

# Council Agenda

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**Date:** Wednesday 19th October 2022  
**Time:** 11.00 am  
**Venue:** The Tenants' Hall, Tatton Park, Knutsford WA16 6QN

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

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

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

1. **Apologies for Absence**

To receive any apologies for absence.

2. **Declarations of Interest**

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

3. **Minutes of Previous Meeting** (Pages 5 - 26)

To approve as a correct record the minutes of the meeting of Council held on 20 July 2022.

4. **Mayor's Announcements**

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

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

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

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

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

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

7. **Cared for Children and Care Leavers Strategy Pledges** (Pages 27 - 62)

To accepted and endorsed the Cared For Children and Care Leavers Strategy Pledges.

8. **First Financial Review 2022/23**

To approve fully funded supplementary revenue estimates for specific grants coded directly to services over £1,000,000, and capital virements over £5,000,000 in accordance with Financial Procedure Rules. *Report to follow*

9. **Audit and Governance Annual Report 2021/22** (Pages 63 - 86)

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

10. **Political Representation on the Council's Committees** (Pages 87 - 90)

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

11. **Appointment of Vice Chairs** (Pages 91 - 94)

To appoint the Vice Chairs of the Council's committees.

12. **Recommendation from Audit and Governance Committee: Member Code of Conduct** (Pages 95 - 138)

To consider the recommendations from the Audit and Governance Committee.

13. **Notices of Motion** (Pages 139 - 146)

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

14. **Questions**

In accordance the Council Procedure Rules, opportunity is provided for Members of the Council to ask the Mayor or the Chair of a Committee any question about a matter which the Council, or the Committee has powers, duties or responsibilities.

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

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Council**  
held on Wednesday, 20th July, 2022 in the Crewe Lifestyle Centre, Moss  
Square, Crewe. CW1 2BB

**PRESENT**

Councillor D Marren (Mayor/Chair)

Councillor R Fletcher (Deputy Mayor/Vice Chair)

Councillors Q Abel, S Akers Smith, L Anderson, R Bailey, 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, A Critchley, S Davies, T Dean, D Edwardes, S Edgar, H Faddes, JP Findlow, K Flavell, A Gage, S Gardiner, L Gilbert, M Goldsmith, A Gregory, P Groves, A Harewood, G Hayes, S Hogben, S Holland, M Houston, M Hunter, D Jefferay, A Kolker, C Leach, N Mannion, A Moran, R Moreton, B Murphy, D Murphy, C Naismith, J Nicholas, K Parkinson, J Parry, B Puddicombe, P Redstone, J Rhodes, J Saunders, M Sewart, M Simon, J Smith, L Smith, D Stockton, A Stott, R Vernon, L Wardlaw, J Weatherill, P Williams and J Wray

**18 APOLOGIES FOR ABSENCE**

Apologies were received from Councillors M Addison, J Barber, M Beanland, J Buckley, B Evans, A Farrall, S Handley, L Jeuda, A Martin, S Pochin, L Roberts, L Smetham, M Warren and N Wylie.

**19 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**20 MINUTES OF PREVIOUS MEETING****RESOLVED:**

That the minutes of the meeting held on 18 May 2022 be confirmed as a correct record, subject to an amendment to state that the first part of the meeting was chaired by Councillor S Pochin and not Councillor D Marren.

**21 MAYOR'S ANNOUNCEMENTS**

The Mayor, in summary

- 1 advised that he had assisted in organising a multi-cultural event. It followed on from an event which took place last February by the previous Mayor, Cllr S Pochin, and the Mayor of Crewe Town Council Cllr Tom Dunlop. The Mayor thanked the team which

organised the event, with particular thanks to Magda Kolodziej of the Communities team. The next multicultural event was planned as a joint event with the Nantwich Mayor, Councillor Peter Groves, scheduled to be held in December.

- 2 reported that Cllr S Pochin, the previous Mayor, had been the target of political hate mail which had been reported to the Police. He asked all Councillors to give Cllr Pochin their support and urged anyone who received or who was the subject of malicious communication to report such instances to the Police.

## **22 PUBLIC SPEAKING TIME/OPEN SESSION**

Ms Laura Turner spoke in respect of the 'Fight for Middlewich' petition. Following her speech, she handed over the petition to an officer to pass on to the Mayor.

Mr N Cowie spoke in respect of anti-social behaviour taking place at Barnaby's Park, Poynton. He asked if consideration would be given to the sale of the play area, owned by Cheshire East Council, to a developer and thus remove the anti-social behaviour. He outlined the anti-social behaviour in question and asked that if the sale of the park could not be achieved then, as a minimum, access to the play park be restricted from 4.30pm until 8am the following day. In response, Cllr C Browne stated that the Council was not considering the disposal of the public open space at Barnaby Park in Poynton. He acknowledged that there had been an escalation in anti-social behaviour in the park and this matter had been considered at the latest Multi Agency Action Group meeting which included representatives from the Council, the Police and Poynton Town Council. A working group had been established to consider the options available to reduce anti-social behaviour with the working group reporting back to the Multi Agency Action Group at the next meeting in September.

Mr S Redgard spoke in reference to a letter he had received, dated 26 November 2021, relating to the emptying of roadside gullies. He referred to comments which he said had been made by Cllr C Browne within the correspondence which stated: "We are carrying out an 18-month programme to attend to all gullies and collect asset and condition data to allow a more risk-based approach to be adopted for future schedules". However, Mr Redgard pointed out that the Council's website stated that all gullies would be emptied before October 2022. He asked for clarification as to which statement was correct and whether the Council was on target to meet either of the dates. In addition, Mr Redgard asked when and what action the Council intended to take with regard to an alleged breach of condition 15 of planning application 15/0016M. In response, Cllr C Browne, the Chair of the Highways and Transport Committee, stated that he recognised that a number of gullies across the borough had not been emptied since the Council's inception and therefore the Council would be investing significant funds in this area, including £1.1M towards drainage

repairs and a further £305,000 in managing flood risk. Further to this, Cllr Browne advised that the Council's commitment to empty all highway gullies at least once during an 18 month period commenced in April 2021 and was on target to be completed in late October 2022. During this undertaking, officers had identified gullies not previously included on the Council's asset inventory system. It was anticipated that this would total approximately 9,000 additional gullies being included within the programme, which was an increase of nearly 10%. The additional asset and condition data collected during the programme would allow the Council's highways service to prioritise future areas of intervention using a risk-based approach, both in terms of ongoing maintenance but also asset replacement. In response to Mr Redgard's second question, Cllr Browne advised that the Ward Councillor had been in communication both with Mr Redgard and the Planning Case Officer in relation to planning application 15/0016M since July 2021. He advised Mr Redgard that the pre-commencement conditions for this application were discharged through planning application 21/5450D on 25 February 2022. Further to this, he advised condition 15 was not a condition that must be discharged prior to the commencement of development. The condition related to specific types of work undertaken during the bird nesting season from 1 March to 31 August in any year. If work was undertaken within the date parameters, a survey would be required to identify nests in any building, hedgerow, tree or scrub or other habitat to be removed with a 4-metre exclusion zone around any nests being maintained until breeding was complete. Following receipt of Mr Redgard's question, the Council had opened an investigation into the alleged breach of planning control and in due course Mr Redgard would receive an acknowledgement letter with the case reference number and assigned Planning Enforcement Officer details.

## **23 LEADER'S AND DEPUTY LEADER'S ANNOUNCEMENTS**

The Leader, in summary

- 1 advised that the Covid-19 infection rate in Cheshire East was 332 per 100,000 and local hospitals were under pressure. He reiterated that people could reduce the risk of spreading Covid-19 by maintaining social distancing, ensuring good ventilation indoors and washing hands thoroughly with soap and water;
- 2 updated the Council on those affected by the ongoing war in Ukraine. To date, 804 Ukrainians had registered to come to Cheshire East under the Homes for Ukraine scheme and, of these, 424 had arrived in the borough. There were currently 277 sponsors registered in Cheshire East. The Education Team was supporting Ukrainian families in accessing education and, to date, the Council had offered places to approximately 90 children and young people. Officers were

undertaking a wide range of safeguarding, housing and welfare visits, arranging payments and supporting volunteer, community and faith sector groups and sponsors. Colleagues from other local agencies, including Health, Police and the Fire and Rescue Service were all supporting the scheme and he thanked them, and everyone else who had contributed so positively;

- 3 reminded the Council of the ongoing work by the Council in supporting Afghan refugees, a number of whom were still in temporary accommodation in his ward. A bicycle scheme had been introduced to help them to be more mobile;
- 4 thanked the Officers who had put forward a strong technical bid resulting in Crewe being shortlisted for the HQ of Great British Railways. The team, he felt, had created an excellent presentation for the Rail Minister's visit, including visiting Avanti West Coast's national training academy, visiting the entrance to Crewe station with virtual-reality goggles to show what the area would look like if plans were implemented and a trip to a site restoring classic trains;
- 5 reported that the Council had received the Armed Forces Covenant Silver Award. This latest award made by the Ministry of Defence, followed the Bronze Award which the Council received in 2020, and highlighted the ongoing commitment the Council was making to support serving personnel, reservists, veterans, families, cadets, and the wider military community across the borough;
- 6 reported that, for the fifth year in succession, the Registration Service had won the Ceremony Provider of the Year category at the North West Wedding Awards. He congratulated the Registration Service team for maintaining such a performance.

The Deputy Leader, in summary

- 1 attended a sod-cutting ceremony on 27 May to mark the commencement of work on the North-West Crewe Package;
- 2 reported that the design and development work for the Middlewich Eastern Bypass scheme continued to make good progress. A package of early site work was implemented earlier this year, whilst other environmental works, earthworks and landscaping were currently in preparation;
- 3 reported that since Council last met, the second reading of the Phase 2b (Crewe to Manchester) Hybrid Bill had taken place, which had triggered the petitioning process. A



resolution had been made to petition against the Bill, as it was felt the proposals did not currently represent the best deal for the borough. The Council was currently running a series of 'cluster workshops' for town and parish councils affected by the scheme, to ensure they were well placed to petition themselves;

- 4 advised that the Council was also working with its neighbouring authorities, as well as sub-regional partners, as part of Transport for the North and Growth Track 360 to make the case for essential investment in HS2 infrastructure;
- 5 advised that the Council's planning service continued to experience significant delays, with a backlog of 2,684 undetermined cases at the end of June. A number of initiatives were being implemented to address the issues including the launch of a new recruitment campaign video, extending the Council's contract with Capita to provide agency staff, a revised site visit protocol for officers, establishing additional Team Leader/Principal Planner roles, engaging with universities to explore graduate recruitment and employing a planning consultant to lead to Planning Service Improvement Plan;
- 6 advised that, at the last budget council meeting in February, the Council took the ambitious step of borrowing to invest an additional £19M in its highways maintenance and repair programme over the next three years. The £7M tranche of money being invested this year was starting to bear fruit and both Members and members of the public could find more details on the schemes being delivered on the Council's website;
- 7 reported another alleged assault on a member of the highways team. He felt all Members would want to join with him in condemning such behaviour towards an officer, who was going about the task they were paid to do. He stated that he was raising this issue to send a clear message that assaults on staff were unacceptable. He had signed up to the apolitical "Debate Not Hate" campaign, which the Local Government Association was currently championing, and encouraged all Members of Council to do the same;
- 8 reported that Crewe had been shortlisted as one of six potential locations for the new Great British Railways HQ. He had attended, along with the local MP and other Group Leaders, a meeting with the Minister of State, Wendy Morton MP, where she had an opportunity to see what Crewe had to offer, both now and in the future. He felt officers had

submitted an excellent technical bid and encouraged friends and families to vote for Crewe at [www.gbrcrewe.co.uk](http://www.gbrcrewe.co.uk).

Upon the invitation of the Mayor, Group Leaders spoke:

Councillor J Clowes endorsed the comments made by the Deputy Leader in relation to assaults on Cheshire East employees and expressed her support for Crewe as the HQ of Great British Railways. In respect of HS2, she was grateful that the Council had moved forward with setting up North and South cluster groups.

Councillor P Williams echoed the comments on assaults on employees and 'poison pen' attacks on Councillors. On behalf of the Liberal Democrat group, he was encouraged to find strong cross-party support for the Great British Railways bid. In respect of HS2, he welcomed the response coming forward, but equally important was the support for the provision of an enhanced station hub at Crewe as well as pressing for compensation for those impacted by the Crewe to Manchester phase and mitigation on the ecological and environmental impacts.

**24 RECOMMENDATION FROM CHILDREN AND FAMILIES COMMITTEE:  
APPROVAL OF SUPPLEMENTARY ESTIMATES**

Consideration was given to the recommendations of the Children and Families Committee, which had met on 23 May 2022, in relation to the Approval of Supplementary Estimates of over £1m.

**RESOLVED:** That Council

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

**25 RECOMMENDATION FROM ADULTS AND HEALTH COMMITTEE:  
APPROVAL OF SUPPLEMENTARY ESTIMATES**

Consideration was given to the recommendations of the Adults and Health Committee, which had met on 30 May 2022, in relation to the Approval of Supplementary Estimates of over £1m.

**RESOLVED:** That Council

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

**26 RECOMMENDATION FROM CORPORATE POLICY COMMITTEE:  
APPROVAL OF SUPPLEMENTARY ESTIMATES**

Consideration was given to the recommendations of the Corporate Policy Committee, which had met on 9 June 2022, in relation to the Approval of Supplementary Estimates of over £1m.

**RESOLVED:** That Council

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

**27 RECOMMENDATION FROM FINANCE SUB COMMITTEE: APPROVAL OF SUPPLEMENTARY ESTIMATES AND VIREMENTS**

Consideration was given to the recommendations of the Finance Sub Committee, which had met on 6 July 2022, in relation to the Approval of Supplementary Estimates of over £1m.

**RESOLVED:** That Council approve

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

**28 RECOMMENDATION FROM CORPORATE POLICY COMMITTEE: UK SHARED PROSPERITY FUND - CHESHIRE EAST ALLOCATION**

Consideration was given to the recommendations of the Corporate Policy Committee, which had met on 14 July 2022, in relation to the UK Shared Prosperity Fund - Cheshire East Allocation.

Councillor J Clowes proposed an amendment to the recommendations of the Committee, to include an additional sentence which also noted the requirements of additional guidance from time to time. The Mayor asked if the proposer and seconder of the substantive motion were prepared to accept the amendment. Councillor S Corcoran, as the proposer of the motion, requested advice from the Monitoring Officer, who advised that the amendment was acceptable. Councillor J Clowes confirmed she was content to accept the advice, as were the proposer and seconder.

**RESOLVED:** That

1. authority be delegated to the Executive Director Adults, Health and Integration to:
  - (i) make any amendments to the Local Investment Plan for the Multiply element of the Shared Prosperity allocation for Cheshire East as are required by government in order to release Multiply

funding or as required during the plan period to enable the effective management of the fund; and

- (ii) accept the Multiply funding allocation for Cheshire East and approve a Supplementary Revenue Estimate of up to £1,535,547, and to allocate that funding as set out within the Local Investment Plan over the years 2022-23 to 2024-25;
2. Council note the emerging Local Investment Plan for the core element of the UK Shared Prosperity Fund allocation for Cheshire East.
3. Council note that the Chief Executive, S151 Officer and Leader are required to approve the core UKSPF Investment Plan once completed to comply with the requirements of the UKSPF government Prospectus and to also take note such guidance as may be issued from time to time ;
4. authority be delegated to the Executive Director Place to:
- (i) submit the approved completed Investment Plan for the core UK Shared Prosperity Fund allocation for Cheshire East to the government Department for Levelling Up, Housing and Communities for the deadline of 1 August 2022;
  - (ii) make any amendments to the Investment Plan for the core UK Shared Prosperity allocation for Cheshire East as required by government in order to release the funding or as required during the plan period to enable the effective spend of the fund;
  - (iii) accept the core UK Shared Prosperity Fund allocation for Cheshire East and approve a Supplementary Revenue/Capital Estimate of up to £11,585,762, (split to be confirmed on approval of the Investment Plan) and to allocate the funding as set out within the Local Investment Plan over the years 2022-23 to 2024-25; and
  - (iv) manage the Cheshire East UK Shared Prosperity Fund 2022-25 programme, taking all necessary actions in the interests of maximising the impacts of the fund aligned to the fund parameters and local priorities aligned to the core UK Shared Prosperity Fund Investment Plan; and
5. Council note that Cheshire East Council will act as accountable body for the Shared Prosperity Fund where funds are allocated to third party organisations, for the duration of the funding.

29 **RECOMMENDATION FROM ADULT AND HEALTH COMMITTEE AND SCRUTINY COMMITTEE: ESTABLISHMENT OF A CHESHIRE AND MERSEYSIDE JOINT HEALTH SCRUTINY COMMITTEE AND CONSEQUENTIAL REVISIONS TO THE CONSTITUTION**

Consideration was given to the recommendations arising following the meetings of the Adults and Health Committee and Scrutiny Committee, which had met on 30 May 2022 and 14 June 2022 respectively, in relation to the Establishment of a Cheshire and Merseyside Joint Health Scrutiny Committee and Consequential Revisions to the Constitution.

**RESOLVED:** That Council

1. Agree to the establishment of a Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee as set out in the Joint Committee Arrangements document at Appendix A.
2. Adopt the amended 'Protocol for the establishment of Joint Health Scrutiny Arrangements in Cheshire & Merseyside' as set out in Appendix B.
3. Note that Corporate Policy Committee at its meeting on 4 November 2021 delegated the appointment of members to external scrutiny functions to the Scrutiny Committee, which may invite any member with the appropriate knowledge of health and social care, having regard to political proportionality.
4. Note the constitutional changes delegated by Council to the Director of Governance and Compliance on 27 April 2022 as set out in Appendix C.

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

Consideration was given to a report which sought a resolution from Council which would determine the political representation on the Council's Committees.

**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.

(Prior to consideration of the following item, the meeting was adjourned for a short break).

**31 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 Review of Winter Service (Gritting) Programme Assessment Criteria**

**Proposed by Councillor R Moreton and Seconded by Councillor D Edwardes.**

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

**RESOLVED:**

That the Motion be referred to the Highways and Transport Committee.

**2 Safer School Streets**

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

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

**RESOLVED:**

That the Motion be referred to the Highways and Transport Committee.

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

**Proposed by Councillor N Mannion and seconded by Councillor J Nicholas**

*That:-*

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

**RESOLVED:**

That the Motion be referred to the Environment and Communities Committee.

**32 QUESTIONS**

Cllr P Williams asked if the Council would consider applying for government funding available for the Brownfield Land Release Fund 2.

In response, Cllr N Mannion, Chair of the Economy and Growth Committee, stated that officers were currently assessing the criteria for the fund against sites identified by Housing Development and examining whether the timescales aligned with the priorities for these sites. There would be funding rounds for the next two financial years; therefore, if the Council was unable to develop a bid by the 2022 deadline, it was likely that proposals would be developed for Spring 2023. Cllr Mannion would provide a written response with detail on exact dates and funding amounts.

Cllr S Holland asked a question in respect of the New Burden Grant and whether the grant could be utilised to fund, reinstate, or replace via a similar service as the pathfinder service. The Leader requested that the question be submitted in writing and he would then provide a written response.

Cllr J Bratherton referred to an art project proposed to be located outside Crewe station and asked who made the decision to appoint the artist, what criteria it was based upon and which other artists had put forward work to obtain the contract. She stated that she felt both examples offered bore no resemblance to Crewe and stated that she would have liked to have had some broader say within the Council on the designs. Councillor N Mannion, Chair of the Economy and Growth Committee, agreed that he would provide a written response.

Cllr L Smith asked if the Council would look to Manchester, Yorkshire and other areas of the UK in respect of how bus services operated; for example the municipal ownership of buses and whether the Council would look at removing contracts from companies like Arriva who she believed continued to focus on profits rather than the service received by the public and treatment of workers.

In response, Cllr L Crane, Chair of the Bus Service Improvement Plan Advisory Group, stated that she would like to make such changes but the Council was restricted by the legal framework. The Council had, under the Bus Service Improvement Plan, been able to establish an enhanced partnership for bus companies which she hoped would address some of the issues raised. She felt it was a matter upon which all Councillors needed to lobby their MPs, as cities which had devolved powers had superior public networks and she felt Cheshire East deserved the same.

Cllr S Gardiner stated that he wished not to ask a question but to thank a colleague on behalf of the Council who was leaving the authority, Sarah Baxter, Democratic Services Officer, for her contribution over the years.

Cllr A Kolker commented that he found the content of the agenda disappointing as he felt every item reaffirmed decisions made in other Committees. He asked that, if agendas were going to lead to Members redebating items previously debated, whether the Chair might use his discretion, and rather than refer Notices of Motions on to other Committees, Members should debate them in full Council.

In response, the Mayor confirmed he would look at the contents of agendas and use his discretion where necessary, but that a number of items that had been to other Committees constitutionally need to be endorsed by full Council.

Cllr D Edwardes asked if the Council had submitted an application for government funding to support the roll out of electric vehicle charging points within the borough and what this would provide. In response, Cllr C Browne, Chair of the Highways and Transport Committee, stated that the Council had submitted a bid to the government's On Street Residential Charging Fund (ORCS) in April 2022 for a total of £157,580. This was being matched with a Council contribution of £55,300 as required by the scheme. The application had been assessed and was deemed technically compliant. If successful, the scheme would form the introduction of electric vehicle charging points at 15 locations, with most locations providing 4 charging points each as follows:

Fairview Car Park, Alsager  
Antrobus Street Car Park Congleton  
Wrexham Terrace Car Park, Crewe  
Bulkley Street, Crewe  
Edleston Road Car Park, Crewe  
Hope Street Car Park, Crewe  
King Street Car Park, Knutsford  
Tatton Street Car Park, Knutsford  
Brook Street Car Park, Macclesfield  
Churchill Way Car Park, Macclesfield  
Whalley Hayes Car Park, Macclesfield  
Southway Car Park, Middlewich  
Snow Hill Car Park, Nantwich  
Chapel Street Car Park, Sandbach  
The Carrs Car Park, Wilmslow

Potentially, this would give the Council 56 new electric vehicle charging points across the borough by the summer of 2023 as the funds would have to be spent within 12 months. A Local Electric Vehicle Infrastructure (LEVI) was expected to come on stream next year to support further investment in this area.



Cllr C Naismith stated that HS2 had the potential to add immense benefits to Crewe and asked if Cllr C Browne, Chair of the Highways and Transport Committee, would agree that government delivering anything fewer than 5 to 7 HS2 trains stopping at Crewe per hour would be a betrayal of the towns and the wider sub regions ambition for its regeneration. He asked if this view could be fed in through the petitioning process and via any other avenues available.

In response, Cllr Browne confirmed he could agree with Cllr Naismith. Due to the way the project was being phased and constructed, beginning in London and ending in Manchester, any benefits to the north of HS2 would be delivered much later than the south. For this reason, it was vitally important that there was a commitment from government to the necessary infrastructure to support 5-7 trains per hour. He advised there was already a disconnect between what was being promised with £2.6B starting in London, £500M for two stations at Birmingham and £45M for two extended platforms at Crewe. He reported that, at the recent ministerial visit, Members pressed for a commitment on 5 to 7 trains an hour but were told that this almost certainly would not happen prior to the completion of phase 2B to Manchester. This was important not only for the Council's own regeneration plans but also the investment decisions that businesses were going to make which would be different if they were predicated on 2 trains per hour, as opposed to 5 to 7 trains an hour. The Council would continue to work closely with partners across the North-West of England, including Cheshire West and Warrington, as well as the Metro Mayors for Greater Manchester and Liverpool to put pressure on the government for that commitment to the infrastructure that supports 5 to 7 trains per hour.

Cllr K Parkinson referred to issues arising from some visitors to the Parish of Pickmere which included parking in such a way as to create an issue for emergency services gaining access, and antisocial behaviour. Cllr Parkinson asked for assurances from Officers and Cllr C Browne to work with her and Cheshire Police to find a solution. In response, Cllr C Browne, Chair of the Highways and Transport Committee, advised that these issues were similar to those raised at the start of the meeting regarding Poynton, and that the route forward would be through the Antisocial Behaviour Team and the Multi Agency Action Group. Cllr Browne gave assurances that he would provide any support he is able to and would ensure this was on the agenda of the Multi Agency Action Group.

Cllr P Redstone asked, on behalf of Odd Rode Parish Council, for assurances from Officers that no herbicides would be used in the area by Cheshire East going forward as they left a 'revolting slurry' after use. Cllr C Browne advised that he would look into this issue and provide a written response.

