b-e) from Cabinet of 10 November 2020 delegated authority to the Executive Director Place, in consultation with others, to accept the grant, approve budgets and take all necessary actions to implement the proposals.
- 2.1.7.** A Supplementary Revenue Estimate for £48,163 and delegates authority to the Executive Director – Children’s Services, to incur expenditure in line with the conditions of the Wellbeing for Education Grant.
- 2.1.8.** A Supplementary Revenue Estimate for £112,982 and delegates authority to the Executive Director – Children’s Services, to incur expenditure in line with the conditions of the Staying Put Grant.

3. Reasons for Recommendations

3.1. Following the announcement of the £4.8bn Levelling Up Fund at the 2020 Spending review, the Chancellor provided further details on the government’s commitments to the Levelling Up Fund at the 3 March Budget. The fund is open to bids from all local authorities and it will provide a source of capital investment to support local regeneration and transport priorities to support other government programmes such as the Towns Fund.

3.1.1. Up to £20m will be made available for individual projects subject to a bid process. Each bid requires the support of the local MP. There is also scope for funds for larger high value transport projects which can be submitted by any bidding Local Transport Authority. In total Cheshire East can put in up to five bids (one for each parliamentary constituency) and an additional transport authority bid.

3.1.2. The first round for these bids is 18 June 21, and we expect the second round to be opened later this year with a deadline in the Autumn.

3.1.3. Since March, officers have been working with local MPs to identify and agree potential bids

3.1.4. It has been agreed with local MPs that the Council will submit one Round 1 bid which relates to the regeneration of Macclesfield town centre. The bid package covers three aligned projects:

i)the transformation of the Council owned Indoor Market into a contemporary market, food court and entertainment space.

ii)the development of a further significant phase of public realm works in Macclesfield with the facilitation of outdoor hospitality as a key design objective.

iii) the remodelling of the Old Sunday School, a Grade II* landmark building, owned by the Silk Heritage Trust and situated on a prominent site in the town centre.

- 3.1.5.** At the time of writing, the likely date of a decision on successful Levelling Up Funds bids is not known. It is a requirement of the bid that some funds are spent in the current financial year. Delegation to approve a Supplementary Revenue Estimate is therefore sought to allow approval in a timely manner to allow compliance with this requirement.
- 3.2.** The Council is the accountable body for Crewe Town Board, a body established to oversee the regeneration of Crewe. The Crewe Town Board has submitted a bid for the Towns Fund in January 21 for £24.8m. At the time of writing the bid is currently being assessed by the government and the outcome is unknown. Delegations to approve Supplementary Capital and Revenue Estimates are therefore sought to allow approvals in a timely manner to allow compliance with the government's delivery requirements for this funding.
- 3.3.** The funding to Children and Families will support the delivery of the outcomes in the Corporate Plan under our priority to be a council that empowers and cares about people. Children and young people who suffer the greatest inequality in terms of lack of household income will directly benefit from accepting these grants. The Additional Home to School and College Transport grant will support us to continue to ensure safe arrangements are in place for children's transport by funding additional transport capacity needed due to the impact of social distancing. The Wellbeing for Education grant will enable us to support schools and colleges to support the mental health and wellbeing of pupils. The Staying Put Grant will enable us to support young people to continue to live with their former foster carers once they turn 18.
- 3.4.** Following the submission of a Future High Streets funding bid to support a range of regeneration projects in Crewe town centre, the Government has now formally awarded £14.1m towards the cost of their delivery. The projects have been developed with the engagement and support of local stakeholders, including local members, and these align with both the objectives of both the Corporate Plan objectives and the Crewe Town Centre Regeneration Delivery Framework.

4. Other Options Considered

- 4.1.** The only alternative option would be to refuse to accept the additional revenue support to Children and Families from Central Government which would not be acceptable.
- 4.2.** In terms of the Future High Streets Fund (secured), Towns Fund and Levelling Up Fund (sought), the only alternative would be to decline the grant funding awarded. No other funding sources have been identified for

the projects to be delivered utilising such funding, so they would not be able to proceed. This would have both local and national reputational implications for the Council.

5. Background

- 5.1.** The Covid Support Grant will be distributed in the form of e-vouchers via early years settings, schools, colleges and families who are vulnerable to financial hardship due to the impact of the pandemic as outlined by the DWP in their Letter and terms of Grant dated 12 May.
- 5.2.** The Holiday Activity Fund will be administered via the existing Community Grants Policy. A transparent application process will be advertised on the Council's website with clear terms and conditions of use directly aligned to the terms of grant set out by the DfE Offer Letter of 29 January 2021 and the Plan submitted to government on 14 May. Eligibility for free holiday activity places will be for children who are eligible for Free School Meals which will be checked and verified by our data sharing arrangement with DWP.
- 5.3.** The Domestic Abuse Fund will be allocated against specific conditions of grant, with a focus on the responsibility of the Council to find suitable and safe accommodation and support for victims and their children when they present to the Council's Domestic Abuse Hub or our existing Commissioned Domestic Abuse Partner MyCWA.
- 5.4.** The Home to School and College Transport Grant will be allocated in line with the conditions of the grant as set out in the DfE offer letter dated 20 May 2021. The grant funds additional transport capacity needed due to the impact of social distancing.
- 5.5.** The Future High Streets funding is a s31 grant, subject to acceptance of a Grant Offer Letter and Memorandum of Understanding, which has been determined through a decision delegated by Cabinet to the Executive Director – Place. Ten Council-led town centre projects will be delivered, including four that relate to improved accessibility and permeability, two that relate to in-town living, two that relate to business incubation/co-working space, one that relates to the delivery of a History Centre and one that relates to a Sustainable Energy/Heat Network.
- 5.6.** The Wellbeing for Education Grant will be allocated in line with the conditions of the grant as set out in the DfE offer letter dated 26 May 2021.
- 5.7.** The Staying Put Grant will be allocated in line with the conditions of the grant as set out in the DfE offer letter in March 2021.

6. Consultation and Engagement

- 6.1.** The package bid for Levelling up Fund has been the subject of discussions with the Macclesfield MP, Macclesfield Central Ward members,

Macclesfield Town Council, and the Macclesfield Town Centre Recovery Working Group.

- 6.2.** The business planning process involves engagement with local people and organisations. Local authorities have a statutory duty to consult on their budget with certain stakeholder groups including the Schools Forum and businesses. In addition, the Council chooses to consult with other stakeholder groups. The Council continues to carry out stakeholder analysis to identify the different groups involved in the budget setting process, what information they need from us, the information we currently provide these groups with, and where we can improve our engagement process.
- 6.3.** The development of the projects included with the Crewe Towns Fund bid were selected by Crewe Town Board, in consultation with Cheshire East Council and others, and follows an extensive public consultation and stakeholder engagement programme in late 2020, which also informed the development of a Town Investment Plan, which is a requirement of the Government.
- 6.4.** Consultation on eligibility of the Covid Support Grant and the Holiday Activity Fund has involved extensive conversation with early years settings, schools, colleges and the Voluntary Community and Faith sectors.
- 6.5.** The Domestic Abuse Fund has been set in the context of extensive consultation with the Cheshire Domestic Abuse Partnership which builds on the experience of survivors and their children to determine the strategy for safety and protection of those who suffer Domestic Abuse in Cheshire East.
- 6.6.** Arrangements for additional transport capacity have been put in place in consultation with children, young people, parents, and carers.

The development of the projects to be supported through the Future High Streets Fund have been developed over the last two years, including with Crewe local members and other key stakeholders. Local members - The Economy & Growth Committee and Crewe Town Board will be briefed as the projects are developed and delivered.

- 6.7** Arrangements for the Wellbeing for Education Grant will be put in place in consultation with schools and colleges considering the needs of pupils.

7. Implications

7.1. Legal

- 7.1.1** On enquiry it has been explained to the Legal Team that the purpose of this report is to allow for transparent increases to the amount of the current 2021/22 budget via Supplementary Estimates by the Council. The MTFS approved in February included the Capital and Revenue budgets for 2021/22 but

subsequent grant awards, some urgent in nature, are due to be received by the Council. The recommendations are designed for transparency, so Council is sighted on values, where known, and responsibilities. In all cases the Supplementary Revenue and/or Capital Estimates are restricted by the value of the award and the associated conditions. The values and conditions will be evidenced by the award letters from Central Government in each case. In each case actual spend to be incurred will be reported via the relevant committees. The Council will need to have regard to the provisions of paragraph 3.8 et seq of the Financial Procedure Rules set out in Chapter 3 Part 4 of its Constitution ("FPRs") when it comes to any budgetary increases; and to the provision of paragraph 6.23 et seq of the FPRs with reference to the acceptance and administration of grant funding. The Council in relation to the Towns Fund monies is called on to act as the accountable body and therefore must act in accordance with the provisions as set out in the paragraph 6.11 of the FPRs.

7.2. Finance

- 7.2.1. Contained within the main body of the report.

7.3. Policy

- 7.3.1. The policy context is the Corporate Plan. Any policy implications that arise from activities funded by the budgets that this report deals with will be dealt within the individual reports to Members or Officer Decision Records to which they relate.

7.4. Equality

- 7.4.1. The Council needs to ensure that in taking decisions on the Medium-Term Financial Strategy, the Budget and the Corporate Plan, the impacts on those with protected characteristics are considered. The Council undertakes equality impact assessments where necessary and continues to do so as proposals and projects develop across the lifetime of the Corporate Plan. The process assists us to consider what actions could mitigate any adverse impacts identified. Completed equality impact assessments form part of any detailed Business Cases.
- 7.4.2. Any equality implications that arise from activities funded by the budgets that this report deals with will be dealt within the individual reports to Members or Officer Decision Records to which they relate.
- 7.4.3. There are positive implications in relation to the protective characteristic age, particularly for children and young people. See paragraph 7.8 below.

7.5. Human Resources

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

7.6. Risk Management

- 7.6.1.** Financial risks are assessed and reported on a regular basis, and remedial action taken if and when required. Risks associated with the achievement of the 2021/22 budget and the level of general reserves were factored into the 2021/22 financial scenario, budget, and reserves strategy.

7.7. Rural Communities

- 7.7.1.** Children and families in rural areas of the Council will directly benefit from receipt of these recommendations as we harness distribution methods through our network of community early years settings, schools, and colleges.
- 7.7.2.** The report provides details of service provision across the borough.

7.8. Children and Young People/Cared for Children

- 7.8.1.** Children and young people who suffer the greatest inequality in terms of lack of household income will directly benefit from accepting these grants.
- 7.8.2.** The report provides details of service provision across the borough.

7.9. Public Health

- 7.9.1.** Public health implications that arise from activities that this report deals with will be dealt with as separate reports to Members or Officer Decision Records as required.

7.10. Climate Change

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

Access to Information	
Contact Officer:	Alex Thompson, Director of Finance and Customer Services Alex.Thompson@cheshireeast.gov.uk 01270 685876
Appendices:	None
Background Papers:	None

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COUNCIL MEETING – 22ND JUNE 2021**PROPOSED SENIOR MANAGEMENT RESTRUCTURE****RECOMMENDATION****That Council**

1. **approve the adoption of the Senior Management Structure at Appendix 1 to the report;**
2. **approve the deletion of the Executive Director People and the Strategic Director Adult Social Care and Health roles and the creation of 2 new posts: the Executive Director of Children's Services and the Executive Director of Adults, Health and Integration (Appendix 2) which include the statutory responsibilities of the Director of Children's Services and Director of Adults Social Services;**
3. **approve the salaries in respect of the Executive Director of Children's Services and the Executive Director of Adults, Health and Integration which will be in excess of £100,000 (up to £136,313 / Grade CX2); and**
4. **delegate all constitutional changes, including the scheme of delegation, to the Monitoring Officer.**

Extract from the Minutes of the Corporate Policy Committee on 8th June 2021

9 **PROPOSED SENIOR MANAGEMENT RESTRUCTURE**

The Committee considered a report which outlined the final proposals for the senior management structure following formal staff consultation. Approval was sought from the Committee to recommend these changes to full Council.

Draft proposals had been approved by the Staffing Committee on 22nd April 2021 and approval was given to undertake formal consultation with the affected staff. The outcome of the consultation was detailed in the report. The final proposed changes to the senior management structure had now been formulated, together with a timeline for the proposed recruitment process.

The Corporate Policy Committee noted that within the Corporate Services Directorate, the repositioning of the currently vacant Director of Transformation to the Director of Policy and Change had also been undertaken. The arrangements for the recruitment to that post were set out in the report.

The Corporate Policy Committee was also informed of the resignation of the Executive Director Place and agreed to recruit on a like-for-like basis on the same timescale as the other three senior posts.

RESOLVED

That the Committee

1. recommends to full Council the adoption of the Senior Management Structure at Appendix 1 to the report;
2. recommends to full Council the deletion of the Executive Director People and the Strategic Director Adult Social Care and Health roles and the creation of 2 new posts: the Executive Director of Children's Services and the Executive Director of Adults, Health and Integration (Appendix 2) which include the statutory responsibilities of the Director of Children's Services and Director of Adults Social Services;
3. recommends to full Council the salaries in respect of the Executive Director of Children's Services and the Executive Director of Adults, Health and Integration which will be in excess of £100,000 (up to £136,313 / Grade CX2);
4. recommends to full Council that it delegate all constitutional changes, including the scheme of delegation, to the Monitoring Officer;
5. notes the summary of the consultation and progress since the Staffing Committee meeting on 22nd April 2021;
6. notes that following a formal procurement exercise, Tile Hill Executive Recruitment has been appointed as the executive search partner for the recruitment and selection processes;
7. notes the timeline for the recruitment and selection process, subject to approval by full Council; and
8. agrees to recruit to the post of Executive Director Place on a like-for-like basis on the same timescale as the other three senior posts referred to in the report.



Working for a brighter future together

Corporate Policy Committee

Date of Meeting: 08 June 2021

Report Title: Proposed Senior Management Restructure

Report of: Lorraine O'Donnell, Chief Executive

Report Reference No: CP/07/21

Ward(s) Affected: N/A

1. Executive Summary

- 1.1.** The report outlines the final proposals for the Senior Management Structure following formal staff consultation. Approval is sought from Corporate Policy Committee to recommend these changes to full Council.
- 1.2.** The outcomes of the consultation are summarised, together with a timeline for the proposed recruitment process.
- 1.3.** The final proposed Senior Management Structure has been designed on the basis that it will support the strategic aims to be an opening and enabling organisation which empowers and cares about people.

2. Recommendations

- 2.1.** Recommendations to Corporate Policy Committee to:
 - 2.1.1.** Recommend to full Council the adoption of the Senior Management Structure at Appendix 1.
 - 2.1.2.** Recommend to full Council the deletion of the Executive Director People and the Strategic Director Adult Social Care and Health roles and the creation of 2 new posts Executive Director of Children's Services and the Executive Director of Adults, Health and Integration (see Appendix 2) which include the statutory responsibilities of the Director of Children's Services and Director of Adults Social Services.

- 2.1.3.** Recommend to full Council the salaries in respect of the Executive Director of Children's Services and the Executive Director of Adults, Health and Integration which will be in excess of £100,000 (up to £136,313 / Grade CX2).
- 2.1.4.** Recommend to full Council to delegate all constitutional changes including the scheme of delegation to the Monitoring Officer.
- 2.1.5.** Note the summary of the consultation and progress since the Staffing Committee meeting on 22 April 2021.
- 2.1.6.** Note that following a formal procurement exercise, Tile Hill Executive Recruitment has been appointed as the executive search partner for the recruitment and selection processes.
- 2.1.7.** Note the timeline for the recruitment and selection process, subject to approval by full Council.

3. Reasons for Recommendations

- 3.1.** Following the resignation of the Executive Director People and the Strategic Director Adult Social Care and Health, appropriate interim arrangements have been in place.
- 3.2.** The Executive Director People role fulfilled both statutory roles of the Director of Children's Services (DCS) and the Director of Adult Social Services (DASS). It is a statutory requirement for Cheshire East Council to have a designated DCS and DASS.
- 3.3.** The interim arrangements have ensured that the duties of the statutory roles of the DCS and DASS were fulfilled, together with the other duties of the Executive Director People, pending a review of the senior management structure.
- 3.4.** These interim arrangements enabled the Chief Executive to formulate draft proposals regarding permanent changes to the senior management structure of the Council. The draft proposals were approved by Staffing Committee on 22 April 2021. Approval was given to undertake formal consultation with the affected staff.
- 3.5.** The formal consultation has now been completed and the final proposed changes to the senior management structure have been formulated.
- 3.6.** The outcome of the consultation is that the proposal to create two new executive director posts has been well received by the consultation group.
- 3.7.** The recommendations have been made on the basis that they will support the strategic aims to be an opening and enabling organisation which empowers and cares about people.

4. Background

- 4.1.** The Council has an unprecedented workload at present as we strive to implement a new corporate plan, a new model of governance and the Medium-Term Financial Strategy. These significant changes take place against the backdrop of the coronavirus pandemic.
- 4.2.** The resignations of the Executive Director People and the Strategic Director of Adult Social Care and Health, whilst presenting short term challenges, have also offered the opportunity to restructure, in order to ensure that the Council is fit for purpose to deliver the Corporate Plan and has the capacity to deal with strategic matters relating to these important services.
- 4.3.** As reported to the last Staffing Committee, the Chief Executive introduced interim arrangements to ensure that the Council continued to deliver its statutory responsibilities. This has provided time to develop a revised permanent structure (the final proposed structure is shown at Appendix 1).
- 4.4.** The final proposed structure is presented to the Corporate Policy Committee for its consideration and recommendation before recommendation to full Council.

Interim arrangements

- 4.5.** The Interim arrangements were introduced to ensure that Cheshire East Council's statutory obligations in relation to the Director of Children's Services and the Director of Adult Social Services were met at a time of extreme pressure on council services due to the Covid pandemic.
- 4.6.** The arrangements ensure that the duties of the previous Executive Director of People are fulfilled pending the restructure being implemented.
- 4.7.** These interim arrangements can be afforded within the available salary budgets relating to the senior management structure for 2021/22.

5. Consultation

- 5.1.** The formal staff consultation took place from 27 April to 26 May 2021. The staff group that were included in this consultation were:

- Director 14-19 Education and Skills
- Director of Children's Social Care
- Director of Prevention and Early Help
- Director of Adult Social Care
- Director of Commissioning
- Director of Public Health
- Public Sector Transformation Programme Director

5.2. Feedback from the consultation group and its impact on the final proposed structure is summarised as:

- The proposal to create two new Executive Director posts is supported and has been well received.
- Positive comment has been received in relation to the interim arrangements that have been in place since February 2021.
- The Executive Director roles should require applicants to have a social work qualification. Following careful consideration to this point, this has not been amended in the final proposal as there is not statutory requirement for the post holders to have this qualification. The importance is to attract a broad field of suitably qualified and experienced candidates for these key roles. Competence and experience will be tested through the selection process.
- A request was received to reframe some of the wording in the Executive Director the job descriptions. It was decided that this could be best addressed and reflected within the advert for the job roles.
- The role of Public Sector Transformation Programme Director will report to the new post of Executive Director Adults, Health and Integration.
- There are historical issues that need to be reviewed in respect of the Directors' job descriptions. They will be considered by the new Executive Directors on their appointment with the insight from their professional expertise and vision for the development of their directorates for the future.
- There were comments about the affordability of the proposal as the salary costs of two Executive Directors is more than those of the current Executive Director and Strategic Director of Adult Social Care and Health. It has been acknowledged that the proposal does represent a small increase in the potential total cost over the current senior management structure. However, this investment is deemed to be appropriate given that it will direct capacity to enable the Council to better meet the opportunities and address risks in these important service areas.
- The differential in the salary levels between the Executive Directors and the Directors was raised. The job roles have been externally

evaluated under the HAY scheme. This information has been used to determine the appropriate grade on the CEC Senior Manager Pay Structure. This is up to grade CX2 (£136,313). As part of the evaluation process, it was determined that these grades/salaries were within the range for similar job roles in other local authorities. During the recruitment process, Tile Hill, the recruitment partner, will provide their expertise in the market to ensure that the salaries are appropriate to secure the right calibre of candidates for the posts.

6. The Final Proposed Senior Management Structure

- 6.1.** The final proposed structure will ensure there is sufficient capacity and expertise to deliver the corporate plan and the MTFS as well providing strategic capacity to deal with the fast-changing agenda and demands relating to Adults, Children's and Health Services.
- 6.2.** The final proposed structure confirms the deletion of the posts of Executive Director People and the Strategic Director of Adult Social Care and Health and the creation two new posts. These new posts will be the Executive Director Adults, Health and Integration and the Executive Director Children's Services. Such a structure refocuses existing senior management resources to meet the current and anticipated service needs arising from developing regulatory requirements and the recent NHS white paper.
- 6.3.** The creation of an Executive Director Children's Services is based on the need to create additional senior management capacity for Children's Services, the growing demand and complexity of cases particularly in relation to Looked After Children and Special Educational Needs and Disability and the need to manage complex budgets. It is also designed to ensure that there is a coherent, strategic and holistic approach to children's services.
- 6.4.** The creation of an Executive Director Adults, Health and Integration has been informed by the recent proposals to create Integrated Care Systems across Cheshire & Merseyside and with implications for health and social care at the Cheshire East level. These are at an early stage of development and are requiring significant input from chief executives across the sub-region. Currently, the interim arrangements are assisting in this this strategic work.
- 6.5.** The final proposed structure in adult services has been designed to provide sufficient support at Executive Director level to members and the Chief Executive to ensure that health and social care integration for Cheshire East residents can be shaped, effectively and, simultaneously, reflects this direction of policy development in all senior management posts within the Adults, Health and Integration directorate.

- 6.6.** At the time of writing, it is expected that the Cheshire CCG, which covers both Cheshire West and Chester and Cheshire East, will be replaced with new arrangements at both the C&M footprint and Cheshire East level.
- 6.7.** The size, geography and the fact that the current CCG is not coterminous with individual local authority boundaries, means that the transition to the new arrangements which need to be implemented by next April will be complex.
- 6.8.** The final proposed structure will create strategic capacity so that the new duty for the Council to collaborate across health, public health and the social care system can be met and enable the Council to play a significant part in shaping the new arrangements.
- 6.9.** The responsibilities of the Executive Director Adults, Health and Integration would incorporate the statutory role of Director of Adult Social Service (DASS) and the Executive Director Children's Services would be designated as the Statutory Director of Children's Services (DCS).
- 6.10.** The job descriptions for the two new Executive Directors are shown in Appendix 2.
- 6.11.** The evaluated salaries for the posts are:-
- The Executive Director Adults, Health and Integration is up to CX2 £136,313 per annum.
 - The Executive Director Children's Services is up to CX2 £136,313 per annum.
- 6.12.** It is proposed that as part of the recruitment campaign, the role will be advertised at a salary of up to £136,313 to secure the appointment of the right candidate for the role. The actual salary will depend on the skills and experience of the successful candidate.
- 6.13.** The evaluation following the review of the existing roles suggests that the grade for the Director of Adult Social Care Operations and the Director of Commissioning would remain at D3 (£88,985 per annum). The consultation has highlighted historic issues in respect of these posts which will be addressed by the new Executive Director posts. The evaluation and grade will also be kept under review as the Integrated Care System develops.
- 6.14.** Tile Hill Executive Recruitment have been procured and appointed as external support for the executive search and recruitment processes.

- 6.15.** Preparatory work has commenced with Tile Hill in advance of the recruitment campaign so that the campaign can commence as soon as possible if approval is given by full council. This will be progressed in consultation with the Chair of the Appointment Committee and the Chair of Corporate Policy Committee.
- 6.16.** It is to be noted that within the Corporate Services Directorate, the repositioning of the currently vacant Director of Transformation to the Director of Policy and Change has also been undertaken. This will ensure that the role is suitably refocused on ensuring that current and future demands are met.
- 6.17.** It should be noted that the need to recruit to another senior management post is anticipated in the near future. If this is required, it would be to an existing established post in the management structure which is unaffected by the changes proposed above.
- 6.18.** Therefore in the interests of efficiency and expediency it is proposed that the recruitment campaign for both the Director of Policy and Change and the potential other senior management post will also be supported by Tile Hill and to the same timeline as the two new Executive Director posts.
- 6.19.** There is no requirement to seek the approval of Corporate Policy Committee. The recruitment of the senior management post would be a member appointment. Members will be updated on developments.

Next Steps

- 6.20.** The appointment of the two Executive Directors will be undertaken by the Appointment Committee with the support of Tile Hill and Cheshire East Council Officers.
- 6.21.** Subject to the approval from full Council, the preparatory work for recruitment campaign will be finalised and the job advertised.

6.22. The proposed timeline for the recruitment campaign is:

Final proposed structure to Special Corporate Policy Committee	Chief Executive	8 June 2021
Recommendation for approval to full council	Chief Executive / Council	22 June 2021
External Recruitment Campaign	Chief Executive / HR / Appointments Committee / Tile Hill	Commences 23 June 2021
External job advert	Chief Executive / HR / Appointments Committee / Tile Hill	After 23 June 2021 (tbc)
Closing date	Chief Executive / HR / Appointments Committee / Tile Hill	16 July 2021 (tbc)
Shortlisting	Chief Executive / HR / Appointments Committee / Tile Hill	w/c 19 July 2021 (tbc)
Interviews	Chief Executive / HR / Appointments Committee / Tile Hill	w/c 26 July 2021 / w/c 2 August 2021 (tbc)
New structure in place (interim arrangements may be required)	Chief Executive / all	1 September 2021(tbc)

6.23. It is expected that interim arrangements will need to be in place beyond July 2021 until the new appointments can take up post.

7. Consultation and Engagement

7.1. The formal consultation period for the Senior Management Structure with affected staff and the recognised trade unions commenced on 27 April 2021 and ended on 26 May 2021.

- 7.2.** All affected staff were also offered an individual consultation meeting with the Chief Executive.
- 7.3.** All affected staff have been encouraged to provide feedback on the proposals to inform the final proposed structure to be considered by Corporate Policy Committee and approval by Full Council.

8. Implications

8.1. Legal

- 8.1.1.** There is a statutory requirement for the designation of Director of Children's Services and Director of Adult Social Services within a local authority.
- 8.1.2.** The role of the Director of Children's Services was created by virtue of the Section 18 Children Act 2004. The role of the Director of the Adult Social Services was created by amendment to Section 6 the Local Authority Social Services Act 1970 and the Care Act 2014, which require a local authority to appoint a Director of Adult Social Services, for the purposes of their social services functions, other than those for which the authority's Director of Children's Services is responsible under Section 18 of the Children Act 2004.
- 8.1.3.** Permanent changes to roles within the senior management structure followed the same consultation route as any other restructure. This is required to ensure compliance with employment legislation and ensure procedural fairness.
- 8.1.4.** The final proposed changes to the senior staffing structure require members to be fully engaged with the process and to ultimately approve any recommendation from the Chief Executive.
- 8.1.5.** As the statutory posts of the Director of Children's Services and Director of Adults Social Services are affected by the final proposed structure, the changes require approval by Full Council.
- 8.1.6.** In addition, as the proposed salaries for the posts of the Executive Director Children's Services and the Executive Director Adults, Heath and Integration following independent job evaluation are in excess of £100,000, the constitution requires the salaries to be agreed by Full Council.

8.2. Finance

- 8.2.1.** The current total senior salary budgets for the current established senior management structure for the People Directorate is £1,091,491
- 8.2.2.** The costs for the permanent structure have been based on the appointments to the Executive Directors at the maximum grade (CX2) and the Directors remaining at D3. This has been estimated to cost £1,115,732.
- 8.2.3.** This therefore represents a small increase in the potential total cost other senior management structure. However, this investment is deemed to be appropriate given that it will direct capacity to enable the Council to better meet the opportunities and address risks in these important service areas.
- 8.2.4.** This budget shortfall can be met from the MTFS reserve set aside to support transformation.
- 8.2.5.** The total costs of the interim arrangements, which may be required to continue up to 31 October 2021, can be afforded for within the total salary budget for the People Directorate.

8.3. Policy

There are no direct policy implications.

8.4. Equality

The Equality Impact Assessment is shown in Appendix 3.

8.5. Human Resources

Actions will be undertaken in accordance with the Constitution and appropriate HR policies and procedures.

8.6. Risk Management

Actions have been undertaken in accordance with appropriate policies procedures and scheme of officer delegation.

8.7. Rural Communities

There are no direct implications for rural communities.

8.8. Children and Young People/Cared for Children

There are no direct implications for children and young people/cared for children.

8.9. Public Health

There are no direct implications for public health.

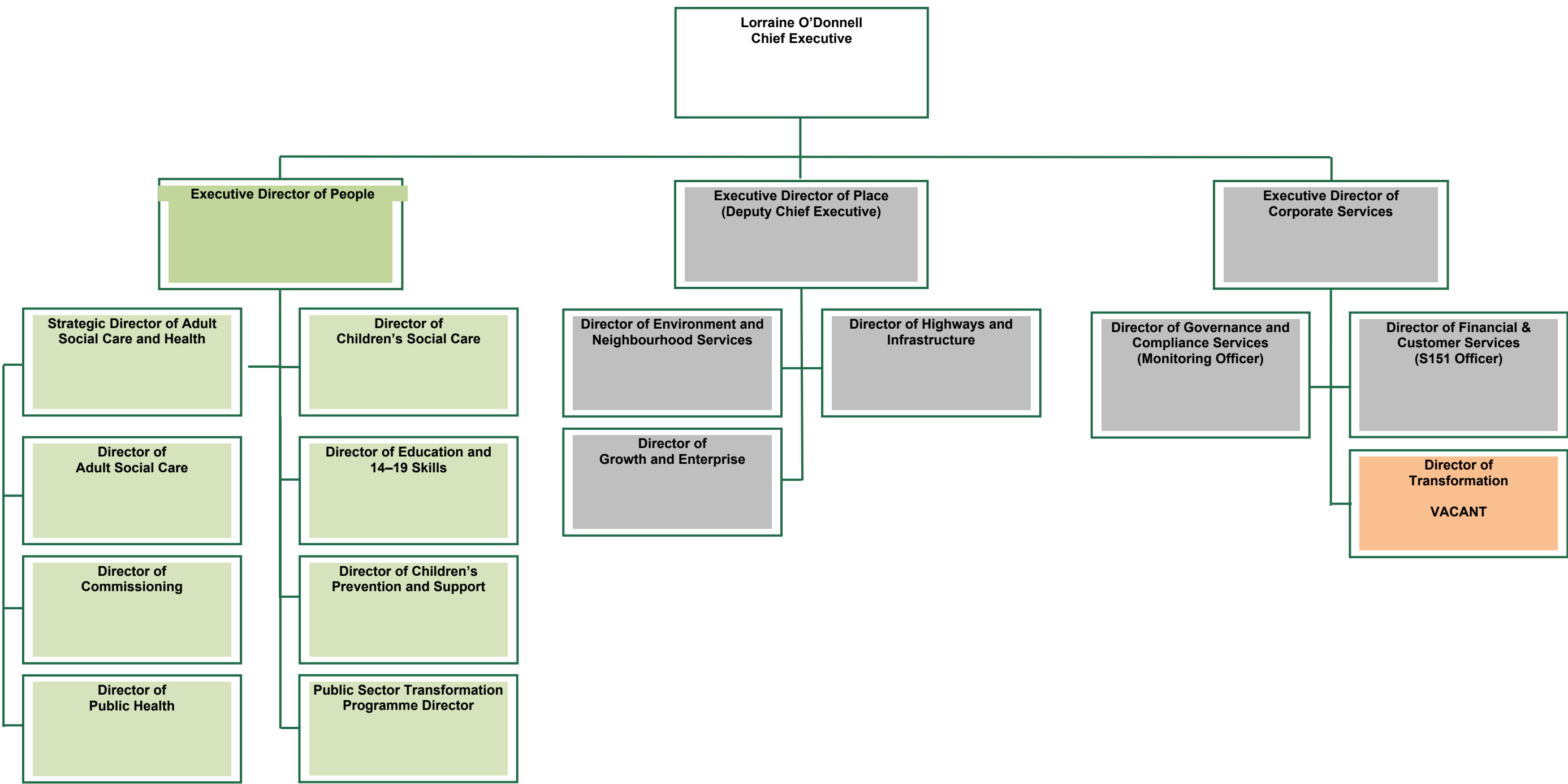
8.10. Climate Change

There are no direct implications for climate change.

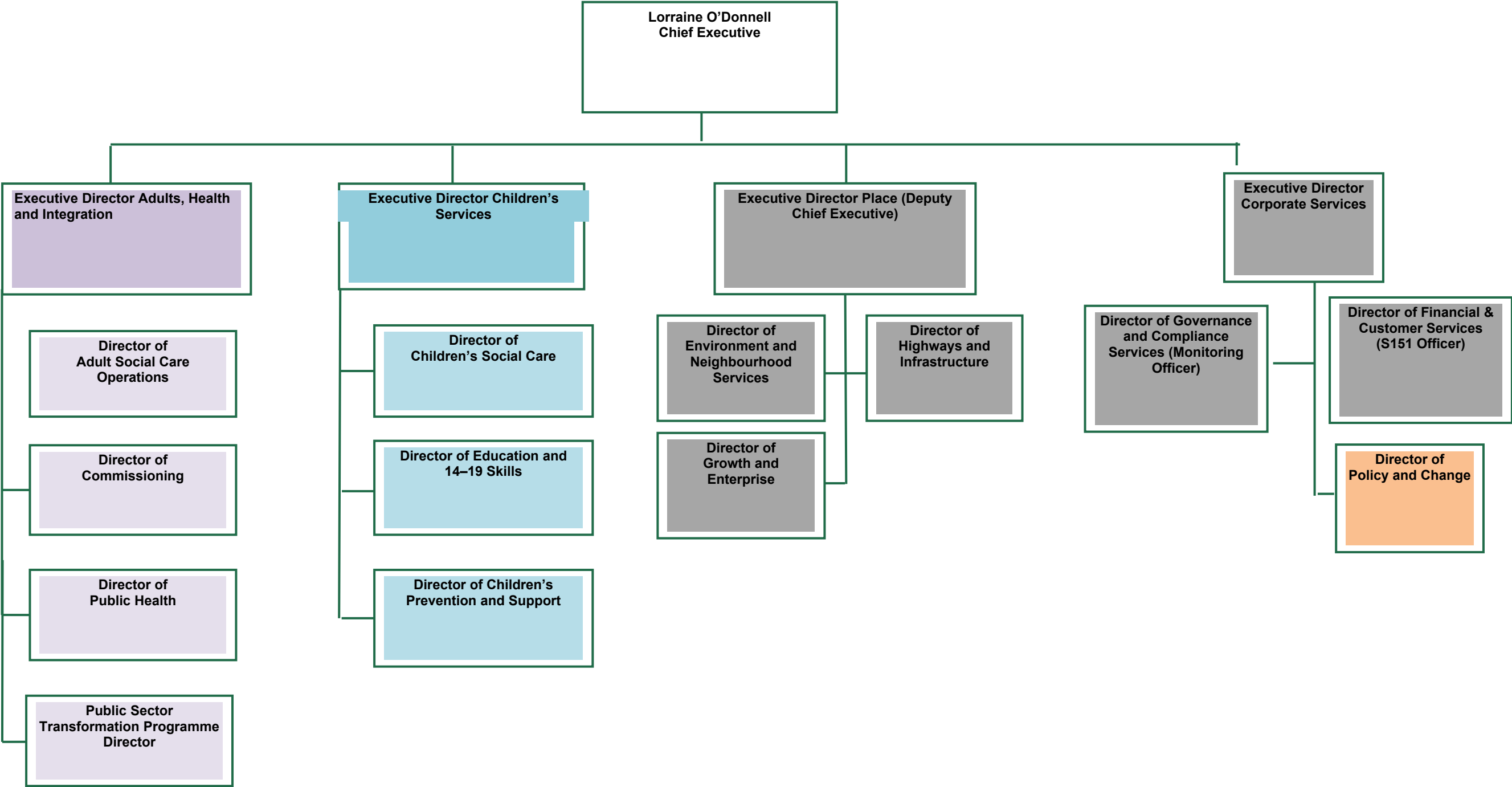
Access to Information	
Contact Officer:	Sara Barker, Head of Human Resources Sara.barker@cheshireeast.gov.uk
Appendices:	Appendix 1 Current and Final Proposed Structures Appendix 2 Executive Director Job descriptions Appendix 3 Equality Impact Assessment
Background Papers:	Staffing Committee Report – 22 April 2021

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Appendix 1
Senior Management Structure (Current)



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Job Description and Specification

Job Title:	Executive Director Adults, Health, and Integration
Reference:	CE XXX
Service:	Directorate - Adults, Health, and Integration
Grade:	CX2 / CX3
Reports to:	Chief Executive
Location:	Westfields

Your job

Be responsible for the leadership, strategy, effectiveness, and delivery of adult social care, public health and the health and social care integration functions of Integrated Health and Social Care for Cheshire East Council.

Support the Chief Executive in the overall management and leadership of the Council and the development of the Integrated Care Partnership arrangements for Cheshire East, ensuring the effective delivery of the council's strategic priorities.

As a member of the Corporate Leadership Team, play a critical role in driving up performance and efficiency across the Council and its partnerships for the benefit of residents. Work effectively with lead Members and Council officers to help continuously improve both service and individual performance.

Work in partnership with CCG successor organisations, ICS, and the wider health system to develop and implement integrated health arrangements and joint commissioning strategies.

Build and lead effective joint working arrangements between partners, agencies, CCG successor organisations and the wider health system in order to focus resources on improving outcomes for service users and to improve the wellbeing of our local communities in line with the Cheshire East Partnership 5 year plan.

Undertake the role of DASS to ensure all statutory functions are adhered to in accordance with the Care Act 2014.

Ensure that all activity within the service is in accordance with statutory and legal requirements and fulfils the specific responsibilities with regards to adult protection. This will include approval of Approved Social Workers and regulatory requirements relating to registration and inspection etc.

In this job you will

1. Forge strong relationships with local health partners including executives, clinical leads, local GPs, and the Primary Care networks.
2. Act as a proactive advocate for the needs of local people and to actively seek opportunities to encourage, facilitate, lead, support and empower local people and community groups to become involved in the democratic decision making process. and as “co-producers” of individual packages of care and support, local services, including them taking on direct responsibility for the running of local facilities and services, in order to encourage local communities to become more resilient and self-sufficient.
3. Lead on the development and articulation of the long-term vision, strategy, and priorities in relation to care and health integration to all stakeholder and partners at national, regional, and local level.
4. Develop and implement new ways to improve productivity, reduce the cost of services and deliver improved value for money to service users through a range of approaches, including the strategic redesign of services, strategic procurement, business process improvements, demand management and improved asset management through the effective use of technology.
5. Work closely with all elected Members and support them in undertaking their Strategic Leadership and Community Leadership roles effectively, by providing expert strategic advice and helping them to hold local public service providers to account for delivery performance and outcomes.
6. Provide leadership in the development of cross-organisational and multi-disciplinary team working, across boundaries with other agencies and partners, voluntary and other public sector organisations deliver more cost effective, quality and valued services for adults and vulnerable people and solve problems in a coherent and integrated manner.

Adult Social Care / Commissioning and Communities

7. Have professional responsibility for the leadership, direction, priorities, purpose, long term strategy and effectiveness of the Local Authority's Adult Social Care and Health Services, including formulation of policy objectives, integrated care, workforce development and compliance with professional standards.
8. Secure the provision of services which address the ends of disadvantaged and vulnerable adults, their families, and carers, through in-house provision or by other providers, including personal/individual budgets.
9. Join up local commissioning plans across the Adult Social Care and Health directorate, between clinical and public health services and adult social care to address the identified needs through the JSNA and the Health and Wellbeing Strategy.
10. Work closely with other local partners to improve the outcomes and wellbeing of disadvantaged or vulnerable adults – building and leading effective joint working arrangements and partnerships to ensure the cost-effective delivery of services.

11. Overall responsibility for ensuring that there are clear and effective safeguarding arrangements to protect vulnerable adults from harm.
12. Ensure that adult service users and their careers are involved in the development and delivery of local services and have a clear voice in the design, delivery, and review of provision.
13. Ensure compliance with legislation, regulations, government guidance and best practice in all areas for where the post is responsible.

Public Health

14. Ensure the promotion of health and wellbeing, addressing health inequalities, and ensure the effective commissioning of wider determinants, clinical and cost-effective health services.
15. Ensure that national, regional, and local policies and public health strategies are translated into detailed plans to support health improvement, health protection, health services and public health.
16. Ensure the Health Protection functions of Public Health are robust and able to respond urgently during a time of crisis such as a local or national pandemic.
17. Hold the Director of Public Health to account for the effective delivery of statutory requirements of the role.

Leadership

18. Participate in the planning and strategic management of the full range of Council and partner services as a member of the executive leadership team.
19. Create, foster, and manage effective relationships with Elected Members and wider partners.
20. Work collaboratively with other senior managers and stakeholders across the Borough to generate efficiencies and create synergies wherever possible.
21. Advise partners, committees and the People's Board on the strategic priorities for health and social care services, and report on service performance and customer/client experience.
22. Develop an organisational culture and operational environment based on high standards of service provision, value for money and policy requirements, where employees are valued and developed.
23. Represent the Borough as an exemplar, helping to develop a positive profile within the community, regionally and nationally.
24. Ensure that all services/functions are delivered within and to budget and any savings required are identified and delivered.
25. Recruit, manage, motivate and develop employees in the Directorate, ensuring their health, safety and well-being at work, in order to ensure all aspects of service delivery are provided to the highest possible standard.
26. Develop and implement effective communication and engagement strategies with adult service users and their carers, stakeholders, employees, partner agencies and other

Directorates so that all can understand and fulfil their roles in the development and delivery of local services.

Notwithstanding the detail in this job description, in accordance with the council's flexibility policy the job holder will undertake such work as may be determined by the Chief Executive from time to time, up to or at a level consistent with the principal responsibilities of the job and in any location within the area of Cheshire East Council.

Statutory Responsibilities

- To have statutory responsibility for services as the designated Director of Adult Services.
- To have professional responsibility for the leadership, direction, priorities, purpose, long term strategy and effectiveness of the Local Authority's Adult Social Care and Health Services, including formulation of policy objectives, integrated care, workforce development and compliance with professional standards.
- To secure the provision of services which address the ends of disadvantaged and vulnerable adults, their families, and carers, where provided in-house or by other providers, including personal/individual budgets.
- To join up local commissioning plans, across the Adult Social Care and Health directorates, for clinical and public health services with adult social care, to address the identified needs through the JSNA and the Health and Wellbeing Strategy.
- To work closely with other local partners to improve the outcomes and wellbeing of disadvantaged or vulnerable adults – building and leading effective joint working arrangements and partnerships to ensure the cost-effective delivery of services.
- Overall responsibility for ensuring that there are clear and effective safeguarding arrangements to protect vulnerable adults from harm.
- Ensure that adult service users and their carers are involved in the development and delivery of local services and have a clear voice in the design, delivery, and review of provision.
- To ensure compliance with legislation, regulations, government guidance and best practice in all areas for where the post is responsible.
- Must ensure that adults with disabilities can access high quality provision that meets their needs.
- Develop and maintain a high-performance culture through clear assignment of accountabilities and performance management.

In this job you will need

You must be able to demonstrate the following essential requirements:

- Degree qualification or equivalent e.g. hold a professional qualification in a related discipline e.g. social work, nursing, AHP or public health.
- Completion of a structured management development programme.
- Demonstrate a clear understanding of the Government's agenda for the integration of Local Government and National Health Service.
- Proven track record of reforming services to align them with the needs of customers and communities.
- Experience of delivering successful new service delivery models.
- Evidence of establishing a performance management culture, including service planning, target setting, performance and appraisal and the management of diverse staff groups.
- Experience and demonstrable success in the generation and management of major organisational and cultural change.
- A track record of working in and forging successful partnerships at all levels, including sub-regionally, to successfully deliver cross sector projects.
- A proven track record of working effectively within a political environment, across political groups providing clear, balanced advice and guidance on strategic issue.
- Able to demonstrate and apply innovative thinking and judgement to initiate and support change, to take action to meet targets and achieve desired outcomes.
- Ability to cope with ambiguity, uncertainty and pressure and be able to work under public scrutiny.
- Skills in dealing effectively with issues of major public, political and media interest.
- High levels of leadership, communication, interpersonal skills, and experience of managing in a political environment.
- Ability to role-model the leadership values of the Council with residents and staff.
- Ability to propose, develop and implement effective strategies in pursuit of agreed goals and to make clear, informed, appropriate and timely decisions.

- Highly developed networking, advocacy, written, oral, analytical skills and presentation skills to relate effectively to employees, specialist managers, Council Members, the public and other stakeholders, to command their respect, trust, and confidence.
- Ability to actively engage with people at all levels of the organisation on issues that really matter to them.
- Must be able to facilitate constructive, frank dialogue and manage conflict.
- Knowledge of legislation and national and local developments affecting the services managed, and the integrated services and the Council as a whole.
- Demonstrate knowledge and understanding of how commissioning and integration services can deliver service improvements.
- Demonstrate knowledge and understanding of Place leadership in relation to Health and Social Care Integration.
- Demonstrate proven experience of translating local, regional, and national policy, strategy, regulations and initiatives into the shaping and delivery of services.
- Substantial expertise in financial and budgetary management with the ability to formulate financial strategy that really constitutes value for money and puts the customer at the heart of all financial decisions.
- Strong sense of accountability; taking ownership of mistakes and ensuring lessons are learnt.
- The ambition and drive to motivate and work with others in an enthusiastic and determined way to create a flagship authority.
- Willingness to assess and take appropriate risks, proportionate to the relevant service.
- Strong commitment to probity, honesty, and openness in dealing with others.
- High level of personal resilience and ability to manage competing priorities in a high-pressure environment.
- Professional personal presentation and a level of self-awareness and emotional intelligence that helps build rapport and credibility, and trust and confidence
- Ability to challenge others constructively and improve others' performance through coaching / mentoring skills
- Ability to design and deliver services that meet the needs of a diverse population.
- Understanding and record of achievement in promoting diversity and equality of opportunity in employment and service delivery.

Our culture

For us, it is not just about our achievements as an organisation, but about how we do it. At Cheshire East Council we are working for a brighter future together –

- **We have a shared purpose**
- **We are supported and well led**
- **We are treated fairly and highly valued**
- **We succeed together**

This is all underpinned in our employee deal and everyone is expected to uphold their commitments by living by our values and demonstrating our behaviours.

Our values

Flexibility: adaptable, open to learning and resilient

Innovation: creative, challenges convention and always looks to improve

Responsibility: delivers on promises, efficient and has integrity

Service: listens, delivers quality, is reliable and enables others

Teamwork: respectful, inclusive and contributes at all levels

Employee deal

Our COMMITMENT

Shared purpose

- Provide a safe and positive working environment
- Setting clear performance objectives with realistic timescales for delivery
- Having fair and efficient policies and procedures in place and applying them consistently
- Listen, respond and act appropriately when you tell us about something that is inappropriate or wrong

Well led

- Provide honest, respectful, and responsible leadership
- Be fair, consistent, and timely in our decision making
- Work with you, enabling you to do your best work every day with the right resources, tools, and technology

Valued people

- Have regular, useful team meetings, keep you informed and provide an opportunity for everyone to share their views
- Treat you as individuals, be respectful, flexible, and supportive
- Care for your health and well-being
- Provide you with regular, meaningful, and constructive feedback on your performance through one-to-ones and performance review meetings

Succeeding together

- Offer you opportunities for learning and developing
- Recognise and value your hard work and contribution
- Work together as one team and one council to deliver the best service for our customers and communities

Your COMMITMENT

Shared purpose

- Bring a positive and can-do attitude into work
- Be proactive and always responsive to our customers and communities
- Work responsibly and ask for help if you need it
- Tell us if you see or experience anything that is inappropriate or wrong

Well led

- Be honest and reliable
- Get involved, keep informed, make suggestions, and share your ideas
- Embrace technology and new ways of working

Valued people

- Participate fully and make helpful contributions to team meetings
- Be respectful of others and work flexibly and collaboratively with colleagues and partners
- Care for your health and well-being enabling you to maximise your attendance at work
- Value helpful constructive feedback and act upon it

Succeeding together

- Take the opportunity to learn and develop
- Be supportive and appreciate others
- Work together as one team and one council to deliver the best service for our customers and communities

Working for a
brighter future
together



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Job Description and Specification

Job Title:	EXECUTIVE DIRECTOR CHILDREN'S SERVICES
Reference:	CE XXX
Service:	Directorate – Children's Services
Grade:	CX2 / CX3
Reports to:	Chief Executive
Location:	Westfields

Your job

Support the Chief Executive in the overall management and leadership of the Council to ensure the effective delivery of Council priorities and strategy.

As a member of the Corporate Leadership Team, to play a critical role in driving up performance and efficiency across the Council and its partnerships for the benefit of residents, and to work effectively with lead Members and Council officers to help continuously improve both service and individual performance.

Be accountable for the effectiveness, availability, and value for money of social care and education services to children and young people, effectively leading, co-ordinating, and supporting the activities of Council services in order to fulfil the Council's overarching strategic objectives and goals.

Provide effective leadership to secure the necessary changes to culture and practice to establish the Children & Families Directorate so that services are organised around children and young people's needs.

Build and lead effective joint working arrangements and partnerships with and between other providers and agencies in order to focus resources jointly on improving outcomes for children and young people.

Contribute to the formulation and delivery of the Council's policy objectives and plans to help to deliver the Council's vision and values.

Fulfil the statutory role of Director of Children's Services.

In this job you will

1. Act as the Council's statutory Director of Children's Services and principal adviser on all aspects of safeguarding and services to children, young people and schools to ensure that the Council meets its statutory responsibilities and provides a coherent and responsive approach to identifying and meeting local needs.

