

Special Meeting of Council

Agenda

Date: Wednesday 27th April 2022
Time: 11.00 am
Venue: Macclesfield Leisure Centre, Priory Lane, Macclesfield,
SK10 4AF

PLEASE NOTE - This meeting is open to the public and anyone attending the meeting may wish to wear a face covering when not seated (unless exempt).

Lateral Flow Testing: Anyone attending the meeting may wish to undertake a lateral flow test on the day of the meeting before embarking upon the journey to the venue. If the test shows a positive result, it is asked that you do not attend the meeting and follow the latest advice on self-isolation.

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

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

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

1. **Apologies for Absence**

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 3 - 26)

To approve as a correct record the minutes of the meeting of Council held on 24 February 2022.

4. **Mayor's Announcements**

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

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

A total period of 30 minutes is allocated for members of the public to speak at the Council meeting on the items of business on the agenda only. 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.

Any member of the public wishing to speak on Item 6 - Community Governance Review of Town and Parish Council Governance, will be allocated 3 minutes to make their representation, subject to the following:

- If you attend the meeting with others who wish to speak on the same subject, please nominate one spokesperson to speak.
- There should be no repetition of points made earlier by other speakers.

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. **Recommendations from Corporate Policy Committee: Community Governance Review of Town and Parish Council Governance** (Pages 27 - 40)

To consider the recommendations of the Corporate Policy Committee.

7. **Recommendations from Corporate Policy Committee: First Annual Review of the Committee System** (Pages 41 - 154)

To consider the recommendations from the Corporate Policy Committee.

8. **Recommendations from Corporate Policy Committee: Progress on Governance for the Integrated Care System** (Pages 155 - 172)

To consider the recommendations of the Corporate Policy Committee.

9. **Recommendations from Audit and Governance Committee: Appointments** (Pages 173 - 178)

To consider the recommendations of the Audit and Governance Committee.

10. **Recommendation from Finance Sub Committee: Aligning the Medium-Term Financial Strategy to the Committee Structure** (Pages 179 - 190)

To consider the recommendation from the Finance Sub Committee.

11. **Recommendation from Highways and Transport Committee: Pothole Fund Grant** (Pages 191 - 212)

To consider the recommendation to approve a supplementary capital estimate.

12. **Reporting of Urgent Decisions taken by the Chief Executive** (Pages 213 - 214)

To note the urgent decisions taken by the Chief Executive on behalf of Council.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Thursday, 24th February, 2022 in the Crewe Lifestyle Centre, Moss
Square, Crewe. CW1 2BB

PRESENT

Councillor S Pochin (Mayor/Chair)

Councillor D Marren (Deputy Mayor/Vice Chair)

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

OPENING ANNOUNCEMENTS

The Mayor, in summary

1. reported that Councillor Rob Moreton had walked to the Council meeting from Congleton and invited Councillor Moreton to explain why. Councillor Moreton stated that he had walked to the Council meeting as practice for the walk he was undertaking on 13 May 2022 in aid of Visyon – a charity which supported the emotional health of children and young people and their families.
2. was conscious of the important matters on the agenda and stated that she would do her best to deal with the items in an efficient, fair and democratic manner. The Mayor asked if councillors would stay until the end of the meeting as there was a Notice of Motion to debate and 30 minutes for Questions.
3. asked, with the lifting of Covid restrictions, that those present be respectful towards others who may not be so comfortable with the situation.
4. referred to the situation unfolding in the Ukraine; and
5. reported the death of Honorary Alderman Susan Harden and asked those present to stand in a minutes silence as a mark of respect.

59 **APOLOGIES FOR ABSENCE**

Apologies were received from Councillors M Addison, J Buckley, A Critchley, M Hunter, L Smith, R Vernon and J Wray.

60 **DECLARATIONS OF INTEREST**

In the interests of openness, Councillor D Brown, R Fletcher and D Marren declared an interest in relation to Item 14: Nomination of Mayor and Deputy Mayor 2022/23 Civic Year.

61 **MINUTES OF PREVIOUS MEETINGS**

RESOLVED:

That the minutes of the special and ordinary meetings held on 15 December 2021 be approved subject to the following amendments:

Special Meeting 15 December 2021

Present at meeting – add Councillors M Beanland, M Benson and L Roberts.

Ordinary Meeting 15 December 2022

Minute 45 – Public Speaking Time/Open Session

The paragraph relating to Macclesfield Town Councillor Fiona Wilson be amended for clarity to include reference to specific councils – amended paragraph to read:

“Macclesfield Town Councillor Fiona Wilson sought assistance in resolving issues following the removal of several roads in Macclesfield from the winter gritting routes and stated that *Macclesfield Town Council* had agreed to pay for the gritting of these routes. She suggested that *Cheshire East Council* had refused to grant permission for this to happen. Councillor C Browne, Chair of Highways and Transport Committee, undertook to provide a written response.”

62 **MAYOR'S ANNOUNCEMENTS**

The Mayor, in summary

- 1 thanked Cheshire East Highways for the £350 they had collected for the Mayor's charity - Cheshire Youth Federation and she hoped that there would be some collaboration between Cheshire Youth Federation and Cheshire East Highways on apprentices.
- 2 thanked Trevor Green in the Council's Communications Team for putting together the Council's tribute for Holocaust Memorial Day, which had taken place virtually.

- 3 reported that she was organising a Polish community event on Saturday 27 February at Crewe Market Hall and invited all to attend.

63 PUBLIC SPEAKING TIME/OPEN SESSION

Andrew Wood reported that an event would be held in April to talk about the building of a new farmers' market in Chelford and all were invited to attend. Mr Wood then talked about the clean air zone in Manchester and that not everybody had electric cars and that there was not enough power in the grid to supply everybody with electric cars. He asked, as electric cars did not pay road tax, who would pay for the road, and stated it was the people who would be going in and out of the clean air zone, and some will not be able to afford the £20 charge for using the clean air zone in Manchester.

Simon Read, Chair of Pickmere Parish Council, expressed concerns about the level of service provided by the Council in relation to planning and highways matters and reported that the Parish Council had taken the unusual step of raising a formal complaint about the difficulty they had faced. In response Cllr M Warren, Chair of Environment and Communities Committee, stated that the planning service was currently dealing with an above average number of planning applications and that additional external support had been brought in to help reduce the backlog of applications. A full review of the planning service had been launched, with a view to improving the customer experience and communication with customers, recruiting more staff, and reducing the backlog of applications. With respect to planning enforcement, the Council had a Planning Enforcement Policy published on its website, which sets out the legislative powers available to the local planning authority, the priorities for investigation, and the actions that may be taken in response to identified breaches of planning control. Resources were targeted to dealing with the most serious breaches of planning control where clear and demonstrable harm is being caused. There were seven Planning Enforcement Officers to cover the borough, who investigated on average 1,000 reports of suspected breaches of planning control each year. Cllr C Browne, Chair of Highways and Transport Committee responded to say that he had been assured by the highways department that the local highways officer would be in touch to proactively open communications with the parish council. The Mayor invited Cllr K Parkinson, ward councillor, to respond. Cllr Parkinson stated that she shared the frustration of the parish council in receiving little or no response from Highways regarding the state of the roads. She stated she was constantly fighting for potholes to be repaired in her ward but was frustrated as only a basis repair was done, which disintegrated within a couple of weeks and then the whole cycle started again.

Robert Douglas asked the Council to revert back to the previous public speaking rules to allow residents to raise questions at any committee meeting on issues that fall within the remit of that committee rather than

just the items on the agenda. He also asked the Council to authorise its Environment and Communities Committee to investigate how Cheshire East Council could adopt the excellent policy of Congleton Town Council and completely ban the use of glyphosate. In response Cllr M Warren, Chair of Environment and Communities Committee, responded that the intention behind the public speaking rules, as they were currently framed, was to ensure that the Council's committees could concentrate on those matters which appeared on their agendas, rather than upon any wide-ranging issue which might be raised by a member of the public on any particular day. Cllr Warren suggested that if Mr Douglas or anyone else had a question which might fall within the terms of reference of a committee, they raise these matters with the Committee Chair, by email. In that way, a prompt and effective response can be provided. In relation to the question on the use of glyphosate, Cllr Warren stated that the Council was aware of public concern around the use of glyphosate in public places. However, Glyphosate was still licenced for use in the UK and as such, if handled correctly and within the guidance, was safe to be used in public places. ANSA and Cheshire East Highways, who undertake weed control in parks, open spaces, roads and pavements on behalf of the Council were encouraged to minimise the use of glyphosate and to find alternative mechanisms wherever possible.

Peter Foster asked about the provision of a greenway with links for pedestrians and cyclists alongside the proposed railway from the Parkers Road area of Crewe to Wimboldsley and onto Clive Green for Winsford and Middlewich, which would allow journeys to work and for leisure, much like the existing Crewe-Nantwich route alongside Middlewich Road, in an area with no minor roads and few footpaths. Cllr C Browne, Chair of Highways and Transport Committee, responded that the opportunity to provide a greenway was closely associated with the planning for High Speed 2 (phase 2B). The Council was actively engaged in responding to consultations on the design refinements for Phase 2B and this would include consideration of all necessary mitigations to impacts on local road networks and routes for active travel.

Sue Helliwell referred to a report in the Alsager Chronicle in which Cllr Rod Fletcher stated that Cheshire East Council has removed £400,000 from a capital programme for enhancements to Bank Corner Alsager, previously set aside in February 2019 for high priority improvements and asked if the money could be reinstated in the next round of highways. In response Cllr C Browne, Chair of Highways and Transport Committee, responded that it was these matters would be considered when Item 7 – Medium Term Finance Strategy, was debated by Council.

Laura Turner stated that nothing had changed since she last spoke at the Council meeting in December and that she believed the Leader of the Council was out of touch with what was going on in Middlewich. She referred to what she believed to be the dysfunctionality of Middlewich Town Council, the inability of ward councillors to act on resident's behalf, the grossly underfunded infrastructure and increasing number of planning

permission granted. She invited the Leader to meet with Middlewich residents who disagreed with the statement he made last December. In response it was stated it was inappropriate for the Council to discuss the affairs and operation of Middlewich Town Council.

64 LEADER'S AND DEPUTY LEADER'S ANNOUNCEMENTS

The Leader, in summary

- 1 reported that he had written to Her Majesty, The Queen, to wish her a speedy recovery from Covid-19.
- 2 stated that despite national regulations on Covid being relaxed, it did not mean that all precautions should be abandoned, and that he would still be wearing a mask in indoor spaces out of respect to others.
- 3 reported that the infection rate had fallen to 400 cases per 100,000 and that the rate for Covid vaccinations was 88% of those eligible.
- 4 commended the work being done on the Cleaner Crewe project to reduce fly tipping and promoting community pride.
- 5 reported that work on Nantwich Leisure Centre had been completed and included smart building technology as part of the Council's drive towards a carbon neutral authority by 2025.

The Deputy Leader, in summary

- 1 provided an update on the competition to find a location for the headquarters of Great British Railways and the work being undertaken to nominate Crewe as the location for the headquarters as the town was at the heart of the railway network, had strong links to rail industry and met the criteria set out. The bid was being supported by Cheshire West and Chester Council, Warrington Council, the Local Enterprise Partnership and Crewe Town Council. A private company had been commissioned to lead on the PR strategy and a partnership and key stakeholder group was being set up, to be chaired by the local MP. A cross party members group would be established and all members would be regularly briefed on progress.

65 RECOMMENDATIONS FROM CORPORATE POLICY COMMITTEE: MEDIUM TERM FINANCIAL STRATEGY

The Corporate Policy Committee, at its meeting on 10 February 2022, had considered a report on the Medium-Term Financial Strategy for Cheshire East Council for 2022-26.

The Corporate Policy Committee had recommended to Council the items in Appendix A to the report, subject to the two following recommendations:

- a. the Highways and Transport Committee be asked to carry out an immediate and major review of the local and national funding of expenditure of Cheshire East Highways, and that this leads to decisions or recommendations to enhance services and value for money to local residents; and
- b. the Capital Programme, on page 218 of the MTFS agenda pack, be amended to provide the Managing and Maintaining Highways expenditure is increased to £6m in each of 2023/24 and 2024/25 instead of £4m in each year. To balance this amendment, the borrowing costs be funded from correlated savings over the three-year period, achieved from the revenue budget allocated to pot holes repairs.

The recommendations were proposed and seconded, and during the debate an amendment was proposed.

Amendment

To include an item in the Capital Programme, on Page 218 of the MTFS agenda pack, for B5077/B5078 North Junction, Alsager. The cost is £400,000 fully funded from External Contributions.

The amendment was moved and seconded. The mover and seconder of the recommendations from Corporate Policy Committee to Council agreed to accept the amendment and therefore the amendment became part of the substantive proposition.

Following debate on the substantive recommendations, these were put to the vote, and in accordance with legislation, a recorded vote was carried out with the following results:

FOR

Councillors Q Abel, S Akers Smith, L Anderson, J Barber, L Braithwaite, J Bratherton, S Brookfield, C Browne, C Bulman, B Burkhill, P Butterill, S Carter, S Corcoran, L Crane, D Edwardes, B Evans, H Faddes, A Farrell, K Flavell, R Fletcher, M Goldsmith, S Handley, A Harewood, S Hogben, M Houston, D Jefferay, L Jeuda, I Macfarlane, N Mannion, A Moran, R Moreton, D Murphy, C Naismith, J Nicholas, J Parry, B Puddicombe, J Rhodes, J Smith, A Stott, M Warren and P Williams.

AGAINST

Councillors M Asquith, R Bailey, M Beanland, M Benson, D Brown, J Clowes, S Davies, T Dean, S Edgar, JP Findlow, A Gage, S Gardiner, L Gilbert, A Gregory, P Groves, G Hayes, S Holland, A Kolker, C Leach, K Parkinson, P Redstone, J Saunders, M Sewart, M Simon, L Smetham, D Stockton, L Wardlaw, J Weathertill and N Wylie.

NOT VOTING

Councillor D Marren, A Martin, B Murphy, S Pochin and L Roberts.

The motion was declared carried with 41 votes for, 29 against and 5 not voting.

RESOLVED:

That Council

- 1 notes the Report of the Council's Chief Finance Officer (Section 151 Officer), contained within the MTFS Report, regarding the robustness of estimates and level of reserves held by the Council based on these budget proposals (Appendix C to the report, Report from the Section 151 Officer).

That Council, having given due regard to the report of the Chief Finance Officer, approves:

- 2 the Revenue estimates for the 2022/23 budget and the medium-term Capital Programme estimates 2022-2026, as detailed in the Medium-Term Financial Strategy Report (MTFS) 2022-2026 (Appendix C to the report).
- 3 Band D Council Tax of £1,626.24 representing an increase of 2.99%. This is below the referendum limit (including 1% ringfenced for Adult Social Care) and arises from the provisional finance settlement (Appendix C to the report, Section 2).
- 4 the 2022/23 non ringfenced Specific Grants, and that any amendments to particular grants will be reported to Council if further information is received from Government Departments or other funding bodies (Appendix C to the report , Annex 7).
- 5 the 2022/23 Capital Grants, and that any amendments to particular grants will be reported to Council if further information is received from Government Departments or other funding bodies (Appendix C to the report, Annex 8).
- 6 the relevant Committee to agree the use of additional Specific Grants received as further updates to the 2022/23 funding position are received.
- 7 the Prudential Indicators for Capital Financing (Appendix C to the report, Annex 10).
- 8 the Children and Families Committee to agree any necessary amendment to the 2022/23 Dedicated Schools Grant (DSG) of £338.5m and the associated policy proposals, in the light of further information received from DfE, pupil number changes, further

academy transfers and the actual balance brought forward from 2021/22 (Appendix C to the report, Annex 7).

- 9 the Capital Strategy (Appendix C to the report, Annex 10).
- 10 the Treasury Management Strategy (Appendix C to the report, Annex 11).
- 11 the Investment Strategy; including the financial limits for various classifications of investment, and the investment decision making process set out in the Strategy (Appendix C to the report, Annex 12)
- 12 the Reserves Strategy (Appendix C to the report, Annex 13), which includes proposed movements to and from reserves.
- 13 the amendment to Key Decisions as defined in the Constitution and the financial limits to be included within the Council's Finance Procedure Rules (Appendix C to the report, Annex 14);
- 14 the Highways and Transport Committee be asked to carry out an immediate and major review of the local and national funding of expenditure of Cheshire East Highways, and that this leads to decisions or recommendations to enhance services and value for money to local residents;
- 15 the Capital Programme, on page 218 of the MTFS agenda pack, be amended to provide the Managing and Maintaining Highways expenditure is increased to £6m in each of 2023/24 and 2024/25 instead of £4m in each year. To balance this amendment, the borrowing costs be funded from correlated savings over the three-year period, achieved from the revenue budget allocated to pot holes repairs.
- 16 the Capital Programme, on page 218 of the MTFS agenda pack, include provision for B5077/B5078 North Junction, Alsager. The cost is £400,000 fully funded from External Contributions.

That Council recognises that Corporate Policy Committee noted:

- 17 the year-end outturn forecast position for 2021/22 (Appendix C to the report, Section 2).
- 17 the Budget Engagement exercise undertaken by the Council, as set out in the attached (Appendix C to the report, Annex 2a).
- 18 the results of the Budget Consultation (Appendix C to the report, Annex 2b).

66 **COUNCIL TAX STATUTORY RESOLUTION**

Consideration was given to a report relating to the setting of the Council Tax for 2022/23.

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

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

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

Council was recommended to set the Council Tax for Cheshire East Council for the financial year 2022/23 at £1,626.24, in accordance with the formal resolutions as shown in section 14 of the report.

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

FOR

Councillors Q Abel, S Akers Smith, L Anderson, J Barber, L Brathwaite, J Bratherton, S Brookfield, C Browne, C Bulman, B Burkhill, P Butterill, S Carter, S Corcoran, L Crane, D Edwardes, B Evans, H Faddes, A Farrall, K Flavell, R Fletcher, M Goldsmith, S Handley, A Harewood, S Hogben, M Houston, D Jefferay, L Jeuda, I Macfarlane, N Mannion, A Moran, R Moreton, B Murphy, D Murphy, C Naismith, J Nicholas, J Parry, B Puddicombe, J Rhodes, L Roberts, J Smith, A Stott, M Warren and P Williams.

AGAINST

Councillors M Beanland, M Benson, J Clowes, S Davies, S Edgar, JP Findlow, A Gage, S Gardiner, L Gilbert, A Gregory, P Groves, G Hayes, S Holland, A Kolker, C Leach, K Parkinson, P Redstone, J Saunders, M Sewart, M Simon, L Smetham, D Stockton, L Wardlaw, J Weatherill, and N Wylie.

NOT VOTING

Councillors M Acquith, R Bailey, D Brown, D Marren, A Martin and S Pochin.

The motion was declared carried with 43 votes for, 25 against and 6 not voting.

RESOLVED: That

1. the Council Tax for Cheshire East Council for the financial year 2022/23 be set at £1,626.24, in accordance with the formal resolutions as shown in section 14 of the report, as follows: -

Formal Resolution

1. that it be noted that on 15 December 2021 the Council calculated the Council Tax base 2022/23.
 - (a) for the whole Council area as 156,607.48 (item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the “Act”)).
 - (b) for individual parishes, as in Appendix A to the report.
2. that the Council Tax requirement for the Council's own purposes for 2022/23 (excluding Parish precepts) is £254,681,348.
3. that the following amounts be calculated for the year 2022/23 in accordance with Sections 31 to 36 of the Act:
 - a. £651,430,983 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
 - b. £387,440,139 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
 - c. £263,990,844 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year (Item R in the formula in Section 31B of the Act).
 - d. £1,685.68 being the amount at 3(c) above divided by the amount at 1(a) above, calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
 - e. £9,309,496 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act

- f. £1,626.24 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by the amount at 1(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.
- g. Appendix A to the report being the amounts calculated by the Council, in accordance with regulations 3 and 6 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992, as its total council tax base for the year and council tax base for dwellings in those parts of its area to which one or more special items relate.
- h. Appendix B to the report being the amounts given by adding to the amount at 3(f) above, the amounts of special items relating to dwellings in those parts of the Council's area mentioned above divided by in each case the appropriate tax base from Appendix A, calculated by the Council in accordance with Section 34(3) of the 1992 Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of the area to which one or more special items relate. (Band D charges for each Parish area).
- i. Appendix C to the report being the amounts given by multiplying the amount at 3(h) above by the number which, in the proportion set out in Section 5(1) of the 1992 Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the 1992 Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands (Local charges for all Bands).
- j. Appendix D to the report being the aggregate of the local charges in 3(i) above and the amounts levied by major precepting authorities, calculated in accordance with Section 30(2) of the 1992 Act (The total

Council Tax charge for each band in each Parish area).

4. notes that the Police and Crime Commissioner and the Fire Authority have issued precepts to Cheshire East Council in accordance with section 40 of the Local Government Act 1992 for each category of dwellings in the Council's area, as shown in sections 11 and 12 of the report.
5. accepts that the Cheshire East Council's basic amount of Council tax for 2021/22 was not excessive in accordance with principles approved under Section 52ZB and 52ZC of the Local Government Finance Act 1992.
2. Notes that the council tax precept of Cheshire Fire Authority, Police and Crime Commissioner for Cheshire, and each Parish Council as been approved and notified to the Council in accordance with the Local Government Finance Act 1992, as amended by section 72 to 79 of the Localism Act 2011.
3. notes the average Council Tax for the Cheshire East Borough is £2,003.60 in accordance with the Local Government Finance Act 1992, as amended by sections 72 to 79 of the Localism Act 2011.

67 **RECOMMENDATIONS FROM CORPORATE POLICY COMMITTEE:
PAY POLICY STATEMENT 2022/23**

Consideration was given to the recommendations of the Corporate Policy Committee in respect of the Pay Policy Statement for 2022/23.

The Corporate Policy Committee, at its meeting on 10 February 2022, had considered the draft Pay Policy Statement and resolved that Council be recommended to the approve and publish the Pay Policy Statement 2022/23 and agree the Pay Policy Statement for 2022/23 be reviewed in-year and any further changes be approved by the Monitoring Officer and published accordingly.

RESOLVED: That

- 1 the Pay Policy Statement for 2022/23 be approved and published accordingly; and
- 2 the agreed Pay Policy Statement for 2022/23 be reviewed in-year and any further changes be approved by the Monitoring Officer and published accordingly.

**68 RECOMMENDATIONS FROM CORPORATE POLICY COMMITTEE:
CALENDAR OF MEETINGS 2022/23**

Consideration was given to the recommendations of the Corporate Policy Committee in respect of the Calendar of Meetings for 2022/23.

The Corporate Policy Committee, at its meeting on 10 February 2022, had considered the draft Calendar of Meetings for 2022/23. The Committee had also considered a provisional draft calendar of dates for the period May to October 2023 which was intended to assist members in planning their diaries further ahead.

RESOLVED: That

- 1 the draft calendar of meeting for Cheshire East Council for 2022/23 be approved subject to the following:
 - i. meetings of the Audit and Governance Committee commence at 10.30 am on the stated dates, except for 29 September 2022 and 24 November 2022 when the start time will be 2 pm;
 - ii. subject to the agreement of external partner organisations where appropriate, the meeting of the Shared Services Joint Committee scheduled to take place on 27 January 2023 be rescheduled to avoid Holocaust Memorial Day;
 - iii. the Constitution Working Group give consideration, prior to the 2023 elections, to whether some formal meetings should be 'twilight' or evening meetings; and
 - iv. the Constitution Working Group give consideration, prior to the preparation of the Calendar of Meetings for 2023, to whether it would be appropriate to introduce a standard commencement time of 10 am for all morning meetings of formal bodies.
- 2 the draft Calendar of Meetings for the period May to October 2023 be noted.

69 HIGH SPEED RAIL (CREWE - MANCHESTER) BILL PETITION

Consideration was given to a report which outlined the process that Council needed to follow to petition against the High Speed Rail (Crewe - Manchester) Bill to enable the Council to negotiate enhancements and mitigations for the benefit of Cheshire East residents and businesses. The report also outlined the proposed approach to member engagement in preparing and progressing a petition.

The Council remained supportive of HS2, recognising the wider economic and regeneration potential that HS2 could unlock for Crewe and the wider Borough, including jobs and increased business confidence to invest.

However, the Council was aware that the delivery of the scheme would impact on the environment and the ecology of Cheshire East and cause disruption to residents and businesses.

This support remained conditional on the delivery of an enhanced hub station for Crewe, with 5 to 7 HS2 trains per hour, and on securing appropriate levels of mitigation from the scheme impacts, including suitable levels of compensation to Cheshire East residents and businesses negatively impacted by HS2. Petitioning against a HS2 hybrid bill provided the Council with the opportunity to influence the scheme and seek further enhancements for the Crewe hub and additional mitigation against the impacts of the scheme where appropriate. As was the case with Phase 2a, any petition against a HS2 hybrid bill by the Council, did not impact the overall stance but provided the opportunity to seek appropriate changes to the scheme proposals and how it would be delivered, to provide a better outcome for the Borough.

Section 239 of the Local Government Act 1972 provided the statutory powers to either promote or oppose a HS2 hybrid bill and therefore, deposit a petition against the Bill. A full council resolution to oppose the hybrid bill under S. 239 of this Act was the formal action the Council was required to take to enable it to deposit a petition and seek to secure such changes and enhancements to the HS2 proposals to deliver a better outcome for Cheshire East.

RESOLVED: That Council

- 1 supports the principles of the High Speed Rail (Crewe - Manchester) Bill;
- 2 resolves that it is expedient to petition against the High Speed Rail (Crewe – Manchester) Bill introduced in the 2021-22 session of Parliament, and will seek, amongst other things,
 - i. enhancements to the scheme proposals to maximise the benefits of the Crewe Hub; and
 - ii. improved mitigation and compensation against the negative impacts of the scheme on the local environment and residents.
- 3 delegates authority to the Executive Director of Place, in consultation with the Chair of the Corporate Policy Committee and the Chair of the Highways and Transport Committee, to take all necessary and expedient steps to give effect to the resolution above.
- 4 delegates to the Director of Governance and Compliance the authority to seal any necessary documents and confirm that Sharpe Pritchard LLP (Parliamentary Agents) be authorised to deposit and, if necessary, sign the Petition of the Council against the Bill.

- 5 delegates authority to the Executive Director of Place, in consultation with the Chair of the Corporate Policy Committee and the Chair of the Highways and Transport Committee, to withdraw any aspect of the Council's Petition against the Bill if this is no longer the appropriate course of action, and to settle or agree any basis for the withdrawal; and
- 6 notes the member engagement in the preparation and progress of the Bill as outlined in Section 7 of the report.

70 **SOCIAL HOUSING DECARBONISATION FUND**

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

Cheshire East Council had applied in October 2021 to the Social Housing Decarbonisation Fund Wave 1 on behalf of The Guinness Partnership, Plus Dane Housing and Peaks and Plains Housing Trust. Notification that the bid had been successful was received on 7 February 2022 and an award of £1,564,716 will be made to the Council, subject to entering into a Memorandum of Understanding with the Dept. of Business, Energy and Industrial Strategy.

RESOLVED: That Council

- 1 accepts the grant offer of £1,564,716 from the Department of Business, Energy and Industrial Strategy for the purpose of improving the energy performance of social housing.
- 2 approves a fully funded Supplementary Capital Estimate up to the value of the grant offer.
- 3 authorises the Director of Growth and Enterprise and the Section 151 Officer to enter into the Memorandum of Understanding with the Secretary of State for Business, Energy and Industrial Strategy on behalf of the Council, and to take all other necessary measures to full administer and distribute the grant.

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

Consideration was given to a report relating to the political representation the Council's Committees which addressed a recent change in political group membership as the result of a group member becoming a 'non-grouped independent' councillor.

RESOLVED:

That the political group and other representation, as set out in the Appendix to the report, and the methods, calculations and conventions

used in determining this, as outlined in the report, be adopted, and the allocation of places to Committees be approved.

72 NOMINATION OF MAYOR AND DEPUTY MAYOR 2022/23 CIVIC YEAR

Consideration was given to the nominations for the office of Mayor and Deputy Mayor for 2022/23.

Mayor for 2022/23

Councillor David Marren had declared a non-pecuniary interest in respect of this item and left the Chamber during its consideration.

It was proposed and seconded that Councillor David Marren should become Mayor Elect for 2022/23.

RESOLVED:

That Councillor David Marren be designated as the Mayor Elect with a view to their formal election and appointment as Mayor and Deputy Mayor for Cheshire East for 2022/23, at the Mayor Making ceremony to be held on 18 May 2022.

Councillor Marren returned to the meeting.

Deputy Mayor for 2022/23

Councillors David Brown and Rod Fletcher had declared a non-pecuniary interest in respect of this item and left the Chamber during its consideration.

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

A vote was taken in respect of the two nominations with Councillor Rod Fletcher receiving the most votes.

RESOLVED:

That Councillor Rod Fletcher be designated as the Deputy Mayor Elect, with a view to their formal election and appointment as Deputy Mayor for Cheshire East for 2022/23, at the Mayor Making ceremony to be held on 18 May 2022.

Councillors D Brown and R Fletcher returned to the meeting.

73 NOTICES OF MOTION

Consideration was given to the following Notices of Motion, which had been submitted in accordance with the Council's Procedural Rules.

1 Car Free Days and Parklets

Proposed by Councillor S Akers Smith and Seconded by Councillor D Murphy

The Council's Corporate Plan Green Priority of a thriving and sustainable place supports economic growth in the high street and encourages more people to use their cars less and walk and cycle more especially for short journeys into and out of the town or village centre. Car Free Days and Parklets are a way of achieving this ambition as set out in the attached document (see links below).

Council therefore requests that a communications plan be developed, explaining how residents and communities across the towns and villages are able to host a car free day and to introduce parklets within the high street for businesses before World Car Free Day on the 22nd September 2022.

RESOLVED:

That the Motion be referred to the appropriate Committee.

2. Local Authority Remote/Hybrid Meetings

Proposed by Councillor S Corcoran and Seconded by Councillor C Browne

This Council supports the petition launched by ADSO and LLG on 5 January with regard to remote and hybrid meetings. We agree to write to the Secretary of State for Levelling Up, Housing and Communities calling on the Government to change the law to allow councils the flexibility to hold such meetings when they deem appropriate within agreed rules and procedures.

Following debate, the Motion was put to the vote. In accordance with the provisions in the Constitution a named vote was requested with the following results:

FOR

Cllrs L Anderson, J Barber, L Braithwaite, J Bratherton, S Brookfield, C Browne, P Butterill, S Corcoran, L Crane, H Faddes, A Farrall, K Flavell, R Fletcher, M Goldsmith, S Handley, A Harewood, S Hogben, D Jefferay, L Jeuda, N Mannion, A Moran, D Murphy, J Nicholas, J Parry, B Puddicombe, J Rhodes, A Stott, M Warren and P Williams.

AGAINST

Cllrs S Akers Smith, M Asquith, R Bailey, M Beanland, M Benson, D Brown, B Burkhill, J Clowes, S Edgar, D Edwardes, JP Findlow, S Gardiner, L Gilbert, A Gregory, P Groves, S Holland, A Kolker, A Martin,

R Moreton, B Murphy, K Parkinson, P Redstone, J Saunders, M Sewart, M Simon, L Wardlaw, J Weatherill and N Wylie.

NOT VOTING

Cllr S Pochin

The motion was declared carried with 29 votes for, 28 against and 1 not voting.

RESOLVED:

That the Motion be adopted.

74 **QUESTIONS**

Cllr D Edwardes referred to a comment made by Cllr Gilbert that Crewe and Macclesfield were receiving the lion's share of highways money and asked if the Chair of the Highways and Transport Committee could clarify where the money was spent. In response Cllr C Browne stated that the level 2 and level 3 programme for highway maintenance was published on the Council's website and the place that had benefited most from the most level 2 programme work was Congleton.

Cllr N Mannion referred to the access travel schemes introduced on a temporary basis in summer 2020 in his Ward and asked when the evaluation of these schemes would be concluded and whether any schemes would be permanent. Cllr C Browne, Chair of Highways and Transport Committee, responded that the schemes introduced back in summer of 2020 were reviewed on a continuous basis and the on-line consultation remained open. The scheme in Cllr Mannion's ward saw the introduction of a crossing point near a school plus an experimental 20 mph zone. It was expected that the crossing point would be made permanent and the 20-mph zone would continue to be reviewed in line with the speed management strategy.

Cllr J Clowes referred to a constituent of hers who had learning difficulties and lived in sheltered accommodation and had received an intimidating letter from the Council as part of the financial assessment process, which they had found distressing. She referred this matter to the appropriate Directorate but had not heard anything back and asked if she could have a response to this. The Leader of the Council, Cllr S Corcoran, undertook to provide a written response.

Cllr R Moreton stated that residents in Congleton were concerned that the police helpdesk is under consideration for closure and encouraged everybody to take part in the consultation. He stated that the people of Congleton did not have much faith in the process and asked for reassurances that feedback from the consultation would be listened to. In response Cllr M Warren, Environment and Communities Committee chair, said that the Council had no influence over the survey as it was a police

matter. He reported that the Police Helpdesk Survey 22 ran from 14 February to 27 March on the proposals to reduce 16 helpdesks down to 5, so Congleton, Wilmslow, Knutsford, and Nantwich, were proposed to be closed. He urged all Cheshire East councillors to highlight this survey to their residents.

Cllr J Parry referred to the use of 'Fix My Street' to report highways faults and asked what the Council would be doing to raise awareness of this website. Cllr S Corcoran responded that he had been promoting it on social media and encouraged other councillors to do so and agreed to look into what the Council could do through its Communications team to promote 'Fix my Street'.

