

# Council Agenda

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**Date:** Wednesday, 19th July, 2023  
**Time:** 11.00 am  
**Venue:** The Assembly Room - Town Hall, Macclesfield SK10 1EA

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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**
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 - 14)

To approve as a correct record the minutes of the meeting of Council held on 24 May 2023.

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. Recommendations from Corporate Policy Committee: Annual Review of the Committee System (Pages 15 - 34)**

To consider the recommendations of the Corporate Policy Committee.

**8. Recommendations from Corporate Policy Committee: Targeted Review of Members' Allowances (Pages 35 - 54)**

To consider the recommendations of the Corporate Policy Committee.

**9. Recommendations from Corporate Policy Committee: Parental Leave Policy for Councillors (Pages 55 - 66)**

To consider the recommendations from the Corporate Policy Committee.

**10. Recommendations from Corporate Policy Committee: Cheshire and Merseyside Health and Care Partnership (Pages 67 - 86)**

To consider the recommendations of the Corporate Policy Committee.

**11. Recommendations from Corporate Policy Committee: Cheshire East Health and Wellbeing Board Terms of Reference Update (Pages 87 - 114)**

To consider the recommendations of the Corporate Policy Committee.

**12. Provisional Financial Outturn 2022/23 (Pages 115 - 132)**

To approve fully funded supplementary revenue estimates over £1,000,000 and supplementary capital estimates over £1,000,000.

**13. Notices of Motion (Pages 133 - 136)**

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.

15. **Reporting of Urgent Decisions taken by the Chief Executive** (Pages 137 - 138)

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

16. **Urgent Item of Business - Chief Executive Recruitment**

To note the arrangements to recruit a permanent Chief Executive for Cheshire East.

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**CHESHIRE EAST COUNCIL**

Minutes of the **Mayor Making and Annual Council** meeting  
held on Wednesday, 24th May, 2023 in The Tenants' Hall, Tatton Park,  
Knutsford WA16 6QN

**MAYOR MAKING****PRESENT**

Councillors R Fletcher, M Houston, S Adams, R Bailey, M Beanland, S Bennett-Wake, J Bird, L Braithwaite, J Bratherton, M Brooks, C Browne, L Buchanan, C Bulman, A Burton, D Clark, J Clowes, N Cook, S Corcoran, L Crane, T Dean, S Edgar, D Edwardes, K Edwards, H Faddes, A Gage, S Gardiner, E Gilman, M Goldsmith, M Gorman, E Hall, A Harrison, G Hayes, A Heler, C Hilliard, T Jackson, D Jefferay, R Kain, A Kolker, N Mannion, G Marshall, A Moran, R Moreton, H Moss, M Muldoon, C O'Leary, K Parkinson, J Pearson, J Place, J Pratt, J Priest, B Puddicombe, P Redstone, J Rhodes, J Saunders, M Sewart, M Simon, L Smetham, G Smith, J Smith, J Smith, J Snowball, R Vernon, L Wardlaw, F Wilson and J Wray

Mayor Mr David Marren in the Chair

**1 APOLOGIES FOR ABSENCE**

Apologies were received from Councillors L Anderson, D Brown, R Chadwick, C Chapman, P Coan, A Coiley, A Critchley, B Drake, M Edwards, A Farrall, S Holland, C Naismith, B Posnett, H Seddon, L Smith, M Warren and H Whitaker.

**2 DECLARATIONS OF INTEREST**

It was noted that Councillor Rod Fletcher and Councillor Marilyn Houston had a personal interest in the report on the appointment of Mayor and of Deputy Mayor, respectively.

**3 ELECTION OF MAYOR 2023/24**

Council was requested to elect a Mayor for the Borough of Cheshire East for 2023-24 Municipal Year, who would also act as Chair of the Council for that period.

It was proposed by Councillor Reg Kain, seconded by Councillor Craig Browne that Councillor Rod Fletcher be elected as Mayor for 2023-24 Municipal Year.

The motion was put to the vote and declared carried.

**RESOLVED:**

That Councillor Rod Fletcher be elected Mayor of the Borough of Cheshire East for the year 2023-24 Municipal Year and be appointed as Chair of the Council for that period.

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

The Mayor thanked the Council for electing him to this office and informed Members that his daughter, Kate Holl, was to be his Mayoress and that the Rev Robin Fox and Rev Rob Hilton would be his Chaplains.

Councillor Fletcher, as Mayor, took the chair.

**4 APPOINTMENT OF DEPUTY MAYOR 2023/24**

Council was requested to appoint a Deputy Mayor of the Borough of Cheshire East for the year 2023-24 Municipal Year, who would also act as Vice-Chair of the Council for that period.

It was proposed by Councillor Sam Corcoran and seconded by Councillor Arthur Moran that Councillor Marilyn Houston be appointed as Deputy Mayor for 2023-24 Municipal Year.

The motion was put to the vote and declared carried.

**RESOLVED:**

That Councillor Marilyn Houston be appointed as Deputy Mayor of the Borough of Cheshire East for the year 2023-24 Municipal Year and as Vice-Chair of the Council for that period.

The Deputy Mayor was invested with her chain of office and then completed their Declaration of Acceptance of Office.

The Deputy Mayor thanked the Council for electing them to this office and informed Members that her consort would be Pauline Kowalski.

**5 VOTE OF THANKS TO RETIRING MAYOR**

Councillor Craig Browne paid tribute to the retiring Mayor, Mr David Marren, for the dedicated work that he had undertaken during his term of office.

The Mayor presented Mr Marren with a Past Mayor's Medal.

Mr Marren then addressed Council, as outgoing Mayor.

**6 MAYOR'S ANNOUNCEMENTS**

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

*(The meeting was adjourned at 12.05 pm and reconvened at 1.30 pm)*

## **ANNUAL COUNCIL MEETING**

### **PRESENT**

Councillors R Fletcher, M Houston, S Adams, R Bailey, M Beanland, S Bennett-Wake, J Bird, L Braithwaite, J Bratherton, M Brooks, C Browne, L Buchanan, C Bulman, A Burton, C Chapman, D Clark, J Clowes, P Coan, N Cook, S Corcoran, L Crane, A Critchley, T Dean, S Edgar, D Edwardes, K Edwards, M Edwards, H Faddes, A Farrall, A Gage, S Gardiner, E Gilman, M Goldsmith, M Gorman, E Hall, A Harrison, G Hayes, A Heler, C Hilliard, S Holland, T Jackson, D Jefferay, R Kain, A Kolker, N Mannion, G Marshall, A Moran, R Moreton, H Moss, M Muldoon, C Naismith, C O'Leary, K Parkinson, J Pearson, J Place, B Posnett, J Pratt, J Priest, B Puddicombe, P Redstone, J Rhodes, J Saunders, H Seddon, M Sewart, M Simon, L Smetham, G Smith, J Smith, J Smith, L Smith, J Snowball, R Vernon, L Wardlaw, M Warren, F Wilson and J Wray

### **7 APOLOGIES FOR ABSENCE**

Apologies were received Councillor L Anderson, D Brown, R Chadwick, A Coliey, B Drake, J Place and H Whitaker.

### **8 DECLARATIONS OF INTEREST**

No declarations of interest were made.

### **9 MINUTES OF PREVIOUS MEETING**

#### **RESOLVED:**

That the minutes of the meeting held on 22 February 2023 be approved as a correct record.

### **10 ELECTION OF LEADER OF THE COUNCIL AND DEPUTY LEADER OF THE COUNCIL 2023/24**

#### Leader of the Council

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

The following were nominated:

Councillor Sam Corcoran – proposed by Councillor L Crane and seconded by Councillor C Browne

Councillor Janet Clowes – proposed by Councillor S Gardiner and seconded by Councillor K Parkinson

The nominations were put to the vote.

**RESOLVED:**

That Councillor Sam Corcoran be appointed as Leader of the Council for the 2023-24 Municipal Year.

Deputy Leader of the Council

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

It was proposed by Councillor M Goldsmith and seconded by Councillor S Corcoran that Councillor Craig Browne be appointed as the Deputy Leader of the Council for the 2023-24 Municipal Year.

The motion was put to the vote and declared carried.

**RESOLVED:**

That Councillor Craig Browne be appointed as Deputy Leader of the Council for the 2023-24 Municipal Year.

The Mayor invited the Leader and Deputy Leader to speak.

The Leader, in summary

- 1 thanked Members for re-electing him as the Leader of the Council.
- 2 outlined the objectives of the Council for the next four years which included:
  - lobbying the government to change the funding formula for underfunded schools
  - prioritising early intervention for mental health
  - expanding local provision for cared for children thereby reducing the need for costly out of area private placement
  - the continuation of the Council's commitment to being Carbon Neutral by 2025 – the Carbon Neutral Action Plan set out the details of how this would be achieved
  - no support for fracking but support for biodiversity with a biodiversity net gain supplementary planning document
  - the need to address the 12-year life expectancy gap between different wards in the Borough – the need for good jobs, decent housing, access to green spaces, reduce smoking, healthy diets, create resilient communities and encourage active lifestyles
  - continuation of the Council Tax Support Scheme for low-income households
  - continuation with the regeneration of Crewe and Macclesfield Town Centres
  - continuation of monitoring of houses of multiple occupation.

The Deputy Leader, in summary:

- 1 on behalf of the Independent Group congratulated Cllr Fletcher on his appointment as Mayor, and thanked Council for supporting his nomination to be Deputy Leader.
- 2 reported that the Chief Executive had stated at an induction event that Cheshire was the 17<sup>th</sup> most complex Council in the country and the challenges faced were many and diverse.
- 3 He outlined that to meet these challenges the Council would
  - continue to lobby central government for a fairer funding deal
  - explore what a potential devolution deal might look like
  - challenge that income from business rates goes to central government
  - had already committed £19m over 3 years to improve the condition of roads and footpaths
  - had introduced a new on-line portal so that elected members and the public can see where the Highways Teams were working, and appointed an assurance officer to inspect the work of the principal contractor and help to ensure that value for money was achieved
  - improve communication and engagement with residents and he committed to visit every town and parish council who wanted to meet with him
  - would continue to invest in active travel and public transport and provide safe and realistic alternatives to the car
  - deliver key infrastructure projects such as the Middlewich Bypass and A500 dualling
  - would be a full review of the Winter Gritting Routes with the starting point to establish the cost of including every road with a primary school in the regular programme
  - become more transparent with respect to Section 106 agreement and community infrastructure levy funds with Members having access to up-to-date information on what monies were held by the Council and involvement on how these monies was spent in their wards.

## **11 POLITICAL REPRESENTATION ON THE COUNCIL'S COMMITTEES**

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

The recommendation was moved and seconded.

### **RESOLVED:**

That the committees set out in Appendix A to the report be appointed, with the same functions, roles and responsibilities as are currently set out in the Constitution; and that the political group and other representation, as

set out in Appendix A and the methods, calculations and conventions used in determining this, as outlined in the report be adopted, and the allocation of places to Committees be approved.

**12 APPOINTMENT OF CHAIRS AND VICE CHAIRS OF COMMITTEES OF THE COUNCIL**

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

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

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

**RESOLVED:**

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

**13 RECOMMENDATIONS FROM CORPORATE POLICY COMMITTEE: CALENDAR OF MEETINGS 2023-2024**

Consideration was given to the recommendations of the Corporate Policy Committee in respect of the Calendar of Meetings for 2023/24.

The Corporate Policy Committee, at its meeting on 23 March 2023, had considered the draft Calendar of Meetings for 2023/24 and had recommended to Council that the calendar be approved subject to the meeting of Council scheduled for 21 February 2024 be moved to 27 February 2024 to avoid the school half-term break, and the General Appeals Sub Committee scheduled for 13 June 2023 be rescheduled to 20 June.

**RESOLVED:**

That the draft calendar of meeting for Cheshire East Council for the period May 2023 to October 2024 be approved.

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

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

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

**RESOLVED:** That

- 1 Councillors Steve Edgar, Judy Snowball and Mick Warren be appointed to the Cheshire Police and Crime Panel, with Councillor Stewart Gardiner as named substitute.
- 2 Councillors Rachel Bailey, John Bird, David Brown, Peter Coan, Marilyn Houston, Nick Mannion, Rob Moreton, Margaret Simon and Laura Smith be appointed to the Cheshire Fire Authority.

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

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

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

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

**RESOLVED:** That

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

**16 ACCEPTANCE OF GREEN HEAT NETWORK FUND**

Consideration was given to a report which sought approval to accept a Green Heat Network Fund grant of £2,604,059 to provide support for the development of a heat network to support the Garden Village at Handforth.

**RESOLVED:** That the Council

- 1 authorise the Section 151 Officer to accept and spend a grant from the Green Heat Network Fund of £2,604,059 towards the development of a heat network to support the Garden Village at Handforth, and the creation or amendment of a supplementary capital estimate as required.
- 2 approve the procurement, contracting and award of £680,000 of the Green Heat Network Fund for the commercialisation phase of the project.

17 **REPORTING OF URGENT DECISIONS TAKEN BY THE CHIEF EXECUTIVE**

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

**RESOLVED:**

That the schedule of urgent decisions be noted

The meeting commenced at 11.00 am and concluded at 2.56 pm

Councillor R Fletcher  
MAYOR/CHAIR

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**COUNCIL MEETING – 19<sup>TH</sup> JULY 2023****ANNUAL REVIEW OF THE COMMITTEE SYSTEM****RECOMMENDATION****That Council**

- 1. approve the amendments to the Constitution as attached at Appendix 1 to the report to the Corporate Policy Committee;**
- 2. agree that the Public Rights of Way Sub-Committee functions be incorporated into the functions of the Highways and Transport Committee as shown in Appendix 2;**
- 3. agree to realign the Planning Committees from 3 to 2, with responsibilities as set out in Appendix 2;**
- 4. delegate to the Monitoring Officer, the power to make such consequential changes to the Council's Constitution as he deems necessary to give effect to the wishes of Council; and**
- 5. note the savings in relation to venues for meetings and printing and postage of agendas.**

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Extract from the Minutes of the Corporate Policy Committee meeting on 15 June 2023

**8 ANNUAL REVIEW OF THE COMMITTEE SYSTEM**

The Committee considered a report which made recommendations for changes to the Constitution in relation to the rules of debate and notices of motion, and recommendations for Council to consider as improvements to the future functionality of the committee system. The report had been considered by the previous Constitution Working Group.

Councillor B Puddicombe, Chair of the Strategic Planning Board, and Councillor F Wilson, Vice-Chair of the Northern Planning Committee, spoke as visiting members in relation to the proposed changes to the planning committees, stating that in their view the case for the proposed changes had not been made.

Jane Gowing, Interim Director of Planning and Peter Hooley, Planning and Enforcement Manager attended the meeting for this item and responded to members' questions regarding the proposed changes to the planning committees. They advised that the proposed changes would achieve savings in officer time and administration.

**RESOLVED** (by majority)

That Council be recommended to

1. approve the amendments to the Constitution as attached at Appendix 1 to the report;
2. agree that the Public Rights of Way Sub-Committee functions be incorporated into the functions of the Highways and Transport Committee as shown in Appendix 2;
3. agree to realign the Planning Committees from 3 to 2, with responsibilities as set out in Appendix 2;
4. delegate to the Monitoring Officer, the power to make such consequential changes to the Council's Constitution as he deems necessary to give effect to the wishes of Council; and
5. note the savings in relation to venues for meetings and printing and postage of agendas.

## **Corporate Policy Committee**

**15 June 2023**

### **Annual Review of the Committee System and Medium-Term Financial Strategy Savings**

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**Report of: David Brown – Director of Governance and Compliance**

**Report Reference No: CP/5/23-24**

**Ward(s) Affected: All**

#### **Purpose of Report**

- 1 This report makes recommendations for changes to the Constitution and recommendations for Council to consider as improvements to the future functionality of the committee system.
- 2 To note the Medium-Term Financial Strategy savings, in relation to printing and postage of agendas and venues for meetings.

#### **Executive Summary**

- 3 By the time Council considers this report, the committee system of governance will have been in place for two municipal years. No changes to the Council's governance arrangements were implemented following the first year of its operation but the experience of the two years of its operation now presents an opportunity to bring improvements and efficiencies to the Council's decision-making arrangements.
- 4 The change in the Council's governance arrangements took place on 4 May 2021. Improvements and alignments of internal and external policies, procedures, internal and external protocols will be reflected in continuing governance and constitutional improvements as a journey of learning and development. This journey is similar to continuous improvement which took place under the Cabinet system, and the description used during the 2018 review that the Constitution was a 'living document' remains apt.

- 5 The policy parameters relating to the adoption of the committee system were set by Council on [19 November 2020](#). The approach to those parameters reflected the design principles agreed in Appendix G of the 19 November 2020 report. A summary review of the agreed design principles, against delivery, is set out below. The ability of the Council to make timely, lawful decisions during the period of change of governance to a committee system has been achieved.
- **Openness:** Virtually all Members are engaged in the committee process either by membership of a service committee or in an oversight function. Proportional committees allow decisions to benefit from input from most political groups.
  - **Quick Decision Making:** The committee cycle is two-monthly. As will be seen from the content of this report, there is now an opportunity to streamline the Council's decision-making structure, which will produce more efficient decision-making arrangements.
  - **Affordability:** The cost of a committee system will be kept to a minimum by providing value for money and an efficient decision-making process. If the recommendations of this report are agreed by Council, the cost of the Council's decision-making arrangements will reduce.
  - **Legal Requirements:** The Council must comply with all legal requirements, and legal advice will be available to all meetings.
  - **A Modern Committee System:** The system provides for equivalent public engagement to that which previously applied.
- 6 In light of the continuous need for improvement and current budget constraints, it is necessary to review the decision-making structure, and terms of reference of the Council's Committees to ensure that these still meet the design principles, particularly in relation to affordability. This proposal would contribute to the budget efficiency saving in the MTFS which was agreed by Council In February 2023. This is an expected part of a process aimed at establishing whether current arrangements are fit for purpose, when measured against the original policy parameters, and it is timely to do so with the benefit of two years' experience of the Council's decision-making arrangements.
- 7 This report has been considered by the previous Constitution Working Group and is divided into two parts. Part 1 makes recommendations for changes to the Constitution attached (Appendix 1). Part 2 (Appendix 2) set out the proposed changes to the committee structure.

- 8 It should be noted that due to the impending restructure of senior management, the Monitoring Officer will also be required to make any consequential amendments to the Constitution as he deems necessary to reflect the wishes of the Council.

## RECOMMENDATIONS

That Council be recommended to:

1. Approve the amendments to the Constitution, attached at Appendix 1.
2. Agree that the Public Rights of Way Sub-Committee functions be incorporated into the functions of the Highways and Transport Committee, as shown in Appendix 2.
3. Agree to realign the Planning Committees from 3 to 2, with responsibilities as set out in Appendix 2.
4. Delegate to the Monitoring Officer, the power to make such consequential changes to the Council's Constitution as he deems necessary to give effect to the wishes of Council.
5. Note the savings in relation to venues for meetings and printing and postage of agendas.

## Background

- 9 Since the introduction of the committee system form of governance on 4 May 2021, its operation has been kept under review by the Constitution Working Group, and the Corporate Policy Committee.
- 10 On [22 June 2021](#), following review, Council approved revisions to the following parts of the Constitution: the Introduction, Summary and Explanation in Chapter 1, the Responsibilities for Functions in Chapter 2, the Procedural Rules in Chapter 3 and the Member Allowances Scheme in Chapter 5. Amendments were made to the Constitution to

reflect the management structure of the Council. Delegated authority was given to the Monitoring Officer to make consequential amendments to the Constitution to give effect to the new management structure.

- 11 On [15 December 2021](#) Council considered an Interim Review of the Committee System and approved a revised consolidated text for the Constitution.
- 12 On [27 April 2022](#), Council gave consideration to the first Annual Review of the Committee System and approved revised text to the Constitution. Council agreed that a further annual review would be considered in 2023.
- 13 **PART 1 Recommended changes to the Constitution**
- 14 Since the first Annual Review of the Committee System report, the Constitution Working Group has met on four occasions. The Working Group has focussed upon, and recommends as follows:
  - Public and Member Questions at Council and Committee Meetings - Whilst acknowledging that improvements could be made to the rules, the Working Group's view was that no changes should be made to them at this time, rather operation of the Rules should be allowed a further year to "bed-in".
  - Rules of Debate and Notices of Motion proposed changes attached at Appendix 1.
  - Following the Corporate Policy Committee meeting on 10 February 2022, the Working Group gave consideration to the question of whether some formal meetings should be "twilight" or evening meetings and to the introduction of a standard commencement time of 10.00 am for all morning meetings of formal bodies. It was agreed that a standard commencement time of 10.00 am for all morning meetings of formal bodies be introduced and that following the elections in May 2023, a survey should be circulated to all Members of the Council, about the potential introduction of twilight/evening meetings. This was ratified by Corporate Policy Committee on 23 March 2023.
- 15 **PART 2 - Proposed future changes to the Constitution.**
- 16 The Constitution Working Group will continue to review and make recommendations upon further constitutional changes. Proposed future work of the Constitution Working Group includes:
  - Financial scheme of delegation
  - Conflicts of Interest

- Officer scheme of delegation
- Improvements to the Scrutiny function to ensure it aligns with the decision-making structure of the Council, meeting legal requirements and needs of residents and partners.
- Improvements to self-scrutiny of the service committees.
- Review of the committee structure.