2. Actively contribute, support and articulate the creation of the longer term vision, strategy and priorities of the Council through identifying, developing and implementing new ways to reduce the cost of services to taxpayers and improve their overall productivity and value for money to service users through a range of approaches. This will include the strategic re-design of services and their costs, the use of business and operational process improvements, the smarter use of supply, the better use of demand management, improved asset management and through the effective use of technology.
3. Develop and articulate a clear vision for co-ordinated services to children and young people in Cheshire East and provide a framework and common sense of purpose in order to commission an effective shared programme of joined-up and accessible service delivery which keeps children and young people at the centre.
4. To work closely with all elected Members and support them in undertaking their Strategic Leadership and Community Leadership roles effectively, by providing expert strategic advice and helping them hold local public service providers to account for delivery performance and outcomes.
5. Provide leadership in the development of cross-organisational and multi-disciplinary team working, across boundaries with other agencies and partners, (voluntary and other public sector organisations) to deliver more cost effective, quality and valued services for children and young people and solve problems in a coherent and integrated manner.
6. Develop and embed a performance culture that delivers results in terms of better outcomes for local people through rigorous open challenge, personal accountability, disciplined execution, and continual improvement
7. Ensure that effective risk management arrangements are in place to maximise the ability to identify and take up opportunity, and to minimise the Council's exposure to risk and uncertainty, whilst encouraging creative thinking and innovative practice.
8. Ensure the establishment and review of resilient business continuity arrangements, and robust response and recovery arrangements in the event of emergencies and critical incidents locally – in accordance with the requirements of the Council's Emergency and Business Continuity Plans.
9. Ensure that all services/functions are delivered within budget and savings required are identified and delivered.
10. Support, encourage and enable collaborative, shared accountability and multi-agency working, in partnership with a wide range of other local service providers, to deliver better quality of life outcomes for children and young people efficiently and effectively.
11. Assure the quality of services delivered (whether by the Council or in an integrated manner with partner or contracted agencies) through robust management arrangements including clarity of accountability, effective commissioning and monitoring and re-allocation of resources as necessary.
12. Lead the work of partner agencies to establish strategic priorities for children and young people, aligning resources of all partner agencies with agreed priorities through the Children and Young People's Plan, establishing and developing information sharing and referral protocols, monitoring performance against agreed activities to ensure that the strategy is implemented.

13. Champion the rights of children and young people and implement effective frameworks and strategies to improve overall standards and improve the health, safety, wellbeing, and quality of life for all children and young people in Cheshire East.
14. Support and provide leadership to schools and Head Teachers and ensure effective arrangements for school improvement in order to drive up standards, encourage collaborative working and improve outcomes for children and young people.
15. Recruit, manage, motivate and develop employees in the Directorate, ensuring their health, safety and well-being at work, in order to ensure all aspects of service delivery are provided to the highest possible standard.
16. Develop and implement effective communication and engagement strategies with children and young people, stakeholders, employees, partner agencies and other Directorates so that all can understand and fulfil their roles in the delivery of effective services.
17. Contribute pro-actively to the national debate to shape and influence the direction of children and young people's services nationally and keep abreast of developments within local government and elsewhere to evaluate creative and radical solutions to problems and promote best practice.

Notwithstanding the detail in this job description, in accordance with the council's flexibility policy the job holder will undertake such work as may be determined by the Chief Executive from time to time, up to or at a level consistent with the principal responsibilities of the job and in any location within the area of Cheshire East Council.

Statutory Function

Section 18 of the Children Act 2004 requires every top tier local authority local authority to appoint a Director of Children's Services.

The DCS role:

- Has professional responsibility for the leadership, strategy, and effectiveness of local authority children's services.
- Is responsible for securing the provision of services which address the needs of all children and young people, including the most disadvantaged and vulnerable, and their families and carers.
- In discharging these responsibilities, the DCS will work closely with other local partners to improve the outcomes and well-being of children and young people.
- Is responsible for the performance of local authority functions relating to the education and social care of children and young people.
- Is responsible for ensuring that effective systems are in place for discharging these functions, including where a local authority has commissioned any services from another provider rather than delivering them itself.
- Should have regard to the General Principles of the United Nations Convention on the Rights of the Child (UNCRC) and ensure that children and young people are involved in the development and delivery of local services.

In this job you will need

You must be able to demonstrate the following essential requirements:

- Degree qualification or equivalent
- Completion of a structured management development programme.
- Personal commitment to continuous professional development and improvement.
- Proven track record of reforming services to align them with the needs of customers and communities
- Experience of delivering successful new service delivery models
- Evidence of establishing a performance management culture, including service planning, target setting, performance and appraisal and the management of diverse staff groups.
- Experience and demonstrable success in the generation and management of major organisational and cultural change.
- A track record of working in and forging successful partnerships at all levels, including sub-regionally, to successfully deliver cross sector projects.
- A proven track record of working effectively within a political environment, across political groups, providing clear, balanced advice and guidance on strategic issues.
- Senior experience in the leadership of Children and Young People services to inspire others with a compelling vision of the future underpinned by operational detail.
- Able to demonstrate and apply innovative thinking and judgement to initiate and support change, to take action, to meet targets and achieve desired outcomes.
- Ability to cope with ambiguity, uncertainty and pressure and be able to work under public scrutiny.
- Skills in dealing effectively with issues of major public, political and media interest.
- High levels of leadership, communication, interpersonal skills, and experience of managing in a political environment.
- Ability to role-model the leadership values of the Council with residents and staff.
- Ability to propose, develop and implement effective strategies in pursuit of agreed goals and to make clear, informed, appropriate and timely decisions.
- Highly developed networking, advocacy, written, oral and presentation skills to relate effectively to employees, specialist managers, Council Members, the public and other stakeholders, to command their respect, trust, and confidence.
- Ability to actively engage with people at all levels of the organisation on issues that really matter to them.

- Must be able to facilitate constructive, frank dialogue and manage conflict.
- Knowledge of legislation and national and local developments affecting the services managed, and the Council as a whole.
- Substantial expertise in financial and budgetary management with the ability to formulate financial strategy that really constitutes value for money and puts the customer at the heart of all financial decisions.
- Strong sense of accountability; taking ownership of mistakes and ensuring lessons are learnt.
- The ambition and drive to motivate and work with others in an enthusiastic and determined way to create a flagship authority.
- Willingness to assess and take appropriate risks, proportionate to the relevant service.
- Strong commitment to probity, honesty, and openness in dealing with others.
- High level of personal resilience and ability to manage competing priorities in a high-pressure environment.
- Professional personal presentation and a level of self-awareness and emotional intelligence that helps build rapport and credibility, and trust and confidence
- Ability to challenge others constructively and improve others' performance through coaching / mentoring skills
- Ability to design and deliver services that meet the needs of a diverse population.
- Understanding and record of achievement in promoting diversity and equality of opportunity in employment and service delivery.

Our culture

For us, it is not just about our achievements as an organisation, but about how we do it. At Cheshire East Council we are working for a brighter future together –

- **We have a shared purpose**
- **We are supported and well led**
- **We are treated fairly and highly valued**
- **We succeed together**

This is all underpinned in our employee deal and everyone is expected to uphold their commitments by living by our values and demonstrating our behaviours.

Our values

Flexibility: adaptable, open to learning and resilient

Innovation: creative, challenges convention and always looks to improve

Responsibility: delivers on promises, efficient and has integrity

Service: listens, delivers quality, is reliable and enables others

Teamwork: respectful, inclusive and contributes at all levels

Employee deal

Our COMMITMENT

Shared purpose

- Provide a safe and positive working environment
- Setting clear performance objectives with realistic timescales for delivery
- Having fair and efficient policies and procedures in place and applying them consistently
- Listen, respond and act appropriately when you tell us about something that is inappropriate or wrong

Well led

- Provide honest, respectful, and responsible leadership
- Be fair, consistent, and timely in our decision making
- Work with you, enabling you to do your best work every day with the right resources, tools, and technology

Valued people

- Have regular, useful team meetings, keep you informed and provide an opportunity for everyone to share their views
- Treat you as individuals, be respectful, flexible and supportive
- Care for your health and well-being
- Provide you with regular, meaningful and constructive feedback on your performance through one-to-ones and performance review meetings

Succeeding together

- Offer you opportunities for learning and developing
- Recognise and value your hard work and contribution
- Work together as one team and one council to deliver the best service for our customers and communities

Your COMMITMENT

Shared purpose

- Bring a positive and can-do attitude into work
- Be proactive and always responsive to our customers and communities
- Work responsibly and ask for help if you need it
- Tell us if you see or experience anything that is inappropriate or wrong

Well led

- Be honest and reliable
- Get involved, keep informed, make suggestions and share your ideas
- Embrace technology and new ways of working

Valued people

- Participate fully and make helpful contributions to team meetings
- Be respectful of others and work flexibly and collaboratively with colleagues and partners
- Care for your health and well-being enabling you to maximise your attendance at work
- Value helpful constructive feedback and act upon it

Succeeding together

- Take the opportunity to learn and develop
- Be supportive and appreciate others
- Work together as one team and one council to deliver the best service for our customers and communities

Working for a brighter future together



EQUALITY IMPACT ASSESSMENT

TITLE: Senior Management Restructure

VERSION CONTROL

Date	Version	Author	Description of Changes
26.05.21	1	Sara Duncalf	

EQUALITY IMPACT ASSESSMENT

CHESHIRE EAST COUNCIL - EQUALITY IMPACT ASSESSMENT

Stage 1 Description: Fact finding (about your policy / service / service)

Department	People Directorate		Lead officer responsible for assessment		Sara Barker	
Service	Children's and Adults		Other members of team undertaking assessment		Sara Duncalf	
Date	26/05/21		Version 1			
Type of document (mark as appropriate)	Strategy	Plan	Function	Policy	Procedure	Service
Is this a new/ existing/ revision of an existing document (please mark as appropriate)	New		Existing		Revision	
Title and subject of the impact assessment (include a brief description of the aims, outcomes, operational issues as appropriate and how it fits in with the wider aims of the organisation) Please attach a copy of the strategy/ plan/ function/ policy/ procedure/ service	<p>The proposed Senior Management Restructure followed the resignation of the Executive Director People and the Strategic Director Adult Social Care and Health in early 2021. There has been the opportunity to restructure, in order to ensure that the Council is fit for purpose to deliver the Corporate Plan and has the capacity to deal with strategic matters relating to important services within Children's and Adults.</p> <p>The final draft proposals recommend the deletion of the currently vacant posts of the Executive Director People and the Strategic Director Adult Social Care and Health and create to new Executive Director posts – Children's Services and Adults, Health and Integration.</p> <p>An equality impact assessment is required to assess the impact of the proposed permanent changes to the Senior Management Structure.</p>					
Who are the main stakeholders and have they been engaged with? (e.g. general public, employees, Councillors, partners, specific audiences, residents)	<p>Chief Executive, Corporate Policy Committee, Full Council, the affected staff group (Director of Adult Social Care, Director of Commissioning, Director of Public Health, Public Sector Transformation Programme Director, Director of Education and 14-19 Skills, Director of Children's Social Care. Director of Prevention and Early Help), Trade Unions, HR , Legal and Finance</p> <p>Consultation with the affected staff group, the Chief Executive, HR and Trade Unions has been ongoing.</p>					
What consultation method(s) did	There has been a formal consultation of 30 days with the affected staff group and the trade unions. This has					

EQUALITY IMPACT ASSESSMENT

you use?	comprised of a group staff/trade union meeting and individual consultation meetings, a consultation document with supporting information in respect of job description and current / proposed management structure charts. Feedback on the proposals were invited which has informed the final proposed structure. A group meeting will take place on 28 May 2021 to brief the affected staff and trade unions on the final proposed structure which will be presented to Corporate Policy Committee on 8 June 2021 and Full Council on 22 June 2021.
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Stage 2 Initial Screening

Who is affected and what evidence have you considered to arrive at this analysis? (This may or may not include the stakeholders listed above)	<p>Director of Adult Social Care Director of Commissioning Director of Public Health Public Sector Transformation Programme Director Director of Education and 14-19 Skills Director of Children's Social Care Director of Prevention and Early Help</p>
Who is intended to benefit and how?	<p>The two posts that are proposed for deletion – Executive Director Place and Strategic Director for Adult Social Care and Health – are currently vacant following the resignation of the previous post-holders.</p> <p>Employees are not at the risk of redundancy.</p> <p>Employees will not suffer any financial detriment</p>
Could there be a different impact or outcome for some groups?	No
Does it include making decisions based on individual characteristics, needs or circumstances?	No
Are relations between different groups or communities likely to be affected? (eg will it favour one particular	No

EQUALITY IMPACT ASSESSMENT

group or deny opportunities for others?)								
Is there any specific targeted action to promote equality? Is there a history of unequal outcomes (do you have enough evidence to prove otherwise)?		No						
Is there an actual or potential negative impact on these specific characteristics? (Please tick)								
Age	Y	N	Marriage & civil partnership	Y	N	Religion & belief	Y	N
Disability	Y	N	Pregnancy & maternity	Y	N	Sex	Y	N
Gender reassignment	Y	N	Race	Y	N	Sexual orientation	Y	N
<p>What evidence do you have to support your findings? (quantitative and qualitative) Please provide additional information that you wish to include as appendices to this document, i.e., graphs, tables, charts</p> <p>The two posts that are proposed for deletion – Executive Director Place and Strategic Director for Adult Social Care and Health – are currently vacant following the resignation of the previous post-holders. There is therefore no potential negative impact in respect of the deletion of the posts.</p> <p>Two new posts will be created and open to a competitive interview process which will be open to suitably qualified and experienced internal and external applicants.</p> <p>The affected staff group job roles remain unchanged except for their reporting line from the Executive Director People to</p> <p>Reporting to the Executive Director Adults, Health and Integration Director of Adult Social Care Director of Commissioning Director of Public Health Public Sector Transformation Programme Director</p> <p>Reporting to the Executive Director Children's Services Director of Education and 14-19 Skills Director of Children's Social Care Director of Prevention and Early Help</p>							<p>Consultation/ involvement carried out</p>	

EQUALITY IMPACT ASSESSMENT

		Yes	No
Age	<i>Does this service provide any impact for different age groups? If so what is this?</i>		
Disability	<i>Does this service provide any impact for disabilities? If so what is this?</i>		
Gender reassignment	<i>Does this service provide any impact for those who have undergone gender reassignment? If so what is this?</i>		
Marriage & civil partnership	<i>Does this service provide any impact for people who are married or have a civil partner?</i>		
Pregnancy & maternity	<i>Does this service provide any impact for women who are pregnant or on maternity leave?</i>		
Race	<i>Does this service provide any impact for people from a particular race? If so what is this?</i>		
Religion & belief	<i>Does this service provide any impact for people from different faith groups? If so what is this?</i>		
Sex	<i>Does this service provide any impact for men or women? If so what is this?</i>		
Sexual orientation	<i>Does this service provide any impact for people who are gay, lesbian etc.? If so what is this?</i>		
Proceed to full impact assessment? (Please tick)	Yes	No	Date
Lead officer sign off		Date	
Head of service sign off		Date	

If yes, please proceed to Stage 3. If no, please publish the initial screening as part of the suite of documents relating to this issue

EQUALITY IMPACT ASSESSMENT

Stage 3 Identifying impacts and evidence

This section identifies if there are impacts on equality, diversity and cohesion, what evidence there is to support the conclusion and what further action is needed

Protected characteristics	Is the policy (function etc....) likely to have an adverse impact on any of the groups? Please include evidence (qualitative & quantitative) and consultations <i>List what negative impacts were recorded in Stage 1 (Initial Assessment).</i>	Are there any positive impacts of the policy (function etc....) on any of the groups? Please include evidence (qualitative & quantitative) and consultations <i>List what positive impacts were recorded in Stage 1 (Initial Assessment).</i>	Please rate the impact taking into account any measures already in place to reduce the impacts identified <i>High:</i> Significant potential impact; history of complaints; no mitigating measures in place; need for consultation <i>Medium:</i> Some potential impact; some mitigating measures in place, lack of evidence to show effectiveness of measures <i>Low:</i> Little/no identified impacts; heavily legislation-led; limited public facing aspect	Further action (only an outline needs to be included here. A full action plan can be included at Section 4) <i>Once you have assessed the impact of a policy/service, it is important to identify options and alternatives to reduce or eliminate any negative impact. Options considered could be adapting the policy or service, changing the way in which it is implemented or introducing balancing measures to reduce any negative impact. When considering each option you should think about how it will reduce any negative impact, how it might impact on other groups and how it might impact on relationships between groups and overall issues around community cohesion. You should clearly demonstrate how you have considered various options and the impact of these. You must have a detailed rationale behind decisions and a justification for those alternatives that have not been accepted.</i>
Age				
Disability				
Gender reassignment				
Marriage & civil partnership				
Pregnancy and				

EQUALITY IMPACT ASSESSMENT

maternity				
Race				
Religion & belief				
Sex				
Sexual orientation				
Is this change due to be carried out wholly or partly by other providers? If yes, please indicate how you have ensured that the partner organisation complies with equality legislation (e.g. tendering, awards process, contract, monitoring and performance measures)				

EQUALITY IMPACT ASSESSMENT

Stage 4 Review and Conclusion

Summary: provide a brief overview including impact, changes, improvement, any gaps in evidence and additional data that is needed			
Specific actions to be taken to reduce, justify or remove any adverse impacts	How will this be monitored?	Officer responsible	Target date
Please provide details and link to full action plan for actions			
When will this assessment be reviewed?			
Are there any additional assessments that need to be undertaken in relation to this assessment?			
Lead officer sign off Lorraine O'Donnell		Date	
Human Resources sign off Sara Barker		Date	

Please publish this completed EIA form on the relevant section of the Cheshire East website

OFFICIAL



Working for a brighter future together

Council

Date of Meeting:	22 June 2021
Report Title:	Constitutional Update to Implement the Committee System
Report of:	Director of Governance and Compliance
Ward(s) Affected:	All Wards

1. Executive Summary

- 1.1. This report is to inform Council of the editorial and consequential changes and to seek permission for changes which are reserved for full council. To provide delegated authority to the Monitoring Officer to make all required changes to the constitution to reflect any decision of full Council on member remuneration.
- 1.2. The Constitution and previous delegations from full Council have permitted the Monitoring Officer to adjust the constitution to facilitate the transition to the Committee system. However, certain changes are specifically reserved to full council. The Monitoring Officer is only able to make typographical and inconsequential changes to the terms of reference of a committee of full council. Any significant or substantive change which may vary the remit of any committee must be approved by full Council.

2. Recommendations

- 2.1. That Council is recommended to:
 - 2.1.1. Agree the revised text of the constitution as set out in the appendix Chapters 1, 2 and 3.
 - 2.1.2. Require the Monitoring Officer to all necessary steps to update Chapter 5 Member Allowances as soon as reasonably practicable following approval of any allowance scheme at full council.

3. Background

- 3.1. On the 4th May 2021, the Council held the Annual General Meeting which commenced the operation of the committee system.
- 3.2. On the 19 April 2021 Council approved the draft Constitution to give effect to the Committee System.
- 3.3. The development of the Constitution has continued and this update falls into three sections.
 - 1) Editorial amendments and corrections which fall directly to the Monitoring Officer but must be reported to Council
 - 2) Changes that are reserved to full Council, such as amendments to committee terms of reference
 - 3) Substantive insertions such as Chapter 5 Member Remuneration that is awaiting approval by full council.
- 3.4. To assist members in identifying the changes a 'tracked changed' version of the Constitution has been provided digitally and is available to all members and the public. A printed version has not been provided due to the duplication and volume of paper required. Members kind attention is directed as follows:
- 3.5. Chapter 1 minor inconsequential changes only.
- 3.6. Chapter 2 as revised incorporates various minor amendments and editorial revisions.
- 3.7. The Terms of Reference for the following committees have also been amended for editorial consistency or in a further attempt to refine the budget and staff alignment.
 - i) Environment and Communities Committee, amendment to wording to aid clarity
 - ii) Economy and Growth Committee, to allow for routine property transactions within the delegations provided by the Financial Procedure Rules and a consolidation of some listed functions.
 - iii) Strategic Planning to clarify policy recommendations to full council is via the service committee, not the regulatory function which is a consultee.
 - iv) Highways has also consolidated some of the listed functions.
 - v) Editorial change to Audit and Governance hearing sub-committee
 - vi) Children and Families Committee and Health and Adults Committee have revisions at the request of the directorates. Primarily these are

to reflect the 'on the ground' allocation of task amongst Heads of Service which changes the description within the Terms of Reference. This is a separating out to listed functions. These are not substantive but may aid understanding. Substantive changes relate to commissioning, previously elements of service commissioning were aligned to the majority budget. The Directors are recommending changes for example domestic violence commissioning is repeated in both committee terms of reference.

- vii) The reference to children and commission has been removed from the Adults Committee. Consideration is being given to the resolution of responsibility for communities and the interaction between the environmental and the welfare considerations.
- 3.8. Changes to the scheme of delegation from the previous constitutional provision to further restrict delegation under para 34 Chapter 2 part 5 on the recommendation of the Constitution Committee 29 April 2021. There are minor editorial changes to delegations including the corrections relating to Chief Education Officer.
- 3.9. Delegation to the Monitoring Officer at Chapter 2 paragraph 60.1 has been amended to remove duplication at 60.2 and to insert the limitations from the finance table at Chapter 3 part 3 page 43.
- 3.10. Budget Procedure Rules to add clarity to the control mechanisms and to specifically articulate the need to consult the Chief Financial Officer to ensure statutory and regulatory compliance. Tables at Chapter 3 part 3. The removal of potential duplication of reporting on virements by removing the requirement for service committee and finance subcommittee to approve changes and to clearly delegate responsibility to the finance subcommittee.
- 3.11. Financial procedure rules have minor consequential amendments, primarily reflecting the underlying change of the financial management system and links in the constitution.
- 3.12. Contract procedure rules update to the wording around transition from EU procurement to domestic provisions.
- 3.13. On the 8 June the Corporate Policy Committee accepted a late amendment to provide for editorial consistency at Chapter 3 part 4 paragraph 6.23 and a minor rewording to paragraph 8 of chapter 2 part 2 for clarity.
- 3.14. The Corporate Policy Committee also appointed a Constitution Working Group and indicated they would like the working group to consider various matters including schemes of delegation.

4. Constitution

- 4.1 The Constitution is being completed in 2 phases. Phase 1 to give effect to any necessary changes to implement the Committee style of governance and Phase 2 is the review of all Codes and Protocols.

- 4.2 Phase 1 was structured as follows:

Version 1 – 6 April 2021 Constitution Committee

Version 2 - 19 April 2021 Full Council.

Version 3 – 29 April 2021 Constitution Committee

Version 4 – 12 May 2021 Annual General Meeting

The expiration of the virtual meeting regulations required the bringing forward of the Annual General Meeting to the 4 May 2021 and it was not possible to consider version 4.

This is the first Council meeting after the AGM and version 4 is now available for approval.

This is the version that is intended to remain operative until the review requested by full council in November 2021.

5. Implications

5.1. Legal Implications

- 5.1.1. The proposed amendments are predominately editorial rather than substantive. Some changes require approval of full council such as the editorial amendments to terms of reference.

5.2. Finance Implications

- 5.2.1. There are no direct cost implications arising from the amendments but the commissioning arrangements between Adults and the Children's Committee will require monitoring.

5.3. Equality Implications

- 5.3.1. No Equality Impact Assessment has been completed but the accessibility and intelligibility the constitution has remained at the forefront of the drafting process.

5.4. Human Resources Implications

- 5.4.1. There are no direct implications for human resources

5.5. Risk Management Implications

- 5.5.1. This version of the constitution represents the final version that was due to be approved at annual council but following changes to virtual meeting provisions has been delayed until the next available meeting. This version will be reviewed in November 2021.

5.6. Rural Communities Implications

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

5.7. Implications for Children & Young People

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

5.8. Public Health Implications

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

Access to Information	
Contact Officer:	David Brown, David.C.Brown@cheshireeast.gov.uk 01270 685999
Appendices:	Chapters 1-3 of the constitution, showing amendments as tracked changes
Background Papers:	Additional information is available to members from the council's committee system sharepoint site.

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CHESHIRE EAST COUNCIL

CONSTITUTION

Remember to delete when complete

Date	Version	Author	Summary of amendments made
15.03.21	2	J Barnes BB	Update
22.03.21	3	J Barnes BB	Update
23.03.21	4	D Brown CEC	Update
08.04.21	5	J Barnes BB	Updated following receipt of councillor comments and Constitution Committee on 6 April
06.05.21	6	D Brown	Updated 19/4 Council comments and proposals for 22/6
25.05.21	7	V Barman BB	Updated to include Constitution Committee on 29 April

EDITION: May 2021

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Contents

Chapter	Title	Contents
1	<u>Introduction, Summary and Explanation</u>	This Chapter sets out an overview of how the Council operates, what the key parts of the Constitution cover and what rights members of the public have. It explains how decisions are taken and how the Mayor is elected.
2	<u>Responsibility for Functions</u>	<p>This Chapter sets out the way in which functions have been allocated and which decision-making body/person within the Council has responsibility for making those decisions:</p> <ol style="list-style-type: none"> 1. Diagrammatic explanation of Councillor decision making bodies 2. Council 3. Committees 4. Officer delegations (including a diagram of the officer structure/ Council management)
3	<u>Procedure Rules</u>	<p>This Chapter sets out the procedural rules relating to all Council activities grouped into the following parts:</p> <ol style="list-style-type: none"> 1. Procedure Rules governing meetings and decisions: <ul style="list-style-type: none"> • Full Council Meetings • Committees and Sub-Committee Meetings • Scrutiny Procedure Rules • General Provisions relating to Procedure Rules 2. Access to Information Procedure Rules 3. Finance Procedure Rules (FPRs) 4. Contract Procedure Rules (CPRs) 5. Employment Procedure Rules

Chapter	Title	Contents
4	<u>Codes and Protocols</u>	This Chapter sets out codes and protocols covering Councillor and Officer conduct, including: <ol style="list-style-type: none"> 1. Councillor Code of Conduct 2. Officer Code of Conduct 3. Councillor/Officer Protocol 4. Planning Code of Conduct 5. Whistleblowing Policy
5	<u>Councillors' Allowance Scheme</u>	This is the list of Councillors' Allowances.
6	<u>Glossary</u>	The Glossary explains some of the key terms used throughout this document.
7	<u>List of associated documents</u>	These are associated documents that support this constitution and can be accessed from it electronically.

Chapter 1

Introduction, Summary and Explanation

- 1 This document is the Council's Constitution. It contains details of how the Council works, how decisions are made and where to find information about the Council.

Purpose of the Constitution

- 2 This is a document to help residents, businesses, partners, stakeholders, Councillors and Officers understand how the Council works. We have included hyperlinks between different parts of the Constitution wherever possible to make it easy to navigate your way around the information. We have also included hyperlinks to other documents, information or sites where we think this will be helpful. All hyperlinks are coloured [blue like this](#).
- 3 If you have any queries about anything in this Constitution please contact:
Brian Reed (Head of Democratic Services and Governance)
01270 686670 brian.reed@cheshireeast.gov.uk

The Council

- 4 Cheshire East Council has 82 elected Councillors (also called Members). Each Councillor represents the residents in their Ward. There are 52 Wards in the Council's area. Councillors are elected every four years. Find out when the [next election](#) will take place.
- 5 Find out which [Ward](#) you are in and who your [Councillors](#) are. See a [list of all Councillors](#) with their contact details. View details of the [political composition](#) of the Council.

Councillors

- 6 Councillors are directly accountable to residents and service users for the running of the Council. They have a duty to represent all constituents in their Ward and they must make decisions in the best interests of the borough as a whole. They are involved in decision making and [Chapter 2](#) of the Constitution gives details of who has authority to make decisions. Councillors can also represent the Council on external bodies.
- 7 Councillors have to observe a [Code of Conduct](#) and a [Protocol on Councillor/Officer Relations](#). As public servants Councillors should treat people with mutual respect and courtesy.
- 8 Councillors also have to register and declare certain interests. You can access the [Register of Councillors' Interests](#) online.

How the Council makes decisions

- 9 All Councillors meet together a number of times each year as the full Council. You can get details of forthcoming full Council Meetings [here](#). Full Council elects a Mayor (who is the chair of the full Council Meeting, performs the Council's civic role and represents the Council in the community) and **the Council** appoints a Deputy Mayor.
- 10 There are three different types of Council meeting:
 - 10.1 The Annual Meeting of the Council, which will usually be held in May;
 - 10.2 Ordinary meetings; and
 - 10.3 Extraordinary meetings, which will be called as and when required in accordance with the [Council Procedure Rules](#).
- 11 You can find details of the calendar of full Council and other meetings on the [Council's website](#).
- 12 The Council operates a 'committee system' form of governance. This means that decisions are made by full Council or delegated to Committees, Sub-committees and Officers. All Councillors meet together as full Council. Full Council is ultimately responsible for the exercise of all functions and certain matters are expressly reserved to be taken by a meeting of the full Council.
- 13 To enable it to operate more effectively some Council functions may be carried out jointly with other local authorities or in certain cases, by another local authority or public body on the Council's behalf. The structure of the Council's Committees and Sub-committees can be found [here](#). Those matters reserved to full Council are listed [here](#).
- 14 The meetings of Council and the committee system are modern, open and transparent. Public participation is encouraged and there is usually the opportunity for public speaking and petitions. There is a regularly updated work programme outlining the decisions to be made by each committee in the Forward Plan which can be found [here](#).
- 15 The Council's Scrutiny Committee is able to look at proposed decisions relating to health partners, crime and disorder issues and flood risk management. The Scrutiny Committee may contribute to those issues and make recommendations as it sees fit.

Principles of decision-making

- 16 The following principles apply to all decision making. Decision makers will:
 - take into account all relevant considerations and ignore those which are irrelevant
 - undertake a realistic evaluation of alternatives and options
 - carry out appropriate consultation

- take decisions which are proportionate to the desired outcome
- take into account statutory duties such as best value and fiduciary duties
- consider relevant professional advice
- respect equalities and human rights
- approach decision making on a transparent and open basis.

The Council's Staff/Employees

- 17 Councillors are supported by staff/employees (who are also called "officers"). Officers provide advice, implement decisions and manage the day to day delivery of the Council's services.
- 18 The most senior officer is the Chief Executive. Other senior managers lead different parts of the Council's services. Some officers have specific duties to ensure that the Council operates within the law and uses resources wisely. These are the Monitoring Officer (who has duties regarding the law and the Ombudsman) and the Chief Finance Officer (who has responsibility for the proper management of the Council's financial affairs under Section 151 Local Government Act 1972).
- 19 See the [Council's Senior Management Structure](#). The functions and responsibilities which the Council has given to the senior officers are listed in the [Scheme of Delegation](#) in [Chapter 2](#).
- 20 The Chief Executive will designate one of the Executive Directors as the Deputy Chief Executive.
- 21 Officers have to comply with the [Officers' Code of Conduct](#) and the [Protocol on Councillor/Officer Relations](#). As public servants officers should treat people with mutual respect and courtesy.
- 22 The [recruitment, selection, discipline and dismissal of officers](#) must be done in accordance with specific rules.

Rights of residents and the public

- 23 Everyone has an equal right to access high quality Council services. Members of the public have rights to:
 - 23.1 vote at local elections
 - 23.2 stand for election as a councillor if they live or work in Cheshire East
 - 23.3 attend the Council's meetings except where confidential or exempt information is being discussed
 - 23.4 participate in [Public Speaking and Questions](#) and present petitions in accordance with the Council's procedure rules

- 23.5 contact local Councillors about any matters of concern – access [Councillor details](#)
- 23.6 contribute to reviews by the Scrutiny Committee
- 23.7 complain where there are problems with Council services – access a [complaint form](#)
- 23.8 complain to the Local Government and Social Care Ombudsman after complaining to the Council if the Council has not followed its procedures properly – access the [Ombudsman complaint form](#)
- 23.9 complain to the Monitoring Officer if you believe there is evidence that a Councillor has not followed the Councillors' Code of Conduct – access the [Code of Conduct Complaint Form](#)
- 23.10 inspect the [Council's accounts](#).

Role of the Mayor and Chair of the Council

Civic Role

- 24 The Council's Mayor, supported by the Deputy Mayor will perform the Council's civic role.
- 25 This entails raising and maintaining the profile of the Council's area and its residents. The aims and values of the Council will be promoted in an apolitical manner.
- 26 The Mayor will decide which civic and ceremonial functions to promote following consultation, ~~where appropriate,~~ with officers. These functions may include representing the Council at events organised by other local authorities or organisations.

Council Role

- 27 The Mayor is elected at the Annual Council meeting, usually held in May. The Deputy Mayor is appointed at the same meeting.
- 28 The Mayor is responsible for:
 - 28.1 upholding and promoting democracy and this Constitution and interpreting it, where necessary, with advice
 - 28.2 presiding over meetings of the full Council to ensure that business is carried out efficiently and effectively
 - 28.3 ensuring the rights of Councillors and local people are protected in the running of Council meetings (Guidance on the [Role of a Chair](#) which is relevant for all Chairs of Council meetings)
 - 28.4 ensuring that matters of concern to local people and Councillors can be debated at full Council or the relevant Committee

28.5 promoting public involvement in the Council's activities and acting as a link between members of the public, ~~and~~ organisations and the Council

28.6 carrying out other roles on behalf of the Council.

29 The Deputy Mayor will:

29.1 support the Mayor in his/her civic role and also carry out civic duties on behalf of the civic office

29.2 deputise for the Mayor in his/her absence.

30 The Mayoralty Code of Practice

31 The Mayor shall comply with the [Mayoralty Code of Practice](#).

32 Who may become Mayor or Deputy Mayor

39 Any Councillor shall be eligible for election to the office of Mayor, or appointment as Deputy Mayor, except for Councillors who are Chairs or Vice Chairs of the service or oversight Committees.

Review of the Constitution

40 This Constitution will be kept under review by the [Monitoring Officer](#) who may make minor adjustments, or will report to Councillors with a view to making significant changes.

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CHESHIRE EAST COUNCIL

CONSTITUTION

Chapter 2 - Remember to delete when complete

Date	Version	Author	Summary of amendments made
15.03.21	1	J Barnes BB	Update
22.03.21	2	J Barnes BB	Update s151 to CFO; add ToR for Committees
22.03.21	3	J Barnes BB	DB comments & update with officer reflections on the ToR,
8.04.21	4	J Barnes BB	Updated following receipt of councillor comments and Constitution Committee
20.04.21	5	J Barnes BB	Updated following Council on 19 April – amended re staffing appeals
18.05.21	6	D Brown CEC	Update for 22.06.21
25.05.21	7	V Barman BB	Updated to include Constitution Committee on 29 April

EDITION: May 2021

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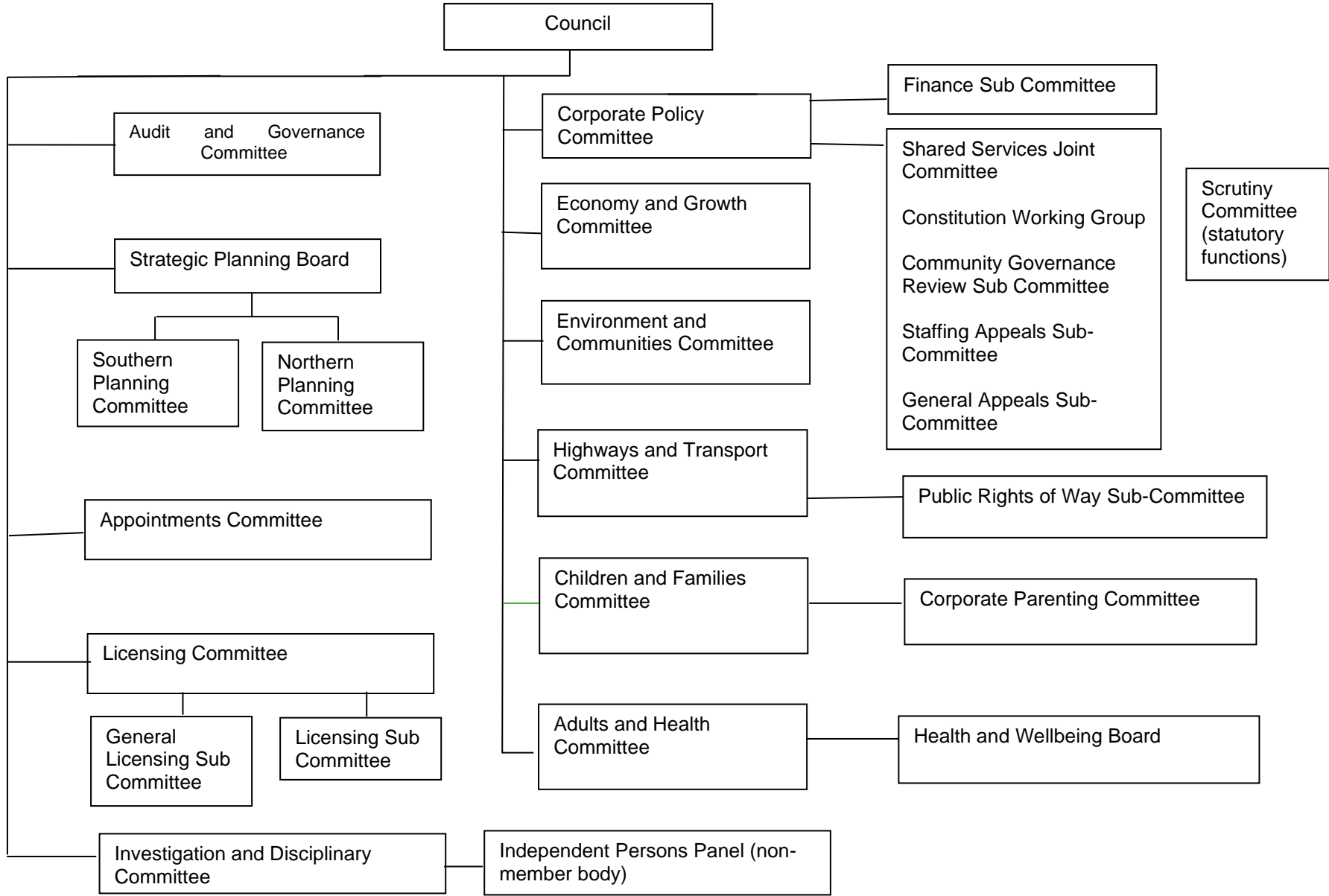
Chapter 2

Responsibility for Functions

Part	Title	Contents
1	Explanation of Decision Making	This part shows a diagram of the Committee Structure
2	Introduction to Decision Making	This part sets out an introduction to who makes decisions in the Council
3	The Full Council	<p>This part sets out:</p> <ul style="list-style-type: none"> • Functions of the Full Council • Council Meetings • Policy Framework • The Budget • Appointment to Outside Organisations
4	Functions of Committees	<p>This part sets out the Functions, Roles and responsibilities of the Committees of the Council, which are:</p> <ul style="list-style-type: none"> • Corporate Policy Committee • Finance Sub-Committee • Staffing Appeals Sub-Committee • General Appeals Sub-Committee • Community Governance Review Sub-Committee • Economy and Growth Committee • Environment and Communities Committee • Highways and Transport Committee • Public Rights of Way Sub-Committee • Children and Families Committee • Corporate Parenting Committee • Health and Adults Committee • Health and Wellbeing Board • Scrutiny Committee

Part	Title	Contents
		<ul style="list-style-type: none"> • Strategic Planning Board <ul style="list-style-type: none"> ○ Northern Planning Committee ○ Southern Planning Committee • Licensing Committee • General Licensing Sub-Committee • Licensing Sub-Committee • Appointments Committee • Investigation and Disciplinary Sub-Committee • Independent Persons Panel • Audit and Governance Committee • Standards Hearing Sub-Committee • Independent Remuneration Panel • Joint Arrangements <ul style="list-style-type: none"> ○ Shared Services Joint Committee ○ Cheshire Police and Crime Panel ○ Cheshire Fire Authority
5	Officer Delegations	<p>This part sets out the Scheme of Officer Delegation and contains a diagram of the officer structure at the Council. It sets out the areas of responsibility of the Senior Officers and Statutory Officers and the arrangements for the discharge of the Proper Officer functions.</p>

Chapter 2 – Part 1: Committee Structure



Chapter 2 – Part 2

Introduction to decision making

- 1 This Part of the Council's Constitution sets out how decisions are made so that members of the public are clear about which part of the Council or which individual has responsibility for particular types of decisions.
- 2 The Council and any Committee or Sub-Committee of the Council may delegate a function or decision to an officer in accordance with this Constitution. This can be on a permanent or one-off basis.
- 3 Where a matter covers numerous Committee Terms of Reference or there is any dispute or disagreement between Committees on:
 - Whether something falls within a Committee's Terms of Reference; or
 - A proposed course of action;
 the matter shall be referred to the Corporate Policy Committee (or Council if more convenient) to resolve and decide upon a way forward.

Types of decision and the decision-takers

- 4 When the Full Council makes decisions, it will comply with the [Council Procedure Rules](#).
- 5 When Committees and Sub-Committees make decisions, they will comply with the [Committee Procedure Rules](#).
- 6 When the Scrutiny Committee makes decisions, it will comply with the Scrutiny Procedure Rules (Agenda for Scrutiny Committee).
- 7 On occasions, the Council, a Committee, Sub-Committee or an officer will act as a tribunal or in a quasi-judicial manner when they determine the civil rights, obligations or criminal responsibility of an individual. When this happens, they will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.
- 8 Significant decisions ~~may~~ which are likely to be taken by Committees will and may therefore appear on the [Council's Forward Plan](#).

Chapter 2 – Part 3

The Full Council

Functions of the Full Council

- 1 The following functions are the responsibility of the Council and will be discharged by the Full Council (all Councillors meeting together) unless specifically delegated to another Committee, Sub-Committee, body or officer elsewhere in this Constitution. The Council:
 - 1.1 is accountable to residents and service users for the proper discharge of all of its functions and the delivery of its services
 - 1.2 will keep under review the running of the Council's affairs and will implement changes where it considers there is a need to do so to improve the way in which the organisation operates, its relationships with the public and the delivery of services in the most efficient and effective way to deliver best value
 - 1.3 will adopt the Council's Constitution and approve any amendments to it (except where specifically delegated to the Corporate Policy Committee or the Monitoring Officer)
 - 1.4 will:
 - 1.4.1 elect the Mayor
 - 1.4.2 appoint the Deputy Mayor
 - 1.4.3 elect the Leader of the Council and appoint the Deputy Leader
 - 1.4.4 appoint to such other offices and/or positions as may be required under this Constitution or by law.
 - 1.5 will adopt the [Policy Framework](#) and any of the policies within it
 - 1.6 will agree the Council's [Budget](#)
 - 1.7 will determine any decision which would otherwise be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget
 - 1.8 will adopt the Council's [Codes of Conduct](#) for Councillors and Officers and the [Protocol on Councillor/Officer Relations](#)
 - 1.9 will agree:
 - 1.9.1 the establishment and composition of Committees and Sub-Committees (except for ad-hoc Sub-Committees or Panels envisaged by this Constitution)

- 1.9.2 The political balance of such bodies as required from time to time
- 1.9.3 the allocation of Chairs and Vice-Chairs to those bodies (see paragraph 2 below).
- 1.10 will agree and amend the terms of reference of its Committees and Sub-Committees and the job description for committee Chairs
- 1.11 will determine any matter which is referred to it for determination by a Committee or Sub-Committee
- 1.12 will adopt (or otherwise) Motions submitted in accordance with the Council Procedure Rules
- 1.13 will approve the [Councillors' Allowance Scheme](#) for elected Members following advice from the [Independent Remuneration Panel](#)
- 1.14 will appoint/dismiss the Head of Paid Service, dismiss the Monitoring Officer and Chief Finance Officer, designate an officer to act as Monitoring Officer and an officer to act as Chief Finance Officer
- 1.15 will appoint the Returning Officer and Electoral Registration Officer
- 1.16 will approve the Council's response to any issues or proposals in relation to local government boundaries including Electoral Wards, the conduct of elections and community governance functions
- 1.17 may take decisions relating to the name of the area and may confer the title of Honorary Alderman or Freedom of the Borough
- 1.18 may make decisions relating to the making, amending, revoking, re-enacting, adopting or enforcing byelaws and promoting or opposing the making of local legislation or personal bills
- 1.19 will take decisions in respect of functions which have not been delegated by the Council to Committees, officers or elsewhere.
- 2 Nominations to the Council's Committees, Sub-committees and decision-making bodies, and changes to such nominations, including nominations to Chairs and Vice-Chairs, shall be notified by the Council's Group Leaders or Group Whips in writing or by email to the Head of Democratic Services and Governance and shall thereafter be published on the Council's website. Such nominations shall be in accordance with the relevant numerical allocations made by Council for that body in line with the [political balance](#) rules.

Policy Framework

- 3 By law, the Council must have a policy framework. This is a list of plans and strategies which are relevant to the Council's functions and are decided by the full Council. These are set out in the Budget and Policy Framework Procedure Rules.

Budget

- 4 The Full Council sets the Council's budget each year, following a recommendation from the Corporate Policy Committee. The budget ~~includes has a number of elements as follows:~~
- 4.1 The allocation of financial resources to different services and projects
 - 4.2 The Medium Term Financial Strategy
 - 4.3 The Council tax base
 - 4.4 Setting the Council tax
 - 4.5 The Capital Strategy
 - 4.6 The Reserves Strategy
 - 4.7 The Treasury Management Strategy, which includes the Council's borrowing requirement and Investment Strategy
 - 4.8 Council also sets the financial limits within the Finance Procedure Rules.

Appointment to Outside Organisations

- 5 The Corporate Policy Committee may make appointments to a ~~number of~~ [service delivery organisations including companies ASDV's](#) and [local and regional organisations](#) which can be found by clicking on the link.

Chapter 2 – Part 4

Functions of Committees

- 1 This section sets out the functions, roles and responsibilities of the Committees of the Council, which are listed in the Contents section on page 4. The Terms of Reference are set out below.
- 2 All committees and sub-Committees will be appointed in accordance with the political balance rules except for Licensing Sub-Committees and other quasi-judicial bodies, such as appeals and the Hearings Sub-Committee. (Political balance is not required where an alternative arrangement is proposed and no Councillor votes against).
- 3 The quorum for all Committees and Sub-Committees is one third unless otherwise stated.
- 4 Committees are able to exercise all of the functions of their Sub-Committees and anything calculated to facilitate or conducive or incidental to the exercise of those functions.
- 5 Committees and Sub-Committees are appointed by the Council and they may appoint informal working groups, panels or task groups with defined terms of reference and timeframes (and may or may not be politically balanced).
- 6 All Panels, Working Groups and ad-hoc meetings of Sub-Committees may be convened by the Head of Governance and Democratic Services under the normal processes for making appointments to committees (via Group Leader/Whip notification to the Head of Governance and Democratic Services).

Corporate Policy Committee

Membership: 13 Councillors

With the Leader of the Council as Chair ~~and Deputy Leader as Vice Chair~~

Functions

- 1 The Corporate Policy Committee will provide strategic direction to the operation of the Council by developing and recommending the Corporate Plan to full Council and making decisions on policies and practice where such decisions are not reserved to full Council.
- 2 The Committee's responsibilities include:
 - 4.12.1 formulation, co-ordination and implementation of the Corporate Plan and
 - 4.22.2 corporate policies and strategies, alongside the medium term financial plan (budget) which is the responsibility of the Finance

Sub-Committee. In the discharge of those responsibilities the Committee shall determine such matters to the extent that they are not reserved to full Council.

4.32.3 Human Resources, Organisational Development and Health and Safety matters affecting the Council; including adopting HR policies and practices and assurance in relation to staffing related matters;

4.42.4 making recommendations to Council in relation to the annual Pay Policy Statement and any amendments to such statement.

4.52.5 making recommendations to Council in relation to decisions affecting the remuneration of any new post where the remuneration is or is proposed to be or would become £100,000 p.a. or more.

4.62.6 making decisions in relation to proposed severance packages with a value of £95,000 or more as appropriate (excluding contractual and holiday pay), subject to the need to obtain a approval from Council and central Government if required.

4.72.7 exercising the functions relating to local government pensions, so far as they relate to Regulations made under sections 7, 12, or 24 of the Superannuation Act 1972 or subsequent equivalent legal provisions.

4.82.8 determining key cross-cutting policies and key plans that impact on more than one service committee.

4.92.9 determining policy matters not otherwise allocated to any other committee.

4.102.10 determining any matter of dispute or difference between any committees.

4.112.11 a co-ordinating role across all other committees and exercising a corporate view of outcomes, performance, budget monitoring and risk management.

4.122.12 determining any matter that has a major impact on a number of Council services or the Council as a whole.

4.132.13 oversight and monitoring of the Councillors' Allowances budget and keeping under review the scheme for the payment of allowances to Councillors through the appointment of an Independent Remuneration Panel (IRP) to advise full Council on the adoption and any proposed amendments to such scheme.

4.142.14 reviewing the Council's Constitution and the recommendation of any changes to the Council;

4.152.15 considering recommendations and an Annual Report of the Council's involvement in ASDVs;

~~1.162.16~~ appointing representatives to serve on outside bodies and organisations (including education bodies and establishments) and reviewing the process for considering appointments to outside organisations;

~~1.172.17~~ appointing Lay Members (who shall not be Councillors) to serve on the Independent Admissions and Exclusion Appeals Panel as required under the relevant legislation; and

~~1.182.18~~ approving the payment of a reasonable and proper allowances and expenses for the work undertaken by the Council's Independent Persons.