Cllr L Wardlaw asked if the Leader of the Council would send a letter to each of public speakers apologising for his belligerent behaviour. The Mayor responded that she did not think it was necessary as she had tried to stop the situation when it occurred.

Cllr B Puddicombe thanked the Leader for joining ward councillors that morning in meeting with the Cheshire Wildlife Trust on the site known as the South Macclesfield Development Area and asked the Leader if he agreed that the best action would be for the Council to review the outline planning permission granted in 2017 to see it was still valid. Cllr R Bailey raised concerns that a planning matter being discussed at Council and that members of the planning committee could be seen to have prejudged the matter. In response, the Monitoring Officer stated that the question had been asked and the matter was how the question would be answered and suggested that a written answer be provided, which the Leader indicated he was willing to do.

Cllr R Bailey referred to the On Street Residential ChargePoint Scheme and asked that the Council complete a bid to this scheme for grant funding to accelerate the roll out of electric charging points. Cllr M Warren, Chair of Environment and Communities Committee, agreed to provide a written response.

Cllr L Anderson asked if the Council could help those fleeing the war in Ukraine. The Leader of the Council responded that he hoped the answer would be yes but as events were happening quickly could not say definitely but the Council had previously welcomed Syrian and Afghan refugees.

Cllr P Williams referred to S106 monies and could there be a mechanism for ward councillors to be notified regularly of the position with S106 monies in their ward. Cllr M Warren, Chair of Environment and Communities Committee, responded that there was review ongoing into the planning service and section 106 monies had been highlighted as part of this and suggested that concerns be reported to the Member Advisory Panel carrying out the review.

Cllr A Gregory referred to the South Macclesfield Development Area and asked what up to date reports have been obtained by the applicant, e.g., an up-to-date environmental impact assessment of the site, and how would the Council satisfy residents' concerns that the council's own company, Engine of the North Limited would ensure that it does not breach the Council's own policy on becoming carbon neutral when its only director was an officer of the council with no councillors on the Board. Cllr S Corcoran undertook to provide a written response.

Cllr H Faddes asked about what the Council was doing to help residents celebrate the Queen's Platinum Jubilee. Cllr M Warren, Chair of Environment and Communities Committee, responded the Council had been allocated money for charities, residents, and non-profit groups to apply for a grant of up to £120 to hold street parties and local activities throughout the bank holiday. In addition, the road closure fees would be waived. Further information would be available on the Council's website from 1 March 2022.

Cllr Gardiner referred to contact he had had with the Council's Homeless persons team and asked if a review could be carried out into the way the Council delivered services for those people who found themselves homeless. Cllr N Mannion, Chair of Economy and Growth Committee, agreed to look into the matter and asked that Cllr Gardiner provide further information.

Cllr Barber stated that during the Public Speaking item the ward councillor for Pickmere was allowed to respond to comments made by a member of the public and that this opportunity had not been afforded to a ward member from Middlewich and asked if Cllr J Parry would be allowed to respond. The Mayor invited Cllr J Parry to speak. Cllr J Parry stated the ward members for Middlewich took their residents' concerns seriously and that he was pleased to see the Fiona Bruce MP for Congleton had supported the petition which had requested a number of things of Cheshire East Council, some of which did not come under the remit of the Council. He hoped that Fiona Bruce would help assist in liaising with the Cheshire Police and Crime Commissioner to try and get more community policing in Middlewich. With regards to the request for a swimming pool, Cllr Parry noted that not many local authorities now built swimming pools and that this was mostly done by private businesses.

75 REPORTING OF URGENT DECISIONS TAKEN BY THE CHIEF EXECUTIVE

Council received a schedule of urgent decisions taken by the Chief Executive on behalf of the Council, which were reported for information in accordance with the Council procedure rules.

RESOLVED:

That the schedule of urgent decisions be noted.

The meeting commenced at 3.00 pm and concluded at 8.03 pm

Councillor S Pochin
MAYOR/CHAIR

Item 16: Questions - Written Responses

Cllr R Bailey asked whether a bid for Government funding re electric charging points, had been made.

Response from Cllr M Warren, Chair of Environment and Communities Committee:

The next round of Government's On-street EV Charging Points fund is open, with a deadline for bids to be submitted at the end of March 2022.

Cheshire East Council is currently preparing a bid to the Office of Zero Emission Vehicles (OZEV), informed by the EV Infrastructure Charging Strategy that was agreed at Highways Committee in September 2021. Preparatory work has included consultation with the distribution network companies to understand any issues relating to grid capacity.

The detailed content and value of this bid is still to be finalised, with a key consideration being the requirement for the Council to provide a minimum 25% match-funding.

A programme of charge point installations – either on-street or in public car parks - will be reliant on a successful bid to OZEV. Any funding made available to the Council will need to be fully deployed within the next financial year.

Cllr B Puddicombe asked about Danes Moss development and whether the outline planning permission could be reviewed in order to establish whether it was still valid. The Leader agreed to respond in writing. Cllr Gregory also spoke on the same subject, and the Leader agreed to address the issues he raised in writing.

Response from Cllr S Corcoran, Leader of the Council:

Cllr Puddicombe as Ward Councillor makes the point that outline planning permission was approved at Strategic Planning Board in 2017.

This consent was given for the SMDA site in accordance with the appropriate planning legislation and policies which applied at the time of granting that consent. There is no mechanism for reviewing that decision in planning terms and it remains a legally valid consent against which reserved matter applications can be submitted.

I am not on the planning committee and won't be commenting on the merits of the planning application but I accept the point that this administration has inherited this situation and I recognise that

several current Macclesfield councillors opposed the application in 2017.

I spent several hours on 24 February walking round the South Macclesfield Development Area and Danes Moss SSSI and I would like to thank Cheshire Wildlife Trust for taking the time to show me 3 different ecological areas.

The Danes Moss SSSI – living sphagnum moss that is sequestering and storing carbon and providing an important site for invertebrates. Inactive peat under wet woodland – mainly in the area not owned by Cheshire East Council – providing a biodiverse area that is home to willow tits.

Inactive peat under grass – most of the areas owned by Cheshire East Council falls into this category and this area is emitting carbon.

I won't comment on the specific planning application but I would point out that Cheshire East Council is actively involved in restoring peat bogs and recognises the importance of peat bogs and environmental factors in the SADPD and Supplementary Planning Documents on Biodiversity Net Gain and the Environment.

So as Leader of the Council I can say that this Council is at the forefront on climate action and does take biodiversity seriously and I thank Cllr Puddicombe for highlighting the existing outline planning permission which is indeed still a valid consent.

Cllr A Gregory asked what up to date reports have been obtained by the applicant, including for example an up to date environmental impact assessment of the site and how will the council satisfy residents' concerns that the council's own company, Engine of the North Limited will ensure that it does not breach the council's own policy on become carbon neutral when its only director is an officer of the council with no councillors on the board, such concerns to be addressed before the matter is determined by the Strategic Planning Board

Response:

Engine of the North is a company wholly owned by Cheshire East Council and functioned for several year as the Council's strategic property and development company. On 15th January 2019 Cabinet resolved to decommission the services provided by Engine of the North and deliver the services directly by the Council. The transfer of services took place from 1st August 2019 and the company has been dormant since that time. Cabinet also resolved to appoint a sole statutory Director of Engine of the North to oversee the closure of the company at the direction of the Council. It is the intention of the Council to wind up the company in the next 12 months.

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COUNCIL MEETING – 27 APRIL 2022**RECOMMENDATIONS FROM CORPORATE POLICY COMMITTEE:
COMMUNITY GOVERNANCE REVIEW OF TOWN AND PARISH COUNCIL
GOVERNANCE****RECOMMENDATION**

That Council resolve that the recommendations made in the review of Community Governance, contained in Appendices 1, 2 and 3 to the report, will ensure that:

- A. The proposed community governance arrangements reflect the identities and interests of the community in the Borough of Cheshire East; and**
- B. The proposed community governance arrangements are effective and convenient;**

and Council resolve, by order, to give effect to the recommendations.

Extract from the Minutes of the Corporate Policy Committee meeting on 14th April 2022

94 **COMMUNITY GOVERNANCE REVIEW OF TOWN AND PARISH COUNCIL
GOVERNANCE**

Prior to consideration of the report, the Chair invited the Chair of the Community Governance Review Sub-Committee, Councillor J Bratherton, to make some introductory remarks regarding the community governance review. She took the opportunity to thank the members of the Sub-Committee and the officers for their work on the review. The Chair echoed those thanks.

The Chair invited visiting members to speak on the community governance review. A summary of the remarks made is as follows.

Councillor L Smetham endorsed the revised CGR proposals on behalf of parishes in the Gawsorth Ward and expressed her opposition and that of Eaton Parish Council to any proposal to place the boundary between Congleton and Eaton at the Congleton link road.

Councillor R Moreton referred to the final recommendations on the boundary of Congleton and questioned whether the consultation feedback from residents of Hulme Walfield and Somerford Booths parish was sufficient to support significant changes.

Councillor L Gilbert, disagreed with the proposal not to transfer the area of Bluebell Green and Dunkirk Farm from Brereton to Holmes Chapel and asked the Sub-Committee to support the transfer for reasons of community identity. He proposed that a

date be set aside for further consideration of those cases where alternative proposals had been put forward.

Councillor D Murphy expressed the Town Council's view that all housing and business development on land contained within the new link road should be included within the area of Congleton Town, the link road forming a natural boundary.

Councillor S Holland expressed disappointment at the revised proposals for the Boundary of Congleton Town Council and asked that further discussion take place.

Councillor D Marren asked the Committee to support the recommendations in the report relating to the boundary between Shavington and Wybunbury and not to support any counter proposals that might come forward at the meeting.

The Committee considered the report which sought resolutions of the Community Governance Review Sub Committee, Corporate Policy Committee, and finally Council, following a Community Governance Review of Town and Parish Council Governance.

The review had been in progress for over three years. Engagement with the public, town and parish councils and other stakeholders had been central to the review. There had been an informal pre-consultation survey, as well as a formal consultation process which, together, had secured over 5,000 responses.

The background to the review, including the terms of reference, guiding principles and process followed, were set out in the report.

Appendix 1 to the report provided a summary of the review's final recommendations. Appendix 2 contained maps showing recommended changes to parish and parish ward boundaries. Appendix 3 set out in detail the evidence and analysis on which the final recommendations had been made.

The Community Governance Review Sub-Committee had considered the report at its meeting on 4th April 2022.

At that meeting, Councillor S Edgar, on behalf of the relevant parish councils, had asked that the style of the new Weston and Crewe Green council be changed from 'Community' to 'Parish'. With the Sub-Committee's agreement, the officers had undertaken to change the recommendation to Council accordingly.

The Community Governance Review Sub-Committee had resolved as follows:

'That

- 1 the Sub-Committee recommends to the Corporate Policy Committee that the recommendations made in the review of Community Governance, contained in Appendices 1, 2 and 3 to the report, will ensure that:*

- 1 *The proposed community governance arrangements reflect the identities and interests of the community in the Borough of Cheshire East; and*
 - 2 *The proposed community governance arrangements are effective and convenient; and*
- 2 *in order to minimise unnecessary printing of agenda papers, it will be assumed that all Members of the Corporate Policy Committee, and Council, will rely upon the electronic link to the appendices of the report, and that the appendices will therefore not be printed for each Member; further, that if any Member has a specific need for any part of parts of the appendices to be printed, they will make their own arrangements to print limited sections of the appendices, or request such printed sections to be provided by officers.'*

Officers commented that it was clear from the contributions of public and member speakers earlier in the meeting that there were strongly held views on both sides of the argument in relation to some specific proposals. A number of these issues had come to light during the consultation process and had been taken into account by officers and the Community Governance Review Sub-Committee. Officers were of the view that nothing that had been said during the course of the Committee's meeting had led them to the conclusion that any of the recommendations in the community governance review report should be changed, although the specific request that the number of councillors for the proposed Burland and Acton Parish Council be increased from 9 to 10, 11 or 12 was a matter that the Committee might wish to consider. With regard to this request, however, it was suggested that the Committee might wish to leave the recommendations unchanged for now on the basis that a mini-community governance review could be held at a future date to address any such issues.

It was moved and seconded that the recommendations in the report be approved.

During the debate, the following amendment was moved and seconded:

'It is proposed that the original recommendations put forward by the Council in the CGR Consultation documents, related to the Shavington-cum-Gresty and Wybunbury Parish Boundaries are adopted (where the Newcastle Road is identified as the definitive boundary).'

The wording of the amendment, together with the reasons for proposing it, had been circulated to members of the Committee prior to the meeting and were read out at the meeting by the proposer, Councillor Clowes.

Mr Peter Jones, Legal Adviser to the Community Governance Review Sub-Committee, advised that when deciding the merits or otherwise of adopting different proposals that have arisen during the meeting, members would need to satisfy themselves that any new or revised proposals better met the statutory tests than the proposal(s) that were

made in the report, having regard to the summary of the consultation response and the recommendations in the report. In turn, Members should ensure that a revised proposal:

- better reflected the feeling of the local community and the wishes of local inhabitants, which the statutory guidance explained were the primary considerations when deciding whether parishes reflected community identity and interest; and
- better ensured the viability of the parish as an effective and convenient unit of local government, which the statutory guidance explained included factors such as the size, population and boundaries which influenced the viability of a parish council.

If it was considered that the revised proposal better met both limbs of the statutory test and was not fundamentally different from the proposal consulted upon, then it was open to Members, should they so wish, to resolve to adopt it. If the revised proposal was fundamentally different to the proposal consulted upon, however, such that it would be conspicuously unfair to adopt it at the meeting without having given the residents and other consultees a further opportunity to make representations, then case law required the Council to go out to fresh consultation. A decision to go out to fresh consultation would have a seriously adverse effect on the CGR project in terms of time and cost. If the Committee wished to approve a proposal which departed from the recommendations in the report, it would have to give reasons for doing so, including why they felt that the statutory tests were satisfied.

Having heard the reasons provided for the proposed amendment, Mr Jones confirmed that the amendment was valid in that it satisfied the statutory tests.

Following further debate, the amendment was put to the vote and was lost.

The Committee then considered the original motion to approve the recommendations in the report.

RESOLVED

That

1. the Committee approves the recommendations of the Community Governance Review Sub-Committee; and
2. the Committee recommends to Council that the recommendations made in the review of Community Governance, contained in Appendices 1, 2 and 3 to the report, will ensure that:
 - A. The proposed community governance arrangements reflect the identities and interests of the community in the Borough of Cheshire East; and
 - B. The proposed community governance arrangements are effective and convenient;

and that Council should resolve to give effect to the recommendations.

Note: Councillor S Gardiner asked that it be recorded in the minutes that he voted against the recommendations.

Note: In accordance with the decision of the Community Governance Review Sub-Committee, the appendices to the report have not been circulated with the agenda but are available on the agenda web page for this meeting and may be accessed via the links in the report.

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Working for a brighter future together

Community Governance Review Sub-Committee Corporate Policy Committee Council

Dates of Meetings:	4 April 2022 14 April 2022 27 April 2022
Report Title:	Community Governance Review of Town and Parish Council Governance
Report of:	Monitoring Officer
Wards Affected:	All Wards

1. Purpose of Report

- 1.1.** To secure a resolution of Council which will finalise the governance arrangements of the town and parish councils within Cheshire East Borough.

2. Executive Summary

- 2.1.** This report seeks resolutions of the Community Governance Review Sub Committee, Corporate Policy Committee, and finally Council, following a Community Governance Review (CGR) of Town and Parish Council Governance.
- 2.2.** The CGR project has been in progress for over three years. Engagement with the public, town and parish councils and other stakeholders has been central to the project. There has been an informal pre-consultation survey, as well as a formal consultation process which secured over 5000 responses. This approach to engagement 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.

- 2.3. This report marks the last stage of the CGR process which will culminate in Council formally determining the final governance arrangements of the Borough's town and parish councils, taking into account those matters which arose during the consultation, together with a range of other considerations.

3. Recommendations

Proposed to the Community Governance Review Sub-Committee

1. The Sub-Committee is recommended to propose to the Corporate Policy Committee that the recommendations made in the review of Community Governance, contained in Appendices 1,2 and 3 to the report will ensure that:
 - A. The proposed community governance arrangements reflect the identities and interests of the community in the Borough of Cheshire East; and
 - B. The proposed community governance arrangements are effective and convenient.

Proposed to the Corporate Policy Committee

2. The Committee is recommended to propose to Council that the recommendations made in the review of Community Governance, contained in Appendices 1,2 and 3 to the report will ensure that:
 - A. The proposed community governance arrangements reflect the identities and interests of the community in the Borough of Cheshire East; and
 - B. The proposed community governance arrangements are effective and convenient.

and

That Council should resolve to give effect to the recommendations.

Proposed to Council

3. Council is recommended to resolve that the recommendations made in the review of Community Governance, contained in Appendices 1, 2 and 3 to the report will ensure that:
 - A. The proposed community governance arrangements reflect the identities and interests of the community in the Borough of Cheshire East; and
 - B. The proposed community governance arrangements are effective and convenient.

and

Council resolves, by order, to give effect to the recommendations.

(NB: If the Community Governance Review Sub-Committee and/or the Corporate Policy Committee make recommendations to change the town and parish council governance proposals contained in the appendices to this report, the appendices will be updated and the proposed changes will be shown by way of "Track-Changes")

4. Reasons for Recommendations

- 4.1** Changes in population and local development have caused the Council, as principal Council within the meaning of the Local Government and Involvement in Public Health Act 2007 (the 2007 Act), to undertake a borough wide review of community governance to ensure that the town and parish council governance arrangements continue to reflect the identities and interests of the community and is effective and convenient:

<http://moderngov.cheshireeast.gov.uk/ecminutes/ieListDocuments.aspx?CId=487&MId=7087&Ver=4>

- 4.2** The Council has in accordance with the 2007 Act, consulted with the local government electors and other interested persons, had regard to guidance issued under that Act and had regard to its Terms of Reference adopted by the Council's Constitution Committee on 22 November 2018.

5. Other options considered

- 5.1** To continue with the current Community Governance arrangements within the Borough and accept the risk that it no longer complies with the statutory requirement to reflect the identities and interests of the community and be effective and convenient.

6. Background

- 6.1** At its meeting 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.

- 6.2** 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>

- 6.3** The terms of reference for the Community Governance Review required the Council to publish a plan for consultation during the review, which would provide for the consideration of consultation responses as part of the process for preparation of draft proposals.
- 6.4** A pre-consultation survey commenced in October 2019, and invited any person or body interested in the review to provide a response. The survey was “live” for a period of 14 weeks. The survey closed on the 31 January 2020, by which time the Council received submissions from 276 individuals/town and parish councils etc.
- 6.5** A number of informal Member workshops were then arranged to develop draft proposals for the formal consultation stage, taking into consideration those matters raised in response to the pre-consultation survey, and a range of other factors.
- 6.6** Following consideration by the Community Governance Review Sub Committee, and the Constitution Committee, the draft proposals were agreed by Council on 22 June 2021. Item 22 of the following agenda refers: [Agenda for Council on Tuesday, 22nd June, 2021, 11.00 am | Cheshire East Council](#)
- 6.7** Council resolved, as follows:
- “That the recommendations of the Community Governance Review Sub Committee on 26 February 2021 be the format of consultation for the Community Governance Review”.
- 6.8** The following issues were taken into account by Members when they agreed the draft proposals for consultation:
- i. Electorate numbers taken from the 2019 electoral register;
 - ii. The number of councillor seats representing each ward;
 - iii. Wards where the respective town/parish council have requested a review within the last 2 years or so;
 - iv. Electorate growth forecasts up to 2025 (the period advised by the Local Government Boundary Commission for England);
 - v. Pre-consultation survey submissions;
 - vi. Known concerns expressed by parishes;
 - vii. Wards with significant variances to the average population density and/or councillor ratios;
 - viii. Local plan developments;
 - ix. Known built-environment changes.
- 6.9** The effect of the Council resolution on 22 June 2021 was to formally approve the consultation proposals which were agreed by the CGR Sub-Committee, on 26 February 2021, and to agree that they be consulted-upon for a 12-week period to this report:
- <http://moderngov.cheshireeast.gov.uk/ecminutes/ieListDocuments.aspx?CId=569&MID=7944#A154901>

- 6.10** The formal consultation was concluded on 28 November 2021, with around 4800 consultation responses having been submitted.

7 Recommendations relating to town and parish council governance

- 7.1** The consultation responses were analysed between December 2021 and February 2022, taking into account all relevant considerations. Recommendations were then considered by informal workshops comprising members of the Community Governance Review Sub Committee.
- 7.2** These informal recommendations are now presented to the Community Governance Review Sub-Committee in order for them to be formally considered and for a recommendation to be made to the Corporate Policy Committee, which will be asked to make recommendations to Full Council. The recommendations relating to each town and parish council are set out in the appendices to this report.
- 7.3** In order for Members to be clear as to the recommendations which are before them for consideration, where the Community Governance Review Sub-Committee and/or the Corporate Policy Committee make recommendations to change the town and parish council governance proposals contained in the appendices to this report, the appendices will be updated and the proposed changes will be shown by way of “Track-Changes”.

8 Next stages of the review

- 8.1** Subject to Council resolution, a number of practical measures must be taken in order to give effect to the wishes of Council, including:
- 8.1.1** A Community Governance Order must be made, published, and sent to the Secretary of State.
 - 8.1.2** Town and parish councils must be notified of the Council decision.
 - 8.1.3** Electoral register details must be changed, where town, parish or parish ward boundaries change.
 - 8.1.4** Council tax records must be changed where town or parish boundaries change, where this would result in residences being “taken into” a different town or parish with a different precept. Any consequent changes to Council Tax precepts must be taken into account as part of the Council Tax precepting and billing process, which commences in September 2022.
 - 8.1.5** Other consequential issues must be managed, for example, matters affecting town and parish council physical and financial assets, and staffing arrangements, which might be impacted by the outcomes of the review.
- 8.2** It is clear that our ongoing engagement with town and parish councils will be of key importance as part of the process which will lead to the changes, arising from

the review, taking effect in 2023. Whilst, from a purely legal perspective, the responsibility for dealing with such matters rests with the town and parish councils themselves, some degree of support to our town and parish council partners should be provided by this Council.

8.3 Throughout the CGR process, there has been significant collaboration between the officers of this Council, and the Cheshire Association of Local Councils (CHALC). CHALC has already provided valuable inputs in respect of the process followed so far and has been a partner in facilitating important engagement with town and parish council members and officers.

8.4 Further work will take place, in partnership with CHALC, to ensure clear communication with our town and parish council partners. Initial discussions have taken place with CHALC which are expected to lead to CHALC providing comprehensive support to all affected town and parish councils (not just those which are members of CHALC). In this way, the expertise and practical experience of CHALC can be drawn-upon, for the benefit of all town and parish councils within the Borough.

9 Consultation and Engagement

9.1 The consultation and engagement elements of the CGR are considered in the “Background” section to this report. Consultation and engagement have been critical factors in this review process. The consultation and engagement exercises are considered to have been very successful, having resulted in over 5,000 responses being submitted. There has been significant engagement with town and parish council colleagues, with regular information having been provided to them, and via the provision of face-to-face engagement opportunities.

9.2 In total, there were over 5,000 consultation responses, and decision-making Members may seek access to these by contacting Brian Reed: Brian.reed@cheshireeast.gov.uk

10. Implications

10.1 Legal Implications

10.1.1 The general powers of Cheshire East Borough Council as a principal council to conduct a Community Governance Review (CGR) of its area are contained in Section 82 of the Local Government and Public Involvement in Health Act 2007 (the 2007 Act). Section 86(2) of the 2007 Act states that the principal council may, by order, give effect to the recommendations made in the review.

10.1.2 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.

10.1.3 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.

10.1.4 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 [Community Governance Review ToR - report final.pdf \(cheshireeast.gov.uk\)](http://cheshireeast.gov.uk/Community_Governance_Review_ToR_-_report_final.pdf)

10.1.5 Sections 87 to 91 of the 2007 Act set out the recommendations arising from the CGR.

10.1.6 The principal council is **required** to make recommendations as to:

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

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

- the grouping or degrouping of parishes;
- adding parishes to an existing group of parishes; or
- making related alterations to the boundaries of a principal councils' electoral areas.

10.1.8 Section 96 of the 2007 Act requires a principal council, as soon as practicable after it has decided to what extent it will give effect to the recommendations made in a community governance review, to publish its decision and the council's reasons for making that decision and thereafter, to take sufficient steps to inform interested persons of its decision and reasons

10.2 Finance Implications

10.2.1 There would appear to be no significant 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.

- 10.2.2** There will be a cost to this Council to the provision of support by CHALC to all affected town and parish councils within the Borough. This is expected to be no more than £5,000.

10.3 Policy Implications

- 10.3.1** There are no direct policy implications.

10.4 Equality Implications

- 10.4.1** There would appear to be no direct equality implications for this Council which can be identified.

10.5 Human Resources Implications

- 10.5.1** There are no direct HR implications for Cheshire East Council, although some human resources issues might arise for town and parish councils.

10.6 Risk Management Implications

- 10.6.1** The CGR project will result in changes to the governance arrangements of our town and parish councils. These governance arrangements have not been reviewed for very many years and the outcome of the review will bring improvements, which will minimise risk to this Council, and to the town and parish councils themselves.

10.7 Rural Communities Implications

- 10.7.1** Rural community implications have been taken into account as part of the consultation and review process.

10.8 Implications for Children & Young People/Cared for Children

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

10.9 Public Health Implications

- 10.9.1** There are no direct implications for public health.

10.10 Climate Change Implications

- 10.10.1** There are no direct implications for climate change.

Access to Information	
Contact Officer:	Brian Reed: Head of Democratic Services and Governance Brian.reed@cheshireeast.gov.uk Tel: 07973754722
Appendices:	1. Appendix 1 - Final Recommendations Summary Report 2. Appendix 2 - Final Recommendations Maps Report 3. Appendix 3 - Final Recommendations Assessment Report
Background Papers:	As hyperlinked above

COUNCIL MEETING – 27 APRIL 2022**RECOMMENDATIONS FROM CORPORATE POLICY COMMITTEE:
FIRST ANNUAL REVIEW OF THE COMMITTEE SYSTEM****RECOMMENDATION****That Council**

- 1. note the comparative data and successful operation of the committee system to date in Appendix 1 to the report;**
- 2. agree the revisions to the Constitution in Appendices 2 to 4;**
- 3. agree the future work to be undertaken in Part 3 of the report; and**
- 4. require a further annual review report at its meeting scheduled to be held in July 2023.**

Extract from the Minutes of the Corporate Policy Committee meeting on 14th April 2022

98 FIRST ANNUAL REVIEW OF THE COMMITTEE SYSTEM

The Committee considered a report which provided an update on how the first year of the committee system had functioned and which made recommendations to improve the future functionality of the committee system.

The report was divided into three parts. Part 1 set out the review of the first year. Part 2 made recommendations for immediate changes, with the updated consolidated text of Chapters 4 to 7 of the Constitution attached at Appendix 3. Part 3 set out the proposed future work to the Constitution.

In response to members' questions and comments, officers advised as follows:

- The criteria for the new committee system provided that any additional costs would be kept to a minimum. The outturn figures for this year would be calculated at year end. Whilst a potential additional cost had been anticipated, additional provision had not been made within the Democratic Services budget to support the new committee system and to date officers had not recorded an overspend. However, the Council had not yet had a full year of normal running costs since the start of the pandemic, it was unlikely that a definitive position on costs could be arrived at for the first year of operation of the system.
- The wording for the Member Code of Conduct had been adopted from the Nolan Principles. The wording for the Officer Code of Conduct reflected the particular roles of officers. However, it was open to the Constitution Working Group to review the

Officer Code of Conduct to decide whether transparency should be considered further as part of its future work programme.

- The Director of Governance and Compliance was not aware of any impending judicial review relating to the operation of the committee system.
- The scrutiny role as set out in the constitution could be reviewed and developed further alongside the development of the Integrated Care System arrangements.
- The next annual review report would be submitted to the Committee in July 2023 so that the review covered a whole 12 month period of the committee system.

Members expressed the view that more qualitative indicators should be included in future assessments of the committee system, such as public engagement and transparency of decisions. Consideration should also be given to how the committee system could be improved further.

RESOLVED

That the Committee recommends that Council:

1. note the comparative data and successful operation of the committee system to date in Appendix 1 to the report;
2. agree the revisions to the Constitution in Appendices 2 to 4;
3. agree the future work to be undertaken in Part 3 of the report; and
4. require a further annual review report at its meeting scheduled to be held in July 2023.



Working for a brighter future together

Corporate Policy Committee Council

Date of Meeting:	14 April 2022 27 April 2022
Report Title:	First Annual Review of the Committee System
Report of:	David Brown – Director of Governance and Compliance
Report Reference No:	CP/66/21-22
Ward(s) Affected:	All

1. Purpose of Report

- 1.1** This report updates Council as to how the first year of the committee system has functioned and makes recommendations which Council may consider will improve the future functionality of the committee system.

2. Executive Summary

- 2.1** This report provides Council with an overview of the functioning of its committee system of governance since the Annual General Meeting on the 4 May 2021 when this was adopted. The Council has implemented a fundamental change in the way that decisions are made. It has achieved this through a pandemic; changes to online and physical meetings; whilst, at the same time, allocating resources to a multitude of external issues ranging from EU withdrawal, legislative changes, market, and supply chain factors. This has required a concerted effort on the part of Members and officers to ensure that the Council continues to conduct its business successfully.
- 2.2** The Council's ability to make timely, urgent, and complex decisions required as a result of the fast-changing nature of the pandemic and associated changes to legislation and government guidance has continued without interruption. Many of these decisions have had profound implications for communities in Cheshire East and have required coherent, complex, and fast engagements with central government and partner organisations.

- 2.3** There has been no legal or other challenge to the validity or timeliness of the Council's decision-making.
- 2.4** The change in governance is legally centred upon a specific date: 4th May 2021. Continuing improvements and alignments of internal and external policies, procedures, internal and external protocols will be reflected in continuing governance and constitutional improvements. There are known changes anticipated such as the integrated care system and there are likely to be further changes yet unknown from centralised policies set out in the levelling up and health white papers. These are in addition to the programmed work such as the Member Code of Conduct review.
- 2.5** The policy parameters relating to the adoption of the committee system were set by Council on 19 November 2020. The approach to those parameters reflects the design principles agreed in appendix G of the 19 November 2020 report. A summary review of the agreed design principles, against delivery, is set out below. The ability of the Council to make timely, lawful decisions during the period of change of governance to a committee system has been achieved.
- **Openness:** Virtually all Members are engaged in the committee process either by membership of a service committee or in an oversight function. Proportional committees allow decisions to benefit from input from most political groups.
 - **Quick Decision Making:** The committee cycle is running on a two-monthly cycle.
 - **Affordability:** The cost of a committee system will be kept to a minimum by providing value for money and an efficient decision-making process.
 - **Legal Requirements:** The Council must comply with all legal requirements, and legal advice will be available to all meetings.
 - **A Modern Committee System:** The system provides for equivalent public engagement to that which previously applied.
- 2.6** This report is divided into three parts. Part 1 sets out the review of the first year. Part 2 makes recommendations for acceptance of immediate changes, with the updated consolidated text of Chapters 4 to 7 of the Constitution attached (Appendix 3). Part 3 sets out the proposed future work to the Constitution.
- 2.7** Affordability design parameter is to ensure the cost of a committee system will be kept to a minimum by providing value for money and an efficient decision-making process, and the Part 1 data gives an indication of current resource implications. Reliable analysis is challenging due to the pandemic distortion and the limited time of operation of the committee system – still not a full year – and therefore a cautious interpretation is recommended (appendix 1).

- 2.8** Member oversight of the committee system is provided by the Constitution Working Group, reporting to the Corporate Policy Committee. The Audit and Governance Committee has responsibility for the Member Code of Conduct arrangements and the whistleblowing policy.
- 2.9** The committee system, at the time of drafting this report, has completed 11 months of the first municipal year, together with a full budget setting process.
- 2.10** Members will note that there is a separate report on today's agenda on the Integrated Care System and any consequential constitutional changes will be incorporated into the Constitution.

3. Recommendations

- 3.1** That the Corporate Policy Committee recommend that Council:
1. Note the comparative data and successful operation of the committee system to date in appendix 1.
 2. Agree the revisions to the Constitution in appendix 2 to 4.
 3. Agree the future work to be undertaken in Part 3 of the report.
 4. Require a further annual review report at its meeting scheduled to be held in July 2023.

4. Reasons for Recommendations

- 4.1** To ensure that the committee system is fit for purpose, meeting the requirements of Cheshire East Council, partners, and residents.
- 4.2** It is best practice to annually review the Council's Constitution.