**17 Public Rights of Way Sub Committee**

- 18 Members are asked to consider the inclusion of the functions of the Public Rights of Way Sub Committee, within the functions of the Highways and Transport Committee.
- 19 The Financial Implications section of this report details the Special Responsibility Allowance which applies to the Chair of the Public Rights of Way Sub Committee, together with other meeting-related costs.
- 20 During the period between May 2021 and May 2023, the Sub Committee was scheduled to meet on eight occasions. Of the eight scheduled meetings, two were cancelled. During this period, 30 reports were presented to the Sub Committee, 13 of which being reports for information or “noting”. If reports for information or noting had been circulated to Members electronically, there would have been only 17 reports for formal decision during the two-year period. If an assumption can be made that the pattern above will continue, the Highways and Transport Committee could take-on the responsibilities of the Public Rights of Way Sub Committee, as detailed in Appendix 2 to the report.

**21 Planning Committees**

- 22 The Council currently has three committees which discharge planning functions, primarily relating to determining planning applications. There are two “area committees” (Northern and Southern Planning Committees), which both have the same functions and responsibilities, but which generally deal with planning matters on a broadly geographical basis. There is also a Strategic Planning Board, which deals with planning proposals relating to major developments. In addition, the Environment and Communities Committee also has responsibility, in summary, for the development and delivery of matters relating to strategic planning policy and the oversight, scrutiny and performance and other monitoring of the planning service.
- 23 The financial implications section of this report details the Special Responsibility Allowance which applies to the Chairs of the Planning Committees, together with other meeting-related costs.

- 24 Having three planning committees' places great demand upon the planning officers and support officers who service them. Merging the functions of the planning committees would release officer resource, which would allow officers more time to focus on delivering the various demands within the service, as well supporting the implementation Planning Modernisation Plan agreed by Members.
- 25 There would also be a benefit in terms of potential conflicts of interest and overlaps between the planning committees and service committees. With three service committees, having a total membership of 39 members, and three planning committees, with a total membership of 36 members, there may be overlaps and conflicts. Such conflicts could occur if a member of a planning committee has taken part in the determination of a planning matter, and where there is subsequently a related item on the agenda of a service committee, or vice versa. Merging the committees would proportionately reduce the potential number of conflicts.
- 26 This report recommends a reduction in the number of planning committees from 3 to 2, retaining the two area committees, which would also deal with planning proposals relating to major developments in their areas and other matters currently covered by the Strategic Planning Board. This proposal would result in the dissolution of the Strategic Planning Board. The relevant service committee (the Environment and Communities Committee), would oversee the development and delivery of planning policy, including the Local Plan, and the performance of the Planning service as it currently does in order to ensure timely and consistent decision-making at the most appropriate level. The detail is shown in Appendix 2.
- 27 **Further Savings**
- 28 Further efficiency savings of £40,000-£50,000 can be delivered through reductions in print and postage by not routinely printing committee agenda packs, using internal venues and pursuing other efficiencies. All Members have been provided with new laptops to facilitate a digital approach.

## **Consultation and Engagement**

- 29 Throughout the year, feedback from Members has been considered by the Constitution Working Group, as it has arisen.
- 30 The consultation on the 2023/2024 budget and MTFS had a high degree of public support for reducing the costs of democracy.

## Reasons for Recommendations

- 31 To ensure that the committee system remains fit for purpose, meeting the requirements of Cheshire East Council, partners, and residents.
- 32 To meet the savings identified in the Medium-Term Financial Strategy.
- 33 It is best practice to regularly review the Council's Constitution.

## Other Options Considered

Option	Impact	Risk
Approve some of the recommendations of this report.	The approval of only some of the recommendations would impact on the proposed MTFS savings.	Negative impact on the proposed MTFS savings
Do nothing	The Constitution is a living document, which needs to be kept under review to ensure that it is fit for purpose and that it meets the needs of the Council. Doing nothing is not appropriate, as this would not result in the Council learning from experience and improving.	That the Council will not implement changes to its decision-making structure in response to what it has learned from the experience of the last two years. Failure to meet Corporate Plan Priorities

## Implications and Comments

### *Monitoring Officer/Legal*

- 34 The proposed amendments to the Constitution are part of the continuing development of the committee system. Although predominately to ensure consistency with a committee style of governance, changes

require approval of full Council such as the editorial amendments to terms of reference.

- 35 The Constitution is the functioning rule book used by all officers and Members in driving forward the business of the Council. Like any set of rules, it needs to remain current and consistent with the intent of Council and practicable in the delivery of the Council's objectives.
- 36 The core elements of the Constitution are set through various legislative regimes and the current Constitution appears to meet the substantive legal requirements. The areas in which the Council has a discretion, the constitution must also remain broadly reasonable and consistent with the objectives of the council.
- 37 Failure to keep the Constitution under review and adapt to the changing needs of the organisation will build in levels of risk into the decision-making process. Those risks may manifest themselves as delay, poor quality decisions or ultimately a challenge to the decision itself.

#### *Section 151 Officer/Finance*

- 38 The Public Rights of Way Sub Committee has 7 Members meeting 4 times a year. The Chair receives an SRA of £4,200 (subject to the established rule of no more than one SRA being paid to any Member). There are also meeting-related costs associated with travel, subsistence, and officer time.
- 39 Each Planning Committee has 12 Members and meets on a 3-weekly basis. The Chair receives an SRA of £7,650, (subject to the established rule of no more than one SRA being paid to any Member). There are also meeting-related costs associated with travel, subsistence, and officer time.
- 40 The reduction in number of committees would have direct impact on the budget in relation to Member allowances, Member and officer time and travel etc. In allowances terms, if all of the proposals were agreed, that would equate to a saving of approximately £11,850 (subject to the established rule of no more than one SRA being paid to any Member).
- 41 The proposals make a contribution to the proposed savings highlighted in the MTFS. Further efficiency savings will be pursued in terms of reducing costs of printing and postage and costs associated with external venues. This is estimated at £40,000 - £50,000. If Members do not agree the proposals contained in this report, consideration would need to be given to additional changes to the MTFS to ensure that its proposals balance.
- 42 There are no direct cost implications of the Constitutional updates.

### *Policy*

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

#### **An open and enabling organisation**

Ensure that there is transparency in all aspects of council decision making

### *Equality, Diversity and Inclusion*

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

### *Human Resources*

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

### *Risk Management*

- 46 The risks of changing systems of governance were set out in paragraph 1.6 onwards of the November 2020 [report](#). The Council has continued to effectively manage the strategic risks related to the wider pandemic, changes in legislation on meetings, resource constraints and the fixed time frame set by the November decision. At present these risks appear to have been successfully mitigated.
- 47 The review of the operational effectiveness of the committee system and supporting Constitution is an essential component of ensuring the efficacy of corporate decision making which is a key element of continuing risk mitigation.

### *Rural Communities*

- 48 There are direct implications for rural communities, specifically in relation to the proposed retention and bolstering of the responsibilities of the two area planning committees. These committees would, essentially, retain their local focus, but would have enhanced powers, thereby enabling them to exercise those powers with local needs in mind.

### *Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

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

### *Public Health*

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

### *Climate Change*

- 51 There are no direct implications for climate change, although the Council would continue to pursue its climate change response by promoting paperless options to its approach to decision-making. Fewer committees would contribute to this.

<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>
Appendices:	Changes to the Constitution - Appendix 1  Proposed changes to the committee structure - Appendix 2
Background Papers:	Previous Full Council reports (as hyperlinked throughout this report)

# Recommendations of the Constitution Working Group: Rules of Debate

## Introduction

The Constitution Working Group has given consideration to a number of key provisions of the Council's Rules of Debate, including the rules relating to Notices of Motion, time allowed for Members to speak, amendments proposed during debate, points of order, points of personal explanation etc.

In general, the Working Group was content with the Council's existing rules, but did wish to see changes in respect of some specific matters:

- Notices of Motion
- Amendments
- Closure motions

This report brings forward the Constitution Working Group's recommendations upon the above matters.

## **Notices of Motion**

The Working Group took the view that, in the majority of cases, Notices of Motion should not be introduced by the proposer and seconder at Council meetings, but that Notices of Motion should simply appear on the Council agenda with a supporting written submission. In the view of the Working Group, the Council's existing arrangements, which allow the proposer and seconder to speak for two minutes, do not provide for the best use of Council time.

The Working Group also held the view that, when the Mayor determines whether a Notice of Motion should be debated in full at a Council meeting, he or she should consult the Monitoring Officer before making that determination.

The Constitution Working Group therefore recommends the following amendments to the existing Council Procedure Rules 1.31&1.37:

*“Notice of every motion (other than a motion which may be moved without notice) including such supporting information as might be necessary to enable the Mayor to support the reference of the notice of motion to the appropriate committee, or to enable the Mayor to determine that it should be debated in full and determined at the Council meeting, shall be given in writing, signed by the Member(s) of the Council giving the notice, and delivered, at least 7 clear working days before the next meeting of the Council, to the Monitoring Officer or the Head of Governance and Democratic Services by whom it shall be dated, in the order in which it is received.*

*“When a Motion has been moved and seconded the mover and seconder shall not be permitted to speak in support of the Motion, nor shall there be any debate or vote upon it. The Mayor may then decide that the motion ~~shall~~ould stand referred without discussion to ~~such of those bodies as the Mayor may determine~~the appropriate committee, for determination. However, if the Mayor, having consulted the Monitoring Officer, considers it conducive to the despatch of business, the motion may be dealt with at the meeting at which it is initially considered.”*

### **Amendments**

The Working Group formed the view that, except where exceptional, amendments proposed at Council meetings should be submitted in advance of the meeting, in writing, to the Monitoring Officer.

The Constitution Working Group therefore recommends that the existing Council Procedure Rule 1.41 be replaced as follows:

#### ***“Motions and Amendments***

~~*“1.41 No motion or amendment shall be discussed unless it has been proposed and seconded. Where required by the Mayor, motions or amendments shall be put in writing and handed to the Mayor before they are further discussed or put to the meeting. The Mayor may, at his/her discretion, allow a motion or amendment to be put which is not in writing, provided that the Mayor has concluded that the wording of the motion or amendment is understood by all members of the body concerned*~~

*“1.41 No motion or amendment shall be discussed unless it has been proposed and seconded. Except where the Mayor determines that a proposed amendment is exceptional (for example, where the proposer of the amendment could not reasonably have foreseen that they would wish to propose the amendment until after the deadline set for submission), motions or amendments shall be put in writing and submitted to the Monitoring Officer not less than three clear working days before the Council meeting. The Monitoring Officer will be responsible for validating the amendment as lawful, in which case the amendment may be proposed and seconded as part of the debate upon the agenda item in question. The Monitoring Officer may only disallow an amendment on the grounds that it is unlawful.*

*“Where the Mayor determines that a proposed amendment is exceptional, it may be proposed at the Council meeting and, if seconded, will be debated and voted upon at the Council meeting. The Mayor may require the amendment to be submitted in writing to him or her during the meeting unless the Mayor has concluded that the wording of the amendment is understood by all members of the meeting.”*

## Motions which may be moved during debate

Rule 1.52 (c), as currently drafted, creates uncertainty, as it simply states that a Member may propose a motion to adjourn a debate. This could leave the matter unresolved, with no prospect of resolution. The Working Group took the view that this should be amended to read:

*1.52 When a motion is under debate no other motion shall be moved except the following; (C) A Member may propose a motion to adjourn the debate or motion to a future date, the proposer of the motion to provide a reasoned explanation to Council as to why the matter should be adjourned*

## Closure motions

Closure motions are motions which may be proposed by any Member following which, if they succeed, the debate on the substantive matter will be brought to an end. The current rules anticipate three scenarios:

- That the meeting should proceed to the next item of business on the agenda (1.53 (a) below)
- That the meeting should immediately vote upon the substantive matter (1.53 (b) below-that the question be now put)
- That the debate or the meeting be adjourned (1.53 (c) below)

The Constitution Working Group took the view that the Rules should be amended to make it clear that there would be no debate upon any of the closure motions unless the Mayor determined that the matter had been insufficiently discussed. The Working Group also concluded that some additional clarification should be added to the Rules and therefore recommends the following amendments to Council Procedure Rule 1.53:

*“1.53 A Councillor may move, without comment, at the conclusion of a speech of another Member, “That the Council proceed to the next business”, “That the question be now put”, “That the debate be now adjourned”, or “That the Council do now adjourn”. When one of these Motions has been seconded the Mayor shall proceed as follows:*

*“(a) on a motion to proceed to next business - unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall first give the mover of the original motion the right of reply. **There shall be no debate., and then put to the vote.** The motion to proceed to next business **will then be put to the vote and if passed, there shall be no further debate nor vote on the original motion and it shall lie undetermined.***

*“(b) on a motion that the question be now put - unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall put to the vote the motion that the question be now put. **There shall be no debate. If the motion-and, if it***

is passed, *the Mayor shall* give the mover of the original motion the right of reply before putting the *original* motion to the vote

“(c) on a motion to adjourn the debate or the meeting — *unless* if in his/her opinion the matter before the meeting has been insufficiently discussed on that occasion he/she shall put the adjournment motion to the vote without giving the mover of the original motion the right of reply on that occasion. *There shall be no debate and the adjourned matter will then normally be considered at the next Council meeting*”

## Highways and Transport Committee - Incorporating the Terms of Reference of the Public Rights of Way Committee

### Membership: 13 Councillors

#### **Functions**

- 1 The Highways and Transport Committee shall be responsible for developing policies and making decisions on matters relating to highways and transport as they affect the area of the Council taking into account regional and national influences.
- 2 The Committee's responsibilities include:
  - 2.1 formulation, co-ordination and implementation of corporate policies and strategies in connection with all car parking, transport and accessibility matters;
  - 2.2 determination of any matter affecting the Council's interests in relation to national infrastructure matters, for example HS2, Northern Powerhouse Rail and the National Road Network;
  - 2.3 discharge of the Council's responsibilities as Highway Authority; local transport authority; parking authority; and lead local flood authority
  - 2.4 determination of policies and making decisions in relation to flooding and accessibility, in co-ordination with the Scrutiny Committee;
  - 2.5 compulsory purchase of land to support the delivery of schemes and projects promoted by the Committee; and
  - 2.6 *In respect of public rights of way:*
  - 2.7 *discharge all the functions of the Council in relation to public rights of way (except the determination of non-contentious Public Path Order applications 2.9 which has been delegated to the Executive Director Place);*
  - 2.8 *discharge of Commons and Town and Village Greens functions;*
  - 2.9 *being apprised of, approve, and comment on a range of policies,*
  - 2.10 *programmes and practices relating to Rights of Way, Commons, Town and Village Greens and countryside matters including:*
  - 2.11 *progress reports on implementation of the Rights of Way improvement Plan (part of the Annual Progress Review for the Local Transport Plan);*
  - 2.12 *Statements of Priorities;*
  - 2.13 *Enforcement Protocols;*
  - 2.14 *Charging Policy for Public Path Order applications*
- 3 Oversight, scrutiny, reviewing outcomes, performance, budget monitoring and risk management of the Directorate of Highways and Infrastructure including: Transport Policy; Transport Commissioning; Car-parking; Highways; Infrastructure and HS2.

## **Northern and Southern Planning Committees – Revised Terms of Reference**

1. *To exercise the Council's functions relating to town and country planning and development control, the protection of important hedgerows, preservation of trees, regulation of high hedges and any relevant applications pursuant to Schedule 17 of the High Speed Rail Acts. Some of these functions are delegated on to the Head of Planning: the following are retained for the Planning Committees.*
2. *Applications for major development for:*
  - 2.1.1. *residential developments of 20 dwellings or more, or 1 ha or more.*
  - 2.1.2. *retail, commercial, industrial, or other floor space of 5,000 square metres or more, or 2 ha or more.*
  - 2.1.3. *This does not include re-applications for extant schemes or detailed applications where outline consent has been given or removal/variation of conditions.*
  - 2.2. *Applications for major minerals or waste development other than small scale works which are ancillary to an existing mineral working or waste disposal facility.*
  - 2.3. *The Applicant is either a Councillor, a senior Council officer (Grade 12 or above) or is an immediate family member, or the application is in respect of land within their ownership or control, and where representations objecting to the application have been received.  
(Where objections have been received, applications recommended for refusal can be dealt with by officers under delegated powers Senior Council Officer is defined as Grade 12 or above and all officers within the Planning service with delegated responsibility to determine planning applications; immediate family is defined as spouse, partner, sibling, parent, or offspring. The definition of the Applicant does not include the agent for the application.*
  - 2.4. *Applications considered to be significant applications by the Council either as applicant or landowner. This category will not normally include minor developments which accord with planning policy and to which no objection has been made.*
  - 2.5. *Applications that have been approved to be referred to the Committee by a Councillor in accordance with the Committees' Referral procedure. However, any request must be received within 15 working days of the issue of the electronic notification of the application, and meet the material planning consideration(s) criteria which warrant the application going before*

*committee (except for a request to review a Schedule 17 application, where a 7-day time frame will apply);*

*2.6. Applications advertised as a departure which the Head of Planning is minded approving.*

*2.7. Any other matters referred up to it at the discretion of the Head of Planning, including major development of less than the thresholds set out in paragraph 1.1 above which have wider strategic implications.*

- 3. To exercise a consultation and advisory role, commenting upon the content of proposed planning policy, any document which forms part of or linked to the Local Plan and upon the effectiveness of existing policies employed in development control decisions.*
- 4. Applications for householder development, listed building consents to alter/extend and conservation area consents will normally be dealt with under delegated powers.*
- 5. Applications for advertisements, tree work, prior approvals, Certificates of Lawfulness and notifications will normally be dealt with under delegated powers.*
- 6. Where the application is to vary or remove a condition that was imposed by the Planning Committee it will not be delegated.*
- 7. There will be a presumption that a Referral request by a local ward Member will be agreed where applications are for the renewal (or extension of time) of extant, unimplemented permissions.*
- 8. To adopt working protocols and procedures: e.g. public speaking rights, Referral procedure and others.*

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**COUNCIL MEETING – 19<sup>TH</sup> JULY 2023****TARGETED REVIEW OF MEMBERS' ALLOWANCES****RECOMMENDATION**

**That, having considered the recommendations of the Independent Remuneration Panel, and of the Corporate Policy Committee, Council approve that:**

- 1. civic payments should remain at their current levels (Mayor £14,000 and Deputy Mayor £5,600);**
  - 2. from 2023, civic payments should be subjected to the same uprating which may be applied to members' allowances;**
  - 3. special responsibility allowance (SRA) for the Chair of scrutiny committee should remain at £7,650;**
  - 4. in respect of the draft Parental Leave Policy for Councillors, basic allowance should continue to be paid to an elected Member during any period of parental leave;**
  - 5. in respect of the draft Parental Leave Policy for Councillors; special responsibility allowance payable to the elected Member during any period of parental leave should be discontinued and transferred to the Councillor who is undertaking the special responsibility in question;**
  - 6. basic allowance should be increased by a flat rate of £500 and applied retrospectively for 2022-2023;**
  - 7. special responsibility allowances (to include Mayor, Deputy Mayor and Scrutiny Chair) should be increased by 4.04% and applied retrospectively for 2022-2023; and**
  - 8. a full review of the Members' Scheme of Allowances should be undertaken by the new Independent Remuneration Panel, following its appointed by Council on 16 October 2023.**
-

Extract from the Minutes of the Corporate Policy Committee meeting on 15<sup>th</sup> June 2023

7 **TARGETED REVIEW OF MEMBERS' ALLOWANCES**

The Committee considered a report on the recommendations of the Independent Remuneration Panel in respect of a targeted review of Members' Allowances in 2022. The report also proposed that the Panel be invited to undertake a full review of allowances in 2023/2024.

In response to a question by members regarding the impact of the Panel's recommendations on the Council's budget, the Director of Finance and Customer Services advised that funding had been brought forward to cover the cost.

**RESOLVED** (by majority)

That, having considered the recommendations of the Independent Remuneration Panel, the Committee recommends to Council that:

1. civic payments should remain at their current levels (Mayor £14,000 and Deputy Mayor £5,600);
2. from 2023, civic payments should be subjected to the same uprating which may be applied to members' allowances;
3. special responsibility allowance (SRA) for the Chair of scrutiny committee should remain at £7,650;
4. in respect of the draft Parental Leave Policy for Councillors, basic allowance should continue to be paid to an elected Member during any period of parental leave;
5. in respect of the draft Parental Leave Policy for Councillors; special responsibility allowance payable to the elected Member during any period of parental leave should be discontinued and transferred to the Councillor who is undertaking the special responsibility in question;
6. basic allowance should be increased by a flat rate of £500 and applied retrospectively for 2022-2023;
7. special responsibility allowances (to include Mayor, Deputy Mayor and Scrutiny Chair) should be increased by 4.04% and applied retrospectively for 2022-2023; and

8. a full review of the Members' Scheme of Allowances should be undertaken by the new Independent Remuneration Panel, following its appointed by Council on 16 October 2023.