- 3 Oversight, scrutiny, reviewing outcomes, performance, budget monitoring and risk management of the Directorates of Finance & Customer Services; Governance & Compliance Services and Transformation including the following functions: Legal, Governance and Compliance; Audit and Risk; Transactional Services; Transformation; Business Change; B4B/ERP; Human Resources, ICT; together with Strategic Partnerships and shared services.
- 4 The Corporate Policy Committee shall be entitled to exercise: any function of the Council not otherwise allocated; as well as the functions of all other Committees and Sub-Committees, particularly where plans, strategies or activities straddle a number of Committees.

Finance Sub-Committee

Membership: 8 Councillors

Functions

- 1 The Finance Sub-Committee will co-ordinate the management and oversight of the Council's finances, performance and corporate risk management arrangements. The Sub-Committee will make recommendations to the Corporate Policy Committee regarding the development of the Medium Term Financial Strategy and the setting and monitoring of the Capital and Revenue Budgets in accordance with the Corporate Plan and the Policy Framework.
- 2 The Sub-Committee's responsibilities include:
 - 2.1 determination of finance issues, including but not limited to Treasury Management, Insurance, Procurement, debt write off, settlement payments and virements in line with the constitution;
 - 2.2 establishment of a Procurement Forward Plan;
 - 2.3 oversight of the Investment Strategy;
 - 2.4 grant awards for sums in excess of £50,000;

- 2.5 property transactions including buying selling and appropriation of land and property (including compulsory purchase where required);
 - 2.6 management of the Council's involvement in ASDVs and overseeing the production of an Annual Report on performance; and
 - 2.7 making decisions as Shareholder or owner, reviewing and approving Business plans, including risk registers and commissioning services, and functions from the Council's ASDVs.
- 3 Oversight, scrutiny and budgetary review of the following functions: Land and Property; Central Budgets; Pensions; Grants; Council Tax; Business Rates; Reserves; and Other Funding.

Staffing Appeals Sub-Committee

Membership: 3 Councillors, established on an ad hoc basis in consultation with the Chair of the Corporate Policy Committee drawn from a pool of 10.

The requirement of political proportionality under section 15 of the Local Government and Housing Act 1989 is waived in relation to the sub-committee.

Before a Councillor can attend a meeting and participate in the business of the meeting, the determination of an application or an appeal by any individual or body, the Councillor must attend a suitable training course dealing with the quasi-judicial nature of the role of the Sub-Committee.

Functions

- 1 To consider appeals from Staff in the following circumstances:
 - 1.1 Appeals against dismissal
 - 1.2 Appeals against grievances
 - 1.3 Appeals against policy (but only the first appeal where the appeals are based on the same issues/circumstances)

General Appeals Sub-Committee

Membership: 5 Councillors drawn from a pool of 10

The requirement of political proportionality under section 15 of the Local Government and Housing Act 1989 is waived in relation to the sub-committee.

Before a Councillor can attend a meeting and participate in the business of the meeting, the determination of an application or an appeal by any individual or body, the Councillor must attend a suitable training course dealing with the quasi-judicial nature of the role of the Sub-Committee.

Functions

- 1 The Sub-Committee is responsible for:
 - 1.1 hearing and determining appeals lodged under the various Marriage and Civil Partnership Acts;
 - 1.2 hearing and determining any appeals lodged with the Council for determination, as authorised under all relevant education legislation, excluding those duties falling to the Independent Appeals Panel (schools admissions and exclusions);
 - 1.3 hearing and determining any appeals lodged with the Council in respect of school transport or school organisation;
 - 1.4 hearing and determining appeals from bus contractors in accordance with contract procedures;
 - 1.5 hearing and determining any appeals lodged with the Council as Social Services Authority, and as authorised under all relevant social services legislation;
 - 1.6 hearing and determining any other appeals (other than staffing matters).

Community Governance Review Sub-Committee

Membership: 7 Councillors

Functions

- 1 The Sub-Committee is responsible for:
 - 1.1 undertaking a Borough-wide review of community governance arrangements for Cheshire East;
 - 1.2 Appointing persons to fill vacancies on Parish Councils where such Councils are otherwise unable to act; and
 - 1.3 All other Parish Council matters that are not reserved to full Council or delegated to Officers.

Constitution Working Group

Membership: No more than 8 Councillors

Functions

- 1 The Constitution Working Group will make recommendations to the Corporate Policy Committee and Council on:
 - 1.1 the Council's administrative business, including electoral matters; administrative boundaries and support for Councillors;
 - 1.2 determining policies and conventions in relation to the political management of the Council, including political balance and party groups for the purpose of Councillors' duties;

- 1.3 reviewing the Council's Constitution and recommending any changes to the Monitoring Officer (where not significant), or Corporate Policy Committee and Council;
- 1.4 recommending to Council or Corporate Policy Committee, as appropriate, the appointment of Councillors to Committees and Sub-Committees (including any co-opted Members);
- 1.5 overseeing and monitoring the Councillors' Allowances budget and keeping under review the scheme for the payment of allowances;
- 1.6 making recommendations to the Council on civic issues, including those affecting the Mayoralty, Honorary Freemen and Aldermen, nationally significant events and the Council's flag flying policy and civic regalia.

Environment and Communities Committee

Membership: 13 Councillors

Functions

- 1 The Environment and Communities Committee is responsible for developing policies and making decisions on matters relating to the delivery of inclusive and sustainable growth, improving the quality of the environment and delivering improvement in key front line services.
- 2 The Committee's responsibilities include:
 - 2.1 development and delivery of the Council's strategic objectives for Environmental Management, sustainability, renewables and climate change;
 - 2.2 the development and delivery of the Council's Environment Strategy and Carbon Neutral Action Plan;
 - 2.3 development and delivery of the Local Development Framework including the Local Plan, Supplementary Planning Documents, Neighbourhood Plans, the Brownfield Land Register, Conservation Areas, Locally Listed Buildings, the Community Infrastructure Levy, and Statement of Community Involvement;
 - 2.4 [Regulatory functions including](#) external health and safety good practice and enforcement including instituting proceedings and prosecutions;
 - 2.5 determination of policies [and making decisions](#), [exercising functions and delivering improvement](#) in relation to waste collection and disposal, recycling, fly tipping, parks and green spaces, [community strategy and community hub](#), leisure, libraries and sports development, bereavement services, trading standards, environmental health, emergency planning, CCTV, nuisance and anti-social behaviour, public space protection

orders, community enforcement, animal health and welfare, food safety, ~~licensing~~, pest control, contaminated land and air quality; ~~and~~

- 2.6 compulsory purchase of land to support the delivery of schemes and projects promoted by the Committee. ~~;~~ ~~and~~

- ~~3~~ Oversight, scrutiny, reviewing outcomes, performance, budget monitoring and risk management of the Directorate of Environment and Neighbourhood, including: ~~the Planning Service; Development Management; Spatial Planning; Building Control and Planning systems; Neighbourhood Planning;~~ Environmental Services; Regulatory Services; ~~Libraries; Leisure Commissioning; Emergency Planning; and~~ Neighbourhood Services. ~~and Emergency Planning.~~

Economy and Growth Committee

Membership: 13 Councillors

Functions

- 1 The Economy and Growth Committee will be responsible for developing policies and making decisions on matters relating to delivering inclusive and sustainable economic growth.
- 2 The Committee's responsibilities include:
 - 2.1 determination of policies and making of decisions in relation to housing management and delivery;
 - 2.2 determination of policies and making of decisions in relation to economic development, regeneration, skills and growth;
 - 2.3 development and delivery of the Council's estates, land and physical assets policies;
 - 2.4 determination of policies and making decisions in relation to the rural and cultural economy; and
 - 2.5 compulsory purchase of land to support the delivery of schemes and projects promoted by the Committee.
- 3 Oversight, scrutiny, reviewing outcomes, performance, budget monitoring and risk management of the Directorate of Growth and Enterprise ~~(with the exception of land and property functions)~~ including: Facilities Management; Assets; Farms; Economic Development; Housing; Rural and Cultural Management; Tatton Park; Public Rights of Way; Cultural Economy; Countryside; and the Visitor Economy.

Highways and Transport Committee

Membership: 13 Councillors

Functions

- 1 The Highways and Transport Committee shall be responsible for developing policies and making decisions on matters relating to highways and transport as they affect the area of the Council taking into account regional and national influences.
- 2 The Committee's responsibilities include:
 - 2.1 formulation, co-ordination and implementation of corporate policies and strategies in connection with all car parking, transport and accessibility matters;
 - 2.2 determination of any matter affecting the Council's interests in relation to national infrastructure matters, for example HS2, Northern Powerhouse Rail and the National Road Network;
 - 2.3 discharge of the Council's responsibilities as Highway Authority; including, but not limited to, highway adoption, highway maintenance, road safety, network management, flooding and street lighting; local transport authority; parking authority; and lead local flood authority
 - 2.4 determination of policies and making decisions in relation to flooding and accessibility, in co-ordination with the Scrutiny Committee;
 - 2.5 compulsory purchase of land to support the delivery of schemes and projects promoted by the Committee; and
- 3 Oversight, scrutiny, reviewing outcomes, performance, budget monitoring and risk management of the Directorate of Highways and Infrastructure including: Transport Policy; Transport Commissioning; Car-parking; Highways; Infrastructure and HS2.

Public Rights of Way Sub-Committee

Membership: 7 Councillors

Before any Councillor can attend a meeting and participate in the business of the meeting, determination of an application or an appeal by any individual or body he/she must attend a suitable training course dealing with the quasi-judicial nature of the role of the Committee.

Functions

- 1 The Public Rights of Way Sub-Committee's responsibilities include:
 - 1.1 discharge all the functions of the Council in relation to public rights of way (except the determination of non-contentious Public

Path Order applications which has been delegated to the Executive Director Place);

- 1.2 discharge of Commons and Town and Village Greens functions;
- 1.3 being apprised of, approve, and comment on a range of policies, programmes and practices relating to Rights of Way, Commons, Town and Village Greens and countryside matters including:
 - 1.3.1 progress reports on implementation of the Rights of Way improvement Plan (part of the Annual Progress Review for the Local Transport Plan);
 - 1.3.2 Statements of Priorities;
 - 1.3.3 Enforcement Protocols;
 - 1.3.4 Charging Policy for Public Path Order applications.

Children and Families Committee

Membership: 13 Councillors

The Chair of the Committee shall be the statutory Lead Member for Children's Services

Functions

- 1 The Children and Families Committee will be responsible for those services which help keep children and young people safe and enable them to achieve their full potential. The responsibility incorporates matters in relation to schools and attainment, early help and family support and social care for children and families. The Committee will oversee the work of the Corporate Parenting Committee, which focuses on those children who are cared for by the local authority and for whom the Council has corporate parenting responsibility.
- 2 The Committee's responsibilities include:
 - 2.1 determining policies and making decisions in relation to the delivery of services to children and young people in relation to their care, well-being, education and health.
 - 2.2 discharging the Council's functions in relation to children in need and child protection including safeguarding and youth justice.
 - 2.3 discharging the Council's functions and powers in relation to the provision of education and ~~oversight of the~~ Schools Forum.
 - 2.4 support to and maintenance of relationships with schools in relation to raising standards of attainment.
 - 2.5 the Council's role as Corporate Parent.

- 2.6 discharging the Council's functions in relation to Special Educational Needs and/or Disability (SEND).
 - 2.7 discharging the Council's functions in relation to early help and family support;
 - 2.8 making arrangements for the nomination of school governors; and
 - 2.9 provision and commissioning of domestic violence support services and quality assurance.
- 3 Oversight, scrutiny, reviewing outcomes, performance, budget monitoring and risk management of the Directorates of Prevention and Support, Education and 14-19 Skills and Children's Social Care including: Education, Children's social care, Children's mental health, Prevention and early help, youth engagement, Children's transport, SEND, Safeguarding, and the Children's Trust and Board Children Service Development and Children's Partnerships, Commissioning of support for children, Cared for Children and Care Leavers, Child in Need and Child Protection, Children with Disabilities and Fostering, Children's Safeguarding, Education Infrastructure and Outcomes, Education Participation and Pupil Support, Inclusion and SEND.

Corporate Parenting Committee

Membership: 12 Councillors

~~Additionally The~~ Committee is informed by representative young people from My Voice (Cheshire East's Children in Care Council) to advise the Committee.

The Chair is the Lead Member for Children and Families.

Functions

- 1 The purpose of the Corporate Parenting Committee in its role as an advisory committee to the Children and Families Committee is to ensure that the Council effectively discharges its role as Corporate Parent for all children and young people in care and care leavers from 0- 25 years of age and holds partners to account for the discharge of their responsibilities.
- 2 The Committee's responsibilities include:
 - 2.1 acting as advocate for cared for children and care leavers, ensuring that their needs are addressed through key plans, policies and strategies throughout the Council and its commissioned services;
 - 2.2 ensuring key strategic plans relating to children in care and care leavers are in place and are delivered including the Corporate

Parenting Strategy, Sufficiency Statement and Children and Young People's Plan;

- 2.3 overseeing the implementation of Cheshire East's Corporate Parenting Strategy and action plan and monitoring the quality and effectiveness of services to ensure that they fulfil the Council's responsibilities;
- 2.4 monitoring the quality of care delivered by Cheshire East's residential children's homes through visits and reports, including summary reports of Ofsted inspections;
- 2.5 reviewing the performance of the Council in relation to outcomes for children and young people in care via the scrutiny of both quarterly performance reports and annual reports including the Health of Cared for Children and Care Leavers, the Virtual School, Fostering and the Independent Reviewing Service;
- 2.6 establishing an environment whereby Councillors and young people work together to address the needs and aspirations of Cheshire East's children and young people in care and empower children and young people to participate in decision making with adults;
- 2.7 overseeing with the Children and Families Committee the implementation of best practice principles in all aspects of service delivery, with the aim of producing positive outcomes for children and young people in care;
- 2.8 supporting the work of foster carers and adopters in making a difference to the care and support they provide;
- 2.9 making sure that staff and partners commit to follow the pledges to cared for children and young people and care leavers set out in the Corporate Parenting Strategy.

Governance

- 3 The Committee will:
 - 3.1 meet bi-monthly;
 - 3.2 report to the Children and Families Committee on at least an annual basis; and
 - 3.3 review its terms of reference annually.
- 4 The Committee will be serviced by Democratic Services.
- 5 Minutes and agendas will be distributed and published no later than 5 clear working days prior to the meeting.

Health and Adults Committee

Membership: 13 Councillors

Functions

- 1 The Health and Adults Committee will be responsible for ~~the Council's~~ community's welfare, public health and adult social care services with a view to enabling all people to live fulfilling lives and to retain their independence. When discharging its functions the Committee shall recognise the necessity of promoting choice and independence.
- 2 The Committee's responsibilities include:
 - 2.1 promotion of the health and well-being of residents and others;
 - 2.2 determination of policies and making decisions in relation to people aged 18 and over (some young people up to the age of 25 may still be within Children's services as care leavers or with a Special Educational Needs and Disability) with eligible social care needs and their carers including;
 - 2.3 adult safeguarding, adult mental health, physical health, older people and learning disabilities and lifelong learning;
 - 2.4 determination of policies and making decisions in relation to Public Health in coordination with the Health and Wellbeing Board and the Scrutiny Committee;
 - 2.5 oversight of the Communities Strategy;
 - 2.6 provision and commissioning of domestic violence support services and quality assurance; and
 - 2.7 ~~P~~prevent reporting and Channel Panel counter terrorism oversight.
- 3 Oversight, scrutiny, reviewing outcomes, performance, budget monitoring and risk management of the Directorates of Adult Social Care Operations; Commissioning and Public Health including: Public Health, lifelong learning, health improvement and intelligence, Adult social care and safeguarding, Adult Mental Health and Learning Disability, Adult social care operations, Care4CE and commissioning of support for adults ~~and children~~.

Scrutiny Committee**Membership: 13 Councillors****Functions**

The purpose of the Scrutiny Committee is to undertake reviews and make recommendations on services or activities carried out by other organisations and which affect residents, businesses as well as the Council and its Committees.

- 1 The Committee's responsibilities include:

The discharge of the Council's responsibilities set out in section 19 of the Police and Justice Act 2006, section 244 of the Health and Social Care Act 2006, and section 9JA and 9JB of the Local Government Act 2000 in relation to flood risk management.

Planning and Development Control

Committee Structure and Delegations

- 1 Development control functions will be discharged by a Strategic Planning Board, supported by two Planning Committees as follows:

- 1.1 **Strategic Planning Board** (12)

- 1.2 **Northern Planning Committee** (12)

- 1.3 **Southern Planning Committee** (12)

Any Councillor (including planning pool Councillors), must attend all planning training sessions held each year (including induction), in order to properly discharge their planning committee obligations.

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

Any Councillor (including planning pool Councillors) involved in the exercise of Planning and Development Control functions shall observe the Planning Code of Conduct.

Substitutes and Pool of Planning Substitutes

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

Strategic Planning Board

Functions

- 1 To oversee the division of the Council's Development Management functions and workload in order to ensure timely and consistent decision making at the most appropriate level, and to that end:
 - 1.1 monitor the volume and type of applications determined; assessing the performance of the Development Management service, and, if appropriate

- 1.2 vary the division of functions and delegations between the Board, the Planning Committees and the Head of Planning
 - 1.3 adopt working protocols and procedures: e.g. protocols governing the direction of applications between the Planning Committees, public speaking rights, Referral procedure and others.
- 2 To exercise the Council's functions relating to town and country planning and development control, protection of important hedgerows, preservation of trees, regulation of high hedges, and any relevant applications pursuant to Schedule 17 of the High Speed Rail (West Midlands-Crewe) Act 2021. Most of these functions are delegated to the Planning Committees and then onwards to the Head of Planning, but the following are reserved to the Board:
- 2.1 Applications for Large Scale Major Development as defined by the Strategic Planning Board from time to time. Currently this includes:
 - 2.1.1 residential developments of 200 dwellings or more, or 4 ha. or more
 - 2.1.2 10,000 square metres or more, or 4ha. or more of retail, commercial or industrial or other floor space.
 - 2.2 This does not include re-applications for extant schemes or detailed applications where outline consent has been given or removal/variation of conditions.
 - 2.3 Applications for major minerals or waste development other than small scale works which are ancillary to an existing mineral working or waste disposal facility.
 - 2.4 Applications involving a significant departure from policy which has been referred to SPB which a Planning Committee is minded to approve.
 - 2.5 Any other matters which have strategic implications by reason of their scale, nature or location.
 - 2.6 Any other matters referred up to it at the discretion of the Head of Planning, including major development of less than the thresholds set out in paragraph 2.1 above which have wider strategic implications.
- ~~2.7~~ To exercise a consultation and advisory role, commenting upon the content of proposed planning policy, [any document which forms part of or linked to the Local Plan](#) and upon the effectiveness of existing policies employed in development control decisions.
- ~~2.8~~ ~~2.7~~ [To exercise on behalf of the Council the function of final approval of the Area Action Plans, and any other document including a Site Allocation Policy, which form part of the Local Plan.](#)

2.92.8 To determine any relevant Schedule 17 applications as deemed appropriate by the Head of Planning.

- 3 Where the application is to vary or remove a condition that was imposed by the Planning Committee it will not be delegated.
- 4 However, there will be a presumption that a call in request by a local ward Member will be agreed where applications are for the renewal (or extension of time) of extant unimplemented permissions.

Northern and Southern Planning Committees

Functions

- 1 To exercise the Council's functions relating to town and country planning and development control, the protection of important hedgerows, preservation of trees, regulation of high hedges and any relevant applications pursuant to Schedule 17 of the High Speed Rail (West Midlands-Crewe) Act 2021. Some applications have been reserved to the Strategic Planning Board: others are delegated on to the Head of Planning: the following are retained for the Planning Committees:
 - 1.1 Applications for Small Scale Major Development for:
 - 1.1.1 residential developments of 20 to 199 dwellings or between 1 and 4ha.
 - 1.1.2 retail or commercial/industrial or other floor space of between 5,000 and 9,999 square metres or 2-4 ha.

This does not include re-applications for extant schemes or detailed applications where outline consent has been given or removal/variation of conditions.
- 2 To determine any other planning and development control matters:
 - 2.1 advertised as a departure from policy, which the Head of Planning is minded to approve;
 - 2.2 submitted by a Councillor, senior Council officer (Grade 12 or above) or a member of staff employed within the Development Management and Policy service area; or by an immediate family member or partner of these where representations objecting to the application have been received. Where objections have been received, applications recommended for refusal can be dealt with by officers under delegated powers;
 - 2.3 considered to be significant applications by the Council either as applicant or land owner. This category will not normally include minor developments which accord with planning policy and to which no objection has been made;
 - 2.4 referred up to the Committee by a Councillor in accordance with the Committees' Referral procedure. However, any request must

be received within 15 working days of the issue of the electronic notification of the application, and set out the material planning consideration(s) which warrant the application going before committee (except for a request to review a Schedule 17 application, where a 7 day time frame will apply);

- 2.5 any other matters referred up to them at the discretion of the Head of Planning;
- 2.6 any relevant Schedule 17 applications as deemed appropriate by the Head of Planning.
- 3 Applications for householder development, listed building consents to alter/extend and conservation area consents will normally be dealt with under delegated powers.
- 4 Applications for advertisements, tree work, prior approvals, Certificates of Lawfulness and notifications will normally be dealt with under delegated powers.
- 5 Where the application is to vary or remove a condition that was imposed by the Planning Committee it will not be delegated.
- 6 However, there will be a presumption that a Referral request by a local ward Member will be agreed where applications are for the renewal (or extension of time) of extant, unimplemented permissions.
- 7 Each Committee will refer up to the Strategic Planning Board matters involving a significant departure from policy which it is minded to approve contrary to recommendation by the Head of Planning.

Licensing

- 1 The Licensing functions of the Council shall be carried out by the following bodies:
 - 1.1 A full Licensing Committee of **15 Councillors**
 - 1.2 Sub-Committees to be established by the Licensing Committee on an ad hoc basis, comprising **3 Councillors** drawn from the full Committee, to deal with matters under the Licensing Act 2003 and the Gambling Act 2003.
 - 1.3 Sub-Committees to be established by the Licensing Committee on an ad hoc basis, comprising **5 Councillors** (with a **quorum of 3**) drawn from the full Committee (of which at least one shall, subject to availability, be the Chair or Vice-Chair of the full Committee), to deal with 'general' licensing matters.
 - 1.4 The requirement of political proportionality under section 15 of the Local Government and Housing Act 1989 is waived in relation to a sub-committee established under the above sub-paragraphs.

- 2 Before any Councillor who is a member of the Licensing Committee can attend a meeting and participate in the business of the meeting, the determination of an application or appeal by any individual or body, that Councillor must have attended a suitable training course dealing with the quasi-judicial nature of the role of the Committee.

Functions

- 3 The Licensing Committee and its Sub-Committees have responsibility for the following licensing and registration functions of the Council:
 - 3.1 Caravan sites and moveable dwellings/camping sites
 - 3.2 Hackney carriages and private hire vehicles, drivers and operators
 - 3.3 Sex shops and sex cinemas
 - 3.4 Performances of hypnotism
 - 3.5 Acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis
 - 3.6 Pleasure boats and vessels
 - 3.7 Market and street trading
 - 3.8 Premises for the preparation of food
 - 3.9 Scrap yards and motor salvage operators
 - 3.10 Dog breeding, pet shops, animal breeding, animal trainers and exhibitors, zoos and wild animals
 - 3.11 Employment of children
 - 3.12 Charitable collections
 - 3.13 Operation of loudspeakers
 - 3.14 Storage of celluloid
 - 3.15 Meat product premises and dairy establishments
 - 3.16 Egg products, butchers and fish products
 - 3.17 Auction and wholesale markets
 - 3.18 Food business premises
 - 3.19 Licensed premises
 - 3.20 Gambling
 - 3.21 Public [Alcohol Disorder Zones](#) [Space Protection](#) Orders.

- 4 With the exception that the power to resolve not to issue a casino licence is reserved to Full Council.
- 5 The functions of the Licensing Committee or Sub-Committee shall be determined by the full committee based on the delegations set out below.
- 6 These delegations to Sub-Committees shall be subject to the proviso that the Chair or Vice-Chair of the full Committee may refer a matter up from a Sub-Committee to the full Committee where that matter is significant or controversial in nature.

Ad Hoc Licensing Act 2003/Gambling Act 2005 Sub-Committee

- 7 All functions under the Licensing Act 2003 and the Gambling Act 2005 shall be determined by the Sub-Committee or Officers in line with the statutory guidance issued by the Home Office, other than the power to set fees for Premises Licences (section 212 2005 Act) which shall be reserved to the full Licensing Committee.

General Licensing Sub-Committee

- 8 All functions relating to:
 - 8.1 licensing of hackney carriages and private hire vehicles
 - 8.2 licensing of sex establishments
 - 8.3 licensing of street collections
 - 8.4 licensing of house to house collections
 - 8.5 licensing of street trading
 - 8.6 licensing of scrap metal dealers
 - 8.7 any other functions referred it by officers (with the exception of matters under the Licensing Act 2003/Gambling Act 2005) shall be determined by the General Licensing Sub-Committee or Officers other than the following functions which are reserved to the full Licensing Committee:
 - 8.8 power to set fees in relation to hackney carriage and private hire drivers, vehicles and operators
 - ~~8.8.9~~ power to set hackney carriage fares and tariffs
 - ~~8.98.10~~ power to set fees for sex establishments
 - ~~8.108.11~~ power to designate streets as consent streets, licence streets or prohibited streets.
 - ~~8.118.12~~ power to set fees in relation to street trading
 - ~~8.128.13~~ power to approve policy in relation to the Scrap Metal Dealers Act 2013

~~8.138.14~~ power to set fees and charges in relation to scrap metal dealers licences.

Appointments Committee

Membership: 8 Councillors

Functions

- 1 The purpose of the Committee is to make or recommend senior appointments:
 - 1.1 with regard to the Head of Paid Service, Monitoring Officer and Chief Finance Officer (Designated Statutory Officers (the 'DSOs')):
 - 1.1.1 to undertake the recruitment and selection process in accordance with the Employment Procedure Rules
 - 1.1.2 make a recommendation to the Council to approve the proposed appointment before an offer of appointment is made to that person
 - 1.2 appoint the Statutory Directors, namely:
 - 1.2.1 The Director of Children's Services;
 - 1.2.2 Director of Adult Social Services
 - 1.2.3 Director of Public Health
 - 1.3 to appoint/the Executive Directors for Place, People and Corporate Services.
 - 1.4 Excluding national agreements, to approve "in year" salary or other benefit increases to the Head of Paid Service provided that this is within the agreed annual pay policy.
 - 1.5 Appeals against [disciplinary](#) action short of dismissal from the three Designated Statutory Officers.

Investigation and Disciplinary Committee (IDC)

Please refer to the IDC Handbook (link provided in Chapter 7, list of associated documents) for further information.

Membership: 5 Councillors

Councillors must have completed mandatory training.

A **quorum** for the meeting shall be **3 Councillors**.

Functions

- 1 Councillors shall be appointed to the Committee, as and when a Committee is required to be convened, under the normal processes for making appointments to committees (via Group Leader/Whip

notification to the Head of Governance and Democratic Services). In accordance with the Model Disciplinary Procedure contained in the JNC Handbook for *Directors*, IDC meetings shall be convened by the Monitoring Officer (in consultation with the Chair of Corporate Policy Committee). Should the Monitoring Officer (MO) be unable to act, the Head of Paid Service or Deputy Monitoring Officer (DMO) can also convene the Committee. Subsequent meetings of a convened IDC Committee will be convened by the IDC Co-ordinator in conjunction with the Chair of the Committee.

- 2 The Monitoring Officer (or DMO) shall, in consultation with the Chair of the Corporate Policy Committee filter out and deal with allegations of misconduct which are clearly unfounded, trivial or can best be dealt with under some other procedure. The MO/DMO will also consider whether informal resolution is appropriate.
- 3 For consistency, unless unavoidably indisposed or conflicted, once appointed, the same Councillors shall comprise the Committee (and any adjournment of it) over the course of the full consideration of the matter (and any related matter), until such time as the matter is completed. Should any Member become conflicted or indisposed over the course of the matter, any substitution shall be at the Chair's discretion in conjunction with the Committee's legal adviser.
- 4 All papers issued to the Committee by the IDC Co-ordinator must be returned to the Co-ordinator (legal representative) or IDC Clerk at the end of each IDC meeting.
- 5 If a matter passes the filter stage, the Committee will in conjunction with its legal adviser consider allegations/issues regarding disciplinary matters (as defined in The Local Authorities (Standing Orders) (England) Regulations 2001 as amended) relating to the DSOs.
- 6 The Committee will after taking advice from its legal adviser decide:
 - 6.1 Whether no further formal action under this procedure is required,
 - 6.2 To appoint an Independent Investigator ("II") to investigate the issue and to commission reports from an II;
 - 6.3 Whether it is appropriate to reach agreement with the DSO on a formal sanction (short of dismissal) without the need to appoint an II;
 - 6.4 Whether to suspend a DSO or to reconsider suspension and to review at a frequency to be determined by the Committee, any decisions taken to suspend;
 - 6.5 What action should be taken against a DSO following an investigation. This could include a hearing, taking no further action, informal resolution/other appropriate procedures, disciplinary action short of dismissal or proposed dismissal. The Committee shall have delegated authority to impose disciplinary action short of dismissal in these circumstances.

- 7 In the event that the Committee recommends dismissal then that recommendation shall be referred to the Independent Persons Panel prior to being referred to full Council for a determination in accordance with the IDC Handbook.
- 8 With the exception of a decision to recommend to full Council that a DSO be dismissed, there shall be a right of appeal to the Appointments Committee against any decisions made by the Committee to take disciplinary action against a DSO.

Independent Persons Panel

Membership: At least two (preferably three) of the Independent Persons appointed by the Council under section 28(7) of the Localism Act 2011 or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate. The Monitoring Officer shall invite the Independent Persons, as necessary/appropriate.

The Panel will be appointed from those Independent Persons who have accepted an invitation to be considered for appointment, in accordance with the following priority order:

- an Independent Person who has been appointed by the authority and who is a local government elector in the Council's area
- any other Independent Person who has been appointed by the authority
- an Independent Person who has been appointed by another authority or authorities.

Functions

- 1 The Independent Persons Panel is an advisory committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purpose of advising the authority on matters relating to the dismissal of the officers designated as the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer (together the "Designated Statutory Officers" or "DSOs") in accordance with Schedule 3 to The Local Authorities (Standing Orders) (England) Regulations 2001.
- 2 The advice of the Independent Persons Panel must be sought in accordance with the *Employment Procedure Rules* and IDC Handbook where the Investigation and Disciplinary Committee propose to recommend the dismissal of a DSO.
- 3 The advice of the Independent Persons Panel may (but need not) be sought by the Investigation and Disciplinary Committee at any other point in an investigation under the IDC process or (if not conflicted) by the Appointments Committee in respect of an appeal.

- 4 For the avoidance of doubt, the Committee may commission and have access to external legal and professional advice and may meet concurrently with an IDC hearing.

Audit and Governance Committee

Membership: 9 Councillors (excluding the Leader and Deputy and Chairs of the service Committees) and **2 co-opted independent members**

The Chair and Vice Chair of the Audit and Governance Committee should not be appointed to service Committees.

Members may not review decisions as part of the Audit and Governance Committee that they have made as a member of another Committee.

Co-opted independent members are appointed for a four year period and may vote on advisory matters (pursuant to a Council resolution on 22 October 2015).

To ensure that the Committee remains focussed on its assurance role, all members of the Committee, and any designated substitute, must be appropriately trained.

The success of the Audit and Governance Committee depends upon its ability to remain apolitical. It must adopt a non-political approach to its meetings and discussions at all times. Remaining apolitical also places a duty on Councillors not to make inappropriate use of information provided to the Committee for other purposes.

Functions

- 1 The Audit Committee is a key component of the Council's corporate governance. It provides:
 - 1.1 an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards;
 - 1.2 independent review of the Council's governance, risk management, control frameworks and oversees the financial reporting and annual governance processes; and
 - 1.3 promotes high standards of ethical behaviour by developing, maintaining and monitoring Codes of Conduct for Councillors and co-opted Members (including other persons acting in a similar capacity).

- 2 The Committee receives reports and assurances from across the organisation. In doing so the Committee will consider the effectiveness of the arrangements described, identifying further information needed and/or making recommendations for improvements and additional action required.
- 3 It also oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.
- 4 The Committee will report to full Council on a regular basis on the Committee's performance and effectiveness.

Governance, risk and control

- 5 To consider the Council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.
- 6 To review and approve the Annual Governance Statement and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control, including an agreed action plan for improvements where necessary.
- 7 To consider the effectiveness of the system of risk management arrangements by receiving regular reports on the adequacy and effectiveness of the Council's risk management and reporting arrangements and receive assurance that actions have been taken as necessary.
- 8 To review the Council's Risk Management Policy and Framework and recommend it for approval by Corporate Policy Committee.
- 9 To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
- 10 To monitor the counter-fraud strategy, actions and resources.
- 11 To review the governance and assurance arrangements for significant partnerships or collaborations.
- 12 To consider amendments to the Constitution and recommend proposals to Full Council for approval except where specifically delegated to the Monitoring Officer.

Internal Audit

- 13 To approve the internal audit charter.

- 14 To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- 15 To consider reports from the Head of Audit and Risk Management on internal audit's performance during the year, including
 - (a) updates on the delivery of the audit plan, including key findings, issues of concern and monitoring the actions taken in response to internal audit recommendations.
 - (b) reports on Internal Audit's effectiveness and compliance it's Quality Assurance and Improvement Programme, including conformance with the Public Sector Internal Audit Standards, and the results of the external assessment review of Internal Audit when due.
- 16 To approve significant interim changes to the risk-based internal audit plan and resource requirements.
- 17 To make appropriate enquiries of both management and the Head of internal audit to determine if there are any inappropriate scope or resource limitations.
- 18 To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.
- 19 Receive the annual report from the Head of Audit and Risk Management setting out internal activity during the year, and an opinion on the level of assurance as to the Council's arrangements for governance, risk management and internal control.
- 20 To consider summaries of specific internal audit reports as requested.
- 21 To receive reports outlining the action taken where the Head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.

External Audit

- 22 To oversee the process by which the Council's external auditor is appointed.
- 23 To consider specific reports as agreed with the external auditor.
- 24 To commission work from internal and external audit.

- 25 To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

Annual Statement of Accounts

- 26 To review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- 27 To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.
- 28 Monitor management actions in response to issues raised by the external auditor

Related Functions

- 29 Subject to the requirements set out below, to consider findings of the Local Government and Social Care Ombudsman, including reports resulting in a finding of maladministration against the Council, and to make recommendations as to actions that may be necessary or which arise from or are as a result of the Ombudsman's findings.
- (a) There are statutory obligations which will, in some circumstances, require reports to be taken to Council or a Committee.
 - (b) The Ombudsman operates protocols in relation to the timing of the publication of findings. The Council would have to give consideration to those protocols when determining how to manage the Audit and Governance Committee's agenda.
- 30 To oversee the operation of the Contract Procedure Rules and provide assurance in respect of procurement and significant partnerships or collaborations.

Standards Arrangements

- 31 The Committee is responsible for the Council's standards arrangements to:
- (a) promote high standards of ethical behaviour.
 - (b) develop, maintain and update Codes of Conduct and protocols
 - (c) Training Audit and Governance Committee
- 32 The Committee is responsible for monitoring and advising Council about the operation of its Code of Conduct for Councillors in the light of best practice and any changes in the law.

- 33 The Committee will approve the arrangements for dealing with allegations that a Councillor or a town/parish Councillor within the borough has failed to comply with the relevant Councillors' Code of Conduct.
- 34 To assist the Council with the appointment of Independent Persons as required by the Localism Act 2011 and any independent persons under other secondary legislation.
- 35 To determine any request for a dispensation under Section 33 of the Localism Act 2011, where not determined by the Monitoring Officer or to appeal against a determination by the Monitoring Officer.
- 36 To respond on behalf of the Council to national reviews and consultations on standards related issues.
- 37 To consider and make recommendations to Full Council on any other matter that may be referred to the Standards Committee relating to the conduct and training of Councillors.
- 38 To review, advise, monitor and report to Full Council on member training.
- 39 To recommend proposals to Full Council for changes to the constitution in respect of any governance or standards matters, except where specifically delegated to the Monitoring Officer
- 40 Council on 14th December 2017 approved a procedure to be followed when considering a complaint that an elected member of the Council or of a town or parish council within its area has failed to comply with the Council's Code of Conduct. The full procedure is available [here](#).

Hearing Sub-Committee

- 41 The Hearing Sub-Committee is appointed to consider complaints that a Councillor has breached the Code of Conduct under the Council's arrangements adopted under the Localism Act 2011. It has 3 Councillors drawn from the Audit and Governance Committee.
- 42 The standing Chair of the Hearing Sub Committee is the Chair of the Audit and Governance Committee; when convened for any individual item, the Chair should be of a different political group to any subject member. Where practicable the Vice Chair will be from a different political group from the Chair.
- 43 An Independent Person is invited to attend all meetings of the Hearing Sub-committee and his/her views will be sought and taken into consideration before the Hearing Sub-committee takes any decision on whether the Councillor's conduct constitutes a failure to comply with the

Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

- 44 The requirement for political proportionality under section 15 of the Local Government and Housing Act 1989 is waived in relation to the sub-committee.
- 45 Before a Councillor can attend a meeting and participate in the business of the meeting, the determination of any [Code of Conduct matter application or an appeal by any individual or body](#), the Councillor must attend a suitable training course dealing with the quasi-judicial nature of the role of the Sub-Committee.
- 46 Where the Committee finds that a failure to comply with the Code of Conduct has occurred, the Hearing Sub-Committee will determine what action, if any, to take and to apply the sanction or recommend to Council to apply an appropriate sanction.

Independent Remuneration Panel

Membership: 4 [Independent](#) Members (the minimum is 3 Members)

Functions

- 1 To make recommendations to the Council:
 - 1.1 as to the amount of basic allowances that should be paid to Councillors
 - 1.2 about the responsibilities or duties which should lead to the payment of a special responsibility allowance and as to the amount of such allowance
 - 1.3 about the duties for which a travelling and subsistence allowance can be paid and as to the amount of such allowance
 - 1.4 as to the amount of the co-optees' allowance
 - 1.5 as to whether the Council's allowances scheme should include an allowance in respect of the expenses for arranging for the care of children and dependants and, if it does make such recommendation, the amount of such allowance and the means by which it is determined
 - 1.6 on whether any allowance should be backdated to the beginning of a financial year in the event of the scheme being amended
 - 1.7 as to whether annual adjustments of allowance levels may be made by reference to an index and, if so, for how long such a measure should run
 - 1.8 as to treating basic allowance and special responsibility allowance as amounts in respect of which such pensions are payable.

Cheshire East Statutory Health and Wellbeing Board (CEHWB)**Context**

1. The full name of the Board shall be the Cheshire East Health and Wellbeing Board. (CEHWB)
2. The CEHWB was established in April 2013.
3. The Health and Social Care Act 2012 and subsequent regulations provide the statutory framework for Health and Wellbeing Boards (HWB).
4. For the avoidance of doubt, except where specifically disapplied by these Terms of Reference, the Council Procedure Rules (as set out in its Constitution) will apply.

Purpose

- To work in partnership to make a positive difference to the health and wellbeing of the residents of Cheshire East through an evidence based focus on improved outcomes and reducing health inequalities.
- To prepare and keep up to date the Joint Strategic Needs Assessments (JSNAs) and Joint Health and Wellbeing Strategies (JHWSs), which is a duty of local authorities and clinical commissioning groups (CCGs).
- To lead integrated working between health and social care commissioners, including providing advice, assistance or other support to encourage arrangements under section 75 of the National Health Service Act 2006 (i.e. lead commissioning, pooled budgets and/or integrated provision) in connection with the provision of health and social care services.
- To be a forum that enables member organisations of the Board to hold each other to account for their responsibilities for improving the health of the population
- To assist in fostering good working relationships between commissioners of health-related services and the CEHWB itself.
- To assist in fostering good working relationships between commissioners of health-related services (such as housing and many other local government services) and commissioners of health and social care services

- To undertake any other functions that may be delegated to it by the Council - such delegated functions need not be confined to public health and social care.
- To provide advice assistance and support for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services.

Roles and Responsibilities

5. To work with the Council and CCG effectively to ensure the delivery of the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy.
6. To work within the CEHWB to build a collaborative partnership to key decision making that embeds health and wellbeing challenge, issue resolution and provides strategic system leadership.
7. To participate in CEHWB discussions to reflect the views of their partner organisations, being sufficiently briefed to be able to make recommendations about future policy developments and service delivery.
8. To champion the work of the CEHWB in their wider work and networks and in all individual community engagement activities.
9. To ensure that there are communication mechanisms in place within partner organisations to enable information about the CEHWB's priorities and recommendations to be effectively disseminated.
10. To share any changes to strategy, policy, and the system consequences of such on budgets and service delivery within their own partner organisations with the CEHWB to consider wider system implications.

Accountability

11. The CEHWB carries no formal delegated authority from any of the individual statutory bodies.
12. Core Members of the CEHWB have responsibility and accountability for their individual duties and their role on the CEHWB.
13. The CEHWB will discharge its responsibilities by means of recommendations to the relevant partner organisations, which will act in accordance with their respective powers and duties.
14. The Council's Core Members will ensure that they keep Policy Committee and wider Council advised of the work of the CEHWB.

15. The CEHWB may report and be accountable to Full Council and to the relevant Governing Body of the NHS Clinical Commissioning Group by ensuring access to meeting minutes and presenting papers as required.
16. The CEHWB will not exercise scrutiny duties around health or adult social care services directly. This will remain the role of the Cheshire East Scrutiny Committee. Decisions taken and work progressed by the CEHWB will be subject to scrutiny by the Scrutiny Committee.
17. The CEHWB will provide information to the public through publications, local media, and wider public activities by publishing the minutes of its meetings on the Council's website. The CEHWB is supported by an Engagement and Communications Network across HWB organisations to ensure this function can operate successfully.

Membership

18. The Core membership of the CEHWB will comprise the following:

Voting members:

- **Three councillors** from Cheshire East Council
- The Director of Adult Social Services
- The Director of Public Health
- A local Healthwatch representative
- Two representatives from the Cheshire Clinical Commissioning Group
- Two representatives from the Cheshire Integrated Care Partnership
- The Chair of the Cheshire East Place Partnership

Non-voting members:

- The Chief Executive of the Council
- The Director of Children's and Families
- A nominated representative of NHS England / NHS Improvement

The councillor membership of the CEHWB (three core voting members) will be determined by the Council.

19. The Core Members will keep under review the Membership of the CEHWB and if appropriate will make recommendations to Council on any changes to the Core Membership.
20. The above Core Members through a majority vote have the authority to appoint individuals as Non-Voting Associate Members of the CEHWB. The length of their membership will be for up to one year and will be subject to re-selection at the next Annual General Meeting "AGM" of the CEHWB. Associate Members will assist the CEHWB in achieving

the priorities agreed within the Joint Health and Wellbeing Strategy and may indeed be chairs of sub structure forums where they are not actual Core Members of the CEHWB.

21. The above Core Members through a majority vote have the authority to recommend to Council that individuals be appointed as Voting Associate Members of the CEHWB. The length of their membership will be for up to one year and will be subject to re-selection at the next Annual General Meeting “AGM” of the CEHWB.
22. Each Core Member has the power to nominate a single named substitute. If a Substitute Member be required, advance notice of not less than 2 working days should be given to the Council whenever practicable. The Substitute Members shall have the same powers and responsibilities as the Core Members.

Frequency of Meetings

23. There will be no fewer than four public meetings per year (including an AGM), usually once every three months as a formal CEHWB.
24. Additional meetings of the CEHWB may be convened with agreement of the CEHWB’s Chair.

Agenda and Notice of Meetings

25. Any agenda items or reports to be tabled at the meeting should be submitted to the Council’s Democratic Services no later than seven working days in advance of the next meeting. Generally, no business will be conducted that is not on the agenda.
26. Any voting member of the Board may approach the Chair of the Board to deal with an item of business which the voting member believes is urgent and under the circumstances requires a decision of the Board. The Chair’s ruling of whether the requested item is considered / tabled or not at the meeting will be recorded in the minutes of the meeting.
27. In accordance with the Access to Information legislation, Democratic Services will circulate and publish the agenda and reports prior to the next meeting. Exempt or Confidential Information shall only be circulated to Core Members.

Annual General Meeting

28. The CEHWB shall elect the Chair and Vice Chair at each AGM, the appointment will be by majority vote of all Core voting Members present at the meeting.
29. The CEHWB will approve the representative nominations by the partner organisations as Core Members.

Quorum

30. Any full meeting of the CEHWB shall be quorate if there is representation of any **three of the following statutory members**: – the relevant NHS Cheshire CCG(s), Local Health Watch, a Councillor and an Officer of Cheshire East Council.
31. Failure to achieve a quorum within fifteen minutes of the scheduled start of the meeting, or should the meeting become inquorate after it has started, shall mean that the meeting will proceed as an informal meeting but that any decisions shall require appropriate ratification at the next quorate meeting.

Procedure at Meetings

32. General meetings of the CEHWB are open to the public and in accordance with the Council's Committee Procedure Rules will include a Public Question Time Session. Papers, agendas and minutes will be published on the Cheshire East Health and Wellbeing website.
33. The Council's Committee Procedure Rules will apply in respect of formal meetings subject to the following:
34. The CEHWB will also hold development/informal sessions throughout the year where all members are expected to attend and partake as the agenda suggests.
35. Core Members are entitled to speak through the Chair. Associate Members are entitled to speak at the invitation of the Chair.
36. With the agreement of the CEHWB, subgroups can be set up to consider distinct areas of work. The subgroup will be responsible for arranging the frequency and venue of their meetings. The CEHWB will approve the membership of the subgroups.
37. Any subgroup recommendations will be made to the CEHWB who will consider them in accordance with these terms of reference and their relevance to the priorities within the Joint Health and Wellbeing Strategy and its delivery plan.
38. Whenever possible decisions will be reached by consensus or failing that a simple majority vote by those members entitled to vote.

Expenses

39. The partnership organisations are responsible for meeting the expenses of their own representatives.

40. A modest CEHWB budget will be agreed annually to support engagement and communication and the business of the CEHWB.

Conflicts of Interest

41. In accordance with the Council's Committee Procedure Rules, at the commencement of all meetings all CEHWB Members shall declare disclosable pecuniary or non-pecuniary interests and any conflicts of interest.
42. In the case of non-pecuniary interests Members may remain for all or part of the meeting, participate and vote at the meeting on the item in question.
43. In the case of pecuniary matters Members must leave the meeting during consideration of that item.

Conduct of Core Members at Meetings

44. CEHWB members will agree to adhere to the seven principles of Public Life outlined in the CEHWB Code of Conduct when carrying out their duties as a CEHWB member.

Review

45. The above terms of reference will be reviewed every two years at the CEHWB AGM.
46. Any amendments shall only be included by consensus or a simple majority vote, prior to referral to the Corporate Policy Committee and Council.

January 2017

Revised July 2019

Revised August 2020

Revised March 2021

Definitions

Exempt Information

Which is information falling within any of the descriptions set out in Part I of Schedule 12A to the Local Government Act 1972 subject to the qualifications set out in Part II and the interpretation provisions set out in Part III of the Schedule in each case read as if references to "the authority" were references to "CEHWB" or any of the partner organisations.

Confidential Information

Information furnished to, partner organisations or the CEHWB by a government department upon terms (however expressed) which forbid the disclosure of the information to the public; and information the disclosure of

which to the public is prohibited by or under any enactment or by the order of a court.

Conflict of Interest

You have a Conflict of interest if the issue being discussed in the meeting affects you, your family or your close associates in the following ways;

- ☐ *The issue affects their well-being more than most other people who live in the area.*
- ☐ *The issue affect their finances or any regulatory functions and*
- ☐ *A reasonable member of the public with knowledge of the facts would believe it likely to harm or impair your ability to judge the public interest.*

Associate Members

Associate Member status is appropriate for those who are requested to chair sub groups of the CEHWB.

Health Services

Means services that are provided as part of the health service.

Health-Related Services *means services that may have an effect on the health of individuals but are not health services or social care services.*

Social Care Services

Means services that are provided in pursuance of the social services functions of local authorities (within the meaning of the Local Authority Social Services Act 1970)

CEHWB Member Code of Conduct

1. Selflessness

Members of the Cheshire East Health and Wellbeing CEHWB should act solely in terms of the interest of and benefit to the public/patients of Cheshire East. They should not do so in order to gain financial or other benefits for themselves, their family or their friends

2. Integrity

Members of the Cheshire East Health and Wellbeing CEHWB should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their duties and responsibilities as a CEHWB member

3. Objectivity

In carrying out their duties and responsibilities members of the Cheshire East Health and Wellbeing CEHWB should make choices based on merit and informed by a sound evidence base

4. Accountability

Members of the Cheshire East Health and Wellbeing CEHWB are accountable for their decisions and actions to the public/patients of

Cheshire East and must submit themselves to whatever scrutiny is appropriate

5. Openness

Members of the Cheshire East Health and Wellbeing CEHWB should be as transparent as possible about all the decisions and actions that they take as part of or on behalf of the CEHWB. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands

6. Honesty

Members of the Cheshire East Health and Wellbeing CEHWB have a duty to declare any private interests relating to their responsibilities and duties as CEHWB members and to take steps to resolve any conflicts arising in a way that protects the public interest and integrity of the Cheshire East Health and Wellbeing CEHWB

7. Leadership

Members of the Cheshire East Health and Wellbeing CEHWB should promote and support these principles by leadership and example

Health and Wellbeing Board Principles and Behaviours

The Cheshire East Health and Wellbeing Board Partners shall work together to achieve the objectives of the Cheshire East Health and Wellbeing Strategy and The Cheshire East Place Partnership Five Year Plan. The Board shall:

- (a) Collaborate and work together on an inclusive and supportive basis, with optimal use of their individual and collective strengths and capabilities;
- (b) Engage in discussion, direction setting and, where appropriate, collective agreement, on the basis that all the Partners will participate where agreed proposals affect the strategic direction of the Health and Wellbeing Board and/or of Services, and in establishing the direction, culture and tone of the work and meetings of the Board;
- (c) Act in the spirit of partnership in discussion, direction setting and, where appropriate, collective agreement making;
- (d) Always focus upon improvement to provide excellent Services and outcomes for the Cheshire east population;
- (e) Be accountable to each other through the Board by, where appropriate, taking on, managing and accounting to each other in respect of their financial and operational performance;
- (f) Communicate openly about major concerns, issues or opportunities relating to the Board;

- (g) Act in a way that is best for the delivery of activity to drive forward the Five Year Plan, and shall do so in a timely manner and respond accordingly to requests for support promptly;
- (h) Work with stakeholders effectively, following the principles of co- design and co-production.