5. Other Options Considered

Option	Impact	Risk
Do nothing	It is acknowledged that the Constitution is a working document, which constantly needs to be kept under review to ensure that it is fit for purpose and that it meets the needs of the Council. Doing nothing is not appropriate, as this would not result in the Council learning from the experience of the last 11 months, and then improving consequently.	Poor decision making, not meeting the needs of residents Failure to meet Corporate Plan Priorities

6. Background

- 6.1. On the [19 November 2020](#) Council resolved to adopt a committee style of governance. The policy basis for this was set in the eight appendices to the report to Council. Council resolved that a review should take place in November 2021. Members were asked to note that one consequence of moving to a committee system was that there would be certain decision-making powers delegated to officers. It was also noted that to enable the effective operation of Council, officers exercising decision-making powers may be empowered to do so outright, or subject to consultation with lead Members, such as chairs of committees.
- 6.2. On the [19 April 2021](#) Council approved the draft Constitution to give effect to the change to the committee system. This included approval of Chapters 1 to 7 of the Constitution, which deal with:
- Introduction, summary, and explanation
 - Responsibilities for function
 - Procedural rules
 - Codes and protocols
 - Councillors' allowances scheme
 - Glossary
 - List of associated documents
- 6.3. On the [4 May 2021](#), the Council held its Annual General Meeting, which triggered the implementation of the committee system.
- 6.4. On the [22 June 2021](#) Council approved further revisions to Introduction, summary and explanation (Chapter 1), Responsibilities for function (Chapter 2), and Procedural rules (Chapter 3) and the Member Allowances Scheme (Chapter 5) of the Constitution. Amendments to the management structure were also agreed, with delegated authority being given to the Monitoring Officer to make consequential amendments to the Constitution to give effect to the new management structure.
- 6.5. On the [15 December 2021](#) Council considered the interim review of the committee system and approved a revised consolidated text to the Constitution.
- 6.6. Chapters 4 to 7 of the Councils Constitution are attached at Appendix 3, which includes, a revised Councillor/Officer Protocol and amendments to the glossary and list of associated documents.

7. PART 1 Review of the first year

7.1 The Cabinet and four scrutiny committees were replaced with six service committees and a standing Finance Sub-Committee. Various free-standing committees of the former decision-making structure, such as the Staffing Committee, have been merged with the relevant service committees. The Council has now had nearly a full annual cycle of the committee system. Officers have undertaken a desk-top analysis, comparing the agendas and minutes of all relevant committee meetings (i.e., those of the new service committees, with those of all the committees – including Cabinet – that they replaced). A more detailed analysis of the committee system can be found at Appendix 1; it is subject to the caveats around the analysis as set out in the footnotes and postscript to the appendix

7.2 The headline figures are as follows:

- The total number of meetings held increased at the advent of the committee system and is still currently 18% higher than the pre-pandemic level
- The number of reports for decision is now largely unchanged from the pre-pandemic period, but the number of reports for briefing/information only has increased from 77 to 138 reports a year.
- The average length of each meeting has reduced by 11%, but the total time in meetings is 5% greater than it was (i.e., there are more meetings than before, but they are generally shorter)
- Total time spent in meetings by Members initially increased by 37% when remote meetings were first introduced, but this has since reduced and is now 11% less than under the Cabinet system pre-Covid
- In contrast, the total time spent in meetings by officers is still 6% more than it was under the Cabinet model

7.3 Overall the picture appears to be one of changes in the balance of demand. For example, shorter but more frequent meetings (5% overall increase) appear to be consistent with the 6% increase in officer time.

7.4 Budget Setting Process

7.5 Approving the budget is one of the most important decisions councillors must make each year. This is the first council budget developed under the council's committee system of decision making. The committee system meant that more councillors are directly involved in making decisions about council services and policy. The initial budget process was set out in the transitional paper of April 2022 and was supported by the budget and policy framework procedure rules which remained unchanged from April 2021.

- 7.6** The budget was a Member recommendation from the Corporate Policy Committee and was approved by Full Council, at its meeting held on 24 February 2022. The budget setting process has been successful. No changes to the budget procedure rules are suggested.

8. PART 2 Recommended changes to the Constitution

- 8.1** Since the Review of the Committee System Report, considered by Full Council on 15 December 2021, the Constitution Working Group has met on 4 occasions. The Working Group has focussed upon:

- Amendments to Chapter 3 of the Council's Constitution (Appendix 2):
 - six-month rule for service committees, which has been amended to create flexibility for the Chair and Committees in allowing a report which is the same or substantially the same as that upon which a decision was made by the committee within the preceding 6 months. A new resolution may then be made.
 - public speaking at committees which has been revised to ensure the Council makes reasonable adjustments for those who cannot attend in person such as those with disabilities or Covid-19.
 - Referral of decisions to Full Council. Following learning over the past year, policy issues have been considered and the procedural rules have been amended to provide clarity and a mechanism for achieving an outcome to resolve the issue without the need for referral to Council.
- Revision to Chapter 4 of the Council's Constitution – Councillor/Officer Protocol, which is a completely revised document to reflect the committee system and to be made more succinct (Appendix 3).
- Amendments to Chapter 7, list of associated documents, of the Council's Constitution – process for referral of decisions and responsibilities of group administrators and guidance on public speaking at full Council. Following learning over the past year, these have developed to provide further detail and clarity, as supporting documents to the Constitution (Appendices 3 and 4).

- 8.2** The associated documents do not form part of the constitution but assist in members and officers in understanding how parts of the constitution work and how the constitution is interpreted. These documents are important and predominately arise from learning encountered during the year and are likely to include further documents when new situations arise. It is important that members have the opportunity to see and debate these documents. The debate will help inform the approach taken and any future proposals or reconsideration of existing documents by the Constitution Working Group.

- 8.3** Documents that members may consider important include the note on putting forward agenda items or mechanics of a referral to full council. It is important to

recognise the documents are designed to help, support, and interpret the constitution they do not replace it, nor can they be proscriptive. Member's kind attention is directed to Chapter 7.

- 8.4** Members have raised the issue of questions at committee and full council. The Constitution Working Group have received 3 discussion papers on approach to be adopted and are considering the balance between efficiency and efficacy of meetings, ensuring the public are sign posted to the best route to get an answer to their issue and the ability and need for the public and Members to be able to raise matters in an open public forum. This remains on the work programme and no further changes to questions are being made to date save for the moving of appendix 1 found at Chapter 3, page 30 of the current Constitution to Chapter 7.
- 8.5** The Working Group's recommendations were considered by the Corporate Policy Committee which made recommendations to Council and, subject to approval by Full Council, will be included in the Council's updated Constitution.
- 8.6** The Audit and Governance Committee is responsible for the Member Code of Conduct. The Committee set up a working group to review the provisions of the Code in the context of work of the Committee for Standards in Public Life report in January 2019, and the consequential Local Government Association's recommended updated Model Code of Conduct.
- 8.7** The Member Code of Conduct was shared with town and parish councils for the purposes of consultation. There is strong logic for all Councils adopting the model code. Following the consultation period, revised drafts of the Code of Conduct and procedure were prepared by the working group and will be considered by the Audit and Governance Committee in due course before recommending any changes to Council for adoption. The government's response to the Committee for Standards in Public Life report in January 2019 was published on 18 March 2022 and it is anticipated the revised code and process will be recommended by the Audit and Governance committee early in the new municipal year.

9. PART 3 - Proposed future changes to the Constitution.

- 9.1** The Constitution Working Group will continue to meet to revise supporting documents and will recommend consequential material changes. Proposed future work of the Constitution Working Group includes:

- Rules of debate
- Financial scheme of delegation
- Clarification on the terms of reference and relationship for Finance Sub Committee and Corporate Policy Committee
- Notices of motion
- Questions at Full Council and Committees

- Conflicts of Interest
- Officer code of conduct
- Officer scheme of delegation
- Review of number of committees to ensure they remain appropriate and proportionate to future changes eg, Integrated Care

9.2 Training and Development

- 9.3** Informal commentary from members and officers throughout the year has consistently mentioned training. Training is currently being commissioned to support the decision-making process, by ensuring that members and officers are confident in how they manage effective debate at meetings.
- 9.4** The proposed training will be further interactive sessions building on activities at a service committee meeting. The workshop will explore the skills required by members and officers to effectively handle debate, including challenge, and questioning techniques, and understand the impact of their behaviours and communication styles.
- 9.5** This will be supported by informal officer training as matters arise and more formal training on substantive issues such as Code of Conduct when appropriate. Members will also appreciate that the programme of training on induction of new Members will be refreshed for 2023.
- 9.6** In addition, there is an appetite for taking and sharing the best knowledge and approach developed by individual service committees across the wider Council. Officers are working on taking the best practice and using that to develop approaches to information sharing, committee briefings etc. Operational learning from the first year will be used to inform and improve how we work in the future.

10. Consultation and Engagement

- 10.1** Engagement with Members has primarily been through the Constitution Working Group, and, where relevant for the Code of Conduct, the Audit and Governance Committee.
- 10.2** All Members received a request for their comments on the first year of operation of the committee system, Member feedback has been totalled. Also, throughout the year, feedback from Members has been considered by the Constitution Working Group, as it has arisen. Future Member and officer engagement will be formalised through the project arrangements. All directorates have contributed to the feedback.

11. Implications

11.1 Legal

11.1.1 The proposed amendments to the Constitution are part of the continuing development of the committee system. Although predominately to ensure consistency with a committee style of governance, changes require approval of full Council such as the editorial amendments to terms of reference.

11.1.2 The Constitution is the functioning rule book used by all officers and Members in driving forward the business of the Council. Like any set of rules, it needs to remain current and consistent with the intent of Council and practicable in the delivery of the Council's objectives.

11.1.3 The core elements of the Constitution are set through various legislative regimes and the current Constitution appears to meet the substantive legal requirements. The areas in which the Council has a discretion the constitution must also remain broadly reasonable and consistent with the objectives of the council.

11.1.4 Failure to keep the Constitution under review and adapt to the changing needs of the organisation will build in levels of risk into the decision-making process. Those risks may manifest themselves as delay, poor quality decisions or ultimately a challenge to the decision itself.

11.2 Finance

11.2.1 There are unavoidable costs which will relate to system change, training, and implementation.

11.2.2 Appendix 1 indicates a potential trend which may increase the resources required to support each committee. A potential increase in the resource/cost of operating the committee system as opposed to the cabinet model was anticipated, with a consequent design parameter of minimisation of resource/cost.

11.2.3 There are no direct cost implications of the Constitutional updates.

11.3 Policy

11.3.1 The recommended changes to the Constitution will, if agreed by Council, result in constitutional change.

11.4 Equality

11.4.1 An Equality Impact Assessment was completed for the original decision to change governance. The accessibility and intelligibility of the Constitution has remained at the forefront of the drafting process. Accessibility and transparency are core design principles and additional learning has been incorporated through the changes to and the review of remote meetings.

11.5 Human Resources

11.5.1 There are direct implications for human resources. Staff (and Members) have requested additional training. Training requests include process training on how decisions are made, and practical issues such as additional training on report writing given the change in audience from cabinet to committee. Members have sought better understanding of how to obtain best results from officers who present reports, consistency in style of recommendations, to process and procedural issues.

11.6 Risk Management

11.6.1 The risks of changing systems of governance were set out in paragraph 1.6 onwards of the November 2020 [report](#). The Council has continued to effectively manage the strategic risks related to the wider pandemic, changes in legislation on meetings, resource constraints and the fixed time frame set by the November decision. At present these risks appear to have been successfully mitigated.

11.6.2 The review of the operational effectiveness of the committee system and supporting Constitution is an essential component of ensuring the efficacy of corporate decision making which is a key element of continuing risk mitigation.

11.7 Rural Communities

11.7.1 There are no direct implications for rural communities as any proposed changes to decision making will alter the responsible committee for many services.

11.8 Children and Young People/Cared for Children

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

11.9 Public Health

11.9.1 The direct implications for public health are set out in the ICS paper previously decided on this agenda.

11.10 Climate Change

11.10.1 There are no direct implications for climate change.

Access to Information	
Contact Officer:	Brian Reed Head of Democratic Services and Governance
Appendices:	Analysis of the committee system (Appendix 1)

	<p>Amendments to Chapter 3 of the Council’s Constitution – six-month rule for service committees, public speaking at committees and referral of decisions (Appendix 2)</p> <p>Consolidated text of Chapters 4 to 7 of the Council’s Constitution (Appendix 3)</p> <p>Amendments to Chapter 7 of the Councils Constitution – process for referral of decisions and responsibilities of group administrators and guidance on public speaking at full Council (Appendix 4).</p>
Background Papers:	Previous Full Council reports (as hyperlinked throughout this report)

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ANALYSIS OF THE COMMITTEE SYSTEM

BACKGROUND

This appendix provides an update on the original analysis in Appendix 1 of *the Interim Review of the Committee System* report presented to Council on 15th December 2021.

The figures are indicative and should not be considered exact, the value of the data will improve over time when it will be used to identify trends or anomalies. Officers have not identified any significant anomalies between what was foreseen, the general narrative in the Council report and the data.

We have now had nearly a full annual cycle of the Committee system¹. In order to provide the most robust analysis possible, we have compared the papers and minutes of all relevant committee meetings (i.e. those of the new service committees, as well as those of all the committees – including Cabinet – that they replaced) across three separate time periods:

- (a) The period since the introduction of the new Committee system up to the time of reporting – approximately 10 months²
- (b) The period from the advent of the Covid-19 pandemic up to the introduction of the new system – approximately 14 months³
- (c) The period from early 2019 up to the advent of the Covid-19 pandemic – approximately 15 months⁴.

To enable a fair and proper comparison, we have then converted the results from the analysis of each of those time periods into an *annualised value* i.e. what those figures would be if each period had been precisely one year (365 days)⁵.

Our approach has involved a detailed analysis of the publicly available records of 283 separate Committee meetings⁶. A summary of the Committees analysed – and the detail of our analysis – is set out across a number of tables in Appendix 1A. As before, we have analysed:

- The total number of meetings
- The number of reports⁷ at those meetings
- The total and average duration of those meetings

¹ For the reasons given in the individual footnotes below, some of the assumptions that underpinned the previous analysis have been reviewed and updated to make a like-for-like comparison across three different time periods as statistically sound as possible. In some cases, figures originally reported in the interim review have been updated as a result.

² There is no single start and end date for each of the time periods due to the fact that each period has multiple committees in operation on differing meeting cycles. To make a statistically valid comparison of time periods possible, each committee has its own individual start and end dates; the start date is the day after the last meeting of the committee that it replaced, the end date the day of the last meeting of the committee itself held in the relevant period.

³ We have split the Cabinet era into two individual time periods to highlight any potential impact from the Covid-19 pandemic.

⁴ The start date for each individual committee in this time period is the day after the last meeting of that committee held in 2018.

⁵ This approach provides the most statistically robust measure of each of the three different periods and allows a reasonably accurate comparison to be undertaken.

⁶ In a very small number of instances one or more pieces of information on an historic meeting have not been recorded or are otherwise available. In these cases, we have assumed the same result as the average for the other meetings of that specific committee. The impact of these assumptions on the overall result of this analysis is negligible.

⁷ For this update we have included separate analyses of decision reports as well as those purely for information/briefing.

- The size of the agenda packs
- The number and duration of attendances at meetings (both Member and officer)

KEY RESULTS

1. Number of meetings [Tables 1 & 2]

The Council is currently averaging **58** meetings per year under the Committee system.

- The number of meetings held in CEC under the Cabinet model **reduced by 10%** post-Covid (when most meetings went virtual)
- It is **18% higher** now than it was in the pre-Covid period
- Five committees (Cabinet and four scrutiny committees) were replaced by six service committees and a standing Finance Sub-Committee. Various free-standing committees needed under the cabinet model were incorporated into the relevant service committees. This figure appears to broadly reflect the new structure.

2. Number of reports for decision / briefing [Tables 3 – 8]

The average number of reports⁸ submitted for decision at CEC annually under the Committee system is **191** (approx. 21 decision reports per committee per year).

- The number of decision reports⁹ initially **reduced by 37%** at the start of the pandemic
- The number of decision reports at CEC **increased by 59%** with the advent of the Committee system but is now only **1% higher** than at pre-pandemic levels
- The number of CEC reports for purely for information / briefing **increased by 24%** post-Covid-19 and then **a further 79%** post-Committee system
- CEC now has **more than double** the number of annual briefing reports that it had pre-pandemic
- Former portfolio holders who may through their previous role have detailed knowledge of the genesis of historic policy and decisions and it has been suggested the dissemination of information to the wider committee membership has been an important element of these briefings. If correct the council should see a decrease over time and in next years figures.

3. Meeting duration [Tables 9 & 10]

The average meeting duration is currently **2 hours and 8 minutes**.

- The total combined duration of meetings at CEC post-Covid **increased by 5%**
- Total combined meeting time at CEC has **remained largely static** since the advent of the Committee system (1% increase)
- The *average* meeting duration at CEC is now **11% lower** than it was pre-Covid

4. Meeting attendances and time spent in meetings (Members) [Tables 11 – 14]

The average number of Members attending a meeting is currently **12**.

⁸ We have treated the following regular standing agenda items as neither decision nor briefing items but essentially ignored them for the purposes of this analysis; (i) Welcome/introductions, (ii) Apologies for absence, (iii) Declarations of interest, (iv) Declarations of the party whip, (v) Minutes (including minutes of sub-committees), (vi) Public questions/open sessions, (vii) Work programmes, (viii) Forward Plan, (ix) Any other business, (x) Date of next meeting.

⁹ We have included Portfolio Holder decisions in the Cabinet period.

- Post-pandemic, the average number of attendees **rose by 34%** at CEC under the Cabinet model
- The current average of 12 Members is a **reduction of 40%** from the post-Covid Cabinet period and a **reduction of 19%** overall from the pre-Covid Cabinet period
- Total time spent by Members at CEC in meetings **increased by 37%** post-pandemic (largely due to more Members attending virtual meetings) but this has subsequently **reduced by 35%** with the advent of the Committee system / return to physical meetings
- Total Member time in meetings is now **down by 11%** on pre-Covid levels
- More Members are engaged in voting on the decision-making process. Post pandemic fewer Members appear to be as widely engaged at meetings. It is not known if this is due to accessibility- the ease of attendance at virtual meetings, the counting methodology, or if a simple broadcast the meeting would be as effective.

5. Meeting attendances and time spent in meetings (officers) [Tables 15 – 18]

The average number of officers attending each meeting is currently **7** (unchanged from Cabinet or pre-pandemic levels)¹⁰.

- The total number of officer attendances initially **dropped by 7%** post-Covid but subsequently **increased by 32%** under the Committee model (due to the increase in number of meetings) and is now **23% higher** than pre-Covid levels
- Total time spent by officers at CEC in meetings **increased by 4%** post-pandemic and a **further 2%** under the Committee system
- Total officer time in meetings has **risen by 6%** on pre-pandemic levels
- This figure broadly consistent against the idea of more meetings mitigated by the reduced length of meetings.

6. Size of agenda packs [Tables 19 & 20]

The average agenda pack at CEC is now **194** pages long.

- Agenda packs **increased by 6%** post-Covid at CEC
- The Committee system combined meeting packs are **60% bigger** than they were under the Cabinet model post-Covid
- It is unclear if a series of technical reports with very lengthy appendices have skewed the data. Example: Highway & Transport Committee has received reports on major road programmes and Council will be aware this is the third constitution report.

Postscript

It is acknowledged that this current analysis has limitations. It only measures those things which can be easily measured i.e. what is recorded and reported in the public domain.

The length of an individual report is not a direct indicator of its quality.

The analysis also excludes any comparisons with other local authorities at this stage.

However, these measurable metrics may be indicative of wider patterns or trends that have a relationship (either directly or indirectly) with less quantifiable factors and may suggest areas for further investigation or analysis.

¹⁰ For a very small number of meetings there is no record of how many or which officers attended. We have excluded these meetings from the average calculation.

DETAILED TABLES

Table 1: Meetings held	Pre-Covid	Post-Covid	
	Cabinet	Cabinet	Committee
	No.	No.	No.
Cabinet	14	12	-
Corporate OSC	9	8	-
Children & Families OSC	7	7	-
Environment & Regeneration OSC	9	7	-
Health & Adults & Communities OSC	12	10	-
Staffing Committee	10	4	-
Adults & Health Committee	-	-	4
Children & Families Committee	-	-	5
Corporate Policy Committee	-	-	8
Economy & Growth Committee	-	-	4
Environment & Communities Committee	-	-	5
Highways & Transport Committee	-	-	6
Finance Sub-Committee	-	-	7
Scrutiny Committee	-	-	3
Appointments Committee	-	-	1
TOTAL	61	48	43

Table 2: Meetings held (annualised figures)	Pre-Covid	Post-Covid	
	Cabinet	Cabinet	Committee
	No.	No.	No.
Cabinet	11	10	-
Corporate OSC	8	7	-
Children & Families OSC	6	7	-
Environment & Regeneration OSC	7	7	-
Health & Adults & Communities OSC	10	9	-
Staffing Committee	7	4	-
Adults & Health Committee	-	-	6
Children & Families Committee	-	-	6
Corporate Policy Committee	-	-	10
Economy & Growth Committee	-	-	6
Environment & Communities Committee	-	-	6
Highways & Transport Committee	-	-	7
Finance Sub-Committee	-	-	8
Scrutiny Committee	-	-	5
Appointments Committee	-	-	4
TOTAL	49	44	58

Difference to previous period (%)	-	-10%	32%
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Difference to pre-Covid period (%)	18%
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Table 3: Total agenda items	Pre-Covid	Post-Covid	
	Cabinet	Cabinet	Committee
	No.	No.	No.
Cabinet	157	136	-
Corporate OSC	88	82	-
Children & Families OSC	74	82	-
Environment & Regeneration OSC	97	67	-
Health & Adults & Communities OSC	128	103	-
Staffing Committee	57	23	-
Adults & Health Committee	-	-	47
Children & Families Committee	-	-	64
Corporate Policy Committee	-	-	98
Economy & Growth Committee	-	-	36
Environment & Communities Committee	-	-	58
Highways & Transport Committee	-	-	60
Finance Sub-Committee	-	-	63
Scrutiny Committee	-	-	23
Appointments Committee	-	-	5
TOTAL	601	493	454

Table 4: Total agenda items (annualised figures)	Pre-Covid	Post-Covid	
	Cabinet	Cabinet	Committee
	No.	No.	No.
Cabinet	124	118	-
Corporate OSC	77	70	-
Children & Families OSC	61	77	-
Environment & Regeneration OSC	72	67	-
Health & Adults & Communities OSC	103	93	-
Staffing Committee	43	24	-
Adults & Health Committee	-	-	66
Children & Families Committee	-	-	82
Corporate Policy Committee	-	-	118
Economy & Growth Committee	-	-	52
Environment & Communities Committee	-	-	69
Highways & Transport Committee	-	-	73
Finance Sub-Committee	-	-	76
Scrutiny Committee	-	-	39
Appointments Committee	-	-	20
TOTAL	480	449	595

Difference to previous period (%)	-	-6%	33%
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Difference to pre-Covid period (%)	24%
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Table 5: Total reports for decision	Pre-Covid	Post-Covid	
	Cabinet	Cabinet	Committee
	No.	No.	No.
Cabinet	86	66	-
Corporate OSC	17	12	-
Children & Families OSC	11	8	-
Environment & Regeneration OSC	15	12	-
Health & Adults & Communities OSC	27	17	-
Staffing Committee	13	7	-
Portfolio Holder decisions	24	14	-
Adults & Health Committee	-	-	15
Children & Families Committee	-	-	21
Corporate Policy Committee	-	-	28
Economy & Growth Committee	-	-	11
Environment & Communities Committee	-	-	31
Highways & Transport Committee	-	-	18
Finance Sub-Committee	-	-	16
Scrutiny Committee	-	-	1
Appointments Committee	-	-	3
TOTAL	193	136	144

Table 6: Total reports for decision (annualised figures)	Pre-Covid	Post-Covid	
	Cabinet	Cabinet	Committee
	No.	No.	No.
Cabinet	106	57	-
Corporate OSC	15	10	-
Children & Families OSC	7	7	-
Environment & Regeneration OSC	11	12	-
Health & Adults & Communities OSC	22	15	-
Staffing Committee	8	7	-
Portfolio Holder decisions	21	12	-
Adults & Health Committee	-	-	21
Children & Families Committee	-	-	27
Corporate Policy Committee	-	-	34
Economy & Growth Committee	-	-	16
Environment & Communities Committee	-	-	37
Highways & Transport Committee	-	-	22
Finance Sub-Committee	-	-	19
Scrutiny Committee	-	-	3
Appointments Committee	-	-	12
TOTAL	190	120	191

Table 7: Total reports for briefing	Pre-Covid	Post-Covid	
	Cabinet	Cabinet	Committee
	No.	No.	No.
Cabinet	5	17	-
Corporate OSC	12	17	-
Children & Families OSC	18	25	-
Environment & Regeneration OSC	19	7	-
Health & Adults & Communities OSC	17	18	-
Staffing Committee	9	2	-
Adults & Health Committee	-	-	12
Children & Families Committee	-	-	17
Corporate Policy Committee	-	-	28
Economy & Growth Committee	-	-	6
Environment & Communities Committee	-	-	6
Highways & Transport Committee	-	-	14
Finance Sub-Committee	-	-	13
Scrutiny Committee	-	-	8
Appointments Committee	-	-	0
TOTAL	80	86	104

Table 8: Total reports for briefing (annualised figures)	Pre-Covid	Post-Covid	
	Cabinet	Cabinet	Committee
	No.	No.	No.
Cabinet	6	15	-
Corporate OSC	10	14	-
Children & Families OSC	12	23	-
Environment & Regeneration OSC	14	7	-
Health & Adults & Communities OSC	14	16	-
Staffing Committee	6	2	-
Adults & Health Committee	-	-	17
Children & Families Committee	-	-	22
Corporate Policy Committee	-	-	34
Economy & Growth Committee	-	-	9
Environment & Communities Committee	-	-	9
Highways & Transport Committee	-	-	17
Finance Sub-Committee	-	-	16
Scrutiny Committee	-	-	14
Appointments Committee	-	-	0
TOTAL	62	77	138

Difference to previous period (%)	-	24%	79%
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Difference to pre-Covid period (%)	123%
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Table 9: Meetings combined total duration	Pre-Covid	Post-Covid	
	Cabinet	Cabinet	Committee
	Minutes	Minutes	Minutes
Cabinet	1,454	1,800	-
Corporate OSC	1,313	1,518	-
Children & Families OSC	1,162	1,088	-
Environment & Regeneration OSC	1,686	1,126	-
Health & Adults & Communities OSC	1,557	1,652	-
Staffing Committee	1,720	837	-
Adults & Health Committee	-	-	523
Children & Families Committee	-	-	858
Corporate Policy Committee	-	-	1,100
Economy & Growth Committee	-	-	448
Environment & Communities Committee	-	-	569
Highways & Transport Committee	-	-	851
Finance Sub-Committee	-	-	772
Scrutiny Committee	-	-	471
Appointments Committee	-	-	45
TOTAL	8,892	8,021	5,637

Table 10: Meetings combined total duration (annualised figures)	Pre-Covid	Post-Covid	
	Cabinet	Cabinet	Committee
	Minutes	Minutes	Minutes
Cabinet	1,151	1,568	-
Corporate OSC	1,144	1,292	-
Children & Families OSC	964	1,016	-
Environment & Regeneration OSC	1,258	1,132	-
Health & Adults & Communities OSC	1,249	1,489	-
Staffing Committee	1,284	875	-
Adults & Health Committee	-	-	740
Children & Families Committee	-	-	1,099
Corporate Policy Committee	-	-	1,329
Economy & Growth Committee	-	-	651
Environment & Communities Committee	-	-	679
Highways & Transport Committee	-	-	1,032
Finance Sub-Committee	-	-	936
Scrutiny Committee	-	-	800
Appointments Committee	-	-	179
TOTAL	7,050	7,372	7,445

Difference to previous period (%)	-	5%	1%
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Difference to pre-Covid period (%)	6%
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Total meetings [from Table 2]	49	44	58
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Average time per meeting	144	168	128
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Difference to previous period (%)	-	16%	-23%
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Difference to pre-Covid period (%)	-11%
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Table 11: Member meeting attendances	Pre-Covid	Post-Covid	
	Cabinet	Cabinet	Committee
	No.	No.	No.
Cabinet	307	415	-
Corporate OSC	116	114	-
Children & Families OSC	78	90	-
Environment & Regeneration OSC	124	111	-
Health & Adults & Communities OSC	174	171	-
Staffing Committee	82	35	-
Adults & Health Committee	-	-	49
Children & Families Committee	-	-	60
Corporate Policy Committee	-	-	110
Economy & Growth Committee	-	-	50
Environment & Communities Committee	-	-	66
Highways & Transport Committee	-	-	76
Finance Sub-Committee	-	-	56
Scrutiny Committee	-	-	30
Appointments Committee	-	-	8
TOTAL	881	936	505

Table 12: Member meeting attendances (annualised figures)	Pre-Covid	Post-Covid	
	Cabinet	Cabinet	Committee
	No.	No.	No.
Cabinet	243	362	-
Corporate OSC	101	97	-
Children & Families OSC	65	84	-
Environment & Regeneration OSC	93	112	-
Health & Adults & Communities OSC	140	154	-
Staffing Committee	61	37	-
Adults & Health Committee	-	-	69
Children & Families Committee	-	-	77
Corporate Policy Committee	-	-	133
Economy & Growth Committee	-	-	73
Environment & Communities Committee	-	-	79
Highways & Transport Committee	-	-	92
Finance Sub-Committee	-	-	68
Scrutiny Committee	-	-	51
Appointments Committee	-	-	32
TOTAL	703	846	674

Difference to previous period (%)	-	20%	-20%
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Difference to pre-Covid period (%)	-4%
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Total meetings [from Table 2]	49	44	58
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Average Member attendances per meeting	14	19	12
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Difference to previous period (%)	-	34%	-40%
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Difference to pre-Covid period (%)	-19%
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Table 13: Member attendance in meetings combined total duration	Pre-Covid	Post-Covid	
	Cabinet	Cabinet	Committee
	Minutes	Minutes	Minutes
Cabinet	33,318	61,795	-
Corporate OSC	17,365	21,653	-
Children & Families OSC	13,445	14,189	-
Environment & Regeneration OSC	23,805	17,857	-
Health & Adults & Communities OSC	23,111	28,400	-
Staffing Committee	14,016	6,873	-
Adults & Health Committee	-	-	6,391
Children & Families Committee	-	-	10,278
Corporate Policy Committee	-	-	15,200
Economy & Growth Committee	-	-	5,557
Environment & Communities Committee	-	-	7,508
Highways & Transport Committee	-	-	10,950
Finance Sub-Committee	-	-	6,680
Scrutiny Committee	-	-	4,761
Appointments Committee	-	-	360
TOTAL	125,060	150,767	67,685

Table 14: Member attendance in meetings combined total duration (annualised figures)	Pre-Covid	Post-Covid	
	Cabinet	Cabinet	Committee
	Minutes	Minutes	Minutes
Cabinet	26,380	53,831	-
Corporate OSC	15,127	18,432	-
Children & Families OSC	11,153	13,245	-
Environment & Regeneration OSC	17,769	17,955	-
Health & Adults & Communities OSC	18,540	25,595	-
Staffing Committee	10,462	7,188	-
Adults & Health Committee	-	-	9,042
Children & Families Committee	-	-	13,163
Corporate Policy Committee	-	-	18,371
Economy & Growth Committee	-	-	8,081
Environment & Communities Committee	-	-	8,956
Highways & Transport Committee	-	-	13,278
Finance Sub-Committee	-	-	8,100
Scrutiny Committee	-	-	8,083
Appointments Committee	-	-	1,428
TOTAL	99,431	136,246	88,502

Difference to previous period (%)	-	37%	-35%
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Difference to pre-Covid period (%)	-11%
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Table 15: Officer meeting attendances	Pre-Covid	Post-Covid	
	Cabinet	Cabinet	Committee
	No.	No.	No.
Cabinet	96	102	-
Corporate OSC	57	51	-
Children & Families OSC	51	45	-
Environment & Regeneration OSC	69	45	-
Health & Adults & Communities OSC	67	60	-
Staffing Committee	65	27	-
Adults & Health Committee	-	-	33
Children & Families Committee	-	-	41
Corporate Policy Committee	-	-	64
Economy & Growth Committee	-	-	28
Environment & Communities Committee	-	-	37
Highways & Transport Committee	-	-	41
Finance Sub-Committee	-	-	34
Scrutiny Committee	-	-	12
Appointments Committee	-	-	6
TOTAL	405	330	296

Table 16: Officer meeting attendances (annualised figures)	Pre-Covid	Post-Covid	
	Cabinet	Cabinet	Committee
	No.	No.	No.
Cabinet	76	89	-
Corporate OSC	50	43	-
Children & Families OSC	42	42	-
Environment & Regeneration OSC	52	45	-
Health & Adults & Communities OSC	54	54	-
Staffing Committee	49	28	-
Adults & Health Committee	-	-	47
Children & Families Committee	-	-	53
Corporate Policy Committee	-	-	77
Economy & Growth Committee	-	-	41
Environment & Communities Committee	-	-	44
Highways & Transport Committee	-	-	50
Finance Sub-Committee	-	-	41
Scrutiny Committee	-	-	20
Appointments Committee	-	-	24
TOTAL	323	301	397

Difference to previous period (%)	-	-7%	32%
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Difference to pre-Covid period (%)	23%
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Total meetings [from Table 2]	49	44	58
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Average officer attendance per meeting	7	7	7
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Table 17: Officer attendance in meetings combined total duration	Pre-Covid	Post-Covid	
	Cabinet	Cabinet	Committee
	Minutes	Minutes	Minutes
Cabinet	10,068	15,319	-
Corporate OSC	8,421	9,902	-
Children & Families OSC	10,139	7,294	-
Environment & Regeneration OSC	13,576	7,163	-
Health & Adults & Communities OSC	8,774	10,068	-
Staffing Committee	11,106	5,870	-
Adults & Health Committee	-	-	4,356
Children & Families Committee	-	-	7,107
Corporate Policy Committee	-	-	8,975
Economy & Growth Committee	-	-	2,990
Environment & Communities Committee	-	-	4,553
Highways & Transport Committee	-	-	5,955
Finance Sub-Committee	-	-	3,859
Scrutiny Committee	-	-	1,836
Appointments Committee	-	-	270
TOTAL	62,084	55,616	39,901

Table 18: Officer attendance in meetings combined total duration (annualised figures)	Pre-Covid	Post-Covid	
	Cabinet	Cabinet	Committee
	Minutes	Minutes	Minutes
Cabinet	7,971	13,345	-
Corporate OSC	7,336	8,425	-
Children & Families OSC	8,411	6,809	-
Environment & Regeneration OSC	10,133	7,202	-
Health & Adults & Communities OSC	7,038	9,074	-
Staffing Committee	8,290	6,139	-
Adults & Health Committee	-	-	6,163
Children & Families Committee	-	-	9,102
Corporate Policy Committee	-	-	10,847
Economy & Growth Committee	-	-	4,348
Environment & Communities Committee	-	-	5,431
Highways & Transport Committee	-	-	7,221
Finance Sub-Committee	-	-	4,680
Scrutiny Committee	-	-	3,117
Appointments Committee	-	-	1,071
TOTAL	49,179	50,994	51,980

Difference to previous period (%)	-	4%	2%
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Difference to pre-Covid period (%)	6%
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Table 19: Agenda packs combined total size	Pre-Covid	Post-Covid	
	Cabinet	Cabinet	Committee
	Pages	Pages	Pages
Cabinet	3,180	3,906	-
Corporate OSC	1,138	1,518	-
Children & Families OSC	668	658	-
Environment & Regeneration OSC	1,754	782	-
Health & Adults & Communities OSC	1,304	942	-
Staffing Committee	308	76	-
Adults & Health Committee	-	-	964
Children & Families Committee	-	-	928
Corporate Policy Committee	-	-	1,700
Economy & Growth Committee	-	-	510
Environment & Communities Committee	-	-	2,020
Highways & Transport Committee	-	-	2,004
Finance Sub-Committee	-	-	764
Scrutiny Committee	-	-	74
Appointments Committee	-	-	2
TOTAL	8,352	7,882	8,966

Table 20: Agenda packs combined total size (annualised figures)	Pre-Covid	Post-Covid	
	Cabinet	Cabinet	Committee
	Pages	Pages	Pages
Cabinet	2,518	3,403	-
Corporate OSC	991	1,292	-
Children & Families OSC	554	614	-
Environment & Regeneration OSC	1,309	786	-
Health & Adults & Communities OSC	1,046	849	-
Staffing Committee	230	79	-
Adults & Health Committee	-	-	1,364
Children & Families Committee	-	-	1,188
Corporate Policy Committee	-	-	2,055
Economy & Growth Committee	-	-	742
Environment & Communities Committee	-	-	2,409
Highways & Transport Committee	-	-	2,430
Finance Sub-Committee	-	-	926
Scrutiny Committee	-	-	126
Appointments Committee	-	-	8
TOTAL	6,648	7,023	11,248

Difference to previous period (%)	-	6%	60%
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Difference to pre-Covid period (%)	69%
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Total meetings [from Table 2]	49	44	58
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Average time per meeting	136	160	194
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Amendments To Chapter 3 of the Council's Constitution

Public Speaking and Questions at Committees

Insert new paragraph 2.28,

2.28 In exceptional circumstances, the ability to submit written questions and statements will be permitted.

Six-month rule: application to service committees

Insert new paragraph 2.43.