Cllr M Goldsmith referred to Cheshire East's £7M additional investment in highway maintenance for 2022 and asked for confirmation of what this would fund. In response, Cllr C Browne, Chair of the Highways and Transport Committee, advised that the first £7M tranche of the £19M that

was being invested by the Council over the next three years was expected to fund:

- Six road resurfacing schemes, approximately equating to 3km of treated road;
- Repairs to 25 roads to address localised deterioration;
- The reconstruction or resurfacing of approximately 2km of footway;
- Nine drainage investigation and improvement schemes;
- 13 bridge improvement schemes;
- The design of nine bridge improvement schemes for delivery during the later period;
- Lamp column replacements for 100 identified streets;
- New road markings and surface repairs for approximately 3km of A roads

Cllr M Hunter referred to the Local Plan which had been adopted in 2017 and stated that some areas of the borough had been excluded from Community Infrastructure Levy (CIL) payments which were an integral part of local infrastructure projects. Cllr Hunter gave notice that he intended to put in a motion at the next Council meeting on CIL payments which would ask for a review of the system. Cllr Hunter asked if Group Leaders would support a request for that review. In response, Cllr Browne, Chair of the Highways and Transport Committee, advised that he would need to see the content of what was being proposed before he could confirm support, but that he would look forward to seeing it.

Cllr B Puddicombe referred to agreed improvements to the Flowerpot Junction in Macclesfield and asked why this work had not yet started. In response, Cllr C Browne, Chair of the Highways and Transport Committee, advised that the project had progressed well through the development stage although there had been some on site investigations through which a few issues had arisen. These included:

- Statutory enquiries had identified more underground services than were originally anticipated;
- Openreach had needed to undertake more extensive site surveys to identify all their assets and determine what diversions would be required;
- Cadent Gas had required further site investigations to look into the detail of the mains that run through the site;
- Complex legal advice was needed on how the open space in the south east corner of the site was used ;
- Land negotiations with nearby third-party private landowners had continued although were not always responsive at the times required

Those attempts to reach agreement were ongoing; however, due to a lack of certainty, it was likely to proceed to agree a compulsory purchase order.

Work was ongoing to put together the evidence required to support this with a target date of the Highways and Transport Committee meeting in November.

Cllr L Anderson thanked Cheshire East for providing a warm welcome to Ukrainian refugees and stated that feedback on Cheshire East's response had been positive. Cllr Anderson stated that some refugees had now been here for three months and wondered what would happen in the future, with some hosts having received letters asking if they would continue after the initial six months. The Leader thanked the 277 sponsors supporting Ukrainian families and confirmed that there had been very few sponsor/refugee breakdowns but that, where that did happen, the Council would look to find alternative placements. In addition, the Leader confirmed that the Council had a responsibility for those who were made homeless and that this would be honoured. Cllr C Browne also thanked the hosts and advised that the guidance for what would happen after the initial six months continued to change on a frequent basis and, therefore, a written response would be provided.

Cllr S Akers Smith referred to the redevelopment of Congleton Leisure Centre where more asbestos was found in the building than had been expected, resulting in a cost and time delay amounting to more than £8.6M. Cllr Akers Smith asked for an update on progress and completion and information on how the potential cost increase would be funded.

Cllr Akers Smith raised a further question regarding the redevelopment of Congleton Skate Park and stated that no funding was included for this in the leisure centre redevelopment, despite both being on the same site. Cllr Akers Smith asked whether it would be possible to commit any funds from the UK Shared Prosperity Fund to provide a new skate park rather than the refurbishment of what was believed to be an out of date facility. In addition, she asked whether Cheshire East could help to deliver this project in partnership with ESAR and ANSA. In response, Cllr C Browne, Chair of the Highways and Transport Committee, advised that this would usually be a question for the Chair of Environment and Communities and that a written response would be provided due to his absence at the meeting.

The meeting commenced at 11.00 am and concluded at 1.40 pm

Councillor D Marren  
Chair

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**COUNCIL 20 JULY 2022**

**Item 15 - Questions**

**(1) Councillor P Williams question to Councillor N Mannion**

Asked if the Council would consider applying for government funding available for the Brownfield Land Release Fund 2. In response, Councillor N Mannion, the Chair of the Economy and Growth Committee stated that in July the government announced the Brownfield Land Release Fund (BRLF2) which provided capital grant funding seeking to release land for new homes. The current application window was open to Mid-August and was valued at £40m out of a total fund of up to £180m over three years.

The Council's Economic Development and Housing teams were aware of the Fund and were considering it in comparison to the proposals. The Council was looking to ascertain whether any meet the bidding criteria. Councillor N Mannion stated that he would be happy to send a more substantive response to Councillor P Williams in writing detailing the exact dates and amounts.

**Written Response**

The One Public Estate Partnership announced on the 11 July 2022 that up to £180 million capital grant funding is available to all constituent English councils over a three-year period to support the release of council-owned brownfield land for the development of new housing. The BLRF2 will support the government's levelling up ambitions in places that need it and is aimed at restoring a sense of community and local pride and spreading opportunity across England so that every place can realise its potential.

This funding will be made available via three competitive bidding rounds:

- The first of these is currently open for applications and closes on the 19 August 2022, a total of £40m of funding has been allocated in round one.
- Round two is expected to be open for bids in 2023, with the bidding round closing early Spring 2023 and £60m of funding has been allocated; and
- Round three is expected to be open for bids in 2024, with the bidding round closing early Spring 2024 and up to £80 million of funding has been allocated.

**What does BLRF2 mean for Cheshire East?**

Across all three rounds of BLRF2, the fund places a large emphasis on places that are considered in need of levelling up and therefore areas with lower residential land values. Suggesting that in Cheshire East, developments would be confined to central Crewe and parts of Macclesfield, where the tartan rug clearly identifies concentrations of deprivation.

Cheshire East currently benefits from Housing Investment Fund (HIF) from Homes England for its three strategic housing sites (South Macclesfield

Development Area, Handforth Garden Village and Leighton). It is unclear from BLRF2 guidance if this new fund can be used in conjunction with HIF, and questions have been raised with government officials on this matter.

Officers are currently assessing the criteria for the fund and against sites already identified for housing development which are in the Council's ownership and examining whether the timescales and ambitions of the fund align with the Council's priorities for individual sites.

If the Council is not able to develop a bid by the deadline for the 2022 funding round, 19 August, it is likely to be developing its proposals for individual sites for Spring 2023.

**(2) Councillor S Holland question to Councillor S Corcoran**

Asked a question in respect of the New Burden Grant. She asked if the grant could be utilised to fund, reinstate, or replace via a similar service as the pathfinder service. Councillor S Corcoran, the Leader of the Council, requested for the question to be submitted in writing and he would provide a written response.

Written Response

Following the Council's decision there are no plans to re-commission the pathfinder service. The decision reflected the positive approach that is offered via the Live Well website where similar support is available ([Live Well Cheshire East](#)). The site is highly accessible, but CEC Libraries and the Contact Centre can also help customers who have difficulty completing forms online.

The New Burden Grant - (Incapacity Benefit Reassessment) is a specific grant from the DWP to fund the administration costs associated with reassessing Housing Benefit claims for those previously receiving Incapacity Benefit. As such it is compensation for costs incurred and the grant cannot therefore be utilised to fund other initiatives.

**(3) Councillor J Bratherton question to Councillor N Mannion**

Referred to a news release on 18 July 2022 in connection with an art project - the heritage wall proposed to be located outside of Crewe station. She wanted to know who made the decision to appoint the artist, what criteria was it based on and which other artists put in a piece of work for verification in order to obtain the contract? She found out about the vote on the 18<sup>th</sup> July with the ballot taking place only a few days later. She stated there were only two options on the voting paper, however she was of the view a third option needed to be put forward stating none of the above on. She felt both examples been offered bore no resemblance to Crewe. Further to this she would have liked to have some broader say within the Council on the designs signalled out. She reiterated who made the decision, how the chosen artist was appointed, the relevance of public art in the first place on the bus station and the cost.

In response, Councillor N Mannion, the Chair of the Economy and Growth Committee stated he would provide a written response.

### Written Response

As part of the initial plans and discussion for phase one of the Royal Arcade (the new car park and bus station) the idea to incorporate some form of public art came up through comments made by the public and stakeholders. The use of a perforated aluminium design was identified by officers as a solution that would enable the incorporation of some public art, while also addressing the technical building control requirements of managing air to flow into the car park to provide both ventilation and fire prevention mitigations. This type of cladding/ artwork has been used in other multi storey car parks and was included in the budget for the car park in Crewe. It was referenced in the hybrid planning application for the scheme, subject to a final design, which was awarded planning consent in September last year. The budget for the heritage wall, including the design, construction and installation of the cladding/ artwork is circa £50,000.

Local members were made aware of the process and the plans to have a public vote on the heritage wall during briefing sessions on the planning application. Members did not express at that time an interest in being involved in the design process, although it is recognised that this offer could have been followed up and confirmed later.

To identify and procure an artist, the Council invited local volunteers, including from the Crewe Cultural Forum, heritage and business groups, to support in the production of a brief for an artist. The procurement was advertised as an 'open call' via national and local artist and networks, including a website commonly used for public art projects ([www.artjobs.org.uk](http://www.artjobs.org.uk)). The brief was issued to those that expressed an interest and Cheshire East received tenders from 10 artists including four from local artists based in Cheshire East. The tenders were evaluated against specific scoring criteria relating to the designers' experience, skills, proposed approach, and cost. An additional weighting was given to local artists based in Cheshire East. The best tender overall was Orakel Workshop, who have vast experience in similar projects.

The designer followed the brief to research local heritage and associated imagery to create two alternative designs and to incorporate the recently developed Crewe brand, which has been the subject to extensive earlier consultation.

The successful designer has produced information boards and videos which explain the inspiration behind the designs, and the process for the final proposals, based on a number of factors including relevance to Crewe's heritage, aesthetic appearance, and consideration of the materials and production method. Further details on these designs and how they were put together can be found here:

[CREWE — Orakel Workshop](#)

Several other design ideas developed through the tender process have been discounted for use in the heritage wall, but it is the intention that some of these may be used elsewhere – for example, inside the new bus station concourse.

The original intention was to go to a public vote to select the preferred design as soon as possible, so that the materials can be ordered, and production commenced, mitigation anticipated price increases affecting aluminium production.

The perforated aluminium is to be provided by a Cheshire company and it can only be provided in one colour, and a light grey was selected as it provides the greatest contrast to help the images to stand out to best effect.

Going forward, the heritage wall work has been put on pause due to the response from members and the public on social media, we shall now revert to further discussions with key stakeholders including local members to review the design proposals and consider how they can be improved and whether other alternatives should be considered.

**(4) Councillor P Redstone question to Cllr C Browne**

Councillor P Redstone asked, on behalf of Odd Rode Parish Council, for assurance from officers that no herbicides would be used in the area by Cheshire East going forward as they left a 'revolting slurry' after use. Councillor C Browne advised that he would look into this issue and provide a written response.

Written Response

Cheshire East Highways currently use a herbicide (Glyphosate) to treat most weeds. Although Glyphosate is safe if used under manufacturer's instructions and by trained personnel, we are currently looking at other options. We have an annual programme of weed spraying covering all public roads, footways and paved areas. This year's programme started on Monday 1<sup>st</sup> August and will last for approximately 8 weeks, subject to weather conditions.

**(5) Councillor L Anderson question to Cllr C Browne**

Councillor L Anderson thanked Cheshire East for providing a warm welcome to Ukrainian refugees and stated that feedback on Cheshire East's response had been positive. Councillor L Anderson stated that some refugees had now been here for three months and wondered what will happen in the future, with some hosts having received letters asking if they would continue after six months. The Leader thanked the 277 sponsors supporting Ukrainian families and confirmed that there had been very few sponsor/refugee breakdowns but that, where that does happen, the Council would look to find alternative placements. In addition, the Leader confirmed that the Council has a responsibility for those who are made homeless and that this would be honoured. Councillor C Browne also thanked the hosts and advised that the guidance for what happens after



the initial six months continues to change on a frequent basis and, therefore, a written response would be provided.

#### Written Response

This initial guidance on the Homes for Ukraine scheme outlines the role of councils across England in supporting the scheme: [Homes for Ukraine: guidance for councils - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/homes-for-ukraine-guidance-for-councils)

There may be some cases where the sponsor/guest relationship breaks down and the guest is homeless or at risk of homelessness. The Councils' statutory homelessness duties will apply in this instance.

Local housing authorities may be able to end a homelessness prevention or relief duty owed to a Ukrainian beneficiary by facilitating a rematch, provided the placement and accommodation are suitable and there is a reasonable prospect of it continuing to be available for at least six months.

Local housing authorities must continue to consider their statutory homelessness duties in full and take account of the individual circumstances of each household when assessing if the accommodation and match is suitable. DLUHC intends to provide more detail on this interaction shortly in an update to the Homelessness Code of Guidance, as well as consequences for intentional homelessness decisions.

Homelessness legislation in respect of local connection is unchanged. However, to support councils in determining which authority should provide assistance in cases where the household is yet to establish a local connection, the recommended general approach should be for the council where the household's sponsor is located to take the homelessness application.

If the household makes a homelessness application to a council other than the council where their sponsor is located, in line with the legislation the council must take the application and then consider if a local connection referral is appropriate.

#### **(6) Cllr S Akers Smith question to Cllr C Browne/Cllr M Warren**

Councillor S Akers Smith referred to the redevelopment of Congleton Leisure Centre where more asbestos was found in the building than had been expected, resulting in a cost and time delay amounting to more than £8.6m. Councillor S Akers Smith asked for an update on progress and completion of this leisure centre and information on how the potential cost increase would be funded.

Councillor S Akers Smith raised a further question regarding the redevelopment of Congleton Skate Park and stated that no funding was included for this in the leisure centre redevelopment, despite both being on the same site. Councillor S Akers Smith asked whether it would be possible to commit any funds from the UK Shared Prosperity Fund to provide a new skate park rather than the refurbishment of what was believed to be an out of date facility. In addition,

Councillor S Akers Smith asked whether Cheshire East could help to deliver this project in partnership with ESAR and ANSA. In response, Councillor C Browne advised that this would usually be a question for the Chair of Environment and Communities and that a written response would be provided in his absence.

Written Response

Good progress is being made on the redevelopment of Congleton leisure centre, with construction expected to complete in December this year. The main building works are well advanced, and the attention has now moved to the internal works. There has been a delay to the original programme due to the presence of asbestos found during the ground works and also because of the need for the main contractor to source an alternative specialist pool sub-contractor after the original sub-contractor went into administration part way through the works. The higher than anticipated level of asbestos has resulted in an increase in the cost of the project. This has been funded via a virement from the Strategic Capital Reserve.

The Leisure Centre redevelopment project included budget provision to ensure the skate park was of an acceptable standard for the re-opening of the leisure centre. However, future aspirations for the skate park are in excess of the budget provision and so proposals for the refurbishment of the skate park will be taken forward as a separate Park Development project which will seek to identify ways in which the works can be funded.



*Working for a brighter future together*

## **Council**

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<b>Date of Meeting:</b>	19 October 2022
<b>Report Title:</b>	Cared for Children and Care Leavers Strategy Pledges
<b>Report of:</b>	Kerry Birtles, Director of Children's Social Care
<b>Ward(s) Affected:</b>	All Wards

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

- 1.1. Cheshire East Council has a statutory parenting responsibility towards all cared for children and care leavers aged 0-25. Those responsibilities include the necessity to ensure that children and young people are safeguarded from harm, have a safe place to live, enjoy education, training and employment with high aspirations for their futures, are healthy and cared for in ways which any good parent would for their own child.
- 1.2. Our new Cared for Children and Care Leavers Strategy 2022-26 has been developed to support us to fulfil these responsibilities and sets out our 6 pledges to ensure we achieve this for all of our cared for children and care leavers. The Cared for Children and Care Leavers Strategy was endorsed by the Corporate Parenting Committee and Children and Families Committee in July 2022 and a recommendation made to bring the full pledges to Council for endorsement.

### **2. Executive Summary**

- 2.1. Our Cared for Children and Care Leavers strategy has been developed with our cared for children and care leavers. They told us that some of the language used in our current Corporate Parenting Strategy is too clinical and not meaningful to them. We therefore worked together to rename our strategy the Cared for Children and Care Leavers Strategy.
- 2.2. During the development of the strategy, we have conducted an online survey to give foster carers an opportunity to share their views and ideas about the pledges.

- 2.3. We have held discussions during our workstream groups and the Corporate Parenting Operational Group where managers, frontline staff, councillors, education, voluntary sector, and health colleagues were able to share their views on the priority areas and actions and refresh the previous pledges.
- 2.4. In line with children and young people's wishes and we have added an additional pledge to focus on participation, i.e., listening to and involving our children and young people in decisions and services that affect them.

### **3. Recommendations**

- 3.1. It is recommended that the pledges are accepted and endorsed by the Council in order to make our commitment to our cared for children and care leavers as members and officers and ensure that there is a clear and joint vision to supporting cared for children and care leavers and that this is everyone's responsibility.

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

- 4.1. The Cared for Children and Care Leavers Strategy has 6 pledges that were updated in collaboration with cared for children and care leavers as part of the strategy development. It is vital that the Council are aware of these priorities and the commitment to deliver against them.

**Pledge 1- We will care for our cared for children and care leavers as any good parent would.**

**Pledge 2- We will improve education, training, and employment outcomes.**

**Pledge 3- We will be truly aspirational to give all children and young people a forever home and to keep them safe.**

**Pledge 4- We will improve health and wellbeing outcomes.**

**Pledge 5- We will prepare young people for adulthood.**

**Pledge 6- We will work TOGETHER with children and young people.**

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

- 5.1. No other options to be considered, Cheshire East has a legal duty to provide care for cared for children and care leavers.

### **6. Background**

- 6.1. The previous Corporate Parenting Strategy 2018 to 2021 was endorsed by the Corporate Parenting Committee in November 2018, along with the 'youth proofed' pledges to cared for children and care leavers.
- 6.2. The pledges were subsequently accepted and endorsed by the full Council in December 2018 in order to make the commitment to cared for children and care leavers by members and officers and to ensure that there is a clear and

joint vision about Corporate Parenting in Cheshire East as being everyone's responsibility.

- 6.3.** The council also decided that all key council decisions be considerate of the potential consequences and benefits to cared for children and care leavers, and that this be achieved by asking a mandatory question in each report about the impact of the decision upon cared for children and care leavers.
- 6.4.** Good progress has been made in achieving the pledges set out in the 2018-20 Corporate Parenting Strategy. This progress has been reported to the Corporate Parenting Committee each year via the Corporate Parenting Annual Report.

## **7. Consultation and Engagement**

- 7.1.** During the development of the strategy, in March 2022 we conducted an online survey to give foster carers an opportunity to share their views and ideas. Their responses around the relevance of the pledges echoed that of the children and young people we spoke to, with some feeling the use of 'being a good corporate parent' is vague and lacks context. 72% felt that a pledge around participation should be included in our new strategy. Some foster carers commented that they would like improved communication with them to be included as part of the new strategy and we have developed actions to support this in our action plan. The Fostering Service is also reviewing our foster carer charter alongside foster carers to ensure that we can further strengthen communication with them.

## **8. Implications**

### **8.1. Legal**

- 8.1.1.** The proposed strategy meets the authority's statutory duties to cared for children and care leavers.

### **8.2. Finance**

- 8.2.1.** None

### **8.3. Policy**

- 8.3.1.** As a corporate parent, all council policies should consider the impact on cared for children and care leavers.

### **8.4. Equality**

- 8.4.1.** All children and young people have a right to be treated equally and have their disability, gender, ethnic, cultural, religious, and linguistic needs met. As corporate parents for children and young people in care and care leavers, it is essential that the council is able to demonstrate that it considers equality implications in all decisions made in relation to cared for children and care leavers. Cared for children and care leavers can be a vulnerable group because of their experiences so we need to ensure they are supported to achieve the same outcomes as their peers as they can experience disadvantages and are at risk of poorer outcomes.

**8.5. Human Resources**

- 8.5.1. The recruitment and retention of social workers and frontline colleagues is an essential component of the delivery of the strategy.

**8.6. Risk Management**

- 8.6.1. Cared for children and care leavers are a vulnerable group for whom there are a number of risks, including poor outcomes in education and training, health, safeguarding and transition into adulthood. The Cared for Children and Care Leavers Strategy outlines plans to mitigate these risks.

**8.7. Rural Communities**

- 8.7.1. All communities are affected by the contents of this report, and it is necessary to strategically plan the delivery of services to serve all communities.

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

- 8.8.1. The Cared for Children and Care Leavers Strategy sets out clearly our intentions to improve outcomes for cared for children and young people, along with our pledges and priorities for 2022-26.

**8.9. Public Health**

- 8.9.1. Cared for children and care leavers are more at risk of poor health outcomes. Health services need to be targeted to ensure that they meet the needs of this group of children and young people. A number of pledges within the Cared for Children and Care Leavers Strategy addresses the health and wellbeing of this group of young people.

**8.10. Climate Change**

- 8.10.1. This strategy is aligned with the council's aim to be green to lead our communities to protect and enhance our environment, tackle the climate emergency and drive sustainable development. This includes our pledge to strive to ensure that every child and young person will have the opportunity to live in a good, safe home locally, either with their family or in another long-term home,

<b>Access to Information</b>	
Contact Officer:	Annmarie Parker Annmarie.Parker@cheshireeast.gov.uk
Appendices:	Appendix 1 - Cared for Children and Care Leavers Strategy, 2022-26. Appendix 2 - Cared for Children and Care Leavers Strategy, 2022-26 Pledges.
Background Papers:	The Corporate Parenting Strategy 2018-21 can be found at: <a href="https://www.cheshireeast.gov.uk/corporate-parenting-strategy.pdf">corporate-parenting-strategy.pdf (cheshireeast.gov.uk)</a>



# Cared for Children and Care Leavers Strategy 2022-26

## Contents

Foreword .....	3
Introduction.....	4
Glossary of terms for working with Care Experienced Children and Young People .....	5
Pledge One: We will care for our cared for children and care leavers as any good parent would .....	6
Pledge Two: We will improve education, employment, and training outcomes .....	9
Pledge Three: We will be truly aspirational to give all children and young people a forever home and to keep them safe. ....	12
Pledge Four: We will improve health and wellbeing outcomes.....	16
Pledge Five: We will prepare young people for adulthood .....	20
Pledge Six: We will work TOGETHER with children and young people .....	23
Governance.....	26



## Foreword

In Cheshire East, we believe caring for our cared for children and care leavers is one of the most important responsibilities held by elected members, partner agencies, and individual staff working with children and young people in the care of the local authority. We are committed to cared for children and care leavers having the love, care, and opportunities we want for all our children.

It is important that we get this right. Early experiences in childhood and growing up shape future happiness and set the foundations for what can be achieved throughout their adult lives. This strategy sets out how we will work together to advocate and champion the needs of cared for children and care leavers in everything we do, having high aspirations for their future, keeping them safe, happy, and healthy and supporting them into adulthood. We will celebrate their successes and support them when things don't go so well. We will be here for our children and always consider 'would this be good enough for my child'.

This strategy has been developed TOGETHER with children and young people. The 'Pledges' that we make to them are based on the things that they have told us matter most to them. The commitment to improving the lives of our cared for

children and care leavers is more than a priority; it is the way in which we behave, think, and feel about our children and young people in every aspect of our work. Through the implementation of this strategy, we intend to improve the experiences and outcomes for all our Cheshire East cared for children and care leavers.



Deborah Woodcock  
 Executive Director of  
 Children's Services



Cllr Kathryn Flavell  
 Chair of the Corporate  
 Parenting Committee

## Introduction

### Children in care and care leavers, the Cheshire East picture.

- The number of children in care in Cheshire East fluctuates daily as new children come into care and children leave care. On 31 March 2022 we had 522 cared for children and 364 care leavers (aged 18-25).
- Children come into care for many different reasons, 80% of children in Cheshire East came into care in the last 12 months because of abuse or neglect.
- We are in touch with 99.5% of care leavers aged 18-21.
- 97.5% of care leavers aged 18-21 are in suitable accommodation.
- We have a slightly higher number of males than females in care, with 285 males, 236 females and 1 indeterminate.
- 315 of our cared for children are living within Cheshire East.