In accordance with Procedure Rule 2.34, Councillor A Harrison asked that the minutes of the meeting record that he voted against the motion.

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## **Corporate Policy Committee**

**15 June 2023**

### **Targeted Review of Members' Allowances**

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**Report of: David Brown, Director of Governance and Compliance**

**Report Reference No: CP/67/22-23**

**Ward(s) Affected: All**

#### **Purpose of Report**

- 1 To consider the recommendations of the Independent Remuneration Panel in respect of a targeted review of Members' Allowances undertaken in 2022.
- 2 For Council to invite the Panel to undertake a full review of allowances in 2023/2024.

#### **Executive Summary**

- 3 On 22 June 2021, the Independent Remuneration Panel ('the Panel') was asked by full Council to undertake a targeted review during 2023/2024 in respect of the following specific allowances i) civic (mayoral) payments, ii) scrutiny committee chair special responsibility allowance; iii) parental leave payments for Councillors.
- 4 Taking into account the NJC Officer pay award for 2022/2023, the Panel was also asked to consider whether there should be an uplift to allowances for 2022/2023. This report sets out the Panel's recommendations in both regards.
- 5 In respect of the issues raised in paragraph five of the Panel's report (Appendix 1), Council is asked to invite the Panel to carry out a full review of the scheme in 2023/2024.

## RECOMMENDATIONS

Taking into account the recommendations of the Panel, Corporate Policy Committee is invited to consider, and make a recommendation to Council on, whether:

1. Civic payments should remain at their current levels (Mayor £14,000 and Deputy Mayor £5,600)
2. From 2023, civic payments should be subjected to the same uprating which may be applied to members' allowances.
3. Special responsibility allowance (SRA) for the Chair of scrutiny committee should remain at £7,650.
4. In respect of the draft Parental Leave Policy for Councillors; basic allowance should continue to be paid to an elected Member during any period of parental leave.
5. In respect of the draft Parental Leave Policy for Councillors; special responsibility allowance payable to the elected Member during any period of parental leave should be discontinued and transferred to the Councillor who is undertaking the special responsibility in question.
6. Basic allowance should be increased by a flat rate of £500 and applied retrospectively for 2022-2023.
7. Special Responsibility Allowances (to include Mayor, Deputy Mayor and Scrutiny Chair) should be increased by 4.04% and applied retrospectively for 2022-2023.
8. A full review of the Members' Scheme of Allowances should be undertaken by the new Independent Remuneration Panel, following its appointment by Council on 16 October 2023.

## Background

- 6 On 22 June 2021, Council agreed a new Scheme of Members' Allowances, to reflect the change in Cheshire East's governance model from Leader/Cabinet to committee system.
- 7 As part of its decision at that meeting, Council agreed that the allowances set out below, should continue to be paid as per the Members' Scheme of Allowances for 2021/2022 (Minute 21 refers) but that this be reviewed in 2022/23; in light of the Council's experience of operating a committee system, the changing workload of the scrutiny committee, and changes to the Mayoralty Code of Practice.

Current payments are:

The Worshipful the Mayor civic allowance/payment	£14,000
The Deputy Mayor civic allowance/payment	£5,600
Scrutiny committee chair special responsibility allowance	£7,650

- 8 On 6 October 2022, Corporate Policy Committee considered a draft Parental Leave Policy for Councillors, which was recommended to Council for adoption. As the policy has implications for the payment of allowances, which may require a change to the scheme, the Panel was also asked to review any financial implications arising from the policy.
- 9 Cheshire East Council's Scheme of Members' Allowances is linked to the NJC officer pay award. Accordingly, if an increase in officer pay is agreed and implemented, the scheme is also uplifted, usually by the application of a percentage rate. In 2022-2023, the NJC award was for a flat rate of £1925 to be paid to officers, plus 4.04% across other allowances/expenses. Given the potential budgetary implications in seeking to align the officer award to the scheme, the Panel was asked to consider and compare other options.
- 10 During its review, the Panel considered comparator data from other local authorities in respect of the three allowances/payments, as well as feedback from elected Members and Group Leaders. Having considered the information before it, the Panel made the following recommendations, the rationale for which is set out in full in the Panel's report (Appendix 1).
  - 10.1. **In respect of mayoral allowances (aka civic payments):** The Panel recommends that civic payments should remain at their current level but that, from 2023, civic payments should be subject to the same uprating arrangements which may apply to the Members' Scheme of Allowances.
  - 10.2. **In respect of scrutiny chair's special responsibility allowances:** The Panel recommends that the SRA for the Chair of the scrutiny committee should remain at £7,650.
  - 10.3. **In respect of parental leave payments (basic):** The Panel supports continuing the payment of basic allowance to an elected Member over the whole period of their parental leave.
  - 10.4. **In respect of parental leave payments (special responsibility allowances):** The Panel recommends that, when taking parental leave, the payment of any SRA to the elected Member should be discontinued

and transferred to the Councillor who is carrying out the role on the Member's behalf.

- 10.5. **In respect of the uplift to allowances:** The Panel recommends that the basic allowance in Cheshire East be increased by a flat rate of £500 (an amount very close to 4.04%) for the year 2022-23 and applied retrospectively.
- 10.6. **In respect of the uplift to allowances (special responsibility allowances):** The Panel recommends that a 4.04% increase should be applied to special responsibility allowances, again backdated as appropriate. For clarification, this would include the mayoral civic payments and the scrutiny chair.
- 11 Paragraph five of the Panel's report sets out several issues which were raised by elected Members during its consultation that sat outside of the targeted review. The Panel has intimated that it would be open to considering the matters listed below, if invited to by Council.
- 11.1. **Differential SRA payments among committee chairs/the balance between the basic allowance and special responsibility allowances/responsibility vs workload:** When considering and making recommendations on special responsibility allowances, the responsibilities of the post are a key factor for the Panel, as well as ensuring parity between the same roles e.g., all service committee Chairs receive the same allowance. During the consultation, an argument was put forward that some posts could have additional responsibilities which might merit an enhanced payment e.g., a statutory role. Furthermore, prioritising responsibility over workload, did not allow any weight to be given to the amount of work each postholder was required to undertake to discharge their responsibilities or where a role was shared between individuals who currently received different allowances.
- 11.2. **Reconsideration of the indexation for uprating members allowances:** The uprating mechanism currently in place is the NJC officer award; in 2022/2023 the award had taken the form of a flat rate increase, which had budgetary implications for the authority. As the volatility of the economy would continue to be challenging, and it was possible that future NJC pay awards might also take the form of a flat rate increase, it would be in the Council's best interests to request that the Panel considers an alternative mechanism, which could be used as the default, should such circumstances arise again.

- 11.3. **Scrutiny function:** The way in which scrutiny was conducted at Cheshire East, had changed significantly under the committee system. Several views were expressed by elected Members during the consultation period about how effective the change had been; the Panel itself had previously advocated the introduction of an opposition spokesperson on each service committee and Finance Sub-Committee, a recommendation which had not been supported by Council.
- 12 In light of the above, it would be prudent for Council to request that the Panel conducts a further review of the scheme to consider the matters raised. However, the current Panel's term of office comes to an end in September 2023 and a recruitment process to re-appoint a new Panel will commence in June 2023, the new Panel to be in place by October 2023.
- 13 Should Council wish to invite the Panel to conduct another review, it could either:
- a) Invite the current Panel to conduct the review before its term of office concludes, its recommendations to be submitted to Corporate Policy Committee on 5 October 2023, or
  - b) Reappointment the Panel and task the new Panel to conduct the review, reporting back to Corporate Policy Committee on 18 January 2024.
- 14 The current Panel is familiar with the issues raised but the review would need to be time limited to meet reporting deadlines. A new Panel would bring a fresh perspective and would have more time to undertake the work. The current chairman of the Panel, Professor Steve Leach considers that, if a targeted review was required, then the current Panel would be best placed to do this. However, if a full review needed to be completed, then this would be best tasked to the new Panel.

### **Consultation and engagement**

- 15 The Panel met on four occasions between November 2022 and February 2023 to conduct the review. It considered comparator data from the authority's CiPFA nearest neighbours, together with information pertinent to the topics under consideration.
- 16 Elected Members were invited to make representations to the Panel via a dedicated mailbox. An invitation was also extended to the Group Leaders to speak with the Panel.

- 17 Eleven email responses were received on various subjects. Discussions also took place between the Panel and two Group Leaders, a Deputy Leader and with the Mayor and the Civic and Registration Manager on 10 and 20 February 2023. The information obtained from the representations and discussions helped shape the Panel's recommendations.

### **Reasons for Recommendations**

- 18 Before Council can consider making any changes to its Scheme of Members' Allowances, it must have regard to the recommendations of the Panel. By inviting the Panel to review the issues raised, Council will be able to make an informed decision, should it wish to make further changes to the scheme.

### **Other Options Considered**

- 19 The actions set out in the report are necessary to fulfil the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2003.

### **Implications and Comments**

#### *Monitoring Officer/Legal*

- 20 The actions set out in the report are necessary to fulfil the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2003.

#### *Section 151 Officer/Finance*

- 21 The Council may accept, amend or reject the recommendations of the Panel. However, any increase to allowance(s) will result in a permanent increase to the allowances budget. In addition, in preparation for an uplift to the scheme being accepted and backdated to the previous financial year 2022/2023, a virement has been made from the 2022/2023 budget to cover any increase.

#### *Policy*

- 22 The review has considered the draft Parental Leave Policy for Councillors, insofar as it relates to Members' allowances.
- 23 Open and enabling organisation: By fulfilling the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2002 ensures that there is transparency in all aspects of council decision making.

#### *Equality, Diversity and Inclusion*

- 24 The draft Parental Leave Policy for Councillors states that the role of the Councillor should be open to all regardless of their background. Payments in respect of parental leave would support the aim of the policy which is to encourage a wider range of people to become Councillors and encourage existing Councillors who may want to start a family to remain as Councillors.

*Human Resources*

- 25 No human resource implications have been identified.

*Risk Management*

- 26 No risk management implications have been identified.

*Rural Communities*

- 27 No rural communities' implications have been identified.

*Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

- 28 In the context of the recommendations of this report, no direct implications for children and young people/cared for children have been identified.

*Public Health*

- 29 No public health implications have been identified.

*Climate Change*

- 30 No climate change implications have been identified.

<b>Access to Information</b>	
Contact Officer:	Brian Reed, Head of Democratic Services and Governance  brian.reed@cheshireeast.gov.uk
Appendices:	Report of the Independent Review Panel: February 2023
Background Papers:	a) <a href="#">The Local Authorities (Members' Allowances) (England) Regulations 2003 (legislation.gov.uk)</a>

	<ul style="list-style-type: none"><li>b) Council Minutes: 22 July 2021 <a href="#">minute extract.pdf (cheshireeast.gov.uk)</a></li><li>c) Comparator data on mayoral, SRA and parental leave allowances from CIPFA nearest neighbour authorities</li><li>d) First Annual Review of Committee System: Council 27<sup>th</sup> April 2022 <a href="#">Minute Extract - Committee System Review.pdf (cheshireeast.gov.uk)</a></li><li>e) Forum Posts from the Association of Democratic Services Officers website relating to the application of the NJC award to other authorities scheme of allowances.</li><li>f) <u>Feedback from Elected Members submitted to the IRP mailbox</u></li></ul>
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## Appendix 1

### **Targeted Review of Members' Allowances: Cheshire East Council**

#### **Report of the Independent Review Panel: February 2023**

##### **Introduction**

In October 2022, Cheshire East Members' Allowances Independent Review Panel (IRP) was requested by the Council to carry out a targeted review of four aspects of the Members' Allowances Scheme, namely:

- The allowances paid to the Mayor and Deputy Mayor.
- The special responsibility allowance paid to the Chair of the Scrutiny Committee.
- Payment of allowances to Members taking parental leave.
- The criterion to be used for uprating Members' allowances in 2022-23.

The Panel consists of the Chair, Steve Leach (Emeritus Professor of Local Government, De Montfort University), Mandy Ramsden (former local government officer and local resident and Jacquie Grinham (former CEO of Cheshire North Citizens Advice Bureau).

The work of the Panel was carried out in two stages. It was clear from the briefing document that the Panel was expected to carry out consultation with council members in undertaking its task and to take account of this consultation process in reaching its conclusions. The Panel was in full agreement that this was an essential part of the exercise. However due to a range of pressing problems facing the Council, which emerged late in 2022, it became necessary to delay the consultation process until February 2023.

##### **Stage One**

It was agreed that the Panel should in December 2022 consider the four issues identified on the basis of the content of its 2021 report, its 2022 note on parental leave payments and briefings from Cheshire East Democratic Services. The Panel held two virtual meetings on November 25<sup>th</sup> and December 12<sup>th</sup> respectively and submitted an interim report to the council on December 14<sup>th</sup>.

##### **Stage Two**

It then held two further virtual meetings on February 10<sup>th</sup> and 20<sup>th</sup> respectively, when it interviewed the group leaders of the Labour and Conservative groups, the deputy leader of the Liberal Democrat group, the current Mayor and the Head of Civic Affairs. Written representations were also received from eleven Councillors.

The Panel took into account all this evidence in revisiting the conclusions and recommendations in its interim report, making changes where appropriate.

During the consultation process, the Panel's attention was drawn to certain aspects of the members' allowances scheme about which Councillors had concerns. Whilst it would not have been appropriate for the Panel to make recommendations on these issues, as they were outside the scope of its brief, it felt that it would be helpful to note them in this report, with a view to ensuring that they were considered in depth when the Panel was next asked to carry out a comprehensive review of Cheshire East's allowances system. These issues are referred to in paragraph 5 below.

The Panel is grateful to all the Councillors who took the trouble to respond to the consultation process, either by interview or written representation; to Diane Moulson for setting up and facilitating the Panel's meetings and servicing its information requirements so efficiently; and to Brian Reed and Martin Smith for their helpful contributions at different stages of the process.

## **1 Mayoral and Deputy Mayoral allowances**

1.1 Technically, mayoral allowances are not part of the Council's Members' Allowances Scheme per se. But IRPs are often asked to make recommendations on this topic, as was the case with Cheshire East IRP in 2020-21. Having received no representations regarding the allowances then paid to the Mayor and the Deputy Mayor, the Panel could see no justification for recommending changes to the status quo (Mayoral allowance £14,000; Deputy Mayoral allowance £5,600).

1.2 The Panel was told that there were two key aspects to the mayor's role: a public relations element involving attendance at various events throughout the authority area; and the challenging job of chairing meetings of the Council. The former role involves considerable expenditure over the course of the year on items such as purchasing one's own and one's partner's clothing for events; donations to charity; contributions to collections; raffle tickets/flag days/poppy appeals; sending flowers; mayoral hospitality; and purchasing tickets for events.

1.3 In Cheshire East's CipFA comparator group of authorities, the mayoral allowance paid varies from £6,000 (Trafford) to £15,012 (Warrington). Cheshire East's Mayor's figure is £3,000 above the average for the group and the Deputy Mayor's £2,800 above the average for the group. However, these variations do not in themselves constitute a case for reductions. The expectations attached to the mayoral role vary significantly between different authorities and indeed the role is often interpreted differently between incumbents of the office in the same authority.

1.4 The Panel was clear from the evidence presented to it (not least from a sight of the mayoral diary) that the mayoral role was being carried conscientiously and effectively by the current incumbent, as had been the case with previous mayors, two of whose activities had been restricted by the Covid pandemic. It felt that in an authority as large and diverse as Cheshire East, the demands on a mayor's time may well be greater than in a more compact authority such as Trafford or Warrington. No consultation respondent made the case for any reduction in the

current level of the mayoral and deputy mayoral allowances, a view which was endorsed by the Panel.

**1.5 Its recommendation is that these allowances remain at their current levels, but be subjected to the same uprating subsequently agreed by the Council on Members' allowances.**

## **2 The Chair of the Scrutiny Committee**

2.1 It is important to recall that the Panel's recommendations on the scrutiny function in its 2021 report were not fully accepted by the Council. The Panel recommended that an opposition spokesperson should be identified on each of the six service committees, and each should receive an SRA of £4,200. This recommendation was rejected.

2.2 In its 2021 report (see paras 2.14-2.17), the Panel emphasised its view of the importance of the scrutiny function, in contributing to the democratic viability of a council, no less so in one such as Cheshire East which operates a committee system as in one operating the leader and cabinet model. It accepted the view that, in the former, much of the scrutiny function (including 'holding the administration to account') would take place within the service committees. Moreover, it was clear that in other authorities which operated a committee system (include Brighton and Hove and Nottinghamshire), SRAs for opposition spokespersons on scrutiny committees had been introduced to strengthen the effectiveness of the scrutiny function. The Panel's view about the desirability of introducing this measure remains unchanged.

2.3 One or two respondents questioned whether there was a need for a scrutiny committee at all in Cheshire East. The Panel was clear that there was such a need. The external scrutiny function with regard to health and crime and disorder issues (and others of a council's choosing, such as flood prevention) has become increasingly important over the past decade and is crucial for a council which wishes to play a proactive 'community governance' role. That, in itself, justifies the existence of a scrutiny committee.

2.4 The Panel sensed a degree of confusion among members over the role and purpose of the Scrutiny Committee. This perception is supported by the critical comments regarding the organisation of the scrutiny function highlighted in the peer review. The Panel was informed that scrutiny takes place within the six service committees (there are quarterly reports to Corporate Policy Committee and all service committees on performance, finance and risk), but the respondents provided no clear evidence that the joint administration was being held to account in these settings, which is one of the key functions of scrutiny. Compared with other authorities, including those which operate a committee system, scrutiny is significantly under-resourced in Cheshire East in terms of member allowances, the sole allowance paid being that of the Chair of the Scrutiny Committee. This was a source of considerable concern to the Panel.

2.5 Its initial conclusion during Stage One of the review was to increase the Scrutiny Chair's SRA to £10,000. However, none of those respondents who expressed a view about the topic advocated any increase and the Panel's limited level of knowledge about the operation of this Committee was such that it would have found it hard to justify an increase, in these circumstances.

**2.6 Its recommendation is that the SRA for the Chair of Scrutiny should remain at £7,650. But the Panel is clear that it would wish to revisit the whole issue of scrutiny in Cheshire East in its next review (see para 5 below).**

### **3 Parental Leave Payments**

3.1 The Panel was asked to produce a short report on this matter in 2019/20, when its attention was drawn to a Labour Party advisory document which recommended that any member taking parental leave and hence absent from the council for a period of six months to a year should continue to receive the basic allowance and also receive any SRA payment attached to a position of responsibility held before parental leave commenced for a period of (at least) six months. Since the Panel produced its report, at least two authorities (Stockport, Gloucester City) have adopted both those recommendations.

3.2 All the Councillors who responded to this issue were of the view that the basic allowance should continue to be paid over the whole period of parental leave. This view is consistent with that of the Panel.

3.3 With regard to whether or not a member taking parental leave should continue to receive an SRA for a position they could not at the time fill, one group held the view that SRAs should continue to be paid in these circumstances; other party groups and several individual Councillors were opposed to the continuation of such payments.

3.4 The argument made by the party group which supported the continuation of SRA payments was that to do so would facilitate the attraction and retention of younger Councillors and those on lower incomes, who might otherwise not come forward or stay on as Councillors. The Panel has always been supportive of the case for seeking to improve the diversity of council membership on the criteria of age, sex, and ethnic background. However, in these particular circumstances, it would find it hard to justify a 'dual payment' system of this nature. In the absence of the position holder, a replacement councillor would need to be identified, to chair the committee concerned (or whatever). It would be difficult, in the Panel's view, to justify paying two identical SRAs for the same position, one for someone actually carrying out the responsibilities involved, and the other to the parental leave absentee. It thinks it likely that public opinion would be critical of such a move. No officer in a local authority would expect this kind of privileged treatment.

**3.5 The Panel's recommendation is therefore that the basic allowance should continue to be paid during a period of parental leave, but that the payment of any SRAs should be discontinued and transferred to the Councillor who is carrying out the role involved.**

#### **4 Uprating of allowances 2022-23.**

4.1 In its 2021 report, the Panel recommended that the criterion which should be used for the annual uprating of members' allowances was the NJC officer pay award for that year. This choice of criterion has been widely recommended and adopted since 2010. In normal circumstances, this would continue to be the Panel's recommendation. However, the officer pay award which has just been agreed for 2022-23 involves a flat rate payment of £1,925 to all council employees, rather than the usual percentage increase.

4.2 There are three ways in which parity with the NJC award could be achieved.

- The award of the above flat rate increase to all Councillors. In Cheshire East, to do so would result in an increase in the basic allowance of 19%, which would be hard to justify, given that it is well above the rate of inflation for the year.
- The application of the median (mid- point) figure for the officers pay award increases, which vary considerably between grades. To do so would result in a members allowances uplift of 7%.
- The application of the 4.04% increase specified in the pay award for a wide range of officers' allowances (such as travel and subsistence).

4.3 The Panel's view was that realistically, the choice was between the 7% and 4.04% figures. The Panel was provided with an ADSO paper which argued that, although these types of allowances do not equate with members allowances per se, it was still viable to interpret the 4.04% figure as 'in line with the officers pay award', thus retaining the link between the award and a proposed increase in members allowances.