2.43 A report on a matter that is the same or substantially the same as that upon which a decision was made by the committee within the preceding 6 months, may only be placed on the agenda with the permission of the Chair of the committee. At the meeting, immediately before the proposed agenda item report is considered, the committee may, by simple majority, decide to accept or reject the report for consideration. If the report is accepted for consideration, the committee may then make a new resolution.

Decision Referral

Proposed amendment to paragraph 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. *If an informal decision referral meeting is held to consider alternative options which would resolve the matter without reference to Council, the meeting should include the Group Leader for the largest opposition Group, the Leader/Deputy Leader of the Council, the Leader of the Group whose Member has requested that the decision be reviewed, and the Member who has made the request.*

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CHESHIRE EAST COUNCIL

CONSTITUTION

Remember to delete when complete

Date	Version	Author	Summary of amendments made
15.03.21	1	J Barnes BB	Update
22.03.21	2	J Barnes BB	Update s151 to CFO; check Glossary words/expressions are in the Constitution and update
23.03.21	3	D Brown CEC	
08.04.21	4	J Barnes BB	Updated following receipt of councillor comments and Constitution Committee on 6 April
01.05.21	5	J Barnes BB	Updated following Constitution Committee on 29 April and Officer comments
24.08.21	6	V Barman BB	Updated Glossary at Chpt 6, inclusion of current Members' Allowances Scheme at Chpt 5
09.09.21	7	V Barman BB	Updated to include revised Chpt 7 drafted by CEC Democratic Services Manager, inclusion of current Members' Allowances Scheme at Chpt 5
22.09.21	8	V Barman BB	Updated following Constitution Committee meetings of 15 and 22 September
13.10.21	9	V Barman BB	Updated following Constitution Committee meetings of 6 and 13 October
27.10.21	10	V Barman BB	Updated following Constitution Committee meeting of 21 October
16.12.21	11	V Barman BB	Approved Full Council 15 December 2021
01.03.22	12	V Barman BB	Updated Councillor/Officer Protocol and Supporting Documents List following Constitution Committee meeting of 26 January 2022

EDITION: December 2021

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Chapter 4

Codes and Protocols

This part of the Constitution covers the following areas:

Part	Title	Contents
1	<u>Councillor Code of Conduct</u> Councillor Code of Conduct	This part sets out the ways in which Councillors must conduct themselves. It covers such things as: <ul style="list-style-type: none"> • General obligations • Registering and declaring interests • Pre-determination and bias
2	Officer Code of Conduct	This part sets the ways in which all employees of the Council must conduct themselves. It covers such things as: <ul style="list-style-type: none"> • The Values of the Council • The Council's Core Principles • The Council's Core Standards • Additional standards relevant to particular groups of employees • Guidance on compliance with the Code • Associated forms and referral points
3	Councillor / Officer Protocol	This Protocol is to guide Councillors and Officers in their relations with one another in such a way as to ensure the smooth running of the Council.
4	Planning Code of Conduct	An additional Code of Conduct for Councillors on Planning matters
5	Whistleblowing Policy	Although not a formal part of the Council's Constitution, it is considered useful to provide a link to the Whistleblowing Policy in this document.

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Chapter 4 – Part 1

Councillor Code of Conduct

- 1 Cheshire East Council has adopted this Code of Conduct to promote and maintain high standards of conduct and underpin public confidence in the authority and its Councillors and co-opted Members (referred to collectively in this Code as “Members”).
- 2 The Code has been adopted under the Localism Act 2011 and is based on the following core principles of public life:
 - 2.1 Selflessness
 - 2.2 Integrity
 - 2.3 Objectivity
 - 2.4 Accountability
 - 2.5 Openness
 - 2.6 Honesty
 - 2.7 Leadership
- 3 The Code sets out general obligations about the standards of conduct expected of Members and co-opted Members of the authority, together with provisions about registering and declaring interests.

General obligations

- 4 Whenever you are acting as a Member or co-opted Member of this authority you must act in accordance with the following obligations:

Selflessness

- 4.1 You must act solely in the public interest and must never use or attempt to use your position improperly to confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, friends or close associates.

Integrity

- 4.2 You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

Objectivity

- 4.3 When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
- 4.4 You should remain objective, listen to the interests of all parties appropriately and impartially and take all relevant information, including advice from the authority's officers, into consideration.
- 4.5 You should exercise independent judgement. Although you may take account of the views of others (including a political group), you should reach your own conclusions on the issues before you and act in accordance with those conclusions.

Accountability

- 4.6 You are accountable to the public for your decisions and you must co-operate fully with whatever scrutiny is appropriate to your office, including appropriate scrutiny by local residents.

Openness

- 4.7 You must be open and transparent where possible about your decisions and actions and the decisions and actions of your authority. You should be prepared to give reasons for those decisions and actions.

Honesty

- 4.8 You must declare any personal, pecuniary and non-pecuniary interests that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests as set out in Part 2 below.
- 4.9 You must only use or authorise the use of the authority's resources in accordance with the authority's requirements. You must, when using or authorising the use of such resources, ensure that they are used for proper purposes only. Resources must not be used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity in force from time to time.

Leadership

- 4.10 You must promote and support high standards of conduct when serving as a Member of the authority, by leadership and example, championing the interests of the community.
- 4.11 You should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in you.

Respect for Others

- 4.12 You must treat others with courtesy. You should engage with colleagues and staff in a manner that underpins mutual respect and courtesy, essential to good local government.
- 4.13 You must not:
- (i) do anything which may cause your authority to breach any equality laws
 - (ii) compromise or attempt to compromise the impartiality of anyone who works for, or on behalf of, the authority
 - (iii) bully¹ any person, including other Councillors, officers of the authority or members of the public
 - (iv) intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings in relation to an allegation that a Member (including yourself) has failed to comply with his or her authority's code of conduct.

Information

- 4.14 You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except² where:
- (i) you have the written consent of a person authorised to give it
 - (ii) you are required by law to do so
 - (iii) the disclosure is made to a professional third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person, or
 - (iv) the disclosure is reasonable, in the public interest; and made in good faith and in compliance with the reasonable requirements of the authority.

¹ "Bullying" may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour and includes "cyber bullying". It may happen once or be part of a pattern of behaviour. It can be contrasted with the legitimate challenges a member may make in challenging policy or scrutinising performance. You may challenge others as to why they hold their views but must take care to raise issues in the appropriate forum and in an appropriate way. Ideas and policies may be robustly criticised but individuals should not be subject to unreasonable or excessive personal attack.

² It is your responsibility to ensure that any judgement you make in relying on any exception will stand up to rigorous objective scrutiny. In the case of any doubt advice should be sought from the Monitoring Officer or an independent qualified legal advisor.

- 4.15 You must not prevent another person from gaining access to information to which that person is entitled by law.

Gifts and Hospitality

- 4.16 You must within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £100 which you have accepted as a Member from any person or body other than the Authority. The Monitoring Officer will place your notification on a public register of gifts and hospitality which will be made available on the Council's website.

Registering and Declaring Interests

Registering and Declaring Interests – General Requirements

- 5 You must, within 28 days of:
- 5.1 the adoption of this Code
 - 5.2 taking office as a Member
 - 5.3 becoming aware of any new interest not already registered
 - 5.4 becoming aware of any change to any interest already registered
- notify the monitoring officer in writing of any disclosable pecuniary interest, or other type of interest as defined by this Code.
- 6 If you become aware of any such interest not already registered (or the subject of pending notification) during the course of any meeting of the authority at which you are in attendance then you must disclose the interest to the meeting, take the action required by the Code depending on the nature of the interest and notify the Monitoring Officer of the interest in accordance with the provisions of this Code.

Sensitive Interests

- 7 A 'sensitive interest' is described in the Localism Act 2011 as an interest the nature of which is such that the Member and the authority's Monitoring Officer consider that disclosure of the details of the interest could lead to the Member or a person connected with the Member being subject to violence or intimidation.
- 8 Where you consider that you have a sensitive interest, and the Monitoring Officer agrees, that part of the register recording that interest will not be published or made available for public inspection. A declaration of interests must still be made at a meeting where relevant, but the sensitive information need not be disclosed.

Disclosable Pecuniary Interests

- 9 A [disclosable pecuniary interest is defined by statute](#) and is subject to change from time to time.

- 10 Unless dispensation has been granted, if you are present at any meeting of the authority and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting, you must leave the meeting while any discussion or voting on that matter takes place. You may not participate in any discussion of the matter at the meeting and you may not participate in any vote taken on the matter at the meeting.
- 11 You must not discharge or participate in the discharge of any function related to any matter in which you have a disclosable pecuniary interest.
- 12 Failure to comply with these requirements of the Code may amount to a criminal offence.

Other Interests – Personal Interests

- 13 In addition to disclosable pecuniary interests referred to above, you must also declare personal interests.
- 14 You have a personal interest in any business of the authority where the business of the authority relates to or is likely to affect any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority.
- 15 You will also have a personal interest in any business of the authority where the business of the authority relates to or is likely to affect any body exercising functions of a public nature, which is directed to charitable purposes or whose principle purposes includes influencing public opinion or policy where you are a member of that body or in a position of general control or management.
- 16 The Audit and Governance Committee may, from time to time, prescribe certain bodies the membership of which amounts to a personal interest.
- 17 You will also have a personal interest in any business of the authority where a decision in relation to that business might reasonably be regarded as affecting your wellbeing or financial position or the wellbeing or financial position of a relevant person to a greater extent than the majority of other Council tax payers, ratepayers, or inhabitants of the electoral division or ward, as the case may be, affected by the decision.
- 18 For the purposes of this Code, a relevant person is:
 - 18.1 a member of your family or any person with whom you have a close association, or
 - 18.2 any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors, or
 - 18.3 any person or body in whom such persons have a beneficial interest and a class of securities exceeding the nominal value of £25,000 or one hundredth of the total issued share capital of that body.

- 19 Unless your personal interest also amounts to a prejudicial interest, a disclosable pecuniary interest or pre-determination, you may remain in the meeting and take part in the debate and vote.

Other Interests – Prejudicial Interests

- 20 You will have a prejudicial interest if you have a personal interest in any business of the authority and where that personal interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business:
- 1.1 affects your financial position or the financial position of a relevant person or body described in paragraph 14 or 15 above, or
 - 1.2 relates to the determination of any approval, consent, licence, permission or registration in relation to you or any relevant person or body described in paragraph 14 or 15 above.
- 21 Where you have a prejudicial interest, you may not participate in any discussion of the matter at the meeting or in any vote taken on the matter at the meeting. You are also required to leave the room where the meeting is taking place during the discussion and vote. However you may attend the meeting and make representations, answer questions or give evidence provided that the public are also allowed to attend the meeting for the same purpose and you leave the meeting immediately after having done so.

Pre-Determination and Bias

- 22 Separately from considerations as to personal, prejudicial or disclosable pecuniary interests, Councillors must be mindful of falling foul of the general obligations of this code by taking part in decisions where they are biased or have pre-determined the matter in question.
- 23 Simply put, a Councillor will be biased or will have pre-determined a matter if they have approached a matter with a closed mind. That is to say, if they have made up their mind on which way they will decide a matter before all of the relevant considerations are presented and debated in the appropriate decision-making forum.
- 24 Previous actions or statements of a Councillor will not be taken by themselves as proof of predetermination. A Councillor may be predisposed to a certain point of view, however notwithstanding any predisposition, Councillors need to be careful to ensure they approach and, insofar as is possible, are seen to approach decisions with an open mind.
- 25 Particular scenarios to be mindful of are where a Councillor, in some other role, is seen to be a promoter or advocate for a proposal which later comes before them for decision. A risk arises when there has been significant personal involvement in preparing or advocating the proposal such that a Councillor may become or may be perceived by the public as being no longer able to approach the decision with an open mind.

- 26 If you feel that you have pre-determined a matter you should say so. You should not speak or vote on the proposal. You may, however, make representations on the proposal if a member of the public also has the right to do so. You are not legally obliged to withdraw from the meeting for the remainder of the debate and vote but in most circumstances doing so will counter any suggestion that you influenced the remaining Councillors by your continued presence. If you do not withdraw, as a minimum you must withdraw to the public area of the meeting room for the whole of the consideration of the matter, whether or not you are also exercising your right to speak.
- 27 If in any doubt you should seek advice from the Monitoring Officer.

Further Information

- 28 The Monitoring Officer, in consultation with the Chair of the Audit and Governance Committee, will publicise from time to time arrangements for [dealing with complaints made against Councillors](#) that their conduct has breached the requirements of this code. The Monitoring Officer will publicise from time to time a Monitoring Officer Protocol reflecting current trends in Councillor Conduct matters in order to provide guidance on how emerging or common issues will be approached.

Dispensations

- 29 The Audit and Governance Committee may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a prejudicial or disclosable pecuniary interest.
- 30 The following dispensations have been granted to all Councillors up to 28 September 2024:
- (a) Any allowance, payment or indemnity given to Councillors;
 - (b) Any Ceremonial Honours given to Councillors;
 - (c) Statutory sick pay under Part X1 of the Social Security Contributions and Benefits Act 1992 where they were in receipt of or entitled to receive such pay;
 - (d) Setting the Council Tax or a precept under the Local Government Finance Act 1992 (or any subsequent legislation);
 - (e) Setting a Local Council Tax Reduction Scheme or Local scheme for the payment of business rates (Including eligibility for rebates and reductions) for the purposes of the Local Government Finance Act 2012 (or any subsequent legislation);
 - (f) School Meals or School Transport or Travelling expenses where the Councillor is a parent/guardian of a child in full time education or a parent governor (unless the matter relates specifically to the school the child attends);

- (g) To the extent that it may amount to a prejudicial or disclosable pecuniary interest, any allowance or other remuneration received from the Council in respect of Council duties or directorships of Council owned ASDVs; and
- (h) To allow Councillors to take part and vote on Community Governance Review matters in which they have disclosable pecuniary and prejudicial interests.

Extract from the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

- The following categories are Disclosable Pecuniary Interests
- “M” denotes the relevant Elected Councillor
- The regulations apply if the disclosable pecuniary interest is yours, your spouse’s or civil partner’s or is the pecuniary interest of somebody with whom you are living as a husband or wife or as if you were civil partners

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a Member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(1).

Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	<p>Any beneficial interest in land which is within the area of the relevant authority.</p>
Licences	<p>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</p>
Corporate tenancies	<p>Any tenancy where (to M's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

Chapter 4 – Part 2

Officer Code of Conduct

1. Core Principles~~Core Principles~~
2. Core Standards
3. 3. Code of Conduct Standards – Guidance~~Code of Conduct Standards—Guidance~~
4. Associated Forms and Referral Points~~Associated Forms and Referral Points~~
5. Code of Conduct – Matrix of Regulations and Standards Relevant to Specific Directorates~~Code of Conduct – Matrix of Regulations and Standards Relevant to Specific Directorates~~
6. Cheshire East Core Values “FIRST Framework”~~Cheshire East Core Values “FIRST Framework”~~

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1. Core Principles

- 1.1 The following core principles underpin the concept of public service and apply to all employees of the Council regardless of the nature of the job they do:

SELFLESSNESS

Employees should take decisions solely in the terms of the public interest. They should not do so nor use their position in order to gain financial or other material benefits for themselves, their family or their friends.

INTEGRITY

Employees should not place themselves under any financial or other obligations to outside individuals or organisations that might influence them in the performance of their official duties.

OBJECTIVITY

In carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits, employees should make decisions on merit.

ACCOUNTABILITY

Employees are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS

Employees should be as open as possible about all decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it.

HONESTY

Employees have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

RESPECT FOR OTHERS

Employees must treat other people with respect and not discriminate unlawfully or unfairly against any person. They must treat Councillors and other co-opted Members of the authority professionally.

TRUST

Employees must, at all times, act in accordance with the trust that the public is entitled to place on them. Employees must use any public money or service users' money entrusted to or handled by them, in a responsible and lawful manner and not make personal use of the Council resources unless properly authorised to do so.

LEADERSHIP

Employees should promote and support these principles by leadership and example.

- 1.2 The Code of Conduct principles operate within the overall framework of the Core Values. Our Values for Cheshire East are depicted by the acronym FIRST (explained further in Section 6 of this document).

2. Core Standards

- 2.1 Our residents and customers, the general public, are entitled to expect the highest Standards of Conduct from us. The aim of this Code is to tell you about the standards which are expected and to help you avoid any misunderstanding or criticism.

- **Gifts and Hospitality**
- **Sponsorship**
- **Use of Financial Resources**
- **Use of Council Facilities**
- **Intellectual Property**
- **Political Neutrality**
- **Other Employment and External Activities**
- **Financial and Non-Financial Interests**
- **Relationships**
- **Appointments and Other Employment Matters**
- **Tendering and Contracts**
- **Private Use of Firms Dealing With The Council**
- **Disclosure of Information**

- **Compliance with the Code and Confidential Reporting**

- 2.2 You should also be aware of and abide by Service specific Standards or Regulations, especially when working with vulnerable adults and children or working in a school. The rules within the Standards of Conduct, for staff in Community Services, for example, if you are offered a gift, are much stricter than those included in this standard Code of Conduct.
- 2.3 Please liaise with your Manager who should refer you to the appropriate Standards. At the end of the Code of Conduct Guidance notes, you will also find a matrix to help sign post you to other relevant Standards.

3. Code of Conduct Standards – Guidance

Gifts and Hospitality

- 3.1 If we accept gifts from people who are or may be dealing with the Council, the Council and its employees could be open to criticism. If you are declining hospitality please do so courteously and explain that the Council's rules do not allow you to accept.
- 3.2 You must refuse offers of hospitality where suggestions of improper influence is possible. Employees must be sensitive to the timing of any decisions being made between the Council and third party.
- 3.3 You should only accept hospitality where it is on a scale appropriate to the circumstances, and where it is apparent that no cause could reasonably arise for adverse criticism about the acceptance of the hospitality. Hospitality is usually acceptable when the invitation is corporate not personal.
- 3.4 Whatever gift/hospitality is provided to you, other than hospitality of nominal value only such as drink or small items of stationery, you should report the circumstances and the type of hospitality to your Head of Service. Small insignificant gifts of a value of less than £50, such as pens, diaries, calendars, mouse mats or mugs, may be accepted. However, in the case of those working in social care, no gift, however little the value, should be accepted in any circumstances.
- 3.5 It is a serious criminal offence to corruptly receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

! If you are presented with a gift or offer of hospitality you must seek authorisation in advance, where possible, from your Head of Service, who will record every request on the relevant form. (Consider the decision checklist in section 4 of the Guidance Notes)

- 3.6 All employees are required to complete an annual declaration of interest return, even if this is to confirm that they have nothing to declare, and then to report issues as and when they occur.

Sponsorship – Giving and Receiving

- 3.7 If an organisation wants to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic rules about accepting gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 3.8 If the Council sponsors an event or service, you or anyone connected with you may not benefit from the sponsorship. Similarly, if the Council, gives financial support in the community, please ensure that impartial advice is given and that you have no conflict of interest.

! You must inform your Head of Service of any personal interest you may have and complete a declaration of interest form.

Use of Financial Resources

- 3.9 You must ensure that you use public funds entrusted to you in a responsible and lawful manner. Please try to ensure value for money to the local community and to avoid the risk of legal challenge to the Council.

! Employees must follow Standing Orders, Financial Regulations and operating procedures and advise management where they consider changes can be made to increase value for money.

Use of Council Facilities

- 3.10 At work you have access to facilities which include office equipment, computers, stores, transport etc. These facilities are provided purely for work and you must not use them for your own purposes.
- 3.11 There are certain minor exceptions to these rules - the use of telephones, fax machines and photocopiers on an incidental basis in line with our policies.

Telephones

- 3.12 Ideally, private telephone calls should not be made or received. In practice, you may need to make or receive essential calls but these should be kept to a minimum and costs reimbursed to the Council, unless it is an emergency.

Fax machines and photocopiers

- 3.13 If necessary, personal fax messages may be despatched to locations within Great Britain. Photocopies of personal documents (up to a

maximum of 10 copies at any one time) may be taken and costs reimbursed to the Council.

! Costs must be reimbursed to the relevant person using the Council's reimbursement process.

Intellectual Property

- 3.14 Intellectual property means creative products, for example inventions, designs, trademarks, patents, creative writings, programmes and drawings (referred to in short as 'inventions'). It will normally be the case that the ownership of all 'inventions' and the copyright of all written material created during work for the Council, belong to the Council.

! This is a complex area, further guidance must always be sought from Legal Services in any particular case.

Political Neutrality

- 3.15 Employees work for the Council as a whole. You must therefore work for all the Councillors and not just those of any controlling group or particular political party.
- 3.16 You must follow every lawful policy of the authority and must not allow your own personal or political opinions to interfere with your work.
- 3.17 Certain employees hold politically restricted posts (PoRPs). If your job is politically restricted, you will be notified. You are disqualified from membership of any council, other than a parish or community Council, from being an MP or canvassing on behalf of candidates.

! Employees who are politically restricted must observe the restrictions imposed. A register of PoRPs is maintained by HR.

Other Employment and External Activities

- 3.18 As a general rule you must not undertake any type of private work which conflicts with the Council's interests or prevents you from fulfilling the terms of your employment contract.
- 3.19 If you are above NJC Grade 7 or equivalent, you must obtain the consent of your Head of Service before you do private work.
- 3.20 Whether or not you need to obtain consent before doing private work, you must not:
- 3.20.1 do private work during working hours nor on the Council premises nor use Council equipment

- 3.20.2 undertake any private work which prevents you from carrying out your duties with the Council or including any requirements to do contractual overtime
- 3.20.3 undertake private work for any person, firm or company if it will involve the Council
- 3.20.4 prepare or assist with any applications, for example, planning or building, in any private capacity if you deal with these normally
- 3.20.5 access Council Services, for example, if you want to make a planning application personally, unless you declare your employment in writing, in a covering letter with your application and submit this via your line manager
- 3.20.6 undertake private work that needs approval or consent from the Council
- 3.20.7 undertake private work for any person, firm or company who have a contractual relationship with or who are commissioned by the Council for any type of work
- 3.20.8 undertake private work for another employee responsible for supervising you or whom you supervise, or for a Councillor.
- 3.21 Employees must ensure they understand and can comply with both Working Time and Health and Safety regulations before considering other employment.

! Employees must seek consent from their line manager before undertaking other work. All employees must declare an interest where a conflict may arise.

- 3.22 All employees are required to complete an annual declaration of interest return, even if this is to confirm that they have nothing to declare, and then to report issues as and when they occur.

Financial and Non-Financial Interests

- 3.23 The Local Government Act 1972, section 117, requires you to disclose any direct or indirect financial interest in any contract involving the Council. Failure to declare the interest may be a criminal offence.
- 3.24 If you have any direct or indirect interest in an organisation or company that is doing business with the Council, which you think conflicts with your job role, then you should inform your Head of Service.
- 3.25 You may have a conflict of interest even if you have no financial interest. For instance, relationships might be seen to influence judgements and give the impression of a personal motive e.g. a Council employee who is an Honorary Officer of an Association and who is

involved in dealing with an application for a grant by the Association. In such a case, again you should inform your Head of Service.

- 3.26 Employees are able to act as a Member of another council (provided they do not have a PoRP), a school governor, or member of a community organisation but must declare their interest if any potential conflict arises.
- 3.27 If, in connection with his/her employment with the Council, an employee uses his/her relationship with an organisation for his/her own or someone else's personal or financial gain, he/she will be regarded as being in breach of this Code of Conduct.
- 3.28 Employees who are members of other associations or bodies that have dealings with the Council should declare their interest, if there is any potential conflict.
- 3.29 Employees who during the course of attending a meeting believe they that may have a conflict with an item on the agenda should advise the Chair and leave the meeting for all or part of the meeting as appropriate.

! Declare an interest on the Declaration form if there is a potential conflict.

- 3.30 All employees are required to complete an annual declaration of interest return, even if this is to confirm that they have nothing to declare, and then to report issues as and when they occur.

Relationships

3.31 Councillors

- 3.31.1 Mutual respect between employees and Councillors is essential. Close personal familiarity between employees and individual Councillors can damage this relationship. You must be professional at all times and not allow your work and private interests to conflict.

3.32 The Local Community and Service Users

- 3.32.1 You should always remember your responsibilities to the Community and give efficient and impartial service to all groups and individuals within that community as defined by the policies of the Council.

3.33 Contractors

- 3.33.1 If you have a business or private relationship with external contractors or potential contractors you should tell your manager. Orders and contracts must be awarded on merit, by fair competition against other tenders and no special favour should be shown to businesses run by, for example, friends,

partners or relatives in the tendering process. No part of the local community should be discriminated against.

- 3.33.2 If you engage or supervise contractors or work with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, you should declare that relationship to the appropriate manager.

! Declare an interest on the Declaration form if there is a potential conflict and do not take part in any related tendering or contract award processes.

Appointments and Other Employment Matters

- 3.34 If you are involved in the recruitment and selection of employees, appointments should be made on the basis of merit and in accordance with our Recruitment and Selection Policy and Procedures obtainable from HR. To avoid any possible accusation of bias, you should not be involved in an appointment where you are related to an applicant, or have a close personal relationship outside work with him or her.
- 3.35 Similarly, you should not be involved in decisions about discipline, promotion or pay adjustments for any employee who is a relative, partner etc.

! Declare an interest on the Declaration form if there is a potential conflict.

Tendering and Contracts

- 3.36 During the Tendering process, if you are involved in the 'in-house' bid (except Executive Directors and, apart from when their own service is tendered, legal, financial and professional advisers) you must not at the same time be involved in certain client tasks e.g. selecting tenderers. You should seek guidance from your Head of Service as to how the tendering process is to be conducted and how the 'in-house contractor' and client responsibilities are to be discharged.
- 3.37 Employees working for 'in-house' contractors or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 3.38 If you are privy to confidential information on tenders or costs for either internal or external contractors you should not disclose that information to any unauthorised party or organisation.
- 3.39 If you are responsible for selecting contractors to tender or supply quotations, you should ensure that you are not also responsible for the receipt and opening of the tender or quotation except where the sums involved are minor.

! Refer to the appropriate Corporate Procurement rules and guidance.

Private Use of Services of Firms Dealing with the Council

- 3.40 You should be cautious when using the services of firms you know have dealings with the Council. You should ensure that the goods or services bought from such firms are at a price readily available to the general public. This is a difficult and sensitive area. Please try to avoid offending anyone and if necessary, explain the Council's policy.
- 3.41 If you think that any offer of preferential terms is designed to promote a firm's interest, you should not deal with the firm.
- 3.42 You should not use your position with the Council to obtain a discount. However, you may purchase goods at discount terms under a scheme or arrangement which applies to e.g. your trade union.

! If you require further guidance please refer to the Corporate Procurement Team.

Disclosure of Information

- 3.43 You must not:
- 3.43.1 use information about work which is confidential, for personal gain or benefit or pass it on to others who might use it in this way.
 - 3.43.2 give information to the media unless you are authorised to do so.
 - 3.43.3 disclose confidential information to someone else, unless it is a request from an approved source, e.g. HMRC, Department of Social Security and, where authorised, from bank managers or building societies. It is normal practice to ask the person requiring the information to put their request in writing use advance knowledge of a Council decision, particularly about investment decisions or proposed developments to benefit yourself or someone else.

Data Protection Act (Disclosing Information)

- 3.44 You must use personal data in accordance with the Data Protection Act and GDPR. For example, the data must be held only for specified and lawful purposes and must not be used or disclosed for any other purposes.

! If you are unsure please seek guidance from the Data Protection Officer or Communications Team, depending on the nature of the request.

Compliance with the Code

- 3.45 It is important that local government employees are exemplary in their conduct at work. Non-compliance with this Code will be dealt with in accordance with our Disciplinary Code.
- 3.46 Employees who consider other employees to be guilty of misconduct must report this to their line manager or raise it through one of the other available procedures e.g. grievance.
- 3.47 Employees must not treat employees who report (or who intend to report or are suspected of reporting) potential misconduct any less favourably than other employees.
- 3.48 If, in some instances, the employee cannot make use of the existing procedures for any reason then they should raise complaints or genuine matters of concern with the relevant person through the **Whistle Blowing Policy**.

! This code is reviewed annually. Employees should therefore ensure they regularly familiarise themselves with the Code and its Guidance Notes.

4. Associated Forms and Referral Points

- 4.1 The forms can be found on the HR website under the Code of Conduct.

Name	Action taken by	Refer to
Declaration of interest form	Employee to Head of Service	
Ext. Gifts/Hosp/Sponsorship form	Employee to Head of Service	
Reimbursement of Costs	Employee to Business Support	
Register of PoRP	N/A	HR
Whistle Blowing Policy	N/A	HR intranet

Checklist for Assessing Potential Conflict – Gifts and Hospitality

- 4.2 Employees should consider the following Checklist:
- 4.2.1 Have you obtained the prior approval of your Director?
- 4.2.2 Is the donor, or the event, significant in the community or in the Council's area?
- 4.2.3 Are you expected to attend because of your position in the Authority?
- 4.2.4 Will the event be attended by others in the Authority or in other Authorities?

- 4.2.5 Have you considered the motivation behind the invitation?
- 4.2.6 Would the acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future matter involving this Council?
- 4.2.7 Could you justify the decision to the Council, press and public?
- 4.2.8 Is the extent of the hospitality or the nature of the gift reasonable and appropriate?
- 4.2.9 How will you respond to the hospitality?

5. Code of Conduct – Matrix of Regulations and Standards Relevant to Specific Directorates

- 5.1 In determining acceptable standards, employees are asked to familiarise themselves not only with those included in the Code of Conduct but also those included in Service specific Codes, corporate policies or operational procedures used by their own Services.

! You will find an up-to-date list of those documents on the Human Resources section of the Centranet.

6. Cheshire East Core Values “FIRST Framework”

- 6.1 Values are the things in life that we consider to be important. In relation to work, values are what give purpose to our jobs; guiding our behaviours and the decisions we take. Values underpin the culture of our authority and the way we conduct ourselves at work.
- 6.2 Putting Residents First is about really listening and understanding what residents and businesses need and responding appropriately to provide the best possible Service.
- 6.3 This requires **Flexibility**, which means us all adapting quickly to changing circumstances and learning together from our experiences.
- 6.4 **Innovation** is about us being creative in our thinking and the way we approach our work and challenging convention where this no longer seems appropriate.
- 6.5 Taking personal **Responsibility** is at the heart of our values in delivering what we promise, and ensuring efficient use of resources, whether this is our people, funding, processes, information or technology.
- 6.6 **Service** ensures that we listen and respond appropriately enabling others to be empowered, independent and self-reliant.
- 6.7 Bringing this together is **Teamwork**, respecting and working well with others to collectively achieve the best outcomes for residents and communities.