*\*The above figures change daily, data as at 31 March 2022*

### Seven principles of Corporate Parenting

Corporate parenting means doing everything we can for every child in the council's care – and every care leaver – to give them the opportunities that children who are not in care get. In 2017 the Children and Social Work Act introduced a set of Corporate Parenting Principles for children in care and care leavers up to the age of 25 years. We are committed to these principles and have developed this strategy to support all our services to address them:

1. To act in the best interests, and promote the physical and mental health and wellbeing of children and young people
2. To encourage children and young people to express their views, wishes and feelings
3. To take account of their views, wishes and feelings
4. To help them gain access to, and make the best use of, services provided by the local authority and its relevant partners
5. To promote high aspirations, and seek to secure the best outcomes, for those children and young people
6. For those children and young people to be safe, and for stability in their home lives, relationships and education or work
7. To prepare children in care and care leavers for adulthood.

## Glossary of terms for working with Care Experienced Children and Young People

**Advice to workers from My VOICE:** “These are recommendations of how care experienced children and young people would like to be spoken to or about—when you start to work with someone new, please ask them how they would like to be spoken to because everyone is different.”

What workers say:	What we would like you to say:
<b>Looked After Children (LAC)</b>	We don't LAC in anything! Call us children, young people, or cared for children. We are people, not a case number or statistic.
<b>Contact</b>	Family time, going to see family, social time. It's important for us to see our family as much as possible.
<b>PEP (Personal Education Plan)</b>	One young person said: “I thought it was about pets not school”. Please explain acronyms! We prefer school review, education meeting or just meeting.
<b>Placement</b>	Home or the place we live.
<b>Birth Parents/Biological Parents</b>	Mum and Dad, Parents, Tummy Mummy.
<b>Reunification</b>	Going home, reunited with my family.
<b>Permanence</b>	My long-term home, my home without disruption.
<b>Respite</b>	Day out, temporary care, time off, time out, sleep over.
<b>Care Plan</b>	Future plan, my plan, “Help me to achieve my goals”.
<b>Foster Carer</b>	The person who cares for me, carer.
<b>Corporate Parenting</b>	Call strategies, meetings and plans ‘cared for children and care leavers’ instead.

This glossary has been written, designed, and approved by My VOICE, Cheshire East's Voice of in care experience.

## **Pledge One: We will care for our cared for children and care leavers as any good parent would**

### **Feedback from our children and young people:**

Children and young people told us that they don't like the phrase 'corporate parent' as it is too clinical. We have updated the name of this pledge to reflect this. Children and young people told us that support from their PA (personal advisor) and social worker can make a big difference to their life, things like helping them to get to college and appointments and knowing when they need this support.

### **What are our priorities:**

Staff and elected members will understand their responsibilities and be ambitious in their roles to support cared for children and care leavers. They will advocate and champion their needs in everything they do. They will strive to ensure that the wider community shares our understanding and offers support wherever possible.

We will know ourselves and the needs of our cared for children and care leavers well, and design and deliver services that meet these needs. We will always work **TOGETHER** with children and young people when developing and reviewing services.

Decisions about children and young people's lives, and the services that support them will be made with them and for them. We will always value their views, where we can't act on a child or young person's view or follow their wishes, we will always explain why.



## 1. Year 1 (September 2022 – August 2023)

Ref	Action	How do we measure success	Who's responsible
1.1	Develop a new governance structure to deliver the new Cared for Children and Care Leavers strategy and actions.	A new governance structure will be in place by October 2022, with each workstream lead and groups to be accountable for their action plan to support delivery of the strategy, and to share regular updates with the Cared for Children and Care Leavers Operational Group for further scrutiny.	Head of Service for Cared for Children and Care Leavers.  Cared for Children and Care Leavers Operational Group.
1.2	Establish a 'directory' of available resource and support contacts in the permanence service.	The directory will be in place and being used to benefit cared for children and care leavers.	Head of Service for Cared for Children and Care Leavers.  Cared for Children and Care Leavers Operational Group.
1.3	Provide ongoing training and support to our elected members, stakeholders and employees around being the best parents to our cared for children and care leavers.	Our Cared for Children and Care Leavers Committee (tbc) will have a good understanding of their responsibilities, to offer robust challenge and support.	Head of Service for Cared for Children and Care Leavers.  Cared for Children and Care Leavers Operational Group.
1.4	Continue to work with cared for children and care leavers to change the language we use.	New language will be agreed and being used across all of children's services.	Head of Service for Cared for Children and Care Leavers.  Cared for Children and Care Leavers Operational Group.  Participation Team.

<b>1.5</b>	Review our strategy on an annual basis to ensure progress is monitored and actions and priorities remain relevant.	<p>Children and young people will be able to tell us about the difference actions are making to their daily lives.</p> <p>We will monitor progress of our success measures.</p> <p>% of cared for children's reviews in timescales.</p> <p>% of children and young people involved in their reviews.</p>	<p>Head of Service for Cared for Children and Care Leavers.</p> <p>Cared for Children and Care Leavers Operational Group.</p> <p>Participation Team.</p>
<b>1.6</b>	Continue elected member frontline visits to cared for services, aligned to the cared for children and care leavers outcomes.	Annual rota of frontline visits in place and changing practice.	<p>Head of Service for Cared for Children and Care Leavers.</p> <p>Cared for Children and Care Leavers Operational Group.</p>
<b>1.7</b>	Work together to ensure that the right children become cared for and deliver our strategy on Creating a Sustainable Future for Children's Social Care.	Reduction in the number of cared for children, an increase in the stability of our homes for cared for children. An increase in matched homes for children and young people.	<p>Head of Service for Cared for Children and Care Leavers.</p> <p>Cared for Children and Care Leavers Operational Group.</p>
<b>1.8</b>	Regularly celebrate the achievements of our cared for children through events such as the star awards and national care leaver week. Celebration of individual achievements such as, exam results and settling at a new home.	Our children and young people feel valued through the development of certificates, celebration events and recognition opportunities throughout the year.	<p>Head of Service for Cared for Children and Care Leavers.</p> <p>Cared for Children and Care Leavers Operational Group.</p>
<b>1.9</b>	We will change the name of our Corporate Parenting Committee to reflect children and young people's wishes regarding the language we use.	The pledge will be agreed by the full council.	<p>Head of Service for Cared for Children and Care Leavers.</p> <p>Cared for Children and Care Leavers Operational Group.</p>
<b>1.10</b>	Review and update our scorecard to align with our new Cared for and Care Leavers Strategy.	New scorecard will be in place by September 2022.	Head of Service for Cared for Children and Care Leavers.



## Pledge Two: We will improve education, employment, and training outcomes

### Feedback from our children and young people:

A Care Leavers survey was conducted during October and November 2021. 76 completed surveys were received in total, 90.07% of young people told us that they know how to access education, employment, or training. Children and young people also told us about the importance of being able to stay in the same school when going into foster care.

### What are our priorities:

We will have high aspirations for every child and young person and will help them to achieve their ambitions, including using opportunities in the 'family business' and our contacts so that they can be happy and successful in their education, training, and employment.

Every child and young person will have an education plan that is targeted, to enable them to reach their full potential.

We will strive to that ensure that every child and young person will have access to consistent, high-quality, well-matched opportunities in education, training, and employment.



## 2. Year 1 (September 2022 – August 2023)

Ref	Action	How do we measure success	Who's responsible
2.1	Develop opportunities for apprenticeships within the council and local businesses. Offer support to care leavers in preparing for and undertaking apprenticeships from our Apprenticeship Coordinator Role.	<p>There are a range of apprenticeship opportunities available for our children and young people and support is available for young people who are not in education, employment, or training (NEET), to help them to become ready to complete an apprenticeship.</p> <p>There is an increase in the number of children and young people on apprenticeship programmes within the council from 7 young people to a target of 12 by August 2023.</p> <p>Number of care leavers in Higher education.</p>	<p>Cared for Children and Care Leavers Operational Group.</p> <p>Deputy Virtual School Headteacher.</p> <p>Post 16 Adviser.</p>
2.2	Share success stories across the authority and local community, promoting the benefits for all.	Success case studies shared through virtual schools headteacher's report annually, and through communications during the year such as the NEET programme.	<p>Cared for Children and Care Leavers Operational Group.</p> <p>Virtual School Headteacher.</p>
2.3	Continue to improve the completion rate and quality of PEPs across all years from early years to post 16.	The completion rate of PEPs has increased. The number of PEPs graded as good or outstanding has increased.	<p>Cared for Children and Care Leavers Operational Group.</p> <p>Virtual School Headteacher.</p>
2.4	Continue to provide support and interventions for schools and children to improve outcomes (narrow the gap and lost learning) and attendance, evaluating the impact of the intervention and use of pupil premium.	<p>Improved literacy and communication of early years and primary aged children.</p> <p>Pupil premium requests and impact will be monitored termly.</p> <p>Ensure effective support and interventions are in place for cared for children to support attainment and progress, ensuring children are accessing full time education.</p>	<p>Cared for Children and Care Leavers Operational Group.</p> <p>Virtual School Headteacher.</p>



<b>2.5</b>	Strengthen the children and young people's voice to support the strategic development across all areas of the virtual school.	<p>Children and young people annual surveys will capture their voice.</p> <p>We will have incorporated new ways of gaining wider children and young people's voice within the strategic development of the virtual school.</p>	<p>Cared for Children and Care Leavers Operational Group.</p> <p>Virtual School Headteacher.</p> <p>Post-16 Adviser.</p>
<b>2.6</b>	Ensure that agencies providing opportunities for our children and young people are supported and equipped to understand and meet their needs.	<p>An effective annual training will be in place and being delivered through the virtual school for agencies / services / schools and settings.</p> <p>Additional whole school training for inset days will be available throughout the academic year.</p>	<p>Cared for Children and Care Leavers Operational Group.</p> <p>Virtual school Headteacher and Deputy Headteacher.</p>
<b>2.7</b>	Ensure a robust action plan is in place to reduce NEET and encourage re-engagement opportunities for our care leavers.	<p>A monthly review of education plans during challenge meetings with the senior PA and virtual school. Feedback to be shared with Cared for Children and Care Leavers Operational Group for further scrutiny.</p> <p>6 monthly dip sampling of children's records to monitor progress and address any identified worries.</p> <p>Extension of opportunities and direct work with young people to re-engage in education, employment, or training.</p> <p>Number of 16–18-year-old care leavers that are NEET.</p> <p>Number of 19–21-year-old care leavers that are NEET.</p>	<p>Cared for Children and Care Leavers Operational Group.</p> <p>Virtual school Headteacher and Deputy Headteacher.</p>

## **Pledge Three: We will be truly aspirational to give all children and young people a forever home and to keep them safe.**

### **Feedback from our children and young people:**

Children and young people told us that they don't like the word permanence as it's too clinical. We have changed this pledge to reflect this.

### **What are our priorities:**

We will strive to ensure that every child and young person will have the opportunity to live in a good, safe home locally, either with their family or in another long-term home. All decisions will be made and reviewed with them, without delay.

We will respect those people who are important to our children and young people and make sure that these safe relationships are sustained.

We will keep children and young people safe.



### 3. Year 1 (September 2022 – August 2023)

Ref	Action	How do we measure success	Who's responsible
3.1	Further strengthen our communication and engagement with foster carers and involve them in service development.	<p>Increased attendance at our quarterly Foster Carer forum.</p> <p>Foster carer representation on development groups.</p> <p>Our annual foster carer survey will tell us that foster carers feel our communication is good.</p> <p>Foster carers feel supported by their peers.</p>	<p>Cared for Children and Care Leavers Operational Group.</p> <p>Fostering service manager.</p>
3.2	Review all residential placements monthly to ensure that children and young people can have the opportunity to live within a family.	<p>Reduction in the number of children and young people placed in residential provision.</p> <p>Every child to have a trajectory for permanence and timescales.</p> <p>Increased fostering sufficiency and step-down plan to be considered for all children and young people in a residential placement.</p> <p>% with 3 or more placements in a year % leaving through adoption / Special Guardianship Order (SGO).</p>	<p>Cared for Children and Care Leavers Operational Group.</p> <p>Service Manager, Cared for and Care Leavers.</p>
3.3	<p>Continue to ensure that cared for children and young people can live in good, safe homes locally, as early as possible.</p> <p>Development of a discharge team for children that are already living with their family or parents to reduce the need for care orders and ongoing intervention.</p>	<p>Increasing our in-area placement sufficiency through fostering recruitment and effective matching.</p> <p>Redevelopment of permanence policy, including stability and matching to be jointly developed between cared for children's service, fostering and commissioning.</p> <p>Development of caring for children at home services and support.</p> <p>Annual assessment of children's needs to be considered in children and family assessments to increase to a minimum of 80% within timescales.</p>	<p>Cared for Children and Care Leavers Operational Group.</p> <p>Service Manager, Cared for and Care Leavers.</p>

		<p>Strengthen matching and transitions for our children within our current commissioned children's homes.</p> <p>Reduction in number of children and young people in residential care.</p> <p>Discharge team in place by September 22, within 2 years 15 SGO's and 47 care orders will be revoked.</p>	
<b>3.4</b>	Development of the No Wrong Door model and principles within Cheshire East which will provide support to young people who are within or on the edge of the care system.	<p>Decrease the number of children and young people in residential placements as a long-term care plan.</p> <p>Increased young people in family settings or with a plan of reunification to their families.</p> <p>Increased amount of young people in a long-term matched home.</p> <p>Review of every child's long-term match after 12 months in placement.</p>	<p>Cared for Children and Care Leavers Operational Group.</p> <p>Service Manager, Cared for and Care Leavers.</p>
<b>3.5</b>	Increase support to cases where there is a possibility of adoption disruption.	<p>Increased early intervention with adoptive families prior to safeguarding concerns arising.</p> <p>Increased support and strategies to maintain adoptive children in their families.</p> <p>The adoption stability panel will be fully embedded.</p> <p>Adoption panel will meet bi-monthly.</p>	<p>Cared for Children and Care Leavers Operational Group.</p> <p>Service Manager, Cared for and Care Leavers.</p> <p>Head of Service, Early Help and Prevention.</p> <p>Adoption Counts Regional Manager.</p>
<b>3.6</b>	Improve our decision making regarding Special Guardianship Orders (SGOs).	<p>Clearer decision making and effective support and challenge in achieving permanence through special guardianship.</p> <p>Embedded agency decision making process in place to consider SGOs.</p>	<p>Cared for Children and Care Leavers Operational Group.</p> <p>Fostering Service Manager.</p>

	Develop a clear process and policy around entitlements and support for SGO's.	<p>Clearer pathway to understand financial and practical support within SGO support plans.</p> <p>Increase by 25% in the number of children placed with their families progressing to SGO within the next 12 months.</p>	Head of Service Cared for Children and Care Leavers.
<b>3.7</b>	<p>Develop a pathway and forum for senior leaders to support the service to achieve permanence plans and ensure progress is reviewed regularly. Clear actions to be set to hold the service to account.</p> <p>Undertake a peer review of the permanence service to assist in driving developments forward.</p>	<p>Effective oversight and challenge of permanency plans for our cared for children, increase in placement stability.</p> <p>Care planning meetings to occur at a minimum of every 12 weeks to prevent drift and delay.</p> <p>Peer review to take place late 2022 to action plan and have a clear view of service strengths and areas of development.</p> <p>Permanence forum to be redeveloped to take place weekly from June 2022 to review all permanence plans regularly across the service.</p> <p>Number of children who have achieved permanence in foster care.</p>	<p>Cared for Children and Care Leavers Operational Group.</p> <p>Head of Service Cared for Children and Care Leavers.</p>
<b>3.8</b>	We will ensure children and young people have opportunities to stay connected to their families and friends in the least restrictive way possible.	<p>Development of Family time policy and process to be in place by July 2022.</p> <p>Review of all cared for children's current family time arrangements and supervision levels to ensure that those children that can have unsupervised contact do and for those that can't, the most appropriate person in their network can be identified to supervise.</p> <p>All arrangements to be developed by July 2022 with ongoing review and scrutiny at each cared for review every 6 months.</p>	<p>Cared for Children and Care Leavers Operational Group.</p> <p>Head of Service Cared for Children and Care Leavers.</p> <p>Service Manager, Cared for and Care Leavers.</p>

## Pledge Four: We will improve health and wellbeing outcomes

### Feedback from our children and young people:

The Cared for survey was conducted from 22<sup>nd</sup> January 2021 until 12<sup>th</sup> March 2021, 87.34% of young people stated that they have someone that they can talk to if they have any health concerns. 78.70% of care leavers told us they feel well informed of how to make good choices regarding their health, and the local services to help them.

### What are our priorities:

We are committed to understanding the health needs of our children and young people as early as possible and to ensure they are given the highest priority in every service.

We will ensure that practitioners understand and meet the diverse health needs of our children and young people, including those with health inequalities faced by race, ethnicity, ability and disability and unaccompanied asylum-seeking children.

We have ambition to ensure that we further improve responses to children and young people in relation to having their health needs met.

We will equip our children and young people to have high aspirations for their own health and wellbeing.

O219 with you / all the way		NHS Wirral Community Health and Care NHS Foundation Trust	
<b>My Health Information</b>			
Name			
DOB			
NHS Number			
Current Doctor (GP)			
Birth Information	Weight:		
	Time of birth:		
	Additional information:		
Immunisations (this is sometimes known as jab or injection)			

O219 with you / all the way		NHS Wirral Community Health and Care NHS Foundation Trust	
<b>Additional information about your Health including conditions diagnosed with and tests carried out</b>			
Date			

#### 4. Year 1 (September 2022 – August 2023)

Ref	Action	How do we measure success	Who's responsible
4.1	Raise awareness across our workforce and promote and monitor access to a range of services and agencies available to support the health needs of our children and young people.	Increased referrals to emotional wellbeing services, increased health assessments and increased engagement with GP and dentist appointments.	Cared for Children and Care Leavers Operational Group.  Designated Nurse and Named Nurse, Looked After Children and Care Leavers.
4.2	Track and monitor the health needs of our children and young people, including those who are currently living outside of Cheshire East, ensuring their needs are met.	<p>Collection and use of data around the following outcomes will provide benchmarking and identify areas for improvement:</p> <ul style="list-style-type: none"> <li>• Immunisation status</li> <li>• Timeliness and quality of health assessments</li> <li>• GP registration</li> <li>• Completed strengths and difficulties questionnaire (SDQs) and their use to inform practice</li> </ul> <p>Timeliness of dental checks.</p> <p>% of under 5's with up to date immunisations.</p>	<p>Cared for Children and Care Leavers Operational Group.</p> <p>Designated Nurse and Named Nurse, Looked After Children and Care Leavers</p>
4.3	We will support children and young people in care to have improving emotional and mental health and wellbeing.	<p>Decreased SDQ scores and effective use of this tool to inform care and education planning and support for our children and young people in line with statutory guidance.</p> <p>Early identification and response to emotional and mental health issues.</p> <p>Increased referrals and engagement with services for those young people that require support.</p>	<p>Cared for Children and Care Leavers Operational Group.</p> <p>Designated Nurse and Named Nurse, Looked After Children and Care Leavers.</p>

<b>4.4</b>	We will ensure cared for children and care leavers have their health assessed in a timely way and that assessments are of a good quality and used to inform the care plan.	<p>Quarterly submission of key performance indicators will evidence timeliness and quality of health assessments.</p> <p>Threshold target of 90% completed in timescale (20 working days) to be achieved for children placed both in and out of Cheshire East area.</p> <p>Use of escalation pathway and tracker will evidence any issues related to timeliness or quality and enable appropriate action.</p> <p>Annual audit of care plan reviews will provide evidence that health assessments are being used as part of the care planning process.</p> <p>Number of care leavers with a health passport.</p> <p>Number of care leavers with a health passport.</p>	<p>Cared for Children and Care Leavers Operational Group.</p> <p>Designated Nurse and Named Nurse, Looked After Children and Care Leavers.</p>
<b>4.5</b>	Promote the New NHS England dental referral programme to ensure cared for children have access to timely dental health services.	<p>Target of 100% of children and young people will have been seen for their statutory annual dental check.</p> <p>Number and outcome of referrals will be tracked and reported quarterly.</p>	<p>Cared for Children and Care Leavers Operational Group.</p> <p>Designated Nurse and Named Nurse, Looked After Children and Care Leavers.</p>
<b>4.6</b>	Improve access and timeliness of full health screening for all unaccompanied asylum-seeking children (UASC).	<p>Increased early intervention and support for UASC.</p> <p>Number of initial health assessments (IHAs) completed in timescales.</p>	<p>Cared for Children and Care Leavers Operational Group.</p> <p>Designated Nurse and Named Nurse, Looked After Children and Care Leavers.</p>
<b>4.7</b>	Development of an effective tool that can be used to measure health outcomes for cared for children.	Increased understanding and tracking of the needs of our cared for children.	Cared for Children and Care Leavers Operational Group.



			Designated Nurse and Named Nurse, Looked After Children and Care Leavers.
4.8	<p>We will support timely and effective transitions from child to adult services.</p> <p>Information and data around the following themes will be used to inform service development:</p> <ul style="list-style-type: none"> <li>• Mental health</li> <li>• Long term/complex health needs</li> <li>• Transitions for those young people who do not have a diagnosis and yet will continue to need support from social care.</li> <li>• Young people aged 14-25 who are known to at least one mental health professional</li> <li>• Young people aged 14-25 who also have a diagnosis of learning difficulties and/or disability, attention deficit disorder (ADHD) or autism.</li> </ul>	<p>Clear pathways of support available for care leavers moving to adult services.</p> <p>Care leavers will report confidence in addressing their health needs and accessing services.</p>	<p>Cared for Children and Care Leavers Operational Group.</p> <p>Designated Nurse and Named Nurse, Looked After Children and Care Leavers.</p>

## Pledge Five: We will prepare young people for adulthood

### Feedback from our children and young people:

Young people told us it's important that they are supported to be able to make important decisions ahead of time, around finance and housing to help them feel comfortable, safe and secure when they leave care. 85.20% of care leavers told us that they feel in control of the decisions that affect their life.

### What are our priorities:

We will support young people early with the skills needed to prepare for their future through access to a range of good quality services.

We will be a consistent guide for our young people. We will celebrate their successes and support them when things don't go well.

We will respect our care leavers as young adults and adapt our relationships to their needs.



## 5. Year 1 (September 2022 – August 2023)

Ref	Action	How do we measure success	Who's responsible
5.1	Communicate with children and young people what our relationship and contact with them will look like, so they understand what to expect and know how to raise any worries they have around this.	Improved knowledge of rights and entitlements and effective pathway planning.	Cared for Children and Care Leavers Operational Group.  Head of Service Cared for Children and Care leavers.
5.2	Understand how children and young people want us to communicate with them and look at ways to develop our digital offer in line with their views.	Increased and sustained relationships with our cared for children and care leavers.	Cared for Children and Care Leavers Operational Group.  Head of Service Cared for Children and Care leavers.
5.3	Publish and publicise the local authority's care leaver offer in accessible ways, in line with statutory guidance. Ensure that care leavers know what they are legally entitled to and are helped to access support after they leave care. Review the care leaver offer in partnership with care leavers when there is an annual review.	Clear knowledge and understanding of rights and entitlements.  Care leaver offer to be published by autumn 2022.	Cared for Children and Care Leavers Operational Group.  Head of Service Cared for Children and Care leavers.
5.4	Ensure that all children in care and care leavers know how to make a complaint and have access to advocacy services.	Clear bi-monthly tracking through our independent visitor and advocacy service. Increased complaints as well as increased satisfactory resolution.	Cared for Children and Care Leavers Operational Group.
5.5	Involve children in care and care leavers in developing their plans for after care. Plans should take account of young people's wishes and concerns, when possible, including those related to feeling safe, where young people want to live, and what they want to do with their future.	Increased number of pathway plans completed and reviewed in timescale.  % of care leavers in suitable accommodation.	Cared for Children and Care Leavers Operational Group.  Head of Service Cared for Children and Care leavers.