4.4 The ADSO paper identified an emerging view amongst its membership that this was an appropriate percentage increase to apply to members allowances. The IRP which covers all the 32 London boroughs has recently recommended this level of increase. Many other authorities have adopted a similar position.

4.5 The responses to this issue in the consultation process in Cheshire East were varied. Some thought a relatively modest increase would be appropriate. One respondent was in favour of an inflation-linked increase. Several were of the view that there should be no increase in members allowances in 2022-23.

4.6 Although the Panel was sympathetic to the idea of a 7% increase, which would be closer to the current rate of inflation than the 4.04% figure, it sensed that such a recommendation would prove unacceptable to the Council. It wished to put forward a recommendation that stood a reasonable chance of being accepted.

**4.7 Its recommendation is therefore that members allowances in Cheshire East be increased by a flat rate of £500 (an amount very close to 4.04%) for the year 2022-23 and applied retrospectively.** This is in line with the recommendation made by other IRP's in an increasing numbers of authorities. **In relation to SRAs its recommendation is that a 4.04% increase should be applied, again backdated as appropriate.**

4.8 The Panel is of the view that although this does not equate to a cost- of- living increase, it represents a reasonable response in a difficult time, when many families are experiencing considerable financial hardship.

4.9 The Panel did consider whether the 4.04% figure should be applied to all members allowances, or only to the basic allowance and not SRAs. It concluded that in the interests of consistency and fairness, it should be applied to both categories.

4.10 The overall cost to the Council would be in the region of £52,661, which is higher than the 2% figure included in the draft budget. However, as the sums involved are relatively small, the Panel does not see why this should pose a problem.

## **5 Issues for future Consideration**

The following issues were raised with Panel and are felt to justify detailed consideration in the next comprehensive members allowances review:

- The case for differential SRA payments among committee chairs.

There were references to the legal responsibilities of the Children and Families Committee and the above average workload of the Highways and Transport Committee, both of which, it was argued, merited enhanced SRAs for the Chair.

- A reconsideration of the criterion for the annual uprating of members allowances.

In the light of the importance of seeking to attract a greater diversity of Councillors and the fact that the real value of the basic allowance had diminished significantly over the past few years, the possible use of a cost-of-living criterion is worth exploring.

- Given the uncertainties attached to the scrutiny role and the concerns regarding the effectiveness of the scrutiny function, the Panel would wish to explore this issue in depth at the next review.

- The balance between the basic allowance and special responsibility allowances.

In an authority such as Cheshire East which operates a committee system, the formal responsibility for decision making rests with the committee as a collectivity and not with the Chair, whose role is basically different from a

cabinet member in the cabinet and leader model, who does enjoy formal decision-making responsibilities. The implications of this distinction for members allowances are worth exploring. Some authorities have already made adjustments in favour of the basic allowance, in these circumstances.

- The Panel was informed that the Council was considering the introduction of 'councillor observers' on the ASDVs operated by the Council. If this idea is implemented, the case for an allowance for such positions should be considered.
- The justification for the provision that members can claim only one SRA, in circumstances where they hold two posts to which SRAs are attached should be reconsidered.  
{In relation to this issue it should be noted that in 2016 the (then) IRP recommended the following in relation to SRA's :-  
“(8) The stipulation that only one SRA can be claimed by any one councillor should be discontinued, and replaced by a maximum of two.”  
At that time the Authority did not accept the panel's recommendation and decided to continue to only allow 1 SRA per member.}

## **6.0 SUMMARY OF RECOMMENDATIONS**

- The Mayoral Allowance should remain at £14,000 and that of the Deputy Mayor at £5,600. Both should be subject to a 2022/23 annual uprating on the same basis as members' allowances.
- The SRA of the Chair of the Scrutiny Committee should remain at £7,650 (subject to the 4.04% uplift.)
- Any Councillor taking parental leave should continue to receive the basic allowance, but not any SRA attached to a position of responsibility he or she held prior to going on leave. This SRA should be transferred to the Councillor now carrying out the role.
- Members' basic allowance should be increased by a flat rate of £500 and SRAs increased by 4.04% for the year 2022-23 and paid retrospectively.
- The Panel has highlighted a number of issues raised by Councillors, but outside the scope of the brief for this limited review, which it would wish to consider in depth at its next review.

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**COUNCIL MEETING – 19<sup>TH</sup> JULY 2023****PARENTAL LEAVE POLICY FOR COUNCILLORS****RECOMMENDATION**

**That the proposed Parental Leave Policy be adopted.**

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Extract from the Minutes of the Corporate Policy Committee meeting on 6 October 2022

**33 PARENTAL LEAVE POLICY FOR COUNCILLORS**

The Committee considered a proposed parental leave policy for Councillors.

The report invited the Committee to consider the recommendations of the former Constitution Committee, following its consideration of a motion with an attached draft policy on 15<sup>th</sup> July 2019 that had been referred to that Committee by Council on 21<sup>st</sup> February 2019. The draft policy had been shared with the current Constitution Working Group which had given the policy its broad support.

There was some concern about how ward responsibilities would be supported in the event of an extended absence by a ward member, particularly in the case of a single member ward.

It was noted that the arrangements could be reviewed in the light of experience.

**RESOLVED**

That the Committee recommends to Council that the proposed parental leave policy be adopted as set out in Appendix 1 to the report.

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## **Corporate Policy Committee**

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<b>Date of Meeting:</b>	6 October 2022
<b>Report Title:</b>	Parental Leave Policy for Councillors
<b>Report of:</b>	David Brown, Director of Governance and Compliance
<b>Report Reference No:</b>	CP/52/22-23
<b>Ward(s) Affected:</b>	All

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

- 1.1. To consider a proposed parental leave policy for Councillors.

### **2. Executive Summary**

- 2.1 The report invites the Committee to consider the recommendations of the former Constitution Committee, following its consideration of a motion with an attached draft policy on 15 July 2019 that was referred to them by Full Council on 21 February 2019.
- 2.2 The draft policy has been shared with the current Constitution Working Group in respect of a proposed parental leave policy for Councillors.

### **3. Recommendation**

- 3.1 That the Committee recommend to Council that the proposed parental leave policy be adopted (Appendix 1).

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

- 4.1. The former Constitution Committee determined that a parental leave policy for Councillors "*should be considered in greater detail as the review of the Council's governance arrangements progressed*". The committee system has been operational for over a year and, as data relating to the first annual review of the committee system was considered by Council in April 2022, consideration of a proposed policy can now take place.
- 4.2. Prior to the introduction of the committee system form of governance, the Constitution Committee had considered and broadly endorsed the

principle of adopting the parental leave policy, referred to it by Council, following a notice of motion.

- 4.3.** The original motion and draft policy at Appendix 1 has been revised to use gender neutral language and ensure clarity on Members responsibility to comply with the requirements of Section 85, Local Government Act 1972 which provides for the vacation of office where a member of a local authority fails throughout a period of six consecutive months from the date of the last attendance to attend any meeting of the authority unless previously authorised by Full Council.

## **5. Other Options Considered**

- 5.1.** Do nothing: this does not support the policy objective of encouraging new people to consider standing for election as a Councillor.
- 5.2.** Recommend the adoption of a policy without provision for payment of a special responsibility allowance.

## **6. Background**

- 6.1.** On 15 July 2019, the Constitution Committee considered a Notice of Motion which had been submitted to Council on 21 February 2019 [Notices of Motion \(cheshireeast.gov.uk\)](https://www.cheshireeast.gov.uk/Notices-of-Motion) relating to a proposed parental leave policy for Councillors, published by the LGA Labour Group. The Committee noted, and broadly endorsed, the principles contained in the motion with a view to considering the matter in greater detail, as the review of the Council's governance arrangements progressed (Minute 8 15 July 2019 refers).
- 6.2.** The objective of the adoption of a parental leave policy is to encourage a broader spectrum of people to consider standing for election and participating in the democratic process. The adoption of such a policy is seen by many as important, in that it removes barriers or the perception of barriers from those who may wish to become parents and who would also be interested in participation in the democratic process.
- 6.3.** Many Councils have adopted parental leave policies. Some have adopted the Local Government Association Labour Group's model [Parental leave policy for councils | Local Government Association](#) or variations of this. The appended draft policy is supported by the Constitution Working Group, and has been amended to reflect improvements drawn from policies adopted by other authorities and updated to ensure the policy is gender neutral etc.
- 6.4.** The Member taking parental leave will need consider what ward responsibilities they are able to support and to arrange with their political group, other ward members or with neighbouring ward members, appropriate cover for their ward duties, correspondence, public engagement or local surgeries and notifications.

## **7. Consultation and Engagement**

- 7.1** The Independent Remuneration Panel (IRP) previously had sight of the LGA model Parental Leave Policy and wholeheartedly supported the premise upon which the report is based. The recommended policy does not contain any proposal which would change or alter the current value of any allowance and does not create any new remunerated special responsibility allowance. The policy only extends to the basic allowance and/or any special responsibility allowance to a Member who is on parental leave. This concept was supported by the IRP. The IRP will be asked to consider this in more detail at the next review of the wider scheme and the authority must have regard to the recommendations of the IRP before any further amendments its scheme.
- 7.2** The former Constitution Committee indicated their general support for the proposal ([minutes of Meeting held on 15 July 2019](#)) and the Constitution Working Group has also confirmed its support.

## **8. Implications**

### **8.1. Legal**

- 8.1.1.** No direct legal implications have been identified but any legal implications of further reports will be identified in those reports.

### **8.2. Finance**

- 8.2.1.** The approval of a Parental Leave Policy for Councillors might result in additional costs having to be met through the payments of a parental leave Special Responsibility Allowance dependent on the policy adopted but these are not likely to be material and will be managed within the existing budget.

### **8.3. Policy**

- 8.3.1** The review by the Corporate Policy Committee may recommend the introduction of a new policy for Councillors.

### **8.4. Equality**

- 8.4.1.** The proposed parental leave policy for Councillors states that the role of the Councillor should be open to all, regardless of their background. Introducing a parental leave policy would be an important step towards encouraging a wider range of people to become Councillors and may encourage existing Councillors who may want to start a family to remain as Councillors. The policy would apply to parents regardless of their gender and cover adoption leave to support those parents who choose to adopt.

**8.5. Human Resources**

8.5.1. No human resource implications have been identified.

**8.6. Risk Management**

8.6.1. No risk management implications have been identified.

**8.7. Rural Communities**

8.7.1. No rural communities' implications have been identified.

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

8.8.1. In the context of the recommendations of this report, no direct implications for children and young people/cared for children have been identified.

**8.9. Public Health**

8.9.1. No public health implications have been identified.

**8.10. Climate Change**

8.10.1. No climate change implications have been identified.

Access to Information	
Contact Officer:	Brian Reed brian.reed@cheshireeast.gov.uk 01270 686 670
Appendices:	Appendix 1: Draft Parental Leave Policy
Background Papers:	Council Minutes: 22 July 2021 <a href="#">minute extract.pdf (cheshireeast.gov.uk)</a>

## **Parental Leave Policy for Cheshire East Council - DRAFT**

### **Introduction**

This Policy sets out Members' entitlement to parental, shared parental and adoption leave and relevant allowances.

The objective of the policy is to ensure that insofar as possible Members are able to take appropriate leave at the time of birth or adoption, that both parents (if both are Members) are able to take leave, and that reasonable and adequate arrangements are in place to provide cover for those in receipt of Special Responsibility Allowances (SRA) during any period of leave taken.

Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of local authority councillors. It will also assist in retaining experienced councillors and making public office more accessible to individuals who might otherwise feel excluded from it.

There is no legal right to parental leave of any kind for people in elected public office.

### **(1) Leave Periods**

1.1 A Member who is the designated primary carer is entitled to up to 26 weeks parental leave from the date upon which the child is due to be born, or the date upon which the child is adopted, with the option to extend the period of parental leave by a further 26 weeks. Such extension must be agreed by the Council's Chief Executive in consultation with the leader of the political group of which the Member is a member.

1.2 In addition, where the birth is premature, the Member is entitled to take leave during the period between the date of the birth and the due date in addition to the 26 weeks period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 26 weeks.

1.3 In exceptional circumstances, for example in a case of prematurity of 29 days or more, additional leave may be taken by agreement (as per paragraph 1.1), and such exceptional leave shall not be deducted from the total 52 week entitlement.

1.4 A Member who is not the designated carer of the child shall be entitled to take up to 4 weeks parental leave if they are the supporting carer or nominated carer of their partner/spouse following the birth/adoption of their child(ren).

1.5 A Member who has made shared parental leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of parental leave by the Council.

1.6 Where both parents are members of the Council, parental leave may be shared up to a maximum of 24 weeks for the first 26 weeks and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks. Special and exceptional arrangements (agreed as per paragraph 1.1) may be made in cases of prematurity.

1.7 A Member who adopts a child under compulsory school age shall be entitled to take up to 26 weeks adoption leave from the date of placement, with the option to extend by a further 26 weeks (by agreement as per paragraph 1.1) if required.

1.8 Any Member intending to take parental, shared parental or adoption leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council, both in terms of the point at which the leave starts and the point at which they return.

1.9 Any member taking such leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and member colleagues informed and updated in relation to intended dates of return and requests for extension of leave.

1.10 Any member who takes such leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six month period unless there is Full Council agreement to an extended leave of absence prior to the expiration of that six month period in accordance with the provisions of legislation. It is the member's responsibility to seek permission from full Council for any absence over six months.

**(2) Basic Allowance**

2.1 All Members shall continue to receive their Basic Allowance in full whilst on parental, shared parental, or adoption leave.

**(3) Special Responsibility Allowances**

3.1 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full during the period of parental, shared parental or adoption leave.

3.2 Where a replacement member is appointed to cover the period of absence, that person shall receive an equivalent Special Responsibility Allowance for the period of the temporary appointment.

3.4 Should a Member appointed to replace the member on parental, shared parental or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowances shall apply.

3.5 Unless the Member taking leave is removed from their position of special responsibility at an Annual General Meeting of the Council whilst on leave, or unless the political group or administration to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same special responsibility role they held before the leave began.

**(4) Resigning from Office and Elections**

4.1 If a Member decides not to continue to be a Member of the Council at the end of their parental, shared parental or adoption leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the date of their resignation as a councillor.

4.2 If an election is held during the Member's parental, shared parental or adoption leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and any special responsibility allowance will cease to be paid from the date they cease to be a councillor.

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### **Redrafted Section 3 of the Parental Leave Policy**

3.1 A Member's entitlement to a Special Responsibility Allowance shall cease to be paid from the day they begin their period of parental, shared parental or adoption leave.

3.2 Where a replacement member is appointed to cover the period of absence, that person shall receive the equivalent Special Responsibility Allowance for the period of the temporary appointment.

3.3 Should a Member appointed to replace the member on parental, shared parental or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowances shall apply.

3.4 Unless the Member taking leave is removed from their position of special responsibility at an Annual General Meeting of the Council whilst on leave, or unless the political group or administration to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same special responsibility role they held before the leave began.

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**COUNCIL MEETING – 19<sup>TH</sup> JULY 2023****CHESHIRE AND MERSEYSIDE HEALTH AND CARE PARTNERSHIP****RECOMMENDATION**

**That Council approve**

- 1. that the terms of reference of the Cheshire & Merseyside Integrated Care Partnership (to be known as the Cheshire & Merseyside Health & Care Partnership), when agreed, be adopted;**
- 2. that the Council become a member of the Cheshire & Merseyside Health & Care Partnership;**
- 3. that the Leader of the Council be nominated to be the Council's representative on the Cheshire & Merseyside Health & Care Partnership; and**
- 4. that the Chief Executive be granted delegated authority to nominate an Executive Director/Director of Public Health to be a member of the Partnership if she considers it appropriate.**

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Extract from the Minutes of the Corporate Policy Committee meeting on 11<sup>th</sup> July 2023

18      **CHESHIRE AND MERSEYSIDE HEALTH AND CARE PARTNERSHIP**

The Committee considered a report seeking authority for the Council to become a member of the new statutory Integrated Care Partnership for Cheshire and Merseyside, to be known as the Cheshire and Merseyside Health and Care Partnership.

The proposed terms of reference for the Partnership had been produced collaboratively by statutory partners and were set out at Appendix 2 to the report. The terms of reference had not yet been agreed, and a number of concerns had been conveyed to the Integrated Care Board. A response was awaited.

**RESOLVED** (unanimously)

That the Committee recommends to full Council

1. that the terms of reference of the Cheshire & Merseyside Integrated Care Partnership (to be known as the Cheshire & Merseyside Health & Care Partnership), when agreed, be adopted;
2. that the Council become a member of the Cheshire & Merseyside Health & Care Partnership;

3. that the Leader of the Council be nominated to be the Council's representative on the Cheshire & Merseyside Health & Care Partnership; and
4. that the Chief Executive be granted delegated authority to nominate an Executive Director/Director of Public Health to be a member of the Partnership if she considers it appropriate.

OPEN

## **Corporate Policy Committee**

**11 July 2023**

**Cheshire and Merseyside Health and  
Care Partnership**

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**Report of: Helen Charlesworth May, Executive Director (Adults,  
Health & Integration) and David Brown, Director of Governance &  
Compliance**

**Report Reference No: CP/6/23-24**

**Ward(s) Affected: All**

### **Purpose of Report**

- 1 This report requests authority for the Council to become a member of the new statutory Integrated Care Partnership for Cheshire & Merseyside, to be known as the Cheshire & Merseyside Health and Care Partnership (C&M HCP).

### **Executive Summary**

- 2 The Cheshire & Merseyside Health & Care Partnership is a statutory joint committee and forms part of the overall structure of the new Integrated Care System set out in the Health & Care Act 2022.
- 3 The C&M Health and Care Partnership has statutory functions to deliver an Integrated Care Strategy across the C&M area, and to hold others to account for their delivery of the Strategy. In order to undertake this effectively it needs the support and input from all partners across the C&M region, to ensure that local needs and requirements are fully reflected in the Strategy.

## RECOMMENDATIONS

That Corporate Policy Committee:

1. Recommend to full Council that the terms of reference of the C&M Integrated Care Partnership (to be known as the Cheshire & Merseyside Health & Care Partnership) be adopted.
2. That the Council become a member of the Cheshire & Merseyside Health & Care Partnership.
3. That the Leader of the Council be nominated to be the Council's representative on the Cheshire & Merseyside Health & Care Partnership.
4. That the Chief Executive have delegated approval to nominate an Executive Director/Director of Public Health to be a member of the Committee if she considers this appropriate.

## Background

4. The government reforms of the NHS under the Health and Care Act 2022 created new Integrated Care Systems with responsibility across wider geographical footprints. The Integrated Care System (ICS) for our area covers the footprint of the nine local authority areas in Cheshire and Merseyside. Finances are directed to the Cheshire & Merseyside area and can then be devolved down to local areas (known as 'Place'). Our 'Place' operates through the Cheshire East Health & Care Partnership (CE HCP), which is comprised of partners from across the health services in Cheshire East. A diagram illustrating the governance arrangements for the C&M Integrated Care System is set out at Appendix 1.
5. As part of the statutory governance arrangements, the ICS is required to set up an Integrated Care Partnership for Cheshire & Merseyside, with local authority membership from each Place.

## Role of the Integrated Care Partnership

6. The Integrated Care Partnership (ICP) will drive the strategic direction and plans across the C&M area, and this work needs to be aligned with other strategies and the work of the local Health and Wellbeing Boards. The ICP allows organisations to work together more closely

to collectively improve the health of residents across C&M. In particular, it has responsibility for agreeing an Integrated Care Strategy across C&M to address the broad health and social care needs of the population across the C&M region, including the wider determinants of health, such as employment, environment and housing. Integrated Care Boards and local authorities will be required to have regard to the ICP strategy when making decisions, commissioning and delivering services.

7. The ICP will comprise of health and care partners from across the C&M area, including one councillor representative from each local authority, as well as two Executive Directors and two Directors of Public Health from across C&M. Only the Chair, Vice Chair, local authority, ICB representatives & Healthwatch will have voting rights, but the partnership will have representation from across the broader sector, including the Ambulance Service, Fire & Rescue, Police, Housing, Voluntary Sector, Carers, Primary Care, Social Care Providers, LEP, University Sector and Providers. This will ensure a wide range of views are heard.
8. A copy of the terms of reference to be agreed is set out at Appendix Two.

NOTE: The terms of reference are not yet agreed, and a number of concerns have been sent back to the ICB for them to deal with. A response is still awaited. These relate to:-

- There are two co-vice chairs which will be confusing if the Chair is absent.
- It is not clear how the 'Executive' (we assume to be officers) and DPH's will be appointed as there are only a limited number of places.
- There is a lack of clarity around the ICB votes
- Clarity needed over when the public/press can be excluded
- The quorum does not specify a need for a class of members to be present i.e., if there are no local authority members the meeting can still proceed
- Clarity is needed over conflicts of interest
- Whether meetings can be held remotely

## **Consultation and Engagement**

9. The Integrated Care Board has not formally consulted the public over the terms of reference for the ICP, but it has consulted with all nine local authorities.