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Chapter 4 – Part 3

Councillor / Officer Protocol

Section 1 Introduction and Principles

- 1 The purpose of this Protocol is to guide **Councillors** and **Officers** of the Council in their relations with one another in such a way as to ensure the smooth running of the Council.
- 2 The relationship between elected Councillors and Officers is fundamental to the successful working of the Council. This relationship is based on honesty, respect and mutual trust, and this Protocol is intended to support that relationship by giving guidance on roles and relationships to build a common understanding and set of expectations. The Protocol also sets out what should happen on the rare occasions when things go wrong. All Councillors and Officers should abide by this Protocol. Political group leaders in respect of Councillors, and the **Chief Executive** and **Monitoring Officer** in respect of Officers, are responsible for ensuring the Protocol is upheld.
- 3 This Protocol seeks to reflect the Nolan principles underlying the respective Codes of Conduct which apply to Councillors and Officers. The shared objective of these Codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes, therefore, demand very high standards of personal conduct.
- 4 This Protocol should be read in conjunction with the Councillors' and Officers' Codes of Conduct, the Council's Constitution and any guidance issued by the Audit and Governance Committee, Monitoring Officer, Chief Executive or Head of HR. If any questions arise from this Protocol, advice should be sought from the Chief Executive or Monitoring Officer.
- 5 This Protocol operates within the overall framework of the **Council's Core Values**.
- 6 The Council operates a zero tolerance policy to bullying and harassment.

Section 2 Role of Councillors and Officers

- 2.1 The respective roles of **Councillors** and **Officers** can be summarised as follows:
 - 2.1.1 Both Councillors and Officers are servants of the public and are mutually dependent, but their responsibilities are distinct from one another. An individual cannot be both an Officer and a Councillor of the same authority;
 - 2.1.2 Councillors are democratically elected, operate politically, are accountable directly to the public and serve as long as their term of office lasts;

- 2.1.3 Councillors take decisions collectively through Committees and Sub-Committees of the Council;
- 2.1.4 Officers are politically impartial and are responsible to the whole authority as their employer. Their role is to give advice to Councillors and the authority and carry out the work of the authority under the direction and control of the **Full Council**, Committees and Sub-Committees; and
- 2.1.5 As employees, Officers work to the instructions of their Senior Officers and not under instruction of individual Councillors. Officers are accountable to the **Chief Executive** as Head of Paid Service.

Councillors

- 2.2 Councillors have four main areas of responsibility:
 - 2.2.1 Determining the Council's policies and giving political leadership;
 - 2.2.2 Monitoring and reviewing the performance of the authority in implementing policy and delivering services;
 - 2.2.3 Representing the authority externally; and
 - 2.2.4 Acting as advocates on behalf of their constituents.
- 2.3 In line with the **Councillor Code of Conduct**, as set out in Chapter 4 Part 1 of this Constitution, a **Councillor** must treat others with respect and must not do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the Council.
- 2.4 It is important that **Councillors** of the Authority:
 - 2.4.1 respect the impartiality of Officers and do not undermine their role in carrying out their duties;
 - 2.4.2 do not ask Officers to undertake work, or act in a way, which seeks to support or benefit a particular political party or gives rise to an Officer being criticised for operating in a party political manner;
 - 2.4.3 do not ask Officers to exceed their authority where that authority is given to them in law, by the Council or by their managers; and
 - 2.4.4 do not criticise Officers in public.

- 2.5 Certain Officers have responsibilities in law over and above their obligations to the authority and members. These are known as statutory officers and include the **Chief Executive/Head of Paid Service, Monitoring Officer, Chief Finance Officer** (s151 Officer), the Director of Children's Services, the Director of Adult Social Services and the Director of Public Health. Councillors must respect these responsibilities and not obstruct or victimise Officers in the discharge of them.

Officers

- 2.6 The role of Officers is to give advice and information to **Councillors** and to implement the lawfully agreed policies of the Council.
- 2.7 Officers are responsible for day-to-day managerial and operational decisions within the Council. **Councillors** should avoid inappropriate involvement in such matters.
- 2.8 In performing their role, Officers will act professionally, impartially and with political neutrality. Whilst Officers will respect a Councillor's view on an issue, the Officer should not be influenced or pressured to make comments, or recommendations which are contrary to their professional judgement or views.
- 2.9 It is important that **Officers** of the Authority:
- 2.9.1 implement decisions of the Council and its subordinate bodies which are lawful, which have been properly approved in accordance with the requirements of the law and the Council's Constitution and are duly recorded;
 - 2.9.2 assist and advise all parts of the Council. Officers must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions;
 - 2.9.3 at a senior level, be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Councillors, the media or other sections of the public;
 - 2.9.4 do not seek to use their relationship with Councillors to advance their personal interests or to influence decisions improperly; and
 - 2.9.5 comply, at all times with the **Officer Code of Conduct**, and such other policies or procedures approved by the Council.

Communications

- 2.10 The Council's Communications team are able to support Chairs of Committees, the Mayor and Local Members when they act as spokespeople for the Council. There are specific statutory restrictions

on the use of public resources for the Council's communications, which are followed by Officers and must be respected by Councillors. Further information can be found in the Media Relations Protocol.

Section 3 Expectations

3.1 **Councillors and Officers** can expect the following from each other:

- 3.1.1 A working partnership;
- 3.1.2 An understanding of and support for respective roles, workloads and pressures;
- 3.1.3 Respect, dignity and courtesy; and
- 3.1.4 Honesty, integrity, support and appropriate confidentiality

3.2 **Councillors** can expect from **Officers**:

- 3.2.1 A commitment to the authority as a whole, and not to any political group;
- 3.2.2 Timely response to enquiries and complaints in accordance with agreed procedures;
- 3.2.3 Professional, accurate, honest and impartial advice, not influenced by political views or preference;
- 3.2.4 Regular, up-to-date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold;
- 3.2.5 Awareness of and sensitivity to the political environment;
- 3.2.6 Training and development from Officers in order to carry out their roles effectively;
- 3.2.7 Not to have personal issues raised with them by Officers outside of the Council's agreed policies and procedures;
- 3.2.8 That Officers will at all times comply with the relevant Code of Conduct and policies; and
- 3.2.9 Support for the role of Councillors as the local representatives of residents and the authority.

3.3 **Officers** can expect from **Councillors**:

- 3.3.1 Political leadership and direction through Full Council and Committees;
 - 3.3.2 That Councillors will act within the policies, practices, processes and conventions established by the Council;
 - 3.3.3 That Councillors will work in partnership with Officers, acknowledging their separate and distinct roles and responsibilities;
 - 3.3.4 That Councillors will not use their position or relationship with Officers to advance their personal interests or those of others or to influence decisions improperly;
 - 3.3.5 That Councillors will not make detrimental remarks that identify Officers during public meetings;
 - 3.3.6 Where Councillors are chairing or otherwise in a position of authority at meetings where Officers are present, they will do their best to ensure that Officers are not subjected to bullying or harassment;
 - 3.3.7 That Councillors will not draw Officers into political or group discussions; and
 - 3.3.8 That Councillors will at all times comply with the relevant Code of Conduct, the law, the Constitution and such other policies, procedures, Protocols and conventions agreed by the Council.
- 3.4 The distinct roles of Councillors and Officers necessarily impose limitations upon behaviour. Close personal relationships between Councillors and Officers can confuse these separate roles and get in the way of the proper discharge of the authority's functions, not least in creating the perception by others that a particular member or Officer may secure advantageous treatment. They should therefore be avoided.

Section 4 Provision of Information

- 4.1 **Councillors** should be provided with adequate information about services or functions upon which they may be called upon to make or scrutinise decisions, or which affect their constituents. In the normal course of events, this information will be made routinely available by **Officers** in the form of reports, departmental plans, updates etc.

Officers, Chairs and Vice Chairs

- 4.2 Chairs and Vice Chairs have additional responsibilities, entailing different relationships and more regular contact with Officers and a closer working relationship. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring

into question the Officer's ability to deal impartially with other Councillors and other Party Groups.

Reports to Committee

- 4.3 Whilst the Chair of a Committee (or Sub-Committee) will routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting, usually together with the Group Administrators of a Committee, it must be recognised that in some situations an Officer will be under a duty to submit a report on a particular matter. Furthermore, an Officer will always be fully responsible for the contents of any report submitted in his/her name.
- 4.4 It is important to remember that the law allows for decisions (relating to the discharge of any of the Council's functions) to be taken only by the Council, a Committee, a Sub-Committee or an Officer in accordance with delegated authority.
- 4.5 The Council's scheme of delegation to Officers, and/or resolutions passed at Committee meetings may authorise a named Officer to take action in consultation with one or more Councillors such as the Chair and Vice-Chair of a Committee or Local Member. In these circumstances it is the Officer, not the Councillor, who takes the decision or action and it is the Officer who is accountable for it.

Local Ward Councillors

- 4.6 **Officers** should keep **Councillors** apprised of developments that are relevant to their role as a local ward Councillor.
- 4.7 Ward Councillors should be kept up to date with all major policy developments, public consultations and proposed changes to service delivery affecting their ward.

Briefings to political groups

- 4.8 Any requests for advice or attendance is to be directed through the Group Leaders or Chairs/Group Administrators for the relevant Committee or Group. The request shall be made to the **Chief Executive** or relevant Executive Director/Director. Such requests must be reasonable and should not seek confidential or personal information. In considering such a request, Officers should be mindful of the need to support members by providing factual information. However if an **Officer** deems the nature of the request to be unreasonable the request will be referred to the Chief Executive for determination, where necessary in consultation with the Leader(s) of the political group(s).
- 4.9 **Officer** reports and/or advice to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the authority in relation to Council

business. Reports and/or advice will not deal with any political implications of the matter or any option and Officers will not make any recommendation to a political group.

- 4.10 Any briefing offered to or requested by a party group will be offered to any other party groups.

Officer attendance at political group meetings

- 4.11 The **Leader of the Council** or any **Group Leader** may request the **Chief Executive** or relevant Executive Director/Director to attend a meeting of the group to advise on any matter relating to the authority. Junior Officers will not be required to attend.
- 4.12 Attendance at a meeting of a political group should be on the basis of equality of access, and **Councillors** and **Officers** should avoid Officers being exposed to political discussions when delivering a briefing. Officers may decline to attend or provide a representative where they are of the opinion that the particular issue is of such a political nature that it would be inappropriate to attend.
- 4.13 No Officer of the Council shall attend any political group meeting which includes non-Councillors.
- 4.14 **Officers** will respect the confidentiality of any matter which they are privy to in the course of attending a political group meeting in the sense that they should not relay the content of any such discussion to another party group, unless agreed otherwise.

Councillors' Access to Reports and background papers

- 4.15 Access to Committee or Sub-Committee papers and other documents or information is governed by:-
- 4.15.1 Local Government Acts 1972-2000 (particularly Schedule 12A);
 - 4.15.2 Relevant case law;
 - 4.15.3 Access to Information Procedure Rules (Chapter 3 of the Constitution);
 - 4.15.4 Freedom of Information legislation; and
 - 4.15.5 **Data Protection legislation**
- 4.16 The rights of **Councillors** can be summarised as follows:
- 4.16.1 Councillors generally enjoy the same access rights as members of the public in respect of public papers;

- 4.16.2 Members of the appropriate Committee or Sub-Committees will have a good reason for access to all exempt information on the Committee or Sub-Committee agenda under the common law “Need to Know” principles;
- 4.16.3 All other Councillors who require access to confidential/exempt Committee or Sub-Committee documentation will need to request disclosure under the Freedom of Information Act 2000 or demonstrate a “Need to Know”.
- 4.17 It is important to note that these rights only apply where **Councillors** are clearly carrying out their role as elected representatives. Where any Councillor has a disclosable pecuniary interest or a personal and prejudicial interest in a matter the Councillor will only be entitled to the same access as would be the case for a member of the public, i.e. to inspect the reports, minutes and background papers relating to the public part of the Committee or Sub-Committee Agenda. In these circumstances, the Councillor must make it clear that s/he is acting in his/her private capacity and not as a member of the Council.

Confidential/Exempt Information

- 4.18 Confidential information is information:
 - 4.18.1 furnished to the Council by a Government Department on terms which forbid the disclosure of the information to the public, or
 - 4.18.2 which may not be disclosed by or under any enactment or by a Court Order.
- 4.19 Exempt information is information to which the public and Councillors (subject to 4.16.3 above) may be excluded subject to certain qualifications. The categories of exempt information are set out in Schedule 12A to the Local Government Act 1972 and are reproduced in the Access to Information Procedure Rules at Chapter 3 of this Constitution. There may be some occasions when information may fall within one or more of the categories, but it is nevertheless in the public interest to disclose it under Freedom of Information legislation, without infringing personal rights or damaging the Council’s position. If there is doubt in relation to individual items then they should be kept confidential until the Committee or Sub-Committee has taken a view as to whether they should be treated as exempt or not.
- 4.20 More information can be found in the Access to Information Procedure Rules at Chapter 3 of this Constitution. Further advice can be obtained from the **Monitoring Officer**.

Use of Council Information – Confidentiality

- 4.21 Standing Orders and specific local procedures (e.g. on contracts) require **Councillors** and **Officers** to maintain confidentiality in certain circumstances. Officers are bound by their contracts of employment and any breach of confidentiality will almost certainly lead to disciplinary action. Officers must distinguish between assisting an elected representative in the course of the Councillor's Council business and dealing with the same person as a client or customer, e.g. a Housing Benefit Claimant. In the latter case, Officers will treat the Councillor with the same degree of helpfulness, courtesy and confidentiality as would be afforded to any other member of the public in the same situation, and interpret the relevant rules and procedures as they would for any other client or customer.
- 4.22 Equally, any Council information provided to a **Councillor** on the basis of a 'Need to Know' must only be used by the Councillor for the purpose for which it was provided, i.e. in connection with the proper performance of the Councillor's duties as an elected representative of the Council. Confidential or exempt information provided to Councillors may be discussed in the private session of Committee meetings or in private meetings of appropriate Councillors and Officers. However, it should not be discussed with, or released to, any other persons. Any information that is provided should be clearly marked as confidential before it is released to Councillors.
- 4.23 Councillors abusing this trust may find themselves the subject of a complaint to the Audit and Governance Committee that they have contravened the **Councillor Code of Conduct**.
- 4.24 Information disclosed privately or private discussions held during exempt Committee sessions, informal briefings or group meetings should not be disclosed by Councillors or Officers to any person not already privy to that information.

Section 5 When Things Go Wrong

- 5.1 Rarely, the relationship between **Councillors** and **Officers** will fall short of expectations. In such instances, it would always be preferable to deal with matters at an early stage and informally through conciliation through a senior manager or political **Group Leaders** or **Group Administrators**. This may not always be possible, in which case the following procedures should be followed.

Procedure for Officers

- 5.2 If conciliation via a senior manager is not possible, Officers can have recourse to the **Chief Executive**, as appropriate to the circumstances. **Officers** also have recourse to the Council's Whistleblowing Procedure or can refer the matter under the arrangements for complaints under the **Councillor Code of Conduct**.

Procedure for Councillors

- 5.3 In the event that a **Councillor** is dissatisfied with the conduct, behaviour or performance of an **Officer**, the matter should be raised with the appropriate Director.
- 5.4 Where the Officer concerned is a Director the matter should be raised with the relevant Executive Director.
- 5.5 Where the Officer concerned is the **Monitoring Officer** the matter should be raised in the first instance with the Executive Director of Corporate Services.
- 5.6 Where the Officer concerned is an Executive Director the matter should be raised with the **Chief Executive**.
- 5.7 Where the Officer concerned is the **Chief Executive** the matter should be raised with the **Monitoring Officer**.
- 5.8 If a Councillor is unsure how to proceed, or would wish to discuss the conduct of another Councillor toward Officers, they should discuss this with their Group Leader.

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Chapter 4 – Part 4

COUNCILLORS' PLANNING CODE OF CONDUCT

BASED ON THE LAWYERS IN LOCAL GOVERNMENT MODEL

Background

The Councillors' Planning Code of Good Practice was originally prepared in response to a series of successful court challenges against local planning authorities concerning Councillors' conduct or conflicts of interests.

This 2014 update takes into account the update to the Seven Principles of Public Life (the 'Nolan principles') and commentary from the Committee on standards in public life, the changes in the approach to codes of conduct and also to predetermination introduced by the Localism Act 2011 and the guide on 'Openness and transparency on personal interests' published by the Department for Communities and Local Government in 2013.

For further reading please refer to [Probity in planning: Advice for councillors and officers making planning decisions | Local Government Association](#).

Introduction

The aim of this Code: to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

One of the key purposes of the planning system is to regulate the development and use of land in the public interest. **Your role as a Member of the Planning Authority is** to make planning decisions openly, impartially, with sound judgement and for justifiable reasons. You are also a democratically accountable decision-taker who had been elected to provide and pursue policies. You are entitled to be predisposed to make planning decisions in accordance with your political views and policies **provided** that you have considered all material considerations and have given fair consideration to relevant points raised.

When the Code applies: this code applies to Councillors at all times when involving themselves in the planning process. (This includes when taking part in the decision-making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of his or her staff, and preferably well before any meeting takes place.

1. Relationship to the Councillors' Code of Conduct

- **Do** apply the rules in the Councillors' Code of Conduct first, which must always be complied with. This is both the rules on Disclosable Pecuniary Interests (DPIs) and any other interests, and the general rules giving effect to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- **Do** then apply the rules in this Councillors' Planning Code, which seek to explain and supplement the Councillors' Code of Conduct and the law on decision-making for the purposes of planning control. If you do not abide by this Councillors' Planning Code, you may put:
 - the Council at risk of proceedings on the legality of the related decision or maladministration; and
 - yourself at risk of being named in a report made to the Council or, if the failure is also likely to be a breach of the DPI provisions of Localism Act 2011, a complaint being made to the police to consider criminal proceedings.

2. Development Proposals and Personal Interests

- **Do** disclose the existence and nature of your interest as required by your Authority's Councillor Code of Conduct.
- **Do take into account when approaching a decision** that the Principle of Integrity is defined in terms that

*"Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. **They must declare and resolve any interests and relationships**".*

It is therefore advisable that you:

- **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a DPI or other personal conflict of interest in a proposal, using your position to discuss that proposal with officers or Councillors when other members of the public would not have the same opportunity to do so.
- **Do** note that you are not prevented from seeking to explain and justify a proposal in which you may have a conflict of interest to an appropriate officer, in person or in writing, but that your role as a councillor may place additional limitations on you in representing the proposal in which you have a personal interest.

- **Do** notify the Monitoring Officer in writing where it is clear to you that you have a disclosable pecuniary interest or other personal conflict of interest and note that:
 - you should send the notification no later than submission of any planning application where you can;
 - the proposal will always be reported to the Committee as a main item and not dealt with by officers under delegated powers;
 - you must not get involved in the processing of the application; and
 - it is advisable that you employ an agent to act on your behalf in respect of the proposal when dealing with officers and in public speaking at Committee.

3. **Fettering Discretion in the Planning Process**

(natural justice, predisposition and predetermination)

- **Don't** fetter your discretion by approaching the decision with a closed mind. Fettering your discretion in this way and taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of bias, pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- **Do** be aware that in your role as an elected Councillor you are entitled, and are often expected, to have expressed views on planning issues and that these comments have an added measure of protection under the Localism Act 2011 that purely making a general comment, without more, is unlikely to be taken as having a closed mind.
- **Do** keep at the front of your mind that, when you come to make the decision, you
 - are entitled to have and to have expressed your own views on the matter,
 - provided that you are prepared to reconsider your position in the light of all the evidence and arguments;
 - must keep an open mind and hear all of the evidence before you, both the officers' presentation of the facts and their advice as well as the arguments from all sides;
 - are not required to cast aside views on planning policy you held when seeking election or otherwise acting as a Councillor, in giving fair consideration to points raised;
 - are only entitled to take account material considerations and must disregard considerations irrelevant to the question and legal context at hand; and
 - are to come to a decision after giving what you feel is the right weight to those material considerations.

- **Do** be aware that you can be biased where the Council is the landowner, developer or applicant if you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination Committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)
- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example, or both a district/borough and county councillor), provided:
 - the proposal does not substantially affect the well-being or financial standing of the consultee body;
 - you make it clear to the consultee body that:
- your views are expressed on the limited information before you only;
 - you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and
- you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee.
- **Do** explain where you do not intend to speak and vote as a member of the Committee because you may be perceived as having pre-judged the matter or alternatively you reserve the right to judge the matter elsewhere, so that this may be recorded in the minutes. (*Use the disclosure form provided for disclosing interests.*)
- **Do** take the opportunity to exercise your separate speaking rights as a Ward/Local Councillor (***where this is granted by the authority's standing orders or by the consent from the Chair and Committee***) where you have represented your views or those of local electors and fettered your discretion, but do not have a disclosable or other personal conflict of interest. Where you do:
 - advise the proper officer or Chair that you wish to speak in this capacity before commencement of the item;
 - remove yourself from the seating area for members of the Committee for the duration of that item; and
 - ensure that your actions are recorded.

4. Contact with Applicants, Developers and Objectors

- **Do** refer those who approach you for planning, procedural or technical advice to officers.
- **Don't** agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should not seek to arrange that

meeting yourself – you should ask the Development Control Manager to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, they will ensure that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.

- **Do** otherwise:
 - follow the Authority's rules on lobbying;
 - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
 - report to the Development Control Manager any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

In addition in respect of presentations by applicants/developers:

- **Don't** attend a planning presentation without requesting an officer to be present.
- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee.
- **Do** be aware that a presentation is a form of lobbying and, whilst you may express any view on the merits or otherwise of the proposal presented, you should never state how you or other Councillors would intend to vote at a committee.

5. Lobbying of Councillors

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it may subsequently prejudice your impartiality, and therefore your ability to participate in the Committee's decision-making, to make any sort of promise to vote one way or another or such a firm point of view that it amounts to the same thing.
- **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum value, its acceptance is declared as soon as possible, including its addition to your register of interests where relevant.
- **Do** copy or pass on any lobbying correspondence you receive to the Development Control Manager at the earliest opportunity.

- **Do** promptly refer to the Development Control Manager any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow up the matter.
- **Do** note that, unless you have a DPI or overriding other personal conflict of interest, you will not have fettered your discretion or breached this Planning Code through:
 - listening or receiving viewpoints from residents or other interested parties;
 - making comments to residents, interested parties, other Councillors or appropriate officers (making clear that you must keep an open mind when it comes to making the decision);
 - seeking information through appropriate channels; or
 - being a vehicle for the expression of opinion of others in your role as a Ward Councillor.

6. Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals unless it is your intention to openly campaign on the matter and will therefore step away from the Committee when it comes to make any relevant decisions.
- **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals (such as the Victorian Society, CPRE, Ramblers Association or a local civic society), but you should normally seek to disclose that interest on the grounds of transparency where the organisation has made representations on a particular proposal.
- **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.
- **Don't** decide or discuss how to vote on any application at any political group meeting, or lobby any other Councillor to do so. Political Group Meetings should never dictate how Councillors should vote on a planning issue.

7. Site Visits/Inspections

- **Do** try to attend site visits organised by the Council where possible.
- **Don't** request a site visit unless you feel it is strictly necessary because:
 - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or

- there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- **Do** ensure that you report back to the Committee any information gained from the site visit that you feel would benefit all Members of the Committee
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party, with the exception of the Ward Councillor(s) who should focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
- **Don't** express opinions or views.
- **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
 - you feel it is essential for you to visit the site other than through attending the official site visit;
 - you have first spoken to the Development Control Manager about your intention to do so and why (which will be recorded on the file); and
 - you can ensure you will comply with these good practice rules on site visits.

8. Public Speaking at Meetings

- **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking or through the Chair, as this may give the appearance of bias.
- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

9. Officers

- **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Development Control Manager, which may be incorporated into any Committee report).
- **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service or those officers who are authorised by their Head of Service to deal with the proposal.
- **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's

Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

10. Decision-Making

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, that your planning reasons are recorded and repeated in the report to the Committee.
- **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- **Do** make decisions in accordance with the Council's Development Plan and associated documents and neighbourhood plans unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse.
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
- **Do** have recorded the reasons for Committee's decision to defer any proposal.
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the Development Plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

11. Training

- **Don't** participate in decision-making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.
- **[Do** participate in any annual review of a sample of planning decisions to ensure that Councillors' judgements have been based on proper planning considerations.]

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Chapter 4 – Part 5

Whistleblowing Policy

The Council has a [Whistleblowing Policy](#) in place.

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Chapter 5

Scheme of Councillors' Allowances

CHESHIRE EAST COUNCIL

SCHEME OF MEMBERS' ALLOWANCES 2021/2022

The Council is required to make a scheme of allowances for its elected members. It must also have in place an Independent Remuneration Panel to make recommendations to Council about the scheme.

The following scheme has been adopted by Cheshire East Council in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003.

In making this scheme, the Council has considered the recommendations of the Independent Remuneration Panel and Corporate Policy Committee contained in the report submitted to Council on 22 June 2021.

Indexation of Allowances

The Local Authorities (Members' Allowances) (England) Regulations 2003 enables Councils to make provision for the annual adjustment of allowances by reference to an index, which may apply for a period of no longer than four years.

Having deferred an increase for 2021, with effect from 1 April 2022, any uplift applied to the allowances set out in the scheme³ will be in line with the National Joint Council for Local Government Services ('the NJC') officer pay award. This means that the annual pay award (if applicable) agreed for officers, will also apply to the corresponding year's allowances scheme, up to 2026.

Submission of Claims

Claims are required to be submitted to Democratic Services for processing no later than **three months** after the performance of an approved duty (schedule

³ Excluding car mileage rates which are linked to the NJC casual user officer rates.

3). Any person requiring reimbursement of expenses which has not been submitted within this time limit will have the right of appeal to the Head of Democratic Services and Governance.

Basic and Special Responsibility Allowances

Basic

Each elected member of the Borough Council receives a sum of **£12,351** per annum (**£1029.25** monthly) which is paid in arrears. If, during this period, the term of office of a Member begins or ends, the entitlement to payment is calculated based on calendar days served per month.

The basic allowance includes an amount to cover the cost of telephone calls made during council business and the cost to the Member of using their own broadband connection for council business. The Council will provide help and advice and, where appropriate, small grants to purchase equipment for Members who need to instal broadband.

Special Responsibility

Special responsibility allowances (SRA's) are paid in accordance with schedule 1 of this scheme. Where an elected member holds two or more positions on Cheshire East Council which attract an SRA payment, the highest amount only is paid.

Payment of special responsibility allowances is monthly in arrears. If during this period a member takes up or relinquishes such responsibilities as entitles them to an SRA, the entitlement to payment is calculated based on calendar days served per month.

Elected members appointed as a company director to one of the wholly owned Cheshire East alternative service delivery vehicles (ASDVs) may receive payment for this role. Where the Director of Governance and Compliance, in consultation with the Council's political Group Leaders, determines that the member's roles are not comparable, the member may elect, in writing to the Chief Executive (or an officer appointed by them in writing) to receive both their SRA and director's remuneration in full.

To ensure that councillors do not benefit twice when performing comparable roles, the value of the company payment is offset against their SRA so that the

elected member only receives the residual payment from Cheshire East Council.

Approved Duties

The allowances set out in the scheme can only be claimed where an elected member is undertaking an 'approved duty'. The list of approved duties against which a claim can be made is set out in schedule 3 of the scheme.

Travel and Subsistence: Elected members

Elected members may claim travel and subsistence on the submission of receipts for the performance of any duty specified in the Local Authorities (Members' Allowances) (England) Regulations 2003 as set out in schedule 3 of this scheme.

Travel and Subsistence: Parent Governors/School Appeal Panelists

Parent Governor co-opted members and School Appeal Panelists may claim reasonable travel expenses in accordance with the scheme for attendance at the Cheshire Association of Governing Bodies meetings and school appeals meetings respectively.

School Appeal Panelists may also be reimbursed for any loss of earnings incurred as a direct result of the performance of their duties when attending appeal meetings or associated training up to a maximum of **£50** per four hour session (or part thereof) on receipt of proof of the loss from their employer.

Meeting allowance: A&G co-optees/Independent Persons/IRP

The Independent co-opted members of the Audit and Governance Committee and the Independent Persons, appointed to the same Committee to discharge its standards function, are entitled to claim a meeting allowance of **£75** for meetings of less than 4 hours and **£150** for meetings of between 4 – 8 hours, unless there is a good reason not to make such a payment.

Members of the Independent Remuneration Panel (IRP) are also entitled to claim a meeting allowance of **£75** for meetings of less than 4 hours and **£150**

for meetings of between 4 – 8 hours, unless there is a good reason not to make such a payment.

Dependants' Carers' Allowance

A Dependants' carers' allowance will be paid to elected members for the cost of providing care for a dependant (i.e. a child, spouse/partner or parent) incurred whilst undertaking the duties specified in the Local Authorities (Members' Allowances) (England) Regulations 2003 as set out in schedule 3 of this scheme.

The allowance (together with reasonable expenses) can be claimed only if the elected member is the carer and has to pay for the care of their dependant whilst undertaking an approved duty. Claims will not be considered when the care is provided by an immediate family member.

The maximum total amount which may be claimed is **£6410** per calendar year on the production of receipts and satisfactory evidence of the care provided, where required.

Associated allowances/other elements of the scheme**Civic Allowances**

£14,000 per annum is paid to the Worshipful the Mayor of the Borough of Cheshire East for the purpose of meeting the expenses of the officer holder; the Deputy Mayor of the Borough of Cheshire East receives **£5,600** per annum.

Although included in the scheme for completeness, civic payments are not considered to be special responsibility allowances in accordance with Section 3(5) and 5(4) of the Local Government Act 1972.

Elected Member Surgeries

Elected members may claim up to **£34** per month for room hire when conducting monthly surgeries, subject to the submission of receipts and a maximum of twelve claims per annum.

Where occasional surgeries are held, the actual cost of the room hire may be claimed on the submission of a receipt, provided that the accrued claims per annum do not exceed **£408** (equal to 12 payments of £34).

Variation of Allowances

Elected members may request in writing to the Chief Executive (or an officer appointed by them in writing) that payment of their basic allowance and/or special responsibility allowance be paid at such intervals, in arrears, as they may specify but in any event within one month of the end of the financial year.

A member may, by notice in writing to the Chief Executive (or an officer appointed by them in writing), forgo all or part of their entitlement. The request must be made in writing and clearly state the period for which the reduction is to be applied. If no end date is provided, the adjustment will be applied from the date the request is received, up to the end of the financial year within which the request was submitted.

Local Government Pension Scheme

On 1 April 2014, the Local Government Pension Scheme (LGPS) was closed to elected members. Councillors who were members of the scheme on 11 May 2015, retain any accrued pension rights up to this date.

Revocation of Previous Scheme

The previous Scheme of Members' Allowances is revoked with effect from 22 June 2021.

Schedule 1

Schedule of Allowances 2021/2022

Post	Amount payable per annum
Leader of the Council	28,371
Deputy Leader of the Council	17,128
Corporate Policy Committee Chair	12,000
Corporate Policy Committee Vice Chair	6,000
Economy and Growth Committee Chair	12,000
Economy and Growth Committee Vice Chair	6,000
Environment and Communities Committee Chair	12,000
Environment and Communities Committee Vice Chair	6,000
Highways and Transport Committee Chair	12,000
Highways and Transport Committee Vice Chair	6,000
Children and Families Committee Chair	12,000
Children and Families Committee Vice Chair	6,000
Adults and Health Committee Chair	12,000
Adults and Health Committee Vice Chair	6,000
Finance Sub-Committee Chair	12,000
Finance Sub-Committee Vice Chair	6,000
Scrutiny Committee Chair	7,650
Audit and Governance Committee Chair	7,650
Strategic Planning Board Chair	7,650
Southern Planning Committee Chair	7,650
Northern Planning Committee Chair	7,650
Licencing Committee Chair	7,650
Appointments Committee Chair	4,200
Public Rights of Way Sub-Committee Chair	4,200

Main Opposition Group Leader	10,000
Main Opposition Group Deputy Leader	5,000
Joint Administration Deputy Group Leaders	5,000
Leader of any other group with 4+ members	5,000
Group Administrator (group membership of 10+)	3,825
Group Administrator (group membership of 4 to 9)	1,766

The Worshipful the Mayor	14,000
Deputy Mayor	5,600

Basic allowance (82 members)	12,351
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Schedule 2**TRAVEL AND SUBSISTANCE****Mileage Rates**

These may be amended from time to time to reflect the officer rates for travel and subsistence.

Cars:

Mileage rate for all vehicles (including electric): HR Revenues and Customs approved tax free mileage rate of 45p per mile.

Additional rate for each passenger (not exceeding four to whom a travel allowance would otherwise be payable) is 1 pence per mile.

Each member is required to agree with Democratic Services, standard mileages from their home to the Council's main offices and, where applicable, other regularly travelled routes.

Bicycles/Motorcycles:

Elected members who travel by bicycle when attending approved duties may claim a mileage rate of 20 pence per mile, equivalent to that payable to Cheshire East employees. For motorcycles, the rate is 24 pence per mile.

Other Travel ExpensesRail Fares:

The cost of train travel is reimbursed up to the open standard rail fare for the journey undertaken. Any expenses incurred must be at the minimum cost to achieve the purpose of the journey.

First class rail travel is permitted only in the most exceptional circumstances to fulfil a business need, following the submission of a business case to the Head of Democratic Services and Governance supported by the member's group leader.