Joint Arrangements

Shared Services Joint Committee

Terms of Reference of the Joint Committee

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

- 2.10 Ensuring that there are robust plans for any disaggregation of services and that there is a smooth transition into the separate arrangements.

The following matters are reserved to the councils:

- 2.11 Approving the budget for the specified functions.
- 2.12 The delivery of service business plans via client and service manager

Constitution of the Joint Committee

- 3 Each of the Councils shall appoint three Members (being elected Members of that Council) as its nominated members of the Joint Committee; the Members appointed shall have full voting rights.
- 4 Each Council may nominate one or more substitute Members to attend any meeting in place of an appointed Member from that Council, subject to notification being given to the Lawyer and Secretary to the Joint Committee before the start of the meeting. The Member appointed as a substitute shall have full voting rights where the Member for whom they are substituting does not attend. If a Council's nominated Members attend a meeting of the Joint Committee, any named substitute may also attend as an observer but shall not be entitled to vote.
- 5 Each Member of the Joint Committee shall comply with the Code of Conduct of their Council when acting as a Member of the Joint Committee.
- 6 Each of the Councils may remove any of its nominated Members or substitute Members of the Joint Committee and appoint a different Member or substitute to the Joint Committee by giving written notice to the Lawyer and Secretary to the Joint Committee.
- 7 Each Council shall have three votes. These shall be exercised by the nominated Members who are elected Members of the Council. In the absence of a Council's nominated Member, a vote may be exercised by the named substitute who is an elected Member of the Council.
- 8 Each Member of the Joint Committee shall serve upon the Joint Committee for as long as he or she is appointed to the Joint Committee by the relevant Council but a Member shall cease to be a Member of the Joint Committee if he or she ceases to be a Member of the Council appointing him or her or if the relevant Council removes him or her as a Member of the Joint Committee.
- 9 Any casual vacancies howsoever arising shall be filled by the Council from which the vacancy arises by notice in writing sent to the Lawyer and Secretary to the Joint Committee.
- 10 Meetings of the Joint Committee shall be held at the offices of the Member appointed as the Chair.

- 11 The Council hosting the first Meeting shall appoint one of its nominated Members as Chair and that Member shall remain Chair until the first meeting taking place after the elapse of one year from the time of his or her appointment unless he or she ceases to be a Member of the Joint Committee. On the expiry of the first Chair's term of office, the Council which did not appoint the first Chair shall appoint one of its nominated Members as Chair for a period of one year from the date of his or her appointment. The same procedure shall be followed for the appointment of Chair in subsequent years.
- 12 The Council which has not appointed the Chair of the Joint Committee In any year shall appoint one of its nominated Members as Vice-Chair.

Cheshire Police and Crime Panel

Terms of Reference

- 13 The Terms of Reference for the [Cheshire Police and Crime Panel](#) are available.

Cheshire Fire Authority

Constitution

- 14 The [Constitution for the Cheshire Fire Authority](#) can be accessed on its own website.

Chapter 2 – Part 5

Responsibility for Functions – Officer Delegations

Scheme of Delegation

Introduction

- 1 This part of the Constitution sets out the ways in which the officers of the Council can make decisions and which decisions they have the power to make. It is called the "Scheme of Delegation."
- 2 This Scheme of Delegation is set out as follows:

Title	Contents
Introduction	Sets out what this Part of the Constitution (the "Scheme of Delegation") covers and relevant definitions
<u>General Principles Relating to Officer Delegation</u> General Principles Relating to Officer Delegation	Sets out the general principles which apply to all decision making by officers
<u>General Delegations to all Directors</u> General Delegations to all Directors	Sets out the delegations which apply to all officers called "Directors"
<u>Delegations to the Chief Executive/Head of Paid Service</u> Delegations to the Chief Executive/Head of Paid Service	Sets out the delegations which apply to this officer
<u>Delegations to the Executive Director (People)</u> Delegations to the Executive Director (People)	Sets out the delegations which apply to this officer
<u>Delegations to the Executive Director (Place)</u> Delegations to the Executive Director (Place)	Sets out the delegations which apply to this officer
<u>Delegations to the Executive Director (Corporate Services)</u> Delegations to the Executive Director (Corporate Services)	Sets out the delegations which apply to this officer

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Title	Contents
<u>Delegations to the Chief Finance Officer</u> <u>Delegations to the Chief Finance Officer</u>	Sets out the delegations which apply to this officer
<u>Delegations to the Monitoring Officer</u> <u>Delegations to the Monitoring Officer</u>	Sets out the delegations which apply to this officer
<u>Arrangements for Proper Officer functions</u> <u>Arrangements for Proper Officer functions</u>	Sets out the legal requirements for "proper officers", what this means and a link to the Proper Officer Register

- 3 "Officers" is the term used to refer to the people employed, retained or appointed by the Council to advise and support Councillors and implement their decisions. The term "officers" in this Constitution includes all the people who operate in this capacity including contractors, consultants, agency staff and volunteers.
- 4 The Council operates a "Cascade" principle of delegation to ensure that decisions are taken at the most appropriate level closest to those who will be affected. This means that the vast majority of the Council's decisions and actions will fall into the category of operational day to day decisions taken by its officers.
- 5 In order to ensure the smooth functioning of the Council and the efficient delivery of services, Full Council and the Committees and Sub-Committees have delegated to officers all of the powers that they need to perform their roles.
- 6 Certain officers have specific legal duties to ensure that the Council acts within the law, uses its resources wisely and exercises its powers properly. These officers are known as "Statutory" or "Proper" Officers and some have specific legal titles in addition to their job titles. These roles are explained below.
- 7 The way the Council structures its services and its officer arrangements changes from time to time to reflect changes in service delivery and best practice. The current arrangements include a **Chief Executive/Head of Paid Service** (as the most senior officer of the Council) supported by other senior roles as the [Corporate Leadership Team](#)
- 8 The Head of Paid Service, the Chief Finance Officer and the Monitoring Officer are also called "Statutory Officers" (because every Council is required by statute – the law – to have these posts).
- 9 There are also a number of formal functions which the Council has to allocate to named officers called "Proper Officers". There is a [Proper Officer Register](#) which sets out these details.

- 10 See the [current organisational structure](#) of the Council, showing more detail about the roles and responsibilities of the *Directors* and the officers supporting them to deliver all the Council's services.

General Principles Relating to Officer Delegation

- 11 This scheme gives the power for the Directors and Statutory Officers to take decisions in relation to all the functions in their areas of responsibility except where:
- 11.1 a matter is prohibited by law from being delegated to an officer, and
 - 11.2 a matter has been specifically excluded from delegation by this scheme, by a decision of the Council, a Committee or Sub-Committee.
- Directors and Statutory Officers may not take decisions unless specifically provided for within the constitution or specifically delegated by a Committee or Sub-Committee.
- 12 The cascade principle under which this scheme operates means that any officer given powers under this scheme can further delegate those powers to other officers either:
- 12.1 through a Local Scheme of Delegation (which sets out all the standing delegations given to specific officers in defined areas of the Council's service areas). This is a [full list of the Local Schemes of Delegation](#) and you can look at any of the schemes in detail, or
 - 12.2 through a Specific Delegation in relation to an individual decision which must be evidenced in writing using the agreed standard form, dated and signed by the officer delegating the power with a copy supplied to the Monitoring Officer – here is a [register of these Specific Delegations](#).
- 13 All Local Schemes of Delegation (and any changes to them) must be agreed by the Executive Director (Corporate Services) and the Monitoring Officer.
- 14 Where a function has been delegated to an officer (including where sub-delegated through the Cascade principle), the person or body making the delegation may at any time take back responsibility for the function and may therefore exercise the function (make the decision) despite the delegation.
- 15 In some circumstances the officer to whom a power has been delegated may consider a matter to be of such importance or sensitivity that their delegated authority should not be exercised. In these circumstances he or she may refer the matter back to the delegator for determination.
- 16 Any power delegated or cascaded under this Scheme can be exercised by the relevant Director or Statutory Officer and in all cases by the Chief Executive personally.

- 17 The powers of this Scheme are delegated to the officers referred to by title within this Scheme of Delegation. So the delegations apply to whoever holds that post title at any time – not to the individual person. The powers are automatically transferred to any successor officer, to whom the functions are allocated following any reorganisation of the Council's management arrangements, irrespective of a change in the title/name of the officer post. Nominated Deputies are able to exercise all functions of the person delegating the functions.
- 18 Delegations relate to all provisions for the time being in force under any applicable legislation and cover functions of the Council and all powers and duties incidental to that legislation.
- 19 Any delegation must be exercised:
 - 19.1 In compliance with the Budget and Policy Framework, all the Council's Procedure Rules, the Pay Policy Statement approved annually and the Officer Code of Conduct
 - 19.2 In accordance with the decision-making requirements set out in the Constitution, including requirements for decision-records and access to information
 - 19.3 Having identified and managed appropriate strategic and operational risks within the officer's area of responsibility
 - 19.4 Within the approved budget and policy framework approved by the Council (or separate approval must be sought)
 - 19.5 Following any appropriate legislative, regulatory, consultation, equalities or procedural requirements that may be required.
- 20 An officer, in exercising delegated powers may consult the relevant Committee Chair if he/she considers it appropriate to do so and shall consult other appropriate officers for professional advice including legal, financial and technical officers and shall have regard to any views and advice received.
- 21 Whenever legislation is amended or replaced by new provisions, then the relevant delegated authority in this scheme applies to those new provisions. Whenever new legislation relevant or related to the functions exercised by the Director is introduced, that Officer will have the delegated authority to exercise powers or otherwise take action under that legislation until such time as the Council, a committee or the Chief Executive decides to whom to allocate responsibility for the new legislation.
- 23 Directors may appoint another officer as their deputy and such deputy shall have all the powers of the Director as set out in this Constitution. A deputy may be appointed in relation to all the areas of service delegated to the Director under this Constitution or in relation to a particular area of service only. A deputy may be appointed for a specific period of time (for example to cover the absence of a Chief Officer) or without time limitation. The appointment of a deputy shall not prevent the exercise by the Director of any delegation set out in this Constitution.

- 24 If there is any dispute or lack of clarity as to which Director has power to make decisions on specific areas of service, the Chief Executive shall have power to determine where the delegation should be exercised.

General Delegations to all Directors

- 25 The following delegations shall apply to all Directors (and to any appointed deputies).

Urgent action

- 26 To act on behalf of the Council in cases of urgency in the discharge of any function of the Council for which his/her Directorate or Service has responsibility, other than those functions which by law can be discharged only by the Council or a specific Committee. This delegation is subject to the conditions that any urgent action:

- 26.1 shall be reported to the appropriate Committee
- 26.2 shall take account of advice of the Monitoring Officer and the Chief Finance Officer
- 26.3 shall be exercised in consultation with the Chair of the appropriate Committee.

Implementation of decisions

- 27 To take all necessary actions (including the letting of contracts, undertaking statutory processes and incurring expenditure) to implement decisions of Council a Committee or Sub-Committee, or an Officer.

General operational

- 28 To have overall responsibility for the operational management of the relevant area of service and for bringing forward such strategic plans and policies, and implementing all decisions, including the allocation of resources within approved estimates, as are necessary to exercise the functions for which the service is responsible.

Consultation

- 29 To undertake and consider the outcome of statutory and non-statutory consultations on service provision.
- 30 To respond to Government Consultations and consultations from other bodies, in consultation with the relevant Committee Chair.
- 31 To undertake all steps required to complete Government Statistical Returns.

Finance

- 32 To manage the finance of their departments to ensure value for money and the development of budget policy options with a detailed assessment of financial implications.

- 33 To enter into contracts and incur expenditure.
- 34 To determine the level of fees or charges payable in respect of any goods or services supplied, work undertaken or the loan or use of plant, equipment or machinery [in accordance with the budget and Medium Term Financial Strategy.](#) -
- 35 To submit applications for grant funding that align with the Council Budget and Policy Framework, in accordance with the approvals required under the Financial Procedure Rules.

Staffing

- 36 To deal with the full range of employment and staff management issues, below Director level including but not limited to appointments, terms and conditions (other than those negotiated nationally) training, discipline, dismissal, performance, progression, promotion, shifts and working hours, grievance, grading, emoluments, expenses, allowances, sick pay, leave, equal opportunities and health and safety in accordance with approved policies and the *Employment Procedure Rules*.
- 37 To implement changes to staffing structures subject to prior consultation with all appropriate parties affected by the decision, including any Trades Union, except where the restructure:
 - 37.1 involves the loss of more than one post not currently vacant
 - 37.2 involves re-grading of posts or the grading of new posts
 - 37.3 involves changes to existing National or Local Agreements and policies
 - 37.4 cannot be achieved within the delegated powers in respect of budgets.
- 38 To enter into reciprocal arrangements for the authorisation and appointment of officers to facilitate cross-border co-operation in the discharge of delegated functions with any other council or enforcement authority.

Land and assets

- 39 To manage land, premises, vehicles, plant, equipment, machinery, stock, stores, supplies, materials, furniture appliances and uniforms necessary for the provision of services.
- 40 To administer the supply of goods and services to other public authorities and bodies under the Local Authorities (Goods and Services) Act 1970 and all other enabling legislation.
- 41 To make application for planning permission and any other necessary applications for other consents required for the development of land.

Legal authorisation and enforcement

- 42 To act as “duly authorised officers” (for the purposes of all relevant legislation) and to enforce/administer the requirements of all relevant regulatory legislation which shall (for the avoidance of doubt) include (but not be limited to) taking the following action (and all actions reasonably necessary, expedient or ancillary in order to facilitate or enable the same):
- 42.1 Applying for warrants, carrying out investigations, inspections or surveys, entering land and premises, taking samples and seizing property
- 42.2 issuing (or declining to issue) licences, certificates or certified copies of documents, approvals, permissions, consents, notices, orders, directions or requisitions for information
- 43 With the approval of the Monitoring Officer, to authorise the institution, defence or participation in civil and criminal proceedings and quasi-proceedings (which for the avoidance of doubt shall include but not be limited to all court hearings, tribunal, inquiry and appeal processes), administer cautions and/or take any other action considered necessary to protect the interests of the Council.
- 44 To exercise the role of authorising officer and designated person under the Regulation of Investigatory Powers Act 2000. (The Monitoring Officer is excluded from this provision as he/she has the formal ‘reviewer’ role.)

Safeguarding children and vulnerable adults

- 45 To ensure that arrangements are in place to discharge the responsibilities of the Council within their functional responsibilities in respect of the need to safeguard and promote the welfare of children and of vulnerable adults.

Delegations to the Chief Executive/Head of Paid Service

- 46 The Chief Executive is the most senior officer in the Council. It is his/her role to support the Councillors and to provide leadership for the Council.
- 47 The Chief Executive is empowered to operate all the services of the Council and except where powers, duties and functions are delegated to a Councillor decision-making body, to exercise all powers, duties and functions of the Council, including those delegated to other officers.
- 48 Every Council has to, by law, appoint one of its officers as the Head of Paid Service. The Chief Executive is also the Council’s Head of Paid Service. His/her responsibility in this role is to make proposals to the Council about the manner in which the discharge of the Councils functions is co-ordinated and the numbers, grades and organisation of staff required and the proper management of those staff.
- 49 The Chief Executive is given delegated power to undertake the following roles and responsibilities and to take the following decisions subject to the terms of this Constitution:
- 49.1 To be the Council’s principal officer representative and to promote its good image and reputation

- 49.2 To lead and direct the strategic management of the Council
- 49.3 To appoint other officers as Proper Officers for the purposes of any specific Council service area or function
- 49.4 Unless another officer is appointed as Proper Officer, to act as Proper Officer for the Council for the purposes of all Council service areas and functions
- 49.5 To maintain an up to date Proper Officer Register showing who is appointed to act as the Proper Officer for all Council service areas and functions
- 49.6 To discharge emergency planning and civil protection functions;
- 49.7 To take such steps (including the incurring of expenditure where necessary) as may be required in the event of any national or local emergency requiring immediate action by the Council
- 49.8 To sign settlement agreements for employees/ex-employees, in consultation with the Chair of the Corporate Policy Committee
- 49.9 ~~Subject to paragraph 49.6 above, to~~ To approve the pay, terms and conditions of service and training of any employee except where an approval would be contrary to the provisions of the annual Pay Policy Statement which is reserved to full Council or where an approval falls within the responsibilities of the Corporate Policy Committee or would be contrary to the employment policies of the Council
- 49.10 To make decisions affecting the remuneration of any existing post where the remuneration is (or could become) £100,000 p.a. or more in consultation with the Leader as Chair of the Corporate Policy Committee, provided the remuneration for the post remains within the Council approved Pay Policy Statement.
- 49.11 To undertake the communications, marketing and media functions of the Council with regard to policy and strategic direction (operational responsibility rests with the Executive Director (Corporate Services)).

Delegations to the Executive Director (People)

- 50 The Executive Director (People) and post-holders within the Directorate hold a number of statutory roles for the Council:
 - 50.1 The Director of Children's Services (required by Section 18 of the Children Act 2004); and
 - ~~50.2 The Chief Education Officer (required by Section 532 of the Education Act 1996) and~~
 - ~~50.3~~ 50.2 The Director of Adult Services (required by Section 6 of the Local Authority Social Services Act 1970).

- 51 The Executive Director (People) is given delegated power to take any decisions in relation to the following areas of the Council's operations and services, subject to the terms of this Constitution:

Adult Social Care and Health

- Adult Social Care Services
- Care4CE (internal care provision)
- Mental Health and Learning Disability Services
- Adult Safeguarding
- Social Work Support
- Deprivation of Liberty Safeguards

Public Health

- Public Health Intelligence
- Health Improvement
- Public Health Protection

Commissioning

- Integrated commissioning
- Children's commissioning
- Adults commissioning
- Contract management and quality
- Support and Finance

- 52 The Executive Director (People) and the Director of Children's Services are given delegated power to take any decisions in relation to the following areas of the Council's operations and services, subject to the terms of this Constitution:

Children's Social Care

- Cared for Children and Care Leavers
- Children in Need and Child Protection
- Children's Safeguarding
- [Children with Disabilities and Fostering](#)

Education and 14-19 Skills

- Education Infrastructure and Outcomes
- Education Participation and Pupil Support
- [Special Educational Needs and Disability, Quality development and specialist services](#)
- [Inclusion](#)

Children's Prevention and Support

- Prevention and Early Help Services
- Children's service development and partnerships

Delegations to the Executive Director (Place)

- 53 The Executive Director (Place) is given delegated power to take any decisions in relation to the following areas of the Council's operations and services, subject to the terms of this Constitution.

Environment and Neighbourhood Services

- Strategic Planning and Planning Policy
- Neighbourhood Services
- Development Management
- Planning Enforcement
- Regulation and Protection
- Libraries
- Air quality
- Emergency Planning
- HS2 Schedule 17 Applications

Infrastructure and Highways

- Strategic Transport
- Parking Services
- Infrastructure
- Highways Asset Management
- Highways Contract Operations ManagementHS2

Growth and Enterprise

- Housing
- Economic Development
- Rural and Cultural Economy
- Tatton Park
- Estates
- Assets and Property Management
- Asset Disposals and Acquisitions
- Facilities Management

Client Commissioning (Alternative Service Delivery Vehicles / ESAR)

- Civicance Limited
- Transport Service Solutions
- ANSA
- Orbitas Bereavement Services Limited
- Everybody Sport and Recreation
- Tatton Park Enterprises Limited

Business Management

- Policy and Partnerships
- Programme Manager (Constellation)
- Business Support

Delegations to the Executive Director Corporate Services

- 54 The Executive Director Corporate Services is given delegated power to take any decisions in relation to the following areas of the Council's operations and services, subject to the terms of this Constitution.

Governance and Compliance

- Legal Services
- Governance and Democratic Services

- Audit and Risk
- Insurance

Finance and Customer Services

- Finance and Procurement
- Customer Services

Transformation

- Business Change
- Human Resources
- ICT/Information Services Intelligence
- Business Solutions
- Collaboration and Shared Services

Delegations to the Chief Finance Officer

55 The Chief Finance officer is:

- 55.1 The financial adviser to the Council, Committees and Officers
- 55.2 The Authority's 'responsible financial officer', and
- 55.3 Responsible for the proper administration of the Council's financial affairs as specified in, and undertakes the duties required by, section 151 of the Local Government Act 1972, Section 114 of the Local Government Finance Act 1988, the Local Government and Housing Act 1989, the Local Government Act 2003, and all other relevant legislation.

56 The Chief Finance officer shall have the following delegated powers and responsibilities:

- 56.1 To carry out the functions and responsibilities which are detailed in the Finance Procedure Rules.
- 56.2 To secure effective treasury management, including taking all action necessary in relation to all debts, payment of accounts, loans (including guarantees and indemnities), grants, advances, investments, financing and banking generally.
- 56.3 To take all action necessary to ensure the safeguarding of assets by maintaining and administering appropriate insurance and approving requests to postpone legal charges.

- 56.4 To take all action necessary to facilitate debt recovery and enforcement action including instituting prosecutions, making applications to courts and tribunals and authorising officer to appear on behalf of the Council.
- 56.5 To take all necessary action in respect of the Council's role in relation to the administration and operation of the Cheshire Pension Fund
- 56.6 To make recommendations to the Council on Council Tax requirements, on the Council tax base and to administer and manage generally all matters relating to Council Tax, Non Domestic Rates, Community Charge and General Rates including the awarding of discounts, relief, and exemptions and the levying, collection, recovery, and disbursement of all sums due to the Council in respect of the same in accordance with all governing Regulations, and
- 56.7 To negotiate, enter into arrangements and act generally on behalf of the Council in respect of continuing financial matters arising from arrangements and obligations existing between the former Cheshire County Council and six District Councils.

Delegations to the Monitoring Officer

- 57 The Monitoring Officer is appointed in accordance with Section 5 of the Local Government and Housing Act 1989 and is responsible for supporting and advising the Council in relation to:
 - 57.1 the lawfulness and fairness of the decision making of the Council
 - 57.2 the Council's compliance with its legal responsibilities and requirements, and
 - 57.3 matters relating to the conduct of Councillors (including Parish Councillors).
- 58 The Monitoring Officer will provide advice to ensure that decisions are taken on proper authority, by due process, and in accordance with the budget and policy framework.
- 59 The Monitoring Officer shall, where necessary, and in consultation with the Head of Paid Service and the Chief Finance officer, report any proposal, decision or omission considered to be unlawful or that amounts to maladministration to the Council as appropriate in accordance with Section 5 of the Local Government and Housing Act 1989.
- 60 The Monitoring Officer shall have the following delegated powers and responsibilities:
 - 60.1 ~~To authorise the settlement of actual or potential uninsured claims, borehole claims or Local Government and Social Care Ombudsman cases across all functions of the Council up to £25,000 (which after settlement shall be reported to the relevant Committee).~~

To authorise the settlement of actual or potential uninsured claims, borehole claims or Local Government and Social Care Ombudsman cases across all functions of the Council ~~in accordance with the Financial Procedure Rules up to £100,000; or above £100,000 and below £500,000 in consultation with the Finance Sub-Committee Chair and the Executive Director (Corporate Services) (subject to being reported to the relevant Committee after settlement).~~

- 60.2 To prosecute, defend, make application, serve any notice or appear on behalf of the Council in any Court, Tribunal or hearing on any criminal, civil or other matter (including appeals).
- 60.3 To institute legal proceedings for any offences under any local Byelaws or Orders in force within the Council's area.
- 60.4 To lodge objections to any proposal affecting the Council's interests.
- 60.5 To determine applications for the display of the crest or logo of the Council.
- 60.6 To take all action including the completion of agreements, the service of notices, giving of directions, obtaining or issuing orders, authorising the execution of powers of entry, and the institution and defence of legal proceedings necessary or desirable to protect and advance the interests of or discharge the roles, functions and responsibilities of the Authority.
- 60.7 To make discretionary payments under Land Compensation Act 1973 on the recommendation of the District Valuer.
- 61 In accordance with the Council's approved policy to monitor the integrity of the operation of the Regulation of Investigatory Powers Act 2000 by:
 - 61.1 Ensuring compliance with all relevant legislation and with the Codes of Practice.
 - 61.2 Engagement with the Inspectors from the Investigative Powers Commissioners Office when they conduct their inspections, and, where necessary, oversight of the implementation of post-inspection action plans approved by the relevant oversight Commissioner.
 - 61.3 Monitoring authorisations and conducting a quarterly review of applications, authorisations and refusals, and reviewing renewals and cancellations.
- 62 To make Orders for the Temporary Closure of Highways and Regulation of Traffic.
- 63 To attest the affixing of the Council's seal to all documents approved for sealing.
- 64 To authorise appropriate Officers to administer formal cautions in respect of criminal offences.
- 65 To determine whether a particular claim for payment under the *Councillors Allowances Scheme* is appropriate.

- 66 To authorise appropriately qualified employees or persons acting on behalf of the Council to appear in, and conduct legal proceedings in, any Court or Tribunal on behalf of the Authority.
- 67 To prove debts owed to the Authority in bankruptcy and liquidation proceedings.
- 68 In consultation with the Chair and Vice-Chair of the [Corporate Policy Committee](#) ~~Constitution Committee~~, to make such changes to the Council's Constitution as he/she deems to be necessary and which are in the Council's interests and not major in nature, including, but not limited to, changes:
 - 68.1 amounting to routine revisions
 - 68.2 to provide appropriate clarity
 - 68.3 to correct typographical and other drafting errors
 - 68.4 to reflect new legislation
 - 68.5 to correct inconsistencies in drafting
 - 68.6 to reflect new officer structures and job titles, properly approved through Council processes.
- 69 To determine applications for dispensations under Section 33 of the Localism Act 2011, in consultation with the Chair of the Audit and Governance Committee, as follows:
 - 69.1 if it is considered that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
 - 69.2 if it is considered that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
 - 69.3 if it is considered that granting the dispensation is in the interests of persons living in the authority's area; or
 - 69.4 if it is considered that it is otherwise appropriate to grant a dispensation.

Arrangements for Proper Officer functions

- 69 Many legislative provisions require the appointment of a "Proper Officer" to undertake formal responsibilities on behalf of the Council.
- 70 The Chief Executive/Head of Paid Service shall be the Proper Officer of the Council for the purposes of the Local Government Act 1972, the Local Government Act 2000 and for all other statutory purposes unless:

- 70.1 such designation is given by the Council to any other officer, or
 - 70.2 the Chief Executive/Head of Paid Service, exercising the powers given to him/her by this Constitution, appoints another officer of the Council to be the Proper Officer for a specific service area or function.
- 71 The Proper Officer shall maintain a [Proper Officer Register](#) which shall record all Proper Officer appointments.

[to be included]



CHESHIRE EAST COUNCIL

CONSTITUTION

Chapter 3 Procedure Rules-Remember to delete when complete

Date	Version	Author	Summary of amendments made
15.03.21	1	J Barnes BB	Update
22.03.21	2	J Barnes BB	Update s151 to Chief Finance Officer; various minor amends
25.03.21	3	J Barnes BB	Incorporate feedback from DB & AT
8.04.21	4	J Barnes BB	Updated following receipt of councillor comments and Constitution Committee; removal of virtual meeting rules
20.04.21	5	J Barnes BB	Updated following Council on 19 April – removal of length of meetings
18.05.21	6	D Brown CEC	Update for 22 June 2021
25.05.21	7	V Barman BB	Updated to include Constitution Committee on 29 April – added SOs re budget meeting voting as required by 2001 Regs

EDITION: April 2021

Chapter 3

Procedure Rules

This part of the Constitution covers the following areas:

Part	Title	Contents
1	Rules of Procedure	<p>This part sets out the rules of procedure relating to meetings and decisions of the Council covering:</p> <ol style="list-style-type: none"> 1. Council Meetings 2. Committee and Sub-Committee Meetings 3. Scrutiny Procedure Rules 4. General Provisions <p>Appendix: Public Speaking</p>
2	Access to Information Procedure Rules	<p>This part sets out the rights to access documents and information of the Council and the obligations to publish and make information available.</p>
3	Budget and Policy Framework Procedure Rules	<p>This part sets out the rules providing the framework for managing the Council's financial affairs.</p>
4	Finance Procedure Rules (FPRs)	<p>This part sets out the rules relating to the financial operation of the Council, covering:</p> <ol style="list-style-type: none"> 1. Introduction 2. Financial Management 3. Financial Planning 4. Risk Management and Control of Resources 5. Financial Systems and Procedures 6. External Arrangements

Part	Title	Contents
5	Contract Procedure Rules (CPRs)	<p>This part sets out the rules covering the way in which the Council contracts with other organisations, covering:</p> <ol style="list-style-type: none"> 1. General Rules 2. Rules which apply to ALL contracts 3. Contracts below the Public Procurement Threshold 4. Contracts at or above the Public Procurement Threshold 5. Procedures for ALL Requests for Quotation and Invitations to Tender 6. Contracts and Post Procurement Requirements 7. Waiver and Breach
6	Employment Procedure Rules	<p>This part sets out the rules relating to the recruitment, appointment and dismissal of senior staff.</p>

Chapter 3 – Part 1

Rules of Procedure

1. Council Meetings

- 1.1 The Council will decide when and where its meetings will take place. Details will be contained in a calendar of meetings which will be approved by the Council.
- 1.2 The Mayor, or the Council, can agree to hold a meeting at a different place or time.
- 1.3 An extraordinary meeting can be called by resolution of the Council or by the Mayor, or five Councillors can ask the Mayor, in writing, to call a special meeting. If the Mayor does not agree within 7 days, then those Councillors can call the meeting by giving written notice to the Monitoring Officer, provided the purpose of the meeting is a valid one.
- 1.4 The Monitoring Officer, in consultation with the Mayor, may also call a special meeting, taking into consideration the subject matter of the request, its urgency and impact on the Council, Councillors and their constituents.
- 1.5 Before the start and at the end of each meeting, Councillors and Officers will stand whilst the Mayor and the Deputy Mayor enter and leave the room when the Mayor or Deputy is wearing his or her robes.

Mayor and Deputy Mayor of the Council

- 1.6 At its annual Mayor-making meeting, the Council will elect its Mayor and appoint its Deputy Mayor for the following year.
- 1.7 The Mayor of the Council, or in his/her absence the Deputy Mayor (who will have the same powers and duties as the Mayor), will preside at meetings of the Council.

Quorum

- 1.8 No business shall be dealt with at a Council meeting if there are fewer than 21 Councillors present. Where the meeting has started, and the number of Councillors present falls below 21, the Mayor will adjourn the meeting. Where the Mayor does not give a date and/or time to re-convene, all business not completed will be considered at the next scheduled meeting.

What the Council can decide

- 1.9 The Council will decide such matters as required by the law, and those matters set out in **Chapter 2** of this Constitution.

Council Agenda and Order of Business

- 1.10 The Council has adopted **Error! Reference source not found.** – these are for guidance only [as follows](#):-

Agenda for Annual Council Meeting

- Apologies for Absence
- Declarations of Interest
- Election of Mayor and Appointment of Deputy Mayor
- Mayor's Announcements
- Election of Leader and Appointment of Deputy Leader
- Approval of Minutes of previous meeting
- Leader's Announcements
- Political Representation on the Council's Committees
- Allocation of Chairs and Vice-Chairs of the Committees of the Council
- Appointments to non-executive Organisations and Panels

Agenda for Ordinary Council Meetings

- Apologies for Absence
- Declarations of Interest
- Approval of Minutes of previous meeting
- Mayor's Announcements
- Leader's Announcements
- Public Questions
- Recommendations from Committees
- Notices of Motion
- Questions from Councillors

- 1.11 Business shall be dealt with in the order in which it is set out in the agenda unless the Mayor (or the Council) decides otherwise.

Urgent Business

- 1.12 Business cannot be dealt with at a Council meeting unless it is included in the Summons or unless the Mayor has agreed that it is urgent and cannot wait until the next meeting. The Mayor must give the reasons for urgency, which must be recorded in the Minutes of the meeting.

Confirmation of Minutes

- 1.13 Minutes of the last Council meeting must be confirmed at the next ordinary meeting of the Council where possible.
- 1.14 Only matters relating to the accuracy of the Minutes can be raised, which must be done by way of a motion which is proposed, seconded and voted upon. Where no issues are raised, or after the motion has been dealt with, the Mayor shall sign the Minutes.

Matters for Decision by the Council

- 1.15 When the item is reached on the agenda, the appropriate Chair of the relevant Committee will, where appropriate, move the recommendation or advice, or endorsement of a Committee decision. Another Councillor may second the motion.
- 1.16 The Chair cannot ask the Council to agree to withdraw a recommendation of a Committee unless new and relevant information has become available after the decision of the body concerned. The information must be disclosed to the Council.

Withdrawal of Motion

- 1.17 A motion or amendment may be withdrawn by the mover provided the meeting, without discussion, agrees. Once the mover has asked for permission to withdraw, there should be no further discussion, unless the meeting refuses to agree to the request.

Motions Moved Without Notice

- 1.18 Motions and amendments which can be moved at a Council meeting without notice are:
- (a) Appointment of a Chair for the meeting.
 - (b) Motions relating to the accuracy of the minutes of the Council, a Committee or Sub-Committee.
 - (c) That an item of business specified in the summons should have precedence.
 - (d) Reference to a Committee or Sub-Committee.
 - (e) Appointment of or appointment to Committees, Sub-Committees occasioned by an item mentioned in the summons to the meeting.
 - (f) Receipt of Records of Decisions and Minutes of Committees and Sub-Committees
 - (g) Adoption of recommendations of Committees and Sub-Committees and any consequent resolutions.
 - (h) That leave is given to withdraw a motion.
 - (i) Receipt of reports of officers and any consequent resolutions.
 - (j) Extending the time limit for speeches.
 - (k) Amendment to motions.
 - (l) That the Council proceed to the next business.
 - (m) That the question be now put.
 - (n) That the debate be now adjourned.
 - (o) That the Council do now adjourn.
 - (p) Authorising the sealing of documents.
 - (q) Suspending Procedure Rules, in accordance with Procedure Rule 4.17.
 - (r) Motion under Section 100A(4) of the Local Government Act 1972 to exclude the press and public.
 - (s) That a Councillor named under Procedure Rules 4.6 and 4.7 should not be heard further or should leave the meeting.
 - (t) Giving consent of the Council where consent of the Council is required by these Procedure Rules.

Questions at Council meetings

OFFICIAL

- 1.19 A Councillor may ask the Mayor or the Chair of a Committee any question about a matter which the Council, or the Committee has powers, duties or responsibilities.
- 1.20 A Councillor may ask the nominated/designated representative of the Cheshire Fire Authority or the Cheshire Police and Crime Panel any question about the responsibilities of his/her respective Authority.
- 1.21 All questions must be sent in writing to the Monitoring Officer at least 3 clear working days before the meeting.
- 1.22 There will be a maximum Councillor question time period of 30 minutes. A maximum period of 2 minutes will be allowed for each Councillor wishing to ask a question during Councillors' question time. The Mayor or person presiding will have discretion to vary this requirement where he/she considers it appropriate.
- 1.23 Those Councillors submitting more than one question in writing may indicate the priority of importance of each question.
- 1.24 Questions will be selected by the Mayor taking into account the time available.
- 1.25 Questions in writing will not be read out at Council meetings.
- 1.26 All Questions will be brief, clear and focussed.
- 1.27 Questions must relate to the functions of the Council and the area of Cheshire East. No questions will be allowed which, in the opinion of the Monitoring Officer are:
 - inappropriate, frivolous, derogatory, offensive, vexatious or otherwise improper;
 - related to a Council employment or staffing matter;
 - potentially defamatory; or
 - substantially the same as any question submitted to a meeting of Council during the preceding 6 months.
- 1.28 Questions will be asked and answered without discussion. In replying, the Councillor responding will use all reasonable endeavours to address the matters raised in the question. The Councillor responding may: decline to answer any question; or may: reply direct; or reply by reference to a publication; or reply by written answer within 10 working days with a copy to all Councillors (except where the response contains exempt or confidential information), or refer the question to an appropriate Committee.
- 1.29 Following the answer to each question, the Mayor may permit the questioner to ask a concise and focussed supplementary question which relates to the subject matter of the initial question and answer.

- 1.30 Where a question relates to a matter that appears on the agenda for that meeting, the question shall be put and answered at the start of the consideration of that matter unless the Mayor considers otherwise.
- 1.31 There will be a maximum public question time period of 30 minutes. A maximum period of 2 minutes will be allowed for each person wishing to ask a question in public question time. The Mayor or person presiding will have discretion to vary this requirement where he/she considers it appropriate. Questions must be sent in writing to the Monitoring Officer at least 3 clear working days before the meeting. Rules 1.24 – 1.30 above will also apply to public question time.

Notices of Motion

- 1.32 A notice of motion must relate to matters for which the Council has responsibility or which affects its area.
- 1.33 Notice of every motion (other than a motion which may be moved without notice) shall be given in writing, signed by the Member(s) of the Council giving the notice, and delivered, at least 7 clear working days before the next meeting of the Council, to the Monitoring Officer or the Head of Governance and Democratic Services by whom it shall be dated, in the order in which it is received.
- 1.34 Councillors are permitted to submit Notices of Motion in email and electronic form.
- 1.35 The Monitoring Officer shall, if need be, give a ruling as to whether the Motion is relevant and acceptable.
- 1.36 A Motion which, in the opinion of the Monitoring Officer is:
- inappropriate, frivolous, derogatory, offensive, vexatious or otherwise improper;
 - related to a Council employment or staffing matter;
 - potentially defamatory; or
 - substantially the same as any motion submitted to a meeting of Council during the preceding 6 months

will be returned to the Councillor who submitted it along with an explanation in writing to the Councillor about why it will not be included on the agenda for the meeting.

Motions to be set out in Summons

- 1.37 The agenda papers for every ordinary meeting of the Council will set out the full text of all motions of which notice has been duly given, unless the Councillor giving the notice has intimated in writing, when giving it, that he/she proposed to move it at some later meeting or has withdrawn it. The motions will be listed in the papers according to the order in which they have been received.

Withdrawal of Motion which is before the Council

- 1.38 A Notice of Motion will be regarded as withdrawn if:
- (a) prior to the Council meeting, an indication to this effect is given in writing to at least one of the above-named officers by the Councillor who submitted the Notice, or
 - (b) at the Council meeting, oral notice to this effect is given by the Councillor who submitted the Notice, or
 - (c) the Notice of Motion is not moved and seconded at the meeting of Council.

Procedure at the Meeting

- 1.39 When a Motion has been moved and seconded the mover and seconder shall jointly be allowed a total period of 2 minutes in which to explain the purpose of the motion before it is dealt with. The Mayor may then decide that the motion shall stand referred without discussion to such of those bodies as the Mayor may determine, for determination. However, if the Mayor considers it conducive to the despatch of business, the motion may be dealt with at the meeting at which it is initially considered.

Procedure after the Meeting

- 1.40 Each motion will then be referred to the relevant decision-making body for determination, without the need for any reference back to Council except where:
- (a) arising from consideration of the motion, the Committee recommends to the Council a change to the Constitution, or
 - (b) there is some other legal or Constitutional requirement for the matter to be referred back to Council.
- 1.41 Unless the Chair of the appropriate decision-making body agreed there were good reasons not to do so, notices of motion must be referred to that body within two meeting cycles, and the proposer of the motion would be consulted before the body decided the matter.
- 1.42 At the meeting of the body to which the motion has been referred for consideration, the proposer of the motion if present shall be invited to speak first, followed by the seconder. The matter will then be opened up to wider discussion.

Rules of Debate***Motions and Amendments***

- 1.43 No motion or amendment shall be discussed unless it has been proposed and seconded. Where required by the Mayor, motions or amendments shall be put in writing and handed to the Mayor before they are further discussed or put to the meeting. The Mayor may, at his/her discretion, allow a motion or amendment to be put which is not in writing, provided

that the Mayor has concluded that the wording of the motion or amendment is understood by all members of the body concerned.

Seconders's Speech

- 1.44 When seconding a motion or amendment a Councillor may advise the Mayor that he/she will reserve his/her right to speak until a later period in the debate.

Only One Councillor to Stand at a Time

- 1.45 When speaking at a Council meeting a Councillor would usually be required to stand and address the Mayor. However, the Mayor may choose to relax this convention. While a Councillor is speaking the other Councillors will remain seated, unless rising on a point of order or in personal explanation.

Content and Length of Speeches

- 1.46 A Councillor will confine his/her speech to the question under discussion, a personal explanation or a point of order. Except as indicated below, in the case of speeches made by Councillors when the Council is agreeing a budget, or where the Council, Committee or Sub-Committee otherwise agrees, no speech will exceed 3 minutes.
- 1.47 In advance of the meeting at which the Council is due to agree a budget, the Council's Political Groups may agree that a limited number of speeches will be made on behalf of each Political Group, which exceed the 3 minute limitation contained in these Rules. The Mayor will have discretion as to how this will be implemented at the meeting and, where no agreement can be reached between the Political Groups, whether and (if so) how any extension of the 3 minute limitation might be permitted to operate.

When a Councillor may speak again

- 1.48 At a Council meeting a Councillor who has spoken on any motion shall not speak again whilst it is the subject of debate, except:
- (a) to speak once on an amendment moved by another Member
 - (b) if the motion has been amended since he/she last spoke, to move a further amendment
 - (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which he/she spoke was carried
 - (d) in exercise of a right of reply given by paragraph 1.53 (Right of Reply) or 1.55 (closure)
 - (e) on a point of order referring to the specific Procedure Rule
 - (f) by way of personal explanation

- (g) to move one of the motions specified in 1.54 (b) to (j), below when the procedure in those paragraphs shall be followed.

Amendments to Motions

- 1.49 An amendment must be relevant to the motion and shall be to:
- (a) leave out words
 - (b) leave out words and add others
 - (c) insert or add words
- but such amendment shall not have the effect of negating the motion before the Council.

Number of Amendments

- 1.50 Only one amendment may be moved and discussed at a time. No further amendment shall be moved until the amendment under discussion has been disposed of, although the Mayor may allow two or more amendments to be discussed (but not voted on) together if this would facilitate the proper conduct of the business before the meeting.

Status of Amendments

- 1.51 If an amendment is lost, another amendment may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

Alterations to Motions or Amendments

- 1.52 A Councillor may alter a motion or amendment of which he/she has given notice and may also, with the consent of the seconder, alter a motion or amendment which he/she has moved. At least 24 hours' notice should be provided of any proposed amendment to the Monitoring Officer. In both cases, the consent of the Council is required. There should be no discussion on whether consent should or should not be given.

Right of Reply

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

Motions which may be moved during debate

- 1.54 When a motion is under debate no other motion shall be moved except the following:
- (a) to amend the motion
 - (b) to adjourn the meeting
 - (c) to adjourn the debate
 - (d) to proceed to the next business
 - (e) to suspend Procedure Rules
 - (f) to refer a matter to the Council, a Committee or Sub-Committee for consideration or reconsideration
 - (g) that the question be now put
 - (h) that a Councillor be not further heard
 - (i) by the Chair under paragraph 4.7, that a Councillor do leave the meeting
 - (j) a motion under Section 100A(4) of the Local Government Act 1972 to exclude the public.

Closure Motions

- 1.55 A Councillor may move, without comment, at the conclusion of a speech of another Member, "That the Council proceed to the next business", "That the question be now put", "That the debate be now adjourned", or "That the Council do now adjourn". When one of these Motions has been seconded the Mayor shall proceed as follows:
- (a) on a motion to proceed to next business - unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall first give the mover of the original motion the right of reply, and then put to the vote the motion to proceed to next business
 - (b) on a motion that the question be now put - unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall put to the vote the motion that the question be now put and, if it is passed, give the mover of the original motion the right of reply before putting the motion to the vote
 - (c) on a motion to adjourn the debate or the meeting - if in his/her opinion the matter before the meeting has been insufficiently discussed on that occasion he/she shall put the adjournment motion to the vote without giving the mover of the original motion the right of reply on that occasion.

Points of Order

- 1.56 A Councillor may rise on a point of order or in personal explanation and shall be entitled to be heard immediately. A point of order shall relate only to an alleged breach of a Procedure Rule or statutory provision, and the Councillor shall specify the Procedure Rule or statutory provision and the way in which he/she considers it has been breached. A personal explanation shall be confined to some material part of a former speech by him/her which may appear to have been misunderstood in the current debate.

Ruling of Chair on a Point of Order/Personal Explanation

- 1.57 The ruling of the Chair of the meeting on a point of order or on the admissibility of a personal explanation shall not be open to discussion and shall be final.

Respect for the Chair

- 1.58 At the Council meeting whenever the Mayor rises during a debate any Councillor then standing shall sit down and the Council shall be silent.

Rescission of Earlier Resolution

- 1.59 Subject to paragraph 1.60, no motion or amendment shall be moved at a meeting of the Council to rescind any resolution of the Council which was passed within the preceding 6 months or which is to the same effect as one which has been rejected within that period.

- 1.60 Such a motion may be moved if:

1.60.1 it is recommended by a Committee, or

1.60.2 notice of such motion has been given under paragraph 1.33 and signed by at least 8 Councillors.

Voting

- 1.61 Voting will be by a show of hands.
- 1.62 When a Councillor asks for a recorded vote to be taken, and 8 other Councillors support the request, the vote will be recorded to show whether each Councillor voted for or against the motion or abstained.
- 1.63 A recorded vote will not be taken if the vote has already begun to be taken by a show of hands.
- 1.64 Councillors must be in their designated seats for their vote to be counted. The Mayor may agree to waive this requirement before the vote is taken.
- 1.65 A Councillor may require, after a vote is completed, that the Minutes of the meeting record how he/she voted or abstained.
- 1.66 A Councillor may, immediately after the item of business is voted upon, request that a lost motion or amendment be recorded in the minutes.
- 1.67 Where there are equal votes cast for a motion or amendment the Mayor or the person presiding shall have a second or casting vote.

Voting at Budget meetings

- 1.68 Immediately after any vote is taken at a budget decision meeting of an authority there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

- 1.69 In paragraph 1.68

(a) “budget decision” means a meeting of the authority at which it—

- (i) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992; or
- (ii) issues a precept under Chapter 4 of Part 1 of that Act, and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting;

(b) references to a vote are references to a vote on any decision related to the making of the calculation or the issuing of the precept as the case may be.

Offices and Appointments

~~4.68~~1.70 A vote will be held to elect or appoint the Mayor and Deputy Mayor of the Council, the Leader of the Council and Councillors to any office or position where more than one person is nominated.

~~4.69~~1.71 If more than one person is nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person (from the number of Councillors present).

Election of Chairs of Committees and Sub-Committees

~~4.70~~1.72 The Chairs and Vice-Chairs of the Council's committees and sub-committees shall be allocated to the political groups each year at the Annual Meeting of Council. Nominations to Chairs and Vice-Chairs shall be notified by the Council's Group Leaders or Group Whips in writing or by email to the Head of Democratic Services and Governance and shall thereafter be published on the Council's website. Such nominations shall be in accordance with the relevant numerical allocations made by Council in relation to the body in question.

~~4.71~~1.73 A Councillor appointed as Chair or Vice-Chair must be a member of the relevant Committee or Sub-Committee.

~~4.72~~1.74 Where a vacancy occurs in the office of Chair or Vice-Chair, the relevant Group Leader or Whip shall nominate a replacement.

~~4.73~~1.75 Where both the Chair and Vice-Chair are absent from a meeting of the relevant body, a Chair will be appointed from those Councillors of the body present, provided the meeting is quorate.

~~4.74~~1.76 A description of the [Role and Responsibilities of a Chair](#) of a meeting is available.

Urgent Decisions Taken Outside of Meetings

Definition of an urgent decision

1.751.77 A decision will be urgent in the case of: civil emergency; natural or man-made disaster; matter of serious public health; matters regarding safeguarding of people; or where the Council is at risk of serious reputational damage; loss or claims; or any other matters where the Chief Executive or in his/her absence the Chief Finance Officer has declared that an urgent decision is required to protect the interests of the Council. If a decision is deemed an urgent decision caused by a failure to plan appropriately or work without due regard to timeliness, the circumstances giving rise to the need for the decision should be reported to the Audit and Governance Committee.

Urgent Decisions

1.761.78 If a decision would normally be required to be made by full Council and it has to be decided before the next meeting of the Council, the decision may be made by the Chief Executive or in his/her absence the Deputy Chief Executive (or in their absence the Chief Executive's nominee) in consultation with Group Leaders and the Mayor (or in his/her absence the Deputy Mayor) subject to the following requirements being met:

- (a) The decision-maker is satisfied that the matter is urgent and cannot await the next meeting of the Council, or an urgently convened Council meeting;
- (b) The decision is reported for information to the next available meeting of the Council;
- (c) The provisions of legislation are complied with;
- (d) Advice has been taken from the Chief Executive, the Council's Monitoring Officer and Chief Finance Officer;
- (e) All Councillors are notified of the decision taken by electronic means.