## **Reasons for Recommendations**

10. The Council must become a member of the Integrated Care Partnership as this is a statutory requirement under S116ZA Health & Social Care Act 2022.

## **Other Options Considered**

11. No other options have been considered, as this is a statutory duty.

## **Implications and Comments**

### *Monitoring Officer/Legal*

12. Integrated Care Partnerships are a fundamental part of the Integrated Care System which was brought in by the Health & Social Care Act 2022. Under S.116ZA, each Integrated Care Board and local authority within the Integrated Care Board area **must** establish a joint committee for the board's area. The Integrated Care Board must consist of at least one member of the ICB, and one member from each local authority, and the ICP itself can determine any other membership. The ICP can also determine its own procedures, such as quorum etc.
13. The Integrated Care Partnership is responsible for the preparation of the Integrated Care Strategy, which sets out how the population needs of the area can be met by the ICB, NHS England or local authorities.
14. S116B Health & Social Care Act 2022 provides that local authorities and Integrated Care Boards must have regard to any Integrated Care Strategy and any joint Health & Wellbeing Strategy when exercising its function.

### *Section 151 Officer/Finance*

15. There are no financial implications or changes required to the Medium-Term Financial Strategy, as this report is seeking to approve a statutory committee and the appointment of a member of the Council to it. In the event that officers are appointed to the Committee, then this will have a financial implication in terms of time only, which would be managed within existing budgets.
16. Any decisions to be made by the Joint Committee which would involve budgetary implications for the Council will need to be brought back to Committee/Council in line with our constitutional arrangements.

## Policy

17. Membership of the Integrated Care Partnership will help to ensure that the Health & Wellbeing Board and the Council are able to provide the necessary leadership to achieve their role of leading on integration, reducing health inequalities and supporting the delivery of the Joint Local Health and Wellbeing Strategy.

<b>An open and enabling organisation</b>  <b>(Include which aim and priority)</b>	<b>A council which empowers and cares about people</b>  Reduce inequalities across the borough	<b>A thriving and sustainable place</b>  A great place for people to live, work and visit.
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## Equality, Diversity and Inclusion

18. There are no equalities implications.

## Human Resources

19. There are no human resources implications, although there would be a time commitment from officers if they are nominated to a place on the Integrated Care Partnership Board.

## Risk Management

20. There are no direct risk management implications in this report. However, decisions of the Integrated Care Partnership may carry risk, and these should be considered as appropriate by the board member.

## Rural Communities

21. There are no direct implications for rural communities.

**Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)**

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

**Public Health**

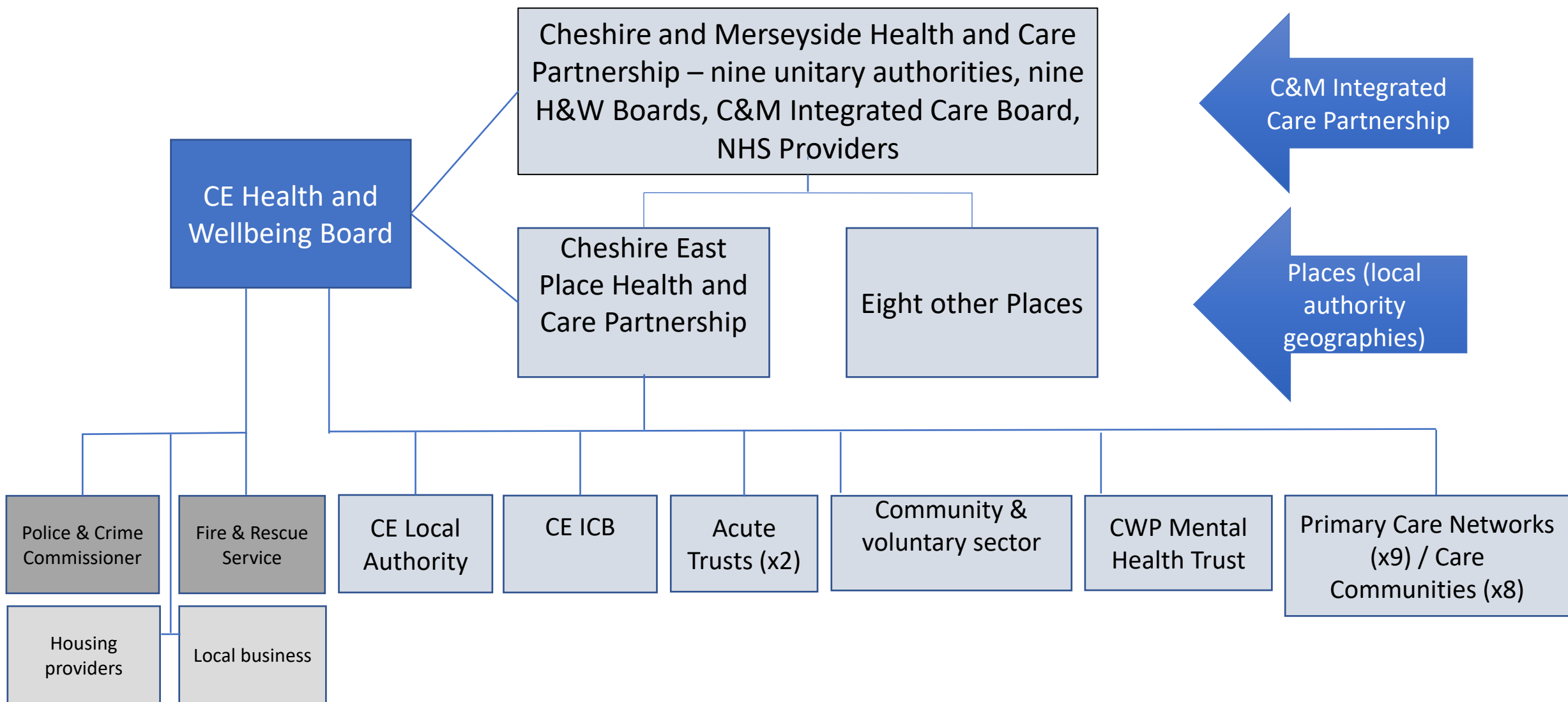
23. A key aim of the Integrated Care Strategy is to improve the public health amongst the residents of Cheshire & Merseyside, as set out above.

**Climate Change**

24. There are no climate change implications.

<b>Access to Information</b>	
Contact Officer:	Deborah Upton Deborah.upton@cheshireeast.gov.uk
Appendices:	1. Governance structure 2. Terms of Reference (Draft)
Background Papers:	None

# The Cheshire & Merseyside Integrated Care System



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# Cheshire and Merseyside Health Care Partnership (HCP)

Terms of Reference



**Document revision history**

Date	Version	Revision	Comment	Author / Editor
19 October 2022	0.1	Initial ToR		Natalie Robinson

**First Review due by November 2023**

## 1. Introduction

- 1.1 The engagement document: Integrated Care System Implementation<sup>1</sup> produced by the Department of Health and Social Care and NHS England set the role of the Integrated Care Partnership (ICP) as:

*“A broad alliance of organisations and representatives concerned with improving the care, health and wellbeing of the population, jointly convened by local authorities and the NHS as equal partners in order to facilitate joint action to improve health and care outcomes and experiences, influence the wider determinants of health, and plan and deliver improved integrated health and care.”*

- 1.2 An ICP is a joint committee<sup>2</sup> formed between an NHS Integrated Care Board and all upper-tier local authorities that fall within the same Integrated Care System (ICS) area. The ICP will play a critical role within the ICS with the intent to bring together a broad alliance of partners concerned with improving the care, health and wellbeing of the population, with membership determined locally.
- 1.3 Cheshire and Merseyside (C&M) has had an established Health and Care Partnership, since 2020 and is the committee from which the C&M ICS's ICP will develop from. It has been proposed that the new ICP will be known as / referred to as the Cheshire and Merseyside Health and Care Partnership (HCP) because this is a trusted and well-respected brand with partners and stakeholders.
- 1.4 The HCP is a joint committee where partners in the ICS will come together to deliver the aims and objectives contained within this terms of reference, this includes developing the C&M Integrated Care Partnership Strategy and strategic priorities<sup>3</sup>, in response evidence presented to it, and agreeing what we want to do differently to serve our populations at a Place level.
- 1.5 The work of the HCP should not duplicate the work of the nine Cheshire and Merseyside Health and Wellbeing Boards but will work in conjunction where appropriate to help achieve common objectives and aims to benefit local populations at a Place level.
- 1.6 These terms of reference set out the membership, remit, responsibilities, and reporting arrangements of the joint committee.

<sup>1</sup> <https://www.england.nhs.uk/publication/integrated-care-systems-guidance/>

<sup>2</sup> The Local Government and Public Involvement in Health Act 2007 s. 116ZA(1) (as inserted by Health and Care Act 2022) requires “An integrated care board and each responsible local authority whose area coincides with or falls wholly or partly within the board’s area must establish a joint committee for the board’s area (an “integrated care partnership”).”

<sup>3</sup> S.116ZB sets out the requirements for Integrated care strategies and the processes and procedures to be adopted.

## 2. Role and Purpose

- 2.1 The primary purpose of the Cheshire and Merseyside HCP (the “HCP”) will be to act in the best interests of people, patients, and the system as a whole, rather than representing individual interests of any one constituent partner.
- 2.2 The HCP will develop strong relationships and a collaborative culture across all partners, with representation from across the health and care system with membership including representatives from both statutory / non-statutory partners and individual organisations.
- 2.3 The HCP will be governed by a set of principles and ways of working which are based on a combination of what has been deemed important by local stakeholders together with national expectations.
- 2.4 The HCP will:
  - Involve local organisations and people in preparing its Integrated Care Partnership Strategy that sets out how the assessed needs in relation to its area are to be met by the exercise of functions of the ICB, NHS England and Local Authorities. The HCP will ensure that best available evidence and data is used to inform the development of the Integrated Care Partnership Strategy through drawing upon the Joint Strategic Needs Assessments and other sources of rich data, insight and intelligence, with support of public health teams to ensure robust application of evidence to work programme design.
  - Work with a broad range of partners including those on the frontline, to develop a clear view on the contribution of the Health and Social Care system into prevention and the wider determinants of health, including our collective “anchor” approach, and help in the development and delivery of the local framework for addressing inequalities. The HCP provides opportunity for a system level forum to support and enhance work programmes to improve population health outcomes and reduce health inequalities by addressing complex, long term issues that require a system level integrated approach across stakeholders.
  - Support the work of the nine Cheshire and Merseyside Health and Wellbeing Boards (HWBBs) and have due regard to and respond to their Health and Wellbeing Strategies and Joint Strategic Needs Assessments. The HCP provides opportunity for a system level forum where work undertaken by individual Health and Wellbeing Boards can be shared in the spirit of collective learning and to the benefit of the local people
  - Enable, encourage and support partners, places and collaboratives to improve and innovate, including advocating for new approaches and transformational ways of working, improving population health outcomes and reduce health inequalities at Place by addressing complex, long term issues that require a system level integrated approach across stakeholders.
  - Provide a forum to build on the joint positive working and collaboration between the NHS, Local Authorities and other partners that was demonstrated during the COVID-19 pandemic period

2.5 The HCP will play an important role to **support partners** to deliver on the following statutory duties:

- *Duty to commission certain specified health services*
- *Duty as to reducing inequalities*
- *Duty as to patient choice*
- *Duty to exercise functions effectively, efficiently, and economically*
- *Duty to obtain appropriate advice*
- *Duty to promote innovation*
- *Duty in respect of research*
- *Duty to promote integration*
- *Duty as to public involvement and consultation (in accordance with ICB direction and potential Place implementation) Duties as to climate change*
- *Duty to have regard to the wider effect of its decisions in relation to—*
  - (a) the health and well-being of the people of England;*
  - (b) the quality of services provided to individuals—*
    - (i) by relevant bodies, or*
    - (ii) in pursuance of arrangements made by relevant bodies, for or in connection with the prevention, diagnosis or treatment of illness, as part of the health service in England;*
  - (c) efficiency and sustainability in relation to the use of resources by relevant bodies for the purposes of the health service in England.*

### 3. Authority

- 3.1 The HCP is a Statutory Joint Committee, created by the Health and Care Act 2022. It operates on a partnership and collaborative basis. Each of the constituent statutory partner organisations remains responsible for discharging their individual organisational duties and responsibilities.
- 3.2 However, the HCP is able to make decisions on matters within its statutory remit (e.g. agreeing system priorities to steer Place-based planning and delivery which achieve the aims of the Integrated Care Strategy). The intention is that it will be responsible for holding partnership discussions to help achieve the stated role and purpose as outlined within Section 2.
- 3.3 Members commit to working collaboratively; openly and supporting the development and role of the HCP.
- 3.4 The HCP is authorised to create any relevant sub-groups in order to take forward specific programmes of work considered necessary by the membership.

### 4. Membership & Attendance

#### 4.1 Members

- 4.1.1 Members are selected to be representatives of constituent partners and attend HCP meetings to promote the greater collective endeavour. Therefore, members are expected to make effective two-way connections between the Cheshire and Merseyside HCP and constituent organisations, adopting a partnership approach to working together, as well as listening to the voices of citizens, patients and the public we serve.
- 4.1.2 It is expected that members will prioritise these meetings and make themselves available; where this is not possible a nominated deputy may attend of sufficient seniority who will have delegated authority to make decisions on behalf of their organisation in accordance with the objectives set out in the Terms of Reference for this group. For Local Authority (LA) representatives this will be in accordance with the due political process.
- 4.1.3 All Members of the HCP will be asked to make connections between the HCP and the sector in which they are representing. The core focus of this role is not to champion the interests of any single organisation.
- 4.1.4 The meetings will be Chaired by a Councillor representing a Local Authority in the Partnership, with two Joint Vice Chairs, one being the Cheshire and Merseyside ICB Chair and the other being an appointed representative of the VCSE sector. The Chair to be appointed on an annual basis at the first meeting of the year by the local authority elected members of the Board present at the meeting who have voting rights. Nominees for the Chair role to be nominated and seconded by local authority elected members members of the Board with voting rights and agreed by way of a majority vote.
- 4.1.5 The full membership of the HCP is:

Members with voting rights:	
ICP Chair	Councillor representing a Local Authority in the Partnership voting
ICP Vice Chair (2)	NHS Cheshire and Merseyside ICB Chair Voluntary Sector Representative
ICB	Chief Executive One vote Executive Medical Director, NHS Cheshire and Merseyside Assistant Chief Executive Director of Finance
Local Authority Partners	Political Representation x 9 (including ICP Chair) 9 votes (1 per area and to include the chair if present) Executive x 2 non voting Directors of Public Health x 2 non voting
Members without voting rights	
Northwest Ambulance Service	voting
Police	X 2 (Cheshire Police, Merseyside Police) non voting
Fire and Rescue	X 2 (Cheshire, Merseyside) non voting

Voluntary, Community and Faith Sector	X 2 (Cheshire & Warrington, Merseyside) non voting
Local Enterprise Partnership	X 2 (Cheshire, Merseyside) non voting
Primary Care	X2 voting
Provider Collaborative	X2 (CMAST, MHLDS) non voting
Carers	Non voting
Housing	Non voting
Healthwatch	X2 voting
Higher Education/University	X2 non voting
Social Care Provider	Non voting

In all cases, nominations to HCP membership will be renewable on an annual basis. Each participant organisation or body will be expected to have formally nominated or confirmed their ex-officio representatives by 1st August of each year. NOTE – Changes in membership during the year are allowed and must be notified to the HCP promptly and before attendance at the next meeting.

The HCP may from time to time request attendance by appropriate individuals to present agenda items and/or advise the HCP on particular issues. Any such individual may attend the meeting but will not be entitled to vote on any item presented to it.

#### 4.1.6 Nominated Deputies

In the event of a Member being unable to attend, a nominated deputy may be called upon to attend in their place. Nominations for the role of deputy should be made by each partner at the time of appointment to the Board and/or confirmed annually. NOTE – the nominated deputies cannot chair ICB meetings should a deputy attend in place of their respective principal members from their authority.

## 4.2 Attendees

4.2.1 Only members of the HCP, or their nominated deputy, can participate in HCP meetings, but the Chair may invite relevant staff to the meeting as necessary in accordance with the business of the HCP. A voting Board Member who fails to attend three consecutive HCP Meetings will be requested to account for their attendance record to the Chairperson of the HCP. The Chairperson of the HCP will be empowered to refer any ongoing concerns regarding persistent non-attendance of a Board Member to that Member's nominating organisation/body with a recommendation that consideration be given to whether it would be appropriate for the individual to continue in their Member role.

The Chair may ask any or all of those who normally attend, but who are not members, to withdraw to facilitate open and frank discussion of particular matters.

## **5. Meetings**

### **5.1 Quorum**

5.1.1 The meeting will be quorate if at least 50% of the voting members are present. If the quorum has not been reached, then the meeting may proceed if those attending agree, but no decisions requiring agreement by statutory bodies may be taken. If any member of the HCP has been disqualified from participating in the discussion and/or decision-making for an item on the agenda, by reason of a declaration of a conflict of interest, then that individual shall no longer count towards the quorum. A conflict of interest is xxxx

### **5.2 Decision-making and voting**

5.2.1 As far as is possible the HCP will make decisions by consensus. The Chairperson will have the responsibility to decide whether an item shall be put to a vote. In this instance, each member who is eligible to vote (see section 4.1 above) will have one vote. Issues put to the vote will be decided by a majority of the membership present and eligible to vote. Where there is no majority the Chairperson will have the casting vote.

5.2.2 In accordance with paragraph 6, no member (or representative) with a conflict of interest in an item of business will be allowed to vote on that item.

### **5.3 Open to Press and Public**

5.3.1 The Board will have the opportunity to hold two types of meeting:-

- Business Meetings
- Development Meetings

5.3.2 Business meetings of the Board are deemed to be public meetings. However, individual reports may be exempt from publication or disclosure pursuant to the provisions of the Local Government Act 1972. While business meetings of the Board will generally be open to the public, members of the public will be able to attend in an observer capacity only.

5.3.3 The Board will also reserve the right to convene development sessions, which will be held in private and will not be formal meetings of the ICP, as the nature of such sessions will not be conducive to public attendance. However, a short summary of each development session will be reported to the next available business meeting.

## 5.4 Frequency of meetings

- 5.4.1 The HCP will meet up to six times each year. Additional meetings may take place as required.
- 5.4.2 The HCP Chair, in consultation with and with the support of both Vice Chairs, may ask the HCP to convene further meetings to discuss particular issues on which they want advice.
- 5.4.3 The HCP may meet virtually or in hybrid format when necessary and members attending using electronic means will be counted towards the quorum.

## 5.5 Reporting and Accountability

There will be no formal line of accountability between the HCP and the Cheshire and Merseyside ICB.

The HCP will receive reports from the Cheshire and Merseyside statutory HWBBs, which will inform its own priorities and strategy; and the HCP will also provide reports to the HWBBs on matters concerning delivery of ICS priorities and outcomes framework.

The HCP will also provide reports to the ICB, providing a summary of any specific programmes of work undertaken, including the issues considered and recommended actions, and any key outputs (in particular the Integrated Care Partnership Strategy) from its meetings.

## 5.6 Access to Information

- 5.6.1 Notice of Meeting - In accordance with the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 regarding access to information, notice of the time and place of HCP business meetings will be published at the XXX and via the XXX website at least five clear days before the date of each meeting.
- 5.6.2 Agenda Despatch - A copy of the agenda and related reports for each HCP business meeting will be sent to each HCP Member at least five clear days before the date of that meeting.
- 5.6.3 Confidential/Exempt Business - In line with the Access to Information Procedure Rules, the public may be excluded from HCP meetings where confidential or exempt business is being considered. The agenda for HCP meetings will clearly indicate where confidential/exempt information is due to be considered.

## 5.7 Administrative Support

The HCP shall be supported with a secretariat function provided by XXX. In addition to publication of agendas and supporting papers the secretariat will prepare and circulate minutes of meetings within x days and maintain and action points/plans.

## 6. Behaviours and Conduct

6.1 The HCP shall conduct its business in accordance with any national guidance. The seven Nolan Principles of Public Life shall underpin the committee and its members.

6.2 HCP members should:

- Inform the Chair of any interests they hold which relate to the business of the HCP.
- Inform the Chair of any previously agreed treatment of the potential conflict / conflict of interest.
- Abide by the Chair's ruling on the treatment of conflicts / potential conflicts of interest in relation to ongoing involvement in the work of the HCP.
- Inform the Chair of any conflicts / potential conflicts of interest in any item of business to be discussed at a meeting. This should be done in advance of the meeting wherever possible.
- Declare conflicts / potential conflicts of interest in any item of business to be discussed at a meeting under the standing "declaration of interest" item.
- Abide by the Chair's decision on appropriate treatment of a conflicts / potential conflict of interest in any business to be discussed at a meeting.
- In the absence of a specific Code of Conduct for the HCP, abide by their own respective organisation's Code of Conduct

6.3 As well as complying with requirements around declaring and managing potential conflicts of interest, HCP members should:

- Attend meetings, having read all papers beforehand
- Arrange an appropriate (i.e. formally nominated) deputy to attend on their behalf, if necessary
- Act as 'champions', disseminating information and good practice as appropriate
- Comply with the HCP's administrative arrangements to support the HCP around identifying agenda items for discussion, the submission of reports etc.
- Consider the equality, diversity and inclusion implications of decisions they make.