Financial savings can be achieved by use of an applicable rail card which reduces the cost of all train journeys by one third. Eligible members who regularly travel by train on council business and who wish to purchase a card may claim back the cost on the production of a receipt.

Occasional expenses:

The actual amount incurred can be claimed in respect of:

- Air travel
- Car parking fees
- Ferry
- Overnight parking/garaging
- Taxi fares
- Tolls

Subsistence

The cost limitations on reimbursement are:

(i)	Absence from home for more than 4 hours but less than 8 hours	1 main meal
(ii)	Absence from home for more than 8 hours but less than 12 hours	2 main meals
(iii)	Absence from home of 12 hours or more	3 main meals

Claim Rate LimitsNo more than

Breakfast allowance for a duty of more than 4 hours concluding before 12 noon	£8
Lunch allowance for a duty of more than 4 hours concluding after 12 noon	£11
Dinner allowance for a duty of more than 4 hours concluding after 6 p.m.	£17
Dinner allowance (London and abroad) for a duty of more than 4 hours concluding after 6 p.m.	£37
Overnight accommodation outside London (to include breakfast)	£124
Overnight accommodation in London (to include breakfast)	£149

[Note: The rate applicable to subsistence claims for dinner made in respect of attendance at the Local Government Association (LGA) Annual Conference will be the dinner allowance (London and abroad) irrespective of where in the United Kingdom the event is held.]

Schedule 3

LIST OF APPROVED DUTIES

A	<p>Attendance at meetings to which the member is appointed or is attending as a substitute (by invitation of the responsible officer) of:</p> <ul style="list-style-type: none"> ▪ Council ▪ Committees and Sub-Committees ▪ Overview and Scrutiny Committee ▪ Panels and boards ▪ Working groups and task and finish groups <p>Or where the member is contributing to a meeting listed above in the following capacity i.e.</p> <ul style="list-style-type: none"> ▪ Local ward member in attendance for an agenda item ▪ Having registered to speak/ask a question at a meeting ▪ Being required to give evidence at a meeting
B	Attendance at site visits/building inspections arranged by the bodies listed above
C	Attendance at briefings authorised and called by officers of the Council on matters of council business (e.g. service Committee briefings)
D	Duties undertaken by the Council Leader, Deputy Council Leader, group leaders and deputy leaders, group administrators, chairs, vice chairs and member champions in line with their roles
E	Attendance at meetings of outside bodies on which Cheshire East Council is invited to be represented
F	Attendance at meetings of outside bodies, where the member is representing Cheshire East Council and Council/Corporate Policy Committee has made the appointment (excluding school governing bodies)
G	Attendance at parish council meetings, as a representative of Cheshire East Council, within own electoral ward
H	Official visits undertaken by the chair/vice chair of service Committees (and, where agreed with Democratic Services, other nominated members) and Sub-Committees/task and finish groups appointed by the parent Committee
I	Members who are required, or nominated to represent Cheshire East Council in an official capacity to attend at official openings,

	open days, events, award ceremonies, presentations, meetings with VIP's, receptions etc. which take place outside of the ward (excluding attendance as the ward member)
J	Where all members are invited to a formal council service as their constituents' representative
K	Attendance at conferences/seminars, where the booking has been made by Cheshire East Council and the place funded by the council
L	Attendance at: <ul style="list-style-type: none"> ▪ authorised member training and development events held outside of the borough ▪ mandatory, statutory, and developmental training sessions (including seminars/briefings) provided as part of Cheshire East's member training and development programme ▪ authorised training sessions identified specifically for a member in line with their Committee appointment or their personal development
M	Duties undertaken on behalf of the council in pursuance of any procedure rule under Section 135 of the Local Government Act 1972 requiring an elected member to be present whilst tender documents are opened

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Chapter 6

Glossary

Appropriation – The transfer of land and property between purposes or functions of the Council.

ASDV – Alternative Service Delivery Vehicle.

Award Criteria – The criteria set in order to examine the merits of each Bid, Quote or Tender received. Refer to Evaluation Matrix also.

Bad Debt – A debt becomes bad if it has not been collected within 6 months. Full provision for all bad debts has to be made within the revenue account, but the debt is still pursued until it is either recovered or written off as unrecoverable.

BAFO – Best and Final Offer. This is a procedure to facilitate a final opportunity for Bidders to improve their Bids, which can include price, improvement in quality and/or a value added element.

Balances (Revenue Account) – The accumulated surplus of income over expenditure. Councillors may agree that Balances be used to reduce future Council Tax levels although a minimum level, consistent with prudence and best practice will be maintained. Amounts in excess of that required for day-to-day cash management and to finance working capital can be invested to generate income for the Council.

Best Value – Is the duty to secure continuous improvement in the way services are provided having regard to economy, efficiency and effectiveness.

Bid – A quotation or tender submitted in response to a Request for Quotation or Invitation to Tender issued by the Council.

Bidder – A contractor, supplier, provider or similar who submits a Bid.

Block Provisions – Annual capital allocations within which the value of approved schemes must be contained. Any uncommitted sum at the year-end may be carried forward, subject to agreement of the Chief Finance Officer. Any uncommitted sum which is not justified will be returned to Council balances. Equally, any overspending will be carried forward as the first call on the following year's provision.

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

Budget and Policy Framework – The full Council is responsible for setting the Budget and Policy Framework. The Budget and Policy Framework sets out the Council's key policies and agreed budget for each year. All decisions must be taken in accordance with these agreed documents. Only full Council can change the Budget and Policy Framework.

Business Case Template – This is a proforma to be completed for all Capital schemes and all significant Revenue proposals. It will provide details on the expected outcomes falling from the proposed investment and identify how the proposal will meet corporate objectives. The template, in a form agreed by the Director of Finance & Customer Services, must include an assessment of the asset or Service consequences, risk and impact on users, and include any differential impact on particular groups or localities. The amount of detail will be proportionate to the value and level of risk.

Capital Approval – The total cost of each provision or scheme rather than the anticipated expenditure in each year. Capital programme provision may be amended by any supplementary estimates or virements.

Capital Expenditure – Expenditure on the purchase, construction or replacement of capital (fixed) assets, such as land, buildings, and major items of plant, equipment or vehicles, or expenditure which adds to the life or value of an existing fixed asset. Finance leases may be capital expenditure.

Capital Programme – The Council's plan of capital projects and spending over future years. Included in this category are the purchase of land and buildings, the erection of new buildings and works, Highway Improvement schemes and design fees (unless the scheme is aborted in which case fees will be charged to revenue), and the acquisition of vehicles and major items of equipment.

Capital Project / Scheme – These terms mean the same thing and are used interchangeably within the Procedure Rules. A project/scheme may be separately identified in the capital programme or be an item within a block provision.

Capital Receipts – Income received from the sale of capital assets and available (subject to rules in legislation or laid down by the Government or CIPFA) to finance new capital expenditure or to repay debt.

Carry-forward – An increase or reduction in a Service's new financial year budget, stemming from either an under or overspend in the previous year. All significant carry-forwards (except for Schools) need the approval of the Chief Finance Officer in consultation with the Chair of the Finance Sub-Committee upon the presentation of a Business Case.

Central Purchasing Body – An organisation (usually a contracting authority as defined in the Public Procurement Legislation) that provides centralised purchasing activities such as awarding contracts for works or the acquisition of supplies and/or services intended for use by other contracting authorities such as local authorities.

Chief Executive –The Chief Executive is the most senior officer in the Council. It is his/her role to support Councillors and to provide leadership for the Council. The Chief Executive is empowered to operate all the services of the Council and except where powers, duties and functions are delegated to a councillor decision-making body, to exercise all powers, duties and functions of the Council, including those delegated to other officers. Every Council has to appoint one of its officers as the Head of Paid Service. The Chief Executive is also the Council's Head of Paid Service.

Chief Finance Officer – also known as the **Section 151 Officer**, this officer has the responsibility under section 151 Local Government Act 1972 for the proper management of the Council's financial affairs and occupies the post of Director of Finance and Customer Services.

CIPFA – the Chartered Institute of Public Finance and Accountancy;

Clear Working Days –a period of one or more working days means a period comprising one or several consecutive periods of 24 hours (excluding weekends and bank holidays) beginning and ending at midnight. A clear day excludes the date of dispatch and date of the meeting.

Commissioning Officer – An officer who is requesting and / or is in need of works, goods or services that will be commissioned/procured under the Contract Procedure Rules.

Commissioning and Procurement Board – a board of Councillors and officers established to ensure a strategic commissioning approach in the Council and that procurement of goods, services and supplies achieves value for money in delivering the Council's corporate strategy and strategic priorities. The Board has detailed Terms of Reference and its activity is overseen by the Audit and Governance Committee.

Concession – Any agreement between the Council and one or more parties (which may be procured under the Concession Contracts Regulations 2016) and which may include:

- The carrying out of works for the Council, in return for the right to exploit the works that are the subject of the contract with or without payment
- The delivery of services to the Council, in return for the right to exploit the services that are the subject of the contract with or without payment.

Confidential information – information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order, or by virtue of any enactment as defined in the Access to Information Rules in **Chapter 3 Section 2** of the Constitution.

Contingencies – Sums set aside to meet either:

- the potential costs of activities expected to occur during the year over and above those costs included in Service budgets (pay and price contingency); or
- items which are difficult to predict in terms of financial impact or timing (contingency for uncertain items).

Contract – A legally enforceable agreement to supply goods, services or works for a price. A contract is normally in writing however a contractual arrangement may be entered into orally.

Contract Manager – An Officer of the Council (or in the case of a Contract where the service/goods/works are procured on behalf of another organisation an officer of that organisation) who has day to day responsibility for overseeing the delivery of the Contract requirements by the provider and recording the performance of the provider against the performance criteria set out in the Contract.

Contractor – Any person or organisation awarded a Contract. This includes any consultant appointed by the Council to advise on any project.

Corporate Leadership Team – The officer management arrangements for the Council are overseen by a Corporate Leadership Team comprising the Chief Executive, Executive Directors for Place, Adult Services, Children's Services and Corporate Services, the Monitoring Officer and Chief Finance Officer. The Executive Directors are accountable to the Chief Executive for leading the Services within their area of responsibility and ensuring that the Services are managed in accordance with the objectives, plans, policies, programmes, budgets and processes of the Council.

Corporate Procurement Unit (CPU) /Procurement – The corporate procurement unit is the department responsible for procurement activity within the Council.

Councillors – Also known as Members, Councillors are elected to represent the 52 Wards in the Council's area. They are elected every four years. They are directly accountable to citizens for the running of the Council. They have a duty to represent all constituents in their Ward and they must make decisions in the best interests of the Borough as a whole.

Council's Core Values – The Values that underpin the culture of the Council to put residents FIRST. Flexibility: adapting quickly and learning together. Innovation: being creative and challenging convention. Responsibility: delivering our promises, efficiently. Service: listening, caring and responding appropriately Teamwork: respecting and working well with others.

CPU – Corporate Procurement Unit is the unit responsible for procurement activity within the Council.

Data Protection Legislation – means all privacy laws applicable to personal data including the Data Protection Act 2018 and regulations made under it and the General Data Protection Regulation (Regulation (EU) 2016/679); together with all codes of practice and other statutory guidance issued by the Information Commissioner's Office

Deputy Leader or Deputy Leader of the Council – The position of Deputy Leader of the Council is the Council's choice rather than a legal requirement. The Deputy Leader is empowered to act in place of the **Leader**. The Deputy Leader is empowered to represent the Council on any external body, as agreed with the Leader, and to make decisions and vote on behalf of the Council at meetings of such bodies. The Deputy Leader is elected by the **full Council**.

Dynamic Purchasing System is similar to a Framework Agreement; however, the ability for providers to become party to the system and to be eligible to bid for Contracts awarded under it, remains open throughout its life.

Earmarked Reserves – These reserves represent monies set aside that can only be used for a specific use or purpose.

Electronic Tendering Portal (E-tendering Portal) – A system for the issue and receipt of electronic tenders and quotations as designated by the Executive Director (Corporate Services).

Evaluation Matrix – A document setting out the Award Criteria and weightings for a procurement process which reflect what is material to the award of a particular Contract and its importance. This document will be updated to capture scores during the evaluation of Bids.

Evaluation Panel – A group of Officers set up to undertake the evaluation of Bids. The number of Officers and relevant disciplines required will vary for each procurement.

Executive Director (or delegated representative) – The Chief Executive or any Director of the Council to whom there has been specific delegation by the Council a Committee or in writing by the Chief Executive.

Exempt information – information that is not available for disclosure to the public as defined by Schedule 12A of the 1972 Act and the Access to Information Rules in **Chapter 3 Section 2** of the Constitution;

Fiduciary Duty – a duty placed upon officers and Councillors to utilise the Council's resources wisely and balance the interests of the persons providing the Council's money and resources (such as council tax or business rate payers) against the interests of those who would benefit from expenditure or use of resources, taking into consideration appropriate risks.

Finance Leases – Most of the risks and rewards associated with ownership are transferred to the lessee (responsibility for maintenance, insurance etc. will fall to the Council).

Financial Year – The Council's accounting period covers the 12 months from April 1 to March 31.

Framework Agreement – Any agreement between one or more contracting authorities and one or more providers, that establishes defined terms governing contracts to be awarded during a given period for:

- the carrying out of works
- the purchase, leasing or hiring of goods or materials
- the delivery of services

Forward Plan – The Forward Plan is a public document which is prepared and published by the Leader of the Council, listing all **significant decisions**, as set out in **Chapter 3 Part 2**.

Full Council – Means all 82 elected Members of the Council.

Group Administrator – a Councillor approved as a Group Administrator by a political group.

Group Lead Member - A Group Lead Member is a position that is held by members of each of the political groups on the Council in relation to each Committee.

Head of Paid Service – See *Chief Executive*. The Officer who may report to Full Council on staffing requirements pursuant to Section 4 Local Government and Housing Act 1989.

Internal Control – A procedural system designed to manage risk to an acceptable level whereby different staff members perform different parts of a task, so that no one person is entirely responsible for processing a transaction from start to finish.

Invitation to Tender (ITT) – Refers to an invitation to providers to submit tenders for Contracts to provide goods, services or works valued at or above the Public Procurement Threshold.

Leader or Leader of the Council – The position of Leader of the Council is the Council's choice rather than a legal requirement. The Leader will be the political head of the Council, the focus for policy direction and community development, and the chief advocate and ambassador for the Borough. The Leader is elected by the **full Council**.

Leases – Agreements covering the hire/rental of equipment or buildings, generally for a specified period of time and at a specified rate. There are two types of leases; Finance leases and Operating Leases (see this Glossary).

Monitoring Officer –The Monitoring Officer is appointed in accordance with Section 5 of the Local Government and Housing Act 1989 and is responsible

for supporting and advising the Council in relation to the lawfulness and fairness of the decision-making of the Council, the Council's compliance with its legal responsibilities and requirements, matters relating to the conduct of elected Councillors and Local Government and Social Care Ombudsman complaints.

Officers – Officers 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.

Operating Leases – Where the risks and rewards of ownership remain with the lessor.

Option Appraisal/Business Case – This is required for all Capital schemes and all significant revenue proposals and takes the form of a Business Case Template. This will be used to assess whether the scheme is affordable and deliverable. Consequences to the Service are considered and evaluated and it will also provide a basis for monitoring and reporting progress. In the case of revenue proposals, it will also take into account the risk and impact on users.

Political balance – rules which require the Council to allocate seats on Committees in accordance with the proportion of Councillors from different political groups represented on the Council as a whole – unless no Councillor votes against, under the Local Government and Housing Act 1989 and Local Government (Committees and Political Groups) Regulations 1990/1553.

Political Group – two or more Councillors who notify the Head of Paid Service that they have formed a group

Politically Restricted Post (PoRP) – officers holding these posts cannot have any active political role and are prohibited from: standing for office as local councillors, MPs; canvassing on behalf of a political party or a person who is, or seeks to be, a candidate; and speaking to the public at large or publishing any written or artistic work that could give the impression that they are advocating support for a political party.

Procurement Manager – The manager of the CPU and his/her delegated representatives unless otherwise instructed.

Procurement Officer or Procuring Officer – An Officer of the CPU who shall undertake the appropriate procurement activities to provide the Commissioning Officer with their requirements.

Project Board – A group of senior officers, led by the Senior Responsible Owner (SRO) who are accountable for the success of a Project and represent specific business, user and supplier interests. More information on the make-up and operation of a Project Board can be found in the Project Management Handbook which is published and maintained by the Authority's Programme Management Office.

Project Gateway Process – A series of control measures put in place to ensure that all projects are instigated, approved, managed and delivered effectively. The Project Gateway process is overseen by the S151 Officer and described in detail in the Project Management Handbook.

Proper Officer – An officer designated in the Proper Officer Register in **Chapter 2 Part 5** to undertake certain functions required by law.

Provision – An amount set aside by the Authority for any liabilities of uncertain amount or timing that have been incurred. The main category is estimates of liabilities or losses already incurred but whose exact amount will be determined in the future (e.g. bad debts, obsolete stock).

Prudential Borrowing Limits – The maximum amount of borrowing that the Council can enter into at any one point in time during the year. This limit is set by Council prior to the start of the year to which it relates and cannot be breached under any circumstances.

Public Procurement Legislation – Legislation which regulates the purchasing by public sector bodies and certain utility sector bodies of contracts for goods, works or services. The law is designed to open up the public procurement market to competition and to promote the free movement of goods, services and works.

Public Procurement Threshold – The financial thresholds above which the Public Contracts Regulations apply to a proposed Contract. The Thresholds are updated every two years, with the next update being in January 2022. The Thresholds are summarised below:

	Supply, Services¹ and Design Contracts	Works 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 With the exception of subsidised works contracts specified under Article 13.

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

Revenue Account – An Account which sets out the Council's income and expenditure for the year for non-capital spending.

Revenue Expenditure – Spending on the day-to-day running expenses of the Council. It includes expenditure on employees, premises, transport and supplies and services.

Request for Quotation – An invitation to providers to submit quotations for Contracts to provide goods, services or works valued between £25,000 and the relevant Public Procurement Threshold

Ring Fencing – Certain budgets agreed by the Chief Finance Officer are "ring-fenced". This means that under-spends on these budgets will return to balances and overspends will be met centrally. This is to reflect the fact that certain items of expenditure are either demand-led or so significantly influenced by extraneous factors that they are beyond the direct control of managers. Ring-fenced budgets include planning levies, external audit fees some public health grants and election expenses.

Schemes of Delegation – Schemes of Delegation are the documents that set out, for each Service, all authorisations and approval limits as delegated by the Heads of Service to Authorised Officers within their Service. Heads of Service are responsible for maintaining up to date and accurate Schemes of Delegation. (See also: Financial Schemes of Delegation)

Schemes of Financial Delegation – Financial Schemes of Delegation are the documents that set out, for each Service, all specific financial authorisations and approval limits as delegated by the Heads of Service to Authorised Officers within their Service. Heads of Service are responsible for maintaining up to date and accurate Financial Schemes of Delegation.

Scrutiny – Scrutiny provides an opportunity for members of the Council to examine the way in which the Council provides its services, by questioning how and why decisions are made, and by making recommendations on existing and future Council policies, primarily focussed on Health and Wellbeing, Flood Risk Management and Crime and Disorder.

Section 151 Officer (Chief Finance Officer) – The financial adviser to the Council, Committees, Sub-Committees and Officers and the Authority's 'responsible financial officer' under relevant legislation who is responsible for the proper administration of the Council's financial affairs and occupies the post of Director of Finance and Customer Services.

Service Plan – A plan which outlines measurable Service aims for the year ahead, encompassing both core purpose and specific key objectives for any given year. The Plan will consider both inputs and outputs.

Significant decision – a decision which is likely to result in the Council incurring non-routine expenditure which is, or the making of non-routine savings which are, significant having regard to the Council's budget for the service or function to which the decision relates, and/or is likely to be significant in terms of its effects on communities living or working in an area comprising one or more wards or electoral divisions in the area of the

Council. For these purposes, savings and expenditure are “significant” if they are equal to or greater than £1 million, unless the context requires otherwise. For clarification, no decision previously approved by the Finance Sub-Committee, and no **treasury management** decision, shall constitute a Significant Decision.

Social Value – The duty under the Public Services (Social Value) Act 2012 to have regard before a procurement as to how what may be commissioned or procured will improve the economic, social and environmental wellbeing of the area.

Sub-Committee – a body of Councillors who may be drawn from the parent Committee and wider Council membership and may also include non-councillors as co-optees that will report on its work to the parent Committee and may make recommendations for action. Advisory Sub-Committees may allow co-optees to vote, but rules under the Local Government and Housing Act 1989 generally prevent co-optees from voting. Advice on the status and voting rights of Sub-Committee members can be provided by the Monitoring Officer or the Head of Democratic Services and Governance.

Supplementary Estimate – An approved increase to a Service revenue or capital budget during the financial year, funded centrally from reserves, contingencies or external funding sources such as grants or partner contributions, developer contributions, receipts or government grant.

Statutory Officers – Means the Head of Paid Service, the Monitoring Officer the Chief Finance Officer, the Director of Adult Services, Director of Children’s Services and the Director of Public Health.

Treasury Management – Treasury management functions are those functions carried out in accordance with the approved Treasury Management Strategy. The Chief Finance Officer is responsible for the **Treasury Management Strategy**.

Third Party Fund(s) – Funds provided by outside bodies or individuals in support of Council activities, establishments or clients, 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. Can sometimes be known as trust funds.

Virement – A transfer of amounts from one budget heading to another within, or between, Heads of Service or changes to Capital budgets funded from within the existing Capital programme.

Verifying Officer – an Officer who will confirm that the Form of Tender is signed and that terms and conditions are agreed by all providers. They may be an Officer of the CPU or Legal Services.

Note that:

- Copies of Acts, Orders and Regulations are available at: [legislation.gov.uk](https://www.legislation.gov.uk)

- Note that any reference in this Constitution to legislation that is repealed and re-enacted is to the subsequent legislation that replaced it (in accordance with section 17 Interpretation Act 1978).

Chapter 7

List of Associated Documents

This Constitution contains references to a number of documents that are not reproduced in full within it, but which can be accessed electronically from it via hyperlinks to the necessary content.

These hyperlinked documents are listed below, together with their status and ownership:

Document	Owned by	Page
Local Ward Member Protocol	Corporate Policy Committee	Chapter 3 Page 38
Role of Chairs	Corporate Policy Committee	Chapter 1 Page 8
Whistleblowing Policy	Audit and Governance Committee	Chapter 4 Page 49
Public Speaking and Questions	Corporate Policy Committee	Chapter 3 Page 30
Protocol on Public Speaking Rights at Strategic Planning Board and Planning Committees	Strategic Planning Board	Chapter 3 Page 21
Mayoralty Code of Practice	Corporate Policy Committee	Chapter 1 Page 9
Joint Scrutiny Protocol	Corporate Policy Committee	Chapter 3 Page 23
Role of Leader and Deputy Leader	Corporate Policy Committee	
Petition Scheme	Corporate Policy Committee	Chapter 3 Page 29
Referral of Decisions to Full Council Procedure	Corporate Policy Committee	Chapter 3 Page 27

Group Administrator Responsibilities	Corporate Policy Committee	Chapter 2 Part 4 Chapter 3 Part 1 Chapter 4
Public Questions at Full Council	Corporate Policy Committee	Chapter 3 Page 7

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Amendments to Chapter 7 of the Councils Constitution**Documents to be added to the supporting material****1. referral to Council process**

- When a decision-referral request is made, in respect of a decision made by a service committee, the first and second named Members requesting the referral will be regarded as the lead Member, and seconder.
- As required by the Procedure Rules, the support of an additional seven Members will be needed, within the five working day period following publication of the relevant minute, to formally trigger the decision-referral process.
- Upon receipt of the decision-referral request, the Monitoring Officer will consider the request and determine whether it meets the criteria set out in the Constitution. Having done so, the Monitoring Officer will communicate his determination to those Members who have requested/supported the decision-referral.
- If the Monitoring Officer determines that an informal decision-referral meeting should be held in order to establish whether alternative options might be available which would remove the need for a referral of the matter to Council, such a meeting will normally take place within five working days.
- Where it is determined that the decision-referral process is no longer to be pursued, this will be confirmed to the Monitoring Officer by the lead decision-referral Member, and the seconder.
- Where a decision is to stand referred to Council, a full report upon the matter will be submitted to Council, together with the report to the originating Committee, and the minuted decision of the Committee. The lead Member and seconder must stipulate what decision they seek from Council, as an alternative to that which the Committee made.
- At full council the relevant committee chair will speak to the decision and explain the committee's decision. The lead decision referral member will speak as to the reasons for referral and thereafter the normal rules of debate will apply.
- At the conclusion of the debate there will be a single majority vote on whether full council wishes to adopt the proposal made by the lead decision review member. If the proposal is agreed at council, the original committee decision stands.

2. Group Administrator Responsibilities

1. Group Administrator – A Member approved as a Group Administrator by a political group.

2. Chapter 2 – Part 4- Functions of Committees

Paragraph 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/ Group Administrator notification to the Head of Democratic Services and Governance).

3. Chapter 2 – Part 4- Functions of Committees

Investigation and Disciplinary Committee (IDC) Functions

Paragraph 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/ Group Administrator notification to the Head of Democratic Services and Governance). 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

4. Chapter 3 – Part 1: Section 1

Paragraph 1.70

The Chairs and Vice-Chairs of the Council's committees and sub-committees shall be appointed 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 Administrators 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.

Paragraph 1.72

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

5. Chapter 3 Part 1: Section 2 Paragraph 3.12.

The Group Administrator Party Whip

It is generally accepted that the Group Administrator 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 Group Administrator party whip, the Councillor must declare the existence of the Whip this, 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.

6. Chapter 4 - Paragraph 17

Where an Officer feels that s/he has not been properly treated with respect and courtesy by a Councillor, s/he should raise the matter with his/her Head of Service, Director, Executive Director or the Chief Executive as appropriate, especially if they do not feel able to discuss it directly with the Councillor concerned. In these circumstances the Head of Service, Director, Executive Director or Chief Executive will take appropriate action either by approaching the individual Councillor and/or Group Administrator/ group leader or by referring the matter to the Monitoring Officer.

3. Public Questions at Council meeting**Introduction**

Cheshire East Council is strongly committed to the principles of democracy. The Council encourages the participation of its residents, businesses, and other stakeholders in the democratic process. Its Constitution, and its Procedure Rules, make provision for members of the public to address Full Council meetings, by asking questions, which will either be answered at the meeting, or in writing thereafter, where relevant information is not available on the day.

The Constitution contains certain principles which relate to the right of members of the public to ask questions. The purpose of this Guidance Note is to assist members of the public in understanding these principles in order for them to make best use of the public speaking facility.

The Council's Procedure Rules are summarised below and are fully reproduced in the Appendix to this Guidance Note.

Procedure Rules: a summary

Council Procedure Rules 1.19-1.29 are set out in full below. They deal with the subject of Councillor questions at Council meetings, and also questions from members of the public. This Guidance Note focusses only upon questions from members of the public.

Key elements of the rules which apply to public speakers are:

1. 1.21: 2 minutes is allowed for each member of the public to ask their question.
2. 1.24: questions must be brief, clear, and focussed.
3. 1.25: Questions must relate to Council functions. The Monitoring Officer may disallow questions if they are: inappropriate, frivolous, derogatory, offensive, vexatious, otherwise improper, or potentially defamatory.
4. 1.29: Questions must be submitted 3 clear working days before the meeting of Council.

Essentially, questions which offend public decency, or the equality framework, are disallowed. Questions or speeches are not excluded by the Council, simply because they might put forward “fringe” or unusual points of view, or because they challenge a policy or view held by the Council.

But the Council is also committed to the need for respectful and appropriate behaviour, not only by its own Members and officers, but also by members of the public.

The opportunity to speak at Full Council, not only enables a member of the public to address the Council's 82 Members, but proceedings are also “live-streamed” to the public. The Council therefore sees it as most important for the proceedings of its meetings to reflect the principles referred to above.

How a member of the public can get the best out of the Council's public question facility

Whilst the Rules stipulate that questions must be submitted 3 clear working days before the Council meeting, members of the public are asked to give the Council as much notice as possible of questions they propose to ask. The Council's aim is to be able to answer questions in as much detail as possible at the Council meeting. By providing as much notice of questions as possible, there is more likelihood of a full answer being given at the meeting, rather than this being followed-up in writing.

Questions should be submitted to:

Katie.small@cheshireeast.gov.uk

Brian.reed@cheshireeast.gov.uk

A brief, well-crafted question will always be more effective in securing a clear response, than one which is lengthy and which lacks focus. This is why the Rules state that questions must be “brief, clear and focussed”.

In order to be fair to all members of the public who wish to ask a question, there is a 2-minute time limit for each member of the public to do so. A brief, clear and focussed question will ensure that the time allowed is used most-effectively, with a view to securing an informed response.

Questions must relate to those things, in respect of which the Council has powers, duties or responsibilities. Whilst it is acknowledged that members of the public sometimes have concerns about national issues, or even issues of international importance, these are most often not issues which the Council can influence. Council meetings are not the right forum for such questions to be asked.

In order to be fair to all members of the public wishing to ask a question, where a member of the public wishes to ask more than one question, it will be helpful for them to indicate which question is most important to them. In this way, if the Mayor needs to prioritise questions due to the number of people wishing to participate, he/she will be able to select the question of most importance to the questioner.

The Rules (Rule 1.25) indicate the types of question which are not appropriate for Council meetings. Council has given the Monitoring Officer, the power to disallow such questions. Early submission of questions will provide opportunity for officers to discuss any concerns which the Monitoring Officer may have and will enable officers to agree with members of the public how such questions might be amended, so as to ensure that they fall within the Rules.

Public question time at Council meetings is a facility for questions to be posed, and for answers to be provided. It is not a facility for debate, although the Mayor may allow a concise and focussed supplementary question to be asked. Members of the public are therefore asked to respect this provision of the Rules.

Appendix

What the Procedural Rules say in full

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 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.

1.22 Those Councillors submitting more than one question in writing may indicate the priority of importance of each question.

1.23 Questions in writing will not be read out at Council meetings.

1.24 All Questions will be brief, clear and focussed.

1.25 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.

1.26 Questions will be asked and answered without discussion. In replying, the Councillor responding will use all reasonable endeavours to address the matters raised in the question. The Councillor responding may: decline to answer any question; or may reply direct; reply by reference to a publication; or reply by written answer 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.

1.27 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.

1.28 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.

1.29 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 1.22 – 1.28 above will also apply to public question time

COUNCIL MEETING – 27 APRIL 2022**RECOMMENDATION FROM CORPORATE POLICY COMMITTEE:
PROGRESS ON GOVERNANCE FOR THE INTEGRATED CARE SYSTEM****RECOMMENDATION****That Council**

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

Extract from the Minutes of the Corporate Policy Committee meeting on 14th April 2022

95 **PROGRESS ON GOVERNANCE FOR THE INTEGRATED CARE SYSTEM**

The Committee considered a report on progress with the governance for the Integrated Care System. The purpose of the report was for members to note the progress on the proposed changes to the governance arrangements for local Health and Care services in scope of future Place arrangements, and to agree the governance for the S75 Agreement.

Members made the following comments in relation to this matter:

- It was hoped that the proposed S75 Committee would fully represent the interests of the residents of Cheshire East.
- A report should come forward to a future meeting of the appropriate committee on the nature of S75 Agreements in general.
- Efforts should be made to ensure that the Scrutiny Committee was outward facing and fully engaged with the Council's health care partners.
- It was hoped that this latest reorganisation would achieve more joined up and effective delivery of services to the benefit of patients.

RESOLVED

That the Committee

1. notes the progress to date;
2. recommends that the Council establish, with NHS Cheshire Clinical Commissioning Group, a Committee under Section 75 of the Health and Care Act 2006 from 1st April 2022, as set out at Section 13 of the report, to oversee and manage the Section 75 Better Care Fund Agreement and plan;
3. recommends that the Council delegate authority to the Executive Director (Adults, Health & Integration) in consultation with the Director of Governance to agree and finalise the Terms of Reference of the Section 75 Committee;
4. requests the Council to appoint the Executive Director - Adults, Health & Integration (or her nominated representative) to the S75 Committee; and
5. recommends that the Council delegate authority to making any consequential amendments to the constitution to the Director of Governance and Compliance.



Working for a brighter future together

Corporate Policy Committee

Date of Meeting:	14 April 2022
Report Title:	Progress on Governance for the Integrated Care System
Report of:	Helen Charlesworth-May Executive Director Adults, Health & Integration
Report Reference No:	CP/67/21-22
Ward(s) Affected:	All

1. Purpose of Report

- 1.1 The purpose of this report is for members to note the progress on the proposed changes to the governance arrangements for local Health and Care services in scope of future Place arrangements, and to agree the governance for the S75 Agreement. Section 75 Agreements have already been used in Cheshire East for the Better Care Fund and the report approved by the Adults & Health Committee on 28 March entitled 'Better Care Fund S75 Agreement' should be noted.
- 1.2 The new arrangements are scheduled to be in place for July 2022, subject to the Health and Care Bill passing into legislation. However, we would like to have a 'shadow' arrangement in place as soon as possible, to help all partners transition to the new way of working.

2. Executive Summary

- 2.1 The latest government reforms of the NHS involve introducing Integrated Care Systems (ICS) across the country. The geographical footprint of the local ICS covers 9 local authorities in Cheshire & Merseyside. Each of these 9 'places' will have a 'Place Partnership Board'.
- 2.2 Discussions across the Cheshire & Merseyside area are ongoing and have been very positive. There is a shared approach to tackle the wider

determinants of health and to allocate resources at a 'place' level wherever possible. Within Cheshire East it is proposed to use the mechanism of a Section 75 Agreement to share resources and decision making between the local authority and the NHS.