2. Committee and Sub-Committee Procedure Rules

- 2.1 The standing committees and sub-committees of the Council and their membership size are set out in **Chapter 2 Part 4** of the Constitution.

Co-option

- 2.2 A committee or sub-committee may co-opt any person as a non-voting member.
- 2.3 The Scrutiny Committee (or any sub-committee) may co-opt persons to advise and/or assist in the scrutiny of particular areas of the Committee's functions.

Appointment to Committees and Sub-Committees

- 2.4 Where a by-election takes place during the year, and following receipt of notice from a Political Group, the Council will decide upon the composition of Committees and Sub-Committees to reflect any change in political balance.

Substitution Arrangements

- 2.5 A Political Group may appoint a substitute Member to a Committee or Sub-committee. All members of a Political Group will be regarded as being reserve members, who may take the place of an appointed Councillor at a particular meeting of a committee or sub-committee, but see further below in respect of the need for appropriate training.
- 2.6 In respect of the Planning and Licensing Committees, each Political Group will, by notice to the Monitoring Officer, nominate appropriately trained Councillors to be reserve Members for those Committees. Such reserve Councillors may take the place of an appointed Councillor at a particular meeting of the Planning or Licensing Committee in question.
- 2.7 In addition to being appropriately trained, a substitute Councillor for a planning committee meeting must be a member of another planning committee or in the pool of planning substitutes.
- 2.8 Any reserve Councillor acting as substitute shall inform the Chair at the beginning of the meeting. The outgoing Councillor shall cease to be the Political Group's representative on that Committee or Sub-Committee for the duration of that meeting or any adjournment of it, and that reserve Councillor shall become the representative on the Committee or Sub-Committee for the same period. At the end of the meeting, the outgoing Councillor shall resume his/her place on the Committee or Sub-Committee in question and the Councillor who had been appointed as substitute in his/her place shall revert to being a reserve member.

Notice of Meetings

- 2.9 The Monitoring Officer shall give notice of meetings and distribute agendas to all members of the Committee or Sub-Committee. Agendas will be made available to members by electronic means and a paper copy

can be supplied when requested from the Head of Democratic Services and Governance.

Urgent Decisions

- 2.10 An item of urgent business which has to be decided before the next meeting of a Committee or Sub-Committee can be determined as follows:
- 2.11 The Chief Executive or in his/her absence the Deputy Chief Executive (or in their absence their nominee) in consultation with the Chair and/or Vice-Chair of the relevant Committee or sub-committee has delegated authority to take any decision subject to the following requirements being met:
- (a) The decision-maker is satisfied that the matter is urgent and cannot await the next meeting of the Committee or Council, or an urgently convened Committee or Council meeting;
 - (b) The decision is reported for information to the next available meeting of the Committee or Council;
 - (c) The provisions of legislation are complied with;
 - (d) Advice has been taken from the Chief Executive, Council's Monitoring Officer and Chief Finance Officer;
 - (e) All Councillors are notified of the decision taken by electronic means.

Changes to the Calendar of Meetings

- 2.12 Meetings of Committees and Sub-Committees will be set out in the calendar of meetings approved by the Council. There will be a presumption against alterations to the date, time and venue for meetings.
- 2.13 A meeting of a decision-making body scheduled in the Calendar of Meetings may be cancelled or changed by the Monitoring Officer following consultation with the Chair provided that, wherever possible, such cancellation or change takes place at least five clear working days before the scheduled date of the meeting to enable sufficient public notice to be given.
- 2.14 When it is necessary to arrange a special meeting, the Head of Democratic Services and Governance will consult the Chair and Spokespersons of the relevant Committee or Sub-Committee before any action is taken.

Quorum at Committees and Sub-Committees

- 2.15 Business cannot be transacted at meetings of Committees and Sub-Committees unless there is at least one third of the members of the body present, subject to a minimum of 3 where the total membership of any Committee or Sub-Committee comprises eight or fewer members. The quorum of one third of the membership will be rounded up where this cannot readily be divided by 3.
- 2.16 These arrangements may be varied because of a legal requirement or by the Council.

Minutes of Committees and Sub-Committees

- 2.17 The Minutes of a Committee or Sub-Committee must be confirmed at its next meeting where possible.
- 2.18 Only matters relating to the accuracy of the Minutes can be raised. Where accuracy is questioned, this must be by a motion which is proposed, seconded and voted upon.
- 2.19 Where no issues of accuracy are raised, or after any motion has been dealt with, the Chair shall sign the Minutes.
- 2.20 The Minutes of any Sub-Committee must be submitted to the next meeting of the parent Committee by the Sub-Committee Chair.
- 2.21 Councillors may ask a question or comment on any Minute. The Chair of the Sub-Committee will then reply. There will be no debate on any question or comment raised under this procedure and no further motions can be moved.
- 2.22 Where a Councillor has a question or comment on an exempt, private or confidential Minute, the question or comment must be given in writing to the Monitoring Officer at least 24 hours before the start of the meeting.

Motions moved without Notice at Committees and Sub-Committees

- 2.23 [Error! Reference source not found.](#) The Council Procedure Rules set out those motions and amendments which can be moved without notice in rule 1.18.

Public Speaking and Questions

- 2.24 A total period of 15 minutes will be usually be allocated for members of the public to ask questions at Committee meetings.
- 2.25 Members of the public are required to give 3 clear working days' notice of their intention to make use of the questions facility.
- 2.26 Members of the public may ask questions on any matter relating to the agenda of the Committee, provided that the Chair retains the discretion to rule a question out of order and require the member of the public to cease speaking if the questioner mentions matters that are:
- inappropriate, frivolous, derogatory, offensive, vexatious or otherwise improper;
 - related to a Council employment or staffing matter;
 - potentially defamatory; or
 - substantially the same as any question submitted to a meeting of Council during the preceding 6 months.
- 2.27 At meetings of Committees, members of the public will be allowed up to 2 minutes each to speak, subject to the Chair having discretion to vary this requirement where he/she considers it appropriate.

- 2.28 Further information is included within the [Appendix on Public Speaking](#).

Rules of Debate at Committees and Sub-Committees

- 2.29 Rules of debate shall be the same as for Council meetings.

Voting

- 2.30 Voting at Committee and Sub-Committee meetings will be by a show of hands.
- 2.31 When a Councillor asks for a recorded vote to be taken, and one other Councillor supports the request, the vote will be recorded to show whether each Councillor present voted for or against the motion or abstained.
- 2.32 A recorded vote will not be taken if the vote has already begun to be taken by a show of hands.
- 2.33 A Councillor may require, after a vote is completed, that the Minutes of the meeting record how he/she voted or that he/she abstained.
- 2.34 A Councillor may request that a lost motion or amendment be recorded in the minutes by requesting this immediately after the vote is taken.
- 2.35 Where there are equal votes cast for a motion or amendment, the person presiding at the meeting will be entitled to, and shall exercise, a second or casting vote. However, where there remains an equality of votes in respect of a motion, the motion will be lost.

Offices and Appointments

- 2.36 A vote will be held to elect or appoint Councillors to any office or position where more than one person is nominated.
- 2.37 If more than one person is nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes of those present for one person.

Mover of a Motion at Council: Attendance at Committee and Sub-Committee

- 2.38 Where a question or motion has been referred under paragraph 1.28 or 1.43 from the Council to a Committee or Sub-Committee for consideration and report, the mover of the motion has the right to attend the meeting and to explain the motion within a period of up to 3 minutes.
- 2.39 The questioner or the mover of the motion will be advised of the date and time of the meeting at which the matter is to be considered and he/she will be sent a copy of the relevant papers.

Requests by Councillors for Items of Business to be included on Agendas of a Committee or Sub-Committee

Agenda Items Submitted By Councillors

- 2.40 This facility does not apply to special meetings of Committees and Sub-Committees.
- 2.41 A Councillor may, by notice given to the Monitoring Officer no later than 10 clear working days before the appropriate meeting, request that an item of business be included on the agenda of a Committee or Sub-Committee.
- 2.42 A Councillor may not give notice of more than one item of business for any one meeting. The notice shall state the nature of the business and shall include the signature of that Member.
- 2.43 This procedure shall not apply where the item of business, if agreed, would have the effect of rescinding or amending any resolution passed by a Committee or Sub-Committee of the Council within the preceding 6 months.
- 2.44 Items arising from such notices shall appear on the agenda at the end of the Part 1 or 2 business.
- 2.45 Sections 9J, 9JA or 9JB Local Government Act 2000 and Regulations enable a Councillor to request that an item of business is added to an agenda of the Scrutiny Committee provided it is not an excluded matter and is relevant to the functions of the Scrutiny Committee (principally flood risk management; health; and crime and disorder reduction).

Committee and Sub-Committee Agenda – Urgent Items of Business

- 2.46 Generally, business will only be transacted at meetings of Committees and Sub-Committees which appears on the agenda and which has been available for public inspection at least 5 clear working days before the meeting or, where the meeting is convened at short notice, from the time the meeting is convened.
- 2.47 The Chair of the Committee or Sub-Committee may agree to deal with an item of business at the meeting if, in his/her opinion, the matter is urgent given the circumstances requiring a decision. The Chair's ruling and the reasons for urgency will be recorded in the Minutes of the meeting.

Attendance of Councillors at Committees and Sub-Committees of which they are not Appointed Members

- 2.48 Notwithstanding their rights as a member of the public, a Councillor may:
- attend any meeting of a Committee or Sub-Committee to which he/she has not been appointed, for the purposes of performing his/her duties as a Councillor, subject to below;
 - when exempt or confidential business is transacted, the Councillor seeking to attend a meeting on the basis of the above sub-paragraph must have the prior agreement of the Monitoring Officer in consultation

with the Chair of the Meeting on the basis that the Councillor has a "need to know" about the exempt or confidential business to be transacted.

- 2.49 For clarification, nothing in the paragraph above shall require a Councillor to obtain any prior agreement before attending the open session of any meeting of a Committee or Sub-Committee.
- 2.50 Where a Councillor has permission to attend a meeting that is not open to the public, he/she will be given a copy of the agenda and relevant papers upon arrival at the meeting.
- 2.51 The Councillor has no right to vote and may speak only with the consent of the Chair of the meeting.
- 2.52 At meetings of the Strategic Planning Board and Planning Committees, Councillors' speaking rights are subject to the protocol on public speaking entitled '[Public Speaking Rights at Strategic Planning Board and Planning Committees](#)'.

Respect for the Chair

- 2.53 In Committee or Sub-Committee meetings, whenever the Chair rises from his/her seat, Councillors should remain in their seats and the Committee or Sub-Committee shall be silent.

3. Scrutiny Committee Procedure Rules***Agenda for Scrutiny Committee***

- 3.1. The Scrutiny Committee may hold enquiries in relation to matters within its Terms of Reference and may appoint specialists to assist in this process. They may visit sites, conduct public surveys, hold public meetings, commission research and undertake such other things they consider reasonable and necessary to inform their deliberations. They may call witnesses on any matter under consideration and may pay to any specialists and witnesses a reasonable fee and expenses for doing so within budgetary provision.

Reports from the Scrutiny Committee

- 3.2. The Council or a Committee (as appropriate) shall consider any report from the Scrutiny Committee at its next programmed meeting.

Councillors and Officers Giving Account

- 3.3. Where the Scrutiny Committee requires an officer to attend to answer questions or discuss issues, this will be agreed with the Chief Executive.
- 3.4. Where it is agreed that an officer should appear to answer questions, their evidence should, as far as possible, be confined to questions of fact and explanation relating to policies and decisions. Officers may explain:
- (a) what the policies are
 - (b) the justification and objectives of those policies as the Committee sees them
 - (c) the extent to which those objectives have been met, and
 - (d) how administrative factors may have affected both the choice of policy measures and the manner of their implementation.
- 3.5. Officers may be asked to explain and justify advice they have given prior to decisions being taken. They may also be asked to explain and justify decisions they have taken under delegated powers.
- 3.6. Officers should not be expected and should avoid being drawn into discussions of politically contentious matters and any officer input should be consistent with the requirements for political impartiality.
- 3.7. The requirements of the Councillor/Officer Protocol and the Officer Code of Conduct must be adhered to where an officer is attending a meeting of the Scrutiny Committee.
- 3.8. Where any Councillor or officer (with the Chief Executive's agreement) is required to attend the Scrutiny Committee under this provision, the Chair of that Committee will inform the Monitoring Officer, who will inform the Councillor or officer in writing, giving at least 10 clear working days' notice of the meeting. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are

required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Councillor or officer concerned will be given reasonable and sufficient notice to allow for its preparation.

- 3.9. Where, in exceptional circumstances, the Councillor or officer is unable to attend on the required date, then the Committee shall, in consultation with the Councillor or officer, arrange an alternative date for attendance.
- 3.10. As well as reviewing the documentation, in fulfilling its scrutiny role, it may require any Councillor or Officer, to attend before it to explain in relation to matters within their remit:
 - (a) any particular decision or series of decisions;
 - (b) the extent to which the actions taken implement Council policy; and/or
 - (c) performance of the function

and it is the duty of those persons to attend if so required.

Attendance by Others

- 3.11. The Scrutiny Committee may invite individuals other than Councillors and officers to address it, discuss issues of local concern and/or answer questions.

The Party Whip

- 3.12. It is generally accepted that the Party Whip should be suspended in respect of Scrutiny matters. However, when considering any matter in respect of which a Member of the Scrutiny Committee is subject to a formal party whip, the Councillor must declare the existence of the Whip, and the nature of it before the commencement of the Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the Minutes of the meeting.

Joint Scrutiny Protocol

- 3.13. The Council has approved a joint scrutiny protocol for Cheshire, Merseyside and Wirral to consider consultations by NHS bodies or service providers in connection with substantial developments or variations in service. Nominations to any joint scrutiny committee established under the protocol will be made by the Chair of the Scrutiny Committee.
- 3.14. Where the Scrutiny Committee conducts investigations (e.g. with a view to policy review), it may also ask people to attend to give evidence at its meetings, which are to be conducted in accordance with the following principles:
 - (a) The investigation is to be conducted fairly and all members of the Committee are to be given the opportunity to ask questions of attendees, and to contribute and speak

- (b) Those assisting the Committee by giving evidence are to be treated with respect and courtesy, and
 - (c) The investigation to be conducted so as to maximise the efficiency of the investigation or analysis.
- 3.15. Following any investigation or review, the Committee shall prepare a report, for submission to the appropriate Committee and/or Council as appropriate and shall, unless there are exceptional reasons, make its report and findings public.
- 3.16. There is no facility to allow questions by members of the public at meetings of the Scrutiny Committee. However, a period of 10 minutes will be provided at the beginning of such meetings to allow members of the public to make a statement on any matter that falls within the remit of the committee, subject to individual speakers being restricted to 3 minutes.

4. General Provisions

Records of Attendance

- 4.1 Councillors attending a meeting of which they are a member must sign their name on the attendance sheet provided.

Disclosure of Confidential/Exempt Matters

Matters not open to the Public or Press

- 4.2 No Councillor shall disclose to any person the whole or any part of the contents of any agenda, report or other document which is marked “confidential” or “not for publication” unless and until the document has been authorised to be made available to the public or the press by or on behalf of the Council, a Committee or Sub-Committee.

Matters which may prejudice the interest of the Council

- 4.3 No Councillor shall disclose to any person other than another Councillor any matter arising during the proceedings of the Council, a Committee, Sub-Committee, Panel or Board and which comes to his/her knowledge by virtue of his/her office as a Councillor where such disclosure would prejudice the interest of the Council or would be contrary to law.

Decisions or Proceedings of the Council, Committees, Sub-Committees, Panels and Boards

- 4.4 No Councillor shall, without the consent of the Chair of the appropriate body, disclose to any person any decision or proceedings of that body except:
- (a) when a report on the matter has been circulated to the Council by that body
 - (b) when the decision has become public knowledge, or
 - (c) when the matter comes within the powers of that body and a final decision has been made upon it

provided that this paragraph shall not authorise any disclosure which would contravene paragraphs 4.2 or 4.3.

Prohibited Disclosure

- 4.5 The press and public shall be excluded during the consideration of any item of business which would be likely to disclose exempt or confidential information.

Disorderly Conduct

Motion to end Disorderly Conduct

- 4.6 If at a meeting any Councillor, in the opinion of the person presiding, misconducts themselves in any way, the person presiding or any other Councillor may move “That the Councillor be not further heard”. The motion, if seconded, shall be put and determined without discussion.

Persistent Misconduct

- 4.7 If the Councillor continues the misconduct after a motion under the foregoing paragraph has been carried, the person presiding may: either move “That the Councillor do leave the meeting” (in which case the motion shall be put and determined without seconding or discussion); or adjourn the meeting.

General Disturbance

- 4.8 In the event of general disturbance at any meeting which, in the opinion of the person presiding, renders the due and orderly dispatch of business impossible, the person presiding, will have the power to adjourn the meeting.

Disturbance by members of the Public

- 4.9 If a member of the public interrupts the proceedings at any meeting, the person presiding shall warn him/her. If he/she continues, the person presiding shall order his/her removal from the meeting. In cases of general disturbance in any part of the meeting room open to the public, the person presiding shall order that part to be cleared.

Inspection of Documents

Supply of Agenda papers to Members of the body in question

- 4.10 Members of Council, decision-making and other bodies will be provided with electronic copies of agenda papers, and a written request may be made to the Head of Democratic Services and Governance for paper copies.

Supply of Agenda and Minutes to those Councillors who are not Members of that particular body

- 4.11 To help a Councillor perform his/her duties as a Member, agenda papers and records of decisions, or minutes of decision-making bodies will be made available to them electronically. Private, confidential and exempt reports will not be made available but may be requested from the Monitoring Officer who will have discretion to provide or withhold such reports, having considered the reasonableness of the request and the ‘need to know’.

Minutes of the decision making bodies – Open for Inspection

- 4.12 Minutes of meetings of the Council, Committees or Sub-Committees shall be open for inspection by any Councillor.

Provisions relating to Personnel Matters

- 4.13 The recruitment and appointment of staff and the responsibilities for Personnel matters will be governed by the Staff Employment Procedure Rules.

Sealing of Documents***Authority***

- 4.14 The Common Seal of the Council shall not be affixed to any document unless the sealing has been properly and lawfully authorised. A resolution of the Council (or of a Committee or Sub-Committee where such body has the power) or an Officer authorising the acceptance of any tender, the purchase, sale, letting, or taking of any property, the issue of any stock, the presentation of any petition, memorial or address, the making of any rate of contract, or any other matter or thing, shall be a sufficient authority for sealing any document necessary to give effect to the resolution.

Attestation

- 4.15 The seal shall be attested by the Monitoring Officer or his/her authorised deputy, designated for this purpose, as required by this Constitution and a record of the sealing of every document shall be kept.

Variation and Revocation of Procedure Rules

- 4.16 Any motion to vary or revoke these Rules shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

Suspension of Procedure Rules***Motion Required***

- 4.17 Subject to paragraph 4.18 below, any of the preceding Procedure Rules may be suspended in respect of any business at a meeting of the Council, a Committee or Sub-Committee where its suspension is moved and carried.

Notice of Motion

- 4.18 A motion to suspend Procedure Rules shall not be moved without notice (under paragraphs 1.18 to 1.34) unless there shall be present at least one-third of the members of the Council or the Committee or Sub-Committee respectively.

Referral of Decisions

- 4.19 When a decision is made by one of the six service Committees or by an officer with a specific delegated authority from the Committee (over and above delegations under this Constitution), the decision shall be published by electronic means and shall be available at the main offices

of the Council normally by 5.00 pm on the second full working day following the day on which the decision was made.

- 4.20 Subject to paragraphs 4.21 and 4.24 below a decision taken and to which paragraph 4.19 above refers will not be implemented, until the expiry of 5 clear working days after the decision was made and recorded.
- 4.21 Unless the decision is urgent, 9 or more Councillors may submit a referral request, detailing the reasons for the referral, in writing, to the Monitoring Officer. Where the request is validated by the Monitoring Officer, the decision cannot be implemented until the procedures below have been followed.
- 4.22 The grounds for a valid referral, in the opinion of the Monitoring Officer, are as follows:
- (a) Decision is outside the Budget and Policy Framework
 - (b) Inadequate consultation relating to the decision
 - (c) Relevant information not considered
 - (d) Insufficient consideration of legal or financial advice
 - (e) Viable alternatives not considered
 - (f) Justification for the decision open to challenge on the basis of the evidence considered
- 4.23 The Monitoring Officer may discuss the request with the lead member signatory, the Chair of the relevant service Committee and the Mayor with a view to achieving an outcome to resolve the issue without the need for referral to Council.
- 4.24 Where a valid referral is received the decision shall stand referred to the next ordinary Council meeting for review. A representative of the referral signatories and the Chair of the relevant service Committee shall have the opportunity to address the meeting on the subject of the decision that has been referred. Council may either:
- (a) Uphold the original decision with or without modifications, in which case the decision has immediate effect; or
 - (b) Reject the decision and determine the matter itself.
- 4.25 Any decision may only be the subject of a referral once.

Interpretation of Procedure Rules

- 4.26 The ruling of the person presiding as to the construction or application of any of these Procedure Rules, or as to any proceedings of the Council, shall not be challenged at any meeting.

Submission of Notices by Councillors – Electronic Means

- 4.27 A Councillor of the Council may communicate, by electronic means, any notice under any of the Constitution's Procedural Rules to initiate any

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process or procedure provided it is clear that the notice has been originated by that Member.

Disclosable Pecuniary Interests – Requirement to Withdraw from Meeting

- 4.28 A Councillor who declares a disclosable pecuniary interest in an item of business is required to withdraw from the meeting at the appropriate juncture.

Petitions

- 4.29 Petitions regarding matters affecting the area or the functions of the Council or relating to consultation exercises or pursuant to specific legislation may be accepted at the start of an Ordinary Council meeting or a Committee. Petitions will not be considered at the Annual Meeting of Council or at Extraordinary Meetings of Council unless the Extraordinary Council Meeting is convened to consider the subject matter of the petition.
- 4.30 Petitions must be 'signed' (in person or by name if electronic) by at least 5,000 petitioners and contain the name and contact details of the 'petition organiser'.
- 4.31 Petitions must relate to the functions of the Council and the area of Cheshire East. Petitions will not be accepted that are considered by the Monitoring Officer to be:
- inappropriate, frivolous, derogatory, offensive, vexatious or otherwise improper;
 - related to a Council employment or staffing matter;
 - potentially defamatory; or
 - substantially the same as any question submitted to a meeting of Council during the preceding 6 months.
- 4.32 Petitions will be referred to the relevant Committee with or without debate.
- 4.33 Further information on submitting a petition can be found on the Council's website

APPENDIX***Public Speaking and Questions***

- 1 There will be public questions at full Council for a total period of up to 30 minutes and the ability to ask questions regarding items of business at Committee meetings.
- 2 A total period of 15 minutes will be allocated for members of the public to ask questions at meetings of Committees and sub-committees. This does not apply to meetings of the Council's Planning and Licensing Committees and sub-committees, which have separate arrangements in place for public involvement. The arrangements for planning meetings are set out in the [Protocol on Public Speaking Rights at Strategic Planning Board and Planning Committees](#).
- 3 At meetings of Council and Committees members of the public will be allowed up to 2 minutes each to speak, subject to the Mayor or Chair having discretion to vary this requirement where he/she considers it appropriate and the Mayor/Chair will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.
- 4 At Council members of the public may ask questions of the appropriate Chair of the committee or sub-committee which has responsibility for the matter in question.
- 5 Where a member of the public wishes to ask a question of the Chair of a committee or sub-committee, at least 3 clear working days' notice must be given in writing to the Head of Democratic Services and Governance, in order that an informed answer may be given.
- 6 Questions must relate to the business of the Council/Committee and the area of Cheshire East. No questions will be allowed which, in the opinion of the Monitoring Officer are:
 - inappropriate, frivolous, derogatory, offensive, vexatious or otherwise improper;
 - related to a Council employment or staffing matter;
 - potentially defamatory; or
 - substantially the same as any question submitted to a meeting of Council during the preceding 6 months.
- 7 The Councillor responding to the question may answer the question, may decline to do so, may agree to reply at a later date or may refer the question to an appropriate committee. Questions will be asked and answered without discussion.

- 8 In addition to the general provisions for public speaking set out in this Appendix, the following specific provisions apply to meetings of the [Public Rights of Way Committee](#) in relation to individual applications on the agenda:
- 8.1 For each application on the agenda, a total of 6 minutes is allocated for public speaking, with 3 minutes being allocated for objectors and 3 minutes being allocated for supporters. If there is more than one person wishing to speak as an objector or supporter, the 3 minutes shall be divided equally among them or they may appoint one of their number to speak for all.
 - 8.2 No member of the public shall speak on a matter before the Chair has introduced the report. Members of the public may not participate in the debate or ask questions of officers or Councillors.
 - 8.3 At the Chair's discretion, members of the Committee may, through the Chair, ask questions of a speaker for clarification but should not enter into a discussion with them.
 - 8.4 Any member of the public wishing to address the Committee must give notice of their intention, in writing, to the Head of Democratic Services and Governance by 12 noon 3 clear working days before the meeting.
 - 8.5 These provisions may be varied at the discretion of the Chair.

Chapter 3 – Part 2

Access to Information Procedure Rules

- 1 This section sets out the functions, roles and responsibilities of the Committees of the Council. In summary, these are:

Scope

- 1.1 These rules cover all meetings of the Council and its Committees, Sub-Committees, Advisory Panels, (together called meetings) and decisions made by Officers.
 - 1.2 These rules also cover Councillors' rights of access to information.
 - 1.3 These rules do not cover public rights of access to information under the Freedom of Information Act 2000, and the Data Protection Act 2018. [Details of these rights are on our website](#) or can be obtained from the Council Offices, Westfields, Middlewich Road, Sandbach, CW11 1HZ.
- 2 These rules do not affect any more specific rights to information contained elsewhere in this Constitution or in any Act.

Public Access to Meetings

- 3 Members of the public may attend all meetings subject only to the exceptions in these rules.

Notice of Meetings

- 4 The Council will give at least 5 clear working days' notice of any meeting by posting details of the meeting at Westfields, Middlewich Road, Sandbach, CW11 1HZ (the designated office) and on its website. The notice will specify the business proposed to be transacted at the meeting.
- 5 Councillors entitled to attend a meeting, will receive a summons giving five clear working days' notice to attend and specifying the business proposed to be transacted at the meeting. Except in the case of business required by law to be transacted at the Annual Meeting, or other business brought before the meeting as a matter of urgency in accordance with the Constitution, no business shall be transacted at a meeting other than that specified in the summons.

Public Access to Agenda and Reports before the Meeting

- 6 The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least 5 clear working days before the meeting, except that where a meeting is convened at shorter notice, the copies of the agenda and reports shall be open to inspection from the time the meeting is convened.

- 7 Where an item is added to the agenda, and the report is open to the public, copies of any report for the meeting relating to the item, and the revised agenda shall be available for inspection from the time the item is added to the agenda.
- 8 Where copies of the agenda and reports open to the public are not made available for inspection in this way, an item of business will not be considered unless, by reason of special circumstances, which shall be specified in the minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

Public Access to Copies

- 9 The Council will supply copies of:
 - 9.1 any agenda and reports which are open to public inspection
 - 9.2 any further statements or particulars necessary to indicate the nature of the items in the agenda, and
 - 9.3 if the Proper Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item to any person on payment of a charge for postage, copying and any other costs.
- 10 The Council will make available for the use of members of the public present at meetings, a reasonable number of copies of the agenda and of those reports which are open to the public.

Public Access to Minutes etc. after the Meeting

- 11 The Council will make available for inspection copies of the following for six years after a meeting:
 - 12.1 the minutes of the meeting excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information (as defined in paragraphs 9 and 10)
 - 12.2 a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record
 - 12.3 the agenda for the meeting, and
 - 12.4 reports relating to items when the meeting was open to the public.

Public Access to Background Papers

List of Background Papers

- 12 The author of a report will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:
 - 13.1 disclose any facts or matters on which the report or an important part of the report is based; and

13.2 have been relied on to a material extent in preparing the report

but this does not include published works or those which disclose exempt or confidential information (as defined in paragraphs 20 to 25), nor does this include the advice of a political advisor, or any draft report or document.

13 Background papers will be published on the Website.

Public Inspection

14 A copy of each of the documents listed will be available for inspection at the same time as the report is available for public inspection.

15 The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

Exclusion of Public Access to Reports

16 The Proper Officer will exclude access by the public to reports which in his/her opinion contain confidential and exempt information (as defined below).

17 Such reports will be marked "Not for publication" together with "confidential information" or the exemption relied upon.

18 Where exclusion for exempt information is relied upon, any such report must contain the reasons why, as in all in the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Confidential Information – Requirement to Exclude Public Access

19 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

20 Confidential information means:

22.1 information given to the Council by a Government Department on terms which forbid its public disclosure, or

22.2 information the disclosure of which to the public is prohibited by or under another Act or by Court.

Exempt Information – Discretion to Exclude Public Access to Meetings

21 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed provided:

21.1 the meeting resolves so to exclude the public, and that resolution identifies the proceedings or part of the proceedings to which it applies

- 21.2 that resolution states, by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (paragraph 24 below), the description of the exempt information giving rise to the exclusion of the public, and
- 21.3 that resolution states, by reference to reasons given in a relevant report or otherwise, in all the circumstances of the case, that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 22 In these circumstances, public access to reports, background papers and minutes may also be excluded.
- 23 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.
- 24 Exempt information means information falling within the following categories (subject to any condition):

Category	Condition
1. Information relating to any individual.	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
2. Information which is likely to reveal the identity of an individual.	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information). "Financial or business affairs" includes contemplated, as well as past or current, activities	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information Information within paragraph 3 is not exempt if it must be registered under (a) the Companies Act 2006; (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (d) the Co-operative and Community Benefit Societies Act 2014; (e) the Building Societies Act 1986; or (f) the Charities Act 2011.
4. Information relating to any consultations or negotiations, or contemplated consultations or	Information is exempt if and so long, as in all the circumstances of the case, the public

Category	Condition
negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority. “Labour relations matter” are as specified in paragraphs (a) to (g) of section 218(1) of the Trade Unions and Labour Relations (Consolidation) Act 1992, i.e. matters which may be the subject of a trade dispute within the meaning of that Act or any dispute about any such matter	interest in maintaining the exemption outweighs the public interest in disclosing the information
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
6. Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
EXCEPT THAT Information falling within any of paragraphs 1 to 7 is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission under regulation 3 of the Town and Country Planning General Regulations 1992.	
7A. Information which is subject to any obligation of confidentiality.	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
7B. Information which relates in any way to matters concerning national security.	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
7C. Information presented to a Panel or Sub-committee of the Audit and Governance	Information is exempt if and so long, as in all the circumstances of the case, the public

Category	Condition
Committee, set up to consider any matter regarding a failure to comply with a Code of Conduct.	interest in maintaining the exemption outweighs the public interest in disclosing the information
(Section 7C was created to allow complaints submitted under the Standards Committee (England) Regulations 2008 to be discussed in private. Although these Regulations have been repealed the subsequent changes to the Access to Information provisions remain in the constitution)	

Procedure at Panel or Sub-Committee of the Audit and Governance Committee

- 25 When a meeting of an Initial Assessment Panel is called this will be held in private. If a meeting of the Local Resolution Panel or a Hearing Sub-Committee of the Audit and Governance Committee is called it will normally meet in public unless exempt or confidential information would be disclosed.

The Forward Plan of Significant Decisions

Period of Forward Plan

- 26 Forward plans will be prepared to cover a minimum period of one calendar month (longer where this is possible) beginning with the first day of any month. They will contain outstanding matters from the previous forward plan.

Content of Forward Plan

- 27 The Forward Plan will contain matters which the Committee Chairs have reason to believe will be significant decisions to be taken by a Committee or Sub-Committee during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:
- 27.1 the matter in respect of which a decision is to be made
 - 27.2 where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership
 - 27.3 the date on which, or the period within which, the decision will be taken
 - 27.4 the identity of the principal groups whom the decision taker proposes to consult before taking the decision
 - 27.5 the means by which any such consultation is proposed to be undertaken
 - 27.6 the steps any person might take who wishes to make representations to decision taker about the matter in respect of

which the decision is to be made, and the date by which those steps must be taken

27.7 a list of the documents submitted to the decision taker for consideration in relation to the matter, and

27.8 where the decision is to be taken in private the reasons for this.

28 Exempt information and confidential information and the advice of political advisers will not be included in a forward plan but the Forward Plan should contain particulars of the matter.

29 Public access to records of individual decision. As soon as reasonably practicable after any decision has been made by an officer, he/she will prepare, or instruct the Proper Officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. Significant decisions made by Officers will also be open to inspection. This does not require the disclosure of exempt or confidential information, or advice from a political adviser or assistant.

Councillor Access to Exempt or Confidential Documents

30 Members of a committee or decision-making body of the Council are automatically provided with, and entitled to receive, copies of confidential or exempt reports of that body.

31 In addition, the following categories of Councillor may receive copies of confidential or exempt reports with the agreement of the Monitoring Officer, where a need to know can be demonstrated:

31.1 Group Leaders

31.2 Local Ward Members for the Ward affected, in accordance with the [Ward Member Protocol](#)

31.3 Scrutiny committee Chair and Vice-Chair if relevant

31.4 Councillors visiting the meeting in question (with the agreement of the Monitoring Officer) who would receive the papers upon arrival

Audio Recording of Meetings and Publication

32 All decision-making meetings of the Council and Committees shall be audio recorded except where the public and press have by resolution been excluded from the meeting. Informal non-decision-making bodies such as working groups are excluded from this requirement. The audio recordings of meetings shall be published on the Council's website.

Reporting of Meetings by the Public and Press

33 Any member of the public or press attending a public meeting of the Council may now record the proceedings and report them to others. 'Reporting' means filming, photographing, making an audio recording or some other such method of recording proceedings and then reporting or providing a commentary on those proceedings, orally or in writing. A

person attending the meeting may use any appropriate communication method, including the Internet, to publish or share the recorded material. This would include the use of social media.

- 34 Any person wishing to record a public meeting is not required to give the local authority prior notice although they are encouraged to do so in order that reasonable facilities can be provided.
- 35 No one is entitled to record or report the proceedings of a meeting if the meeting has moved into Part 2 to consider confidential or exempt business. In such circumstances, the public and press would, as now, be required to leave the meeting and to deactivate and/or remove any recording or communications equipment.
- 36 Any person recording or reporting a meeting may not use flash photography or intrusive lighting, or move around the room, or ask any of the participants at the meeting to repeat something they have said. They may not cause excessive noise when installing or moving equipment. They may not give an oral commentary during the meeting. All of these activities would serve to disrupt proceedings and anyone acting in a disruptive manner may be excluded from the meeting.
- 37 Any person recording or reporting a meeting may not film any children or vulnerable adults present at the meeting, or any member of the public who objects to being filmed.
- 38 Anyone wishing to record or report on meetings should be warned at the outset that the law of defamation will apply, as well as the law relating to public order offences. They should also be reminded that freedom of speech should be exercised with personal and social responsibility, showing respect and tolerance towards the views of others. The Chair or person presiding at the meeting would be expected to give this advice with the support of officers.

Chapter 3 – Part 3**Budget and Policy Framework Procedure Rules**

- 1 The Council is responsible for the adoption of its Budget and Policy Framework.
- 2 The Corporate Policy Committee and the Finance Sub-Committee have responsibility for proposing to Council a budget and policies that will form part of the Budget and Policy Framework.
- 3 Committees and Sub-Committees have responsibility for making decisions within that Budget and Policy Framework. Departures will need to be agreed by Council unless they are within the virement rules set out below including appropriate agreement where functions overlap.

Process for Developing the Framework and Budget

- 4 The process by which the Budget and Policy Framework shall be developed is:
 - 4.1 The Corporate Policy Committee will consider proposals regarding the review or adoption of any plan or strategy forming part of the Policy Framework and make recommendations to full Council.
 - 4.2 Following consultation with the administration the Chief Finance Officer will prepare a draft budget. The Finance Sub-Committee will propose the parameters within which variations to the Medium Term Financial Strategy (MTFS) can be made. Parameters will ensure compliance with the requirement to have a balanced budget taking in to account the likely plans and strategies set out in the Policy Framework.
 - 4.3 The Corporate Policy Committee will make proposals to Council to vary the budget within the MTFS according to the parameters set by the Finance Sub-Committee.
 - 4.4 The Finance Sub-Committee will decide upon the length of consultation for the MTFS (usually this will not be less than four weeks).
 - 4.5 The Service Committees shall be asked to give their views as part of that consultation.
 - 4.6 At the end of the consultation period, the Corporate Policy Committee will draw up firm proposals having regard to the responses received from the consultation.
 - 4.7 The Corporate Policy Committee will submit those firm proposals to the Council together with a report that will set out the comments made by consultees and, in particular the Corporate Policy Committee's response to views expressed in any consultation process.

- 4.8 Once Corporate Policy Committee has approved the firm proposals they will be referred to the full Council for decision.
- 4.9 In reaching a decision, the Council may adopt the Corporate Policy Committee's proposals, or propose amendments to them.
- 4.10 If it accepts the recommendations without amendment, the Council may make a decision, which has immediate effect.
- 4.11 Proposed amendments to the Budget must be submitted to the Chief Finance Officer at least 3 clear working days before the Council meeting and must enable the Budget to balance.
- 4.12 The Council may approve a decision which does not accord with the recommendation of the Corporate Policy Committee.
- 4.13 The decision shall then be published and implemented immediately.

Decisions Outside the Budget or Policy Framework

- 5 Where a Committee wishes to make a decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget approved by full Council, then that decision may only be taken by the Council, unless it is urgent or falls within virement or supplementary estimate rules.
- 6 Advice shall be taken first from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget. If the advice of either of those Officers is that the decision would not be in line with the existing Budget and/or Policy Framework, then the decision must be referred to the Council for decision, unless the decision is urgent, in which case the provisions below shall apply.

Urgent Decisions Outside the Budget or Policy Framework

- 7 In exceptional circumstances and if the decision is a matter of urgency a decision may be taken by a Committee or Officer if:
 - 7.1 it is not practical to convene a quorate meeting of the full Council, and
 - 7.2 the Chair and Vice Chair of the Corporate Policy Committee agrees that the decision is urgent.
- 8 In the absence of the Chair or Vice Chair of the Corporate Policy Committee the consent of the Chair or Vice-Chair of the Finance Sub-Committee, or, in the absence of any or all of them, the Mayor, will be sufficient.
- 9 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency. The reasons why it was not practical to convene a quorate meeting of full Council and the consent of the Chair and Vice Chair of the Corporate Policy Committee (or

others) to the decision being taken as a matter of urgency must be noted on the record of the decision.

Policy Framework – In-year Changes

- 10 Changes (including modifications, revisions, variations, withdrawal or revocation) to Policy Framework plans or strategies must ordinarily be approved by the Council. However, the Council may, at the time when the plan or strategy is approved, authorise a Committee, Sub-Committee or an Officer, to make changes, including changes that will:
 - 10.1 result in the closure or discontinuing of a service, in whole or in part to meet a budgetary constraint, or
 - 10.2 ensure compliance with the law, ministerial direction or Government guidance, or
 - 10.3 determine matters where the existing policy document is silent on the matter under consideration.

The Policy Framework

- 11 The Council's Policy Framework comprises:
 - 11.1 The Corporate Plan
 - 11.2 Crime and Disorder Reduction Strategy
 - 11.3 Local Transport Plan
 - 11.4 Local Development Plan and Development Plan Framework documents
 - 11.5 Licensing Authority Policy Statement
 - 11.6 Gambling Statement of Principles
 - 11.7 Equality and Diversity Strategy
 - 11.8 Environment Strategy 2020-24
 - 11.9 Annual Pay Policy Statement
- 12 The process by which the documents forming part of the Local Plan and Development Plan documents shall be developed and approved is set out in legislation.
- 13 Where a new plan or strategy is required to be produced as part of the Policy Framework, either by Council of its own volition, or following a recommendation to Council by a Committee, then the Committee or the Corporate Policy Committee shall develop the new plan or strategy.

Financial Limits

- 14 This section of the Budget and Policy Framework Rules is a table setting out the financial limits that apply in various parts of this Constitution. The

purpose of this table is to assist readers in identifying relevant financial limits and their location in the Constitution.

Page	Reference	Area	Financial Limit
	Chapter 2, Part 4	Corporate Policy Committee	To make recommendations to Council in relation to decisions affecting the remuneration of any new post whose remuneration is or is proposed to be or would become £100,000 p.a. or more.
	Chapter 2, Part 4	Corporate Policy Committee	To make decisions in relation to proposed severance packages with a value of £95,000 or more as appropriate (excluding accrued holiday pay and pay in lieu of notice)
	Chapter 2, Part 6	Delegations to Chief Executive / Head of Paid Service	To make decisions affecting the remuneration of any existing post that is or could become £100,000 p.a. or more, in consultation with the Leader and Chair of the Corporate Policy Committee, provided the post falls within the framework contained in the Council's Pay Policy Statement
	Chapter 2 Part 6	Delegations to the Monitoring Officer	To authorise the settlement of actual or potential uninsured claims, claims, litigation or Ombudsman cases across all functions of the Council <ul style="list-style-type: none"> • up to £100,000; or • above £100,000 and below £500,000 in consultation with the Finance Sub-Committee Chair and the Executive Director (Corporate Services) (subject to being reported to the relevant Committee after settlement).
	Chapter 3, Part 4	Urgent Decisions	For the purposes of this urgency provision, no financial limit shall be placed on the decision-making powers of the Chief Executive
	Chapter 3, Part 4, Section 4	Asset Disposal / Asset write Offs	The Chief Finance Officer may authorise: <ul style="list-style-type: none"> • the write off of losses; or • disposals, of obsolete or surplus equipment, materials, vehicles or stores up to a value of £25,000. Where the sum exceeds £25,000 but is less than or equal to £100,000 this shall be carried out in consultation with the Finance Sub-Committee Chair. Write offs over £100,000 will be the responsibility of the Finance Sub-Committee or Corporate Policy Committee.
	Chapter 3, Part 4, Section 4	Acquisition and disposal of land and property	Over £2 million is the responsibility of the Finance Sub-Committee; and below £2m is a member of the Corporate Leadership Team in

Page	Reference	Area	Financial Limit
			consultation with the Chief Finance Officer and the Executive Director Place.
	Chapter 3, Part 4, Section 4	Salaries and Wages	The Chief Executive or Executive Director (Corporate Services) may approve severance up to £95,000, excluding accrued holiday pay and pay in lieu of notice. Corporate Policy Committee will determine cases above this threshold or a waiver will be sought from full Council and central Government
	Chapter 3, Part 4, Section 5	Ordering and Paying for Work, Goods and Services	Where a requisition for the purchase of goods or services exceeds £25,000 in value, Contract Procedure Rules Part 5 Section 3 applies
	Chapter 3, Part 4, Annex	Request for Quotation	An invitation to providers to submit quotations for Contracts to provide goods, services or works valued between £25,000 and the relevant Public Procurement Threshold
	Chapter 3, Part 5, Section 2	Electronic Tendering	All tendering above the relevant Public Procurement Threshold (and for Contracts which are below those thresholds but higher than £25,000 in value) must be undertaken via an electronic tendering method and shall use the e-tendering Portal accessible through the CPU.
	Chapter 3, Part 5, Section 2	Contracts Register	The Contracts Register shall be controlled by the CPU and the Commissioning Officer must ensure that all Contracts above £10,000 in value are recorded.
	Chapter 3, Part 5, Section 3	Competition Requirements	Up to £10,000 – 3 quotes are advisable but not mandatory (local firms being preferable where appropriate)
	Chapter 3, Part 5, Section 3	Competition Requirements	Between £10,000 and £25,000 – A minimum of three quotations shall be sought, together with advice from the CPU or Legal Services on the appropriate form of Contract
	Chapter 3, Part 5, Section 3	Competition Requirements	Between £25,000 and the applicable Public Procurement Threshold – A minimum of three quotations shall be sought via the E-tendering Portal, and/or Find a Contract Service together with advice from the CPU or Legal Services on the appropriate form of Contract
	Chapter 3, Part 5, Section 5	Opening Bids	Bids above £1,000,000 will be verified by Legal Services
	Chapter 3, Part 5, Section 5	Opening Bids	Bids from the Public Procurement Threshold up to £1,000,000 will be verified by the Procurement Manager or a Category Manager

Page	Reference	Area	Financial Limit
			that has not been involved in the tender in question
	Chapter 3, Part 5, Section 5	Opening Bids	Bids between £25,000 and the Public Procurement Threshold will be verified by a Procurement Officer that has not been involved in the procurement process in question
	Chapter 3, Part 5, Section 5	Opening Bids	Bids between £10,000 and £25,000 will be opened in accordance with any guidance issued by CPU from time to time
	Chapter 3, Part 5, Section 6	Signed Contracts	Contracts (with a value not exceeding £1,000,000) shall be signed on behalf of the Council by a duly authorised Officer in accordance with the local Scheme of Delegation
	Chapter 3, Part 5, Section 6	Contract Sealing	A Contract must be executed under seal by Legal Services where it exceeds £1,000,000 in value
	Chapter 4, Part 1	Gifts and Hospitality	You must within 28 days of receipt, notify the Monitoring Officer in writing of any single gift, benefit or hospitality with a value of £50 or more that you have been offered or accepted as a Councillor from any person or body other than the Authority and a cumulative total from the same source of £100 in 12 months
	Chapter 4, Part 1	Disclosable Pecuniary Interests and Personal Interests	For the purposes of this Code, a relevant person is any person or body in whom such persons have a beneficial interest and a class of securities exceeding the nominal value of £25,000 or one hundredth of the total issued share capital of that body
	Chapter 4, Part 1	Dispensations: Securities	The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body
	Chapter 4, Part 2	Gifts and Hospitality	Small insignificant gifts of a value of less than £50, such as pens, diaries, calendars, mouse mats or mugs, may be accepted and modest hospitality

Virement (the transfer of funds between budgets)

- 15 The Council has set virement limits within which decision-makers can exercise discretion in approving or otherwise financial transfers, [in consultation with the Chief Finance Officer that are](#) within the Budget. The limits are set out in the table below.

- 16 Decision-makers are able to vire across budget heads between Committees, provided there is compliance with the financial limits in the table below and the Finance Procedure Rules and agreement. It is not permitted to vire funds from any ring-fenced budget.
- 17 Any dispute or disagreement between Committees regarding proposed virement shall be resolved by the Corporate Policy Committee.
- 18 Virement between budget heads (excluding reserves / contingencies)

Virement Amount	Approval Level
Up to and including £100,000	<u>Relevant</u> Head <u>s</u> of Service
In excess of £100,000 up to and including £500,000	Chief Finance Officer in consultation with the Relevant Member(s) of CLT
In excess of £500,00 up to and including: <ul style="list-style-type: none"> £1,000,000 revenue; or £5,000,000 capital 	Relevant Member(s) of CLT and Chief Finance Officer in consultation with Chair of the relevant Committee and the Chair of Finance Sub-Committee
Over <ul style="list-style-type: none"> £1,000,000 revenue; or £5,000,000 capital (where virement is within budget and policy framework)	<u>Committee</u> <u>And</u> Finance Sub-Committee

Virement from Reserves or Contingencies

Council may approve that specific earmarked reserves for contingencies are allocated the allocation of earmarked reserves or contingencies within the Budget Control Total of a Committee. The Committee may vire such funds only in consultation with the Chief Financial Officer.

<u>Virement Supplementary Estimate</u> Amount	From <u>Earmarked</u> Reserves or Contingencies
Up to and including £250,000	Chief Finance Officer
In excess of £250,000 up to and including £500,000	Chief Finance Officer in consultation with the Relevant Member of CLT
In excess of £500,000 up to and including £1,000,000	<u>Committee</u> <u>And</u> Finance Sub-Committee
Over £1,000,000	Council with recommendation from Finance Sub-Committee

Supplementary Estimates

- 19 Where services wish to undertake an activity not originally identified in the budget or incur additional revenue expenditure on an existing activity where this is fully funded (for example through additional specific grant allocations or developer contributions), approval must be sought for a supplementary estimate in accordance with the tables below. The Chief Finance Officer must be consulted in all cases.

Supplementary Estimates Externally funded other than from Additional Grants

Supplementary Estimate Amount	Approval Level
Up to and including £250,000	Relevant Member of CLT
In excess of £250,000 up to and including £500,000	Relevant Member of CLT in consultation with the Chair of the relevant Committee, Chair of Finance Sub-Committee and Chief Finance Officer
In excess of £500,000 up to and including £1,000,000	Committee And Finance Sub-Committee
Over £1,000,000	Council with recommendation from Finance Sub-Committee

Funded from Additional Grants

Directors may make applications for grants, where the application does not create a financial or any without other commitment, in consultation with the Chief Finance Officer. However, if the application is for a grant in excess of £1m, or if any match funding will be required, then CLT must be consulted in advance.

—Successful grant applications will require a supplementary -estimate to incur spending, in line with the approval limits set out in the table below.

If grant application or receipt commits expenditure outside of the Control Totals then a Virement or Other Supplementary Estimate will also be required.