<b>5.6</b>	Work with Mark Riddell, Ambassador for care leavers, as he visits and offers further support to Cheshire East on our journey to excellence with our care experienced adults.	Ensure connection and wider learning and challenge regarding our local offer.	Cared for Children and Care Leavers Operational Group.  Head of Service Cared for Children and Care leavers.
<b>5.7</b>	Allocate cared for children a PA as close to age 16 as possible, in line with statutory guidance.	Early intervention and effective pathway planning.  Increased understanding of plans for independence.	Head of Service Cared for Children and Care leavers.
<b>5.8</b>	Celebrate the achievements of our care leavers, during national care leavers week.	Recognition and praise for care leaver achievements throughout the year.  Increased wider council and community understanding.	Cared for Children and Care Leavers Operational Group.  Head of Service Cared for Children and Care leavers.
<b>5.9</b>	Ensure that care leavers who become parents are well supported and have prioritisation of access to services.	Increase in care leavers being able to care for their children.  Earlier referrals to early help services and family nurse partnership.	Cared for Children and Care Leavers Operational Group.  Head of Service Cared for Children and Care leavers.
<b>5.10</b>	Ensure care leavers are supported to make decisions that affect their lives e.g., housing, jobs, etc.	Effective pathway planning.  number of 16-18 year olds completing Bronze/ silver / gold independence packs.  number of 19-21 year olds completing Bronze/ silver / gold independence packs.	Cared for Children and Care Leavers Operational Group.  Head of Service Cared for Children and Care leavers.
<b>5.11</b>	Embed family networking and safety planning to reduce 16/17 year old homelessness and support young people to return to live at home sooner.	Reduction in number of 16/17 year olds becoming cared for. Increase in the numbers of 16/17 year olds returning to live with a family member.	Cared for Children and Care Leavers Operational Group. Head of Service Cared for Children and Care leavers.

## Pledge Six: We will work **TOGETHER** with children and young people

### Feedback from our children and young people:

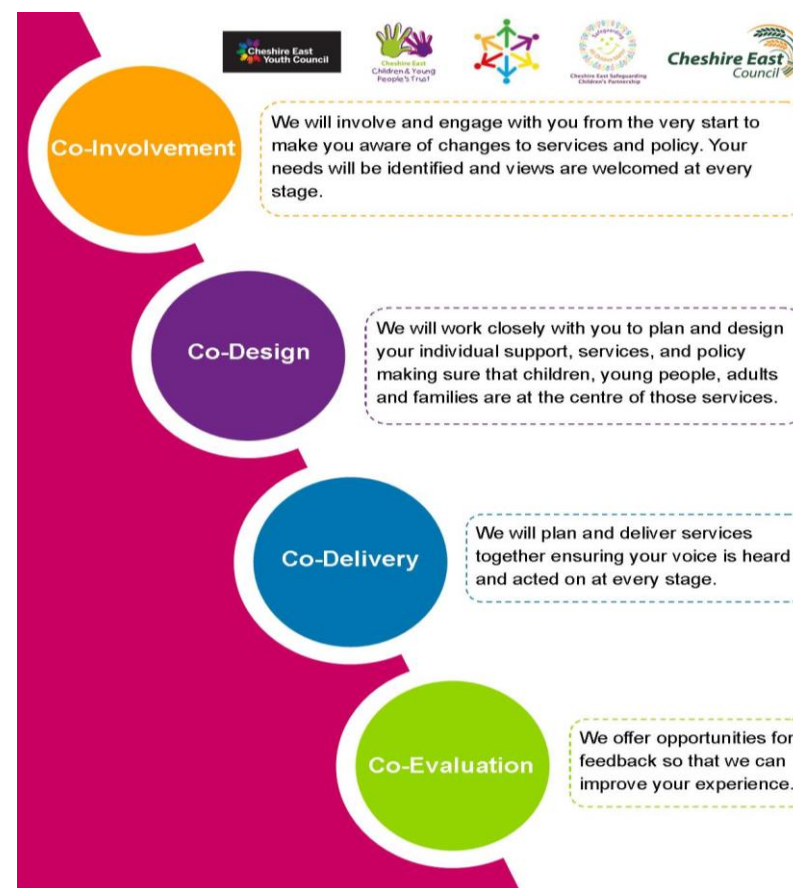
Children and young people have told us that the most important thing we can do is listen to them. We have developed an additional pledge to focus solely on participation (working together with children and young people) to ensure that children and young people are always at the heart of everything we do.

### What are our priorities:

We will work **TOGETHER** with children and young people in all that we do.

We will work to make sure that participation is at the heart of everything that our staff, partners, and elected members do.

Cared for children and care leavers will be empowered to make decisions that affect their lives.



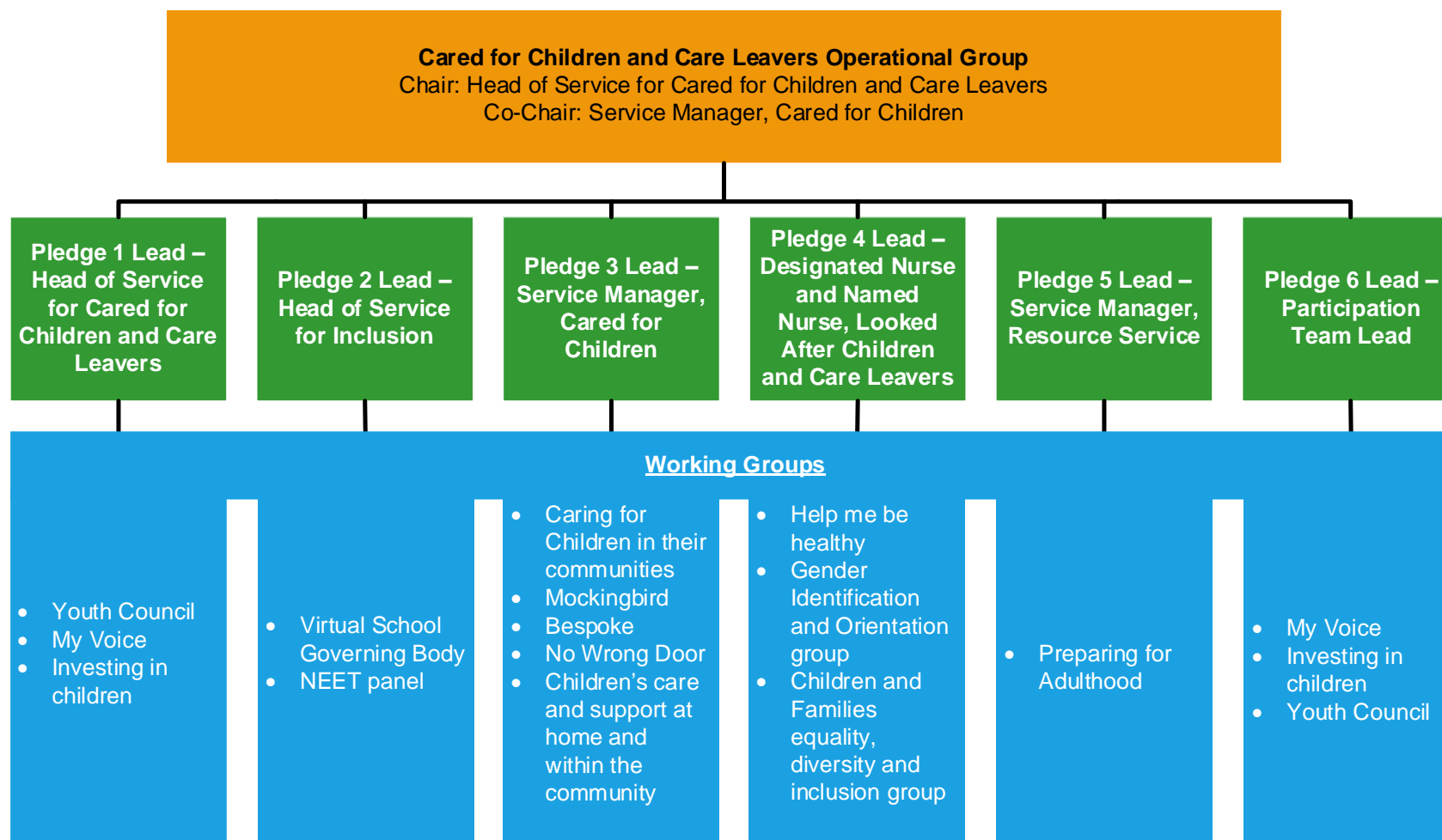
## 6. Year 1 (September 2022 – August 2023)

Ref	Action	How do we measure success	Who's responsible
6.1	Embed the TOGETHER approach with our children and young people, making sure that all staff, partners, and elected members are working to listen to and act on what children and young people tell us.	<p>Annual cared for and care leaver survey will tell us that children and young people feel they are listened to.</p> <p>The voice of cared for children and care leavers is clear in our key strategies, plans and services across the council.</p>	<p>Cared for Children and Care Leavers Operational Group.</p> <p>All staff, partners, and elected members.</p> <p>Participation Team.</p>
6.2	<p>Increase the range of opportunities and number of children and young people engaging in activities in ways that are helpful to them.</p> <p>Children and young people who don't wish to attend groups are able to share their views via 1-1 sessions with frontline colleagues and digital communication.</p>	Increase the number of children who can share their views in a variety of ways.	<p>Cared for Children and Care Leavers Operational Group.</p> <p>Participation Team.</p>
6.3	Ensure opportunities for senior managers and elected members to hear direct from young people about their experiences and ideas.	Shadow Cared for Children and Care Leavers Committee (tbc), evidence of change as a result of the voice of children and young people at Cared for Children and Care Leavers Committee (tbc).	<p>Cared for Children and Care Leavers Operational Group.</p> <p>All staff, partners, and elected members.</p> <p>Participation Team.</p>
6.4	Following the annual survey of cared for children and care leavers, all services to evidence actions based on recommendations by children and young people.	<p>Each annual survey feedback will demonstrate how children and young people feel about the changes made.</p> <p>An increase in the numbers of children and young people completing the survey.</p>	<p>Cared for Children and Care Leavers Committee (tbc) and Cared for Children and Care Leavers Operational Group.</p> <p>Participation Team.</p>



		Children and young people will tell us that there have been positive changes as a result of the annual survey feedback.	
<b>6.5</b>	Ensure that the child's voice is evident in recruitment of all key posts in children's services.	All interview panels for key posts have involvement from cared for children and care leavers.	All services and teams, participation team to support where required.
<b>6.6</b>	Ensure that the child's voice is evident in the decision making when commissioning services.	Children and young people will be attending panels, presentations, judging and scoring.	Cared for Children and Care Leavers Operational Group.  Participation Team.  Commissioning Team.

## Governance





If you have any views on this strategy or how we can improve our services, please contact us at [corporateparenting@cheshireeast.gov.uk](mailto:corporateparenting@cheshireeast.gov.uk)

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Cheshire East

# **TOGETHER** for Children and Young People

*Together we will make Cheshire East a great place to be young*

## Our Pledges to Cared for Children and Care Leavers 2022-26



## **Pledge One - We will care for our cared for children and care leavers as any good parent would**

### **Feedback from our children and young people:**

Children and young people told us that they don't like the word corporate as it's too clinical. We have updated the name of this pledge to reflect this. Children and young people told us that support from their PA (personal advisor) and Social Worker can make a big difference to their life, things like helping them to get to college and appointments and knowing when they need this support.

### **What are our priorities:**

Staff and elected members will understand their responsibilities and be ambitious in their roles to support cared for children and care leavers, they will advocate and champion their needs in everything they do. We will strive to ensure that the wider community shares our understanding and offers support wherever possible.

We will know ourselves and the needs of our cared for children and care leavers well and design and deliver services that meet these needs. We will always work TOGETHER with children and young people when developing and reviewing services.

Decisions about children and young people's lives, and the services that support them, will be made with them and for them. We will always value their views, where we can't act on a child or young person's view or follow their wishes, we will always explain why.

## **Pledge Two: We will improve education, employment, and training outcomes**

### **Feedback from our children and young people:**

A Care Leavers survey was conducted during October and November 2021. 76 completed surveys were received in total, 90.07% of young people told us that they know how to access education, employment, or training. Children and young people also told us about the importance of being able to stay in the same school when going into foster care.

### **What are our priorities:**

We will have high aspirations for every child and young person and will help them to achieve their ambitions, including using opportunities in the 'family business' and our contacts so that they can be happy and successful in their education, training and employment

Every child and young person will have an education plan that is targeted to enable them to reach their full potential

We will strive to that ensure that every child and young person will have access to consistent, high quality, well matched, opportunities in education, training, and employment.

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## **Pledge Three: We will be truly aspirational to give all children and young people a forever home and to keep them safe.**

### **Feedback from our children and young people:**

Children and young people told us that they don't like the word permanence as it's too clinical. We have changed this pledge to reflect this.

### **What are our priorities:**

We will strive to ensure that every child and young person will have the opportunity to live in a good, safe home locally, either with their family or in another long-term home. All decisions will be made and reviewed with them, without delay.

We will respect those people who are important to our children and young people and make sure that these safe relationships are sustained.

We will keep children and young people safe.

## **Pledge Four: We will improve health and wellbeing outcomes**

### **Feedback from our children and young people:**

The Cared for survey was conducted from 22<sup>nd</sup> January 2021 until 12<sup>th</sup> March 2021, 87.34% of young people stated that they have someone that they can talk to if they have any health concerns. 78.70% of care leavers told us they feel well informed of how to make good choices regarding their health, and the local services to help them.

### **What are our priorities:**

We are committed to understanding the health needs of our children and young people as early as possible and to ensure they are given the highest priority in every service.

We will ensure that practitioners understand and meet the diverse health needs of our children and young people, including those with health inequalities faced by race, ethnicity, ability and disability and unaccompanied asylum-seeking children.

We have ambition to ensure that we further improve responses to children and young people in relation to having their health needs met.

We will equip our children and young people to have high aspirations for their own health and wellbeing.

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## **Pledge Five: We will prepare young people for adulthood**

### **Feedback from our children and young people:**

Young people told us it's important that they are supported to be able to make important decisions ahead of time, around finance and housing to help them feel comfortable, safe and secure when they leave care. 85.20% of care leavers told us that they feel in control of the decisions that affect their life.

### **What are our priorities:**

We will support young people early with the skills needed to prepare for their future through access to a range of good quality services.

We will be a consistent guide for our young people. We will celebrate their successes and support them when things don't go well.

We will respect our care leavers as young adults and adapt our relationships to their needs.

## **Pledge Six: We will work TOGETHER with children and young people**

### **Feedback from our children and young people:**

Children and young people have told us that the most important thing we can do is listen to them, we have developed an additional pledge to focus solely on participation to ensure that children and young people are always at the heart of everything we do.

### **What are our priorities:**

We will work TOGETHER with children and young people in all that we do.

We will work to make sure that participation is at the heart of everything that our staff, partners, and elected members do.

Cared for children and care leavers will be empowered to make decisions that affect their lives.

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*Working for a brighter future together*

## **Council**

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<b>Date of Meeting:</b>	19 October 2022
<b>Report Title:</b>	Annual Report of the Audit and Governance Committee 2021/22
<b>Report of:</b>	Jane Burns, Executive Director Corporate Services
<b>Ward(s) Affected:</b>	All

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### **1. Report Summary**

- 1.1. To present to Council the Annual Report of the Audit and Governance Committee 2021/22, as approved by the Audit and Governance Committee on 29 September 2022.
- 1.2. Producing an annual report on the work of the Committee ensures compliance with best practice requirements and provides assurance to wider stakeholders on the continuing improvements of the Council's governance arrangements.

### **2. Recommendation**

- 2.1. That the Annual Report of the Audit and Governance Committee 2021/22, attached as Appendix A, be received.

### **3. Reasons for Recommendation**

- 3.1. To report in line with the requirements of the Council's Constitution and the Audit and Governance Committee's Terms of Reference, which require a report to full Council on a regular basis.
- 3.2. The report should cover the performance of the Committee in relation to its Terms of Reference, and the effectiveness of the Committee in meeting its purpose.

### **4. Other Options Considered**

- 4.1. Not applicable.



## 5. Background

- 5.1. Current CIPFA guidance, *Audit Committees – Practical Guidance for Local Authorities and Police 2018 Edition* states that audit committees should report regularly on their work and at least annually report an assessment of their performance. Aspects to consider include:
- whether the committee has fulfilled its agreed terms of reference
  - whether the committee has adopted recommended practice
  - whether the development needs of committee members have been assessed and whether committee members are accessing briefing and training opportunities
  - whether the committee has assessed its own effectiveness or been the subject of a review and the conclusions and actions from that review
  - what impact the committee has on the improvement of governance, risk and control within the authority.
- 5.2. The requirement to submit an annual report is recommended by the CIPFA guidance and included within Cheshire East Council's Constitution.
- 5.3. It is acknowledged that CIPFA is due to release the 2022 edition of *Audit Committees – Practical Guidance for Local Authorities and Police* in September 2022. Furthermore, CIPFA has been engaged to undertake an independent review of the effectiveness of the Audit and Governance Committee during 2022/23.

## 6. Implications of the Recommendations

### 6.1. Legal

- 6.1.1. The Council's Constitution gives responsibility to the Audit and Governance Committee for overseeing the Council's roles and responsibilities in respect of Corporate Governance and Audit and specifically for submitting an annual report to Council. Production of the report ensures compliance with this requirement.

### 6.2. Finance

- 6.2.1. The annual report of the Audit and Governance Committee outlines the assurances received by the Committee on the adequacy of the Council's governance arrangements, including the integrity of financial reporting processes.



**6.3. Policy**

6.3.1. The production of the annual report and its presentation to Council ensures compliance with the CIPFA best practice guidance.

**6.4. Equality**

6.4.1. There are no equality implications for this report.

**6.5. Human Resources**

6.5.1. There are no direct human resource implications for this report.

**6.6. Risk Management**

6.6.1. The annual report of the Audit and Governance Committee outlines the assurances received by the Committee on various aspects of the Council's governance arrangements, including the risk management framework.

**6.7. Rural Communities**

6.7.1. There are no direct implications for rural communities.

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

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

**6.9. Public Health**

6.9.1. There are no direct implications for public health.

**6.10. Climate Change**

6.10.1. There are no direct implications for Climate Change.

**7. Consultation and Engagement**

7.1. The annual report of the Committee was prepared by Internal Audit following discussion with key officers who regularly provide updates to the Audit and Governance Committee and approved by the Audit and Governance Committee on 29<sup>th</sup> September 2022.

<b>Access to Information</b>	
Contact Officer:	Josie Griffiths, Head of Audit and Risk <a href="mailto:Josie.griffiths@cheshireeast.gov.uk">Josie.griffiths@cheshireeast.gov.uk</a>
Appendices:	Appendix A – Annual Report of the Audit and Governance Committee 2021/22
Background Papers:	N/A

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# Annual Report of the Audit and Governance Committee 2021/22

**DRAFT**  
**(May 2021 - April 2022)**

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## Foreword by the Chair of the Audit and Governance Committee

As Chair of the Audit and Governance Committee for the year in review, I am pleased to present this detailed report on the work of the Committee over 2021/2022.

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

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

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

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

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



*Councillor Margaret Simon*

Chair of the Audit and Governance Committee 2021-22

September 2022

## **1. Introduction to the Audit and Governance Committee**

Governance is defined in the “Delivering Good Governance in Local Government: Framework” (CIPFA/SOLACE 2016) as follows:

*Governance comprises the arrangements put in place to ensure that the intended outcomes for stakeholders are defined and achieved.*

*To deliver good governance in the public sector, both governing bodies and individuals working for public sector entities must try to achieve their entity’s objectives while acting in the public interest at all times.*

Audit Committees are therefore an essential element of good governance. Good corporate governance requires independent, effective assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes.

These functions are best delivered by an Audit Committee independent from the decision making and scrutiny functions.

Effective Audit Committees help raise the profile of internal control, risk management and financial reporting issues within an organisation, as well as providing a forum for the discussion of issues raised by internal and external auditors. They enhance public trust and confidence in the financial governance of an authority.

## **2. Audit and Governance Committee - Statement of Purpose**

The Audit and Governance Committee is a key component of the Council’s corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

It provides an independent assurance to the Council of the adequacy of the risk management framework and the internal control environment.

It provides independent review of the Council’s governance, risk management and control frameworks and oversees the financial reporting and annual governance processes.

It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

It promotes high standards of ethical behaviour by developing, maintaining and monitoring performance and Codes of Conduct for Members of the Council (including co-opted Members and other persons acting in a similar capacity).

The Audit & Governance Committee has delegated responsibilities from Council. This report provides details of how the Committee has discharged those responsibilities and delivered against its terms of reference which can be found in the Council's Constitution:

[https://www.cheshireeast.gov.uk/council\\_and\\_democracy/your\\_council/constitution.aspx](https://www.cheshireeast.gov.uk/council_and_democracy/your_council/constitution.aspx)

Meetings of the Audit & Governance Committee were held on the following dates during 2021/22:

- 27<sup>th</sup> May 2021
- 30<sup>th</sup> September 2021
- 25<sup>th</sup> November 2021
- 17<sup>th</sup> January 2022
- 10<sup>th</sup> March 2022

More information on the Audit & Governance Committee Meetings, including agendas, minutes and attendance details is available from the Council's website:

<http://moderngov.cheshireeast.gov.uk/ecminutes/ieListMeetings.aspx?CId=486&Year=0>

### 3. Governance, Risk and Control within Cheshire East Council

Reports have been received by the Audit and Governance Committee in the following areas, providing assurance and updates on the Council's governance, risk and control framework over the past year.

#### Internal Audit

Meeting	Reports received
30 September 2021	Internal Audit Annual Report 2020/21
25 November 2021	Internal Audit 2021/22 Plan Progress Update
10 March 2022	Internal Audit Plan 2022/23

#### External Audit

Meeting:	Reports received:
27 May 2021	External Audit Strategy Memorandum
30 September 2021	External Audit Update Report
25 November 2021	Annual Audit Letter 2020/21 and Certification Report to report on progress
17 January 2022	Annual Audit Letter 2020/21 and Certification Report

10 March 2022	External Audit Progress and Update Report
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### **Risk Management**

Meeting:	Reports received:
30 September 2021	Annual Risk Management Report 2020/21
25 November 2021	Risk Management Update
10 March 2022	Risk Management Update – Strategic Risk Register (Q3)

### **Corporate Governance & Annual Governance Statement (AGS)**

Meeting:	Reports received:
30 September 2021	Annual Monitoring Officer Report 2020/21
25 November 2021	Annual Governance Statement 2020/21 Audit and Governance Committee Annual Report 2020/21
17 January 2022	Annual Governance Statement 2020/21 - Progress Update Partnerships Governance

### **Accounts & Financial Statements**

Meeting:	Reports received:
30 September 2021	Draft Pre-Audit Statement of Accounts 2020/21
25 November 2021	Statement of Accounts 2020/21
17 January 2022	Statement of Accounts 2021/22

### **Information Governance**

Meeting:	Reports received:
30 September 2021	Annual Information Governance Update 2020/21

## **4. Effectiveness of the Committee**

In November 2020, a working group was established to consider the future composition and structure of the Audit and Governance Committee, and in particular:

- Review the structure and size of the Committee in line with the recommendations from the Corporate Peer Review and the CIPFA guidance and make recommendations as needed,
- Review the number of co-opted independent members and make recommendations for changes as needed,
- Identify any other associated recommendations arising as a result of the move to the Committee structure.

The Committee received reports in January and March 2021 which recommended the Committee should be reduced to 9 elected members and 2 co-opted independent members.

To minimise conflicts of interest arising as the Council moved to a Committee system of decision making, it was also recommended that membership should not include the Leader and Deputy of the Council, Chairs or Vice Chairs of the service committees and that the Chair and Vice Chair of the Audit and Governance Committee should not sit on a service committee.

A draft Terms of Reference (ToR) was presented, and both the composition and ToR were approved by Committee in March 2021 and Full Council in April 2021. The first meeting of the Audit and Governance Committee under the new ToR and composition was held in May 2021.

In March 2022, the Committee received an update on the appointment of co-opted members and a recommendation from the appointments panel. It was recommended that:

- The co-option of the first Independent Member and the appointment of 2 Independent Persons to the Committee for a period of 4 years under the Localism Act 2011 be recommended to full Council, and;
- The remaining co-opted Independent Member vacancy be re-advertised using the same process and member panel.

The co-option of the first Independent Member, Mr Ron Jones, and appointment of the 2 Independent Persons was subsequently approved by Council in April 2022. Mr Jones attended his first meeting in May 2022.

The Committee regularly undertakes a formal review of its own effectiveness. against the CIPFA guidance, Audit Committees – Practical Guidance for Local Authorities and Police 2018. This was last undertaken during 2020/21.