- 2.3 Adults & Health Committee will be asked to agree to the formation of the Cheshire East Place Partnership Board (*working title only*) at its meeting in May, together with an associated memorandum of understanding and terms of reference.
- 2.4 A Section 75 Committee comprising the Executive Director of Adults, Health & Integration and a representative from the NHS Cheshire CCG is proposed, to formally oversee the S75 Agreement, with guidance provided in due course from the Cheshire East Place Partnership Board. All decision making will comply the Council's Scheme of Delegation, and any decisions outside of this will go through usual governance procedures.

3. Recommendations

The Committee is asked to:

- i. Note the progress to date.
- ii. Recommend that the Council establish, with NHS Cheshire Clinical Commissioning Group, a Committee under Section 75 of the Health and Care Act 2006 from 1st April 2022, as set out at Section 13, to oversee and manage the Section 75 Better Care Fund Agreement and plan.
- iii. Recommend that the Council delegate authority to the Executive Director (Adults, Health & Integration) in consultation with the Director of Governance to agree and finalise the Terms of Reference of the Section 75 Committee.
- iv. Request the Council to appoint the Executive Director - Adults, Health & Integration (or her nominated representative) to the S75 Committee.
- v. Recommend that the Council delegate authority to making any consequential amendments to the constitution to the Director of Governance.

4. Reasons for Recommendations

- 4.1 On 11 February 2021, the Department of Health and Social Care published the White Paper 'Integration and innovation: working together to improve health and social care for all', which sets out legislative proposals for a health

and care Bill'. Unlike previous reforms, the legislation aims to avoid a one-size-fits-all approach and leaves many decisions to local systems and leaders.

- 4.2 This will be enabled through the abolition of NHS Clinical Commissioning Groups and the creation of Integrated Care Systems (ICS), with finances coming centrally to the Integrated Care Board (ICB) for each area. It is then for the ICB to agree how much funding it will delegate to the local level i.e., the 'Place'.
- 4.3 The Cheshire and Merseyside ICS is made up of nine "places" – with partnerships formed between local authorities, health providers, the Integrated Care Board (ICB), voluntary, community, faith, and social enterprise (VCFSE) sector and Healthwatch, to deliver integration of health and social care at a local level. Over time, this will enable the commissioning and delivery of localised services through common plans, shared, aligned, pooled or joint budgets, and a "one team" culture and ethos. The Cheshire East 'Place' is based on the footprint of the local authority.

5. Other Options Considered

- 5.1 Other options have not been considered, as the Partnership Board will be necessary once the legislation is enacted. It will be the mechanism for integrating health across Cheshire East, for all partners.
- 5.2 Similarly, a S75 Committee is the only legal mechanism currently available to allow for joint decision-making on the S75 Better Care Fund Agreement.

6. Background

- 6.1 Integrating health and care services for the benefit of our residents is a clear priority within the Cheshire East Place Partnership Plan 2019-24. All partners signed up to the Plan, which sets out our aspirations to respond to the pressures facing health and care services and the opportunities provided by the establishment of integrated care systems.
- 6.2 Our plan sets out that we will work together to improve the health and wellbeing of local communities, enabling people to live longer and healthier lives. We will do this by creating and delivering safe, integrated, and sustainable services that meet people's needs through the best use of all the assets and resources we have available to us. The proposed legislative changes provide an opportunity to move this forward and support improved outcomes for the Cheshire East population.
- 6.3 This integration is further supported by the white paper (February 2022): 'Health and social care integration: joining up care for people, places and

populations' which provides the following examples of integration supporting improved outcomes which align with our ambitions:

'Closer working between primary and secondary care will improve access to specialist support and advice and enable care to be delivered closer to home, managing risk more effectively and keeping people healthy and independent. And closer working between mental health and social care services can reduce crisis admissions and improve the quality of life for those living with mental illness.'

7. New Governance arrangements for Health and Care Services at Place in Cheshire East

- 7.1 Cheshire East has established a Place Executive Group, led by the Council's Chief Executive, with senior membership from the CCG, local NHS and VCFSE sector. Membership of the Place Executive Group is set out at Appendix One. This Group is looking to establish the arrangements, including a proposed governance arrangement for the new Integrated Care System at 'Place'. The Place Executive Group's recommendation is that a Place Partnership Board (*working title*) should oversee the Place arrangements. This will need to be endorsed by all partners, and the C&M Integrated Care Board. The Partnership Board will support the delivery of the priorities within the Cheshire East Place Plan and local and system strategies. The Partnership Board will also be instrumental in delivering on the vision of the Cheshire East Place Plan: *'to enable people to live well for longer; to live independently and to enjoy the place where they live'*
- 7.2 The emerging scope and functions of the Partnership Board are still to be determined, as further clarifications have been requested from the C&M Integrated Care Board. It is likely that the scope and functions will change over time, as the Partnership Board becomes more established.
- 7.4 All existing governance which supports decision-making and partnership working on health and social care will continue until new arrangements are agreed to take over their functions. Further work is ongoing to map out these functions to ensure that duplication is avoided, and that lines of accountability are clear in the future structure.
- 7.5 Appendix Two shows how it is envisaged that the Partnership Board will sit within the broader Cheshire East Place governance. This includes the relationship with the Health & Wellbeing Board (HWBB) and the Scrutiny Committee. The HWBB will sit above the Partnership Board in terms of responsibility for strategy setting (through the Place Plan) and broader focus, including the Joint Health and Wellbeing Strategy. The Partnership Board and C&M ICB will also be accountable to the Scrutiny Committee in respect of any substantial variations or developments for health services.
- 7.6 All nine local authorities across C&M already have a joint Scrutiny protocol which allows them to work together to collaboratively scrutinise significant

health decisions on an ad-hoc basis, when necessary. There is a current proposal that this is formalised into a two monthly meeting cycle, with dedicated support at a cost of £10k per local authority for the initial 18 months. A joint scrutiny committee must be politically balanced across the wider C&M area i.e. across the nine local authorities, which means each authority would have two seats on the Joint Scrutiny Committee. The Council's Scrutiny Committee has indicated informally that it would wish to be a part of a formalised Joint Scrutiny Committee across the C&M ICB footprint. This proposal will be further developed for agreement in a future report.

8. Partnership Principles

8.1 As part of the initial design principles for the governance structure, the Place Executive group has agreed the following: -

- Equity of voice, even if there is not equality of accountability
- No bureaucracy or jargon in our structures for the sake of it
- We will recognise our conflicts of interest but will work together for the good of the Partnership
- Insight & intelligence from our communities and through our VCFSE sector will form part of our decision making at all levels
- Structures will be designed to support our key priorities

8.2 The design of the structure is intended to follow these principles, with all partners having the ability to take part in the discussion and debate, even if legally they are not the ultimate decision maker (for example, on the S75 Agreement).

9. Progress to Date

9.1 Further work is needed to finalise the terms of the Memorandum of Understanding (MoU) between the partners comprising the Partnership Board, and to agree Terms of Reference (ToR). The following areas are under development and need to be agreed by the Place Executive Group prior to being recommended to all partners at their meetings in May 2022: -

- A set of principles and behaviours which all partners agree, as part of their role at the Partnership Board.
- A mechanism for dispute resolution.
- An agreement on the position on how decisions are undertaken.

9.2 Once the above areas are agreed, then all partners will request authority and/or support from their respective organisations to enter into a Memorandum of Understanding for the Partnership Board, and to sign off the Terms of Reference. It is intended that the Adults & Health Committee will be asked to agree this at its meeting in May 2022.

- 9.3 Details of the membership and composition of the Partnership Board will be provided once this has been developed by the Governance workstream and agreed by the Place Executive Group. This is also intended to be within the May 2022 report.
- 9.4 A new 'Place Director' has been appointed by the C&M Integrated Care Board, with representation from the Council on the interview panel. The Place Director does not formally take up his role until 1st July, but we anticipate that he will want to input into the governance arrangements prior to them being finalised.

10. Streamlining Governance

- 10.1 There are a number of current external bodies which already exist and which have overlapping or similar scopes/remit in relation to health and care services, transformation and operational delivery. As part of the work to develop the Partnership Board, the scope/remit and membership of these bodies are being looked at to see where streamlining can occur and/or where these bodies may need to feature in any future governance arrangements at Place, where scope/areas are not covered by the responsibility of the Partnership Board.

11. Summary of the Proposal to establish the Partnership Board

- 11.1 The Place Partnership Board, CCG/ICB Committee and Section 75 Committee will operate as a committee or meeting 'in common', underpinned by terms of reference and a memorandum of understanding between all partners. This means that all partners will meet at the same time and undertake business as one meeting.
- 11.2 The proposal is that the current CCG Place Committee (which may become the ICB Place Committee) will also form part of the Place Partnership Board, as this will allow for greater input into decision making for the Place, in line with the spirit of the legislation. This is however a decision for the C&M ICB, as they could also choose to give delegated authority to the new Place Director rather than a committee, and the Place Executive Group will be seeking clarity on this from the C&M ICB over the next few weeks.

12. Transitional Phase

- 12.1 It is proposed that, prior to the establishment of the Cheshire & Merseyside Integrated Care Board (C&M ICB) on 1 July 2022 (subject to legislation) the Partnership Board will operate from the 1 June 2022 and will be constituted of a collaborative forum of partners, the CCG Place Committee, and a S75 Joint Committee, as shown in figure 1 below. As well as sign off from the partners, this proposal will also have to be agreed by the C&M ICB. Appendix Two shows the relationship between the partners and other bodies, with the Partnership Board as shown in figure 1 below.

- 12.2 Figure 1 shows the proposed arrangement for the Partnership Board, which has received initial support from the Cheshire and Merseyside Integrated Care Board. All three parts in the figure will sit together as a 'committee in common' and will collectively make up the Partnership Board.



Figure 1 – Proposed governance arrangement.

- 12.3 The Partnership Board, as a collaborative forum, will have its own terms of reference and the scope will be developed and driven by the partners. The work programme will relate to strategic policy planning and delivery matters in relation to Adult Social Care, Public Health and NHS Services. Decision-making will be enacted by individual delegations which each organisation has given to its representatives on the Partnership Board, and decisions made on behalf of the Council will comply with the Council's Scheme of Delegation or will have specific authority.
- 12.4 The Section 75 Committee will also have terms of reference and an underpinning s75 Partnership Agreement. This Committee will have oversight of the Better Care Fund and its future development and will receive quarterly reports from the BCF Governance Group. (Please refer to the Report to the Adults & Health Committee 28th March 2022, entitled *Better Care Fund S75 Agreement* for further detail on the BCF).
- 12.5 From the 1 July 2022, or the date on which the legislation is enacted, it is proposed that the Partnership Board will continue to be composed of a Collaborative Forum and a S75 Joint Committee, and an ICB Place Committee (as a replacement for the CCG Place Committee).

13. Terms of Reference for S75 Committee

- 13.1 To enable joint decision making on the s75 Agreement, we are proposing a formal committee with terms of reference.

- 13.2 Once the Partnership Board is in place, then its members can input into the decision-making discussions on matters to be considered by the Section 75 Committee and their views will be considered in accordance with the principles of equality of voice and aiming for a consensus, although legally the decisions can only be taken by the CCG/Council, as they are the contractual parties. Once the ICB is in place, the S75 agreement will automatically transfer (novate) to the ICB and they will step into the place of the CCG.
- 13.3 The Section 75 Committee will provide a visible joint focal point to oversee:
- The delivery of the Better Care Fund Plan, and any in year amendments to the plan resulting from national or regional policy
 - Receive quarterly reports on performance and financial plans in relation to the Better Care Fund Plan
 - Developing proposals for establishing a formal pooled budget arrangement by 2023. This will include extending the planning timeframe for the BCF Plan, developing proposals for hosting, risk share, and developing appropriate schemes of delegation for approval by the Council and C&M ICB. These decisions will go through appropriate Council approval mechanisms.

14. Legal Implications

- 14.1 Many areas already have long established arrangements that enable decisions on key priorities to be made together in an agreed local collaborative forum. Decisions undertaken at these collaborative forums are possible due to the authority delegated to the relevant representative at that forum by their respective organisation and not by the forum itself. For the proposed transitional phase, until legislation permits otherwise, this continues, in general, to be the case. There are limited circumstances in which joint decision-making arrangements can be used, although this will change once the Health & Care Bill is enacted.
- 14.2 Under the current legislation, there are limited circumstances in which health partners can form joint committees and this is recognised as a weakness of the current system. For the purposes of the proposed arrangements, the relevant joint committee powers are under Section 75 of the National Health Service Act 2006 and NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000. There is only power for a local authority to form a joint committee with the NHS where there is an agreement under Section 75 of the National Health Service Act 2006.
- 14.3 As there are currently legislative constraints on the ability of partners to make decisions jointly (other than under S75 arrangements), there will need to be careful consideration of decision making to ensure that the correct delegations

are in place, the work programme for the Partnership Board is appropriate, and that the correct body/decision maker is taking the decision.

15. Financial Implications

- 15.1 There may be financial implications as a result of decisions to be made in the future by the Place Partnership Board, or under the S75 Agreement, and these will be brought back to members through our existing governance arrangements. Any decisions made on behalf of the Council will have to be in accordance with the Council's existing budget and policy framework.
- 15.2 There are no direct financial implications as a result of the new governance arrangements, although they will require administration and support. This is assumed to be provided by one of the Partner organisations, although the host and funding model is to be confirmed. Attendance and participation is within existing resources.

16. Policy Implications

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

17. Equality

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

18. Human Resources

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

19. Risk Management

- 19.1 There is a risk that not all partners agree to the proposed governance arrangements as set out in this report. However, this is considered very low risk as senior officers from all partners have been working together as the Place Executive Group, to collaboratively develop the integrated partnership arrangements. All appropriate governance structures within each partner organisation will be consulted in the same timeframe to ensure all organisations agree the current proposals.

- 19.2 It is to be hoped that partners can reach a consensus over decision making. However, in the event that a dispute arises between the partners, then this will need to be dealt with through a dispute resolution mechanism built into the Memorandum of Understanding. We are currently looking to agree this with all partners for approval by the Place Executive Group, and this will form part of the report for agreement by Adults & Health Committee.

20. Rural Communities

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

21. Children and Young People/Cared for Children

There are no direct implications for Children and Young People/Cared for Children as a result of this report, as the Place Partnership Board's responsibility is to deliver the agreed objectives and priorities in the Cheshire East Place Plan, including those agreed for children and young people.

22. Public Health

A key purpose of the Integrated Care System is to ensure that all areas consider the wider determinants of health and health inequalities and tackling these is key part of the Health & Care Bill, which the Partnership Board will need to consider.

23. Climate Change

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

Access to Information	
Contact Officer:	Deborah Upton, Legal Services Deborah.upton@cheshireeast.gov.uk
Appendices:	App.1 - Membership of the Place Executive Group App.2 - Proposed Governance
Background Papers:	Health & Care Bill 2020 Report to Adults & Health Committee on 28 March 2022 entitled ' <i>Better Care Fund S75 Agreement</i> '

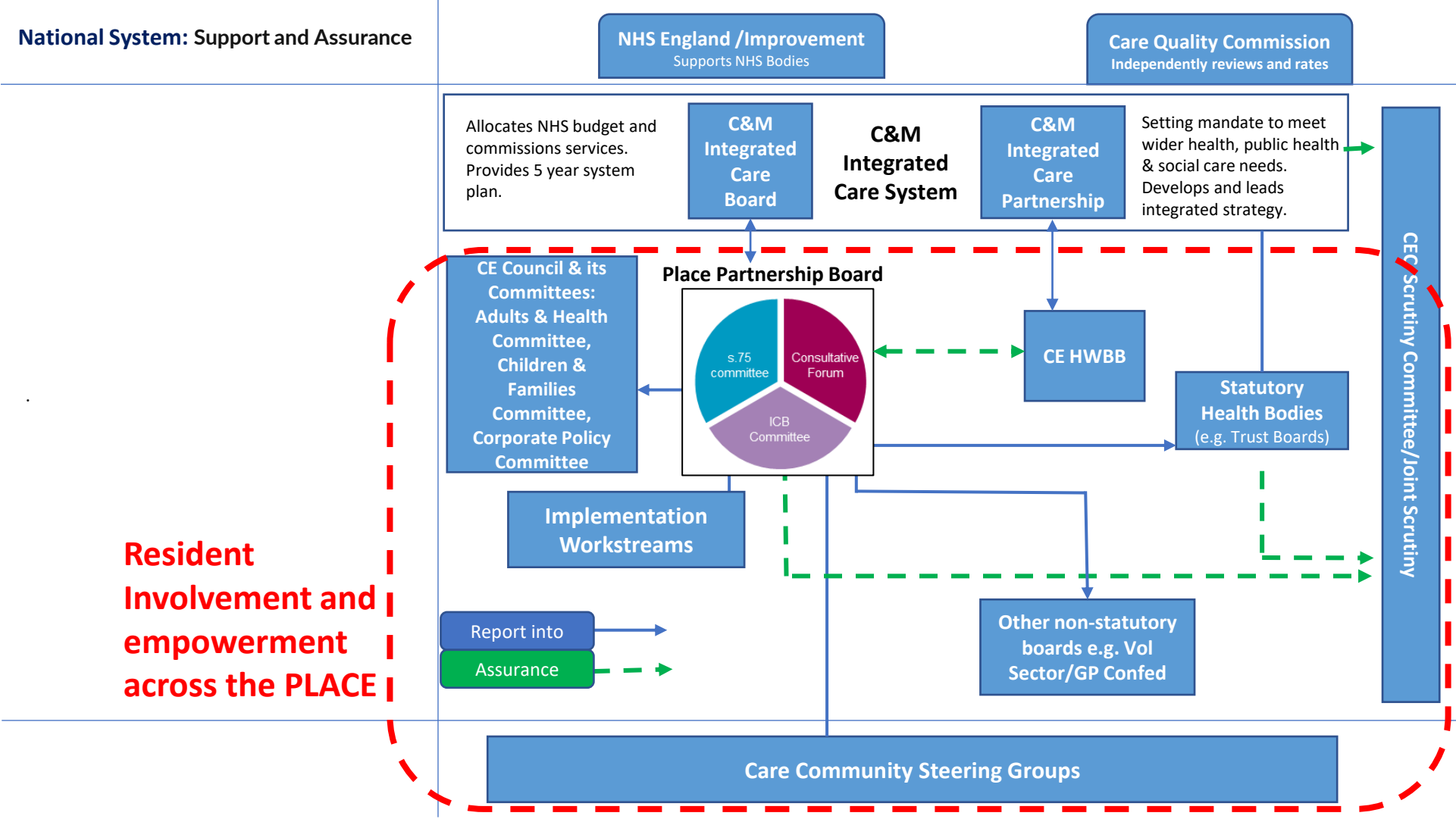
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Appendix 1 – Membership of the Place Executive Group

Name	Role / Designation	Organisation
Dr David Holden	Clinical Lead	Cheshire East Integrated Care Partnership
Dr Patrick Kearns	Clinical Lead	Cheshire East Integrated Care Partnership
Dr Lorraine O'Donnell	Chief Executive	Cheshire East Council
Dr Anushta Sivananthan	Medical Director	Cheshire and Wirral Partnership NHS Foundation Trust
Sheena Cumiskey	Chief Executive	Cheshire and Wirral Partnership NHS Foundation Trust
James Sumner	Chief Executive	Mid Cheshire Hospitals NHS Foundation Trust
Clare Watson	Accountable Officer	NHS Cheshire Clinical Commissioning Group
Ged Murphy	Acting Chief Executive	East Cheshire Hospital NHS Trust
Dr Andrew Wilson	Clinical Chair	NHS Cheshire Clinical Commissioning Group
Helen Charlesworth-May	Executive Director – Adults, Health and Integration	Cheshire East Council
Chris Hart	Director	Social Action Partnership
Louise Barry	Chief Officer	Healthwatch
Denise Frodsham	Managing Director	Cheshire East Integrated Care Partnership

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Appendix Two - Proposed Integrated Care System governance



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COUNCIL MEETING – 27 APRIL 2022**RECOMMENDATION FROM AUDIT AND GOVERNANCE COMMITTEE:
APPOINTMENTS****RECOMMENDATION****That Council**

- 1 appoint Mr Ron Jones as an independent member to the Audit and Governance Committee for a period of 4 years; and**
 - 2 appoint Ms Margaret Rathbone and Ms Margaret Smith to serve as Independent Persons under the Localism Act 2011 for a period of 4 years.**
-

Extract from the Minutes of the Audit and Governance Committee meeting on 10 March 2022.

74 Appointments

The Interim Head of Legal introduced the report to the Committee, which provided an update on the appointment of co-opted independent members to the Audit and Governance Committee, and a briefing on the appointments process for the Council's Independent Persons.

Currently one co-opted person had been recommended for approval from a panel that consisted of Members from the Committee and two Independent Persons had been recommended for approval via for approval by officers who had undertaken a recruitment and assessment process.

The Committee noted there was still one position open for the remaining co-opted Independent Member and asked that this vacancy by advertised as soon as possible.

RESOLVED: That:

- a) the report be received and noted;
- b) the co-option of the first Independent Member to the Committee (identified within the report) for a period of 4 years; and the appointment of two Independent Persons (identified within the report) under the Localism Act 2011, for a period of 4 years be recommended to full Council; and
- c) the remaining co-opted independent member vacancy for the Audit and Governance Committee be readvertised using the same process and member panel to shortlist and interview and any recommendations be considered by this Committee before any endorsement to full Council.

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Working for a brighter future together

Audit and Governance Committee

Date of Meeting:	10 th March 2022
Report Title:	Appointments Update: Co-Opted Independent Member and Independent Persons (Standards)
Report of:	David Brown
Report Reference No:	To be provided by Democratic Services
Ward(s) Affected:	All

1. Purpose of Report

- 1.1. This report provides an update to the Committee on the appointment of co-opted independent members to the Audit and Governance Committee, and a recommendation from the appointments panel.
- 1.2. The report also provides the Committee with a briefing on the appointments process for the Council's Independent Persons.

2. Executive Summary

- 2.1. The Audit and Governance Committee carries out an important oversight and assurance role that requires its members to be apolitical and objective. To bolster and support this role, the Committee's membership includes two independent non-elected individuals co-opted to the Committee.
- 2.2. The Committee's remit also extends to assuring the Council that its standards and councillor conduct arrangements are effective. This particular aspect is supported by the appointment of at least one further Independent Person to work alongside the Monitoring Officer and Hearing Sub-Committees.
- 2.3. This report seeks the endorsement of the Committee to the appointment of the first co-opted member to the Committee, and the further appointment of two Independent Persons.

3. Recommendations

3.1. That the Committee –

- a) Note the content of the report; and
- b) Recommend to full Council –
 - the co-option of the first Independent Member to the Committee (identified within the report) for a period of 4 years;
 - the appointment of two Independent Persons (identified within the report) under the Localism Act 2011, for a period of 4 years.
- c) Agree to the re-advertising of the remaining co-opted independent member vacancy for the Audit and Governance Committee, using the same process and member panel to shortlist and interview, before making a recommendation to the Committee to endorse to Council.

4. Reasons for Recommendations

- 4.1.** These recommendations support the completion of the Committee's membership which includes co-opted independent members and ensure the Committee's remit in relation to standards and councillor conduct arrangements are effective.

5. Other Options Considered

- 5.1.** Failure to appoint co-opted independent member(s) to the Committee means that the Committee's membership, as set out in the Committee's Terms of Reference is not achieved.
- 5.2.** Failure to have sufficient Independent Persons appointed to support the work of the Monitoring Officer and Hearing Sub-Committee will further challenge the effectiveness of standards and councillor conduct arrangements.

6. Background

Independent co-opted members:

- 6.1.** The terms of reference for the Audit and Governance Committee include provision for the appointment of two co-opted independent members to the Committee. These independent members are drawn from external applicants who demonstrably have no link with either council officers or councillors and have a range of skills that would support the work of the Committee.
- 6.2.** In May 2021 the Committee agreed an approach to the recruitment of co-opted independent members using a panel of Committee members to support the process and recommend successful candidates for these roles to Council for a term of 4 years. Once appointed, the co-opted members will

attend Committee and may vote on advisory matters (pursuant to a Council resolution on 22 October 2016).

- 6.3.** The recruitment/advertising period needed to be extended further than had originally been anticipated for. After shortlisting, one candidate was interviewed by the member panel. This report seeks the Committee's endorsement of the full Council appointment of the recommended candidate, Mr Ron Jones to the role of co-opted member.
- 6.4.** The remaining vacancy can be advertised again. It is suggested that the same approach to recruitment and selection is used.

Independent Persons:

- 6.5.** The Localism Act 2011 requires the Council to have in place arrangements for investigating and deciding on allegations of councillor misconduct. These arrangements must include provision for the appointment of at least one Independent Person.
- 6.6.** An Independent Person will work closely with the Monitoring Officer and Hearings Sub-Committees as necessary, providing independent advice and guidance to ensure the correct and fair operation of the Council's adopted councillor conduct processes.
- 6.7.** It is considered prudent, and is usual practice, for a council to appoint more than one Independent Person. This is a reflection of the amount of work the role entails, particularly in larger councils and those with responsibility for parish and town councils. It also helps to address any conflicts that may arise in relation to a particular case requiring input.
- 6.8.** As with co-opted members, Independent Persons are drawn from external applicants who demonstrably have no link with either council officers or councillors and have a range of skills that would support the work of the Committee. In order to maintain a clear distance between elected members, who may at some point be involved with the work of the Independent Person, a technical assessment of applicants is undertaken by the Monitoring Officer. The Monitoring Officer will then recommend candidates for Committee endorsement, and subsequent appointment by full Council.
- 6.9.** This report seeks the Committee's endorsement of the full Council appointment of Ms Margaret Rathbone and Ms Margaret Smith, to the role of Independent Person.

7. Implications

7.1. Legal

7.1.1. Full Council must approve all non-elected appointments to Committee.

7.1.2. The Localism Act 2011 requires full Council appointment of at least one Independent Person.

7.2. Finance

7.2.1. The roles outlined in this report do not receive remuneration, only reimbursement of out-of-pocket expenses.

7.3. Policy

7.3.1. There are no direct policy implications arising from this report.

7.4. Equality

7.4.1. There are no direct equality implications arising from this report.

7.5. Human Resources

7.5.1. There are no direct human resources implications arising from this report.

7.6. Risk Management

7.6.1. There are no direct risk management implications arising from this report.

7.7. Rural Communities

7.7.1. There are no direct implications for rural communities.

7.8. Children and Young People/Cared for Children

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

7.9. Public Health

7.9.1. There are no direct implications for public health.

7.10. Climate Change

7.10.1. There are no direct implications for Climate Change

Access to Information	
Contact Officer:	David Brown David.c.brown@cheshireeast.gov.uk
Appendices:	n/a
Background Papers:	Recruitment of Co-opted Members for the Audit and Governance Committee - report to Audit and Governance Committee 27 th May 2021

COUNCIL MEETING – 27 APRIL 2022**RECOMMENDATION FROM FINANCE SUB COMMITTEE:
ALIGNING THE MEDIUM-TERM FINANCIAL STRATEGY TO THE COMMITTEE
STRUCTURE****RECOMMENDATION**

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

Extract from the Minutes of the Finance Sub-Committee meeting on 2nd March 2022

**53 ALIGNING THE MEDIUM-TERM FINANCIAL STRATEGY (MTFS) TO THE
COMMITTEE STRUCTURE**

The Sub-Committee considered a report on the allocation of the approved budgets to each of the service committees. The report also informed the financial reporting cycle for 2022/23.

The financial alignment of budgets to each Committee was set out in Table 1 of the report, with further details in Appendix A.

Since the report had been published, Council had approved amendments to the profiling of the capital programme and a Section 106 item which would be reflected in the allocations to committees.

It was noted that any implications for the Cheshire Pension Fund arising from recent international events would be considered by the Sub-Committee, if necessary by way of an urgent meeting.

With regard to the capital programme expenditure forecast for the Crewe Youth Zone, the Director of Finance and Customer Services clarified that the Council's contribution to the scheme was £2.2m.

RESOLVED (unanimously)

That the Sub-Committee

1. approves allocation of the capital and revenue budgets, policy proposals and earmarked reserves to the following Committees in accordance with the approved MTFS, as set out in Appendix A:
 - Adults & Health
 - Highways & Transport
 - Children & Families

- Economy & Growth
 - Environment & Communities
 - Corporate Policy
 - Finance Sub-Committee
2. approves the supplementary estimates set out in Appendix B, Tables A and B;
 3. recommends to Council to approve supplementary estimates over £1,000,000, set out in Appendix B, Table C; and
 4. notes the financial reporting timetable for 2022/23 set out in Appendix C.