## 7. Review

7.1 The HCP will review its effectiveness at least annually

7.2 These terms of reference will be reviewed at least annually and earlier if required.

**COUNCIL MEETING – 19<sup>TH</sup> JULY 2023****CHESHIRE EAST HEALTH AND WELLBEING BOARD TERMS OF REFERENCE UPDATE****RECOMMENDATION**

**That the revised terms of reference of the Cheshire East Health and Wellbeing Board be adopted.**

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Extract from the Minutes of the Corporate Policy Committee meeting on 11<sup>th</sup> July 2023

19        **CHESHIRE EAST HEALTH AND WELLBEING BOARD TERMS OF REFERENCE UPDATE**

The Committee considered a report setting out proposed updates to the terms of reference of the Cheshire East Health and Wellbeing Board.

The Health and Care Act 2022 and a Local Government Association facilitated review of the Health and Wellbeing Board had led to the need to update the Board's terms of reference. The report and Appendix 1 highlighted the required changes.

The Health and Wellbeing Board on 27<sup>th</sup> June 2023 recommended to the Corporate Policy Committee that full Council be recommended to adopt the revised terms of reference.

Members thanked all those who had worked on producing the revised terms of reference, including Guy Kilminster and his team.

The Chair commented that the thinking behind the changes was to involve more people outside of the strict health sphere and to recognise the wider determinants of health.

**RESOLVED** (unanimously)

That the Committee recommends to full Council that the revised terms of reference of the Cheshire East Health and Wellbeing Board be adopted.

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## **Corporate Policy Committee**

**11<sup>th</sup> July 2023**

### **Cheshire East Health and Wellbeing Board Terms of Reference Update**

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**Report of: Helen Charlesworth-May, Executive Director of Adults,  
Health and Integration**

**Report Reference No: CP/49/23-24**

**Ward(s) Affected: All**

### **Purpose of Report**

- 1 Improving the health and wellbeing of the residents of Cheshire East is a priority for the Council and its partners. The Health and Wellbeing Board was set up because of the requirements of the Health and Social Care Act 2012 and has a key role to play in setting the priorities for Cheshire East and providing system leadership for health and wellbeing.
- 2 The Health and Care Act 2022 and a Local Government Association facilitated review of the Health and Wellbeing Board have led to the need to update the Board's Terms of Reference. This report and Appendix One highlight those changes and seeks the Committee's approval of them. Appendix Two is a clean copy (without tracked changes) for ease of reading.

### **Executive Summary**

- 3 The Terms of Reference of the Health and Wellbeing Board are reviewed every two years. The current version was agreed in 2021. As a result of the legislative changes last year (in particular the demise of the Cheshire Clinical Commissioning Group), an update was required; in addition, the review of the Health and Wellbeing Board (facilitated by the Local Government Association) has led to some further changes in relation to the membership section.
- 4 The most significant proposed change is to make all members of the Board, voting members. This was proposed on the basis that if we expect people to give up their time to join the Board, then their contribution ought to be equally

valued to that of the statutory members; giving them a vote was a means of doing that.

## RECOMMENDATIONS

That Corporate Policy Committee:

1. Recommend that full Council adopt the revised terms of reference for the Cheshire East Health and Wellbeing Board.

## Background

- 5 The current Terms of Reference of the Health and Wellbeing Board were approved by Council in April 2021. Within the Terms of Reference there is a requirement to review them every two years. If any changes are proposed, they are taken to the Corporate Policy Committee and then Council for approval (because they are a part of the Council's Constitution).
- 6 On 1<sup>st</sup> July 2022 the Health and Care Act 2022 came into force. This disestablished the Clinical Commissioning Groups (CCG) and replaced them with Integrated Care Systems across wider geographical footprints (ICS) We are now part of the Cheshire and Merseyside Integrated Care System, which comprises nine local authorities, health service providers and the newly established NHS Cheshire and Merseyside Integrated Care Board. A slide illustrating the governance of the ICS is set out at Appendix Three. As can be seen, our Health and Wellbeing Board forms an important part of the overall ICS governance across the Cheshire and Merseyside footprint, and importantly at 'Place' level as well.
- 7 The CCG is referenced within the existing Terms of Reference for the Health and Wellbeing Board and was represented on the Board. The necessary changes have been made within the revised version to delete references to the CCG and replace with the Integrated Care Board (ICB) and it is now ICB colleagues who attend meetings. Other minor changes have been made to take into account the NHS reorganisation of last year.
- 8 During 2022 a Local Government Association facilitated review of the Health and Wellbeing Board took place. This was initiated to ensure that the Board was fit for purpose in the light of the ICS. A number of workshops with Board members and a wider group of senior leaders took place. At the conclusion of the review there were recommendations for the Board to take forward and where required these have been incorporated into the revised Terms of Reference.
- 9 The most significant change is to remove the distinction between the voting Statutory Members and non-voting members. It was felt that having a two-tier voting/non-voting membership could be interpreted as not valuing the time,

knowledge and expertise of the Associate Members. It is therefore proposed that the Statutory Members have a vote and that all additional Members are appointed as voting Members.

## Consultation and Engagement

- 10 The proposed changes have been extensively debated by the Health and Wellbeing Members through three workshops and the informal meetings of the Board. No formal public engagement or consultation has been undertaken.

## Reasons for Recommendations

- 11 To ensure that the Health and Wellbeing Board Terms of Reference facilitate the work of the Board in meeting its statutory duties and responsibilities.

## Other Options Considered

- 12 No other options have been considered.

Option	Impact	Risk
Do nothing	Terms of Reference would not reflect current legislative requirements and organisational arrangements	This would hamper the effectiveness of the Board

## Implications and Comments

### *Monitoring Officer/Legal*

- 13 Health and Wellbeing Boards were established by S194 of the Health and Social Care Act 2012 as committees of local authorities. The legislation provides that the Board must consist of at least one councillor, the Directors of Adults, Childrens and Public Health, a representative of Healthwatch and the CCG (now the ICB), and such others as the local authority thinks appropriate.
- 14 Full Council has the authority to determine the membership and terms of reference of the Health and Wellbeing Board, following consultation with the Board.

- 15 Section 194 (8) of the Health and Care Act 2012 also allows the Board to appoint such additional persons to be members of the Board as it thinks appropriate.

*Section 151 Officer/Finance*

- 16 No changes are required to the Council's existing Medium Term Financial Strategy (MTFS) as a result of this report. Relevant areas of expenditure are covered by existing resources, for example, those contained within the Better Care Fund (BCF) administered as a Pooled budget between the Council and Local Health partners.

*Policy*

- 17 The revisions to the Terms of Reference of the Health and Wellbeing Board will help to ensure that the Board is able to provide the necessary leadership to achieve its role of leading on integration, reducing health inequalities and supporting the delivery of the Joint Local Health and Wellbeing Strategy.

<b>An open and enabling organisation</b>	<b>A council which empowers and cares about people</b>  Reduce inequalities across the borough	<b>A thriving and sustainable place</b>  A great place for people to live, work and visit.
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*Equality, Diversity and Inclusion*

- 18 There are no equality implications in relation to this report and its recommendations/decisions.

*Human Resources*

- 19 There are no HR implications of this report.

*Risk Management*

- 20 There are no significant risk management implications of this report.

*Rural Communities*

- 21 There are no specific implications to rural communities of this report.

*Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

- 22 There are no specific implications to children and young people, and cared for children, of this report.

### *Public Health*

- 23 There are no specific implications in relation to Public Health. However, having Terms of Reference that are fit for purpose will allow the Board to work effectively in leading work to improve Public Health and reduce inequalities. The Board has a strategic leadership role in relation to the implementation of the Joint Local Health and Wellbeing Strategy (approved March 2023), and addressing the wider determinants of health (education, skills, employment status, housing, home environment, access to culture and leisure, green spaces etc); all of which have an impact on health and wellbeing.

### *Climate Change*

- 24 There are no impacts upon climate change from this report.

<b>Access to Information</b>	
Contact Officer:	Guy Kilminster, Corporate Manager Health Improvement  Guy.kilminster@cheshireeast.gov.uk
Appendices:	Appendix One - Draft revised Terms of Reference for the Cheshire East Health and Wellbeing Board (V4 - showing tracked changes)  Appendix Two - Draft revised Terms of Reference for the Cheshire East Health and Wellbeing Board (V4 – clean copy)  Appendix Three - Integrated Health and Care System Governance diagram
Background Papers:	N/A

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## Cheshire East Statutory Health and Wellbeing Board

### Terms of Reference June 2023

#### 1. Context

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

#### 2. Purpose

- To work in partnership to make a positive difference to the health and wellbeing of the residents of Cheshire East through an evidence-based focus on improved outcomes and reducing health inequalities.
- To prepare and keep up to date the Joint Strategic Needs Assessments (JSNAs) and Joint **Local** Health and Wellbeing Strategy ~~ies~~ (JHWSs), which is a duty of local authorities and **integrated care boards. clinical commissioning groups (CCGs).**
- To lead integrated working between health and social care commissioners, including providing advice, assistance or other support to encourage arrangements under section 75 of the National Health Service Act 2006 (ie lead commissioning, pooled budgets and/or integrated provision) in connection with the provision of health and social care services.
- To be a forum that enables member organisations of the Board to hold each other to account for their responsibilities for improving the health of the population
- To assist in fostering good working relationships between commissioners of health-related services and the CEHWB itself.
- To assist in fostering good working relationships between commissioners **and providers** of health-related services (such as housing and many other local government services) and commissioners of health and social care services
- To undertake any other functions that may be delegated to it by the Council under section 196(2) of the Health and Social Care Act 2012.

Such delegated functions need not be confined to public health and social care.

- To provide advice assistance and support for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services.

### 3. Roles and Responsibilities

- 3.1 To work with the Council and **NHS Cheshire and Merseyside Integrated Care Board (ICB) CCG** effectively to ensure the delivery of the Joint Strategic Needs Assessment and Joint **Local** Health and Wellbeing Strategy.
- 3.2 To work within the CEHWB to build a collaborative partnership to key decision making that embeds health and wellbeing challenge, issue resolution and provides strategic system leadership.
- 3.3 To participate in CEHWB discussions to reflect the views of their partner organisations, being sufficiently briefed to be able to make recommendations about future policy developments and service delivery.
- 3.4 To champion the work of the CEHWB in their wider work and networks and in all individual community engagement activities.
- 3.5 To ensure that there are communication mechanisms in place within partner organisations to enable information about the CEHWB's priorities and recommendations to be effectively disseminated.
- 3.6 To share any changes to strategy, policy, and the system consequences of such on budgets and service delivery within their own partner organisations with the CEHWB to consider the wider system implications.

### 4. Accountability

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

Reviewed May/June 2023 V4

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

## 5. Membership

- 5.1 The ~~Core~~ membership of the CEHWB will comprise the following:

### ~~Voting m~~Members:

- **Three** councillors from Cheshire East Council\* <sup>1</sup> -~~(representing the Administration)~~
- The Director of Adult Social Services\*
- The Director of Children's and Families\*
- The Director of Public Health\*
- A local Healthwatch representative\*
- Two representatives from ~~the NHS Cheshire and Merseyside Integrated Care Board\*~~ ~~Clinical Commissioning Group~~
- ~~Two representatives from the Cheshire Integrated Care Partnership~~
- The Chair of the Cheshire East Place Health and Care Partnership
- The Executive Director of Place
- A Police and Crime Commissioner representative
- A Fire and Rescue Service representative
- A representative of CVS Cheshire East
- An additional representative of Children and Families
- A councillor from Cheshire East representing the main opposition group
- A representative of housing providers
- A representative of local businesses

### ~~Non-voting members:~~

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

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

<sup>1</sup> \* Statutory Members of the Board

Reviewed May/June 2023 V4

- 5.2 The ~~Core~~ Statutory Members will keep under review the Membership of the CEHWB and ~~if appropriate may appoint such additional persons to be members of the Board as it thinks appropriate (as set out in the Health and Social Care Act 2012 194 (8)). will make recommendations to Council on any changes to the Core Membership.~~ All Members of the Board will be voting members.
- 5.3 ~~The above Statutory Members<sup>2</sup> through a majority vote have the authority to recommend to Council that individuals be appointed as Voting Associate Members of the CEHWB. The length of their appointment of additional members will be determined by the Health and Wellbeing Board. membership will be for up to one year and will be subject to re-selection at the next Annual General Meeting "AGM" of the CEHWB. Associate Members They will assist the CEHWB in achieving the priorities agreed within the Joint Health and Wellbeing Strategy. and may indeed be chairs of sub-structure forums where they are not actual Statutory Members of the CEHWB.~~
- 5.4 ~~The above Statutory Members<sup>3</sup> through a majority vote have the authority to appoint individuals as Non-Voting Associate Members of the CEHWB. (Committee Procedure Rule 20.1 refers). The length of their membership will be for up to one year and will be subject to re-selection at the next Annual General Meeting "AGM" of the CEHWB.~~
- 5.45 Each ~~Core~~ Member has the power to nominate a single named substitute. If a Substitute Member be required, advance notice of not less than 2 working days should be given to the Council whenever practicable. The Substitute Members shall have the same powers and responsibilities as the ~~Core~~ Members.
- 6. Frequency of Meetings**
- 6.1 There will be no fewer than four ~~public~~ meetings per year ~~(including an AGM), usually once every three months. as a formal CEHWB.~~
- 6.2 Additional meetings of the CEHWB may be convened with ~~the~~ agreement of the ~~CEHWB's~~ Chairman.
- 7. Agenda and Notice of Meetings**
- 7.1 Any agenda items or reports to be tabled at the meeting should be submitted to the Council's Democratic Services no later than seven working days in advance of the next meeting. Generally, no business will be conducted that is not on the agenda.

<sup>2</sup> ~~Regulation 5(1) removes this restriction in relation to health and wellbeing boards by disapplying section 104(1) of the 1972 Act to enable the local authority directors specified in the 2012 Act to become members of health and wellbeing boards~~

<sup>3</sup> ~~Regulation 5(1) removes this restriction in relation to health and wellbeing boards by disapplying section 104(1) of the 1972 Act to enable the local authority directors specified in the 2012 Act to become members of health and wellbeing boards~~

Reviewed May/June 2023 V4

- 7.2 Any ~~voting~~ member of the Board may ~~approach~~ request the Chairman ~~of the Board~~ to deal with an item of business which the ~~voting~~ member believes is urgent and ~~under the circumstances~~ requires a decision of the Board. The Chairman's ruling of whether the requested item is considered / tabled or not at the meeting will be recorded in the minutes of the meeting.
- 7.3 Meetings of the Board shall be open to the press and public and the agenda, reports and minutes will be available for inspection at the Council's offices and on its website at least five working days in advance of each meeting. ~~In accordance with the Access to Information legislation, Democratic Services will circulate and publish the agenda and reports prior to the next meeting. Exempt or Confidential Information shall only be circulated to Core Members.~~ This excludes items of business containing confidential information or information that is exempt from publication in accordance with Part 5A and schedule 12A Local Government Act 1972 (as amended).
- 8. Annual General Meeting Election of Chairman**
- 8.1 The CEHWB shall elect the Chairman and Vice Chairman at ~~its first meeting in the Municipal year. each AGM,~~ The appointment will be a simple majority of those present and voting. ~~by majority vote of all Core voting Members present at the meeting.~~
- 8.2 For the avoidance of doubt, in the event of a tie when a vote is taken, the Chairman will have a casting vote. ~~The CEHWB will approve the representative nominations by the partner organisations as Core Members.~~
- 9. Quorum**
- 9.1 Any full meeting of the CEHWB shall be quorate if there is representation of any three of the following ~~statutory~~ members: ~~the relevant NHS Cheshire and Merseyside ICB GCG(s),~~ the Cheshire East Health and Care Partnership, Local Health Watch, a Councillor and an Officer of Cheshire East Council.
- 9.2 Failure to achieve a quorum within fifteen minutes of the scheduled start of the meeting, or should the meeting become inquorate after it has started, shall mean that the meeting will proceed as an informal meeting but that any decisions shall require appropriate ratification at the next quorate meeting.
- 10. Procedure at Meetings**
- 10.1 ~~General meetings of the CEHWB are open to the public and if~~ In accordance with the Council's Committee Procedure Rules, meetings will include a Public Question Time Session. ~~Papers, agendas and minutes will be published on the Cheshire East Health and Wellbeing website.~~
- 10.2 The Council's Committee Procedure Rules will apply in respect of formal meetings subject to the following:-
- 10.3 The CEHWB will also hold development/informal sessions throughout the year where all members are expected to attend and partake as the agenda suggests.

~~10.4 Core Members are entitled to speak through the Chairman. Associate Members are entitled to speak at the invitation of the Chairman.~~

10.45 With the agreement of the CEHWB, ~~sub~~ working groups (non-decision-making) and/or sub-committees (decision-making) can be set up to consider distinct areas of work. These subgroup will be responsible for arranging the frequency and venue of their meetings. The CEHWB will approve the membership. ~~of the subgroups.~~

10.56 Any working group or sub-committee subgroup recommendations will be made to the CEHWB who will consider them in accordance with these terms of reference and their relevance to the priorities within the Joint Local Health and Wellbeing Strategy and its delivery plan.

10.67 Whenever possible decisions will be reached by consensus or failing that a simple majority vote by those members entitled to vote.

## 11. Expenses

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

~~11.2 A modest CEHWB budget will be agreed annually to support engagement and communication and the business of the CEHWB.~~

## 12. Conflict of Interest

12.1 ~~All voting members of the Board are subject to the Cheshire East Council Code of Conduct. All members of the Board are required to uphold the Nolan Principles and all other relevant NHS or Council Code of Conduct requirements which are applicable to them. This includes the requirement to register and disclose pecuniary, registerable and other non-registerable interests at meetings where appropriate. In accordance with the Council's Committee Procedure Rules, at the commencement of all meetings all CEHWB Members shall declare disclosable pecuniary or non-pecuniary interests and any conflicts of interest.~~

~~12.2 In the case of non-pecuniary matters Members may remain for all or part of the meeting, participate and vote at the meeting on the item in question.~~

~~12.3 In the case of pecuniary matters Members must leave the meeting during consideration of that item.~~

## 13. Conduct of Core Members at Meetings

13.1 CEHWB members will agree to adhere to ~~the seven~~ principles and behaviours set out in Appendix One when outlined in the CEHWB Code of Conduct when carrying out their duties as a CEHWB member. ~~[Appendix 1].~~

## 14. Review

Reviewed May/June 2023 V4

- 14.1 The above terms of reference will be reviewed every two years at the **first meeting of the CEHWB in the Municipal year. AGM.**
- 14.2 Any amendments **to these terms of reference** shall only be **made included by consensus or a simple majority vote, prior to referral to the Corporate Policy Committee and Council.** by the Council, on the recommendation of the Corporate Policy Committee and the CEHWB.

January 2017

Revised July 2019

Revised August 2020

Revised April 2021

Revised June 2023

## Definition

### **Exempt Information**

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

### **Confidential Information**

*Information furnished to, partner organisations or the CEHWB by a government department upon terms (however expressed) which forbid the disclosure of the information to the public; and information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court are to be discussed.*

### **Conflict of Interest**

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

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

### **Associate Members**

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

### **Health Services**

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

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

### **Social Care Services**

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

## Appendix 1

## **CEHWB Member Code of Conduct**

### **1. Selflessness**

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

### **2. Integrity**

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

### **3. Objectivity**

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

### **4. Accountability**

Members of the Cheshire East Health and Wellbeing CEHWB are accountable for their decisions and actions to the public/patients of Cheshire East and must submit themselves to whatever scrutiny is appropriate

### **5. Openness**

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

### **6. Honesty**

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

### **7. Leadership**

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

## **Health and Wellbeing Board Principles and Behaviours**

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

- (a) Collaborate and work together on an inclusive and supportive basis, with optimal use of their individual and collective strengths and capabilities;
- (b) Engage in discussion, direction setting and, where appropriate, collective agreement, on the basis that all the Partners will participate where agreed proposals affect the strategic direction of the Health and Wellbeing Board and/or of Services, and in establishing the direction, culture and tone of the work and meetings of the Board;
- (c) Act in the spirit of partnership in discussion, direction setting and, where appropriate, collective agreement making;
- (d) Always focus upon improvement to provide excellent Services and outcomes for the Cheshire east population;
- (e) Be accountable to each other through the Board by, where appropriate, taking on, managing and accounting to each other in respect of their financial and operational performance;
- (f) Communicate openly about major concerns, issues or opportunities relating to the Board;
- (g) Act in a way that is best for the delivery of activity to drive forward the Five Year Plan, and shall do so in a timely manner and respond accordingly to requests for support promptly;
- (h) Work with stakeholders effectively, following the principles of co- design and co-production;

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## Cheshire East Statutory Health and Wellbeing Board

### Terms of Reference June 2023

#### 1. Context

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

#### 2. Purpose

- To work in partnership to make a positive difference to the health and wellbeing of the residents of Cheshire East through an evidence-based focus on improved outcomes and reducing health inequalities.
- To prepare and keep up to date the Joint Strategic Needs Assessments (JSNAs) and Joint Local Health and Wellbeing Strategy (JHWS), which is a duty of local authorities and integrated care boards.
- To lead integrated working between health and social care commissioners, including providing advice, assistance or other support to encourage arrangements under section 75 of the National Health Service Act 2006 (ie lead commissioning, pooled budgets and/or integrated provision) in connection with the provision of health and social care services.
- To be a forum that enables member organisations of the Board to hold each other to account for their responsibilities for improving the health of the population
- To assist in fostering good working relationships between commissioners of health-related services and the CEHWB itself.
- To assist in fostering good working relationships between commissioners and providers of health-related services (such as housing and many other local government services) and commissioners of health and social care services
- To undertake any other functions that may be delegated to it by the Council under section 196(2) of the Health and Social Care Act 2012.