Due to the work undertaken to review and update of the Committee's ToR during 2021/22, a formal review of the Committee's effectiveness was not



undertaken. However, CIPFA has been engaged to undertake an independent review during 2022/23. Furthermore, it is acknowledged that CIPFA is to release the 2022 edition of 'Audit Committees: Practical Guidance for Local Authorities and Police' later in 2022.

The Committee has continued to provide challenge and feedback to the reports received.

## **5. Additional Assurance**

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

### **Covid-19 Updates on Response, Recovery and Financial Impact**

In May 2021 the Committee considered the Annual Report of the Council's COVID-19 Response and Recovery, which was subsequently considered at the meeting of Cabinet on 4 May 2021.

A report to Committee in January 2022 set out the ongoing implications of COVID-19 and Cheshire East Council's response. The report was retrospective and had previously been presented to Corporate Policy Committee. The finance, risk and governance elements of the report were of concern to this Committee.

### **Ombudsman complaints and lessons learnt**

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

The Committee considered what reassurances could be implemented and it was agreed, as part of the Action Tasks, that a consolidated report of upheld complaints would be compiled to help identify themes and trends. Each theme would be considered in order to recognise lessons learned and seek assurance that improvements would be made, and the reputation of the Council would not be damaged.

### **Reporting of all WARNS's (Waiver and Record of Non-adherence)**

The Audit and Governance Committee has a key role in overseeing governance arrangements and requirement to review all approved WARNs. The WARN process forms part of the Contract Procedure Rules (CPR's) which are intended to promote good procurement and commissioning practice, transparency and clear public accountability.

Since June 2016, summary information on the number and reasons for WARN's has been provided to the Committee as a standard part one agenda item, with the details being considered as part two, following exclusion of press and public from the meeting pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 2 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

### **Standards Responsibilities**

The Committee received a verbal update in September 2021 relating to the Councillor Code of Conduct. The Director of Governance and Compliance provided an update on the work of the Councillor Code of Conduct Working Group and the progress with consideration on whether to adopt the LGA model Code of Conduct.

In March 2022 the Committee received a report providing a summary of Member Code of Conduct complaints and associated investigations involving elected members of Handforth Parish Council. This report recommended that the Audit and Governance Committee Working Group considered any consequential amendments to the Code of Conduct arising from the report.

The Working Group continued to meet through 2021/22, and further updates on a revised Code of Conduct were discussed at meetings of the Committee in the current municipal year; May 2022 and July 2022, with a recommendation from the Committee for Council to approve a proposed revised Code at its October 2022 meeting.

### **Counter Fraud Update**

Counter Fraud updates were provided as part of the regular reports detailing progress against the Internal Audit plan.

## **6. Members of the Committee**

Members of the Committee during 2021/22 are set out in **Appendix 2**.

The Audit and Governance Committee has been supported by officers providing reports in accordance with the Committee's work programme and at the request of the Committee.

The Committee has routinely been attended by the Executive Director Corporate Services, Director of Governance and Compliance (Monitoring Officer), the Director of Financial and Customer Services (Section 151 Officer) and Head of Audit and Risk.

## **7. Statutory Requirements, New Guidance and Recommended Practice**

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

Committee members were provided with a copy of the Committee's Terms of Reference in advance of the May 2021 meeting.

The Committee has received updates on changes to relevant legislation, particularly in relation to Covid-19.

## **8. Training and Development**

The following training was carried out during the 2021/22 year:

- Annual Governance Statement & Role of the Audit Committee
- Approving the Financial Statements
- Treasury Management

The training has been recorded and made available to all Councillors to improve understanding of the role of this Committee.

Where needed, induction briefings for new and deputising Members of the Committee have been provided. In addition, Members have access to copies of the CIPFA Better Governance Forum *Audit Committee Update* featuring a round-up of legislation, reports and developments of interest to Audit and Governance Committee Members.

## **9. Work programme for 2022/23**

The Committee has an agreed work programme for 2022/23, which includes the annual statutory requirements (e.g. approval of the Statement of Accounts, approval of the AGS etc.) of the Committee and also those regular reports and

assurances it receives on External Audit, Internal Audit, Risk Management and other areas.

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

- Continue to develop the proactive nature of the Committee to facilitate actions by officers to ensure that risks are identified as early as possible and remedial actions are taken in a timely fashion;
- Oversee any development required of the Audit and Governance Committee work programme to comply with the requirements of the CIPFA Audit Committees guidance;
- Continue to review governance arrangements to ensure the Council adopts the latest best practice and continues to be an open and transparent public organisation;
- Continue to support the work of internal and external audit and ensure that responses are given to their recommendations;
- Receive assurance on compliance with best practice such as the Public Sector Internal Audit Standards and the CIPFA Statement on the Role of the Head of Internal Audit;
- Continue to support the Council in managing the risk of fraud and corruption;
- Continue to develop the Audit and Governance Committee to review risk and partnership issues and safeguarding of public sector assets;
- Equip existing and new Members to fulfil their responsibilities by providing more detailed and focused training on all key areas of responsibility, including financial arrangements and risk management, governance and audit planning.

**How the Audit and Governance Committee's Terms of Reference were met during 2021/22:**

<b>Terms of Reference of Committee</b>	<b>Relevant activity in 2021/22</b>
<b>Governance, Risk and Control</b>	
To consider the Council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.	<p>The Committee approved the 2020/21 Annual Governance Statement in January 2022.</p> <p>The Annual Monitoring Officer's Report 2020/21 and the Annual Information Governance Update 2020/21 were received and approved in September 2021.</p>
To review and approve the Annual Governance Statement and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control, including an agreed action plan for improvements where necessary.	The Committee received the final 2020/21 Annual Governance Statement in January 2022.
To consider the effectiveness of the system of risk management arrangements by receiving regular reports on the adequacy and effectiveness of the Council's risk management and reporting arrangements and receive assurance that actions have been taken as necessary.	<p>The Committee received update reports on Risk Management in November 2021 and March 2022.</p> <p>The Annual Risk Management Report 2020/21 was received by the Committee in September 2021.</p>
To review the Council's Risk Management Policy and Framework and recommend it for approval by Corporate Policy Committee.	This has not been relevant during 2021/22.
To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.	The Committee monitors Anti-Fraud and Corruption arrangements through regular updates on activity provided as part of the regular Internal Audit update reports.

Terms of Reference of Committee	Relevant activity in 2021/22
To monitor the counter-fraud strategy, actions and resources.	As above.
To review the governance and assurance arrangements for significant partnerships or collaborations.	<p>Governance and assurance arrangements are set out as part the Annual Governance Statement.</p> <p>The Committee considered the scope and phasing of a review of the review of the governance and assurance arrangements for significant partnerships or collaborations in January 2022, which is due to be completed during 2022/23.</p>
To consider amendments to the Constitution and recommend proposals to Full Council for approval except where specifically delegated to the Monitoring Officer.	This has not been relevant during 2021/22.
Internal Audit	
To approve the internal audit charter.	An updated Internal Audit Charter was approved at the March 2020 Committee meeting. This was reviewed within 2020/21 with no further changes required during 2021/22.
<p>To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.</p> <p>To approve significant interim changes to the risk-based internal audit plan and resource requirements</p>	<p>The Committee approved the 2021/22 Internal Audit Plan in March 2021.</p> <p>The Committee approved the 2022/23 Internal Audit Plan in March 2022.</p>
To consider reports from the Head of Audit and Risk Management on internal audit's performance during the year, including:	The Committee monitored progress against the plan in November 2021.

Terms of Reference of Committee	Relevant activity in 2021/22
<ul style="list-style-type: none"> <li>• Updates on delivery of the audit plan, including key findings, issues of concern and monitoring the actions taken in response to internal audit recommendations.</li> <li>• Reports on Internal Audit's effectiveness and compliance, it's Quality Assurance and Improvement Programme, including conformance with the Public Sector Internal Audit Standards, and the results of the external assessment review of Internal Audit when due.</li> </ul>	
To approve significant interim changes to the risk-based internal audit plan and resource requirements.	This has not been relevant during 2021/22.
To make appropriate enquiries of both management and the Head of internal audit to determine if there are any inappropriate scope or resource limitations.	The Audit and Governance Committee regularly consider this as part of discussion on the Internal Audit plan and progress updates.
To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments	The Audit and Governance Committee is made aware of the other operational responsibilities of the Head of Audit and Risk through the Internal Audit Charter.
Receive the annual report from the Head of Audit and Risk Management setting out internal activity during the year, and an opinion on the level of assurance as to the Council's arrangements for governance, risk management and internal control.	The 2020/21 Internal Audit Annual Report, including the annual audit opinion was presented to the Committee in September 2021.
To consider summaries of specific internal audit reports as requested.	Internal Audit interim reports include a summary of Internal Audit work completed and the significant issues arising from individual assignments.
To receive reports outlining the action taken where the Head of internal audit has concluded that management has accepted a	Internal Audit interim reports against the 2020/21 plan was received in November 2021.

Terms of Reference of Committee	Relevant activity in 2021/22
level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.	Internal Audit interim reports include a summary of Internal Audit work completed and the significant issues arising from individual assignments.
<b>External Audit</b>	
To oversee the process by which the Council's external auditor is appointed.	<p>In November 2021, the Committee considered a report on the proposals for appointing the Council's external auditors for the five year period from 2023/24.</p> <p>The Committee recommended to Council to accept the invitation from Public Sector Audit Appointments to 'opt in' to the sector led option for the appointment of external auditors for 5 financial years commencing 1 April 2023.</p>
To consider specific reports as agreed with the external auditor.	<p>The Committee received and considered the work of the External Auditor (all meetings during the year).</p> <p>A summary of the External Audit findings from the 2020/21 audit was presented to Committee in January 2022 by the External Auditor.</p>
To commission work from internal and external audit.	<p>The Committee consider the work plan at all meetings and commission additional work where Committee members determine that additional assurance is required.</p> <p>The relationship between Internal and External Audit is reviewed at least annually together with any requirements to liaise with any other relevant agencies.</p>



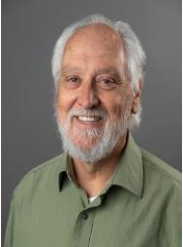


Terms of Reference of Committee	Relevant activity in 2021/22
To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.	This has not been relevant during 2021/22.
Annual Statement of Accounts	
To review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.	The Annual Statement of Accounts 2021/22 was presented to the Committee in January 2022, and it was resolved that the Chairman be given delegated authority to sign off the final Accounts on behalf of the Committee, in consultation with the Director of Finance and Customer Services.
To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.	<p>A summary of the External Audit findings from the 2020/21 audit were presented to Committee in January 2022 by the External Auditor.</p> <p>The 2020/21 Annual Audit Letter was reported to the January 2022 Committee meeting.</p>
Monitor management actions in response to issues raised by the external auditor.	This has not been relevant during 2021/22.
Related Functions	
Subject to the requirements set out below, to consider findings of the Local Government Ombudsman, including reports resulting in a finding of maladministration against the Council, and to make recommendations as to actions that may be	The Committee received regular update reports throughout 2021/22 on the number of decision notices received from the Local Government and Social Care Ombudsman.

Terms of Reference of Committee	Relevant activity in 2021/22
<p>necessary or which arise from or are as a result of the Ombudsman's findings.</p> <p>(a) There are statutory obligations which will, in some circumstances, require reports to be taken to Council or a Committee.</p> <p>(b) The Ombudsman operates protocols in relation to the timing of the publication of findings. The Council would have to give Committees April 2021 Chapter 2 – Part 4 Page 34 consideration to those protocols when determining how to manage the Audit and Governance Committee's agenda</p>	
<p>To oversee the operation of the Contract Procedure Rules and provide assurance in respect of procurement and significant partnerships or collaborations.</p>	<p>The Committee considered a report on the scope and phasing of the review of Partnerships Governance at it's meeting in January 2022.</p>
Standards Arrangements	
<p>The Committee is responsible for the Council's standards arrangements to:</p> <p>(a) promote high standards of ethical behaviour.</p> <p>(b) develop, maintain and update Codes of Conduct and protocols</p> <p>(c) Training Audit and Governance Committee</p>	<p>In May 2021 the Committee established a Hearing Sub-Committee to deal with complaints that a councillor breached the Code of Conduct for Members.</p> <p>A verbal update was provided on the progress of the Councillor Code of Conduct Working Group in September 2021.</p> <ul style="list-style-type: none"> <li>A Member Code of Conduct Sub-Committee Report was received in March 2022. The report detailed a summary of recent Member Code of Conduct complaints and associated investigations with a recommendation that the working group consider any consequential amendments</li> </ul>

Terms of Reference of Committee	Relevant activity in 2021/22
	to the Code of Conduct and associated process arising from the report.
The Committee is responsible for monitoring and advising Council about the operation of its Code of Conduct for Councillors in the light of best practice and any changes in the law.	During 2021/22, the Committee formed a Working Group which met on a number of occasions to review the LGA model code and assess suitability for adoption by Cheshire East Council during 2022/23.
The Committee will approve the arrangements for dealing with allegations that a Councillor or a town/parish Councillor within the borough has failed to comply with the relevant Councillors' Code of Conduct.	As above.
To assist the Council with the appointment of Independent Persons as required by the Localism Act 2011 and any independent persons under other secondary legislation.	In March 2022, the Committee received an update on the appointment of independent members and a recommendation from the Appointments Panel.
To determine any request for a dispensation under Section 33 of the Localism Act 2011, where not determined by the Monitoring Officer or to appeal against a determination by the Monitoring Officer.	This has not been relevant during 2021/22.
To respond on behalf of the Council to national reviews and consultations on standards related issues.	This has not been relevant during 2021/22.
To consider and make recommendations to Full Council on any other matter that may be referred to the Standards Committee relating to the conduct and training of Councillors.	This has not been relevant during 2021/22.
To review, advise, monitor and report to Full Council on member training.	Via the Audit & Governance Committee Annual Report.
To recommend proposals to Full Council for changes to the constitution in respect of any governance or standards matters, except where specifically delegated to the Monitoring Officer.	This has not been relevant during 2021/22.

**Membership of the Audit and Governance Committee during 2021/22:**

<b>Members of the Audit and Governance Committee during 2021/22</b>	
	<p><b>Councillor Margaret Simon (Chair)</b></p> <p>Councillor Simon re-joined the Committee in March 2020 having previously served on the Committee from its first meeting in June 2010 until March 2017.</p>
	<p><b>Councillor David Marren (Vice Chair)</b></p> <p>Councillor Marren became an elected member of Cheshire East Council in May 2011. He re-joined the Committee in September 2022 having previously served between May 2011 to June 2013 and again in December 2012 to March 2017.</p>
	<p><b>Councillor Rachel Bailey</b></p> <p>Councillor Bailey has been an elected member of Cheshire East Council since its beginning in April 2009. She joined the Committee in May 2019.</p>
	<p><b>Councillor Mike Sewart</b></p> <p>Councillor Sewart became an elected member of Cheshire East Council in May 2015. He joined the Committee in March 2017.</p>
	<p><b>Councillor Byron Evans</b></p> <p>Councillor Evans became an elected member of Cheshire East Council in May 2019 and has served on the Committee from May 2019 to May 2022.</p>
	<p><b>Councillor Patrick Redstone</b></p> <p>Councillor Redstone became an elected member of Cheshire East Council in May 2019 and was appointed to the Audit and Governance Committee in May 2021.</p>

Members of the Audit and Governance Committee during 2021/22	
	<p><b>Councillor Marilyn Houston</b> Councillor Houston became an elected member of Cheshire East Council and joined the Committee in May 2019.</p>
	<p><b>Councillor A Harewood</b> Councillor Harewood became an elected member in May 2011 and joined the Committee in January 2021.</p>
	<p><b>Councillor C Bulman</b> Councillor Bulman became an elected member in May 2019 and joined the Committee in July 2021.</p>
<b>No image available</b>	<p><b>Councillor Toni Fox</b> Councillor Fox was an elected member from Feb 2015 to June 2021 and served as Vice Chair on the Committee for one meeting in May 2021.</p>

There were no substitutions for Members of the Committee during the 2021/22 meetings.

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## **Council**

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<b>Date of Meeting:</b>	19 October 2022
<b>Report Title:</b>	Political Representation on the Council's Committees
<b>Report of:</b>	David Brown, Director of Governance and Compliance
<b>Ward(s) Affected:</b>	All

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

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

### **2. Executive Summary**

- 2.1** The law requires that each relevant Council decision-making body must be politically balanced as far as reasonably practicable, and that there is an appropriate total balance of Committee seats across the political structure of the Council of the whole.
- 2.2** This report addresses a recent change in political group membership, an Independent Group member having become a non-grouped independent member. This change necessitates a reduction by two of the number of committee places allocated to the Council's Independent Group and an equivalent increase in the number of committee places allocated to the Council's non-grouped independent members.
- 2.3** At the time of writing this report, discussions had not been concluded with the Council's political groups and non-grouped independent members. The Council's revised political proportionalities and the allocation of committee places had not therefore been finalised. The Appendix to this report, which will reflect those discussions will be circulated to all Members and distributed around the Council Chamber at the Council meeting.
- 2.4** The report recommendations seek a resolution of Council, as required by legislation.

### **3. Recommendations**

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

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

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

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

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

#### **5.2. Background**

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

- 5.4.** The proportionalities in the Appendix are based upon the following methods and conventions:

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



## **6. Consultation and Engagement**

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

## **7. Implications**

### **7.1. Legal**

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

### **8.1 Finance**

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

### **8.2 Policy**

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

### **8.4 Equality**

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

### **8.5 Human Resources**

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

## **Risk Management**

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

## **8.6 Rural Communities**

**8.6.1** There are no direct implications for rural communities.

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

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

## **8.8 Public Health**

**8.8.1** There are no direct implications for public health.

## **8.9 Climate Change**

**8.9.1** There are no direct climate change implications.

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



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## **Council**

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<b>Date of Meeting:</b>	19 October 2022
<b>Report Title:</b>	Appointment of Vice Chairs
<b>Report of:</b>	David Brown, Director of Governance and Compliance
<b>Ward(s) Affected:</b>	All

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### **1.1 Purpose of Report**

- 1.1 To allocate Vice-Chairs of the Council's committees.

### **2. Executive Summary**

- 2.1 The Constitution states in Chapter 3 Part 2 that one of the functions of full Council is to appoint the Chair and Vice Chairs of Committees.
- 2.2 This report will enable Council to appoint Vice Chairs of Committees, should the need to do so, arising from the allocation of committee places which was addressed in the report to Council on political proportionalities: the previous agenda item.

### **3 Recommendation**

- 3.1 That the offices of Vice Chair be allocated.

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

- 4.1 To allocate the Vice Chairs of the Council's committees.

### **5 Other Options Considered**

- 5.1 Whilst Council could decide that it does not wish to allocate the offices of Vice Chairs to Committees, this would leave those Committees without any identified Member being empowered to preside at meetings, should the Chair not be present to do so. This would be contrary to the constitutional presumption that this function will be discharged by Council.

## **6 Background**

- 6.1 Whilst Chairs and Vice Chairs are allocated to committees at each Council Annual General Meeting, Council is occasionally required to consider doing so during a municipal year when, for example, the membership of a political group changes.
- 6.2 The last agenda item addressed the change of group membership of a member of Council and the consequent need for the Council's changed political proportionalities to be agreed.
- 6.3 In circumstances where a member of the Council's group status changes, and where that member holds the office of chair or vice chair of a committee, Council may determine whether the allocation of such office should also change.
- 6.4 This report will enable Council to determine how it wishes to allocate the vice chairs of the Environment and Communities and Southern Planning Committees, which were allocated to the member whose political group membership has changed.

## **7 Implications of the Recommendations**

### **7.1 Legal Implications**

- 7.1.1 Whilst the Annual Meeting of the Council determines the allocation of Chairs and Vice-Chairs of committees, it may reconsider such allocations during a municipal year, when group membership changes.

### **7.2 Finance Implications**

- 7.2.1 Some of the Council's Chairs and Vice-chairs attract a Special Responsibility Allowance, in accordance with the Council's Members' Allowances Scheme.

### **7.3 Policy Implications**

- 7.3.1 There are no direct implications for policy.

### **7.4 Equality Implications**

- 7.4.1 There are no direct implications for equality.

### **7.5 Human Resources Implications**

- 7.5.1 There are no direct implications for Human Resources.

## 7.6 Risk Management Implications

7.6.1 Failure to comply with the requirements of the Constitution might leave the Council open to legal challenge and might leave a committee without a vice chair.

## 7.7 Rural Communities Implications

7.7.1 There are no direct implications for rural communities.

## 7.8 Implications for Children & Young People

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

## 7.9 Public Health Implications

7.9.1 There are no direct implications for public health.

## 7.10 Climate Change Implications

7.10.1 There are no implications relating to climate change.

Access to Information	
Contact Officer:	Brian Reed Head of Democratic Services and Governance <a href="mailto:brian.reed@cheshireeast.gov.uk">brian.reed@cheshireeast.gov.uk</a>
Background Papers:	None

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**COUNCIL 19 OCTOBER 2022****RECOMMENDATION FROM AUDIT AND GOVERNANCE COMMITTEE: CODE OF CONDUCT****RECOMMENDATION****That Council**

- a) **adopt the draft Member Code of Conduct, incorporating all amendments proposed by the Group Leaders, and**
  - b) **adopt the draft Member Code of Conduct Complaints Procedure to take effect following adoption of the Members Code of Conduct.**
- 

Extract from the Minutes of the Audit and Governance Committee meeting on 28 July 2022

**20 MEMBER CODE OF CONDUCT**

Jamie Hollis, Interim Head of Legal attended the meeting via Microsoft Teams and presented the report. The report had been deferred from the previous meeting to facilitate a further Working Group discussion; however it had not been possible to convene that discussion within the time allowed. The Committee was advised a course of action could be to defer the matter further, or to make a decision to deal with the substantive items within the report.

The Chair used discretion to enable visiting Member Councillor David Marren to address the Committee in regard to the Member Code of Conduct.

Councillor Mark Goldsmith noted that any agreement on this item would go to Council, and potentially Councillor Marren (as the current Mayor) could be perceived as pre-determining a decision on the item by speaking on it during this meeting.

David Brown, Director of Governance and Compliance and the Monitoring Officer advised it was down to individuals to determine if they were approaching matters with an open mind.

The Chair noted all Members of the Working Group would be in the same position.

Councillor Marren addressed the Committee and began by noting that MP Kemi Badenock (the Minister for Levelling Up Communities) had responded to the recommendations set out in the report of the Committee on Standards in Public Life and agreed with five out of the 25 recommendations. The minister had also advised that it was for individual councils to set their own local code in line with the Localism Act.

Councillor Marren went on to say that he was part of the Working Group assigned to review the updated Member Code of Conduct as published by the Local Government Association. The Committee heard that at the first meeting of the Working Group, the code presented by officers had been amended in parts and there was some confusion about whether these amendments were fully explained to the group. The changes were reinstated by the second meeting of the group.

Councillor Marren then read correspondence he had written in January 2019 to the then Acting Chief Executive at Cheshire East Council Kath O'Dwyer, all Councillors at the time had been copied into this correspondence and it covered:

- the disappointment of officers lodging complaints against Members and associated costs paid to external lawyers rather than using in-house resources;
- the acceptance that complaints needed to be investigated, but that if an officer makes a complaint against a Member that is not upheld, then disciplinary action should be taken against that officer because of the potential for irretrievable damage to relationships and any monies used to investigate will have been in vain;
- that potentially, those subject to complaints should be able to speak freely, as they could be vulnerable to further ill-founded and malicious complaints that would result in further money being spent to external lawyers;
- Councillor Marren believed that lack of openness would lead to malicious complaints and serial complainants, and that the current Member Code of Conduct needed urgent review to avoid being used as a tool by bullies;
- Councillor Marren had publicly advised that he did not object to any complaints made against him being made public, because he believed that the reputation of Councillors by the public was generally negative, that they were secretive, broke promises and tried to avoid scrutiny and that straight-talking and openness was the antidote to help restore Councillors general reputation; and
- Councillor Marren was of the opinion that Police referrals and Member Code of Conduct complaints had become weaponised by officers to attack Members.

The Committee heard that the day after this correspondence was sent, Councillor Sam Corcoran (in his then capacity as Opposition Leader) wrote to the Acting Chief Executive to support Councillor Marren's concerns about the complaints process being used a tool for bullies, and potential misuse by senior officers. The original purpose of the process was for members of the public to complain against councillors, not councillors against councillors or officers against councillors.

Councillor Marren continued to have concern that the complaints process has been used by councillors and officers to intimidate and control councillors.