Appendix B – Supplementary Estimates

Table A General Purpose Grant Revenue Supplementary Estimates less than £1,000,000

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

Committee	Year	Type of Grant	£000	Details
Highways and Transport	2021/22	Pavement Licensing – New Burdens	15	New Burden grant relating to the introduced temporary measures through the Business and Planning Act 2020 to support businesses selling food and drink during the economic recovery while social distancing guidelines remain in place. The bill streamlines the process of obtaining permission for the placing of tables and chairs outside a business on the pavement.
Total Highways and Transport			15	
Corporate Policy	2022/23	Lower Tier Services Grant	7	The Lower Tier Services Grant was introduced in the local government finance settlement 2021 to 2022 for local authorities with responsibility for lower tier services.
Corporate Policy	2021/22	Tax Income Guarantee Scheme (Reserves)	3	Compensation for Business Rates losses.
Total Corporate Policy			10	
Total Unringfenced Grants £1m or Below			25	

Table B Specific Grant Supplementary Estimates less than £1,000,000

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

Committee	Year	Type of Grant	£000	Details
Children and Families	2022/23	Holiday Activities & Food Programme Grant 2022/23	879	The purpose of the grant is for local authorities to make free places at holiday clubs available in the Easter, Summer and Christmas school holidays in 2022. This will be made available to children in the local authority area who are eligible for and receive benefits-related free school meals.
Children and Families	2021/22	COVID-19 Recovery Premium	292	Recovery premium received on behalf of schools and allocated out as per funding schedule (breakdown by school).
Children and Families	2021/22	School Led Tutoring Grant	233	This grant will give schools and academy trusts the flexibility in determining how best to provide tutoring intervention to support catch-up for lost education due to the coronavirus (COVID-19) pandemic. Grant conditions .
Children and Families	2021/22	Tackling Troubled Families (Payments by Results)	103	<p>In April 2012, the Government launched the Troubled Families Programme, a £448m scheme to incentivise local authorities and their partners to turn around the lives of 120,000 troubled families by May 2015. This programme worked with families where children are not attending school, young people are committing crime, families are involved in anti-social behaviour and adults are out of work.</p> <p>In June 2013, the Government announced plans to expand the Troubled Families Programme for a further five years from 2015/16 and to reach up to an additional 400,000 families across</p>

Committee	Year	Type of Grant	£000	Details
				England. £200 million has been committed to fund the first year of this five year programme. This increased investment is testament to the Government's ongoing commitment to improve the lives of troubled families and as this work is taken to a significantly greater scale, to transform local public services and reduce costs for the long-term.
Children and Families	2021/22	Holiday Activities & Food Programme Grant	65	The purpose of the grant is for local authorities to make free places at holiday clubs available in the Easter, summer and Christmas school holidays in 2021. This will be made available to children in the local authority area who are eligible for and receive benefits-related free school meals. This request is being made in relation to the contingency amount only – if this is not used the resulting budget increase will not be taken forward.
Children and Families	2021/22	Afghanistan Resettlement (Education) Grants 2021/22	64 120	<p>September to November December to March</p> <p>The Secretary of State for Education is providing financial assistance to local authorities, in the form of the Afghanistan Resettlement (Education) Grant 2021-22 for the financial year beginning 1 April 2021.</p> <p>Eligibility for the funding is restricted to local authorities where families arriving from Afghanistan under Afghan Relocation and Assistance Policy (ARAP), Afghanistan Citizens Resettlement Scheme (ACRS) and British Nationals, are currently residing in bridging accommodation, namely hotels funded by the Home Office.</p>
Total Children and Families			1,756	

Committee	Year	Type of Grant	£000	Details
Adults and Health	2022/23	Public Health Grant	476	Local authorities (upper tier and unitary) are responsible for improving the health of their local population and reducing health inequalities. In 2022 to 2023 the CEC public health grant has increased by £475,572 compared to 2021/22. The grant will be ringfenced for use on public health functions. This may include public health challenges arising directly or indirectly from COVID-19.
Adults and Health	2022/23	ICT Workforce: Contract Extension Funding	173	<p>Champs Public Health Collaborative, on behalf of the Cheshire and Merseyside Directors of Public Health, submitted a successful bid to the Department of Health and Social Care for funding to support a pilot around the transformation of contact tracing services across the sub region. A fundamental aspect of this was to ensure we maintained our workforce capacity during the winter period by ensuring we took action to extend short term contracts of contact tracers and team leaders to reduce the risk of people feeling the need to leave in early 2022.</p> <p>To secure the existing workforce beyond 1 April 2022, the C&M Directors of Public Health agreed to utilise an element of our DHSC funding to extend fixed term contracts for local authority contact tracers and team leaders from 1 April 2022 to 31 July 2022, where contracts were due to end 31 March 2022. This gives us a stable workforce as we continue to work together on establishing a sustainable, resilient contact tracing service across our sub-region.</p>
Total Adults and Health			649	

Committee	Year	Type of Grant	£000	Details
Economy and Growth	2021/22	Vulnerable Renters / Exceptional Winter Top-up	117	The Department of Levelling Up, Homes and Communities (DLUHC) has recognised that private renters may have rent arrears built up as a result of the pandemic and that vulnerable households may need additional support. The purpose of this exceptional one-off payment is to support low-income private renters with COVID-19 related rent arrears to avoid eviction or find a new home where necessary in order to prevent homelessness, with local authorities able to target funding to those who need it most and help them get back on their feet.
Economy and Growth	2021/22	Protect and Vaccinate	81	Subject to individual assessments, the purpose of this grant is to make offers of safe and appropriate accommodation and support, to people who are rough sleeping in order to facilitate vaccinations and safeguard from infection from COVID-19.
Economy and Growth	2021/22	Local Enterprise Partnership (LEP): NP (Northern Powerhouse) 11	150	To enable the 11 Northern LEPs (the NP11) to develop a more unified Northern Powerhouse economic development programme and voice. The NP11 will work together on issues where a pan-Northern approach to economic development can add value.
Economy and Growth	2021/22	New Burdens 4 Restart and the Additional Restrictions COVID-19 Grant	154	Local Authorities should allocate funding through business support grants or through wider business support measures. All funding provided under this scheme should provide direct support to businesses.
Economy and Growth	2021/22	New Burdens (6) Omicron Hospitality and Leisure Grant and the	15	New Burden grant relating to the additional costs resulting from grant delivery of the Omicron Hospitality and Leisure Grant

Committee	Year	Type of Grant	£000	Details
		Additional Restrictions Grant (3rd Top Up) COVID-19 Grant Schemes		scheme and the Additional Restrictions Grant scheme between 30 December 2021 and 31 March 2022.
Total Economy and Growth			517	
Highways and Transport	2021/22	COVID-19 Bus Services Support Grant (Restart) - Tranche 6	36	CBSSG/BRG can only be spent on supporting bus services that have been affected by or need to be adjusted because of the impact of COVID-19. It is to be used as additional support on top of normal funding for local bus services, not as a replacement of that funding. The funding will be used to support local bus services such as tendered bus services that may be experiencing revenue shortfalls, and to help support any adjustments to services required by the authority. This may include amendment of the routes used by those services, hours of operation, vehicles used or levels of provision.
		COVID-19 Bus Services Support Grant (Restart) - Tranche 7	93	
		COVID-19 Bus Services Support Grant (Restart) - Tranche 8	148	
		COVID-19 Bus Recovery Grant - Tranche 9	202	
	2022/23	CAPITAL - Sustrans Hurdsfield Rd/Black Lane junction, Macclesfield	569	Improvements to National Cycle Network (NCN) Route 55 Middlewood Way in Macclesfield between Hurdsfield Road and Tesco on Black Lane for both pedestrians and cyclists.
Total Highways and Transport			1,048	

Committee	Year	Type of Grant	£000	Details
Corporate Policy	2021/22	Local Authority Data Sharing (LADS)	1	Funding for software and staffing to administer the required changes for Local Authority Data Sharing.
Corporate Policy	2021/22	COVID-19 Test and Trace Support (Self Isolation Payment)	257	Test and Trace Support Payment scheme – awards and administration of the scheme to support people self-isolating on a low income. For period October to December 2021.
Corporate Policy	2021/22	New Burdens 5 Post Payment Assurance, Reconciliation and Debt Recovery (Tranche 1 + 2)	49	Business Grant assurance and reporting processes required for all business grant schemes from the 1 August 2020 to 31 March 2022.
Corporate Policy	2021/22	New Burdens (6) Omicron Hospitality and Leisure Grant and the Additional Restrictions Grant (3rd Top Up) COVID-19 Grant Schemes	53	New Burden grant relating to the additional costs resulting from grant delivery of the Omicron Hospitality and Leisure Grant scheme and the Additional Restrictions Grant scheme between 30 December 2021 and 31 March 2022.
Total Corporate Policy			360	
Total Ringfenced Grants £1m or Below			4,330	

Table C - Supplementary Estimates over £1,000,000

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

Committee		Type of Grant	£000	Details
Children and Families	2021/22	Household Support Fund	2,204	The purpose of the grant is to provide support to certain local authorities in England for expenditure lawfully incurred or to be incurred by them in accordance with the Grant Conditions to provide support to households who would otherwise struggle to buy food or pay essential utility bills or meet other essential living costs or housing costs (in exceptional cases of genuine emergency) this winter as the economy recovers. Replaced Covid Local Support grant from 1 October 2021.
Total Children and Families			2,204	
Corporate Policy	2022/23	Business Rate Compensation Grant (Reserves)	13,890	S31 grants received to compensate for reduced business rates collected as a result of reliefs mandated by Central Government after the setting of the Business Rates Baseline in 2013/14 (grant covers CEC 49% share).
Total Corporate Policy			13,890	
Total Grants over £1m Recommendation to Council			16,094	

Table D – Urgent Decisions already made for noting

Committee	Year	Type of Grant	£000	Details
Adults and Health	2021/22	COVID-19 Infection Control Fund and Rapid Testing Grant: October 2021 to March 2022.	3,465	A supplementary revenue estimate for the 2021/22 financial year of £3,465,255 be approved; this to funded from Adult Social Care Infection Control and Rapid Testing Fund Round 3 allocation for Cheshire East Council as set out in DoHCS guidance published on 21 st October 2021.
Total Adults and Health			3,465	
Economy and Growth	2021/22	Additional Restrictions Grant.	827	Approval of a Supplementary Revenue Estimate for the 2021/22 Financial Year, of £827,108.95 to be funded from the Additional Restrictions Grant. The Executive Director of Place be authorised to distribute funding from the Grant, subject to the conditions set out in the appendix to the decision record and to consultation with the Chair of the appropriate Committee. The Executive Director of Corporate Services be authorised to distribute funding from the Grant, subject to the conditions set out in the appendix to the decision record and to consultation with the Chair of the appropriate Committee.
Total Economy and Growth			827	
Decisions Already Made			4,292	

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COUNCIL MEETING – 27 APRIL 2022**RECOMMENDATION FROM HIGHWAYS AND TRANSPORT COMMITTEE:
POTHOLE GRANT FUND****RECOMMENDATION**

That Council approve a supplementary capital estimate for the Pothole Fund grant of £5.799m, as set out in paragraph 6.6.2 of the report.

Extract from the Minutes of the Highways and Transport Committee meeting on 13 April 2022.

69 HIGHWAYS AND TRANSPORT 2022-23 PROGRAMMES

Consideration was given to a report informing the Committee of the capital and revenue budgets available for the highway service for 2022/23 and the allocation of those budgets to the various programmes of work.

The Chair queried if the information contained within the table in section 6.6.3.1 of the report was correct in referring to LTP Block Grants Funding Allocations. He asked if it should state Council Investment Funding Allocation. The officer confirmed that he was correct and reference to LTP Block Grants Funding Allocations had been made in error.

RESOLVED (Unanimously)

1. That the apportionment of revenue and capital funding to the key elements of highway services as shown in Tables 2 to 4 of the report be noted.
2. That Council be recommended to approve a supplementary capital estimate for the Pothole Fund grant of £5.799m, set out in paragraph 6.6.2 of the report.

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Highways and Transport Committee

Date of Meeting: 13th April 2022

Report Title: Highways and Transport 2022-23 Programmes

Report of: John David – Interim Director of Infrastructure and Highways

Report Reference No: HT/22/21- 22

Ward(s) Affected: All Cheshire East Wards

Corporate Plan Priorities			
	Open	An open and enabling organisation	
	Fair	A council which empowers and cares about people	
	Green	A thriving and sustainable place	X

1. Purpose of Report

- 1.1.** This report informs committee members of the capital and revenue budgets available for the highway service for 2022/23 and the allocation of those budgets to the various programmes of work. The programmes of work contribute to the Council's aim to be a thriving and sustainable place and in particular to the priority of having a transport network that is safe and promotes active travel.

2. Executive Summary

- 2.1.** This report explains the allocation of highway revenue and capital funding to deliver day to day maintenance activities and improvement programmes on the public highway, to ensure that the Council can fulfil its statutory responsibilities as a Highway and Transport authority, as well as contributing to the Council's Corporate Plan and Local Transport Plan objectives and priorities.
- 2.2.** The report outlines the challenging funding position in terms of both capital expenditure (being dependent on Department of Transport (DfT))

grants) and revenue expenditure (due to the Council's position in respect of its Medium Term Financial Strategy (MTFS)).

- 2.3. This report follows on from a previous report presented to the Highways and Transport committee on 16 November 2021. This demonstrated to members how budget allocations and programmes had been set for 2021-22 and invited the committee to comment. The feedback has been considered by the highways team as part of the business planning process and preparation of the detailed budget allocations and programme for 2022-23 presented in this report.
- 2.4. Due to the responsive nature of the service to many variable external factors, the budgets presented do not operate as fixed budgets, but are the basis on which the contractor's business plan has been set for the start of the financial year in April 2022. Future committee reports through the year will provide progress updates on the delivery of the programmes, including any emerging pressures due to network demands which might call for amendments of some programmes.
- 2.5. Any comments members may have on these budget allocations are welcomed and will be taken into account, both during the year and in preparation for future years' budgets, whilst working within the overall available revenue budget envelope and whilst ensuring all statutory responsibilities as Highway and Transport Authority are being fulfilled.

3. Recommendations

- 3.1. The Committee is recommended to note the apportionment of revenue and capital funding to the key elements of highway services shown in Tables 2 to 4 below and comment on the apportionment to the service programmes.
- 3.2. Recommend to Council to approve a supplementary capital estimate for the Pothole Fund grant of £5.799m, set out in paragraph 6.6.2.

4. Reasons for Recommendations

- 4.1. The budgets for the capital and revenue programmes represent the optimal apportionment between programmes to best achieve the Council's priorities, whilst fulfilling the Council's responsibilities as the Highway and Transport Authority as far as reasonably practicable within available budgets.
- 4.2. The allocation of the Pothole Fund grant was received from the DfT after the Medium Term Financial Strategy was approved by Full Council on 24th February 2022, therefore a supplementary capital estimate of £5.799m requires further approval by Full Council.

5. Other Options Considered

- 5.1.** In developing the final allocation of available budgets various funding allocation variations are considered across the highway assets as part of the business planning process, taking account of asset condition, risk and investment need.
- 5.2.** In the main this is an information paper for Committee Members to note the funding available to the highway service and how it plans to utilise these to fulfil the Council's responsibilities as the Highway and Transport Authority and contribute to the Council's Corporate Plan and Local Transport Plan objectives and priorities. As such the 'do nothing' option would lead to the Members being less well informed.
- 5.3.** Options appraisal in relation to government Pothole Fund:

Option	Impact	Risk
Do nothing re. Pothole Fund	Loss of investment in road repairs and improvements in 22/23 and return of grant. Affects the ability of Council to fulfil statutory duties as a local highway and transport authority and meet corporate plan and LTP objectives.	Potential reduction in government funding for highways in long term. Increase in enquiries and claims resulting from worsening road condition.

6. Background

6.1. Policy Context - National

- 6.1.1** The Council is a Local Highway and Transport Authority, and in this context, it has a number of statutory duties to perform that have an impact on the maintenance of the public highway and the provision of transport in the borough. These include:
- Highways Act 1980 – duty to maintain highway maintainable at public expense
 - Traffic Management 2004
 - New Roads and Streetworks Act 1991
 - Well Managed Highway Infrastructure Code of Practice
- 6.1.2** The Council's Highways are valued at £6.6bn, and it receives capital grants from central government to invest in structural maintenance of that asset. The value of this grant has diminished significantly in real terms in recent years and was reduced by 21% in 2021/22 from the previous year, resulting in an increased rate of decline in the

condition of the Council's highway network. This is a common position across highway authorities nationally.

- 6.1.3 The national picture was highlighted by the Local Government Association's transport spokesperson. In response to the overall reduction in capital funding allocated to councils for local road maintenance in 2021/22 by the Department for Transport of £400 million (22 per cent) they said "Councils are working hard to keep our roads safe and resilient, repairing potholes as quickly as they can. However, it would already take £10 billion and more than a decade to clear the current local roads repair backlog".
- 6.1.4 It is important that in using the limited resources available that the duties contained in the Highways Act and Traffic Management Act, particularly in maintaining a safe network, are given priority.
- 6.1.5 Some of the Council's funding is obtained because of the Incentive element of central government capital funding. This is awarded to local highway authorities who can demonstrate good practice in how they invest in the highway asset and provides high value for money in terms of asset life. The Council is in the highest category (Band 3) on this measure and receives the maximum incentive funding, £1.45m in 2022/23.

6.2. Policy Context - Local

- 6.2.1 The Council's Highways and Transport programmes are developed to ensure that the Council's duties as a local highway authority are delivered and to contribute to the Corporate Plan outcomes and Local Transport Plan (LTP) objectives.
- 6.2.2 The Corporate Plan has a priority of providing a transport network that is safe and promotes active travel.
- 6.2.3 The Council has a suite of highway policies that help to inform delivery of the highway service and prioritise how revenue and capital money is spent. A programme of reviews of these policies will come to this committee for consideration over forthcoming meetings.
- 6.2.4 The Council's Local Transport Plan 2019 – 2024 is used to demonstrate how government funding will be used to maintain the public highway network and meet local transport needs. The DfT has indicated that updated national guidance on Local Transport Plans and associated funding will be published later this year, emphasising their role in contributing to the Government's decarbonisation strategy.
- 6.2.5 The Council's financial position as outlined in its Medium Term Financial Strategy (MTFS) means that the annual funding of the highways service remains very challenging.
- 6.2.6 As a demonstration of the challenges faced by the highways service;
 - In 2015-16 the highways revenue budget was £11.214m.

- During the intervening period through to 2021-22 inflation rose by 14%. If that inflation index had been applied to the 2015/16 figure, then the 2021/22 revenue budget would have been £12.784m.
- Therefore factoring in the reduction in government grants over the same time period the real terms cut since then is (£12.784-£10.425) = £2.359m. This equates to a cut of approximately 18%.

6.3. Available Revenue Budget for 2022/23

- 6.3.1. Revenue funding is allocated from the Council's general fund as part of its budget setting process.
- 6.3.2. Following the budget consultation process which considered proposals for the various service activities, there is a net revenue budget available for the highway service of £10.427m as shown in the table below:

Revenue Service Allocations	Budget (£000)
Highway Service Delivery - Client	2,010
Fees and charges for third parties	-2,570
Highway Service Delivery - Ringway Jacobs	10,987
Highway Service Revenue Budget	£ 10,427

- 6.3.3. The highway service net budget includes income from fees and charges to third parties for their use of the highway. For 2022/23 this is estimated to be £2.570m.
- 6.3.4. A paper entitled Highways and Transport 2022-23 Programme Preparation was presented to the Highways and Transport committee on 16 November 2021. This demonstrated to members how budget allocations and programmes had been set for 2021-22 and invited the committee to comment. These have been considered by the highways team as part of the business planning process and preparation of the budget allocations and programme for 2022-23.

6.4. Available Capital Budget for 2022/23

- 6.4.1. Capital budgets provide funding for significant repairs and improvements to the network. They are impacted by the size of grant from central government in the form of two annual block grants: The Structural Maintenance Block (SMB) and the Integrated Transport Block (ITB). The government has now also confirmed that it will provide Pothole Funding on an annual basis for the next 3 years. Total DfT funding of £15.551m is shown Table 1 below.
- 6.4.2. In 2022/23 the council has approved local funding of a further £7.867m as shown in Table 1 below. This budget is expected to be

funded from borrowing and will be added to the programme for managing and maintaining highways.

6.4.3. The total capital funding available for 2022/23 is therefore shown in the table below:

Funding	Government - Department for Transport (£000)	Council Investment (£000)	Total Budget (£000)
Local Transport Plan - Integrated Transport Block grant	2,003		2,003
Local Transport Plan - Strategic Maintenance Block grant	5,799		5,799
Local Transport Plan - Incentive Fund	1,450		1,450
Pothole Fund	5,799		5,799
Traffic Signal Maintenance Fund	500		500
Highway Pothole/Challenge Fund (MTFS)		3,242	3,242
Managing and Maintaining Highways Investment		4,000	4,000
Traffic Signs and Bollards - LED Replacement		625	625
2022/23 Budget Totals (£000)	15,551	7,867	23,418

Table 1 – Capital Funding sources for Highway in 2022/23

6.5. Revenue Service Provision

6.5.1 This table summarises the allocation of revenue budget for highway programmes in 2022/23 and reflects current priorities. These numbers may be subject to some slight amendments subject to final completion of the business planning process.

Highway Asset	Description	Council Revenue Budget Allocation (£000)	
		2021-22	2022-23
Coordinating Roadworks and other Activities on the highway	Managing Council, utility and developer works on the highway.	£587	£556
Handling enquiries from the public	Answering enquiries from the public, councillors and MPs / Providing information on highway activities	£180	£179
Inspection of the highway	Highway inspections / updating digital records / boundary enquiries	£465	£502
Bridges and Structures	Inspection / routine small maintenance works	£250	£257
Drainage system cleaning and repairs	Gully emptying and drainage system cleansing	£972	£1,099
Pothole Repairs	Repair of carriageway potholes	£1,296	£2,184
Other Road Repairs (including road edge failures, damaged paving etc)	Footway repairs and other non-carriageway repairs	£568	£588
Responding to Emergencies	Responding to urgent defects and emergency issues on the network	£508	£683
Road Markings Renewals	Replacement of worn and damaged road markings (to be included in capital programme in 2022/23)	£12	£0
Hedge and Trees	Responding to urgent tree works / hedge cutting	£342	£674
Grass Cutting and Weed treatment	Cutting of grass verges and weed treatment	£818	£794
Fencing & Wall Repairs	Repair of drystone walls and fences (to be included in capital programme in 2022/23)	£13	£0

Highway Asset	Description	Council Revenue Budget Allocation (£000)	
		2021-22	2022-23
Road Signs Cleaning and Repairs	Cleansing, straightening and repair of road signs (to be included in capital programme in 2022/23)	£13	£0
Winter Service (including gritting and snow clearance)	Gritting of roads and provision of grit bins	£2,027	£1,981
Street Lighting	Repair of streetlight and cable faults / structural and electrical testing	£560	£568
Traffic Signals	Repair of traffic signals and electronic signs	£312	£312
Traffic and Road Safety (including education to schools)	Design of road safety schemes/provision of road safety education to schools	£242	£305
Managing Flood Risk	Addressing statutory duties as the Lead Local Flood Authority including planning applications and flooding issues.	£271	£305
Overall Revenue Allocation (£000)		£9,436	£10,987

Table 2 Allocation of Revenue Budget across Routine/Reactive Core Highway Service programmes

The increase from the 2021/2022 budget figure of £9.436m to £11.236m in 2022/23 in the table above is because of the forecast estimated increase in income from fees and charges to third parties, in relation to their use of the highway network. Also, the repayment of the Salix loan which was used to convert all streetlights to LED is now complete, so the annual revenue used to make that repayment (approx. £1.2m) has been returned to the highways base budget.

6.6. Capital programme

6.6.1 Annual Block Grants

- 6.6.1.1. The table below summarises the allocations of capital budget to highway and transport programmes in 2022/23. As with the revenue allocation and programmes, member views have been considered in preparing the allocation across strategic programmes.
- 6.6.1.2. As described in 6.4.1 capital funding comes from two central government block grants; the Structural Maintenance Block (SMB) intended for capital maintenance of highways and structures and the Integrated Transport Block (ITB) for other capital transport programmes. The table indicates the allocation of the grant for each programme:
- 6.6.1.3. As in previous years, members have received the detailed work programmes (i.e. locations) planned across the borough prior to them being published on the Council's web site.

Integrated Transport and Highways Maintenance - Core Budget Allocations	Projects and Programmes	How are the Projects and Programmes Determined?	LTP Block Grants Funding Allocations (£000)	
			2021-22	2022-23
Infrastructure & Transport Policy and Scheme Development	<ul style="list-style-type: none"> • Town Studies • Transport Strategies <ul style="list-style-type: none"> - Crewe Transport Access Study - Macclesfield Transport Access Study • Infrastructure scheme feasibility and development work • Levelling Up fund bid - match funding 	Application of criteria to best deliver Council policy	525	525

Integrated Transport and Highways Maintenance - Core Budget Allocations	Projects and Programmes	How are the Projects and Programmes Determined?	LTP Block Grants Funding Allocations (£000)	
			2021-22	2022-23
Local Highway Measures	• Ward Member highway improvement budget	Member determined based on ward priorities	350	350
	• Minor Works Programme <ul style="list-style-type: none"> - Traffic management measures - Traffic Regulations Orders - Pedestrian access improvements - Vehicles passing bays etc 	Officer determined based on assessment and prioritisation to deliver policy objectives	347	290
Sustainable Transport Enhancement Programme (STEP)	• Active travel investment • Public transport investment • Sustainable Modes of Transport to Schools (SMOTs) • Public Rights of Way and Countryside Access Improvements • Boulderstones Bridge Match funding contribution	Schemes are prioritised against the objectives of the Local Transport Plan, Sustainable Modes of Transport to Schools (SMOTS) objectives etc to deliver on policy	895	895

Integrated Transport and Highways Maintenance - Core Budget Allocations	Projects and Programmes	How are the Projects and Programmes Determined?	LTP Block Grants Funding Allocations (£000)	
			2021-22	2022-23
Road Safety Investment	<ul style="list-style-type: none"> • Local Safety Schemes – cluster analysis to target killed/seriously injured traffic collision sites • Minor Safety Schemes - proactive programme to developing issues raised by Police • Vulnerable road user Schemes – cluster analysis focusing on sites VRU injury collision sites • Road safety camera site related works 	Application of analysis of police Stats19 road traffic injury collision data to determine work programme that helps reduce number of killed and seriously injured on the roads in the borough.	320	245
Programme Management	• Highway Client team programme management	Amount of work delivered by the highway client team that is chargeable to capital in accordance with local government financial rules.	200	200

Integrated Transport and Highways Maintenance - Core Budget Allocations	Projects and Programmes	How are the Projects and Programmes Determined?	LTP Block Grants Funding Allocations (£000)	
			2021-22	2022-23
Highway Asset Investment	<ul style="list-style-type: none"> • Carriageway Repairs • Footway Repairs • Drainage Improvements • Bridges & Structures • Street Lighting • Traffic Signals • Road markings • Road Signs • Safety Barriers 	Evidence led asset management approach using established scoring matrices to prioritise works.	6,615	6,747
		Overall LTP Allocation	9,252	9,252

Table 3 Allocation of Department for Transport Local Transport Plan annual block grants across highway programmes

6.6.2 Pothole Fund

- 6.6.2.1 The table below summarises the funding provided by central government to help the council address road condition in 2022/23 and how the highway service is using it to repair roads in the Borough.
- 6.6.2.2 Until this year the Pothole Fund was not an annual grant and varied in value when provided. In the government's recent announcement on funding for local highway authorities, it has committed to providing the Pothole Fund annually alongside the Local Transport Plan ITB and SMB grants until 2025.

DfT Pothole Fund	Programme	How is the Programme Determined?	DfT Pothole Fund Allocation (£000)	
			2021/22	2022/23
Highway Asset Investment	• Road repairs	Evidence led asset management approach using established scoring matrices to prioritise works.	5,799	5,799
Overall Allocation			5,799	5,799

Table 4 Allocation of Department for Transport Pothole Fund in 2022/23

6.6.3 Additional Council Capital Investment

6.6.3.1 The capital programme for the £7.242m Council investment funded activities below summarises the allocations:

Council Capital Investment - Budget Allocation	Programmes	How are the Projects and Programmes Determined?	LTP Block Grants Funding Allocations (£000)	
			2021-22	2022-23
Highway Asset Investment	<ul style="list-style-type: none"> • Drainage Improvements • Bridges & Structures • Street Lighting • Road Marking Replacement • Road Repairs • Footway Improvements • EV Charging On Street Funding bid 	<p>Highway Asset management led approach using established Council asset led scoring matrices to prioritise works.</p> <p>Council match funding</p>	<p>1,200</p> <p>1,400</p> <p>400</p>	<p>1,100</p> <p>1,000</p> <p>400</p> <p>100</p> <p>4,000</p> <p>542</p> <p>100</p>
		Overall Council Allocation	3,000	7,242

Table 5 Allocation of Additional Council Capital Investment across key highway programmes in 2022/23

6.6.4 Notes on funding Tables:

- Sufficient capital funding for the highway network from all sources is essential to provide a safe and well maintained highway network through long term planned investment. The level of capital funding is not sufficient to maintain steady state and we remain in a situation of managed decline. This has an adverse impact on the revenue funded service as this results in higher number of defects requiring a greater proportion of the available revenue budget to deliver reactive repairs to keep the highway safe, but which score lower in terms of value for money.
- Between 2015-2021 the Government provided a six year funding commitment for the Local transport Plan block grants which resulted in the annual grants received remaining unchanged throughout. When construction inflation was applied this resulted in a £1.6million cut in funding in real terms. Inflationary pressures on budgets remains a significant challenge post Covid with supply issues and staff shortages driving up material prices and employment costs.
- The latest announcement from the Department for Transport on Government funding for highways this year commits to the same funding levels received in 2021/22 for the next three years. This perpetuates the 21% cut in the maintenance funding block grant and makes no provision for inflation which is running at significantly higher levels than between 2015-21.

6.7. Next Steps in Business Planning

- 6.7.1 The process of highway service business planning for the next financial year with the Council's contractor began in October 2021 and is now almost complete in readiness for the new financial year in April.
- 6.7.2 In the early stages of the business planning process indicative funding, typically based on the revenue and capital allocations available in the current financial year are used. These are replaced by the actual budgets when agreed and published. This year the council met and agreed it's MTFS on 24th February with central government announcing the details of its road funding paper allocations to local authorities on 28th February.
- 6.7.3 The funding allocations in this report have been used to complete the business planning process with the Council's contractor.

7. Consultation and Engagement

- 7.1. The overall highways capital and revenue budgets have been set following the Council's budget consultation process. This included a report to this committee on 13 January 2022 on the Medium-Term Financial Strategy for 2022/23 – 2025/26. As part of the consultation process the committee was

asked to provide comments and feedback to the Corporate Policy Committee on proposals related to the responsibilities of the committee.

- 7.2.** Corporate Policy committee, at its meeting on 10 February, considered the feedback and made recommendations to the Council (considered at its 24 February meeting) on the budget proposals contained in the final Medium Term Financial Strategy for 2022/23 – 2025/26.
- 7.3.** Alongside the Council's overall budget consultation process, a 2022-23 Programme Preparation report was presented to the Highways and Transport committee on 16 November 2021. This demonstrated to members how budget allocations and programmes had been set for 2021-22 and invited them to share their views on the coming year's detailed programme and funding. These have been considered by the highway team as part of the business planning process and the preparation of final detailed budget allocations and programme for 2022-23.

8 Implications

8.1 Legal

- 8.1.1 The purpose of the report is to provide an overview of the intended expenditure under various budget lines.
- 8.1.2 Any financial expenditure should be in compliance with the Budget and Policy Framework, and the Finance Procedure rules as set out in the Constitution Chapter 3 part 3 and part 4.8.1.3

8.2 Finance

- 8.2.1 The financial information in this report reflects the approved MTFS, and the additional Pothole Fund, which was confirmed after the Council meeting. No financial implications therefore arise from this report. The revenue and capital programmes utilise, and will be managed within, the available budgets provided by the Council and central government for 2022/23.
- 8.2.2 The recommended allocations proposed are designed to make best use of the available budgets to maintain and invest in the highway and transport network to meet Council objectives.

8.3 Policy

- 8.3.1 National and local policy context is covered in section 5.

8.4 Equality

- 8.4.1 An Equality Impact Assessment is undertaken for the delivery of schemes as part of the process to design and deliver them in line with the Council's current policy and practise and takes account of the needs of all residents and users of the public highway.

8.5 Human Resources

- 8.5.1 There are no Human Resource implications

8.6 Risk Management

- 8.6.1 The revenue and capital programmes should be treated as indicative as they are always subject to change because of unknown events such as extreme weather and flooding that must be responded to and recovered from in year. For example, the 2019 floods resulted in £2.5m of funding being reallocated and many programmes were impacted as a result. Such budget adjustments need to be made immediately however, the work and programme consequences would be reported at the next available committee meeting.
- 8.6.2 The highway network is the Council's largest asset. As such it represents a very large financial and reputational risk if it is not maintained and operated in line with engineering best practice.
- 8.6.3 The provision of day to day highway service and delivery of highway and transport projects has inherent risks, and these will vary for each scheme. The project team for the schemes deliver it in full compliance with the Construction Design Management (CDM) 2015 Regulations. These seek to address and minimise risk from the early stage of design through to completion of construction on site and subsequent whole life maintenance requirements.
- 8.6.4 The provision of the highway service and delivery of highway and transport schemes requires good project management which includes the development of a Contract wide and scheme specific risk registers. These are monitored and updated as risks are identified and mitigated to minimise their impact on the safe and efficient delivery of services and schemes. All risks have assigned owners who are responsible for mitigating and managing them.

8.7 Rural Communities

- 8.7.1 The Programme is designed to provide a consistent level of routine and reactive highway service boroughwide and prioritises capital investment in highway maintenance and transport in line with the asset management strategy and Local Transport Plan for the benefit of all residents.

8.8 Children and Young People/Cared for Children

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

8.9 Public Health

- 8.9.1 Providing a safe highway network that promotes active travel is a key aim of the Council. Road safety activities that reduce traffic speed and volume can prevent injuries as well as a wider impact on health by encouraging active travel.
- 8.9.2 Investment in the highway asset to maintain condition, improve access and invest in active travel and public transport helps encourage

healthier lifestyles and support modal shift to more sustainable modes of transport.

- 8.9.3 There is a strong evidence base to support improved wellbeing, and physical health through increased physical activity via improved access to green open spaces. The annual work programme helps deliver the council's Local Transport Plan strategy objectives which support the maintenance and improvement of the Public Rights of Way network and facilitate Countryside Access Improvements where appropriate.
- 8.9.4 Targeted developments in areas with higher levels of deprivation also aim to reduce health inequalities. For example, improved transport networks, and sustainable travel impacts on ability to access employment, education, training, increased social connectivity and reducing social isolation, supporting the wider determinants of health.
- 8.9.5 The annual highway capital programme includes funding for works that can help to improve air quality and therefore associated respiratory health improvements.
- 8.9.6 All of the services and works described within this report are delivered through the council's Highway Service Contract with integrated service provider Ringway Jacobs. This contract includes several Social Value outcomes which impact on the wider determinants of health and aim to reduce health inequalities.

8.10 Climate Change

- 8.10.1 The highway service is playing its part in working to help deliver the Council's net zero carbon by 2025. It's key contribution to the work of the Council's Carbon group is twofold. The first is through the fleet implementation plan which is working with key services to introduce low carbon vehicles to replace traditional diesel or petrol powered, cars, vans and HGVs where practicable. The highway service has introduced small electric vans and consideration is being given to this for other vehicles within the fleet. To support this move, electric charging points have been installed in the highway depots. Where diesel/petrol vehicles are still necessary those operated are to the latest environmental standards. The second is the investment into converting all lit highway signs and bollards to low (LED) or no energy (solar) power. The two year programme is underway and due for completion in March 2023.
- 8.10.2 Low carbon considerations are a high priority when planning programmes of work to maintain/improve highway assets. Where possible, materials and products with lower carbon footprint are selected, electric plant and equipment used, and recycling maximised on each site. Collaboration across teams and other services is part of the planning to make best use of a site and resources.

- 8.10.3 Good management of works on the highway through the Council's permit system also plays a key role as it coordinates the requirements of developers, utilities and the council's highway service for works on the highway. This reduces the impact to traffic travelling on the highway, as it keeps congestion down and minimises associated pollution.
- 8.10.4 Road safety enhancements help reduce the number of road traffic collisions and minimise disruption and congestion on the highway associated with such events. Road safety improvements can also encourage drivers to travel at lower and more appropriate speeds for the roads and conditions which can contribute to a reduction in vehicle emissions.

Access to Information	
Contact Officer:	Paul Davies, Contract Operations Manager Paul.davies@cheshireeast.gov.uk 07748 650204
Appendices:	
Background Papers:	Highways and Transport 2022-23 Programme Preparation paper presented to the Highways and Transport Committee on 16 November 2021

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Schedule of Urgent Decisions

Urgent decisions made following Member consultation

Date	Summary of decision	Decision on behalf of	Members, MO/S151 consulted/ content?	Status
01.04.22	<p>A Supplementary Revenue Estimate be approved for the 2022/23 Financial Year, of £19,851,600 to be funded from the Council Tax Energy Rebate fund.</p> <p>The Executive Director- Corporate Services be authorised to fully distribute such funding from the Council Tax Energy Rebate fund as fall within her executive responsibilities.</p> <p>The Energy Rebate Discretionary Scheme be approved which includes the arrangements for residents who live in a dwelling in Council Tax bands E, F, G and H.</p>	Council	Yes	Completed
14.04.22	<p>To accept a grant, approve a supplementary revenue estimate for £2,203,892.10, and to delegate authority to the Executive Director – Children's Services to take all necessary related steps, and to incur expenditure in line with conditions.</p> <p>The grant is made to deliver support to vulnerable households in the light of recent removal of a number of funding initiatives to support adults and families during COVID, and in respect of the rise in fuel and utilities charges and inflation of food prices.</p>	Council	Yes	Complete

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

Date	Summary of decision	MO/S151 consulted	Status
8/4/2	In response to a scheme which will provide Business Rates Relief to those who have been adversely affected by the pandemic: The making of Supplementary Revenue Estimate of £8,729,756 . The Executive Director-Corporate Services fully distribute such funding from the Covid 19 Additional Relief Fund .	Yes	Completed