Such delegated functions need not be confined to public health and social care.

- To provide advice assistance and support for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services.

### **3. Roles and Responsibilities**

- 3.1 To work with the Council and NHS Cheshire and Merseyside Integrated Care Board (ICB) effectively to ensure the delivery of the Joint Strategic Needs Assessment and Joint Local Health and Wellbeing Strategy.
- 3.2 To work within the CEHWB to build a collaborative partnership to key decision making that embeds health and wellbeing challenge, issue resolution and provides strategic system leadership.
- 3.3 To participate in CEHWB discussions to reflect the views of their partner organisations, being sufficiently briefed to be able to make recommendations about future policy developments and service delivery.
- 3.4 To champion the work of the CEHWB in their wider work and networks and in all individual community engagement activities.
- 3.5 To ensure that there are communication mechanisms in place within partner organisations to enable information about the CEHWB's priorities and recommendations to be effectively disseminated.
- 3.6 To share any changes to strategy, policy, and the system consequences of such on budgets and service delivery within their own partner organisations with the CEHWB to consider the wider system implications.

### **4. Accountability**

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

Reviewed May/June 2023 V4

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

## 5. Membership

- 5.1 The membership of the CEHWB will comprise the following:

Members:

- **Three** councillors from Cheshire East Council\* <sup>1</sup> (representing the Administration)
- The Director of Adult Social Services\*
- The Director of Children's and Families\*
- The Director of Public Health\*
- A local Healthwatch representative\*
- Two representatives from NHS Cheshire and Merseyside Integrated Care Board\*
- The Chair of the Cheshire East Place Health and Care Partnership
- The Executive Director of Place
- A Police and Crime Commissioner representative
- A Fire and Rescue Service representative
- A representative of CVS Cheshire East
- An additional representative of Children and Families
- A councillor from Cheshire East Council representing the main opposition group
- A representative of housing providers
- A representative of local businesses

The councillor membership of the CEHWB will be determined by Cheshire East Council.

- 5.2 The Statutory Members will keep under review the Membership of the CEHWB and may appoint such additional persons to be members of the Board as it thinks appropriate (as set out in the Health and Social Care Act 2012 194 (8)). All Members of the Board will be voting members.

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<sup>1</sup> \* Statutory Members of the Board

5.3 The length of the appointment of additional members will be determined by the Health and Wellbeing Board. They will assist the CEHWB in achieving the priorities agreed within the Joint Health and Wellbeing Strategy.

5.4 Each Member has the power to nominate a single named substitute. If a Substitute Member be required, advance notice of not less than 2 working days should be given to the Council whenever practicable. The Substitute Members shall have the same powers and responsibilities as the Members.

## **6. Frequency of Meetings**

6.1 There will be no fewer than four meetings per year, usually once every three months.

6.2 Additional meetings of the CEHWB may be convened with the agreement of the Chairman.

## **7. Agenda and Notice of Meetings**

7.1 Any agenda items or reports to be tabled at the meeting should be submitted to the Council's Democratic Services no later than seven working days in advance of the next meeting. Generally, no business will be conducted that is not on the agenda.

7.2 Any member of the Board may request the Chairman to deal with an item of business which the member believes is urgent and requires a decision of the Board. The Chairman's ruling of whether the requested item is considered / tabled or not at the meeting will be recorded in the minutes of the meeting.

7.3 Meetings of the Board shall be open to the press and public and the agenda, reports and minutes will be available for inspection at the Council's offices and on its website at least five working days in advance of each meeting. This excludes items of business containing confidential information or information that is exempt from publication in accordance with Part 5A and schedule 12A Local Government Act 1972 (as amended).

## **8. Election of Chairman**

8.1 The CEHWB shall elect the Chairman and Vice Chairman at its first meeting in the Municipal year. The appointment will be a simple majority of those present and voting.

8.2 For the avoidance of doubt, in the event of a tie when a vote is taken, the Chairman will have a casting vote.

## **9. Quorum**

9.1 Any full meeting of the CEHWB shall be quorate if there is representation of any three of the following members: – NHS Cheshire and Merseyside ICB , the Cheshire East Health and Care Partnership, Local Health Watch, a Councillor and a Statutory Officer of Cheshire East Council.

- 9.2 Failure to achieve a quorum within fifteen minutes of the scheduled start of the meeting, or should the meeting become inquorate after it has started, shall mean that the meeting will proceed as an informal meeting but that any decisions shall require appropriate ratification at the next quorate meeting.

## **10. Procedure at Meetings**

- 10.1 In accordance with the Council's Committee Procedure Rules, meetings will include a Public Question Time Session.
- 10.2 The Council's Committee Procedure Rules will apply in respect of formal meetings.
- 10.3 The CEHWB will also hold development/informal sessions throughout the year where all members are expected to attend and partake as the agenda suggests.
- 10.4 With the agreement of the CEHWB, working groups (non-decision-making) and/or sub-committees (decision-making) can be set up to consider distinct areas of work. These will be responsible for arranging the frequency and venue of their meetings. The CEHWB will approve the membership.
- 10.5 Any working group or sub-committee recommendations will be made to the CEHWB who will consider them in accordance with these terms of reference and their relevance to the priorities within the Joint Local Health and Wellbeing Strategy and its delivery plan.
- 10.6 Whenever possible decisions will be reached by consensus or failing that a simple majority vote by those members entitled to vote.

## **11. Expenses**

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

## **12. Conflict of Interest**

- 12.1 All members of the Board are required to uphold the Nolan Principles and all other relevant NHS or Council Code of Conduct requirements which are applicable to them. This includes the requirement to register and disclose pecuniary, registerable and other non-registerable interests at meetings where appropriate.

## **13. Conduct of Members at Meetings**

- 13.1 CEHWB members will agree to adhere to principles and behaviours set out in Appendix One when carrying out their duties as a CEHWB member.

## **14. Review**

- 14.1 The above terms of reference will be reviewed every two years at the first meeting of the CEHWB in the Municipal year.

- 14.2 Any amendments to these terms of reference shall only be made by the Council, on the recommendation of the Corporate Policy Committee and the CEHWB.

*January 2017*

*Revised July 2019*

*Revised August 2020*

*Revised April 2021*

*Revised June 2023*

## **Definition**

### **Exempt Information**

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

### **Confidential Information**

*Information furnished to, partner organisations or the CEHWB by a government department upon terms (however expressed) which forbid the disclosure of the information to the public; and information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court are to be discussed.*

### **Conflict of Interest**

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

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

### **Associate Members**

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

### **Health Services**

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

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

### **Social Care Services**

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

**Appendix 1****Health and Wellbeing Board Principles and Behaviours**

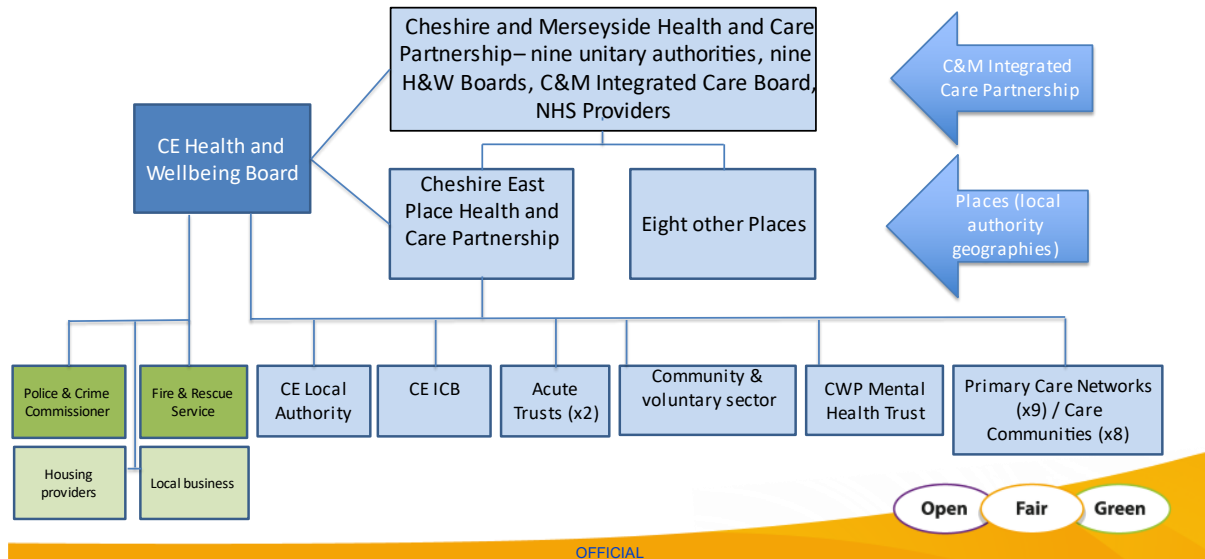
The Cheshire East Health and Wellbeing Board Partners shall work together to achieve the objectives of the Cheshire East Health and Wellbeing Strategy and The Cheshire East Place Partnership Five Year Plan. The Board shall:

- (a) Collaborate and work together on an inclusive and supportive basis, with optimal use of their individual and collective strengths and capabilities;
- (b) Engage in discussion, direction setting and, where appropriate, collective agreement, on the basis that all the Partners will participate where agreed proposals affect the strategic direction of the Health and Wellbeing Board and/or of Services, and in establishing the direction, culture and tone of the work and meetings of the Board;
- (c) Act in the spirit of partnership in discussion, direction setting and, where appropriate, collective agreement making;
- (d) Always focus upon improvement to provide excellent Services and outcomes for the Cheshire east population;
- (e) Be accountable to each other through the Board by, where appropriate, taking on, managing and accounting to each other in respect of their financial and operational performance;
- (f) Communicate openly about major concerns, issues or opportunities relating to the Board;
- (g) Act in a way that is best for the delivery of activity to drive forward the Five Year Plan, and shall do so in a timely manner and respond accordingly to requests for support promptly;
- (h) Work with stakeholders effectively, following the principles of co- design and co- production;

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## Appendix Three

### The Cheshire & Merseyside Integrated Care System



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## **Council**

**19 July 2023**

### **Supplementary Revenue Estimates and Supplementary Capital Estimates (Outturn 2022/23)**

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**Report of: Alex Thompson – Director of Finance and Customer  
Services – Section 151 Officer**

**Report Reference No: C/07/23-24**

**Ward(s) Affected: Not Applicable**

#### **Purpose of Report**

- 1 This report seeks approval from Council for supplementary revenue estimates and supplementary capital estimates as part of the Outturn reporting for 2022/23. These items will be noted by the Corporate Policy Committee on 19<sup>th</sup> July 2023. (**Appendix 1**)
- 2 The report supports the Council's vision to be an open Council as set out in the Corporate Plan 2021 to 2025. In particular, the priorities for being an open and enabling organisation, and ensuring that there is transparency in all aspects of Council decision making.

#### **Executive Summary**

- 3 Council is being asked to approve increased expenditure related to two fully funded supplementary revenue estimates and two fully funded supplementary capital estimates. The transactions form a part of the Outturn 2022/23 report that is being presented to Corporate Policy Committee on 19<sup>th</sup> July.
- 4 The supplementary revenue estimates are relating to expenditure budgets for grants that are in addition to those approved in the MTFs report in February 2023; the first is in relation to Afghan Wrap Around Support. and the second relates to the Cheshire & Warrington Local Enterprise Partnership Evergreen Fund.

- 5 The supplementary capital estimates are in relation to additional grant funding, for the Basic Need Funding allocation 2025/26 within the Children and Families capital programme, and a Department of Transport grant to support footway improvements within the borough.

## RECOMMENDATIONS

The Council is recommended to:

1. Approve the fully funded Supplementary Revenue Estimates over £1,000,000 as detailed in **Appendix 2**
2. Approve the fully funded Supplementary Capital Estimates over £1,000,000 as detailed in **Appendix 3**.

## Background

- 6 The budget and policy framework sets out rules for managing the Council's financial affairs and contains the financial limits that apply in various parts of the Constitution. As part of sound financial management and to comply with the Constitution any changes to the budgets agreed by Council in the MTFS require approval in line with the financial limits within the Finance Procedure Rules.

## Consultation and Engagement

- 7 As part of the budget setting process the Pre-Budget Consultation provided an opportunity for interested parties to review and comment on the Council's Budget proposals. The budget proposals described in the consultation document were Council-wide proposals and that consultation was invited on the broad budget proposals. Where the implications of individual proposals were much wider for individuals affected by each proposal, further full and proper consultation was undertaken with people who would potentially be affected by individual budget proposals.

## Reasons for Recommendations

- 8 The Council monitors in-year performance through a reporting cycle, which includes outturn reporting at year-end. Reports during the year reflect financial and operational performance and provide the opportunity for Members to consider, approve or recommend changes in line with the Council's Financial Procedure Rules.

- 9 The overall process for managing the Council's resources focuses on value for money and good governance and stewardship. Financial changes that become necessary during the year are properly authorised and this report sets out those areas where any further approvals are now required.
- 10 This report provides strong links between the Council's statutory reporting requirements and the in-year monitoring processes for financial and non-financial management of resources.

### **Other Options Considered**

- 11 Not applicable

### **Implications and Comments**

#### *Monitoring Officer/Legal*

- 12 The requirement for Council to approve the supplementary revenue estimates and supplementary capital estimates referred to above is in accordance with the Finance Procedure Rules in the Constitution.

#### *Section 151 Officer/Finance*

- 13 The Council's financial resources are agreed by Council and aligned to the achievement of stated outcomes for local residents and communities. Monitoring and managing performance helps to ensure that resources are used effectively, and that business planning and financial decision making are made in the right context.
- 14 The requirement for Council to approve the supplementary revenue estimates and supplementary capital estimates referred to above is in accordance with the Finance Procedure Rules.

#### *Policy*

- 15 Financial management supports delivery of all Council policies. The 2022/23 outturn position, ongoing considerations for future years, and the impact on general reserves will be fed into the assumptions underpinning the 2024 to 2028 Medium-Term Financial Strategy.

#### *Equality, Diversity and Inclusion*

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

### *Human Resources*

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

### *Risk Management*

- 18 Financial risks are assessed and reported on a regular basis, and remedial action taken if required. Risks associated with the achievement of the 2022/23 budget and the level of general reserves were factored into the 2023/24 financial scenario, budget, and reserves strategy.

### *Rural Communities*

- 19 The report provides details of service provision across the borough.

### *Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

- 20 The report includes expenditure relating to grant funding in respect to services to children and young people.

### *Public Health*

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

### *Climate Change*

- 22 Climate change implications that arise from activities that this report deals with will be covered within separate reports to Members or Officer Decision Records as required.

Access to Information	
Contact Officer:	Alex Thompson Director of Finance and Customer Services (Section 151 Officer) <a href="mailto:alex.thompson@cheshireeast.gov.uk">alex.thompson@cheshireeast.gov.uk</a> 01270 685876

Appendices:	Appendix 1 – Corporate Policy Report Appendix 2 – Supplementary Revenue Estimates Appendix 3 – Supplementary Capital Estimates
Background Papers:	The following are links to key background documents: <a href="#">Medium Term Financial Strategy</a> <a href="#">2022-23 Financial Update</a> <a href="#">Statement of Accounts and Annual Governance Statement</a>

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OPEN

## **Corporate Policy Committee**

**11 July 2023**

### **Provisional Financial Outturn 2022/23**

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**Report of: Alex Thompson: Director of Finance and Customer Services**

**Report Reference No: CP/9/23-24**

**Ward(s) Affected: Not applicable**

#### **Purpose of Report**

- 1 This report provides members with an overview of the Cheshire East Council provisional outturn for the financial year 2022/23. Members are being asked to consider the financial performance of the Council. The report also proposes treatment of year end balances that reflects risks identified in the Medium-Term Financial Strategy which was approved by Council in February 2023.
- 2 Highlighting financial performance across all Departments, and within Central Budgets shows how the Council is achieving its financial strategies and managing financial control and accountability.
- 3 Reporting the financial outturn at this stage, and in this format supports the Council's vision to be an open Council as set out in the Corporate Plan 2021 to 2025. In particular, the priorities for an open and enabling organisation, ensure that there is transparency in all aspects of council decision making.
- 4 The report also provides an early update on performance in 2023/24, in respect of the approved budget policy changes made in the MTFS 2023/24-27, at Council in February 2023.

#### **Executive Summary**

- 5 This report outlines how the Council managed its resources through sound financial planning, monitoring, and reporting to achieve outcomes and value for money. The report includes a narrative from the Council's Draft Group Accounts, to highlight financial performance within the year,

as well as associated appendices to show how the Council has achieved against the priorities contained within the Corporate Plan as well as other important financial matters.

- 6 The Outturn is reported as part of the Statutory Accounts and is therefore subject to audit. The audited Accounts will be presented to the Audit and Governance Committee on 28 September 2023.
- 7 The annexes and appendices attached to this report set out details of the Council's financial performance:
- 8 **Annex 1** – Narrative from the Draft Group Accounts – Provides context of the area and its people, commentary on performance and introduces the financial statements of the Council and the wider Group of Companies for the period 1 April 2022 to 31 March 2023.
- 9 **Annex 2** – Sets out the financial stability context and reasons for the outturn position. The annex contains an appendix for each service committee relating to revenue and capital budgets, debt and reserves. The Corporate Policy Committee will also receive appendices with updates to the Treasury Management Strategy and Investment Strategy as at 31 March 2023.
- 10 **Annex 3** – Update on performance from the MTFS 2023-27 on approved budget policy change items. A full review will be provided in at First Review in the September cycle of Committee meetings.

## RECOMMENDATIONS

The Corporate Policy Committee is recommended to:

1. Consider the overall financial performance of the Council in the 2022/23 financial year, as contained within the report, as follows:
  - a) A Net Revenue Overspend of £6.0m against a revised budget of £318.7m (1.9% variance) funded by the drawdown of £5.2m from the MTFS Earmarked Reserve and a reduction in the planned contribution to General Reserves by £0.8m.
  - b) General Reserves closing balance of £14.1m.
  - c) Capital Spending of £116.4m against an approved programme of £125.2m (7.0% variance).
2. Consider the contents of each of the following annexes:
  - a) **Annex 1 – Narrative from the Draft Group Accounts** – Provides context of the area and its people, commentary on performance and introduces the

financial statements of the Council and the wider Group of Companies for the period 1 April 2022 to 31 March 2023.

- b) **Annex 2 – Financial Stability** section provides information on the overall financial stability and resilience of the Council. Further details are contained in the appendices.
    - **Appendix 1** Adults and Health Committee.
    - **Appendix 2** Children and Families Committee.
    - **Appendix 3** Corporate Policy Committee.
    - **Appendix 4** Economy and Growth Committee.
    - **Appendix 5** Environment and Communities Committee.
    - **Appendix 6** Finance Sub-Committee.
    - **Appendix 7** Highways and Transport Committee.
    - **Appendix 8** Update to the Treasury Management Strategy.
    - **Appendix 9** Update to the Investment Strategy.
  - c) **Annex 3 – Update on tracked MTFS 2023-27 approved budget policy change items.**
3. Approve supplementary capital estimates (SCE) up to and including £1,000,000 and Capital Virements up to and including £5,000,000 in accordance with Financial Procedure Rules as detailed in **Annex 2: Appendix 6, Section 4, Table 5.**
  4. Note that Council will be asked to approve:
    - a) Fully funded supplementary revenue estimates over £1,000,000 in accordance with Financial Procedure Rules as detailed in **Annex 2: Appendix 6, Section 2, Table 3.**
    - b) Capital Supplementary Estimates over £1,000,000 in **Annex 2: Appendix 6, Section 4, Table 6.**
  5. Recommend to Service Committees to:
    - a) Consider the financial performance of the Council in the 2022/23 financial year relevant to their terms of reference.
    - b) Consider the delegated decisions relating to supplementary revenue estimates for specific grants coded directly to services in accordance with Financial Procedure Rules as detailed in **Section 2 of each Committee Appendix (Annex 2).**
    - c) Approve supplementary revenue estimates (SRE) over £500,000 up to and including £1,000,000:
      - i) Children and Families Committee **Annex 2: Appendix 2, Section 2, Table 2.**
    - d) Consider the update on performance with regard to the MTFS 2023-27 approved budget policy change items, in respect of Services within the remit of the Committee.