The Committee heard that the Working Group had raised several concerns about the LGA model code, and that the group were mindful that the code could be subject to local modifications. A key concern of the Working Group was that the code should not be more onerous than any process a councillor could be subject to should an interview by the Police be necessary.



Councillor Marren was concerned that the council could be requiring more with the current arrangements than the Police would. He noted that the expectation was that Councillors would cooperate whilst officers investigated complaints, when these might range from exaggeration, or manipulation and lies with intent to disrupt or remove people from positions of influence whilst they're investigating.

In summary, Councillor Marren believed:

- 1) there ought to be an appeals mechanism supported by all Members. Until that time the code should not be approved;
- 2) people should not be expected to have to respond to questions that the Police would not request; and
- 3) If someone had a complaint made against them they should not be bound by any code of silence, and should be able to argue against the allegations.

The Committee were given the opportunity to debate the item and ask any questions. Some Members of the Committee were of the opinion that the Member Code of Conduct should be deferred until an appeals mechanism is built into it.

The Interim Head of Legal advised that any appeals process would likely form part of the Procedure for dealing with Member complaints rather than the Code itself. A separate paper could therefore be brought back to Committee on this specific matter, bearing in mind there was currently no statutory appeal process available.

Some members of the Committee were of the opinion that the code and the appeals process should be considered together as there was the risk of delay to move them separately, whilst others thought that any appeal would be to the Ombudsman.

There was some debate on whether it was better to have a bespoke appeals process in place, some Members noted that recommendations 13 and 14 outlined within the report (relating to the right to appeal to the Local Government Ombudsman (LGO) and the LGO's power to investigate) would require a change to the law.

It was confirmed to the Committee that some Councils had a review process in place, rather than an appeals process.

Some members of the Committee felt that the process had taken too long to complete and were mindful that the model code had been adopted by a significant number of councils across the country and to deviate away from the model would weaken it. The Members Code of Conduct should hold Members to a higher account than just the legal minimum. The Committee noted more recent reputational damage resulting from Police Investigations and Handforth Parish Council and that the direction of travel should be in restoring the confidence of the public.

Some Committee members felt frustration that the Working Group had voted to defer the item from the last meeting and there did not appear to have been any work carried out in

the meantime. The Chair did explain some of the reasons for the delays and noted the favourable comments by the Leaders in reference to the appeals mechanism.

Councillor Mark Goldsmith proposed the Committee approve the draft Member Code of Conduct, on the basis that all amendments proposed by the political Group Leaders were incorporated.

Councillor Marilyn Houston seconded the motion.

The Chair felt the work was incomplete and did not advise progression. The Committee noted that should the item proceed to full Council, some members of the Working Group would be speaking against the recommendations by this Committee.

RESOLVED: That

- a) the draft Member Code of Conduct, incorporating all amendments proposed by the Group Leaders, be recommended for adoption by full Council; and
- b) the draft Member Code of Conduct Complaints Procedure be approved to take effect following adoption of the Members Code of Conduct by full Council.



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## **Audit and Governance Committee**

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<b>Date of Meeting:</b>	26 May 2022
<b>Report Title:</b>	Revised Councillors Code of Conduct
<b>Report of:</b>	David Brown Monitoring Officer & Director of Governance and Compliance
<b>Report Reference No:</b>	AG/14/21-22
<b>Ward(s) Affected:</b>	ALL

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

- 1.1. The introduction to the paper 'Local Government Ethical Standards' A Review by the Committee on Standards in Public Life' published January 2019 (The Ethics Report) begins with '*The Principles of Public Life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally. All public office-holders are both servants of the public and stewards of public resources.*' These Principles must be embodied within the Code of Conduct adopted by each local authority.
- 1.2. The purpose of this report is to agree a revised Code of Conduct which reflects the Local Government Association model Code of Conduct for elected members, and incorporates best practice recommendations from The Ethics Report which can be recommended to full Council for adoption.
- 1.3. A revised procedure for investigation of complaints is also attached for agreement and subsequent recommendation to full Council for adoption.

### **2. Executive Summary**

- 2.1 The Member Code of Conduct Working Group has, in conjunction with the Monitoring Officer, produced a new Councillor Code of Conduct for consideration by the Committee. This report requests Committee endorsement for the draft Code to be referred to full Council for adoption,

subject to any amendments the Committee may wish to make. The report identifies areas where any significant deviation from the model code of conduct has been recommended by the members of the working group.

- 2.2 The Code is designed as a behaviour-based code which looks at how a Councillor has behaved, and measures a Councillor's behaviour against the Standards in Public life principles that statute requires all councils to include in their codes of conduct. A behaviour code is not a prescriptive 'list' of behaviours to be worked around, or for culpability to be avoided by technical disputes. It provides Councillors with a mechanism for setting out the behaviours they expect from their peers and to be responsible for ensuring and maintaining that standard.
- 2.3 This report (at sections 6 and 7) identifies where best practice recommended by the Ethics Report has not been adopted. Councillors must be clear that this sets the standards, behaviours and expectations of the Councillors of Cheshire East Council as well as the Town and Parish Councils who adopt the Code. All councils at all tiers must adopt a Code, and it is both recommended and commonplace for parish and town councils to adopt the Code of the upper tier authority in the area.
- 2.4 For example the Ethics Report has Best Practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors. However, the working group concluded that if you could not legally compel cooperation, there should be no expectation in the Code of Conduct that a member will behave cooperatively and are advising it be deleted from the proposed Cheshire East Code of Conduct.
- 2.6 Further, a detailed procedure has been developed to accompany the new Code, setting out how to make a complaint about Councillor conduct and how those complaints will be dealt with. The Committee is asked to approve the document, subject to any amendments the Committee may wish to make. The process is required by Section 28(6) of the Localism Act 2011.
- 2.7 It is a legal requirement for any new Councillor Code of Conduct to be formally adopted by full Council. In light of this, it was considered essential that political group leaders were consulted on the Working Group's proposals, given the final adopted code and procedure would ultimately apply to all councillors. Group leaders were provided copies of the draft documents and briefed on the key points raised within this report. The discussion included consideration of the key disparities between the Model Code and that proposed for adoption. The recommendations of the Group Leaders on each of these matters is included within the Comparator Table at **Appendix C**.

### **3. Recommendations**

#### **3.1. That the Committee –**

- a) Endorse the draft Councillor Code of Conduct appended to this report (subject to any amendments the Committee may wish to make), for adoption by full Council; and
- b) Approve the draft Code of Conduct Complaints Procedure appended to this report (subject to any amendments the Committee may wish to make), to take effect following adoption of the Code of Conduct by full Council.

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

- 4.1. The Audit and Governance Committee has a key role in overseeing the Council's arrangements for ethical governance. This role includes the Council's standards arrangements, and in particular a duty to develop, maintain and update Codes of Conduct and associated protocols.
- 4.2. Although Members are tasked with holding each other to account, the independence, impartiality and necessary distance from political influence is maintained by the statutory role and responsibilities of the Monitoring Officer. In this instance, the Monitoring Officer is tasked with applying the procedure adopted by the Council that deals with the handling of Member complaints. The Monitoring Officer will also try to ensure there is a balance between the legitimate desire of members to influence the code and process at a local level, and the obligation to maintain a process free from undue influence.
- 4.3. The Council's current Councillor Code of Conduct ('the Code') has been in place since 2018, as has the accompanying procedure for dealing with allegations of breach ('the Procedure'). It is considered good practice to review the Code and Procedure periodically, to ensure it remains fit for purpose and relevant to the circumstances of the Council and those councils within the Cheshire East border. The trigger for the review is the publication of the Local Government Association model Code of Conduct for elected members, which incorporates best practice recommendations from The Ethics Report.
- 4.4. The Councillor Code of Conduct
- 4.5. The Local Government Association ('LGA') has produced a model code of conduct for councillors, which provides a robust base upon which a revised Code can be developed. This model code has been developed nationally on the basis of a significant level of legal expertise and national stakeholder

consultation, and represents the predominant view across all local authorities in England as put forward by the Local Government Association. The task of reviewing the LGA model code to establish its suitability for Cheshire East has been undertaken by the Code of Conduct Working Group in conjunction with the Monitoring Officer. The Working Group has evaluated the LGA code, and considers it should be adopted, subject to amendments set out below.

- 4.6. Cheshire East Council also has responsibility for dealing with councillor conduct issues arising in parish and town councils across the whole Borough. Currently all these councils have adopted the Cheshire East Code, so it is hoped the revised Code will also be adopted so any changes will cascade borough wide. The draft Code has been circulated to these councils, and their feedback sought. Feedback was invited in writing and during virtual meetings set up via Cheshire Association of Local Councils (ChALC) for this purpose.
- 4.7. A summary of key feedback received from parish and town councils is outlined below:
- a) The majority of respondent councils indicated they were happy with the draft Code and intended to adopt it in due course.
  - b) There was some confusion surrounding the issue of whether an individual was acting in their personal or official capacity in certain circumstances, therefore uncertainty as to when the provisions of the Code applied. This could be a particular issue on social media.
  - c) The Code should not prevent Councillors from being involved with and commenting on issues of local concern, provided appropriate precautions were taken.
  - d) One respondent considered the Code would benefit from greater clarity on the issue of protecting Councillors from intimidation, abuse and bullying when carrying out their duties.
  - e) Several respondents expressed a desire for the Member/Officer Protocol, and Officer Code of Conduct, to be reviewed and harmonised with the proposed Councillor Code wherever possible and appropriate.
  - f) There was a divergence of views as to whether gifts and hospitality should be accepted, and if so, what an appropriate value might be.
  - g) Frustration was expressed at the lack of sanctions available within current legislation to deal with breaches of the Code.
  - h) An explanation of predetermination should be included for completeness.
  - i) Formatting and presentation issues were identified by one respondent, whose suggestions included improved section titles, clause numbering and version control, ensuring hyperlinks were operative, documents related to the Code being available for reference in order to form a complete picture, ensuring consistency of terminology, and further

consideration to be given to phraseology including whether the Code should compel or recommend particular behaviour.

- j) Some respondents expressed a wish for training to support the proposed new Code, perhaps delivered in conjunction with ChALC.

4.8. All feedback received has been collated and presented to the Working Group for consideration. The draft Code and Procedure have been finalised with the feedback in mind, and in the interests of achieving a balance that is workable, widely applicable, and within our statutory confines. The draft Code is appended to this report for consideration by the Committee **(Appendix A)**. The Committee is asked to adopt the draft Code, subject to any amendments the Committee may wish to make.

4.9. Code of Conduct Procedure

4.10. As well as adopting a Code, the Council is obliged to also adopt suitable procedures for dealing with allegations of breaches of that Code. The current procedure has been in operation for approximately 3 years, and it details the various stages a complaint passes through en route to determination.

4.11. The practical application of the existing Procedure has however highlighted areas it could be made more efficient and less bureaucratic. It has been a number of years since a complaint has been subject to a Sub-Committee hearing under the adopted Procedure, and recent experience with this part of the process has also assisted in identifying potential improvements.

4.12. The Code of Conduct Working Group in conjunction with the Monitoring Officer, have devised the draft Procedure appended to this report. The draft seeks to retain the parts of the existing process that work well, and incorporate a number of improvements, most notably:

- a) Further clarification on the applicability of the Code and the types of allegations that are likely to be taken forward, including a clearer process for sifting complaints out that do not fall within the confines of the Code;
- b) How multiple complaints about the same issue will be dealt with;
- c) Refining the process for anonymous complaints;
- d) A less cumbersome process for consultation with the Independent Person, in particular allowing the method of consultation to suit the circumstances;
- e) Streamlining the process associated with Sub-Committee hearings;
- f) Adding greater transparency through the routine publication of decision notices [on completion of assessment or determination of a complaint].



- 4.13. The draft Procedure is appended to this report for consideration by the Committee (**Appendix B**). The Committee is asked to adopt the draft Procedure, subject to any amendments the Committee may wish to make. It is suggested that the adopted Procedure should take effect once full Council has adopted the revised Code. Should full Council seek to amend the Code prior to adoption, the Procedure is likely to remain relevant and applicable as its focus is the processing of complaints under the Code, whatever that Code may include.

## 5. Other Options Considered

Option	Impact	Risk
<b>Do nothing</b>	The Code will remain in the pre Committee report format and will not cover all the best practice recommendations	The Code will not capture all aspects of Councillor behaviour in a way that supports public confidence
<b>Adoption of the Model Code with minor adaptations that are area specific</b>	This will provide regional and national consistency, allow for efficiency in external investigations and would support adoption by all town and parish councils. This approach was recommended by officers.	The Model Code reflects national debate and national understanding of the wording limitations and prescriptions. It would give legal consistency and robustness to challenge.
<b>Adoption of the Model Code with major adaptations to reflect specific areas of concern</b>	This is recommended by the Audit and Governance working group. Key areas will deviate from the national standard and may give rise to issue of interpretation and understanding	Significant deviations from an accepted and well understood norm adds risk through the necessity to interpret language, and cause additional increases in time and cost.

## 6. Outline of notable changes – Code of Conduct

- 6.1. The areas of major deviation from the model Code of Conduct together with a summary of the working group's reasons are provided below.
- 6.2 **Disrepute Section 5.** The model code of conduct wording requires Councillors not to bring the Council into disrepute. The Ethics Report (page 42) cites Plymouth City Council Code as an exemplar. This wording does not limit any political discourse or ability to hold the council to account. As this is a



councillor Code of Conduct the wording relates solely to the behaviour of the Councillor. The working group indicated some concern that this may limit political debate and considered that the explanatory wording contained within the draft did not sufficiently address these concerns.

The working group are recommending this is limited to 'I do not bring my role of Councillor into disrepute'. This limitation means that the draft Code does not include guidance to specifically address behaviour that may bring the Council itself into disrepute.

- 6.3 **Complying with the Code section 8.** Best Practice recommendation 2 from the Ethics Report was the requirement to cooperate with any Code of Conduct investigation. The detailed reasons for this recommendation can be found in the ethics report at page 41. The Working Group has asked that this is deleted from the Cheshire East Councillor Code of Conduct on the basis that if a councillor cannot be legally compelled to cooperate, a Councillor should not be expected to cooperate.

- 6.4 **Gifts and Hospitality Section 10.** The model code provided for a balance between reporting, transparency and unnecessary burdens (Ethics Report page 47.) Recommendation 6: Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record any gifts and hospitality received over a value of £50, or totalling £100 over a year from a single source.

Significant debate including parish council contributions took place on this issue. The working group concluded that the requirement for maintaining a running total from a single source was not practicable. The working group considered that the Councillor code and the Officer code should be the same, as the obligation on each for transparency and public confidence are identical.

The revised wording will require Councillors to record any gift or hospitality received that is more than nominal. Nominal being small item pens, key rings etc handed out at conferences or nominal gifts of confectionary. All other gifts and hospitality will require registering and in due course publishing. The best practice recommendation is to publish the register each quarter (Ethics Report page 48).

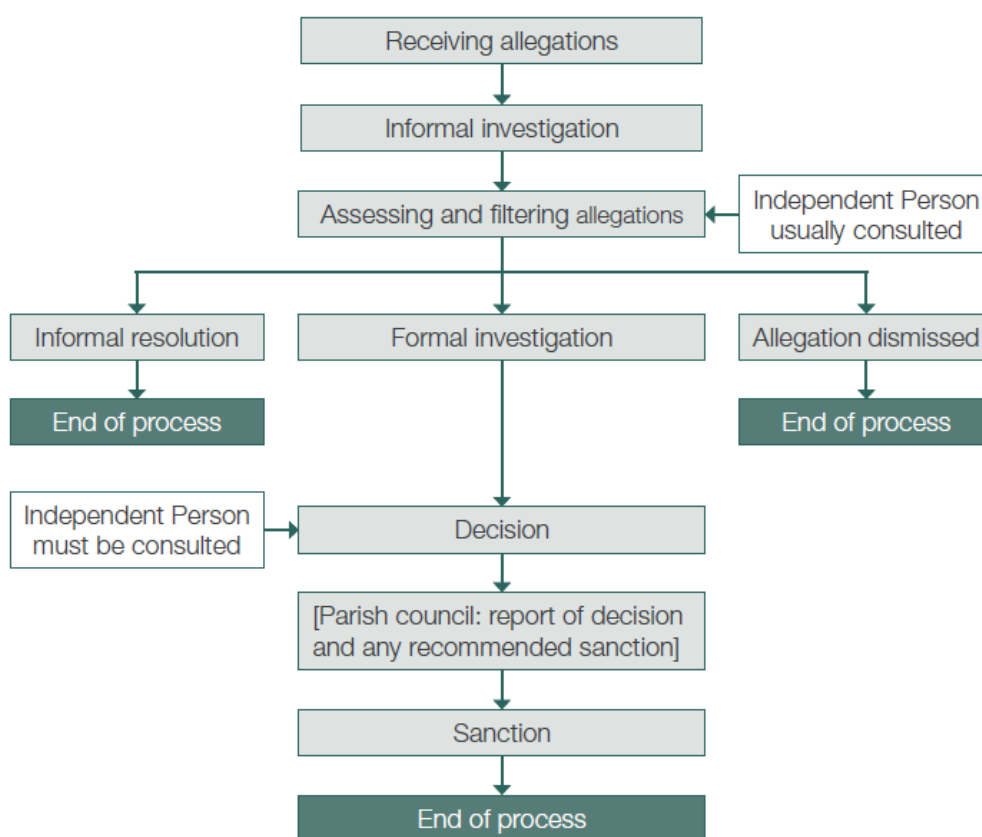
- 6.5 Further changes to the gifts and hospitality provisions have been made to assist Councillors who may receive a gift or hospitality in ceremonial or official duties. The working group felt additional clarity with examples would help the public understand how gifts may be treated and allow holders of ceremonial office a transparent record.
- 6.6 **Predetermination and predisposition and bias.** This does not appear in the model code. Parish Council members requested clarity on this issue and although many other publications deal with the definitions around this (for example the planning specific guidance: (<https://www.local.gov.uk/sites/default/files/documents/probity-planning-councill-d92.pdf>), and the separate planning code at Chapter 4 part 4 of the

Cheshire East Constitution, the working group considered it may be of benefit to reference the issue in the main Code. It is important to note that again this is not designed to limit political debate, discourse, or development of manifesto etc but as an aide memoir when considering what are usually regulatory functions of the council.

- 6.7 **Appeals.** The working group gave considerable voice to an appeal process. There is no statutory right of appeal as this was removed by the Localism Act. A balanced narrative is set out at page 61 of the Ethics Report. The report at page 62 also sets out a proposed process *if* the legislation is changed to enable this. It does not recommend an appeals procedure until the legislation has been updated to provide for such an appeal, and sanctions are increased to a proportionate level where an appeal has potential justification e.g. on suspension of a councillor from office. Councils that currently have a review process appear to do so by having another subcommittee which is tasked with effectively 'rehearing' a matter.

## 7. Outline of notable changes – Process.

- 7.1 Although there is no requirement for a hearing subcommittee and decisions may rest with the Monitoring Officer, Cheshire East with many other Councils has sought to engage Councillors fully in the adjudication process on standards issues. The ethical report at page 52 sets out a useful summary of the process.



- 7.2 At the decision stage after a formal investigation Cheshire East has chosen to make decisions via a sub-committee. A sub-committee is not a tribunal but a committee of the Council. The committee receives information via a report, in the same way as any other decision-making committee. The committee may ask technical questions on the report (usually addressed to the investigating officer) then questions on any evidence presented by the subject member and to debate and reach a conclusion with the assistance of an independent person.
- 7.3 The formal report considered by the sub-committee will include a record of the observations of any witness and the subject councillor (assuming they have chosen to cooperate). The requirement for any 'live' witness is therefore not mandatory and given the cost and time involved should only be considered in the most exceptional circumstances. The officer recommendation is that no witnesses should be involved in the sub-committee hearing itself, and that all witness evidence should be dealt with at the investigation stage of the process. Subject only to an exceptional circumstance provision. This officer recommendation was rejected by the working group, on the basis that this may prejudice the subject member's presentation of their case, and that the ability to call witnesses and the number of witnesses called should be at the discretion of the sub-committee.
- 7.4 The working group are recommending the removal of the Monitoring Officer's discretion and that no changes are made to the adopted process without the consent of the Audit and Governance Committee. The new process will be fixed and require clear compliance if any matter is to proceed to subcommittee. The working group considered that the process should have the oversight of the Committee, with any changes to it to be considered by Members.
- 7.5 It should be noted that primary legislation sets out the role and remit of the statutory Monitoring Officer, which is reflected in the Council's Constitution as a duty to support and advise the Council on matters relating to the conduct of Councillors. The traditional separation of powers and responsibility helps maintains the objectivity of the Code and associated process, and removes the possible perception of conflict of interest that may arise with political imperatives.
- 7.6 Although transparency is a core policy consideration historically complaints have been made of Cheshire East 'secrecy' of the Code of Conduct. The working group at para 5.13 felt it important not to allow the Monitoring Officer to inform the Group Leader or Whip of relevant member complaint matters. The working group considered that it was not best practice for the Group Leader or Administrator/ Whip to be routinely informed of conduct matters, and that it would in any event not be useful particularly if complaints had not been upheld. Best practice recommendation 15 however provides that 'senior officers should meet regularly with political group leaders or group whips to discuss standards issues. It should also be noted that at para 5.27 of the

process a clear indication is given that in the case of a formal investigation, the process will normally expect disclosure of the terms of reference of any investigation. Albeit these may be redacted to protect the complainant's identity.

- 7.7 Para 5.30 of the procedure stipulates that any investigation undertaken must be proportionate in resources and cost to the complaint made. However, this does not permit any equivalent part of the process to flex. In practical terms this allows the Monitoring Officer, having considered all the circumstances, to direct a complaint to the most appropriate investigator. A relatively straight forward fact-finding investigation could be conducted by an appropriate council officer but would need to follow the exact same process, as a complex high-profile investigation that could be referred to an external investigator.

## **8. Consultation and Engagement**

- 8.1 The original draft Code has been circulated to all parish and town councils within the Cheshire East area, and their feedback sought. Feedback was invited in writing and during virtual meetings set up for this purpose, and a summary appears at para 4.6 above. This is in addition to any input councils and individuals may have provided in response to the Model Code upon which this draft is based, and which was widely consulted upon. This version will be shared following any recommendations amendments by the Audit and Governance Committee.
- 8.2 Cheshire East Group Leaders have been briefed in relation to the final draft of the Code. The discussion included consideration of the key disparities between the Model Code and that proposed for adoption. The recommendations of the Group Leaders on each of these matters is included within the Comparator Table at **Appendix C**.

## **9. Implications**

### **9.1. Legal**

- 9.1.1. The Council is obliged to adopt a Code and suitable procedure for dealing with alleged breaches of that Code. Adoption of the Code falls to full Council as a Constitutional amendment, whereas the Procedure falls within the remit of the Committee. Section 27(2) of the Localism Act 2011 requires the adoption of a suitable Code, the content of which must be consistent with the principles set out at section 28 of the Act. The accompanying procedure is a requirement of section 28(6) of the Act.
- 9.1.2. The statutory role of the Monitoring Officer includes the promotion of high standards of conduct amongst elected Members, a fundamental part of which is ensuring a suitable Code of Conduct is in place, and alleged breaches of that Code are dealt with in accordance with the associated process.

- 9.2. Best practice 9 recommends that where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

9.3. **Finance**

- 9.3.1. Although there are no direct financial implications arising from this report, the Localism Act 2011 requires sufficient resources to be made available. The Code of Conduct does not in itself create cost to the Council, costs arise directly from the investigation of poor behaviour by Councillors.
- 9.3.2. The process adopted by the council has a direct impact on costs. The more complex and inflexible the process the greater the cost and the greater the ability for recalcitrant subject members to extend the time and cost envelope

9.4. **Policy**

- 9.4.1. The initial policy considerations were to ensure that all relevant best practice had been incorporated into the revised Code of Conduct and the code should reflect the model code provided by the LGA. The working group of Cheshire East Council at the commencement did not wish to consider a sub- regional approach.

9.5. **Equality**

- 9.5.1. The proposed Code and Procedure are based on recognised good practice which aims to ensure equality of treatment and a fair process for all who are involved.

9.6. **Human Resources**

- 9.7. There are no human resources issues arising directly from this report.

9.8. **Risk Management**

- 9.9. The procedure adopted should seek to minimise financial and reputational risk to the Council through the promotion of clear, proportionate and robust measures to efficiently and effectively deal with complaints.