Amount of grant to be received	Approval Level
Up to and including £100,000	Officers
Between £100,000 and £500,000	Relevant Member of CLT in consultation with Chair of the relevant Committee and Chair of Finance Sub-Committee
£500k and up to £1m	Committee
£1m and above	Council

- 20 Grants that require spending within restricted timescales may require the use of urgency powers to approve spending in line with the conditions of the grant.
- 21 Any dispute or disagreement between Committees regarding scope of authority, budgets or other matters shall be resolved by the Corporate Policy Committee.

Chapter 3 – Part 4

Finance Procedure Rules (FPRs)

1. Introduction

- 1.1. The Finance and Contract Procedure Rules provide the framework for managing the Council's financial affairs. They apply to every Councillor and Officer and anyone acting on its behalf, including School Governors operating under local delegation arrangements. All decision makers need to ensure that they are not only empowered under the Constitution to make a decision, but that they are also authorised under these Rules to incur the financial consequences of every decision that they make.
- 1.2. The Rules identify the financial responsibilities of the full Council, Committees, and Officers. A written record shall be kept of all decisions taken under these Rules that are taken using delegated powers.
- 1.3. The Chief Finance Officer is responsible for maintaining a continuous review of the Finance and Contract Procedure Rules and submitting any additions or changes necessary to the full Council for approval. The Chief Finance Officer is also responsible for reporting, where appropriate, breaches of the Finance and Contract Procedure Rules to Audit and Governance Committee.
- 1.4. The Corporate Leadership Team is responsible for ensuring that all staff are aware of the existence and content of the Council's Finance and Contract Procedure Rules and other internal regulatory documents and that they comply with them, as required by the Council's Code of Conduct for Employees and this Constitution. Failure to comply with the Code of Conduct may result in disciplinary action.
- 1.5. The Chief Finance Officer is responsible for issuing advice and guidance to underpin the Finance and Contract Procedure Rules that Councillors, Officers and others acting on behalf of the Council are required to follow.
- 1.6. Councillors have a fiduciary duty to local taxpayers to spend money wisely and to balance the interests of those who will pay against the interests of those who will benefit from the expenditure.
- 1.7. The Rules are not intended to cover every eventuality, but the spirit of the Rules must always be followed. Where there is any uncertainty in matters of interpretation, advice should be sought from the Director of Finance & Customer Services before decisions or actions are taken.

2. Financial Management**Why is this important?**

- 2.1 Financial Management covers all financial accountabilities in relation to the running of the Council, including the policy framework and budget.

Committees

- 2.2 Committees are responsible for discharging the Council's functions within the Budget and Policy Framework provided by Council. The Budget will be aligned with Committee and Head of Service responsibilities as far as possible.

Audit and Governance Committee

- 2.3 The Audit and Governance Committee has a right of access to all the information necessary to effectively discharge its responsibilities and may consult directly with internal and external auditors.
- 2.4 The Committee is responsible for a range of matters, including:
- 2.4.1 overseeing the Council's role and responsibilities in respect of Corporate Governance and Audit
 - 2.4.2 supporting the Council's audit function, both internal and external
 - 2.4.3 approving any Council Statement of Accounts as may be required by the relevant Account and Audit Regulations
 - 2.4.4 reviewing and approving the Annual Governance Statement
 - 2.4.5 ensuring the Council's Risk Management arrangements are operating effectively
 - 2.4.6 ensuring the Council has in place appropriate policies and mechanisms to safeguard resources
 - 2.4.7 promoting and maintaining high standards of probity and ethical behaviour.

The Chief Finance Officer (Section 151 Officer)

- 2.5 The Chief Finance Officer is the Council's 'responsible financial officer' under the Accounts and Audit Regulations. He or she is responsible for the proper administration of the Council's affairs as specified in, and undertaking the duties required by Section 151 of the Local Government Act 1972, Section 114 of the Local Government Finance Act 1988, the Local Government Act 2003 and all other relevant legislation.
- 2.6 The Chief Finance Officer is responsible generally, for discharging, on behalf of Cheshire East Council, the responsibilities set out in the

CIPFA Statement on the Role of the Chief Financial Officer in Local Government, including:

- 2.6.1 in conjunction with the other Corporate Leadership Team, the proper administration of the Council's financial affairs
- 2.6.2 setting and monitoring compliance with financial management codes and standards
- 2.6.3 advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
- 2.6.4 providing financial information
- 2.6.5 preparing the revenue budget and capital programme
- 2.6.6 treasury management including borrowing and investment.
- 2.6.7 reporting on the robustness of estimates and adequacy of reserve within the medium term financial strategy
- 2.7 Section 114 of the Local Government Finance Act 1988 includes a requirement for the Chief Finance Officer to report to the full Council and the external auditor if the Council or one of its decision-makers:
 - 2.7.1 has made, or is about to make, a decision which involves incurring unlawful expenditure
 - 2.7.2 has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the Council
 - 2.7.3 is about to make an unlawful entry in the Council's accounts.
- 2.8 Section 114 of the 1988 Act also requires:
 - 2.8.1 the Chief Finance Officer to nominate a properly qualified Member of staff to deputise should he or she be unable to perform the duties under section 114 personally. The designated deputy for this purpose is the Head of Financial Management.
 - 2.8.2 the Authority to provide the Chief Finance Officer with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under section 114.

Money Laundering Reporting Officer

- 2.9 The Chief Finance Officer is appointed as the Council's Money Laundering Reporting Officer and will maintain and advise on Anti-Money Laundering procedures.
- 2.10 The Chief Finance Officer is responsible for notifying the Serious Organised Crime Agency of any suspected cases of money laundering committed within the accounts of the Council as soon as

possible and fulfil other duties as defined by legislation or regulation related to the post. The Chair of the Finance Sub-Committee will be kept informed of any such notifications and of any issues arising from them.

Corporate Leadership Team

- 2.11 Corporate Leadership Team members are responsible for financial management within their directorates and spending within the limits of the budgetary framework set by Council. They shall manage the development of budget policy options with a detailed assessment of financial implications within the budget process and resource framework agreed by the Council.

Schemes of Financial Delegation

- 2.12 Corporate Leadership Team members will establish, operate and keep under review Local Schemes of Financial Delegation, in consultation with the Chief Finance Officer, to ensure that:
- 2.12.1 the day to day financial management of services within their directorate is carried out in a secure, efficient and effective manner, and in accordance with the Finance Procedure Rules and associated relevant guidance.
 - 2.12.2 expenditure is contained within the service's overall approved budget and that individual budget heads are not overspent, by monitoring the budget and taking appropriate and timely corrective action where significant variances are forecast and if necessary, seeking specific in year approval for the transfer of resources between budgets
 - 2.12.3 regular reports in an approved format are made to Committees on projected expenditure against budget and performance against service outcome targets set out in the business plan
 - 2.12.4 prior approval is sought at the appropriate level for new proposals that create financial commitments in future years, change existing policies, initiate new policies or materially extend or reduce the Council's services
 - 2.12.5 resources are only used for the purposes for which they were intended
 - 2.12.6 compliance with the scheme of virement set out above
 - 2.12.7 risks are appropriately assessed, reviewed and managed
 - 2.12.8 all members of staff are fully trained, aware of and comply with the requirements of Financial Procedure Rules, including the Contract Procedure Rules
 - 2.12.9 all allegations of suspected fraud, corruption and financial irregularity are promptly reported to the Chief Finance Officer

and Monitoring Officer and that any local investigations are undertaken thoroughly, consistently and impartially.

- 2.13 The financial limits specified in the Scheme of Financial Delegation will be used to control access to financial systems and on-line transaction approvals.

Managing Expenditure

- 2.14 Budget holders are expected to manage within the budgets provided by full Council. Committee and Sub-Committees are responsible for monitoring financial control and making decisions as required by these rules.
- 2.15 Virement rules allow the transfer of funds between budgets.
- 2.16 Supplementary estimates may be requested ~~to~~^{from} increase budgets.

Treatment of Year End Balances

- 2.17 The Finance Sub-Committee is responsible for agreeing procedures for carrying forward under and overspendings on budget headings.
- 2.18 Overspends or underspends in relation to the approved revenue budget may occur for a variety of reasons. With regard to General Fund budgets, there is no 'as of right' carry forward of underspends from one financial year to another except where this is provided for by a binding partnership agreement or other legal agreement with a third party. Decisions on carry forward of overspending or underspending will be made in the context of the financial position of the council as a whole and not any one particular service area.
- 2.19 Any revenue underspending at the year-end may be carried forward, subject to the agreement of the Chief Finance Officer in consultation with the Chair of the Finance Sub-Committee. All carry forward proposals must be supported by an appropriate Business Case demonstrating that the underspend was planned and that the resources carried forward will be earmarked for a specific and appropriate purpose. The Corporate Leadership Team should include provisional indications of likely carry forward requests in their reports on the three-quarter review of performance. Before approval is sought for a carry forward, the Corporate Leadership Team should ensure that there are no unfunded overspends within their directorate. It is extremely unlikely that proposed carry forwards for a service will be approved if there are unfunded overspends elsewhere within the directorate.
- 2.20 Capital block provisions are allocations within which the value of approved schemes must be contained. Any uncommitted sum at the year-end may be carried forward, subject to agreement of the Chief Finance Officer. Any uncommitted sum which is not justified will be returned to Council balances. Equally, any overspending will be

carried forward as the first call on the following year's provision.

Accounting Policies, Records and Returns

- 2.21 The Chief Finance Officer is responsible for control and assurance and therefore determines appropriate accounting policies and procedures; exercising oversight of financial and accounting records and systems; and preparing and publishing reports containing statements on the overall finances of the Council, including the annual statement of accounts.
- 2.22 Financial statements must present fairly the financial position of the Council and its expenditure and income.
- 2.23 All accounts and accounting records will be compiled by the Chief Finance Officer or under his/her direction. The form and content of records maintained in other directorates will be approved by the Chief Finance Officer along with reconciliation procedures.

The Annual Statement of Accounts

- 2.24 The Chief Finance Officer is responsible for ensuring that the annual statement of accounts is prepared in accordance with the *Code of Practice on Local Council Accounting in the United Kingdom* (CIPFA/LASAAC) and signing them in accordance with the Accounts and Audit Regulations 2015. Oversight of the accounts is a responsibility of the Audit and Governance Committee.

3. Financial Planning

- 3.1 Full Council is responsible for agreeing the Council's Budget and Policy Framework. In terms of financial planning, the key elements are:

- 3.1.1 The **Medium Term Financial Strategy** sets out:

- what the Council wants to achieve in the short and medium term
- how services will change in the light of priorities, performance, resources, workforce planning needs and consideration of risks
- investment required to deliver change
- how much services will cost in overall terms and to service users
- how much Council Tax will be levied.

- 3.1.2 The **Budget** is the financial expression of the Council's Corporate Plans. It sets out the allocation of resources to Committees, services and projects, the level of contingency funding, the Council Tax base and Council Tax rate, borrowing limits and capital financing requirements

- 3.1.3 The **Capital Strategy** – Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the Council, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs
- 3.1.4 The **Treasury Management Strategy** –sets out the arrangements for the management of the Council's borrowing, lending, cash flows and investments.
- 3.1.5 The **Corporate Plan** sets out the Council's medium-term vision, values and aspirations.
- 3.1.6 The **Investment Strategy** – which sets out the arrangements and financial limits of the Councils non-Capital and non-Treasury investments
- 3.1.7 The **Reserves Strategy** – which sets out the Council's approach to the maintenance and use of the Council's useable reserves.
- 3.1.8 **Specific Service Plans and Strategies** which have a financial implication.

Strategic Planning Framework

- 3.2 Each year the Council produces a Medium Term Financial Strategy, including an approved Budget, Capital Strategy, Treasury Management Strategy, Investment Strategy and Reserves Strategy detailing the financial and service scenario over a three or four year planning horizon (the **Medium Term Financial Strategy** (MTFS)) and the policy and expenditure changes required to respond to this scenario.
- 3.3 The Chief Finance Officer will advise the Council on the financial environment, financial policies (including the appropriate levels of reserves and contingencies, prudential borrowing and treasury management) and the policy and expenditure options to assist in the determination of its Budget. The Chief Finance Officer then has authority to implement decisions within those strategies on borrowing, reserves and investment without any financial limit.
- 3.4 The Finance Sub-Committee, advised by the Chief Finance Officer, Corporate Leadership Team and Heads of Service, will develop a budget package including financing options, policy and expenditure options and a capital programme. The final Budget policies and Council Tax will be determined by Council.

Budgeting

- 3.5 The general format of the budget will be determined by the Chief Finance Officer. The draft budget will include allocation to Committees, different services and projects, proposed taxation levels and contingency funds.

- 3.6 The Chief Finance Officer is responsible for reporting to full Council on the robustness of estimates contained within the budget and the adequacy of reserves allowed for in the budget proposals. The Chief Finance Officer shall determine the level of financial reserves that are prudent for the authority within the Reserves Strategy.
- 3.7 The Council shall not approve amendments to either revenue or capital budgets without first having considered the advice of the Chief Finance Officer on the financial implications arising.

Monitoring and Control

- 3.8 The Chief Finance Officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He or she must monitor and control expenditure against budget allocations at a corporate level and report to the Committees on the overall position on a regular basis.
- 3.9 It is the responsibility of Corporate Leadership Team to control income and expenditure within their area and to monitor performance, taking account of financial information and guidance provided by the Chief Finance Officer. They must report on variances within their own areas. They must also take any action necessary to avoid exceeding their budget allocation and alert the Chief Finance Officer to any potential overspending or under-achievement of income budgets in a timely manner.
- 3.10 The Chief Finance Officer, with the support of the Corporate Leadership Team, is responsible for establishing an appropriate framework of budgetary management and control which:
- 3.10.1 Ensures that:
- budget management is exercised within annual cash limits unless the full Council agrees otherwise
 - timely information on receipts and payments is made available, which is sufficiently detailed to enable officers to fulfil their budgetary responsibilities
 - expenditure is committed only against an approved budget head
 - all officers responsible for committing expenditure comply with relevant guidance and Finance and Contract Procedure Rules
 - each cost centre has a single named manager, determined by the relevant Head of Service. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure

- significant variances from approved budgets are investigated and reported by budget managers regularly.
- 3.10.2 Reports to Committees and full Council, with the relevant Director or Head of Service, where they are unable to balance expenditure and resources within existing approved budgets under their control
 - 3.10.3 Reports on the Council's projected income and expenditure compared with the budget on a regular basis.
 - 3.10.4 Ensures that Schemes of Financial Delegation are maintained for all functions within their area of responsibility
 - 3.10.5 Ensures that Best Value and best consideration is obtained.
 - 3.10.6 A Business Case must be prepared for all revenue proposals with a significant financial impact, risk profile or policy change. The template, in a form agreed by the ~~Director of Finance & Customer Services~~[Chief Finance Officer](#), must include an assessment of the Service consequences, risk and impact on users, and include any differential impact on particular groups or localities.

Capital Approvals

- 3.11 Capital approvals are the total cost of each provision or scheme rather than the anticipated expenditure in each year.
- 3.12 A Business Case must be prepared for all capital proposals before approval is sought for inclusion in the Capital Programme. The Business Case will be in a format to support decision making, and must identify whole life costs, for revenue and capital. The amount of detail will be proportionate to the value and level of risk. Where there is a greater risk further detail in the Business Case may also be required.

Capital Monitoring and Amendments to the Capital Programme

- 3.13 Any 'in year' approval sought to vary the financial values or implications of a capital scheme, must be supported by an update to the Business Case.
- 3.14 Once the Capital Programme has been approved, project owners must ensure that the scheme is appropriately managed to achieve appropriate Time, Quality and Cost measures in accordance with the business case. This could be supported by production of a more detailed Business Case outlining how the Project or Programme will achieve the associated benefits.
- 3.15 Project owners must provide regular reporting (at least quarterly) of progress of their schemes. Where project performance or outcomes are at risk of significantly varying from the business case the project owner is responsible for taking appropriate mitigating action including the need

to seek appropriate approvals as required. All reporting and monitoring activity should be evidenced and recorded in a way that can be accessed to support auditing of project activity. Guidance should be sought from the Chief Financial Officer if required.

- 3.16 Major recurring programmes of capital expenditure will require a detailed report to be submitted to the relevant Service Committee covering all the schemes within each programme of works and will include total projected cost, expenditure profile and the full financial implications, both capital and revenue. This will include, but not be limited to, the programmes for Schools & Corporate Landlord Planned Maintenance, ICT Investment and the Local Transport Plan.
- 3.17 The Capital Programme will distinguish between committed expenditure from schemes already approved, recurring programmes and new proposals, both medium and longer term.
- 3.18 Where budget provision is included for feasibility work and option development in the capital programme and subsequently the scheme does not progress the expenditure incurred will be treated as abortive costs and charged to revenue.
- 3.19 Wherever possible, expenditure in respect of Highways improvements funded by developers and Rechargeable works should be included in the Capital Programme. Where this is not possible Heads of Service may approve capital expenditure in respect of:
 - 3.19.1 highway improvements fully funded by developers under Section 278 of the Highways Act 1980, provided that a formal agreement has been completed with the developer
 - 3.19.2 other rechargeable reinstatement work
 - 3.19.3 urgent work to repair, replace or reinstate vehicles, buildings or equipment, where the work is to be fully funded from insurance monies.
- 3.20 In addition, Heads of Service may authorise essential design work required in advance of the start of the financial year on capital schemes which are in the programme approved by Council in February.
- 3.21 Council will approve the re-profiling of spend on approved capital schemes across financial years and carry forward of slippage/accelerated spend into future financial years as part of the budget process in February.

Capital Receipts

- 3.22 The Chief Finance Officer must be informed of all proposed capital receipts including sales of land and buildings so that the effect on financial and property management can be assessed.
- 3.23 On the advice of the Chief Finance Officer, the Council will determine how capital receipts will be applied when setting the budget.

Leasing and Rental Agreements

- 3.24 Leasing or renting agreements must not be entered into unless the service has established that they do not constitute a charge against the Council's prudential borrowing limits. Advice must be obtained from the Chief Finance Officer on general leasing arrangements and approval must be obtained for lease agreements.
- 3.25 Leases relating to land or property also require the approval of the Chief Finance Officer. Only the Monitoring Officer or his/her authorised deputies, or persons specifically authorised by the Service Scheme of Financial Delegation, may sign such agreements.

Reporting

- 3.26 Officers are responsible for preparing regular reports on overall financial and non-financial performance and progress against service plan targets. The Corporate Leadership Team is responsible for setting appropriate timelines and the format of such reporting. This includes the onward reporting to Committees and Council as necessary to support informed decision making and governance. These reports must include specific reference to the implementation of policy changes and new developments agreed as part of the budget setting process and other specific requirements as notified in the reporting guidance.
- 3.27 These reports must include specific reference to the implementation of policy changes and new developments agreed as part of the budget setting process and other specific requirements as notified in the reporting guidance. Capital Project Managers will report periodically to their relevant Committee Chair on the progress and forecast of all capital expenditure and income against the approved programme.
- 3.28 These regular reports are also to include specific reference to Service performance against the expected non-financial outcomes in the form of key performance targets and progress against key activities. Officers are expected to achieve value for money in the delivery of services and the reports should demonstrate how this has been achieved together with an analysis of how key policy and expenditure proposals have been implemented.
- 3.29 The key reporting stages are:
 - 3.29.1 Approval of service plans, including resource requirements and indicators of performance
 - 3.29.2 Approval of Business Cases to vary the Medium Term Financial Strategy
 - 3.29.3 Quarterly reviews of performance, including revenue and capital expenditure and income
 - 3.29.4 Final outturn reports for both revenue and capital expenditure and income, including post-implementation reviews, on major capital schemes completed during the

year.

- 3.29.5 Summary quarterly reviews and outturn position statements of both capital and revenue expenditure and income will also be reported to Council through its relevant subordinate bodies.
- 3.30 In addition, the reports will be specifically required to give details in respect of the following:
 - 3.30.1 Potential overspends and proposed remedial action, including any impact on balances and future year's budgets which may need to be factored in to future financial scenario planning
 - 3.30.2 Amendments to approved budgets (virements, supplementary capital estimates etc.) where Councillor approval is required.

4. Risk Management and Control of Resources

Why is this important?

- 4.1 It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the Council. This should include the proactive participation of all those associated with planning and delivering services.

Risk Management and Insurance

- 4.2 The Director of Governance & Compliance is responsible for advising Council on an appropriate risk management policy statement and strategy, including risk appetite/tolerance levels, and for reviewing the effectiveness of risk management including appropriate levels of insurance.
- 4.3 The Director of Governance & Compliance is responsible for preparing the Council's risk management policy statement and for promoting it throughout the Council.
- 4.4 The Audit and Governance Committee will provide Councillor oversight and review the arrangements periodically ensuring the Council's risks are managed effectively and that strategic decisions are informed by and influence the Corporate Risk Register.

Insurance

- 4.5 The Director of Governance & Compliance will maintain and administer the Council's insurances. The Director of Governance & Compliance is responsible for authorising the settlement or repudiation of insurance claims and associated costs acting on advice from the Council's solicitors, insurers, and claims handlers.

- 4.6 The Corporate Leadership Team and Heads of Service are responsible for informing the Director of Governance & Compliance immediately of:
- 4.6.1 any insurance claims received
 - 4.6.2 any events which may result in an insurance claim against the Council
 - 4.6.3 the terms of any indemnity which the Council is required to give prior to entering into any contracts etc.
 - 4.6.4 any new risks which might require to be insured, together with any changed circumstances affecting existing risks. Consideration should be given to new projects, new ways of working, changes in legislation requiring new ways of delivery etc., where the insurance impact is often overlooked.
- 4.7 No new insurances may be taken out without prior consultation with the Director of Governance & Compliance.
- 4.8 The Corporate Leadership Team must ensure that there is co-operation with the Insurance Team in providing the correct documentation and that the correct retention of documents is observed.
- 4.9 Service budgets will be charged with the cost of legal penalties or losses incurred by the Council as a result of any failure to comply with the requirements of the Civil Procedure Rules and these Finance and Contract Procedure Rules relating to claims.

Risk Management

- 4.10 The Council's approach to Risk Management is that it should be embedded throughout the organisation at both a strategic and an operational level, through integration into existing systems and processes.
- 4.11 The Corporate Leadership Team is responsible for ensuring the [Risk Management Framework](#) is implemented and that the full risk management cycle operates within their Services.
- 4.12 The full cycle consists of:
- 4.12.1 identification of risks, both negative and positive, in relation to the objectives of the Council.
 - 4.12.2 evaluation of risks scored for likelihood and impact, both gross (before any controls) and net (with existing controls)
 - 4.12.3 treatment of the risk either by: avoidance, mitigation, transfer or to consciously accept the risk.
 - 4.12.4 actions and risks monitored and reviewed on a regular basis.
 - 4.12.5 the Council's Risk Register will be maintained and co-ordinated by the Head of Audit and Risk.

- 4.13 There are two levels to the Risk Register:
- 4.13.1 **Strategic** – those risks that impact on the organisation's overall objectives either because of their frequency of occurrence or the significance of the impact.
 - 4.13.2 **Service** – those risks that impact on the service objectives. There should be a movement of risks both upwards and downwards throughout the levels and treatment addressed at the most appropriate level of the organisation.
- 4.14 Heads of Service are responsible for ensuring risk management is carried out at both an operational and strategic level in accordance with the agreed guidance and procedures.
- 4.15 Service strategic risk assessments will be carried out annually to inform the service plan. These risk assessments will form the basis of the Service element of the Council's risk register.
- 4.16 Heads of Service will take account of, and address, corporate risks where appropriate and inform the Head of Audit and Risk of any service risks that should be considered significant enough to raise to the corporate level.
- 4.17 Service risk registers, and associated actions, will be monitored and reviewed on a regular basis (at least quarterly) as part of the performance management process.
- 4.18 The Strategic Risk Register will be reported to the Corporate Leadership Team and to the Audit and Governance Committee in accordance with the budget reporting cycle.

Business Continuity

- 4.19 The Civil Contingencies Act 2004 places a statutory requirement for Local Authorities to maintain plans for the continuation of services in the event of an emergency, so far as is reasonably practicable. Services are expected to have arrangements in place to ensure the effective identification, evaluation and management of business critical services. Further guidance is available on the intranet and from the Head of Audit and Risk.

Internal Controls

- 4.20 The Chief Finance Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.
- 4.21 It is the responsibility of Corporate Leadership Team to establish sound

arrangements for planning, appraising, authorising and controlling their operations in order to achieve best value, that is continuous improvement, economy, efficiency and effectiveness, and for achieving their financial performance targets.

- 4.22 The Council must, on an annual basis, produce an Annual Governance Statement. This statement must provide a description of the system of internal control within the Council, a description of any work undertaken to assess the effectiveness of the internal control framework, and any significant internal control weaknesses.

Audit Requirements

Internal Audit

- 4.23 The Accounts and Audit Regulations 2015 require the Council to have a sound system of internal control which facilitates the effective exercise of its functions; the achievement of its aims and objectives; ensures that the financial and operational management of the authority is effective; and includes effective arrangements for risk management.
- 4.24 To contribute to the production of the Annual Governance Statement, the Head of Audit and Risk, is responsible for planning and delivering a programme of independent review of the Council's activities, the scope of the programme being based on the Council's objectives and an assessment of the risk which may affect the achievement of these objectives.
- 4.25 The Head of Audit and Risk will present an annual report to the Audit and Governance Committee, summarising the audit plans for the coming year and a commentary on audit activity which is completed or in progress, with a mid-year report setting out progress against the annual audit plan. In addition, any matters of material importance in relation to audit matters are also reported to the Audit and Governance Committee.
- 4.26 Audit staff have, in accordance with the Accounts and Audit Regulations, (with strict accountability for confidentiality and safeguarding records and information), full, free and unrestricted access to any and all of the Council's premises, personnel, assets, records and third party fund transactions pertinent to carrying out any engagement, including those of the Council's alternative service delivery vehicles. These rights of access should be documented in the management agreement.
- 4.27 With regards to organisations participating in partnering arrangements, Internal Audit staff shall have such access to the premises, personnel assets and records of the partner as is necessary for the purposes of the partnering arrangement, as detailed in section 6 below. Partners will be required to grant reasonable access when requested and details of such access should be agreed with the partner and set down in the Partnering Agreement. Where the right of access has not been

specified in existing arrangements then appropriate discussions with partners should take place.

External Audit

- 4.28 The Local Audit and Accountability Act 2014 established new arrangements for the audit and accountability of relevant authorities. Under these new arrangements the Council has opted for its external auditors to be appointed by the Public Sector Audit Appointments Limited (PSAA), an independent company established by the LGA for this purpose.
- 4.29 The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs, who have statutory rights of access.

Preventing Fraud and Corruption

- 4.30 The Executive Director (Corporate Services) is responsible for the development and maintenance of an anti-fraud and anti-corruption policy.
- 4.31 The Council has an approved Anti-Fraud and Corruption Policy which places responsibility for preventing fraudulent activity with all Members, Managers and individual members of staff. Any matters which involve, or are thought to involve, any fraud or other significant irregularity involving Council assets or those of a third party fund, must be notified immediately to the Head of Audit and Risk, in conjunction with other officers detailed in the Council's Anti-Fraud and Corruption Strategy.
- 4.32 In line with the Anti-Fraud and Corruption Strategy the Monitoring Officer will, in consultation with the appropriate Corporate Leadership Team member and Head of Audit and Risk, decide whether any matter under investigation should be recommended for referral to the Police or the appropriate enforcement agency. The Council's External Auditor also has powers to independently investigate fraud and corruption.

Assets

- 4.33 In the context of these Rules, Assets include buildings, land and infrastructure; furniture; equipment; plant; stores and "intellectual property" such as computer software, data and information of all kinds.
- 4.34 Corporate Leadership Team, Directors and Heads of Service are responsible for the care, control and proper and economical use of all assets used in connection with the operation and delivery of their Services. Proper records should be maintained for these assets, together with appropriate arrangements for their management and security. Information Assets should be recognised in line with the Council's guidance and recorded in the Information Asset Register.
- 4.35 Heads of Service are responsible for ensuring that assets are used only for official purposes and that all appropriate rights, licenses and

insurances are obtained.

- 4.36 Heads of Service are responsible for ensuring that all computer software used is properly licensed.
- 4.37 The Head of Estates is responsible for maintaining and regular reporting of an Asset Management Strategy.

Property

- 4.38 The Council's Asset Management Strategy sets out the vision, core values and objectives that form the context for the preparation of the Corporate Asset Management Plan and Service Asset Management Plans.
- 4.39 The Council has adopted a Corporate Landlord approach to the ownership and management of its property assets. This means that the ownership of property assets and the responsibility for their management and maintenance is transferred from service directorates to the Corporate Landlord, which is a centralised corporate function.
- 4.40 In this way the Corporate Landlord approach:
 - 4.40.1 enables the Council to utilise its assets to deliver better, more efficient services to our communities.
 - 4.40.2 unlocks the value of assets, seeks efficiencies through joint arrangements with our public sector partners and maximises private sector investment.
 - 4.40.3 ensures the provision of a consistent, corporate and strategic approach to the management of the Council's property portfolio, consolidating resources, eliminating duplication, improving efficiency, procurement and the establishment of corporate property standards
 - 4.40.4 supports the delivery of the Council's Corporate Plan.
- 4.41 The Corporate Landlord's responsibility extends to the acquisition, development and disposal of land and property. This means that the Corporate Landlord is responsible for asset review, feasibility and options appraisal across all services.
- 4.42 The Chief Finance Officer and the Executive Director Place must be consulted on all proposed acquisitions and disposals of land and property.
- 4.43 Separate rules apply to specific processes, such as the use of capital receipts from property sales to pay for new schemes, and guidance should be sought from the Chief Finance Officer and the Executive Director Place where this arises.
- 4.44 Acquisition and disposal of land and property and other assets over £2 million is the responsibility of the Finance Sub-Committee; and below £2m is a member of the Corporate Leadership Team in consultation

with the Chief Finance Officer and the Executive Director Place.

Inventories

- 4.45 Heads of Service must ensure that proper arrangements are made to maintain inventories of all valuable and transportable items, including vehicles, furniture, computer and other equipment (including software), visual aids, expensive tools and sports equipment.
- 4.46 The inventory must be updated for all acquisitions and disposals and checked at least annually. Items acquired under leasing arrangements must be separately identified for disclosure in the published final accounts.

Stocks

- 4.47 Stock is defined as consumable items constantly required and held by a Service in order to fulfil its functions. Heads of Service are responsible for the control of stocks. They must ensure that stocks are appropriately secured and recorded, do not exceed reasonable requirements and that all significant stock is accounted for in the year end accounts. Stocks should be checked at least once a year, more frequently in the case of expensive items.

Cash

- 4.48 Cash held on any Council premises should be held securely and should not exceed any sums for which the Council is insured. If retention of cash on site is unavoidable in exceptional circumstances, the Head of Service is responsible for making appropriate security arrangements. All cash should be banked as quickly as possible.

Asset Disposal/Write-off

- 4.49 The Chief Finance Officer may authorise the write off of losses up to £25,000, or disposals, of obsolete or surplus equipment, materials, vehicles or stores up to a disposal value of £25,000. Where the value exceeds £25,000, but is less than or equal to £100,000 this should be done in consultation with the Finance Sub-Committee Chair. Write offs over £100,000 will be the responsibility of the Finance Sub-Committee or Corporate Policy Committee.
- 4.50 Any write off which arises as a result of theft or fraud must be notified to the Head of Audit and Risk immediately.

Treasury Management

- 4.51 The Council has adopted CIPFA's Code of Practice for Treasury Management in Local Authorities.
- 4.52 The full Council is responsible for approving the Treasury Management policy. The Chief Finance Officer has delegated responsibility for

implementing and monitoring the approved policy and practice (without financial limit).

- 4.53 All money in the hands of the Council is controlled by the Chief Finance Officer.
- 4.54 The Chief Finance Officer is responsible for reporting to the Finance Sub-Committee or Corporate Policy Committee periodically in each financial year on the activities of the treasury management operation and on the exercise of his or her delegated treasury management powers. One such report will comprise an annual report on Treasury Management for presentation by 30 September of the succeeding financial year.

Investments and Borrowings

- 4.55 It is the responsibility of the Chief Finance Officer to:
 - 4.55.1 ensure that all investments of money are made in the name of the Council or in the name of approved nominees.
 - 4.55.2 ensure that all securities that are the property of the Council or its nominees and the title deeds of all property in the Council's ownership are held in safe custody
 - 4.55.3 effect all borrowings in the name of the Council.
 - 4.55.4 act as the Council's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the Council.

Trust Funds and Funds Held for Third Parties

- 4.56 It is the responsibility of the Chief Finance Officer to:
 - 4.56.1 arrange for all trust funds to be held, wherever possible, in the name of the Council (e.g. 'Cheshire East Borough Council on behalf of.....'). All officers acting as trustees by virtue of their official position shall deposit securities, etc. relating to the trust with the Chief Finance Officer unless any deed otherwise provides.
 - 4.56.2 arrange, where funds are held on behalf of third parties, for their secure administration, approved by the Chief Finance Officer, and to maintain written records of all transactions.
 - 4.56.3 ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.

Staffing

Salaries and Wages

- 4.57 The Corporate Leadership Team and Heads of Service are responsible, in consultation with the Head of Human Resources, for providing

accurate and appropriate information and instructions to the Transactional Service Centre to enable the calculation and prompt payment of salaries, expenses and pensions, including details of appointments, promotions, re-gradings, resignations, dismissals, retirements and absences from duty. Human Resources will advise the Transactional Service Centre of relevant changes in respect of employee pensions. The Transactional Service Centre manager will make arrangements for payment to the appropriate bodies, of all statutory, including taxation, and other payroll deductions.

- 4.58 Time sheets and other pay documents which are used to generate payment of salaries, wages or other employee-related expenses must be on official forms or via authorised electronic inputs. Heads of Service are responsible for ensuring that they are certified by an authorised officer and that they are submitted to the Transactional Service Centre in accordance with the specified timetable. This includes on-line input entered locally. The names and specimen signatures of authorised officers must be secured by the Corporate Leadership Team and Heads of Service and included in the service Scheme of Financial Delegation notified to the Chief Finance Officer.
- 4.59 The Head of Human Resources will implement national and local pay agreements as soon as possible after their notification from the appropriate body. Arrangements for funding such awards will be determined each year as part of the budgetary process.

Early Retirement/Severance

- 4.60 Where Heads of Service wish to bring forward proposals under the Council's policies on severance and early retirement, they must be accompanied by a full cost and affordability assessment, in a form agreed by the Chief Executive, the Chief Finance Officer and the Head of Human Resources. The Chair of the Corporate Policy Committee shall be consulted for proposals relating to SM1 and above.
- 4.61 The Chief Executive or Executive Director (Corporate Services) in consultation with the Chair of the Corporate Policy Committee must approve all requests up to £95,000 (excluding pay in lieu of notice and accrued holiday pay). All such requests in excess of £95,000 must be approved by the Corporate Policy Committee or a waiver sought from full Council and central Government.
- 4.62 Heads of Service will generally be required to meet the costs of severance and early retirement from within their approved budget, subject to phasing over an agreed period.

Travelling and Subsistence

- 4.63 Heads of Service are responsible for instructing the Head of Human Resources and for providing appropriate and accurate information to enable the prompt and accurate payment of travelling, subsistence and other expenses to authorised employees in accordance with the terms of employment agreed by the Council.

- 4.64 Heads of Service are responsible for ensuring that Council employees who use their cars for official business are properly insured to indemnify the Council against any loss and for ensuring that payments are only made in respect of journeys which are necessary and actually undertaken. Heads of Service should ensure that the most environmentally friendly and economically available means of transport is used, including pool cars, hire cars and car sharing.
- 4.65 All claims for reimbursement must be made using appropriate official claim forms, always using electronic processing where available.
- 4.66 Further guidance is available via the Centranet.

Third Party Funds

- 4.67 A third party fund is defined as any fund financed other than by the Council, controlled wholly or partly by a member of the Council's staff in connection with the clients, establishments or activities of the Council such as School Funds, Amenity Funds or Criminal Injuries Compensation Payments for children in care.
- 4.68 Officers maintaining Third Party Funds are responsible for informing the Head of Audit and Risk of their nature and purpose.
- 4.69 Money or goods belonging to the Third Party Fund must be kept completely separate from other money or goods belonging to the Council. Similarly, completely separate records must be kept of the money or goods involved.
- 4.70 An independent auditor must be appointed who has suitable qualities though not necessarily professionally qualified, to audit the Third Party Fund on an annual basis. The Head of Audit and Risk will advise on such appointments. Annual Statements of Account and Audit Certificates must be formally presented to a Management Committee or other appropriate governing body.
- 4.71 The Corporate Leadership Team is responsible for ensuring that any Third Party Funds controlled by Council staff are:
 - 4.71.1 formally declared to the Head of Audit and Risk as part of a register kept by the Service/Service;
 - 4.71.2 maintained separately and correctly in accordance with these Finance Procedure Rules; and
 - 4.71.3 subject to the same standards of stewardship and probity as Council funds.
- 4.72 The Returning Officer will be responsible for maintaining complete and accurate records and for reconciliation with regard to elections accounts.

Retention of Records

- 4.73 The Council, in common with other public and private organisations,

has certain statutory obligations it has to meet for the retention of its records. It also has to fulfil the requirements of HM Revenue and Customs, other legislative requirements and the external auditors in respect of its financial records.

- 4.74 The majority of financial records must be kept for 6 years from the end of the tax year to which they relate. Some records, however, may need to be kept for longer periods e.g. if required to defend future insurance claims. It is possible others can be destroyed within shorter periods. Guidance on the appropriate retention period is given in the Council's Retention Policy and its Information Asset Register.
- 4.75 All records held should have an appropriate retention period assigned to them, which meet the statutory obligations to retain financial records, but also takes into account legislative requirements such as the Limitation Act, GDPR, Data Protection Act; Freedom of Information requirements; and the business needs of the Service.

5. Financial Systems and Procedures

Why is this important?

- 5.1 Sound systems and procedures are essential to an effective framework of accountability and control.

Income and Expenditure

- 5.2 The Council will approve the terms under which banking services, including overdraft facilities, are provided.

Banking Arrangements

- 5.3 All bank accounts must be titled impersonally in the name of Cheshire East Borough Council.
- 5.4 Subject to any directions given by the Council, all arrangements with the Council's bankers must be made solely through the Chief Finance Officer. No bank accounts may be opened or arrangements made with any other bank except by agreement with the Chief Finance Officer.
- 5.5 Bank transfers must be authorised by the Chief Finance Officer, or those officers authorised to sign through the agreed Scheme of Financial Delegation or in accordance with the Treasury Management Practice Statements.
- 5.6 Cheques drawn must bear the mechanically impressed signature of the Chief Finance Officer or be signed by the Chief Finance Officer or other officer authorised to sign through the agreed Scheme of Financial Delegation.

Income

Generating Income

- 5.7 The Chief Finance Officer is responsible for developing and maintaining standards, procedures, systems and reports to facilitate the effective and efficient identification, collection, receipting, banking and recovery of income due to the Council in accordance with current relevant UK legislation.
- 5.8 The Corporate Leadership Team is responsible for ensuring that the appropriate legal authority for all income generating activities has been identified and for maintaining an Income and Charging Strategy in a format specified by the Chief Finance Officer.

Charging for Income

- 5.9 Heads of Service shall determine the level of fees or charges payable in respect of any chargeable goods or services supplied, work undertaken or the loan or use of plant, equipment or machinery.
- 5.10 Charges must be reviewed annually by the Corporate Leadership Team in the light of all relevant information, to the service area, including consideration of appropriate inflation factors.

Collection of Income

- 5.11 The Council operates a Sundry Debt Collection policy to secure invoiced sundry debt income for the provision of services. All debt owing to the Council must be collected promptly, effectively, efficiently and economically, while ensuring fair treatment of those that owe money, including consideration of any financial difficulties.
- 5.12 Council officers must comply with guidelines issued by the Chief Finance Officer for the safe and efficient collection and recording of all money due to the Council.
- 5.13 The Corporate Leadership Team is responsible for ensuring that accounts for income due to the Council, including grant claims, reimbursements and third party contributions, are raised immediately and accurately in a form approved by the Chief Finance Officer. These must include VAT where appropriate.
- 5.14 The cost of collection should be taken into account when raising accounts. The Corporate Leadership Team must ensure that the method of collection is the most cost effective relative to the value of the transaction.
- 5.15 Payment shall be collected before the service or goods are provided unless explicitly agreed or stated otherwise in the fees and charges register.
- 5.16 The Corporate Leadership Team is responsible for ensuring that all income received is receipted, where required, recorded correctly against the appropriate budgets, and in the case of cash and cheques, banked with the minimum of delay. The frequency of banking should follow guidelines provided by the Chief Finance Officer and should avoid incurring disproportionate banking charges on relatively low value

transactions, taking into account local security arrangements.

- 5.17 The Corporate Leadership Team is responsible for monitoring income collection and ensuring appropriate recovery action is taken. A summary of the position on the level of outstanding debt and collection issues should be included in quarterly financial updates and the final outturn report. Full provision for income still outstanding six months after the due date should be made in Service accounts. This should not however preclude pursuit of the debt.
- 5.18 The Chief Finance Officer will monitor compliance with paragraphs 15 and 16 and may, in circumstances where avoidable adverse cash flow has resulted, determine an appropriate interest charge against Service budgets.
- 5.19 Credit notes must be authorised by appropriate officers nominated in the local Scheme of Financial Delegation.
- 5.20 Any receipts, tickets or other documents used as receipts should be in a format agreed by the Chief Finance Officer. All controlled stationery issued to a Head of Service must be recorded in a register, which is held by a single officer within each Service.

Bad Debts

- 5.21 The Council has a Corporate Debt Policy with the guiding principle that customers have a responsibility to pay amounts that have been properly assessed as being due. The Council is committed to using the most appropriate and effective recovery methods available to it. In certain circumstances and for justifiable reasons it will be necessary to classify some debts as irrecoverable and to recommend that they be written off, however this does not preclude pursuit of the debt.
- 5.22 Directors will critically review outstanding debts on a regular basis, in conjunction with the Chief Finance Officer, and take prompt action to write off debts no longer deemed to be recoverable. Directors will recommend to the Chief Finance Officer all debts to be written off.

Approval level	Amount
Chief Finance Officer	Up to and including £5,000
Chief Finance Officer in consultation with the Monitoring Officer	Over £5,000

- 5.23 The Corporate Leadership Team is responsible for ensuring that an adequate provision for bad debt is made in the Council's accounts at year end and that contributions to this provision are included in budgetary projections and outturn reports.
- 5.24 A record must be maintained for all debts written off. The appropriate accounting adjustments must be made following approval to write-off a debt.

Ordering and Paying for Work, Goods and Services

General Principles

- 5.25 The Corporate Leadership Team and Heads of Service are responsible for providing all appropriate information and instructions to Transactional Services to allow for prompt and accurate payment for goods and services provided and for the analysis of expenditure.
- 5.26 Except for purchases by Visa purchase card, all purchases must be supported by an official requisition and purchase order unless previously agreed with the Procurement Manager. All purchases must have regard to these Finance Procedure Rules.
- 5.27 All requisition and purchase orders must be authorised in accordance with the approved budget and the limits below to ensure that funds are available to pay for the purchase.

Tier	Level	Procurement £	Accounts Receivable invoices £	Credit Note £
0	Chief Executive	1bn	1bn	1bn
1	Deputy Chief Executive/Executive Director/Chief Finance Officer	20m	20m	20m
2	Director	10m	10m	10m
3	Head of Service	2.5m	2.5m	2.5m
4	Service Manager	500,000	500,000	500,000
5	Budget Manager	100,000	100,000	100,000
6	Budget Forecaster	25,000	50,000	25,000
7	Cost Centre	5,000	-	1,000
8	Team Leader	-	-	-
9	Supervisor	-	-	-

- 5.28 Where a requisition for the purchase of goods or services exceeds £10,000 in value, the Contract Procedure Rules apply.
- 5.29 All official purchase orders must include, as a minimum, the order number, the price agreed with the supplier, description of the goods or services to be provided, the delivery address, the address where invoices must be received and a link to the standard terms and conditions for the goods and services to be provided.
- 5.30 Heads of Service must ensure that there is adequate separation of duties in the raising and authorisation of requisitions, authorising of purchase orders, receipt of goods and authorisation of payments to creditors.
- 5.31 Heads of Service must ensure robust processes to continually maintain computer records and accesses, and Schemes of Financial Delegation so that electronic workflows associated with core financial systems are

not compromised.

- 5.32 All purchasing activity must be carried out in accordance with the Council's Procurement Strategy and Contract Procedure Rules and advice issued about efficient and effective use of the Council's core financial and e-procurement systems and processes. Such processes will include the deployment of VISA purchase cards.
- 5.33 Approval of the Procurement Manager must be sought in advance of entering into any supply agreement with a commercial creditor who has not been set up on the Council's core financial system.
- 5.34 Heads of Service must consult the Chief Finance Officer on appropriate arrangements for purchases of goods and services which cannot be accommodated within standard ordering and payment processes.

Payment of Invoices

- 5.35 All invoices must be sent directly by the creditor to the address stated on the official purchase order to enable prompt payment.
- 5.36 All invoices, as a minimum, must include the official purchase order number, the description of the goods or services provided, the quantity delivered, the delivery address, the date of the invoices and/ or date of delivery of the goods or services, the address and VAT registration number of the supplier and the price and VAT at the prevailing rate.
- 5.37 Invoices received without a valid purchase order number will be returned to the creditor as unauthorised for payment.
- 5.38 The Council's standard payment terms are 30 days from receipt of a correct invoice by BACS (Bankers Automated Clearing System). Alternative terms may not be negotiated or agreed with suppliers without the explicit approval of the Procurement Manager. Heads of Service are responsible for notifying suppliers of these terms and for ensuring that they are observed by all those involved in the purchasing and payment processing.
- 5.39 Payment will only be made for goods and services which have been formally receipted in accordance with receipting procedures set out by the Chief Finance Officer.
- 5.40 All purchasing activity must be carried out in accordance with the Council's Procurement Strategy and Contract Procedure Rules and any advice or guidance that may be issued from time to time by the Procurement Manager regarding the efficient and effective use of the Council's core financial and e-procurement systems and processes. Invoices received for payment must comply with the Council's best practice processes.

Non-invoice Payments

- 5.41 Where Heads of Service wish to initiate a payment to a third party without a supporting invoice, an official request for payment must be

submitted in a form approved by the Procurement Manager.

- 5.42 Any such requests must be authorised by an officer designated with an appropriate approval limit in the relevant service Scheme of Financial Delegation. They are responsible for ensuring that all payment details provided are accurate and that supporting records and documentation are available to substantiate the payment, including an official VAT receipt to allow for the reclaim of any VAT element.
- 5.43 Appropriately authorised requests for payment will be processed and paid by BACS.
- 5.44 Non-invoice payments should be requested on an exceptional basis only. Where payments of this type need to be made on regular basis Heads of Service must consider, in conjunction with the Procurement Manager, other alternative options which may be more appropriate. For the full list of exceptional payment types check the guidance available via the Centranet [Tasks and Tools > Buying Products and Services > Procurement > Payment Methods](#).
- 5.45 Payments or reimbursements in respect of salaries and wages, travelling expenses or other employment allowances must be processed through the Payroll system and not treated as a non-invoice payment.

Purchase Cards

- 5.46 Purchase Cards are an effective method of payment for goods and services of low value and for one off purchases. Heads of Service are responsible for the appropriate deployment and management of VISA purchase cards within their service in accordance with the financial scheme of delegation.
- 5.47 Further guidance is available via the Centranet.

Imprest Accounts

- 5.48 Wherever possible, purchase cards will be used for low value transactions and where there are no mandated procurement contracts in place. However, in the limited circumstances when purchase cards cannot be used, the Chief Finance Officer may provide bank imprest (petty cash) accounts to meet minor expenditure on behalf of the Council.
- 5.49 Heads of Service are responsible for ensuring that where local arrangements are in place:
 - 5.49.1 Local Schemes of Financial Delegation set out clearly the responsibilities and approval limits of individual officers in respect of these arrangements; and that these are reviewed and updated regularly
 - 5.49.2 They are operated in accordance with guidance issued and that appropriate management supervision and compliance

monitoring is undertaken

- 5.49.3 Adequate records are maintained to allow for the verification and reconciliation of all payments made to the Council's general ledger and bank accounts, and to allow for the proper treatment of VAT
- 5.49.4 Arrangements are being operated for legitimate Council business only.
- 5.50 Local arrangements may not be used in any circumstances to circumvent either the Council's Corporate Procurement Strategy and Contract Procedure Rules or agreed approval and authorisation procedures, nor must they be used for any payments in respect of salaries and wages, travelling or other employment expenses, or payments for work carried out under the Construction Industry Tax Deduction Scheme.

Payment to Members

- 5.51 The Executive Director (Corporate Services) is responsible for paying all allowances to Members.
- 5.52 The Executive Director (Corporate Services) will make payments to any Councillors entitled to claim allowances on receipt of the proper form, completed and certified in accordance with the approved scheme for allowances.

Taxation

- 5.53 It is the responsibility of the Chief Finance Officer, in conjunction with Transactional Services to:
 - 5.53.1 complete all Inland Revenue returns regarding PAYE
 - 5.53.2 complete a monthly return of VAT inputs and outputs to HM Revenue and Customs
 - 5.53.3 provide details to HM Revenue and Customs regarding the construction industry tax deduction scheme
 - 5.53.4 maintain up-to-date guidance for Council employees on taxation issues.
- 5.54 It is the responsibility of Corporate Leadership Team to:
 - 5.54.1 ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Revenue and Customs regulations
 - 5.54.2 ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements
 - 5.54.3 ensure that all persons employed by the Council are added to the Council's payroll and tax deducted from any payments,

except where the individuals are bona fide self-employed or are employed by a recognised staff agency

- 5.54.4 follow the guidance on taxation issued by the Chief Finance Officer.

