

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Corporate Policy Committee**
held on Thursday, 14th April, 2022 in The Ballroom, Sandbach Town Hall,
High Street, Sandbach, CW11 1AX

PRESENT

Councillor S Corcoran (Chair)
Councillor A Stott (Vice-Chair)

Councillors C Browne, C Bulman (for Cllr Flavell), J Clowes, J P Findlow,
R Fletcher, S Gardiner, N Mannion, A Martin, A Moran (for Cllr Warren),
K Parkinson and J Rhodes

Other Members present

Councillors J Bratherton, D Brown, L Gilbert, S Holland, D Marren, R Moreton,
D Murphy, S Pochin, B Puddicombe and L Smetham

Officers in attendance

Lorraine O'Donnell, Chief Executive
Jane Burns, Executive Director of Corporate Services
Helen Charlesworth-May, Executive Director of Adults, Health and Integration
David Brown, Director of Governance and Compliance
Alex Thompson, Director of Finance and Customer Services
Sarah Bullock, Director of Policy and Change
Brian Reed, Head of Democratic Services and Governance
Peter Jones, Planning, Highways and Litigation Lawyer
Nick Billington, Economic Research & Intelligence Officer
Diane Barnard, Electoral Services Team Leader
Leanne Austin, Elections Officer
Rose Hignett, Elections Consultant
Laura Bateman, Senior Project Manager
Jo Wise, Development and Regeneration Delivery Manager
Paul Mountford, Democratic Services

Apologies

Councillors K Flavell and M Warren

91 DECLARATIONS OF INTEREST

The Chair reminded members of the dispensation within the Cheshire East Member Code of Conduct which allowed them to take part and vote on Community Governance Review matters in which they had disclosable pecuniary and prejudicial interests without having to declare an interest. Legal advice on the matter had been circulated to members prior to the meeting.

Councillor Gardiner declared that with regard to Item 6, Wilmslow Town Centre BID, he had yesterday engaged with a senior official from

Groundwork in the course of his work. There had been no discussion regarding the BID.

92 PUBLIC SPEAKING TIME/OPEN SESSION

The following is a brief summary of the submissions made in relation to the community governance review by representatives of town and parish councils.

Councillor Ken Edwards, Bollington Town Council, expressed his council's disappointment that the report did not recommend the Town Council's proposal that the boundary between Bollington and Rainow be amended to include the settlement at Ingersley Vale within Bollington. He asked that the matter be reviewed as part of the next Cheshire East ward boundary review.

Councillor Fiona Wilson, Deputy Mayor of Macclesfield, welcomed the revised recommendations for Macclesfield that the current seating allocation worked well and that a community governance review of the Town Council would be premature.

David McGifford, Chief Officer of Congleton Town Council, expressed the Town Council's view that the town's boundary should be extended to the new link road. He requested that the Committee move forward with those arrangements that were not being challenged, and that a more detailed review be undertaken for those that had significant issues, including Congleton Town Council.

Councillor Alan Watkinson, Holmes Chapel Parish Council, expressed the council's disappointment that the area comprising the Bluebell Green and Dunkirk Farm residential developments was not to be transferred from Brereton to Holmes Chapel. He asked that the matter be referred back for further scrutiny.

Councillor Andy Lindsay, Chair of Brereton Parish Council, expressed his council's support for the proposals for Brereton, including the retention of Bluebell Green and Dunkirk Farm within the parish of Brereton.

Councillor Russell Jones, Shavington-cum-Gresty Parish Council, outlined the arrangements his council had made regarding consultation with local residents, including a community survey and the distribution of three booklets to local residents, which information had also been available on the Parish Council's website. Details had been circulated to members of the Corporate Policy Committee by the Clerk to the Parish Council before the Committee's meeting. Councillor Russell Jones asked the Committee not to support any proposal to change the recommendations in the report regarding the boundary between the parishes of Wybunbury and Shavington-cum-Gresty.

Councillor Trevor Lightfoot, Chair of Wybunbury Parish Council, expressed his council's view that the boundary between the parishes of Wybunbury and Shavington-cum-Gresty should be the Newcastle Road.

Mark Bailey, Clerk to Burland Parish Council, was speaking on behalf of Burland Parish Council and had also been authorised to speak on behalf of Acton, Edleston and Henhull Parish Council. He expressed both councils' appreciation of the relevant Cheshire East committees and officers for listening and taking note of their views. Mr Bailey mentioned that the name for the proposed merged council in the report was Burland and Acton; concern had been expressed in some quarters that the name should be Acton and Burland. However, neither existing council had a strong view on the matter. Finally, Mr Bailey expressed the councils' view that the proposed number of 9 councillors for the new parish should be increased to 10, 11 or 12.

The Chair thanked the public speakers for their comments.

93 MINUTES OF PREVIOUS MEETING

In connection with resolution 3 of Minute 82 – ARAP/ACRS Bridging Hotel and Resettlement Scheme - Councillor N Mannion reported that the Council had written to 22 developers last week at a local, regional and national level. So far, two responses had been received, one negative and the other conditional. He would provide a further update at the next meeting of the Economy and Growth Committee.

RESOLVED

That the minutes of the meeting held on 3rd March 2022 be approved as a correct record.

94 COMMUNITY GOVERNANCE REVIEW OF TOWN AND PARISH COUNCIL GOVERNANCE

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

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

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

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

Councillor L Gilbert, disagreed with the proposal not to transfer the area of Bluebell Green and Dunkirk Farm from Brereton to Holmes Chapel and asked the Sub-Committee to support the transfer for reasons of community identity. He proposed that a date be set aside for further consideration of those cases where alternative proposals had been put forward.