9.10. **Rural Communities**

- 9.11. There are no issues arising directly from this report that may impact rural communities.

9.12. **Children and Young People/Cared for Children**

- 9.13. There are no issues arising directly from this report that may impact children and young people.

9.14. **Public Health**

9.15. There are no public health issues arising directly from this report.

9.16. **Climate Change**

There are no climate change issues arising directly from this report.

<b>Access to Information</b>	
Contact Officer:	Jamie Hollis, Head of Legal Services <a href="mailto:jamie.hollis@cheshireeast.gov.uk">jamie.hollis@cheshireeast.gov.uk</a>
Appendices:	Appendix A: Draft Councillors Code of Conduct Appendix B: Draft Procedure Appendix C: Comparator table
Background Papers:	'Local Government Ethical Standards' A Review by the Committee on Standards in Public Life' published January 2019; Local Government Association model Code of Conduct for elected members

Highlights to link to supporting docs

## Cheshire East Council – Code of Conduct

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 “Councillors”).

1. All Town and Parish Councils that are within the Borough boundary have been invited to adopt this Code. It is acknowledged that town and parish councils that choose to adopt this Code may wish to amend its provisions to reflect local circumstances and preferences.
2. It is important that as Councillors we can be held accountable, and all adopt the behaviours and responsibilities associated with the role. Conduct as an individual Councillor affects the reputation of all Councillors. The Council wants the role of Councillor to be one that people aspire to. The Council also wants individuals from a range of backgrounds and circumstances to be putting themselves forward to become Councillors.
3. As Councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.
4. Importantly, we should be able to undertake our role as a Councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.
5. This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public’s trust in local government.

## Introduction

This Councillor Code of Conduct has been adopted under the Localism Act 2011 and is supported by a [process](#) that will be followed if a complaint is made. A complaint should be made to the Monitoring Officer with sufficient information to substantiate it. The form may be found [here](#).

Support for Town and Parish Councils may be accessed through their membership of the Cheshire Association of Local Councils (ChALC) or the National Association of Local Councils (NALC).

## Definitions

For the purposes of this Code of Conduct, a “Councillor” means an elected Councillor or co-opted Member of Cheshire East Council or of one of the Town and Parish Councils that have adopted this Code of Conduct

A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;

b) is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes Cheshire East Council and or one of the parish councils, town councils within the Borough.

## **Purpose of the Code of Conduct**

The purpose of this Code of Conduct is to assist you, as a Councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Councillors, local authority officers and the reputation of your Council and of local government. It sets out general principles of conduct expected of all Councillors and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of Councillor and local government.

## **General principles of Councillor conduct**

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, Councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles. The Nolan Principles are:

1. Selflessness;
2. Integrity;
3. Objectivity;
4. Accountability;
5. Openness;
6. Honesty;
7. Leadership.

Building on these principles, the following general principles have been developed specifically for the role of Councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of Councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest



- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

## **Application of the Code of Conduct**

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Councillor or attend your first meeting as a co-opted member, and it continues to apply to you until you cease to be a Councillor or Co-Opted Member.

This Code of Conduct applies to you when you are acting in your capacity as a Councillor or Co-opted Member which may include if:

- you misuse your position as a Councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements, and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish Councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

## **Standards of Councillor conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a Councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

## **General Conduct**

### **1. Respect**

As a Councillor:

1.1 I treat other Councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Councillors.

In return, you have a right to expect respectful behaviour from others. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the relevant local authority, social media provider or the police. This also applies to fellow Councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's Member/officer protocol.

## **2. Bullying, harassment and discrimination**

As a Councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Because bullying and harassment can be subjective by its very nature, any complaints of such behaviour will be subject to an objective assessment of all the circumstances surrounding the allegation.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

## **3. Impartiality of officers of the council**

As a Councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (there are no political assistants in Cheshire East). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, for having acted in a particular way, or in respect of the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

Councillors should always use the appropriate routes to raise issues and inform decision making.

#### **4. Confidentiality and access to information**

As a Councillor:

4.1 I do not disclose information given to me in confidence by anyone, or acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless:

- a) I have received the consent of a person authorised to give it;
- b) I am required by law to do so;
- c) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
- d) the disclosure is:
  - i. reasonable and in the public interest; and
  - ii. made in good faith and in compliance with the reasonable requirements of the access to information procedure rules; and
  - iii. I have sought the views of the Monitoring Officer prior to its release.

4.2I do not improperly use knowledge gained solely as a result of my role as a Councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3I do not prevent anyone from getting information that they are entitled to by law.

Cheshire East Council must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

#### **5. Disrepute**

As a Councillor:

5.1 I do not bring my role of Councillor into disrepute;

5.2 I am seen as a representative of Cheshire East Council or my Town or Parish Council and seek to uphold the image and reputation of the Council and will not bring my Council into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be

aware that your actions might have an adverse impact on you, other Councillors and/or your Council and may lower the public's confidence in you or your Council's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow Councillors to account and are able to challenge, criticise and express concern about decisions, services and processes undertaken by the Council whilst continuing to adhere to other aspects of this Code of Conduct. The Code of Conduct does not stifle political debate, or prevent Councillors from campaigning on issues of local concern.

## **6. Use of position**

As a Councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a Councillor of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others.

However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## **7. Use of local authority resources and facilities**

As a Councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- a. act in accordance with the local authority's requirements; and
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a Councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a Councillor more effectively and are not to be used for business, personal, or political gain. They should be used in accordance with the purpose for which they have been provided and the Council's own policies regarding their use.

## **8. Complying with the Code of Conduct**

As a Councillor:

8.1 I undertake Code of Conduct training provided by my Council.

8.2 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.3 I acknowledge that while I am not compelled to engage with a Code of Conduct investigation, I will nevertheless comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a Councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

### **Protecting your reputation and the reputation of the local authority**

#### **9. Interests**

As a Councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of Councillors of the Council this includes Town and Parishes.

You need to register your interests so that the public, council employees and fellow Councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other Councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

#### **10. Gifts and hospitality**

As a Councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I will only accept gifts and hospitality when 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 gift or hospitality. Hospitality is usually acceptable when the invitation is corporate not personal.

Whatever gift/hospitality is provided to you, other than a gift or hospitality of nominal value only (such as drink or small items of stationery), you should report the circumstances and the type of hospitality to the Monitoring Officer. Small insignificant gifts of a value of less than £50, such as pens, diaries, calendars, mouse mats or mugs, may be accepted.

10.3 I will register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of your Council, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered.

Corporate gifts and/or hospitality may on occasion be offered to Councillors carrying out duties associated with a ceremonial role such as Mayor. If the gift or hospitality is offered in ceremonial capacity it can be accepted and noted on the register for the office being held. For example, the Mayor receives a gift on behalf of the Council the gift will be recorded in the Mayors register and retained by the Council. A gift received by the Mayor as a token of thanks for attending a function such as flowers will be recorded as a personal gift within the register as appropriate. Gifts of a greater value should only be accepted on the basis that the gift or hospitality is declared. Gifts or hospitality (if appropriate) accepted in a ceremonial capacity may be donated to charitable or other appropriate causes such as the Mayors Charity.

You do not need to register gifts and hospitality which are not related to your role as a Councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Member. If you are unsure, do contact the Monitoring Officer for guidance.

## **11. Predetermination and predisposition**

Predisposition is when a councillor may have a pre-existing opinion or attitude about the matter under discussion, but remains open to listening to all the arguments and changing their mind in light of the information presented at the meeting. While care needs to be exercised, generally predisposition does not affect a Councillors ability to participate in decision making.

Predetermination however is when a Councillor's views on an issue are such that it could be said they have a closed mind to the matter being discussed. Participating in decision making if predetermined may undermine the decision taken.

Questions about predetermination and predisposition most commonly arise in the planning arena. Additional guidance is available on this specific scenario in the Probity in Planning Guide, which can be found at: <https://www.local.gov.uk/publications/probity-planning-advice-councillors-and-officers-making-planning-decisions>

## **12. Bias**

The law distinguishes actual bias from apparent bias.

The actual bias is subjective and deals with the Councillor's state of mind for example a decision made for the reason of obtaining a personal benefit to the Councillor is biased. Where a Councillor is biased in a decision, then the decision is flawed.

Apparent bias deals with the councillor's conduct and the surrounding circumstances. Councillor must ask whether all the relevant circumstances would lead a fair-minded and informed observer of reasonable fortitude to conclude that there was a real possibility, or a real danger, that their ability to weigh the public interest in making a decision appears biased.

Where a decision is tainted by apparent bias, then the decision is seen to be unfair and therefore flawed.

## Appendices

### **Appendix A – The Seven Principles of Public Life**

The principles are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

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 disclose and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## **Appendix B - Registering interests**

Within 28 days of becoming a Councillor or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in Table 2 (Other Registerable Interests).

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. You are able to make a brief statement prior to leaving the meeting to describe the context of your decision. Specific guidance regarding the declaration of interests at planning committee is available here: <https://www.local.gov.uk/publications/probity-planning-advice-councillors-and-officers-making-planning-decisions>

Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you are the Chairperson of any committee have a disclosable pecuniary interest on a matter to be considered by you or you are being consulted upon for an officer decision, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for the Vice Chairperson or someone else to deal with it

### **Disclosure of Other Registerable Interests**

6. Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.



### Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest. You are able to make a brief statement prior to leaving the meeting to describe the context of your decision. Specific guidance regarding the declaration of interests at planning committee is available here: <https://www.local.gov.uk/publications/probity-planning-advice-councillors-and-officers-making-planning-decisions>

8. Where a matter arises at a meeting which affects –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a relative or close associate; or
- c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in Table 2

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) affects the financial interest or well-being:

- a) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. You are able to make a brief statement prior to leaving the meeting to describe the context of your decision. Specific guidance regarding the declaration of interests at planning committee is available here: <https://www.local.gov.uk/publications/probity-planning-advice-councillors-and-officers-making-planning-decisions>

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you are the Chairperson of any committee have another Registrable Interest or Non-Registrable Interest on a matter to be considered by you or you are being consulted upon for an officer decision, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for the Vice Chairperson or someone else to deal with it.

### Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

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 council) made to the Councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Councillor, or towards his/her election expenses.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

#### Contracts

Any contract made between the Councillor or his/her spouse or civil partner or the person with whom the Subject Description Employment, office, trade, profession or vocation Councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director\* or a body that such person has a beneficial interest in the securities of\*) and the council—

- (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

#### Land and Property Any beneficial interest in land which is within the area of the council.

‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.

**Licenses** Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.

#### Corporate tenancies Any tenancy where (to the Member’s knowledge)—

- (a) the landlord is the council; and
- (b) the tenant is a body that the Councillor, or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners is a partner of or a director\* of or has a beneficial interest in the securities\* of.

#### Securities Any beneficial interest in securities\* of a body where—

- (a) that body (to the Councillor’s knowledge) has a place of business or land in the area of the council; and
- (b) either—
- (i) the total nominal value of the securities\* exceeds £25,000 or one hundredth of the total issued share capital of that body; or
  - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Councillor, or his/ her spouse or civil partner or the person with whom the Councillor is living as if they were
    - ‘director’ includes a member of the committee of management of an industrial and provident society.
    - ‘securities’ means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and

Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**Table 2: Other Registrable Interests**

You must register as an Other Registerable Interest:

- a) any unpaid directorships
- b ) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
  - (i) exercising functions of a public nature
  - (ii) directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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## **Draft procedure**

1. Introduction
2. Scope of the procedure
3. How to make a complaint
4. Anonymous complaints
5. Assessment procedure – step by step
  - a. complaint submission
  - b. initial assessment
  - c. notification of initial assessment outcome
  - d. consultation with Independent Person
  - e. formal investigation
  - f. the investigation process
  - g. the committee process
  - h. procedure at committee
6. Confidentiality and Publication of decision notices / hearing outcomes
7. Withdrawal of complaints
8. Rights of appeal

### **1. Introduction**

In this document the term “Councillor” means an elected Councillor or a co-opted Member of Cheshire East Council or of a town or parish council within its area. This procedure covers complaints that a Councillor has failed to comply with their code of conduct. The Councillor complained against is referred to in this procedure as the “subject member”.

These arrangements set out:

1. how you can make a complaint about the conduct of a Councillor.
2. how the Council will deal with complaints about Councillors.

### *Codes of conduct*

Cheshire East Council has adopted a Code of Conduct for Councillors, which is available for inspection on the Council’s website or on request from the Monitoring Officer:

[monitoringofficercec@cheshireeast.gov.uk](mailto:monitoringofficercec@cheshireeast.gov.uk)

Each town or parish council must also adopt a code of conduct. If you wish to inspect a town or parish council’s code of conduct, you should look on their website in the first instance. You may also ask the town or parish clerk to allow you to inspect it.

### **2. Scope of the Procedure**

2.1 The Monitoring Officer can only deal with complaints that a Councillor has failed to comply with their Code of Conduct. If you wish to make a complaint about:-

- dissatisfaction with a decision or action of the Council or one of its committees
- a service provided by the Council
- the actions of someone employed by the Council

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- the Council's procedures or policies

you can do so using the Council's corporate complaints process or, in the case of a town or parish council, by contacting that council's clerk.

2.2 If your complaint is about a Councillor, then you can use this process. However, you should be aware that assessment criteria are applied to all complaints to ensure that the process focuses on complaints where there is a wider public interest in addressing the conduct complained about. You should consider the assessment criteria set out below before making your complaint in order to understand how your complaint will be dealt with.

2.3 The following points should also be noted before making a complaint under this procedure:

- (i) complaints can only be accepted if they relate to a Councillor's behaviour whilst they are acting, or giving the impression that they are acting, in their official capacity. Complaints which appear to be against a Councillor acting in their private capacity will be rejected;
- (ii) determinations under this procedure can only relate to a Councillor's conduct and cannot comment upon or interfere with any decisions they have been involved in.
- (iii) complaints against a town or parish council as a whole will be rejected and need to be referred direct to the council in question for consideration under their own procedures.
- (iv) The Council has no jurisdiction in respect of complaints against Clerks or other officers to town or parish councils as they are employees of their respective authorities and any such complaints will be rejected.

2.4 It would help in dealing with your complaint to know what your desired outcome might be. If you feel able to provide this information please do so. Please note that the Monitoring Officer has no power to suspend or disqualify a Councillor, withdraw a Councillor's allowance or change a decision that a Councillor has made or has been involved in making. The remedies which may be applied through this process are set out below.

2.5 There may be instances when a number of complaints will be received about the same Councillor from different Complainants that relate to the same incident. When a complaint is substantially the same it will be processed as a single complaint taking into consideration all of the complaints received up to the time the complaint is processed. A single decision notice will be issued and will reflect the fact there has been more than one Complainant associated with the matter, though all may not be named. If further complaints relating to the same matter are received after the complaint is being processed these will not be added to the complaint but the Complainants will be advised that a complaint about this matter is already being considered.

2.6 This guidance may be amended from time to time by the Audit and Governance Committee on the recommendation of the Monitoring Officer.

### 3. How to make a complaint

3.1 All complaints must be made in writing, using the form on our website [\\*link\\*](#) and submitted to the Monitoring Officer along with any supporting information –

- a) Electronically to [monitoringofficercec@cheshireeast.gov.uk](mailto:monitoringofficercec@cheshireeast.gov.uk), or

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- b) By post to The Monitoring Officer, Cheshire East Council, c/o Municipal Buildings, Earle Street, Crewe CW1 2BJ

3.2 Hard copies of the form can be made available on request. We will assist you if you have a disability that prevents you from making a complaint or makes it difficult for you to put your complaint in writing. We can also help if English is not your first language.

3.3 It is very important that you set your complaint out fully and clearly and provide all the information at the outset. You should also provide any documents or other material that you wish to be considered, wherever possible. You should tell us exactly what each person you are complaining about said or did that has caused you to complain. If you are sending supporting documentation please cross reference it against the summary of your complaint. You should be as detailed as possible and substantiate your complaint where you can, to demonstrate why you believe that the Councillor(s) complained about has breached the Code of Conduct.

#### **4. Anonymous complaints**

4.1 Anonymous complaints will not normally be investigated, unless there is a clear public interest in doing so and the Monitoring Officer considers that a fair investigation can be carried out.

4.2 Requests from Complainants for the Monitoring Officer to withhold their identity, so that they remain anonymous to the subject member, are not ordinarily granted. The Monitoring Officer has to balance the right of the subject member to properly understand the complaint against them and respond to it, with the rights of the person making the complaint. More often than not, this means that the subject member will need to be told who is making the complaint.

4.3 A Complainant can ask for their identity to remain confidential by completing the appropriate section of the complaint form. Requests will only be granted if there is a good reason. The following criteria will be used when requests are considered:

- (i) whether the Complainant reasonably believes that they, or somebody closely connected to them, will be at risk of harm or harassment if their identity is disclosed;
- (ii) that the Complainant is reasonably concerned about the consequences to their employment, or that of somebody closely connected to them, if their identity is disclosed;
- (iii) that the Complainant, or somebody closely connected to them, suffers from a serious medical condition and there is evidence of medical risks associated with their identity being disclosed;
- (iv) whether the specifics of the complaint will disclose who has made the complaint even without confirming the Complainant's identity;
- (v) the degree to which the subject member may be prejudiced by withholding the Complainant's identity; and
- (vi) the public interest: In some cases the public interest in proceeding with the complaint may outweigh the Complainant's wish to have their identity withheld.

4.4 The Monitoring Officer will only grant your request if s/he considers that a fair investigation can still be carried out. You will be informed of the decision and the reasons for it. If it is not considered appropriate to grant confidentiality the Complainant will be offered the opportunity to withdraw the complaint, but this is subject to the determination made by the Monitoring Officer regarding the public interest in proceeding.

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## 5. Assessment procedure – step by step

**\*Insert diagram / flow chart of main steps & responsibilities\***

### 5.1 Complaint submitted:

5.2 Complainant submits a completed complaint form with any supporting information to the Monitoring Officer. The Monitoring Officer will acknowledge receipt, and confirm whether any request for anonymity has been granted, within 5 working days. Please see section 3 of this procedure for details on how to obtain a form, and how to submit it.

### 5.3 Initial assessment:

5.4 The Monitoring Officer will carry out an initial assessment to determine whether the complaint is within this procedure and, if so, whether it should be progressed. This will normally be done within 10 working days of receipt of the complaint.

5.5 The Monitoring Officer will firstly check that the complaint satisfies the following tests:

- a. The complaint is against one or more named Councillors of Cheshire East Council or a town or parish council within the borough;
- b. The subject member was in office at the time of the alleged conduct;
- c. The subject member was acting in their official capacity as a member at the time of the alleged conduct;
- d. The Complainant has provided enough information to enable the Monitoring Officer to form a view as to whether or not a breach of the code has or might have occurred.

5.6 If a complaint does not satisfy the above tests, no further action will be taken. The Complainant and subject member will be notified within 5 working days.

5.7 Complaints that satisfy the initial tests at paragraph 5.5 above, will be considered in more detail and will usually be rejected if, in the opinion of the Monitoring Officer, any of the following applies:

- a. the complaint is the same or substantially the same as a complaint previously dealt with, whether submitted by the Complainant or some other person;
- b. it is over 6 months since the alleged behaviour occurred and it would be unfair, unreasonable or otherwise not in the public interest to pursue unless there are, in the Monitoring Officer's opinion, exceptional circumstances which would warrant the complaint being progressed;
- c. the complaint is considered, on an objective basis, to be trivial and there are no public interest reasons to pursue it;
- d. the complaint discloses such a minor technical breach of the Code of Conduct that it is not in the public interest to pursue;
- e. the complaint is or appears to be malicious, politically motivated, tit-for-tat or otherwise submitted with an improper motive and the complaint is not considered to disclose sufficiently serious potential breaches of the Code of Conduct to merit further consideration;
- f. the Subject Member has remedied or made reasonable endeavours to remedy the issues to which the complaint relates (for example, an early in person apology), and the complaint does

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not disclose sufficiently serious potential breaches of the Code of Conduct to merit further consideration;

- g. the complaint is about a person who is no longer a member of a relevant authority;
  - h. the complaint is from a councillor about another councillor of their council and the Monitoring Officer considers the allegations to be such that the issues between the councillors ought to be capable of resolution between them, whether with or without the assistance of their Clerk or some other person; and
  - i. it would otherwise be inappropriate to expend the Council's resources on determining the complaint having regard to the circumstances of the complaint, any previous related complaints and the public interest. A complaint will be rejected if the Monitoring Officer considers the likely costs of progressing a matter are disproportionate to the seriousness of the issue and the possible range of outcomes.
- 5.8 If the complaint indicates that a criminal offence may have been committed (or some other regulatory infraction) the matter will be reported to the appropriate regulatory body. It may be the case that the complaint cannot be further considered under this process until an associated external investigation has been completed.
- 5.9 If your complaint also relates to or raises concerns about a council service (or an officer of the council), it may first need to be dealt with under the relevant corporate complaints/disciplinary process that applies. This is so that the outcome and any proposed action resulting from any such process can be taken into account when assessing the code of conduct complaint.
- 5.10 When there is insufficient information to make a determination as to whether the conduct complained of may demonstrate a potential breach of the Code of Conduct the Monitoring Officer may offer the Complainant a further 7 days to provide further information to support the complaint. If further information is not provided within 7 days of being requested, the complaint will be rejected.
- 5.11 Following initial assessment, the Monitoring Officer may decide to:-
- Take no further action
  - Consult with the Independent Person on next steps to be taken in the determination of the complaint.

#### **5.12 Notification of initial assessment decision**

- 5.13 Once a decision following initial assessment has been made, letters of notification will then be sent to the Complainant and the subject member within 5 working days confirming the decision made and the reasons for it. If the decision is to take no further action, the subject member will be provided with a precis of the complaint and, subject to the provisions on anonymity, the identity of the complainant. The Monitoring Officer may offer advice to the complainant, subject member or both.
- 5.14 If the decision is to consult with the Independent Person on next steps to be taken in the determination of the complaint, then unless s/he has already done so, the Monitoring Officer will supply the subject member with a copy of the complaint (and accompanying materials) and will be invited to respond to it in writing. Data protection rules may require some information to be removed from the complaint before it is submitted to the subject member. The complainant will

be notified if this is necessary. The subject member will be invited to respond to the complaint within 7 days of the date of the notification letter.

**5.15 Consultation with the Independent Person**

- 5.16 Once a complaint has passed the initial assessment stage of the procedure, the Monitoring Officer will consult with the Independent Person as to the next steps to be taken. This consultation may, at the Monitoring Officer's discretion, take place by way of a meeting, telephone call, or exchange of emails. The approach taken will reflect the nature of the matter under consideration, the level of complexity and supporting paperwork, and potential seriousness of the allegations.
- 5.17 This provides an opportunity for the Monitoring Officer and Independent Person to consider the complaint and the subject member's response to it. The purpose is for the Monitoring Officer, in consultation with the Independent Person, to decide whether it appears that a breach of the code may have occurred and to determine what action, if any to take on the matter.
- 5.18 The Monitoring Officer is not determining, at this stage, whether or not there has been a breach of the Code. The Monitoring Officer is determining whether the circumstances are such that:-
- a) No further action should be taken
  - b) The matter is suitable for informal resolution
  - c) The matter should be formally investigated
- 5.19 In addition to revisiting the initial assessment criteria (where appropriate), and to determine the appropriate next course of action, the Monitoring Officer and Independent Person will consider:-
- a) Whether there is sufficient information available to decide what action should be taken
  - b) The seriousness of the matters alleged
  - c) The likely effectiveness of the remedies available
  - d) The public interest
- 5.20 Once the Monitoring Officer has reached a decision, letters of notification will then be sent to the Complainant and the subject member confirming the decision made and the reasons for it.
- 5.21 If the decision is to take no further action, the Monitoring Officer may offer advice to the complainant, subject member or both. The Monitoring Officer may also notify the relevant Group Leader, Whip or town or parish clerk of the complaint and the decision taken.
- 5.22 If the decision is that the matter is appropriate for informal resolution, the Monitoring Officer will make recommendations accordingly. Informal resolution options include:-
- a) An explanation and/or apology from the subject member
  - b) Mediation
  - c) Training
  - d) Referral of the matter to the Group Leader, Whip and/or Parish Clerk to be resolved where the complaint is between two members and political group intervention/agreement is appropriate.
  - e) Some other practical "conflict management" agreement between the complainant and subject member

- 5.23 The Monitoring Officer may take into account the response to and effectiveness of recommendations made for informal resolution in deciding whether or not the matter should nevertheless be formally investigated and pursued further under this process.
- 5.24 If the decision is that the matter should be formally investigated, then the following provisions of this procedure apply.
- 5.25 **Formal investigation**
- 5.26 If the Monitoring Officer decides that the complaint merits formal investigation, an Investigating Officer will be appointed. This may be another senior officer the council, another council or an external investigator. The Monitoring Officer will determine the terms of reference for any investigation in consultation with the Independent Person.
- 5.27 The Terms of Reference of the investigation will not be published at this stage, but rather at the stage a draft report is sent to the complainant and subject councillor. The balance of the public interest has usually shifted towards disclosure at this point, and the Terms of Reference would be likely to be disclosed in response to a Freedom of Information request.
- 5.28 **The investigation process**
- 5.29 The investigator is independent from the complainant and the subject councillor. The investigator will assess the complaint, speak to the individuals and any witness they consider relevant, and then produce a report to the Monitoring Officer.
- 5.30 The investigation must be proportionate in resources and costs to the complaint made.
- 5.31 Where there are multiple complaints or complainants the investigator may select a representative sample or to select the individual to take evidence.
- 5.32 The process will usually be:
- a) Interview of Complainant and any relevant supporting witness, either remotely or in person
  - b) Interview of Member(s) and any relevant supporting witness
  - c) Further interview with Complainant to consider the Members response
  - d) Further interview with the member to consider any new matter or evidence arising
  - e) Unless there is an exceptional circumstance, no further evidence or additional witness or will be permitted after this stage
  - f) Draft report completed
  - g) Draft report shared with Monitoring Officer to ensure it has met the requirements of the Terms of Reference for the investigation
  - h) The Complainant and Member are asked to comment on any issues of factual accuracy contained within the draft report
  - i) The draft report is finalised and served on Monitoring Officer, Complainant and Member
  - j) The Monitoring Officer in consultation with the Independent Person will decide if it is in the public interest to continue.