Trading Accounts and Business Units

- 5.55 As a general rule, separate trading accounts are required when services are provided to either internal or external clients, on a basis other than a straightforward recharge of full cost. It is the responsibility of the Chief Finance Officer to advise on the establishment and operation of trading accounts and business units.

- 5.56 It is the responsibility of Heads of Service to:

5.56.1 consult with the Chief Finance Officer and Monitoring Officer where a business unit wishes to enter into a contract with a third party where the contract expiry date exceeds the remaining life of the main contract with the Council. In general, such contracts should not be entered into unless they can be terminated within the main contract period without penalty

5.56.2 observe all statutory requirements in relation to business units, including the maintenance of a separate revenue account to which all relevant income is credited, and all relevant expenditure, including overhead costs, is charged, and to produce an annual report in support of the final accounts

5.56.3 ensure that the same accounting principles are applied in relation to trading accounts as for other services or business units

5.56.4 ensure that each business unit prepares an annual business plan.

Alternative Service Delivery Vehicles

- 5.57 The Council has moved to a commissioning model and the creation of a series of Alternative Service Delivery Vehicles (ASDVs) forms an essential part of this strategy.

- 5.58 A framework has been developed to enable the Council to set up a series of new delivery vehicles in a way which enables the risks to be managed thoroughly and effectively. The aim of the framework is to ensure that all vehicles are given the best chance of succeeding, whilst safeguarding the interests of local tax payers. The framework document is available on the Cheshire East website.

- 5.59 The wholly owned companies currently operate within the Financial Procedure Rules of Cheshire East Council and it is within the responsibility of the companies to determine if this approach is to be

continued.

6. External Arrangements

Why is this important?

- 6.1 The Council provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders.

Partnerships and Jointly Funded Projects

- 6.2 The Council is involved in a wide range of different 'Partnership' arrangements involving joint/external funding. The main reasons for this are:
- 6.2.1 the ability to provide new and better ways of delivering services.
 - 6.2.2 the ability to access new resources
 - 6.2.3 the desire to find new ways to share risk
 - 6.2.4 the ability to forge new relationships.
- 6.3 The Corporate Policy Committee will agree periodically a policy in respect of joint/external funding, which will establish the general framework within which proposals and bids should be developed. Any financial impact falling on the Council through such an arrangement should be met through existing budgetary resources without any overspending resulting from the Council's involvement.
- 6.4 Any partnership arrangement which involves the creation of, or participation in, separate legal entities such as joint ventures, trusts or limited companies requires the prior agreement of the Chief Finance Officer and the Monitoring Officer. Officers should also consider the need for a business case and compliance with the Project Gateway Process. Corporate Policy Committee approval will also be required where any agreement requires the Council to act as guarantor for a third party or accountable body. The creation of any new ASDVs will be in accordance with the ASDV Framework.

Definitions

- 6.5 A 'partnership' can be as straightforward as a contractual arrangement. Alternatively partnerships can be entered into under the Partnerships Act 1890 or the Limited Liability Partnerships Act 2000 where the arrangement is formed with a view to profit. Any partnership under the Acts is heavily regulated as to the liabilities of partners. The majority of the 'partnerships' entered into by the Council are where the Council agrees to work with one or more external agencies to deliver common aims and objectives. These partner agencies could potentially be from a government department, any public, private, community or voluntary sector body or related party.

- 6.6 The Rules set out in this section deal with the approach to Partnerships. Further guidance can be provided by the Chief Finance Officer and the Monitoring Officer.

Public/Public Partnerships

- 6.7 Public/public collaborations may not need to go through any specific process. However, it may be that the Public Contracts Regulations 2015 do apply and a call for partners should be advertised in accordance with the Contract Procedure Rules. Further advice should be sought from the CPU or Legal Services.
- 6.8 It is important to recognise that the Council can have a different role, outlined below, depending on the exact nature of the Partnership.

Contributing Partner

- 6.9 Where the Council is contributing funding or other resources, to a wider partnership involving a partner or group of partners and where the 'Accountable Body' role is undertaken by another partner.

Lead Authority or Lead Partner

- 6.10 Where the Council leads on behalf of the Partnership or consortium and is responsible for the wider management of the Partnership and may take on liabilities that it is intended will be shared.

Accountable Body

- 6.11 The Council may, in certain circumstances, need to act as the 'Accountable Body'; even when the Council will not directly incur expenditure on behalf of the Partnership. The role assumes the responsibility for 'looking after another party's monies' and will require the putting in place of appropriate and robust financial accounting and monitoring systems with the aim of safeguarding resources and minimising any risks and potential liabilities falling to the Council.

Public/Private Partnerships

- 6.12 Defined as involvement with a private sector organisation or commercial enterprise, excluding those where a formal contract has been agreed when the Contract Procedure Rules will apply. Those contracts known as 'Partnering Contracts' and those funded by Private Finance Initiatives (PFIs) are not covered by this rule and fall under the Contract Procedure Rules.

Key Controls

- 6.13 The key controls to be considered before the funding of partnerships or other joint projects is agreed consist of:
- 6.13.1 ensuring that the key conditions of funding and any statutory

requirements are complied with and that the responsibilities of the accountable body are clearly understood.

- 6.13.2 ensuring that funds are acquired only to meet the priorities, aims and objectives approved by the Council, and to add value to the services provided to the local community.
- 6.13.3 ensuring any finance (including any match funding), staffing, legal and audit requirements are given due consideration prior to entering into long term arrangements and that revenue budgets reflect these requirements.
- 6.14 These arrangements should be documented in the form of a Business Case in the format prescribed by the Director of Finance & Customer Services and be subject to the same Project Gateway process as all other Council proposals.

Responsibilities of Officers

- 6.15 Heads of Service are responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts and that appropriate standards of probity, stewardship and best value are secured. This will include ensuring that all appropriate claims and returns are promptly and accurately submitted.
- 6.16 The Corporate Leadership Team is responsible for developing a policy framework for partnership working and joint funding, identifying key principles to ensure probity and value for money and obtaining the appropriate Councillor approval. This should identify any potential future partnerships and a risk assessment of the potential impact on services and budgets that may arise.

Heads of Service

- 6.17 Before entering into any Partnership agreement involving joint funding, Heads of Service must consult the Monitoring Officer and the Chief Finance Officer, who will advise on the appropriate form of agreement or contract taking into account the nature and scale of the proposed arrangement and the extent of the legal and financial commitment involved. As a measure of good practice and as a minimum requirement, Heads of Service need to consider and apply all the following points, which are not exhaustive, to the agreement:
 - 6.17.1 The overall purpose and objectives of the arrangement, including appropriate performance standards and output measures
 - 6.17.2 The constitutional and representational arrangements including procedures for decision making and the extent to which powers and financial authority are to be delegated to individual officers
 - 6.17.3 The period of the agreement, exit strategies, notice and

termination arrangements including redundancy costs and other potential liabilities on termination

- 6.17.4 Roles and responsibilities of the various parties including arrangements for banking, taxation and VAT matters, employment contracts, insurances and ownership of assets
- 6.17.5 Auditing and reporting requirements and the applicability of these Finance Procedure Rules, other Council Regulations and Codes of Conduct
- 6.17.6 Financial and non-financial contributions to be made by the respective parties and, where the arrangement is to extend beyond one year, the method for calculating and collecting payments in future years
- 6.17.7 The named contact officer or project manager who will be responsible (within specified limits) for the Council's rights and obligations under the terms of the agreement and accountable for overall outcomes
- 6.17.8 A clear exit strategy, for example, in terms of any residual ongoing costs
- 6.17.9 Default procedures to be applied where the terms of the agreement are broken
- 6.17.10 Arrangements for Internal Audit staff to have sufficient access to partner's premises, assets and records as is necessary for the purposes of the partnership:
 - As a measure of best practice, all partnership agreements should be subject to a complete review at least every four years.
 - Add to partnership section of contracts register held by the CPU.

Approval Routes

- 6.18 The Council's gross contributions to Partnerships may include capital and revenue expenditure, cash flow costs, support in kind (including staff time) and the cost of preparing and submitting bids. It is particularly important to identify support in kind, both to ensure that all such costs are recovered, where grant conditions allow, and to enable service and corporate managers to plan effectively. Capital funding must also meet the specific capital appraisal requirements as set out in Section 3 of these Rules.
- 6.19 Following the officer consultation process and prior to entering into any agreement, approval, based on the Council's gross contribution over the life of the partnership* should be sought by the relevant Head of Service

** For the purpose of this paragraph the assumption is that a lifespan of no more than 4 years should be the norm, consistent with the Council's financial planning cycle.*

- 6.20 The approval of partnership proposals will be subject to the same financial limits as other contractual arrangements.

Additional Funding Allocations or Policy Variations

- 6.21 Partnerships often attract additional funding over and above their original levels of funding. If additional funding is made available which will result in the aggregate value remaining within the original approval limit then no further approval is required. Conversely if the additional funding increases the aggregate value to more than the original approval limit, then further approval is required in line with the routes identified above. Where the additional funding constitutes a variation from the policy originally agreed by the Committee, then further approval from the Committee is required.
- 6.22 If the contribution is to come from Council sources it will constitute a virement and Section 3 applies. Where the additional funding comes from an external source then approval for a fully funded supplementary estimate is required and Section 3 applies.

Bidding for Grant Funding

- 6.23 Directors are authorised, as set out in the Officer Scheme of Delegations, to submit applications for grant funding that align with Council priorities and initiatives, ~~without commitment, in consultation with the relevant Chair, where there will be no net increase in Council expenditure.~~ In the event that an application is successful, the decision making process for approval of the application, including acceptance of any conditions, will follow that set out in part 3 paragraph 19~~section 2~~ of these Financial Procedure Rules.

Reporting Requirements

- 6.24 Where the Council participates in any partnership or external funding arrangement either as a contributor or as an Accountable Body, an annual report must be presented to the appropriate Committee, outlining how sums have been used and the key outcomes and achievements. The report should also review the affordability and continued relevance of the arrangement to Service policies and objectives and seek appropriate Business Plan approval.
- 6.25 Notwithstanding any statutory reporting requirement, the Head of Service will be required to provide, regular reports on progress and outcomes, financial and non-financial, for each significant partnership to the relevant Committee. Partnership projects should comply with the same regular reporting processes as other Council projects.

Support to Other Organisations

- 6.26 The Corporate Policy Committee will on a periodic basis, agree a policy setting down the approach to be taken to the allocation of grants, donations and other contributions to outside bodies.
- 6.27 Grants, donations and contributions will be paid by the Council in accordance with the policies determined under paragraph 6.26 above, subject to there being adequate provision in service budgets and the appropriate approvals being sought.

Approval level	Amount
Officers	Up to and including £50,000 (where grant is within approved grant policy and fully funded)
Relevant Corporate Leadership Team member in consultation with the Chair of the relevant Committee and Chair of Finance Sub-Committee	Between £50,000 and £100,000 (where grant is within approved grant policy and fully funded)
Committee	All Grants of £100,000 or more. All grants which do not fall within existing approved grant policy require Corporate Policy Committee approval.

- 6.28 The **Grant Funding Protocol** sets out further guidance on grant funding, consideration of state aid implications, the process for allocation and any conditions that should apply to any grant funding.
- 6.29 The rules in this section and the Grant Funding Protocol shall not apply to grant funding arrangements relating to Capital Funding for School Places applied for by the Council on behalf of Academies, Foundation, Voluntary Aided and Free schools as these arrangements are delegated in the Constitution to the Director of Children's Services in accordance with the Council's educational functions under the Education Acts.

Chapter 3 – Part 5

Contract Procedure Rules

1. General Rules

Why is this important?

These Contract Procedure Rules are intended to promote good purchasing practice, public accountability and deter corruption. Officers responsible for purchasing must comply with them. They lay down **minimum requirements** and a more thorough procedure may be appropriate for a particular contract. (For example, if a Rule would normally require that Quotes be obtained, it might be appropriate in particular circumstances to seek additional Quotations in writing or Tender submissions). Following the rules promotes probity, integrity and impartiality and is the best defence against allegations of fraud or corruption. Failure to follow the rules could result in disciplinary action.

Brexit impact

Many of the laws and practices within this Constitution, such as the UK public procurement regime, derive from EU laws, and are therefore impacted by Brexit.

As of 31 January 2020, the UK is no longer an EU Member State and its relationship with the EU is governed by the Withdrawal Agreement, which came into effect on 1 February 2020 and provided for a transition period until 31 December 2020.

The UK continues to be bound by the Public Contracts Regulations 2015 and the Concession Contracts Regulations 2016. Whilst they are based on EU Law the rules are unlikely to change significantly in the short term and most likely only to accommodate World Trade Organisation or other Trade Rules.

If at any time these rules differ from the law in force then the law must be followed as it will override any conflicting provision in these rules.

This Constitution and these Contract Procedure Rules will be kept under review during the implementation period and updated accordingly. For further guidance, please contact the Monitoring Officer.

Key considerations for Officers engaged in purchasing works, goods and services include:

- Follow the rules if you purchase goods or services or order building work;
- Take legal, financial and procurement advice;
- Declare any personal financial interest in a contract. Corruption is a criminal offence;

- Check whether there is an existing Corporate Contract, Government Procurement Service framework, e.g. North West purchasing consortium, framework, procurement partnership or other purchasing arrangement you can make use of **before** undergoing a competitive process;
- Consider the social, economic and environmental wellbeing of the area and how this can be strengthened by delivering your needs locally (social value);
- Normally allow at least four weeks for submission of bids;
- Keep bids confidential;
- Complete a written contract or purchase order before the supply or works begin;
- Identify a contract manager with responsibility for ensuring the contract delivers as intended;
- Keep written records of dealings with suppliers;
- Report as required periodically on performance of the supplier; and
- Assess each contract afterwards to see how well it met the purchasing need and Best Value requirements.

Words in **bold** are defined in the Glossary.

Thresholds

Throughout these rules there are references to Public Procurement Thresholds and these are set out in the table below:

	Supply, Services¹ and Design Contracts	Works & Concession Contracts²	Social and Other Specific Services³
Other public sector Contracting authorities	£189,330 (€214,000)	£4,733,252 (€5,350,000)	£663,540 (€750,000)

¹ With the exception of the following services which have different thresholds or are exempt:

- Social and other specific services (subject to the light touch regime) Article 74
- Subsidised services contracts specified under Article 13
- Research and development services under Article 14 (specified CPV codes are exempt).

² Except for subsidised works contracts specified under Article 13.

³ As per Article 74. Services are listed in Annex XIV.

2. Contract Procedure Rules which apply to ALL Contracts

Basic Principles

Introduction

- 2.1 Officers responsible for the procurement or commissioning of any goods, services, works or Concessions must comply with these Rules.
- 2.2 These Rules should be read in conjunction with the relevant parts of the Council's Constitution and guidance issued by the Procurement Manager (and published on Centranet). ~~following consultation and endorsement from the Commissioning and Procurement Board~~
- 2.3 All references to Contract(s) in the Rules below also include, Framework Agreements, Dynamic Purchasing Systems and Concessions unless otherwise instructed.
- 2.4 All Contracts, procurement documentation, and procurement processes shall be consistent with the Council's Procurement Guides (available on Centranet), Procurement Strategy, Procurement legislation and these Rules.

Scope

- 2.5 The Rules apply to all Contracts procured on the Council's behalf.
- 2.6 For the avoidance of doubt, these Rules shall NOT apply to any of the following:
 - 2.6.1 The sale, leasing or purchase of land or immovable property, or any interest in land, provided the Council does not specify or control how the land is to be developed;
 - 2.6.2 Any contract of employment;
 - 2.6.3 Loans and treasury management decisions;
 - 2.6.4 The issue, purchase or sale of securities or other financial instruments (refer to Finance Procedure Rules).
- 2.7 The competition and procedure elements of these rules need not apply to any of the following situations; however, advice must be sought from Legal Services as to whether the arrangement meets the criteria set out below and to the most appropriate form of agreement to put in place:
 - 2.7.1 Contracts awarded to a contracting authority (as defined in relevant legislation) on the basis of an exclusive right which they enjoy pursuant to a law, regulation or published administrative provision compatible with the Treaty on the Functioning of the European Union (TFEU)
 - 2.7.2 Public-public co-operation, where the arrangement establishes or implements a collaboration between the Council and one or more contracting authorities with the aim of ensuring that the

public services they have to perform are provided with a view to achieving objectives they have in common, and implementation of the co-operation is governed solely by considerations relating to the public interest, and the parties concerned do not perform 20% or more of the activities concerned by the cooperation on the open market;

- 2.7.3 Any contracts between the Council and any company that is controlled by the Council in a similar way to which it controls its own departments / services. Such companies must perform more than 80% of their activities for, or on behalf of, the Council (or other legal persons controlled by the Council or other contracting authorities e.g. for jointly owned companies). Such companies should also have no private capital participation in them other than where required by legislation (in which case the control must be non-controlling and non-blocking).
- 2.7.4 Commissioning additional supplies, services or works outside of the scope of any existing contractual arrangements from a company controlled by the Council should be subject to a business case and demonstrate value for money and steps must be taken to ensure the arrangement fits within the criteria detailed above. In the interest of best practice and demonstrating value for money, the Commissioning and / or Procuring Officer may wish to subject such contracts to competition.

Legal Compliance

- 2.8 All procurement procedures and Contracts shall comply with these Rules and all legal requirements and no Officer, or Councillors shall seek to avoid them.
- 2.9 The only exception is where a valid waiver is granted under Section 7 of these Rules.
- 2.10 If there is any dispute regarding these Rules, it should be taken up with the Procurement Manager who will seek appropriate advice to resolve the matter with Legal Services.

Applicable Principles

- 2.11 In order to prevent the distortion of competition, the procurement and award of Contracts shall comply with the principles of transparency, equal treatment, non-discrimination and proportionality.

Contracts where the Council acts as agent

- 2.12 Where the Council acts as the agent for any of its wholly or partly owned companies or another council or public body or other company or organisation (Principal), these Rules shall apply unless the Principal in question instructs otherwise. Where the Council's wholly or partly owned companies act as agent for the Council, then these Rules shall

apply.

Calculating the financial value of a procurement

- 2.13 In determining the estimated value of the procurement, for the purpose of applying the relevant provisions within these Rules, the following should be taken into account:
- 2.13.1 The total amount payable (net of VAT) for the lifetime of the Contract being procured including any proposed options or renewal periods
 - 2.13.2 The aggregation of requirements with similar characteristics, or for the same type of goods, services or works, regardless of the number of Contracts that may be entered into or number of lots that the procurement may be split between for the duration of the Contract(s), especially where such aggregation means the value exceeds the relevant Public Procurement Threshold for goods, services or works
 - 2.13.3 The aggregate of 48 months' supply
 - 2.13.4 In the case of joint purchasing arrangements, the value shall be the aggregate of both/all parties' requirements that are the subject of the procurement.
- 2.14 No Officer or Councillor may seek to subdivide procurements, requisitions or individual spend amounts in order to avoid the application of these Rules or Public Procurement Legislation.

Sustainable Development

- 2.15 The Council endeavours to consider how it can help achieve sustainable development through its work by ensuring that there are good working conditions for our suppliers' employees, the products and services procured are sustainable and that socio-economic issues, such as equality and poverty, are addressed.

Social Value

- 2.16 Before starting a procurement process, the Public Services (Social Value) Act 2012 requires the authority to consider:
- 2.16.1 How what is proposed to be procured might improve the economic, social and environmental well-being of the area; and
 - 2.16.2 How, in conducting the process of procurement, the authority might act with a view to securing that improvement.

The above matters should influence the commissioning strategy and how local businesses can be supported relevant to what is proposed to be commissioned or procured.

- 2.17 Social value considerations (including any consultation) should be proportionate to the scale and nature of the Contract
- 2.18 Officers must have regard to the Council's Social Value Policy available at [Cheshire East Council social value policy](#).

Officer and Councillor Responsibilities

Powers / Authority

- 2.19 All powers should be exercised through Officers and it should be noted that only Officers authorised in the relevant local scheme of delegation have the authority to commit the Council to any contractual obligations. No Councillor may instruct Officers to act in a way that is inconsistent with these Rules.

Adequate Budget Provision

- 2.20 Officers should not seek to enter into a Contract or purport to enter into a Contract, unless there is adequate provision in the agreed capital programme and/or agreed Revenue Budget for the relevant service.

Corporate Contracts

- 2.21 A Corporate Contract is a pre-existing Contract or Framework Agreement that has been set up for use by all Services (or specific Services) in the Council to address a common or specific need and that allows Commissioning Officers to quickly and efficiently source those requirements without undertaking repetitive tendering exercises and to comply with aggregation rules of Public Procurement Legislation.
- 2.22 Prior to any procurement activity, the Commissioning Officer shall ascertain whether any Corporate Contract exists in relation to their requirements. Where such a Corporate Contract exists, the Corporate Contract must be used unless better value for money can be clearly evidenced by another method.

Performance Bond or Parent Company Guarantee

- 2.23 The Commissioning Officer, in discussion with the Procurement Officer, shall in respect of all Contracts consider the need for a performance bond or parent company guarantee after assessing the following factors:
 - 2.23.1 Potential risk to the Council in the absence of a bond or parent company guarantee
 - 2.23.2 Known technical difficulties associated with the project
 - 2.23.3 The financial status of the provider(s)
 - 2.23.4 Whether it is relevant and proportionate to the Contract
 - 2.23.5 The period of the contract, and
 - 2.23.6 Any costs associated with the provision of the bond.

Conflicts of Interest

- 2.24 A conflict of interest includes a situation where a relevant individual's financial, economic or personal interests might be perceived to compromise their impartiality and independence. Conflicts also arise where there may have been involvement at an earlier stage or where someone has (or is perceived to have) already made up their mind on a course of action before a decision will be considered and made.
- 2.25 All Council Officers and Members (and third parties engaged on the Council's behalf) must take appropriate measures to effectively prevent, identify and seek to remedy conflicts of interests. Any conflict of interest must be declared in accordance with the Officer Code of Conduct, the Member Code of Conduct, and the Seven Principles of Public Life set out in those Codes.

Collaborative Arrangements**Framework Agreements**

- 2.26 Paragraphs 3.1 to 3.10 and paragraphs 4.1 to 4.4 will not apply where the requirements in question are to be procured by using a Framework Agreement which itself has been procured through compliance with these Rules or from a Central Purchasing Body or other Public Body.
- 2.27 Where a Framework Agreement is used, the Procurement Officer will undertake to check that the Framework Agreement is legally compliant and whether the Council is named in the OJEU/other notice for the Framework Agreement (either specifically or within a group of regional authorities) and therefore able to utilise that Framework Agreement.
- 2.28 The Procurement Officer must ensure that requirements are procured in accordance with the terms of the Framework Agreement (and where applicable Public Procurement Legislation).

Joint or Partnering Arrangements

- 2.29 Joint or partnering arrangements between the Council and other bodies shall be subject to the prior approval of the relevant Executive Director and in the case of arrangements with private entities also the Chief Executive.
- 2.30 Advice from Legal Services must be sought as to the most appropriate form of agreement to put in place, especially where either party is undertaking work and / or tendering activity for the other and entering into contracts on behalf of the other e.g. a Collaboration or 'Partnership Agreement', etc.) depending on the nature of the arrangements.
- 2.31 Under any such agreement, where the Council is responsible for procuring anything, these Rules shall apply, regardless of who shall enter into the resultant contract.
- 2.32 Under any such agreement, where another party is responsible for procuring any requirements, their contract procedure rules, or

equivalent, shall apply, regardless of who shall enter into the resultant contract unless agreed otherwise. Where the other party has no such contract procedure rules, the procedure applied by the other body shall comply with the principles and safeguards contained in these Rules.

- 2.33 Under any such agreement, the terms and conditions for the arrangement shall include powers for the Council to have access to the records, assets, site, employees and sub-contractors of that party for the purposes of investigating or auditing compliance with the terms of the arrangement and with Public Procurement Legislation.

E-Procurement

Electronic Tendering

- 2.34 All tendering above the relevant Public Procurement Threshold (and for Contracts which are below the Public Procurement Thresholds but higher than £25,000 in value) must be undertaken via an electronic tendering method and shall use the e-tendering Portal accessible through the CPU. Where it is necessary to use another portal, prior approval must be sought on a tender-by-tender basis from the Procurement Manager.

Records

Contracts Register

- 2.35 As part of the Government's Transparency Agenda the Council is required to compile a contracts register to capture details of all live Contracts entered into by the Council ("Contracts Register"). The Contracts Register shall be controlled by the CPU and the Commissioning Officer must ensure that all Contracts above £5,000 in value are recorded. Copies of the contracts will be kept on the contract management system. ~~provided to Legal Services for retention.~~

Expenditure approval process

Pre-Contract requirements

- 2.36 All Officers requiring to commit expenditure in order to acquire goods, services or works on behalf of the Council must:
- 2.36.1 Obtain the prior approval of the relevant decision maker who has authority to give such approval under the constitution. This approval is subject to having sufficient budgetary provision and being included in the Council's capital programme or revenue budget.
 - 2.36.2 Complete a business case and risk log for all expenditure over £250k as set out in the commissioning framework which is approved by the Commissioning and Procurement Board.
 - 2.36.3 Ensure that supplies of a similar type are procured together

where it is practicable and cost effective to do so

- 2.36.4 consider the Social Value implications
- 2.36.5 make sure that the appropriate authority is in place to start the process and spend the money in accordance with the appropriate local scheme of delegation
- 2.36.6 make sure that there is enough money in the budget to cover the total whole life financial commitment being made (including any consultants or other external charges or fees)
- 2.36.7 make sure that the Forward Plan and publicity requirements have been followed where appropriate.
- 2.36.8 Give regard to Best Value and the Public Sector Equality Duty and ensure that consultations with the public have been carried out as required.

Community Right to Challenge

- 2.37 The Localism Act 2011 provides that under the 'community right to challenge', the Council is to consider an expression of interest (EOI) submitted by a 'relevant body' in relation to providing or assisting in providing a service provided by or on behalf of the Council.
- 2.38 When the Council accepts an EOI it must run a procurement exercise and award any Contract following these Rules.

3. Contracts below the Public Procurement Threshold

Competition Requirements

Advertising and Procedure

- 3.1 Where the estimated cost of any requirements to be ordered on behalf of the Council is less than the applicable Public Procurement Threshold then proposals shall be invited as outlined below:
 - 3.1.1 Up to £10,000 – 3 quotes are advisable but not mandatory (local firms being preferable where appropriate)
 - 3.1.2 Between £10,000 and £25,000 – A minimum of three quotations shall be sought, together with advice from the CPU or Legal Services on the appropriate form of Contract
 - 3.1.3 Between £25,000 and the applicable Public Procurement Threshold – A minimum of three quotations shall be sought via the E-tendering Portal, and/or Find a Contract Service together with advice from the CPU or Legal Services on the appropriate form of Contract
- 3.2 Where compliance with 3.1.3 above is not possible due to less than 3 providers responding, authority to proceed with a procurement process must be obtained from the Procurement Manager.

- 3.3 The requirement in 3.1.3 to use the E-tendering Portal to advertise may be waived where there is an urgent need to do so. However, the Procurement Manager's written approval must be given to any such waiver.
- 3.4 Officers are permitted to sign up for subscriptions for membership of industry associations without the need for competition provided they consider that the subscription offers value for money and there is available budget provision.

Award Criteria

- 3.5 Below Public Procurement Threshold Contracts will generally be awarded on the basis of MEAT (Most Economically Advantageous Tender) defined on the basis of price or cost using a cost effectiveness approach, and may include the best price – quality ratio, however, awards on the basis of lowest price shall be acceptable where appropriate.
- 3.6 The Award Criteria and their relative importance must be set out in the competition Request for Quotation documents.

Best and Final Offer (BAFO)

- 3.7 In certain circumstances it may be possible to provide for a BAFO stage in the procurement process and should only be used in consultation with Legal Services. Where the Procurement Officer and Commissioning Officer consider that a BAFO stage would be beneficial and could be exercised fairly in a procurement process, they should explain the reasons for the use of the BAFO process to the Procurement Manager and seek approval to proceed from the Procurement Manager (who shall consult Legal Services).
- 3.8 Where a BAFO stage is used, it must be conducted by the CPU through the E-tendering Portal, and should set a deadline for submission of BAFOs, to be returned via the E-tendering Portal.
- 3.9 Where a BAFO is submitted, any improvements in a Bidder's offer must be recorded in the applicable Evaluation Matrix with Bidder's submissions re-scored where appropriate. A record of both pre and post BAFO scoring must be maintained for audit purposes.

4. Contracts At or Above the Public Procurement Threshold

Competition Requirements

Advertising and procedure

- 4.1 Advertisement of Contracts over the Public Procurement Threshold shall be advertised additionally on the Government's Find a Contract Service.

Award Criteria

- 4.2 Contracts will be awarded on the basis of MEAT (Most Economically Advantageous Tender) defined on the basis of price or cost using a cost effectiveness approach and may include the best price – quality ratio. Where possible full lifecycle costs should be considered as part of the financial evaluation.
- 4.3 The Award Criteria and weightings must be set out in the Invitation to Tender.

Forms of procurement

- 4.4 The Public Procurement Legislation sets out the procedures which can be used to procure Contracts at or exceeding the Public Procurement Thresholds. These include:
 - 4.4.1 Open Procedure
 - 4.4.2 Restricted Procedure
 - 4.4.3 Competitive Procedure with Negotiation
 - 4.4.4 Competitive Dialogue
 - 4.4.5 Innovation Partnerships
 - 4.4.6 Call Off from a Framework Agreement
 - 4.4.7 E-auction
- 4.5 Other procedures are possible for Contracts for Light Touch Regime Services (as defined in Public Procurement Legislation) and for Concessions Contracts.
- 4.6 The Procurement Officer in consultation with the Commissioning Officer and Legal Services shall select the most appropriate procedure having regard to the requirements of the Public Procurement Legislation.
- 4.7 This process shall not remove or modify the responsibility of the relevant Executive Director to take such steps as may be reasonably necessary to safeguard the Council's best interests.
- 4.8 In order to determine a suitable procurement approach to a specific market, Officers, in liaison with CPU, may first choose to carry out non-committal soft market testing in order to inform the market of the Council's procurement plans and to understand the likely level of interest. Any such testing should not have the effect of distorting competition or result in a violation of the principles of non-discrimination or transparency.

5. Procedures for ALL Requests for Quotation and Invitations to Tender

Application and Documentation

Application

- 5.1 This Part 5 applies to all Contracts over £25,000 in value (including those at or above the relevant Public Procurement Threshold).
- 5.2 Procurement procedures for Contracts below £25,000 will follow any guidance issued by CPU and will be assessed on their risk.

Documentation

- 5.3 All Requests for Quotations (RFQs) and Invitations to Tender (ITTs) shall include the following:
 - 5.3.1 The Council must issue RFQs and ITTs and receive Bids via the E-tendering Portal. Bids submitted by any other means shall not be considered (unless there are exceptional circumstances)
 - 5.3.2 A requirement for Bidders to complete fully and sign or otherwise authorise the Form of Tender, which relates to canvassing and non-collusion before submission
 - 5.3.3 All electronic responses will be held within the E-tendering Portal in a restricted area that is only accessible by the appointed Verifying Officer after the specified fixed time and date
 - 5.3.4 All RFQs and ITTs must specify the goods, works or services that are required in sufficient detail to enable the submission of competitive Bids, together with the terms and conditions of the contract that will apply
 - 5.3.5 A description of the award procedure and a definition of the Award Criteria and weightings in objective terms. Where it is not possible to provide weightings for objective reasons, Award Criteria should be stated in descending order of importance
 - 5.3.6 Notification that Bids are submitted to the Council on the basis that they are compiled at the Bidder's risk and expense (except where prior agreement is given to reimburse those Bidders / providers engaged in a competitive dialogue or competitive procedure with negotiation)
 - 5.3.7 Notification that amendments must not be made to the contract documents by the Bidder (unless appropriate for the procurement procedure)
 - 5.3.8 Notification to the bidder that the Council is not bound to accept any or all tenders.

- 5.4 A record of Bids received in pursuance of these Rules shall be maintained by the CPU and retained in accordance with the Council's retention schedule.
- 5.5 An electronic contracts register will be maintained by the CPU and copies of ~~Contracts~~ contracts retained in the contract management system ~~are to be provided to Legal Services for retention~~.

Closing Date for Receipt of Bids

- 5.6 Bids received after the fixed date and appointed time, shall NOT be opened or considered, unless there are exceptional circumstances as agreed by the Procurement Manager, who will consult with Legal Services where appropriate.
- 5.7 An exceptional circumstance could be a system problem (of which there must be demonstrable evidence) with the E-tendering Portal which has prevented potential Bidders from uploading their documents.

Method of Opening Bids

- 5.8 In respect of Bids received electronically, ONLY a Verifying Officer as designated within the E-tendering Portal will have permission to open the Bids:
- 5.8.1 Bids above £1,000,000 will be verified by Legal Services
 - 5.8.2 Bids from the Public Procurement Threshold up to £1,000,000 will be verified by the Procurement Manager or a Category Manager that has not been involved in the tender in question
 - 5.8.3 Bids between £25,000 and the Public Procurement Threshold will be verified by a Procurement Officer that has not been involved in the procurement process in question
 - 5.8.4 Bids between £10,000 and £25,000 will be opened in accordance with any guidance issued by CPU from time to time.

Evaluation of Bids

Evaluation and Award

- 5.9 Bids shall be evaluated and awarded on the basis of the value for money they offer to the Council.
- 5.10 For Bids over the Public Procurement Threshold this must be in line with:
- 5.10.1 MEAT (Most Economically Advantageous Tender) Principles. Award Criteria must be relevant to the Contract and apportioned between cost and quality in a ratio reflecting the risk and value of the contract

- 5.10.2 Bids shall be evaluated and awarded in accordance with Award Criteria and weightings determined, and documented in an Evaluation Matrix,
- 5.10.3 The relevant Public Procurement Legislation should be considered in determining what shall be included in the evaluation of cost.

Evaluation Panel

- 5.11 Evaluation Panels should be established prior to the issue of the RFQ/ITT, to ensure that they are engaged with the process and understand the evaluation criteria and weightings.
- 5.12 Evaluation Panels should include representation from the CPU, the commissioning department/key stakeholders, and should consist of a minimum of two Officers. However, should the risk be assessed as significant then the minimum number of people on the panel should be increased proportionately and in accordance with more detailed guidance from CPU. The Monitoring Officer and the Chief Finance Officer should be involved in any procurement exceeding £1M in value. Councillors shall not be involved in any Evaluation Panel.

Evaluation Matrix

- 5.13 The Evaluation Matrix will consist of defined evaluation criteria and weightings.
- 5.14 All Bids must be scored consistently against the Award Criteria set out in the Evaluation Matrix in the RFQ/ITT using the scoring model also set out in the RFQ/ITT.
- 5.15 All scores and notes made by the Evaluation Panel must be recorded in writing in the Evaluation Matrix and used for reference if further moderation is required.

Moderation

- 5.16 The Evaluation Panel will discuss their individual scores and must reach agreement on a consensus panel score and justifying comments.
- 5.17 Any consensus scores and applicable justifying comments must be recorded in the Evaluation Matrix for the procurement process.
- 5.18 All notes may be the subject of information requests or legal challenge against award of a Contract. It is crucial that accurate notes justifying awarded scores are maintained throughout by all personnel and relate solely to the relevant Award Criteria.

Clarification

- 5.19 Where post Bid clarification is required, it must be requested (and responses returned) via the E-tendering Portal. Importantly, post Bid clarification may only be sought in relation to an element of the Bidder's submission that has been provided, and which needs further

understanding – negotiation is not permitted. Post Bid clarification must be used in a non-discriminatory manner and so that Bidders are not being given an opportunity to improve their Bids.

- 5.20 Evaluation scores can only be amended where specific clarification has been requested relating to the Award Criteria. Any decision to rescore must be discussed with the Procurement Manager.
- 5.21 All clarification questions and returns must be noted and any amended scores which result from clarification are to be updated in the Evaluation Matrix.
- 5.22 For above Public Procurement Threshold procurements, post Bid negotiation will not be acceptable unless permitted within the procedure available within Public Procurement Legislation.
- 5.23 For Contracts below the Public Procurement Thresholds in value, a best and final offer (BAFO) stage may be used.

Acceptance of Bids

- 5.24 Bids may be accepted by the relevant Executive Director provided that all of the following apply:
 - 5.24.1 the Bid complies with the requirements, conditions and criteria set down in any [Finder Tender or OJEU](#) other notice and in the RFQ/ITT including any applicable selection criteria and Award Criteria
 - 5.24.2 the Bid proposed to be accepted is the most economically advantageous tender (or, where appropriate for Contracts below the Public Procurement Threshold, is the lowest priced Bid)
 - 5.24.3 where a Bid for a Contract above the Public Procurement Threshold appears abnormally low, the Bidder has been asked to explain the price or cost and the Council considers the explanation provided to satisfactorily account for the low price or cost, and
 - 5.24.4 Council or Committee approval has been given to spend the resources, if required.

Debrief – Intention and Award

- 5.25 Once the award decision has been approved by the Officer with appropriate delegated authority, communication should be undertaken with all Bidders, providing details on the outcome of the procurement process.
- 5.26 For Bids above Public Procurement Thresholds, the provisions of the Public Procurement Legislation shall be followed regarding the content of notifications to Bidders and including any mandatory standstill periods outlined.

Errors in Tender

- 5.27 If, before both parties have executed the Contract, it is discovered that an error has been made in the Bid it shall be dealt with as follows:
- 5.27.1 The Procurement Manager should be consulted (who should consult Legal Services as necessary)
 - 5.27.2 The Bidder should be given the opportunity of confirming or withdrawing the Bid. In the case of genuine and obvious errors the Bidder may be given the opportunity to correct the error. The same approach should be taken to all Bids.
- 5.28 Clarification surrounding such errors shall be sought in writing via the E-tendering Portal.
- 5.29 Where the Bidder elects to withdraw the Bid the next highest scoring Bid shall be considered and the same rules shall be applied in considering that Bid.

6. Contracts and Post Procurement Requirements**Conditions of Contract**

- 6.1 Every Bid will be accompanied by the relevant conditions of contract which will either be supplied by CPU or Legal Services. In every written Contract there are certain clauses which must be inserted. These clauses are identified in the standard form contracts produced for use by the Council and may be amended by Legal Services from time to time. The removal of these clauses requires agreement by Legal Services.

Signed Contracts

- 6.2 Subject to paragraph 6.3 below, Contracts (with a value not exceeding £1,000,000) shall be signed on behalf of the Council by a duly authorised Officer in accordance with the local Scheme of Delegation.

Contract Sealing

- 6.3 A Contract must be executed under seal by Legal Services where any of the following apply to the Contract:
- 6.3.1 It exceeds £1,000,000 in value
 - 6.3.2 Where the Contract is such that Legal Services consider that an extended limitation period of at least 12 years would be of value
 - 6.3.3 Where it is required by statute or an external funding body that it is executed under seal
 - 6.3.4 Where the price paid or received under the Contract is a nominal price and does not reflect the value of the goods, services or works

- 6.3.5 Where it is a construction-related or works Contract and it is required to be sealed in accordance with guidance issued by CPU.

Authorisation of Payments

- 6.4 Payments under the contract shall be approved by an authorised Officer in accordance with the local Scheme of Delegation.

Modification to Contracts

- 6.5 Modifications to a Contract shall be in writing and shall be authorised by the appropriate Executive Director or on their behalf by an authorised Officer with agreement from the Procurement Manager and Legal Services. Such agreement will be dependent upon commercial considerations as well as considering if the modification is permitted under Public Procurement Legislation and the completion of any required documents as issued by the CPU from time to time.

Payments before Completion of Formal Contract

- 6.6 No payment shall be made by the Council to the provider without a formal purchase order or an appropriate Contract in place. Payments should normally be made following the receipt of the requirements / achievement of desired outcomes.
- 6.7 Staged payments are permitted. Any such payments should only be made upon receipt of the desired requirements for that stage / milestone. Should the desired requirements / outcomes not be achieved when the provider submits an invoice, a dispute should be raised to prevent payment until such time as the desired requirements / outcomes have been achieved.
- 6.8 Advance payments are generally not permitted and the only exceptions without further approvals being required, shall be for:
- 6.8.1 software licences
 - 6.8.2 hardware and / or software support and / or maintenance
 - 6.8.3 warranties
 - 6.8.4 deposits
 - 6.8.5 leases / hires.
- 6.9 If any other reason arises for an advance payment to be made, approval must be sought from the relevant Executive Director and the Monitoring Officer in advance.

Monitoring of Contracts

- 6.10 All Contracts should be monitored throughout the period of the Contract, and the performance of providers should be reviewed regularly,

including:

- 6.10.1 how savings might be achieved within the contract period
 - 6.10.2 compliance with the specification and contract
 - 6.10.3 performance
 - 6.10.4 any social value and best value requirements
 - 6.10.5 levels of insurance
 - 6.10.6 user satisfaction, and
 - 6.10.7 risk management.
- 6.11 Accurate records of Contract monitoring activity and meetings including any issues raised / dealt with must be kept by the Commissioning Officers responsible for monitoring the Contract.

Contract Extensions

- 6.12 Commissioning Officers and Contract Managers must consider a provider's performance throughout the period of a Contract when considering a contract extension. Officers should question whether the quality of goods or services being provided to the Council would continue to offer best value should an extension be agreed. When reviewing performance for the purpose of Contract extension, Officers should seek the views of the provider as to whether they have any suggestions or proposals which might improve value or delivery of service which might benefit the Council. These Officers should be aware of the market, the providers within the market, and the level of competition within the market.
- 6.13 Commissioning Officers should consider alongside the award of any optional extension period provided for in the Contract, what other alternatives may be available to the Council, and should offer reasoning as to why such alternatives are not proposed.
- 6.14 These Officers must ensure that prior to seeking approval of any proposed Contract extension; consultation is undertaken with the Procurement Manager and a Contract Extension Form is completed and signed by the Executive Director.
- 6.15 Contracts may be extended beyond the stated core Contract period, where provision for such extension was included in the RFQ/ITT, and in respect of above Public Procurement Threshold Contracts, the relevant **OJEU** Notices:
- 6.15.1 it is not possible to extend a Contract, after it has expired. Any such requests will be viewed as new Contracts and the relevant provisions with these Rules must be followed.
 - 6.15.2 any requests to extend a Contract where there is no provision to extend for the period requested constitutes a

modification to the contract and the appropriate provisions at paragraph 6.56 must be followed.

7. Waiver and Breach

Waiver

Waiver Process

- 7.1 It is strongly expected that these Rules will be followed in all cases with very limited exceptions, however, in the event a Commissioning Officer believes a waiver to these Rules is essential to the efficient running of the Service they must seek a waiver by producing a report that must be approved by

£10,000 - £25,000 – the Procurement Manager

Above £25,000 – the Chief Finance Officer and the Monitoring Officer

- 7.2 The report must be in accordance with the prescribed format available from the CPU. The format of the report shall be determined by the Procurement Manager, and must be used in line with any associated guidance published:

7.2.1 Advice and guidance must be sought from the Procurement Manager prior to submission of the waiver form to the Chief Finance Officer and Monitoring Officer. If approval is granted, it is still required that an appropriate contract be entered into prior to any requirements being provided by the provider.

7.2.2 The waiver of these Rules and the reason(s) for waiver shall be clearly recorded and reported to ~~CLT, the Commissioning and Procurement Board.~~

7.2.3 All notices of waiver ~~reported to the Procurement Board~~ shall be published retrospectively for information on the next Audit and Governance Committee agenda.

- 7.3 Exemptions from the above requirements may be agreed for instances of:

7.3.1 extreme urgency, where there is an immediate risk to life, property or an individual's safety and wellbeing, and any inaction by the Council (related to risks to safety and wellbeing) would be a breach of our statutory duty and obligations.

7.3.2 Significant reputational risk or where such an exemption is required to ensure continuity or to safeguard the Councils interests.

7.3.3 Where there is genuinely only one approved supplier, such as for works of art, copy right material, or unique technology,

where no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing down of the procurement.

- 7.3.4 The selection of a supplier whose usage is a condition of a Grant funding approval.
- 7.3.5 The selection of a supplier on the instruction of a third party, providing the whole of the funding is met by the third party.
- 7.4 The agreement of the Procurement Manager must be sought prior to any action being taken except where the nature of the urgency and risk renders this impractical. Such instances must be reported at the earliest opportunity, retrospectively, to the Chief Finance Officer and Monitoring Officer and the relevant Executive Director following the incident.

Breach

- 7.5 No Officer or Councillor may seek to actively avoid the application of these Rules.
- 7.6 Officers and Councillors must be aware that any non-adherence with these Rules may be a breach of the Officer Code of Conduct / Councillor Code of Conduct and could result in disciplinary action.
- 7.7 Service Directors are responsible for ensuring that their Commissioning Officers are made aware of the consequences of non-adherence and that they comply with these Rules.

Reporting and Investigating Breaches

- 7.8 Any breach of, or non-adherence to, these Rules must, on discovery, be reported immediately to the Chief Finance Officer and the Monitoring Officer. The relevant Director or his/her designated representative shall complete the waiver process (detailed at paragraphs 7.1 to 7.3 above) outlining the reasons for the non-adherence and the steps taken to prevent a re-occurrence.
- 7.9 The relevant Director or his/her designated representative will be required to submit the form for sign off by the Chief Finance Officer and the Monitoring Officer.
- 7.10 Any such breaches will be reported to ~~the Commissioning and Procurement Board~~ CLT setting out the number of non-adherence instances in the previous period and broken down by service and exceptional instance, following which all such notices ~~reported to the Commissioning and Procurement Board~~ shall be published retrospectively for information on the next Audit and Governance Committee agenda.
- 7.11 The Chief Finance Officer and Monitoring Officer shall consider whether each reported breach or non-adherence presents a significant risk of harm to the Council's interests and if satisfied that such risk exists, shall

undertake any necessary investigation and report the findings to the relevant Director and the Chief Executive.

- 7.12 The Audit and Governance Committee shall be entitled to review these Procedure Rules and how they have been applied in practice and decide whether to recommend changes to Full Council for approval.

Chapter 3 – Part 6

Employment Procedure Rules

General

- 1 Staff within the organisation are employed, appointed, designated or engaged on behalf of the whole Council and not by parts of the organisation or individuals.
- 2 The employment, appointment, designation or engagement of all staff will be in compliance with the law and any policies and practices of the Council.
- 3 Persons employed, appointed, designated or engaged by contractors under specific agreements or contracts are not staff of the Council, but are employees engaged by the contractor.
- 4 The Council will provide the necessary resources to support the appointed officer structure. Officers may be employees and other persons engaged on temporary contracts, consultancy arrangements or other appropriate terms.
- 5 Generally (except for certain senior staff appointments) the function of appointment and dismissal of and taking disciplinary action against a member of staff of the Council must be discharged on behalf of the authority by the Head of the Paid Service or by an officer nominated by him/her.

Recruitment and Appointment of Staff

- 6 Any candidate for any designation or appointment with the Council who knows that he/she is related to, or a close personal friend of, a Councillor or senior officer of the Council shall, when making an application, disclose, in writing, that relationship to the Head of HR. A person who deliberately fails to disclose such a relationship shall be disqualified from designation or appointment and, if designated or appointed, shall be liable to dismissal.
- 7 Every Councillor and employee shall disclose to the Head of HR any relationship known to him/her to exist between him/herself and any person he/she knows is a candidate for a designation or appointment by the Council.
- 8 Any candidate for designation or appointment who directly or indirectly seeks the support of a Councillor or officer of the Council in any designation or appointment shall be disqualified and, if designated or appointed, shall be liable to dismissal. A Councillor shall not solicit for any person in respect of any designation or appointment with the Council but may give a written testimonial of a candidate's ability, experience or character.

- 9 Persons shall be deemed to be related to a councillor or officer if they are a spouse, partner (i.e. member of a couple living together) parent, parent-in-law, grandparent, child, stepchild, adopted child, grandchild, child of partner, brother, sister, uncle, aunt, nephew or niece or the spouse or partner of any of the preceding persons.
- 10 In the case of a dispute under paragraph 9 above about the status of a relationship in relation to an appointment, the Head of HR will rule and such ruling will be applied.
- 11 The Head of HR will ensure that the provisions of these Rules are reflected, as appropriate, in application forms or in any accompanying detailed procedures for each post, following advertisement.

Responsibility of the Appointments Committee and Corporate Policy Committee

- 12 In addition to these rules, the responsibilities of the Appointments Committee, the Corporate Policy Committee and the Staffing Appeals Sub-Committee are set out in the Committee's Terms of Reference ~~under the "Responsibilities for Functions" Section in Chapter 2~~ of this Constitution.
- 13 Subject to the provisions of these Rules, the Staffing Appeals Sub-Committee is responsible for hearing and determining appeals as set out in the Corporate Policy Committee terms of reference ~~under and~~ the Council's employment-related policies. In determining ~~these employment~~ matters the Corporate Policy Committee will have regard to the appropriate provisions of this procedure. The Committee may agree to discharge some of these functions through a Sub-Committee (and the Investigation and Disciplinary Committee will be responsible for particularly discipline of the Statutory Officers).