## Background

- 11 The recommendations within the 2022/23 Financial Reviews and the Medium-Term Financial Strategy (MTFS) were clear in the treatment of the outturn and future reserve balances.
- 12 The MTFS recognised emerging risks such as inflation and particularly the Dedicated Schools Grant (DSG) deficit, which highlighted there is no alternative funding.
- 13 The financial outturn for Cheshire East Council is an overspend of £6.0m. This is net of appropriate allocations to useable reserves. Further detail is provided in **Table 1** and **Annex 2**.
- 14 **Table 1:** Total Net Revenue Budget is overspent by £6.0m

2022/23 Outturn Review	Revised Budget (NET) £m	Provisional Outturn £m	Provisional Outturn Variance £m	Change since Third Review £m
<b>Service Committee</b>				
Adults and Health	121.7	132.2	10.5	1.6
Children and Families	78.6	83.8	5.2	1.7
Corporate Policy	39.7	39.0	(0.7)	(1.1)
Economy and Growth	23.0	21.3	(1.7)	(0.9)
Environment and Communities	43.6	45.8	2.2	(0.7)
Highways and Transport	13.7	12.1	(1.6)	(1.4)
<b>Sub-Committee</b>				
Finance Sub	(320.3)	(328.2)	(7.9)	(0.9)
<b>TOTAL</b>	<b>-</b>	<b>6.0</b>	<b>6.0</b>	<b>(1.7)</b>
<b>RELEASE OF RESERVES</b>				
MTFS Reserve			(5.2)	-
General Fund Reserve			(0.8)	1.7
<b>TOTAL</b>			<b>-</b>	<b>-</b>

- 15 To balance this position £5.2m was drawn down from the MTFS reserve, as forecast at the Third Financial review, with only £0.8m being required from the General Fund Reserve (£1.7m less than forecast).

- 16 General reserves have increased from £12.6m to £14.1m following the planned contributions to reserves, partly offset by the utilisation of £0.8m as noted above.
- 17 Expenditure on the capital programme is £116.4m against a revised forecast of £125.2m that was reported to the Finance Sub Committee on the 8 March 2023 as part of the Financial Update report. The underspend of £8.8m will be slipped into 2023/24 and budgets will be re-profiled as part of the outturn reporting. This level of slippage, at 7%, is the lowest variance on the Capital Programme in several years.
- 18 The original budget set in February 2022 was £185.2m, during 2022/23 project managers were asked to re-profile their forecasts resulting in the revised forecast of £125.2m. Capital receipts in year amounted to £4.9m against a forecast of £1.0m, in the first instance this improvement reduces potential borrowing costs. Treatment of capital receipts will be considered as part of the review of the Capital Strategy.
- 19 **Table 2:** Total Capital Expenditure and Funding for the financial years 2022/23, and 2023/24 to 2025/26.

	Outturn 2022/23 £m	Three Year Forecast			Total £m
		2023/24 £m	2024/25 £m	2025/26 £m	
<b>Expenditure</b>					
Children and Families	9.3	52.0	34.1	31.7	127.1
Adults and Health	0.0	0.5	0.0	0.0	0.5
Highways and Transport	65.6	69.6	77.4	128.4	341.0
Economy and Growth	21.0	93.4	55.2	78.7	248.3
Environment and Communities	13.2	11.3	16.7	0.6	41.8
Corporate Policy	7.3	13.6	9.7	5.9	36.5
<b>Total Expenditure</b>	<b>116.4</b>	<b>240.4</b>	<b>193.1</b>	<b>245.3</b>	<b>795.2</b>
<b>Funding</b>					
Grants and Other Contributions	53.8	159.9	141.6	139.1	494.4
Capital Receipts and Reserves	2.2	4.9	1.0	33.6	41.7
Borrowing	60.4	75.6	50.5	72.6	259.1
<b>Total Funding</b>	<b>116.4</b>	<b>240.4</b>	<b>193.1</b>	<b>245.3</b>	<b>795.2</b>

- 20 The Council's wholly owned companies' core contract expenditure was £37.94m in 2022/23, relating to services provided at cost for the Council. This position includes a net £1.5m of additional costs in year, relating to pay award pressures, significant inflation against contracts and materials, the legacy effects of Covid and increased demand for services; partly offset by improvements against waste tonnages,

bereavement income and staffing vacancies, and other efficiencies. The net increase in cost is reflected in the Council's outturn position, mainly against Environment & Communities Committee services, but also partly Highways & Transport Committee functions.

- 21 Ansa and Orbitas realised £0.356m in profits (after tax) from commercial activities. Although Transport Service Solutions (TSS) ceased trading on 31 March 2022, there were residual transactions in 2022/23, as part of winding down the company, generating a £0.106m surplus as at 31 March 2023, which will be paid as a final dividend in 2023/24. An interim dividend of £0.291m was paid in-year from TSS to the Council.
- 22 The Department of Levelling Up, Housing and Communities (DLUHC) put in place revised regulations stated that for that came into force on 22nd July 2022. The regulations stated that for the years 2022/23 to 2027/28 the deadline for the accounts to be signed off by has been extended from the 31 July to the 30 September.
- 23 The budget and policy framework sets out rules for managing the Council's financial affairs and contains the financial limits that apply in various parts of the Constitution. As part of sound financial management and to comply with the constitution any changes to the budgets agreed by Council in the MTFS require approval in line with the financial limits within the Finance Procedure Rules.

## **Consultation and Engagement**

- 24 As part of the budget setting process the Pre-Budget Consultation provided an opportunity for interested parties to review and comment on the Council's Budget proposals. The budget proposals described in the consultation document were Council wide proposals and that consultation was invited on the broad budget proposals. Where the implications of individual proposals were much wider for individuals affected by each proposal, further full and proper consultation was undertaken with people who would potentially be affected by individual budget proposals.

## **Reasons for Recommendations**

- 25 The recommendations in this report support the 'Reporting' element of the financial cycle.
- 26 The overall process for managing the Council's resources focuses on value for money, good governance, and stewardship. The approach to these responsibilities is captured in the Medium-Term Financial Strategy. Financial changes take place during the year and are

authorised in line with the Constitution. This report sets out where further approvals are required.

- 27 This report provides strong links between the Council's statutory reporting requirements and the in-year monitoring processes for financial and non-financial management of resources.
- 28 Outturn reporting provides an opportunity to check performance and management of risks against the Medium-Term Financial Strategy. The four-year MTFS is balanced and approved by Council, but risks were identified as part of this process which could require access to reserves. Members had regard to such risks as the deficit in Dedicated School Grant reserves and potential liabilities associated with the Extra Care Housing PFI (Private Finance Initiative) Scheme when approving the budget. To ensure transparency on management of such risks it is proposed that the improvement in the outturn supports an increase in the General Reserves of the Council which enhances overall financial stability.

### **Other Options Considered**

- 29 Outturn reporting could be delayed until post audit, to avoid the risk of provisional figures changing. This is not a recommended option as the audit completion certificate is not expected until September 2023. Delaying the reporting element of the financial cycle minimises the ability to react to issues during in-year monitoring. Provisional reporting has historically been accurate, so it is appropriate to react to the financial information provided in this report.
- 30 Positive variances, compared to the third quarter forecasts in 2022/23, could be allocated to budgets or reserves other than general reserves. This is not recommended as the MTFS has been agreed by Council with clear recognition of emerging risks that require mitigation. General Reserves are used to manage risk, in accordance with the Reserves Strategy. In the Planning cycle for the 2024/25 MTFS members will have to re-consider the robustness of all estimates and the overall adequacy of reserves based on up-to-date information and forecasts, which will include a review of the level of General Reserves

### **Implications and Comments**

#### *Monitoring Officer/Legal*

- 31 The legal implications surrounding the process of setting the 2022 to 2026 Medium-Term Financial Strategy were dealt with in the reports relating to that process. The purpose of this paper is to provide a progress report at the final outturn stage in 2022/23.

- 32 Other implications arising directly from this report relate to the internal processes of approving supplementary revenue estimates, supplementary capital estimates and virements referred to above which are governed by the Finance Procedure Rules.

#### *Section 151 Officer/Finance*

- 33 The Council's financial resources are agreed by Council and aligned to the achievement of stated outcomes for residents and communities. Monitoring and managing performance help to ensure that resources are used effectively, and that business planning and financial decision making are made in the right context.
- 34 The Council's Audit & Governance Committee is responsible for reviewing and analysing the Council's audited position at year-end. The Committee received the Draft Group Accounts on 8 June 2023, with final accounts due for approval by 30 September 2023 following public scrutiny, external auditing, and any associated recommendations to the Committee.
- 35 The forecast outturn for 2022/23, as reported within the MTFS, was used to inform the budget setting process for 2023/24. Analysis of the final outturn helps to inform the Council of potential issues arising for the 2023/24 budget or highlights potential underlying issues that can be managed in future budget setting cycles. It is important to note that the variations reported at outturn have not identified any significant risks to the 2023/24 budget.

#### *Policy*

- 36 This report is a backward look at Council activities during the final quarter.
- 37 The final outturn position, ongoing considerations for future years, and the impact on general reserves will be fed into the assumptions underpinning the 2024-28 Medium-Term Financial Strategy.

#### *Equality, Diversity, and Inclusion*

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

#### *Human Resources*

- 39 This report is a backward look at Council activities at outturn and states the year end position. Any HR implications that arise from activities funded by the budgets that this report deals with will be dealt within the

individual reports to Members or Officer Decision Records to which they relate.

### *Risk Management*

- 40 Financial risks are assessed and reported on a regular basis, and remedial action taken if required. Risks associated with the achievement of the 2022/23 budget and the level of general reserves were factored into the 2023/24 financial scenario, budget, and reserves strategy.

### *Rural Communities*

- 41 The report provides details of service provision across the borough.

### *Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

- 42 The report provides details of service provision across the borough and notes the overspend on Children in Care.

### *Public Health*

- 43 This report is a backward look at Council activities at the fourth quarter and provides the year end position. Any public health implications that arise from activities funded by the budgets that this report deals with will be dealt within the individual reports to Members or Officer Decision Records to which they relate.

### *Climate Change*

- 44 There are no direct implications for climate change.

<b>Access to Information</b>	
Contact Officer:	<p>Alex Thompson</p> <p>Director of Finance and Customer Services (Section 151 Officer)</p> <p><a href="mailto:alex.thompson@cheshireeast.gov.uk">alex.thompson@cheshireeast.gov.uk</a></p> <p>01270 685876</p>
Appendices:	<p><b>Annex 1</b> – Narrative from the Draft Group Accounts</p> <p><b>Annex 2</b> – Provisional Financial Outturn 2022/23</p>

	<b>Annex 3</b> – Update on tracked MTFS 2023-27 Approved Budget Policy Change items
Background Papers:	<p>The following are links to key background documents:</p> <p><a href="#">Medium-Term Financial Strategy</a></p> <p><a href="#">First Financial Review 2022/23</a></p> <p><a href="#">Financial Review 2022/23</a></p> <p><a href="#">Financial Review Update 2022/23</a></p> <p><a href="#">2022/23 Financial Update</a></p> <p><a href="#">Statement of Accounts and Annual Governance Statement (cheshireeast.gov.uk)</a></p>

## Appendix 2 Supplementary Revenue Estimates

Committee	Type of Grant	£	Details
Adults and Health  (Note in the Corporate Policy Report Annex 2: Appendix 6, Section 2, Table 3)	Afghan Wrap Around support  (Specific Purpose)	1,061,000	This grant is allocated by the Home Office to support Cheshire East with providing Wrap Around support to Afghan families.
Economy and Growth  Note in the Corporate Policy Report Annex 2: Appendix 6, Section 2, Table 3)	Local Enterprise Partnership (LEP): Evergreen  (Specific Purpose)	5,000,000	This grant is European Regional Development Fund (ERDF) funding, administered by the Department for Levelling Up, Housing and Communities (DLUHC). The grant is to provide loan and investment finance in relation to a Cheshire and Warrington urban development fund.
<b>Total Specific Purpose Allocations over £1,000,000</b>		<b>6,061,000</b>	

## Appendix 3 Supplementary Capital Estimates

Committee	Type of Grant	£	Details
<b>Children and Families</b>  Note in the Corporate Policy Report Annex 2: Appendix 6, Section 4, Table 6)	Basic Need (Department of Education)	2,442,238	This allocation is grant funding from the Department of Education for the 2025/26 Basic Need Allocation – not previously approved in the MTFS.
<b>Highways and Transport</b>  Note in the Corporate Policy Report Annex 2: Appendix 6, Section 4, Table 6)	Footpath Maintenance - Slurry Sealing & Reconstruction Works	1,319,000	Additional Department of Transport Funding - Roads Allocation to fund slurry sealing and reconstruction works on the Borough's footpaths.
<b>Total Supplementary Capital Estimates over £1,000,000</b>		<b>3,761,238</b>	

**COUNCIL – 19 JULY 2023****NOTICES OF MOTION****Submitted to Council in Accordance with the Council Procedural Rules****1 ACCESS TO THE NATIONAL PARKING PLATFORM****Proposed by Cllr Janet Clowes and Seconded by Cllr Mike Sewart**

- 1 That this Council joins the National Parking Platform (NPP) Pilot Expansion programme for Q2/Q3 2023, with immediate effect.
- 2 That this Council, on joining the NPP Pilot, incorporates current NPP evidential learning and practices into any future Car Park Charging Strategy for Cheshire East.

**Background**

Since the creation of Cheshire East Council in 2008, this Unitary Authority has failed in its best endeavours to introduce a fiscally sound, efficient and equitable car park charging strategy that meets and 'future-proofs' the related needs of Council, Businesses and Residents.

**THE NATIONAL PARKING PLATFORM (See Appendix A)**

The **NPP Pilot** was initiated by the Department of Transport (DoT) in 2019 as a joint project, hosted by Manchester City Council, DfT and Parking Matters. Over time, numerous additional partners have joined, including Liverpool City Council and CIPFA comparator authorities Cheshire West & Chester, Cornwall and Oxfordshire. The most recent NPP report was published in March 2023 and following the success of phases 1 to 3 of the pilot, the DfT has opened the Platform (Phase 4), to all Local Authorities and other interested parties for Q2/Q3 2023; (32 councils are now currently engaged).

**See the MAY 2023 NPP PRESENTATION:**

<https://npp-uk.org/assets/pdf/information-pack.pdf>

Some of the evidenced benefits for Local Authorities (NPP and BPA 2023) include:

- Reduced requirement for on-street equipment and improved customer experience. More choice has been proven to encourage greater use of cashless payment.
- Simplified procurement processes. Use of NPPco removes the requirement for public procurement of payment providers which promotes innovation and resilience.
- It is inexpensive to setup and operate (across all sizes of council)

Other benefits include reduced costs associated with enforcement, (a particular problem for Cheshire East council) and important synergies with other Cheshire East Policy Strategies and Policies (For example; Air Quality, Sustainable Transport, EV charging).

This is a unique and opportune moment for Cheshire East Council to access an evidence-based, national platform that will inform flexible, sustainable and cost-effective, borough-wide solutions now and into the future.

**APPENDIX A:** <https://npp-uk.org>**National Parking Platform  
NPP – A Brief Introduction**

Payment for parking is lagging behind developments in other markets and industries. Parking customers, both on-street and in car parks, face a fragmented market offering a wide variety of payment options making the simple act of parking and paying complex and confusing as options are dependent on where they want to park and which payment app they have (or don't have). The National Parking Platform (NPP) is a local authority owned and DfT funded pilot project that brings customer experience into the 21st century by facilitating data exchange, digital payments, and a new way of delivering better parking and mobility services. In essence, the NPP:

1. Provides a simplified and improved customer journey from start to finish for the end-customer
2. Creates a centralised and cost-efficient system supplying data to councils that can inform present and future strategic decisions
3. Enables a competitive, innovative market by allowing systems to communicate with each other via open data standards and interfaces (APDS/ISO TS 5206-1)
4. Is a publicly owned, not for profit, national facility that enables Parking Operators (public and private) to communicate digitally with Service Providers.

**The NPP has benefits for everyone****For the end-customer**

The NPP allows the customer to use their preferred service provider app (or integrated in-vehicle system) to find and pay for their parking at any participating location. The different service providers will compete for business by offering the best customer experience. The NPP also offers wider access to parking availability data leading to better journey planning, reducing circulating traffic searching for a place to park and the associated congestion and emissions.

**For local authorities**

The NPP can form a central and cost-efficient component of a local authority's parking technology infrastructure, enabling the supply of open data to app providers and enhancing the Council's customer service with the involvement of the Council's existing suppliers. It offers:

- Reduced requirement for payment equipment - improved customer experience and more choice encourage greater use of cashless payment
- Simplified procurement as the requirement for, and cost of, public procurement of payment providers is removed, and supplier lock-in avoided
- A simple way of publishing details of parking locations in an open data platform
  - Inexpensive set up and operation (for all sizes of Council) and a reduced cost of collecting parking revenues
  - Single, auditable session payment schedule from all payment providers
  - Secure environment where Councils own and control the data

It enables Councils to make informed strategic decisions on the implementation of policies to:

- Achieve sustainability goals (e.g. differential tariffs, air quality)
- Provide evidence to support tariff policies
- Encourage more sustainable journeys (providing information to support multi modal journeys)
- Support local businesses (through validation schemes etc.)
- Improve traffic management (through better information on parking availability)
- Monitor and optimise service performance and reduce costs e.g. intelligent enforcement

### For Private Operators

The NPP has similar benefits for Private Operators, ensuring that:

- • Car parks are 'digitally visible'
- • Customers can pay using their in-vehicle or favourite phone app
- • Features such as 'frictionless' parking and pay by app are simple to provide

### For the market

NPP encourages competition and innovation in the market by managing data on payments and vehicles using open data standards and interfaces (APDS/ISO TS- TS 5206-1), making it easier for systems to communicate with each other.

Barriers to entry for new players are removed, new services can gain access to the market, and a stable base for investors is created.

As a data source for parking place information, the NPP will also promote high quality data as the data will become the primary source for information supporting parking payments. Innovators can use the data to introduce new ways to pay for parking services, enhance these services, integrate additional services, and reduce the cost of living for motorists. This aligns the parking industry to today's expectations of an integrated system for the range of different motorist charges.

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#### 1. National Parking Platform Pilot Introduction

<https://npp-uk.org/assets/pdf/information-pack.pdf>

#### 2. British Parking Association

<https://www.britishparking.co.uk/National-Parking-Platform>

## 2 Commission an Independent Hydrogeology Report for the South Macclesfield Development Area

**Proposed by Cllr Chris O'Leary and Seconded by Cllr Janet Clowes**

We request that:

Council notes:

- that Cheshire East Council is the lead organisation and majority landowner for the *South Macclesfield Development Area* (SMDA), as identified in the 2017 Local development Plan;
- that as lead organisation and majority landowner, Cheshire East Council may prepare or commission additional information to provide assurance that proposals to develop the SMDA are sound;
- that Cheshire East Council, in its role as proposed developer of the South Macclesfield Development Area (SMDA) must submit appropriate, detailed ecological, environmental and groundworks data to support development of this extensive site and should include a full, hydrogeological assessment that investigates the impacts of any proposed development on below-surface water flows through the peat deposits of the SMDA, together with the effect this might have on synergistic water flows into or out of the adjacent Site of Special Scientific Interest (SSSI).
- That such detailed evidence should be submitted at the appropriate time for consideration by the Local Planning Authority (LPA) to enable the LPA to make fully informed planning decisions.

Cheshire East Council therefore resolves to:

- That this Council, as landowner and developer, commissions an independent HYDROGEOLOGY Report to provide a hydrogeological assessment that investigates the impacts of any proposed development on below-surface water flows through the peat deposits of the SMDA, together with the effect this might have on synergistic water flows into or out of the adjacent Danes Moss Site of Special Scientific Interest (SSSI) and;
- That this report is published in the public interest and used to review and inform past and future development decisions on this site.

**Schedule of Urgent Decisions Made by the Chief Executive following consultation with Members**

Date	Summary of decision	Decision on behalf of
4/7/2023	<p><b>Local Authority Housing Fund</b></p> <p>The Department of Levelling Up, Housing and Communities (DLUHC) allocated up to £1,833,000 in grant monies to the Council under the Afghan Resettlement Scheme, for the purposes of bridging accommodation, and to ease wider homelessness pressures.</p> <p><b>Decision</b></p> <ul style="list-style-type: none"> <li>a. Approved confirmation of Cheshire East Council's intention to deliver 8 units in partnership with Registered Housing Providers, and engagement with them to deliver the agreed number of homes and to provide the required match funding.</li> <li>b. Authorised the Director of Growth and Enterprise and the Section 151 Officer to enter into the Memorandum of Understanding with the DLUHC to accept the grant allocation, to take all other necessary measures to fully administer and distribute the grant, and to enter into an appropriate legal agreement with Registered Housing Providers in order to deliver the requirements and objectives of the scheme.</li> <li>c. Approved a supplementary capital estimate of up to £1.8million for the financial year 2023/24.</li> </ul> <p><a href="#"><u>Decision - Local Authority Housing Fund   Cheshire East Council</u></a></p>	Council

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