- k) The Complainant and Member will normally be given two opportunities to take part in the process. If there is any failure to participate the report will be completed without that person assistance.

Unless there are exceptional circumstances.

### **5.33 The Committee Process**

5.34 The process will usually be:

- a) The investigators report and a covering committee report from the Monitoring Officer will be provided to the Committee.
- b) The covering report will contain a summary of the issues and recommendation of the report, the costs and time taken and any issues in respect of participation.
- c) The committee report and investigators report will be considered by the Monitoring Officer, who will confirm the procedure for the committee
- d) The Monitoring Officer will appoint a Democratic Services Officer to administer the Committee and a legal officer to advise the Committee
- e) 21 days from notification of the matter proceeding to Committee, the Subject Member to file a written summary of their response to the report stating areas of agreement disagreement or admission and reassigning any legal issue. If no response is received in 21 days, the Subject Member will not be able to rely on that evidence
- f) 14 days thereafter the independent investigator to consider the submission and provide a response. In the event the investigator considers it necessary to contact either the Subject Member or third party to clarify any aspect they will notify the Monitoring Officer with reasons
- g) 14 days or as soon as reasonably practicable thereafter the Committee shall meet and decide if there is any breach of the code.

5.35 In the event the subject member does not attend and no sufficient reason is given the matter will proceed. If in the Monitoring Officer's view, a sufficient reason is given such as illness supported by a certificate, the Committee will agree a further date.

5.36 Unless exceptional circumstance the Committee will decide the matter on the second occasion.

5.37 Notification will be deemed to have occurred 3 days after posting or email sent.

### **5.38 Procedure at Committee**

5.39 If there are any legal issues identified by the subject member in their response, they will be considered at the start of the meeting.

5.40 The Committee will determine whether any party can call witnesses, and if so, the procedure governing witness involvement.

5.41 The Committee will then hear from the investigation officer who will present the report and give any response to the submissions from the subject member. Although there is no strict time limit this usually this will be no more than 1 hour. Opportunity for Committee to ask questions

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- 5.42 The subject member will respond and will be entitled to expand upon the issues raised in their response to the investigators report. Usually this will be no more than 1 hour. Opportunity for Committee to ask questions
- 5.43 The Committee may then decide if they require further information from either investigator or subject member, consult with the Independent Person, ask any further questions or adjourn to make a decision.
- 5.44 After the Committee has adjourned to make a decision it may exculpate the subject member or decide that they consider the subject member has breached the code
- 5.45 If it is decided the subject member has breached the code they will then (if a borough councillor) hear from the subject member if they have anything further to say, and then decide any appropriate penalty
- 5.46 The decision is based on a balance of probabilities, based on the information before the Committee

## **6. Confidentiality and Publication of decision notices / hearing outcomes**

- 6.1 The assessment of complaints will be conducted in private by the Monitoring Officer or his/her representative.
- 6.2 Data protection and freedom of information requirements will be complied with which will mean that complaint information will not normally be disclosed to the press or public.
- 6.3 On completion of the assessment or determination of a complaint a decision notice will be issued as detailed above. If a complaint is upheld, it will be published on Cheshire East Council's website, and it will be available for public inspection at Cheshire East Council's offices for 6 years from the date of issue.

## **7. Withdrawal of complaints**

- 7.1 Requests to withdraw complaints will normally be granted but in considering such a request from the Complainant the Monitoring Officer will consider the following factors:
  - a) Whether the public interest in taking action on the complaint outweighs the Complainant's desire to withdraw it;
  - b) Whether the complaint is such that action can or should be taken on it without the Complainant's participation; and
  - c) Whether there appears to be an identified underlying reason for the request to withdraw the complaint; such as information to suggest that the Complainant may have been improperly pressured into withdrawing the complaint.
- 7.2 Even if a request to withdraw a complaint is granted, the Monitoring Officer may still refer it for assessment under these procedures or refer it to the appropriate professionals or body if, in the opinion of the Monitoring Officer, such action is reasonable and proportionate. This may be

appropriate, for example, if the complaint discloses potentially significant probity issues, possible criminal offences or safeguarding issues.

**8. Rights of appeal**

- 8.1 [There is no right of appeal for either the subject member or complainant in relation to a decision of the Monitoring Officer or Committee. Concerns about the process adopted in respect of a specific matter may be referred to the Local Government Ombudsman.] *subject to a further paper to Committee on possible appeal / review arrangements.*

**Comparator table:**

Ethics Report Best Practice	LGA Model Code Provisions	CEC draft	Group Leader recommendations
Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.	As a Councillor:  8.2 I cooperate with any Code of Conduct investigation and/or determination.	The Working Group has asked that this is deleted from the Cheshire East Councillor Code of Conduct on the basis that if a councillor cannot be legally compelled to cooperate, a Councillor should not be expected to cooperate.	That the Model Code should be adopted, and para 8.2 reinserted.
Extract from Plymouth City Council code of conduct: <i>Disrepute</i> Councillors must not act in a manner which could be seen to bring the council or the role of councillor into disrepute.	As a councillor: 5.1 I do not bring my role or local authority into disrepute.	The working group are recommending this is limited to 'I do not bring my role of Councillor into disrepute'. This limitation means that the draft Code does not include guidance to specifically address behaviour that may bring the Council itself into disrepute.	That the Model Code should be adopted, but that wording should be added to recognise the ability of Councillors to bring legitimate challenge in relation to Council functions and operation.
Recommendation 6: Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record any gifts and hospitality received over a value of £50, or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.	As a councillor: 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt. 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.	The working group concluded that the requirement for maintaining a running total from a single source was not practicable. The working group considered that the Councillor code and the Officer code should be the same.  As a Councillor: 10.2 I will only accept gifts and hospitality when 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 gift or hospitality. Hospitality is usually acceptable when the invitation is corporate not personal. Whatever gift/hospitality is provided to you, other than a gift or hospitality of nominal value only (such as drink or small items of stationery), you should report the circumstances and the type of hospitality to the Monitoring Officer. Small insignificant gifts of a value of less than £50, such	That there is no objection to the proposed amendment.

		as pens, diaries, calendars, mouse mats or mugs, may be accepted. 10.3 I will register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.	
Predetermination and predisposition and bias (does not appear in Report)	Does not appear in the model code.	Draft includes paragraphs relating to predetermination and predisposition, and bias.	That the draft Code should reference relevant guidance but not attempt to repeat or summarise it.
<p>Recommendation 13: Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct.</p> <p>Recommendation 14: The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, on appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority.</p> <p>(NB: Both recommendations require a change to the law)</p>	Not included as requires a law change	The working group favour the concept of an appeal process (for subject members only) and have requested a more detailed paper on the issue to be provided to A&G for discussion.	That there is no objection to this issue being considered in more detail at Committee.
Recommendation 15: The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the	Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on	On completion of the assessment or determination of a complaint a decision notice will be issued as detailed above. If a complaint is upheld, it will be published on Cheshire East Council's website, and it will be available for public	That all decision notices where there is a definitive outcome (of breach or no breach of the Code) should be routinely published unless the Monitoring Officer agrees there is a reason not to (e.g. risk or harm or harassment)



complaints broadly relate to (e.g. bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.	its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.	inspection at Cheshire East Council's offices for 6 years from the date of issue.	
	Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	The working group at para 5.13 felt it important not to allow the Monitoring Officer to inform the Group Leader or Whip of relevant member complaint matters. The working group considered that it was not best practice for the Group Leader or Administrator/ Whip to be routinely informed of conduct matters, and that it would in any event not be useful particularly if complaints had not been upheld	That the Model Code Best Practice 15 provision be incorporated into the draft Code.

#### Additional notable changes to draft procedure:

1. The formal report considered by the sub-committee will include a record of the observations of any witness and the subject councillor (assuming they have chosen to cooperate). The requirement for 'live' witness is therefore not mandatory and given the cost and time involved should only be considered in the most exceptional circumstances. The officer recommendation is that no witnesses should be involved in the sub-committee hearing itself, and that all witness evidence should be dealt with at the investigation stage of the process. Subject only to an exceptional circumstance provision. This officer recommendation was rejected by the working group, on the basis that this may prejudice the subject member's presentation of their case, and that the ability to call witnesses and the number of witnesses called should be at the discretion of the sub-committee. **Group Leaders considered that Code of Conduct hearings should take the form of a committee meeting rather than adversarial process, and that witnesses should be identified and given adequate opportunity to be included within the investigation part of the process.**
2. The working group are recommending the removal of the Monitoring Officer's discretion and that no changes are made to the adopted process without the consent of the Audit and Governance Committee. The new process will be fixed and require clear compliance if any matter is to proceed to subcommittee. The working group considered that the process should have the oversight of the Committee, with any changes to it to be considered by Members. **Group Leaders were content for the Committee to deal with proposed amendments to procedure as they arose.**

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**COUNCIL – 19 OCTOBER 2022****NOTICES OF MOTION****Submitted to Council in Accordance with the Council Procedural Rules****1 DEBATE NOT HATE****Public Statement**

"The intimidation and abuse of councillors, in person or otherwise, undermines democracy; it can prevent elected members from representing the communities they serve, deter individuals from standing for election, and undermine public trust in democratic processes.

Seven in 10 councillors reported experiencing abuse and intimidation over the last 12 months and councillors reported feeling that abuse is becoming more common and increasing in severity.

Debating and disagreeing with one another has always been, and will continue to be, a healthy part of democracy. However, the right engagement matters and abuse and intimidation crosses the line into dangerous territory and has no place in politics.

We are calling on local government leaders, the Government and relevant partners, like the police, political parties and social media companies to come together through a government convened working group to produce and implement an action plan that addresses the abuse and intimidation of elected members and candidates and ensures their safety while they fulfil their democratic roles"

The full report sets out the findings and recommendations for the future of local democracy and can be found [here](#)

**Executive Summary**

Councillors are at the centre of local democracy. Elected from amongst their local community and forming a vital link between councils and residents, it is a privilege and responsibility to be elected to public office. However, increasing levels of abuse and intimidation in political and public discourse are negatively impacting politicians and democracy at local and national levels.

Rights to object and constructive challenge are both key components of democracy, but abuse and intimidation cross the line into unacceptable behaviour and serve to silence democratic voices and deter people from engaging with politics.

There is a considerable volume of evidence of the impact of abuse, intimidation, and aggression at a national level, including extreme incidents such as the murder of Jo Cox MP and Sir David Amess MP.

To understand the impacts on local government and councillors, the LGA launched a call for evidence of abuse and intimidation of councillors in October 2021. This report summarises the findings from the first six months of

the call for evidence. It sets out what more could be done to improve support and responses to abuse and intimidation of councillors and reverse national trends around abuse and intimidation that are harmful to democracy.

### Key findings

Respondents to the call for evidence were asked to share their personal experiences of abuse and intimidation as councillors or candidates or abuse of councillors they had witnessed. This included [quantitative questions](#) looking at frequency, location and circumstances of abuse. In addition, respondents were asking for details about triggers of abuse, impacts of abuse personally and more widely, and reflections on support and responses from relevant agencies.

The following themes were identified in the responses to the call for evidence:

- **Variability of support** – The support offered by councils, political parties, and the police varied across the country. In particular, respondents identified a lack of proactive support from some councils and responses from some police forces to threats made against councillors and their families.
- **Targeted abuse** – Evidence from the qualitative responses indicated that councillors and candidates with protected characteristics were more likely to receive personalised abuse. Misogyny, racism and homophobia were particularly highlighted in the responses.
- **Personal and democratic impacts** – Abuse and intimidation can significantly impact councillors and their families, and the wider community. Several respondents described the negative impacts of ongoing abuse on their mental health and wellbeing. In addition, respondents supported the idea that abuse can impact councillors' willingness to stand for re-election or deter others from considering standing for public office.
- **Vulnerability of councillors** – Many respondents highlighted the visibility and accessibility of councillors in their local community, particularly when councillors' home addresses are available online. Councillors are therefore vulnerable to physical abuse, particularly compared to national politicians who may have greater protections and access to specialist police support.
- **Normalisation** – There is a growing feeling that abuse and intimidation, particularly online, are becoming normalised. Attitudes around councillors expecting abuse and being expected to manage abuse with little support were prevalent in the responses.

## **MOTION**

This Council supports the Debate not Hate Campaign, signs the public statement and calls for a government convened working group to tackle this issue

## **2 FAIR TAX DECLARATION**

**Proposed by Councillor P Williams and Seconded by Councillor N Mannion**

Some 25 local authorities across England, Wales and Scotland have so far signed up to the Councils for Fair Tax Declaration - [Councils for Fair Tax Declaration - Fair Tax Foundation](#)

This commits councils to do what they can to encourage fair tax practices among supplier companies when buying goods and services and calls for more powers to exclude companies with links to tax havens from their procurement processes.

Research commissioned by the Fair Tax Foundation from DatLab reveals that between 2014 and 2019 some 17.5% of UK public procurement contracts were won by businesses with connections to a tax haven. Those contracts were worth a combined value of £37.5bn. Furthermore, the UK loses an estimated £17bn in corporation tax revenues as a result of profit shifting alone.

Recent polls show that two thirds of people (66%) questioned believe that the Government and local councils should consider a company's ethics and how they pay their tax alongside criteria such as value for money or quality of service when awarding contracts.

Our neighbouring authority, Cheshire West and Chester has already signed up to the Councils for Fair Tax Declaration, along with authorities as varied as Edinburgh, Oxford, Lincoln, Reading, Cannock Chase and Exeter.

## **MOTION**

Recognising that Cheshire East Council already meets some of the requirements of the Fair Tax Declaration, Council resolves to sign-up to the Declaration in its entirety.

### **3 SAFE NIGHT-TIME TRAVEL FOR WORKERS**

**Proposed by Councillor L Smith and Seconded by Councillor S Handley**

This Council notes that;

- Shift work is widespread in many industries, particularly hospitality, as well as health and care workers, retail , cleaning, security and porter staff and can often entail late-night working;
- Many workers, especially women, are increasingly worried about their safety travelling to and from work at night

This Council believes that;

- While employers may feel their duty of care to staff ends when an employee finishes a shift, they also need to take into consideration journeys home, especially during unsocial hours;
- The weakness of enforcement of the law against sexual assault, including up-skirting, on public transport is appalling and only 2% of victims go on to report sexual harassment on public transport;
- The Get Me Home Safely campaign - [Get ME Home Safely | Make Our Communities & Workplaces Safer](#) , which calls on employers to take all reasonable steps to ensure workers are able to get home safely from work at night, is greatly needed and should be supported;
- Greater numbers of trained staff and stronger enforcement of the law against sexual assault and harassment on public transport are urgently needed;

This Council will;

- Use its powers - as others such as East Dunbartonshire Council - and adopt a policy that our licensing board will ensure the process for approving late night licences will be linked to the provision of free transport home.
- Calls on Cheshire East Council to use its powers - as others have done – to allow our licensing board include additional criteria when considering late opening applications from licensed premises dependent on venues providing free transport home for night shift employees. This will significantly benefit the safety and wellbeing of hospitality workers, particularly women, who often cannot afford, or access, safe transport options late at night and benefit our community.
- Publicly call for improvement to late night and off-peak transport service provision and use the Government's Safety of Women at Night Fund to provide extra night services, as well as work with employers to use the fund for supplementary taxi travel.
- Publicly call for the lowering of fares and opposition to any cuts to public transport funding and for our local council to use their powers and political platforms to achieve this.
- Publicly call for the municipal ownership of buses in order to lower prices and improve service provision, especially for night-time and off-peak services and endeavour to work with Greater Manchester Combined Authority as they move forward with bus franchising using powers under the Bus services Act 2017

- Make representation to appropriate regional and national levels of governance to bring forward national minimum standards for taxis and private hire as per the recommendations of the Task and Finishing group and in support of this motion and its demands on behalf of our local community.

#### **4 PUBLIC ART CONSULTATIONS**

##### **Proposed by Councillor A Gage and Seconded by Councillor S Edgar**

This Council resolves that all works of public art undertaken by the council or works of public art to be undertaken by third parties on council owned land or assets should be subject to a public consultation of residents within the affected settlement area.

Where singular or multiple artwork option(s) are proposed the consultation should provide the consultees with the option to oppose the proposed artwork.

The consultation should last no less than 21 days and all results should be made readily available to the Cheshire East public before a final decision is made. The consultation will act in an informatory and advisory capacity with all final decisions on the commissioning of public art to be decided by the relevant body of democratically elected members as defined by the council's constitution.

#### **5 TREE PLANTING**

##### **Moved by Councillor T Dean and Seconded by Councillor Q Abel**

##### **Background**

This council declared a climate emergency in May 2019 and has agreed a range of actions to meet its aims to become a carbon neutral council. This council has committed to significant tree planting across the borough:

- The council has supported and directly arranged tree planting programmes on its open spaces as part of its objective to plant the equivalent of 100 football pitches of trees.
- The council's corporate plan states it will introduce a policy on highways land and introduce a borough wide tree policy.
- The council's Carbon Neutral Action Plan notes that tree planting has benefits for biodiversity, the environment individuals, society and the economy.

Town and Parish Councils are also working to undertake tree planting programmes in their communities but have been limited in their ambitions by the refusal of Cheshire East Highways to grant permission for tree and hedge planting on land held as highway.

In addition to the obvious environmental benefits of tree planting, and the enhancement they offer to the street scene, trees along streets offer additional direct health benefits:

- Reducing air pollution
- Reducing stress and improving mental health

- Reducing noise levels
- Cooling air in summer
- Reducing UV radiation exposure
- Reducing wind speeds thereby reducing heat loss from buildings

(Source: Health Benefits of Street Trees, Forestry Commission 2011)

Knutsford Town Council has been seeking permission from Cheshire East Highways to undertake tree planting and hedgerow creation on land held as highway since 2019. It has routinely been advised by senior councillors that the council is reviewing its policy but to date no change in policy has been forthcoming. Cheshire East Highways officers have advised the town council that it cannot permit new planting in the highway due to this council's policy and that this council needs to change its policy for highway officers to be able to assess and permit planting.

This prohibition on planting has also prevented the replacement of trees which have been required to be felled meaning the number of street trees in the borough is actively decreasing.

### **Notice of Motion**

That this council:

- a) recognises the significant benefits of street trees and is committed to increasing the number of street trees across the borough
- b) will work with Town and Parish Councils to identify suitable locations for tree planting and hedgerow creation
- c) will ensure its policies require rather than prevent the replacement of felled street trees where appropriate to do so

## **6 COST OF LIVING**

**Proposed by Councillor J Clowes and Seconded by Councillor T Dean**

### **We propose that:**

Cheshire East Council is determined to ensure the protection of the residents of Cheshire East from the cost-of-living challenge driven by Covid and Vladimir Putin's war in Ukraine.

These combined effects have led to rising energy prices and our residents facing significant cost of living pressures.

This council is cognisant of the significant work that the Government has done to support the residents of Cheshire East. It notes the benefit that the two-year energy price guarantee and the certainty it will give to residents across Cheshire East as well as the enormous help that the £400 energy bill discount will provide to every household.

It further notes the additional support of the £650 cost of living payment for those in receipt of means-tested benefits, £300 for pensioner households and £150 for recipients of disability benefits in Cheshire East.



Cheshire East Council thanks the Government for providing equivalent support for those not on the mains energy grid and the protection of jobs in Cheshire East that the six-month protection for businesses will provide.

Cheshire East Council further welcomes the Government's longer-term plans that will maximise domestic energy produced through North Sea oil and gas, as well as nuclear energy and renewables that will contribute towards securing energy independence in the long term and ensure that Cheshire East will never be subject to energy price hikes caused by illegal wars again.

**Cheshire East Council therefore resolves to:**

- 1 Work with the Government to ensure that it delivers the much-appreciated support to the residents of Cheshire East as quickly as possible.
- 2 Proactively identify those most in need of support in Cheshire East and ensure that they access all the Government support for which they are eligible.
- 3 Identify further local opportunities in Cheshire East for energy generation to help increase the supply of energy to further aid the long-term lowering of prices, support the Government's aim of domestic energy security and create local jobs.

**7 CRITERIA FOR THE INSTALLATION OF ZEBRA CROSSINGS AND LIGHT CONTROLLED CROSSINGS**

**Proposed by Councillor S Akers Smith and Seconded by Councillor L Anderson**

**Background**

Traffic light timings are presently timed to prioritise traffic flows. In line with the councils climate change ambitions they all need reviewing especially if they are just to cross the road rather than a junction, to change either immediately the button is pressed or within 5 seconds. Waiting at a light controlled lights in the pouring rain does little to encourage active travel. In addition we need many more zebra crossings to facilitate crossing our fast moving roads, zebra crossings provide a safer point to cross the road rather than no crossing point at all. In the borough and in particular Congleton we have so few crossings it doesn't support the council's ambition to get more people out of their cars.

Presently light controlled crossings are put in place through the planning process or in response to a killed or serious injury collision. Can this be amended to put in a light controlled crossing based on community support and support from the parish council? Every town in the borough needs more road crossing points and the criteria for putting them in stops them from being installed.

In 2021/2022 out of a request for 95 crossings, 56 were looked into and only 1 crossing was installed. The reason is the criteria for road crossings is footfall, but there isn't the footfall because there isn't a road crossing. This clearly

needs looking at because I don't believe any councillor or resident of this borough would prefer someone to die before installing a road crossing.

### **Motion**

That a report be prepared for the relevant Committee which will enable the Council to review the criteria for traffic light timings and to review the criteria for the installation of zebra crossings and light controlled crossings with the ambition to installing more each year.

## **8 HYDRAULIC FRACTURING ('FRACKING').**

### **Proposed by Councillor N Mannion**

Last month the Government announced the lifting of the moratorium on fracking that had been in place since 2019 following earth tremors and environmental concerns.

It is understood that certain areas of Cheshire East may have geological conditions, shale rock, suitable for the hydraulic fracturing process to extract shale gas.

As admitted by the British Geological Survey, the risk of large tremors from fracking 'remains a scientific challenge for the geoscience community'.

In addition to the risk of earth tremors there remain significant unresolved environmental concerns around the contamination of ground water and associated public health and safety issues.

Therefore, it is proposed that:

1. Cheshire East Council not support any activity associated with the exploration, extraction or storage and transportation of shale gas on land it owns, leases or manages.
2. That where necessary, the council's environmental, mineral and planning policies be updated to deter all activities associated with fracking and shale gas exploration, extraction or storage and transportation within Cheshire East.
3. Local Members of Parliament be lobbied to support this position.