Appointment of Head of the Paid Service

- 14 The appointment of Head of the Paid Service is subject to specific requirements as set out below.
- 15 Where the Council proposes to appoint to the Head of the Paid Service, the Corporate Policy Appointments Committee will oversee the arrangements for filling the vacancy.
- 16 The Corporate Policy Appointments Committee shall:
 - 16.1 draw up a statement specifying the duties of the officer concerned and any qualifications or guidelines to be sought in the person to be appointed
 - 16.2 where it is not proposed to appoint from existing employees, make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it

- 16.3 make arrangements for a copy of the statement mentioned above to be sent to any person on request
- 16.4 where a post has been advertised as required above, the Committee will select from the applications a short list of qualified candidates and will then interview those included in the short list.
- 17 Following the interview of candidates, the Committee will come to a view as to the most suitable person to recommend for the position.
- 18 The Committee must advise the Head of HR of:
 - 18.1 the name of the person in question
 - 18.2 any other particulars which the Committee consider are relevant to the appointment.
- 19 The Committee will recommend that person for appointment to the next meeting of the full Council or at a specially convened meeting of the Council. If the Council approve the recommendation, then a formal offer of appointment can be made.
- 20 Where following the interviews the Committee is of the view that there is no suitable candidate, it will re-advertise the post.
- 21 Where the Council does not approve the recommendation of the Committee, it shall indicate how it wishes to proceed.

Other Chief Officers and Deputy Chief Officers

- 22 The offer of appointment for:
 - 22.1. a statutory chief officer within the meaning of section 2(6) of the 1989 Act
 - 22.2 a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act or
 - 22.3 a deputy chief officer within the meaning of section 2(8) of the 1989 Act

must not be made by the appointor until the appointor has notified the Head of HR of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment and such terms fall within the Council's approved Pay Policy Statement.

Dismissal of Head of Paid Service, Monitoring Officer and Chief Finance Officer

- 23 Dismissal of the Designated Statutory Officers of the Council (the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer) (the 'DSOs') will be dealt with in accordance with the Investigation and Disciplinary Committee Terms of Reference above in **Chapter 2 – Part 4 – Committees**, together with the detailed guidance provided in the IDC Handbook which is included on the list

of associated documents in **Chapter 7**. The requirements of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) and the Model Disciplinary Procedure and Guidance as set out in the JNC Conditions of Service Handbook will be followed in this regard.

- 24 Notice of dismissal shall not be given before such dismissal has been approved by full Council.

Political Assistants

- 25 Where the Council decides to appoint political assistants it must do so in accordance with the requirements of the Local Government and Housing Act 1989 which
- (a) prohibits the making of an appointment to any post allocated to a political group until the authority have allocated a post to each of the groups which qualify for one;
 - (b) prohibits the allocation of a post to a political group which does not qualify for one; and
 - (c) prohibits the allocation of more than one post to any one political group.
- 26 The posts shall be filled from time to time in accordance with the wishes of a political group to which the post has been allocated.
- 27 The terms on which any person is appointed to or holds any appointment must be such as to secure that the annual rate of remuneration for the post is less than the amount specified by legislation and that the appointment terminates at or before the end of the day in the appropriate year on which the authority holds the annual meeting.

COUNCIL MEETING – 22ND JUNE 2021**MEMBER ALLOWANCES****RECOMMENDATION**

That the recommendations of the Independent Remuneration Panel be adopted to take effect from the start of the 2021/22 municipal year subject to the following:

- 1. there be no uprating of the basic allowance in 2021/22;**
- 2. in future years, starting in 2022/23, member allowances continue to be uprated in line with the NJC officers pay award;**
- 3. the allowance for vice-chairs of service committees be increased to £6,000;**
- 4. the whips allowances be replaced with a group administrator allowance paid at £3,825 to the administrator of any group with at least 10 members and £1,766 to the administrator of any group with at least 4 members but fewer than 10;**
- 5. no allowance be paid for opposition spokespersons;**
- 6. the following allowances be continued as recommended for 2021/22 but be reviewed for 2022/23:**
 - a. the Scrutiny Committee chair's allowance, which should be reviewed in the light of the workload of that committee and this be reported back to Council in November as part of the constitution review; and**
 - b. the civic allowances for the Mayor and Deputy Mayor.**

Extract from the Minutes of the Corporate Policy Committee on 8th June 2021

6 MEMBER ALLOWANCES

The Committee considered the report of the Independent Remuneration Panel on members' allowances.

A working group of members appointed to consider the recommendations of the Independent Remuneration Panel met on 26th May 2021. The Chair of the working group, Councillor M Warren, circulated a set of recommendations at the Committee's meeting.

With regard to a recommendation that there be no uprating of the basic allowance in 2021/22, the working group had agreed that in future years, starting in 2022/23, member allowances should continue to be uprated in line with the NJC officers pay award.

RESOLVED

That the Committee recommends to Council that the recommendations of the Independent Remuneration Panel be adopted to take effect from the start of the 2021/22 municipal year subject to the following:

1. there be no uprating of the basic allowance in 2021/22;
2. in future years, starting in 2022/23, member allowances continue to be uprated in line with the NJC officers pay award;
3. the allowance for vice-chairs of service committees be increased to £6,000;
4. the whips allowances be replaced with a group administrator allowance paid at £3,825 to the administrator of any group with at least 10 members and £1,766 to the administrator of any group with at least 4 members but fewer than 10;
5. no allowance be paid for opposition spokespersons;
6. the following allowances be continued as recommended for 2021/22 but be reviewed for 2022/23:
 - a. the Scrutiny Committee chair's allowance, which should be reviewed in the light of the workload of that committee and this be reported back to Council in November as part of the constitution review; and
 - b. the civic allowances for the Mayor and Deputy Mayor.

CHESHIRE EAST MEMBERS' ALLOWANCES

Report of the Independent Review Panel, March 2021

1.0 Background.

- 1.1 In November 2020, Cheshire East Council resolved to move from a Cabinet and Leader model of decision-making to a Committee System, the new structure to be introduced at the start of the 2021-22 municipal year. This major change, involving the creation of many new positions of responsibility necessitated a review of members' allowances in the authority. The Independent Review Panel (IRP) was asked in November 2020 to develop recommendations for a new scheme which responded to these changes.
- 1.2 The Panel comprises the chair, Steve Leach (Emeritus Professor of Local Government, De Montfort University), Mandy Ramsden (resident and former local government officer) and Jacquie Grinham (former CEO of Cheshire North Citizens Advice Bureau). Its previous report was accepted by the Council (with a few minor amendments) in 2016. Some of the analysis and conclusions in that report remain relevant to the current exercise, but in other cases a major re-assessment of the scheme is clearly required.
- 1.3 The Panel was provided with several background papers which detailed the thinking behind the new decision-making structure and with the reports of IRPs which had dealt with parallel situations in other authorities (including Brighton and Hove, Nottinghamshire, Reading and the London Borough of Sutton) which had moved from a cabinet and leader model to a committee structure. All councillors were invited to make representations to the Panel in writing, 17 of whom did so. Opportunities of virtual meetings with the Panel were offered to all five leaders of the parties represented on the council, four of whom took advantage of this opportunity. The Panel is grateful to Diane Moulson and Brian Reed for their much-appreciated support and for the many informal discussions which took place with them.

2.0 Analysis and Recommendations.

- 2.1. The Panel discussed the principles which it felt should underpin its analysis and recommendations. They have all been commonly identified by panels elsewhere and are listed below: -
 - the allowances scheme should facilitate a greater diversity of council membership, including under-represented groups such as younger people, those in full-time work and ethnic minorities.
 - it should take account of allowances schemes in comparable authorities.
 - it should acknowledge that not all of the time commitment of members should be deemed eligible for remuneration. 50% is the figure typically recommended.
 - it should facilitate the democratic viability of the council, by giving due weight to the roles of opposition parties and of the scrutiny function.

- it should facilitate as wide as possible a sharing of positions of responsibility; hence only one special responsibility allowance (SRA) should be claimable by any one councillor.
- the proportion of members qualifying for SRAs should ideally not be greater than one third (this is government guidance)
- SRAs should be provided as a response to the level of responsibility involved in a particular post, not the time committed to it.

2.2. The comments from councillors in their submissions to the Panel were typically wide-ranging and varied. There was a good deal of support expressed for some of the principles listed above, particularly those relating to diversity of council membership, the wide sharing of positions of responsibility and retaining the link between officer and member pay increases. Comments listed below were made by two or more members, and hence may be assumed to enjoy a degree of support.

- the allowances budget should be frozen at its current level.
- SRAs should be paid to vice -chairs of the six new committees and possibly more widely.
- The basic allowance should be increased, if there is scope to do so in a 'no net increase' situation.
- the work of a committee chair is likely to be more time-consuming than a cabinet member.

2.3 The Panel was notified at an early stage that leading members did not wish to see a net increase in the overall members' allowances budget for 2020-21 to be introduced in 2021-22, the first year of operation of the new system. It was happy to accept this constraint, subject to the application of the existing criterion for updating allowances (the NJC Officers' settlement imposed by the government). The Panel itself would not have been minded to recommend any significant increase in the allowances budget, partly in light of the impact of the Covid pandemic on unemployment and poverty levels, but also because the average allowances per member is already higher than that of many of its CIPFA comparators. However, it notes that the Council decided not to apply the recommended criterion for updating members' allowance – the NJC officers' pay settlement of 2.75% – in 2020. The Panel would have no objection if the Council decided to apply this increase retrospectively; it was after all the Panel's recommendation.

2.4 The move from a cabinet and leader structure to a committee system has two important consequences for members' allowances. First, because decision-making responsibilities cease to be dominated by a small number of individuals (the cabinet) and move to a committee system in which all members of the various committees share responsibility for decisions, there would be a logic in shifting the balance between the basic allowance and the total level of allowances paid to members of the cabinet in favour of the former. Second, even though it is normal practice in a committee system for the process of decision-making to be led by the chair, who will have held preparatory meetings with the officers concerned (and probably members of his or her own party group who sit on the committee), the formal responsibility for the decisions made rests with the collective body – the committee. If something goes wrong, or legal action is taken in response to a decision, it is the committee which will be held responsible, not the chair or vice-chair. In the

cabinet and leader model it is the cabinet members, collectively or individually, (depending on the allocation of responsibilities) who would be held responsible for subsequent problems, legal or otherwise.

- 2.5 In addition, given that the new structure includes only one scrutiny committee (presumably on the assumption that most scrutiny will take place within the committees themselves), members of committees will have a dual role – to make decisions and to scrutinise them. Previously, they had carried out the latter role in the four scrutiny committees operated by the council but had played no part in the decisions taken within the cabinet. As their role as local representatives and advocates will certainly not diminish, the likelihood is that they will become even busier than they have been in the past.

The Basic Allowance

- 2.6 In these circumstances, the Panel's initial view was that the Basic Allowance should be increased, and the SRAs payable to committee chairs should be decreased, compared with those previously paid to cabinet members. But it soon became apparent that there was a problem with this plan. Given the Panel's acceptance of the dominant 'no net increase in members' allowances' view, if it had recommended that the basic allowance be increased even by a modest 5%, then the cuts that would have been required in the total SRA budget would have been of the order of £50,000. In addition, because in Cheshire East there is now a joint Labour/Independent administration, the Panel had been informed that in the six new service committees, whichever party holds the chair, the vice-chair would be held by the other party. In these circumstances both chair and vice chair have a vital role to play in managing the business of the committee, and it would become imperative to allocate an SRA to the vice-chair as well as the chair. If the basic allowance were to be increased by 5%, this would result in a decrease in the chair's SRA (compared with the SRA previously paid to cabinet members) of a level that could not be justified.
- 2.7 The Panel noted that the basic allowance in Cheshire East currently stands at £12,351. This figure is 22% higher than the average (£10,080) for the CIPFA group of authorities which are used as comparators. This disparity enabled the Panel to conclude that the basic allowance in Cheshire East was a relatively generous one, and as a result, the case in principle for an increase (see 2.2 above) should not be implemented. Its view was that the current level of the basic allowance was such as to contribute to the aim of increasing the diversity of those motivated to stand for election and that to raise the allowance by 5% would not be likely to make a significant difference to this desirable outcome. **The Panel's recommendation is that the basic allowance should remain at £12,351 (unless the council decides to apply the 2.75% uprating retrospectively, in which case it would become £12,690).**

Leader and Deputy Leader of the Council

- 2.8 The Panel felt that it was appropriate to retain the current SRA allocated to the Leader of the Council. Although in a committee system leaders have less power than in an authority which operates the cabinet and leader model, (they can no longer appoint cabinet members, allocate portfolios to them nor allocate decision-making responsibilities to them or to themselves) the significance of and demands on the role of leader of a large unitary authority have increased over the past decade. This is particularly true of the role's external dimensions - working with central government agencies and local partners. Leading the Council's response to the Covid Pandemic has been an additional responsibility. **The Panel's recommendation is that the Leader's SRA should remain at £28,371.**
- 2.9 The role of deputy leader is often more problematical for allowances panels. The normal pattern is for their SRAs to be pitched between £2,000 and £5,000 above those of other members of the cabinet (or of committee chairs in an authority which has adopted that model). The problem is that the responsibilities enjoyed by the deputy leader depend crucially on the leader's propensity (or otherwise) to delegate, which is not always easy for a panel to ascertain. However, in a joint administration like that of Cheshire East, there is no doubt that the role of the deputy leader, who is from a different party to that of the leader, is a 'real job'. It is not a case of what the leader delegates; agreement must be negotiated over a wide range of issues facing the council. **It would be appropriate in these circumstances to retain the SRA currently paid to the deputy leader at £17,128. This is the Panel's recommendation.**

Opposition Group Leaders and Group Whips

- 2.10 The SRA of the main opposition group leader is currently set at £7,650. This figure is below the average (£9,090) in Cheshire East's CIPFA group of comparator authorities, although allowances for this position vary widely. The Panel was of the opinion that in the light of this disparity and in the interests of 'facilitating the democratic viability of the council, by giving due weight to the role of the opposition' (see 2.1 above), there was a case for increasing this SRA, not least because of the crucial role the main opposition plays in a hung authority with a shared administration (or coalition), which is arguably more demanding and potentially influential than in a majority-control situation. **The Panel recommends an SRA of £10,000 for the leader of the largest opposition party and £5,000 for the deputy. The deputy group leaders of the two parties forming the administration should also receive an SRA of £5,000 apiece, as was the practice previously. The leader of any smaller opposition group with a membership of four or more should also receive an SRA of £5,000.**
- 2.11 The net increase in the allowances budget for opposition leaders and their deputies can largely be financed by discontinuing the SRAs paid to the administration whip (now two of them presumably), the deputy whip, and the whips attached to the opposition parties. The practice of allocating SRAs to these positions, which focus predominantly on the internal management and discipline of party groups, has largely died out. Of the 16 authorities in

Cheshire East's CIPFA family, only three (including Cheshire East) pay allowances for these positions. Their retention was justified to the Panel on the grounds that they play an important co-ordination and business management role in a 'no overall control situation' and that their workload is likely to increase in 2021, after the council moves to an unfamiliar committee system. The Panel does not doubt that this is the case. However, if it were to allocate SRAs for all these whip positions, this would necessitate reductions in other allowances that the Panel has recommended and increase the number of SRAs to well above the 33% guidelines. In these circumstances, it regards this activity as one of the many significant but lower order responsibilities which the majority of councillors exercise, which their basic allowance should be seen as covering. It would be impossible (and undesirable) to devise an allowances scheme which allocated SRAs for all such additional responsibilities.

Chairs of the new Committees

- 2.12 By not recommending an increase in the basic allowance, the Panel was able to consider reallocating the total SRA allowance paid to cabinet members (£113,488) to the new service committees. The Panel was informed of the importance to be attached to the Finance sub-committee in the new arrangements and that it was seen as being of equal status to the six service committees. The Panel concluded that it would be appropriate for it to be treated in the same way as the service committees, as far as the allocation of allowances was concerned. Thus, one seventh of the above sum (£16,213) should be allocated to each committee
- 2.13 But in recognition of the importance of the role of vice chair of a decision-making committee, in a situation where a joint administration operates (see 2.4 above), the Panel was clear that some of this allocation should go to the vice-chairs. **Its view was that the most appropriate division of this sum would be SRAs of £12,000 for the chair and £4,200 for the vice-chair, which is the Panel's recommendation.** This division would mean that the chair of each committee would be receiving around £2,000 less than the SRA received by cabinet members, but the Panel was clear that this reduction was justified in the light of the reduction in individual responsibility involved (see 2.4 above).

The Scrutiny function

- 2.14 It is likely that members of the opposition will play a leading role in scrutiny, both on the scrutiny committee and in the six service committees and Finance sub-committee which have been established. This role is crucial to the effective working of democracy in the council; it is right that decisions or proposed decisions should be robustly challenged, if there are substantive grounds for doing so. In these circumstances the Panel considered that it was right to allocate SRAs to the role of opposition spokesperson on each service committee and Finance Sub-Committee. This practice has been introduced in Nottinghamshire and Brighton when these authorities switched from a leader and cabinet model to a committee system.

- 2.15 The Panel recognised that the role of opposition spokespersons on the new committees had not been specified in the proposed structure. However, it was aware that there was a tradition of shadow cabinets in Cheshire East, in which it presumes that members are appointed to focus on the topics identified in the cabinet portfolios. Assuming this to be the case, one might reasonably anticipate that, in the new structure, main opposition group members would be similarly appointed to shadow the topics covered by the new committees and Finance Sub-Committee. They would be the logical incumbents of the 'opposition spokespersons' roles which should encompass access to officers for information on scrutiny topics which they wish to raise, to facilitate a well-informed and constructive approach to scrutiny. Given the small size of the other opposition groups, it would not be feasible to include them in the system of opposition spokespersons.
- 2.16 The Panel was informed that the brief of the Scrutiny Committee in the new structure will be limited to its statutory requirements, focusing on external scrutiny of health and policing issues (amongst others) and that meetings were expected to be held no more than quarterly. The scrutiny of internal policies and decisions was planned to take place within the six new committees and Finance Sub-Committee. In these circumstances, the Panel's view was that the SRA allocated to the chair of the Scrutiny Committee should be no higher than that currently paid to the chairs of the Strategic Planning Board and the Licensing Committee, namely £7,650. The existing allowances budget in Cheshire East for Overview and Scrutiny Chairs is £30,600, which leaves £22,950 available for the seven opposition spokespersons. The Panel's view was that an SRA of £4,200 – equivalent to that paid to the vice chairs of the committees – should be allocated to these positions, which would increase the overall scrutiny allowances budget to £37,000. However, this increase is supportive of the principle of 'giving due weight to the roles of opposition members and scrutiny to facilitate democratic viability' (see 2.1 above); and the likelihood is that at least two of these positions will be filled by opposition members who hold other positions with higher SRAs attached to them, in which case there would be no net budgetary increase.
- 2.17 **The Panel's recommendation is that the Chair of the Scrutiny Committee should be allocated an SRA of £7,650 and the seven opposition spokespersons on the new service committees and Finance Sub-Committee SRAs of £4,200.**

Regulatory and other Committees

- 2.18 In the light of the 'no net increase in the allowances budget' provision and the sparsity of members' comments regarding the existing committees, the Panel could see little reason to do other than recommend that the existing SRAs allocated to the chairs of these committees should be retained. It noted that the Constitution Committee does not appear in the new structure. The Panel's view is that the sum which will be saved should be used to remedy an anomaly that became apparent in its 2016 review. In that review, it learned that most of the business of the Licensing Committee was carried out in its two sub-committees, which is where panels were established to undertake the detailed and time-consuming work on specific licensing issues (for example, taxi licensing). The Panel was informed that, at present, the Chair of the

Licensing Committee also chairs both sub-committees and the panels dealing with specific licensing issues. If this were not the case, the Panel would have been minded to recommend SRAs for the chairs of the two sub-committees. In the current circumstances, this would be inappropriate but, if they were to change, the Panel should be notified with a view to reconsidering its recommendation. **The Panel's recommendation is that the Licensing Committee Chair's SRA of £7,650 is retained.**

- 2.19 **Otherwise, it is recommended that the SRAs for the chairs of Audit and Governance, the Strategic Planning Board, the Southern and Northern Planning Committees should remain at £7,650. The SRAs for the chairs of minor committees such as Appointments Committee and the Public Rights of Way Sub-Committee should be set at £4,200.**
- 2.20 No allowances are currently allocated to the chairs of other committees and boards included in the committee structure diagram, such as the Corporate Parenting Committee, the Health and Wellbeing Board and the Tatton Park Board. In the absence of any representations that allowances should be paid for these roles, the Panel makes no recommendations to introduce them. The expectation would be that their chairs would be likely to be the chair or vice chair of the parent committee to which these boards are attached, or not necessarily positions held by an elected members. If, during the course of the next year, there is seen to be a case for introducing SRAs for any of these positions, the Panel would be happy to review its recommendation. The same readiness to review is applicable to certain elements in the new structure (Decisions Review Committee, ASDV Shareholders Committee and the Shared Services Committee) regarding which again no representations were received by the Panel, and the probability is that their chairs will be members already receiving an SRA elsewhere in the new committee structure.
- 2.21 The Panel considered the case for the allocation of SRAs for vice-chairs of the existing committees, in the light of the existence of a joint administration. Its view was that to do so would result in both of the problems identified in relation to the retention of SRAs for the various whip positions, namely the need to make reductions in other allowances, and the unacceptable increase in the total number of SRAs. It also felt that a joint administration should not have any impact on these committees in relation to a Vice-Chairs role given their less political and quasi-judicial nature.

Other Allowances

Car Mileage

- 2.22 Although a couple of members felt that the current car mileage allowance was too high, if the Panel were to depart from the existing basis on which travel and subsistence allowances are paid in Cheshire East, it would require the authority to opt out of the allowances schemes which have been adopted by the vast majority of local authorities, namely the HMRC approved tax-free mileage rates and the LGA-recommended travel and subsistence rates (both of which are also applied to officer travel and subsistence entitlements). The Panel's view is that, in the light of all the other changes which will be

introduced in May, **it would be sensible to retain the familiar existing schedule of these allowances.**

Dependants' Carers' Allowance

- 2.23 The Dependants' Carers' Allowance is a potentially important contribution to encouraging a greater diversity of council membership, particularly for those with young families or who are caring for vulnerable elderly relatives. The current scheme in Cheshire East is to be commended. Instead of setting maximum hourly rates (as many authorities do), it specifies a maximum annual total amount (£6,410) which may be claimed, subject to the production of receipts. The flexibility involved in this approach and its potential contribution to council diversity is recognized by the Panel, **who recommend that it should be continued on this basis. It was felt, however, that members' knowledge of the scheme was patchy, a situation which should be remedied by the Council.**

Annual increase

- 2.24 **The criterion for the annual updating of members' allowances should continue to be NJC officers pay award, for as long as the upper percentage limit on this award is specified by the government.** This choice avoids the sense of unfairness which would be likely to occur if there was a difference in the levels of increase awarded to these two groups. If and when this central specification ceases, the choice of updating criteria should be reviewed.

Co-optees

- 2.25 For co-opted members on boards and committees who have been appointed as a result of their expertise in the subject area concerned, it is common practice for allowances to be paid, although the allowances vary considerably. In some authorities, co-optees are paid an annual allowance, which is set between £575 and £1,283 per annum, in the schemes accessed. In others (including Cheshire East) they are paid a meetings allowance. The sums involved are in the broad range of £25 - £200.
- 2.26 The Panel considered that a meetings allowance was the better option, in that it overcame the problem of variation in the number of meetings per year any co-optee actually attended. The allowance paid in Cheshire East is well below the average. **The Panel was impressed by the schemes in operation in Shropshire and Central Bedfordshire, both of which make payments of £75 for a meeting lasting up to four hours and £150 for a meeting lasting between four and eight hours. The panel recommends that this should be the practice in Cheshire East.**

Broadband reimbursements

- 2.27 Of the 15 authorities in Cheshire East's CIPFA family, only five (including Cheshire East) reimburse members' broadband costs as part of a separate 'technology allowance.' Only two of Cheshire East's neighbouring authorities do so. The Panel's experience elsewhere is that the payment of separate

allowances of this nature has become a minority phenomenon. **It recommends that the payment of a broadband allowance should be discontinued in Cheshire East**, where the basic allowance has been set at a relatively high level, which can reasonably be expected to incorporate members IT requirements. The Council may choose to continue to give help and advice and (where appropriate) small grants to purchase equipment to members who are unfamiliar with the IT world.

Civic Allowances

- 2.28 The allowances set for the Mayor (who operates as chair of the council) and the Deputy Mayor are categorised as civic allowances, separate from the members allowances scheme itself, however members' allowances panels are often asked to comment on them. The current levels of SRA - £14,000 and £5,600 respectively - are significantly higher than the average for Cheshire East's comparator authorities but having received no arguments as to why these allowances should be reduced, **the Panel's view is that they should be retained at their present levels.**

ASDVs

- 2.29 The Panel understands that there is a provision relevant to the payment of directors of the Council's range of ASDVs in the Local Authorities (Companies) Order 1995. This Order sets out a legal requirement, the effect of which is **that payments to Directors of ASDVs should not exceed the amount paid in respect of the nearest equivalent role that commands an SRA and that furthermore, if the Director is paid for that equivalent role, that other payment should be deducted. This is the guideline currently applied in Cheshire East and the Panel sees no reason to question it.**

3.0 Review of Recommendations

- 3.1 The Panel became aware in the course of its work that there was, understandably, an element of uncertainty as to how the new structure would work out in practice. Normally it would not expect to be reconvened until 2025, but if the Council so wished, it would be happy to meet in 2022 or 2023, to review its recommendations in the light of the Council's experience of the new arrangements.

4.0 Parental Leave (see attached appendix)

5.0 Summary of Recommendations

5.1 The Basic Allowance should remain at £12,351

5.2 Special Responsibility Allowances (SRAs) should be set as follows:

Leader of the Council	£28,371
Deputy Leader of the Council	£17,128
Leader of the main opposition group	£10,000
Deputy Leader of the main opposition group	£5,000

Deputy Group Leaders of the parties in the Joint administration	£5,000
Leader of any other group with 4+ members	£5,000
Chairs of the 6 new service committees and Finance Sub-Committee	£12,000
Vice Chairs of the above	£4,200
Opposition spokespersons on the six service committees and Finance SC	£4,200
Chair of the Scrutiny Committee	£7,650
Chair of the Strategic Planning Board	£7,650
Chairs of the two Area Planning Committees	£7,650
Chair of the Licensing Committee	£7,650
Chair of Audit and Governance Committee	£7,650
Chair of Appointments Committee	£4,200
Chair of Public Rights of Way SC	£4,200

- 5.3 The current scheme of allowances for travel and subsistence should be retained.
- 5.4 The current Dependants' Allowances' scheme should be retained and given more publicity, especially for new members and candidates.
- 5.5 The criterion for the annual updating of members allowances should continue to be the NJC officers pay award, for as long as this is specified by the government.
- 5.6 The Panel would have no objection if the Council chose to apply the 2.75% NJC award of 2020-21 in the coming financial year (2021-22) having chosen not to do so last year. If so, this updating should be applied uniformly, to all the recommended allowances.
- 5.7 Meeting allowances for co-opted members on council committees, boards or panels should be set at £75 for meetings of less than 4 hours and £150 for meetings of between 4 and 8 hours, unless there are good reasons for the council not to make such payments.
- 5.8 The civic allowances paid to the Mayor and Deputy Mayor should remain at £14,000 and £5,600 respectively
- 5.9 The current guidelines regarding the relationship between payments to directors of ASDVs and SRAs allocated to them for council responsibilities should be retained.
- 5.10 The reimbursement of broadband costs in Cheshire East should be discontinued and assumed to be covered by the Basic Allowance. However, the Council may choose to continue to provide help and advice and where appropriate small grants to purchase equipment to members who need it.

- 5.11 The Panel meet again in 2022 or 2023, to review its recommendations in the light of the council's experience of the new arrangements**
- 5.12 See appendix for recommendations re Parental Leave**

Appendix

Parental Leave for Councillors

A Notice of Motion was submitted to Council in February 2019, regarding a proposal to adopt a Parental Leave Policy for Councillors. The Panel understands that the policy will be developed as the new Committee arrangements become embedded within the organisation.

The Panel was invited, as part of its review, to consider those financial aspects of the draft policy which would fall within the Scheme of Members' Allowances.

The Panel wholeheartedly supports the premise on which the report is based; and considers that all members should continue to receive their basic allowance in full, whilst on maternity, paternity, shared parenting, or adoption leave. The Panel also supports the provisions in the policy regarding 'resigning from office and election' i.e. that all allowances would cease from the effective resignation date.

With regard to special responsibility allowances (SRAs), the Panel **agrees that when a replacement is appointed to cover the period of absence of a councillor on leave, they should receive an SRA on a pro rata basis for the period of the temporary appointment.**

However, the Panel does not support the recommendation that members entitled to an SRA should continue to receive their allowance in full, in the case of maternity, paternity, shared parenting or adoption leave as it would increase the total expenditure on members' allowances, in a way in which the public might find it hard to understand. The SRA is a 'rate for the job' and if the councillor on leave is not at the time responsible for carrying out that job, the justification for continued payment is tenuous.



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Date of Meeting:	22 June 2021
Report Title:	Community Governance Review of Town and Parish Council Governance
Report of:	Constitution Committee (Pre-Annual General Meeting)
Wards Affected:	All Wards

1. Executive Summary

- 1.1. This report seeks direction and clarification from Council in respect of a Community Governance Review (CGR) of Town and Parish Council Governance, following a meeting of the Constitution Committee which took place on 6th April 2021.
- 1.2. The CGR project has been in progress for over two years. The next stage of the project is to undertake a formal consultation process, which will enable residents and other stakeholders to express their views in response to formal consultation proposals, developed by the CGR Sub Committee. As a consequence of the resolution of the Constitution Committee of 6th April, Council's direction and clarification is now needed, in order to ensure that an appropriate course of action is followed for the CGR. This aligns with the Council's "Open and Enabling Organisation" Corporate Plan Priority, in:
 - ensuring that there is transparency in all aspects of Council decision making;
 - listening, learning and responding to our residents; and in
 - promoting and developing the services of the Council through regular communication and engagement with all residents.
- 1.3 There are two options available to full council. These have been clarified following the initial Constitution Committee recommendation to provide further evidence for consideration.

Option 1 To ratify the initial recommendation of the Constitution Committee.

Option 2 To reinstate the original recommendation to the Committee

Both possibilities are set out below.

2. Recommendations

- 2.1 The recommendation of the Constitution Committee 6 April 2021 is ratified and the Chief Financial Officer as part of the midyear review is to provide a report to full council on the variation needed to the Medium-Term Financial Strategy to fund the proposal.

OR

- 2.2 Agree the recommendation of the Community Governance Review Sub-Committee, on 26th February 2021, as recommended to the Constitution Committee. (see Appendix 2)

3. Reasons for Recommendations Option Appraisal

3.1. Option 1

- 3.1.1** Option 1 requires funding which is outside of the current budgetary framework. The Committee has no delegated funding and the responsibility for the balanced budget rest with full Council. The amount of funding sought is fluid as it is not known how many parish or town councils would seek to use this funding. An upper working estimate of £2-3 per head of population holding a poll would suggest a budget envelope of up to £600,000. The identification of budget and consequential reduction in funding elsewhere will need to be considered in the MTFS midyear review and be provided to full council for decision.
- 3.1.2** This cannot be done by supplementary revenue estimate as there is no additional funding external to the organisation. A virement would require transfer of funding from another part of the MTFS. This will require full council to identify the source of funding and then to receive and vote on the consequence change to service provision or charging proposal.
- 3.1.3** The timetable for the CGR was set to ensure the matters were resolved prior to the next elections in May 2023. The delay may result in any proposals being unable to be implemented in time for the next election. (See policy implications paragraph 6.3)
- 3.1.4** The recommendation that the outcome of any poll or referenda is binding (even if limited to the committee) is would then expose the Council to a suggestion that it had improperly fettered its own discretion.
- 3.1.5** If a set position is supported or rejected by the poll and it is agreed to be binding then it is crystalised to the exclusion of all other representations and considerations. Local Government and Public Involvement in Health Act 2007 Section 93 requires a number of factors to be considered and this would open the council to further potential legal challenge and cost.

3.2. Option 2

- 3.2.1** Option 2 would not place any additional financial burden upon the local authority.
- 3.2.2** Option 2 does not fetter the discretion of the council in reaching any final decision and reduces risk of challenge.
- 3.2.3** The commencement of the consultation, although delayed should still provide sufficient time to properly consider and conclude the governance review process.
- 3.3** Nothing in option 2 prevents a parish or town council holding its own poll to establish the wishes and feeling of the residents in their area. It will be a matter for the parish or town council to consider the appropriate timing of any poll. In particular, if this occurs now and forms part of the consultation response but acknowledging the proposal may change as a result of the consultation, or does it occur later in response to fully formed or final set of proposals.

4. Background

- 4.1** At its meeting held on 20 September 2018, the Constitution Committee resolved:

That:

- 1 A Borough-wide review of the governance arrangements of all of the Borough's town and parish councils be undertaken, commencing as soon as reasonably practicable after the 2019 all-out elections, and concluding well in advance of the May 2023 elections;
 - 2 a sub-committee of the Committee be appointed to conduct the review, working with an officer working group, and make appropriate recommendations to the Constitution Committee for decision; and
 - 3 the sub-committee comprise representatives of all of the Council's political groups, on the basis of relevant proportionality drawn from the Constitution Committee, provided that the Liberal Democrat Group representative shall be nominated by its Group Leader.
- 4.2** Following that meeting, the Community Governance Review Sub Committee was established, with agreed terms of reference. These can be found, together with the report to the Constitution Committee, which met on 22 November 2018, here:
<http://moderngov.cheshireeast.gov.uk/ecminutes/ieListDocuments.aspx?CId=487&MID=7088#AI43589>
- 4.3** The terms of reference for the Community Governance Review referenced the need for the Council to publish its plan for consultation during the

review, including the receipt of submissions to assist in the preparation of draft proposals.

- 4.4** A pre-consultation survey was initiated on the 28th October 2019, which invited any person or body interested in the review to provide a response to a survey. The survey itself was “live” for a period of 14 weeks. Having formally closed on the 31st January 2020, the Council received submissions from:

Individuals	201
On behalf of a town/parish council	56
As an elected ward councillor	11
On behalf of a group, organisation or club	6
As a former elected ward councillor	1
On behalf of a local business	1
Total	276

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

- 4.6** At those workshops, Members gave informal consideration to the following data:

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

- 4.7** The review is being conducted in four phases:

- Stage 1 – Data gathering and identification of points of focus and a pre-consultation engagement, where initial submissions are invited (completed).

- Stage 2 – Consideration of submissions received and draft recommendations are prepared (completed).
- Stage 3 – Formal 12 week consultation on published draft recommendations (current stage for consideration).
- Stage 4 – Adjust draft recommendations accordingly, with final recommendations being prepared to seek approval via Full Council (Autumn 2021).
- Review Closure – Publish final recommendations, amend/update relevant records and, if appropriate, undertake a resolution to make a reorganisation order (Autumn onwards, to be concluded well in advance of the May 2023 elections).

4.8 The CGR Sub-Committee, on 26th February 2021, recommended to the Constitution Committee that the draft proposals appended to the report be formally agreed for the purposes of consultation, and that they be consulted-upon for a 12-week period (see Appendix 2) to this report - <http://moderngov.cheshireeast.gov.uk/ecminutes/ieListDocuments.aspx?CId=569&MID=7944#A154901>

4.9 At the meeting of the Constitution Committee on 6th April 2021, an amendment (without notice) was moved to the recommendation. The amendment requires that where there was a proposed change to a parish boundary or name, and where requested by the relevant parish council, those affected should be given the opportunity of a referendum, during the consultation period. The view was expressed that, where a parish council could not afford the cost of a referendum, the cost should be met by Cheshire East Council.

The amendment further requires the poll to bind the Committee.

4.10 Officers advised that there was no budget to support referenda and that such activity would be outside the Medium-Term Financial Strategy. Officers also advised that the outcome of any referenda would not be binding upon Cheshire East Council. Nevertheless, the Committee supported the proposal, as can be seen in Appendix 1.

4.11 As things currently stand, the ongoing progress of the review has had to be halted. The Constitution Committee's recommendations would, if implemented, be outside of the MTFs and may create an expectation amongst stakeholders that the outcome of any referenda would be binding upon the Council placing the Council at risk of challenge.

- 4.12** The original recommendation of the CGR report, would respectfully seek a resolution of Council which aligns with that which the CGR Sub-Committee recommended at its meeting on 26th February 2021. This will enable the formal CGR consultation to proceed within budget and remove the risks associated with the referenda proposals.

5 Consultation and Engagement

- 5.1** The consultation and engagement elements of the CGR are considered in the “Background” section to this report.

6 Implications

6.1 Legal Implications

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

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

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

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

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

- i. whether a new parish or parishes should be constituted
- ii. whether existing parishes should or should not be abolished or whether the area of existing parishes should be altered or
- iii. what the electoral arrangements for new or existing parishes, which are to have parish councils, should be

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

- i. the grouping or degrouping of parishes
- ii. adding parishes to an existing group of parishes or
- iii. making related alterations to the boundaries of a principal councils' electoral areas

6.1.7 A poll may be persuasive and important relevant information for the decision-making body (full council) to properly consider. The weight attributed to the outcome of any poll may depend upon the form of question, turn out or other relevant factors. It cannot be conclusive, nor can it be used to control or limit matters that are recommended for consultation. The legislative framework provides for a process and the relevant factors to be considered. The consultation process is intended to stimulate reasoned feedback from all concerned, responses which explain the basis upon which the consultee's position is founded, where possible are encourage as is, putting forward reasoned alternatives. A poll that simply provides a "yes" or "no" answer may be limited to only expressing a view on the question asked.

6.2 Finance Implications

6.2.1 Option 1 provides for a budget requirement outside of the MTFS. If, as suggested this cost is met by Cheshire East no additional funding from an external source has been identified and therefore it will of necessity require a virement within the MTFS. Changes to the MTFS must remain balanced and Council will need to identify the additional saving or charges to balance this demand. This will then be subject to detailed review and considered in the mid-year MTFS review.

6.2.2 Option 2 There would appear to be no direct financial implications for this Council, which can be identified at this stage. There will be financial implications for town and parish councils, which they will consider when making representations in response to the formal consultation.

6.3 Policy Implications

6.3.1 Option 1

6.3.1.1 The Project Plan for the Community Governance Review (CGR) has been carefully planned to facilitate timely reports to the relevant informal, and formal Member bodies:

- a. CGR Working Group
- b. CGR Sub Committee
- c. Corporate Policy Committee
- d. Council

6.3.1.2 The Project Plan also provides for essential periods of preparatory work which will be needed to deal with the implications of changes to parish council governance. This work includes:

- a. work to rearrange electoral database records and make other preparations for the May 2023 local elections, followed by appropriate periods of testing;
- b. work to make precept calculations, reconfigure Council Tax databases, and make other changes to systems in readiness for appropriate periods of notification to affected parish councils and for Council Tax billing preparation to be completed and tested.
- c. significant additional work to assess the implications for staffing and delivery of services by parish councils.

6.3.1.3 In order to have sufficient time to undertake the above, the Project Plan assumes that Full Council approval to proceed with the Consultation will be given at this meeting of Council and that the consultation would then commence almost immediately.

6.3.1.4 The recommendation of the Constitution Committee, that referenda should take place if so requested by affected parish councils, would build-in potentially lengthy delays which could have a profound effect upon the remainder of essential elements of the Project Plan. If the Committee's recommendation was to be agreed by Council, parish councils would need to be notified again of the consultation proposals. They would need to be given a reasonable period of time to consider whether they wished to formally request a referendum (28 days). Depending upon the number of referenda requested, electoral preparations would then need to take place (3-4 months, based upon a potential request-rate of 20% of parish councils). The outcomes of the referenda would then need to be studied in detail by the CGR Working Group, the CGR Sub Committee, the Corporate Policy Committee and Council (3-4 months), in order to understand the implications of the requests and to determine whether there should be changes to the consultation proposals, before the formal consultation could commence.

6.3.1.5 In total, therefore, whilst some assumptions and estimations have had to be made, there could be a number of additional measures, added to the Project Plan, which could amount to as much as 9 months to deliver. If this transpired to be the case, the Project Plan would be fundamentally impacted, and it is the view of officers that there would be insufficient time to complete the other necessary Council Tax and electoral preparations in time for their required implementation in 2023. This would leave the Council with the potential prospect of abandoning the review and starting again, the work which commenced in late 2018.

6.3.2 Option 2 - There are no direct policy implications.

6.4 Equality Implications

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

6.5 Human Resources Implications

6.5.1 There are no direct HR implications.

6.6 Risk Management Implications

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

6.7 Rural Communities Implications

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

6.8 Implications for Children & Young People/Cared for Children

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

6.9 Public Health Implications

6.9.1 There are no direct implications for public health.

6.10 Climate Change Implications

6.10.1 There are no direct implications for climate change.

6.11 Ward Members Affected

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

6.12 Consultation & Engagement

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

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

Access to Information	
Contact Officer:	Brian Reed: Head of Democratic Services and Governance Brian.reed@cheshireeast.gov.uk 07973754722
Appendices:	1: Minute extract of the meeting of the Constitution Committee, which met on 6 th April 2021 2: Minute extract of the meeting of the Community Governance Review Sub-Committee, which met on 26 th February 2021 3: Report to the Community Governance Review Sub-Committee, which met on 26 th February 2021 4: Link to 26 February meeting: http://moderngov.cheshireeast.gov.uk/ecminutes/ieListDocuments.aspx?CId=569&MID=7944#A154901
Background Papers:	As above

Appendix 1**Extract from the minutes of the meeting of the Constitution Committee held on 6 April 2021****COMMUNITY GOVERNANCE REVIEW-FORMAL CONSULTATION ON DRAFT PROPOSALS**

The Committee considered a report on the draft proposals for formal consultation on the community governance review, and the recommendations of the Community Governance Review Sub-Committee in relation thereto.

The Community Governance Review Sub-Committee meeting on 26th February 2021, having considered the draft proposals, had resolved:

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

A number of amendments had been made to the draft proposals following feedback from the Sub-Committee, including reference to the response from Holmes Chapel Parish Council to the pre-consultation survey. In addition, the maps had been amended to display all the potential expansion areas within each map view.

It was confirmed that all parish council clerks and chairmen, as well as other organisations affected by the community governance review, would be notified when the 12-week consultation period commenced. Parish councils and others would be able to feed back their comments through the dedicated Cheshire East Council website or in writing. Consideration was also being given to holding briefings for parish councils.

There was support among members for the suggestion that, where there was a proposed change to a parish boundary or parish name, and where requested by the relevant parish councils, those affected by the change should be given the opportunity of a referendum on the matter. Reference was made to the postal ballot-type “referendums” which had been put in place in respect of the Community Governance Reviews for Crewe and Macclesfield shortly after the Council came into being. It was also felt that where a parish council could not afford such a poll, the costs should be met by Cheshire East Council.

Officers advised that there was no budget for any referendum or poll and that this was outside of the existing budget framework. Any financial implications outside of existing resources would need to be considered as part of the Medium-Term Financial Strategy.

Officers, and the Council’s external adviser, Dr Humphreys, further advised that it would be appropriate for any referendum or poll to take place after the consultation, when the proposals were formulated. However, members considered it appropriate to

seek the views of residents on the proposed changes in the consultation document during the consultation period.

Officers further advised that the outcome of any such referendum would not be binding on the Council although it could be taken into consideration by Council when making a decision on the final recommendations. Members felt that it should be binding on the Constitution Committee and referred to in the report to Council.

RESOLVED:

That the draft proposals attached at Appendix B to the report be formally agreed for the purposes of consultation and consulted upon for a 12-week period, and that where there is a proposal to change a parish name or alter a parish boundary, Cheshire East Council will conduct a referendum, reflecting the request of the parish council, and the result of that referendum will be binding.

Appendix 2**Extract from the Minutes of the Community Governance Review Sub-Committee meeting on 26th February 2021****COMMUNITY GOVERNANCE REVIEW - FORMAL CONSULTATION ON DRAFT PROPOSALS**

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

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

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

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

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

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

RESOLVED

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

[Changes were also agreed to be made to Draft Recommendations report text, which can be found on the Council's website, but which are not pertinent to the matters addressed in this report to Council.]



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Community Governance Review Sub Committee

Date of Meeting: 26 February 2021

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

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

1. Report Summary

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

2. Recommendations

- 2.1 To recommend to the Constitution Committee that:

The draft proposals attached at Appendix B to this report be formally agreed for the purposes of consultation and consulted-upon for a 12-week period.

3. Reasons for Recommendations

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

4. Other Options Considered

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

5. Background

5.1 At its meeting held on 20 September 2018, the Constitution Committee resolved that :

a Borough-wide review of the governance arrangements of all of the Borough's town and parish councils be undertaken, commencing as soon as reasonably practicable after the 2019 all-out elections, and concluding well in advance of the May 2023 elections;

a sub-committee of the Committee be appointed to conduct the review, working with an officer working group, and make appropriate recommendations to the Constitution Committee for decision; and

the sub-committee comprise representatives of all of the Council's political groups, on the basis of relevant proportionality drawn from the Constitution Committee, provided that the Liberal Democrat Group representative shall be nominated by its Group Leader.

5.2 Following that meeting, a Community Governance Review Sub Committee was established, which agreed the terms of reference, as set out in Appendix A. These were subsequently approved by the Constitution Committee.

5.3 The terms of reference for the Community Governance Review, referenced the need for the Council to publish its plan for consultation during the review, including the receipt of submissions to assist in the preparation of draft proposals.

5.4 A pre-consultation survey was initiated on the 28th October 2019, which invited any person or body interested in the review to provide a response to a survey. The survey itself was "live" for a period of 14 weeks. Having formally closed on the 31st January 2020, the Council received submissions from:

Individuals	201
On behalf of a town/parish council	56
As an elected ward councillor	11
On behalf of a group, organisation or club	6
As a former elected ward councillor	1
On behalf of a local business	1
Total	276

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

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

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

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

- Stage 1 – Data gathering and identification of points of focus and a preconsultation engagement, where initial submissions are invited (completed).
- Stage 2 – Consideration of submissions received and draft recommendations are prepared (completed).
- Stage 3 – Formal 12 week consultation on published draft recommendations (current stage for consideration).
- Stage 4 – Adjust draft recommendations accordingly, with final recommendations being prepared to seek approval via Full Council (Autumn 2021).
- Review Closure – Publish final recommendations, amend/update relevant records and, if appropriate, undertake a resolution to make a reorganisation order (Autumn onwards, to be concluded well in advance of the May 2023 elections).

5.7 The Sub-Committee is now requested to;

1. Give formal consideration to the informal deliberations and conclusions of the Member workshops, and determine the consultation proposals based upon the content set out in Appendix B to this report; and

2. Recommend to the Constitution Committee that a formal 12 week consultation exercise on those draft proposals commence (stage 3, as outlined above).

6. Implications of the Recommendations

6.1. Legal Implications

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

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

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

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

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

- a) whether a new parish or parishes should be constituted
 - b) whether existing parishes should or should not be abolished or whether the area of existing parishes should be altered or
 - c) what the electoral arrangements for new or existing parishes, which are to have parish councils, should be
- In addition, the principal council has a discretion to also make recommendations about:
- d) the grouping or degrouping of parishes
 - e) adding parishes to an existing group of parishes or
 - f) making related alterations to the boundaries of a principal councils' electoral areas

6.2. Finance Implications

6.2.1. There would appear to be no direct financial implications for this Council, which can be identified at this stage. There will be financial

implications for town and parish councils, which they will consider when making representations in response to the formal consultation.

6.3.Policy Implications

6.3.1 There are no direct policy implications.

6.4.Equality Implications

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

6.5. Human Resources Implications

6.5.1. There are no direct HR implications.

6.6. Risk Management Implications

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

6.7. Rural Communities Implications

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

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

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

6.9.Public Health Implications

6.9.1. There are no direct implications for public health.

6.10. Climate Change Implications

6.10.1. There are no direct implications for climate change.

7. Ward Members Affected

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

8. Consultation & Engagement

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

8.2. The first stage of informal consultation has now concluded. A second and formal period of consultation is now proposed on the recommendations. This will follow the requirements relating to the duty to consult electors and others during the CGR process as

detailed in Section 93 of the Local Government and Public Involvement in Health Act 2007.

9. Access to Information / Contact Information

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

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Job Title: Head of Democratic Services and Governance

Email: brian.reed@cheshireeast.gov.uk

COUNCIL – 22 JUNE 2021**NOTICES OF MOTION**

Submitted to Council in Accordance with paragraph 1.33 of the Council Procedural Rules

1 Right to Food**Proposed by Councillor A Critchley and Seconded by Councillor L Smith**

We are seeing a crisis of food poverty born out of the political choices and systemic failings created over the past four decades, which have now reached a tipping point for so many in our communities. The figures are devastating for one of the richest nations in the world and highlight the inequality of the UK in 2020.

The Trussell Trust reports a soaring 81% increase in emergency food parcels from food banks in its network during the last two weeks of March 2020 compared with the same period in 2019, including a 122% rise in parcels given to children as the coronavirus pandemic continued to unfold.

This Council notes the consistent high rates of poverty across our Borough and Cheshire as a whole. We recognise the growing concern amongst our health and care professionals of the current situation and the likely exacerbation of poverty figures through the impact of the Covid19 pandemic and economic uncertainty as we progress through 2021.

The National Food Strategy is the first independent review of England's entire food system for 75 years. Its purpose is to set out a vision for the kind of food system we should be building for the future, and a plan for how to achieve that vision. It is headed by Henry Dimbleby and next reports to Government at some time this year.

The Right To Food campaign is arguing that the 11 million people in food poverty should be central to this strategy.

Enshrining the 'Right To Food' into law would clarify Government obligations on food poverty and would introduce legal avenues to hold Government bodies accountable for violations.

This Council calls for the 'Right To Food' to be incorporated into the 'National Food Strategy'. We ask the Chief Executive, Lorraine O'Donnell to write to Henry Dimbleby to further this request.

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