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

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

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

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

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

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

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

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

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

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

'That

- 1 the Sub-Committee recommends to the Corporate Policy Committee that the recommendations made in the review of Community Governance, contained in Appendices 1, 2 and 3 to the report, will ensure that:*
 - 1 The proposed community governance arrangements reflect the identities and interests of the community in the Borough of Cheshire East; and*
 - 2 The proposed community governance arrangements are effective and convenient; and*
- 2 in order to minimise unnecessary printing of agenda papers, it will be assumed that all Members of the Corporate Policy Committee, and Council, will rely upon the electronic link to the appendices of the report, and that the appendices will therefore not be printed for each Member; further, that if any Member has a specific need for any part of parts of the appendices to be printed, they will make their own arrangements to print limited sections of the appendices, or request such printed sections to be provided by officers.'*

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

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

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

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

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

Mr Peter Jones, Legal Adviser to the Community Governance Review Sub-Committee, advised that when deciding the merits or otherwise of adopting different proposals that have arisen during the meeting, members would need to satisfy themselves that any new or revised proposals better met the statutory tests than the proposal(s) that were made in the report, having regard to the summary of the consultation response and the recommendations in the report. In turn, Members should ensure that a revised proposal:

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

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

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

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

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

RESOLVED

That

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

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

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

The Committee adjourned at 3.03pm for a period of 10 minutes.

95 PROGRESS ON GOVERNANCE FOR THE INTEGRATED CARE SYSTEM

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

Members made the following comments in relation to this matter:

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

RESOLVED

That the Committee

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

96 WILMSLOW TOWN CENTRE BUSINESS IMPROVEMENT DISTRICT

The Committee considered a report on a proposal for a Business Improvement District (BID) in Wilmslow Town Centre. A formal notification had been submitted to the Council, setting out the intention of Groundwork CLM, on behalf of the Wilmslow Town Centre Management Group, to put a proposal for a Wilmslow Town Centre Business Improvement District (BID) to a ballot.

The report provided information on BIDs, on the emerging draft Wilmslow Town Centre BID proposal and the anticipated implications of the notification. It sought decisions to enable officers to respond appropriately to the notification. The Council was not being asked to take a decision on the BID proposal itself at this stage; once the details of the proposal were known, a second report would be submitted to the Economy and Growth Committee.

Officers reported that the estimated levy for Council-owned assets within the BID area as reported in paragraph 8.1.3 of the report had been revised to £5,500 a year.

Members raised the following questions and comments in relation to the report:

- Would a business within a BID area be disqualified from applying for other grants or forms of economic assistance? The Development and

Regeneration Delivery Manager undertook to provide a written response to the Committee.

- It was important for members to know what benefits the Council would receive in exchange for providing public funds.
- Details of the baseline services provided by the Council should be made available to members.
- Could NHS providers within the BID area be exempted from paying the levy? Officers advised that it was for the BID proposer to decide on any exemptions; this could be discussed with them.

RESOLVED

That

1. The Executive Director of Place shall notify the BID proposer of the Council's intention to seek to recoup the costs to the Council arising from BID development, BID ballot and levy collection.
2. On receipt of the Wilmslow Town Centre Business Improvement District (BID) proposal:
 - (a) The Chief Executive as Returning Officer and "Ballot Holder" shall check the BID proposal against the requirements set out in the BID Regulations, and subject to the BID proposal meeting the necessary requirements, shall make all necessary arrangements for the Wilmslow Town Centre (BID) proposal ballot to take place, and for the results of the ballot to be counted and declared on behalf of the BID proposer.
 - (b) The Executive Director of Place shall take a further report to the Economy and Growth Committee, outlining the detail of the BID proposal and seeking any necessary further authority to respond.
3. Subject to a "yes" vote at ballot, the Executive Director of Place shall ensure that a final review of the BID proposal is undertaken and shall determine whether there is any cause to veto the proposals, having regard to all relevant matters as prescribed by the BID Regulations; and following that determination shall either confirm that the Council will not veto the BID proposals or serve a notice to exercise a veto.
4. Subject to a "yes" vote at ballot, and the Executive Director of Place confirming that the Council will not veto the BID proposals:
 - (a) The Council's Monitoring Officer shall make necessary arrangements for the completion and updating of such legal agreements as he considers necessary to facilitate the BID, including agreements ensuring clarity around baseline service levels within the BID area, and clarity of arrangements for collection and management of the BID levy.

- (b) The Council as billing authority shall make necessary arrangements for billing, collection and enforcement of the BID levy, and its transfer to Wilmslow Town Centre BID.

97 OPEN DATA - ANNUAL REPORT

The Committee considered an update report on the Council's commitment to provide access to open data. The report provided an opportunity to review progress made in the delivery of the Council's ambition to work towards making all public data (that was not sensitive or personal) freely available in a variety of formats suitable for re-use. The benefits to the Council of promoting open data were summarised in paragraph 5.2 of the report.

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

- The timing of responses to enquiries from customers would depend on the nature of the enquiry but responses would generally comply with the Council's customer response standards. Responses to Freedom of Information requests would comply with the 20 day rule.
- Further guidance and information could be provided to members on the working of the Insight Cheshire East Website. Members asked if this could include suitable training such as a teach-in for existing and new members.
- The Customer Experience workstream was an officer project group considering how responsive and timely the Council was in responding to its service users and how improvements could be made.
- Members asked how many requests for information under the Freedom of Information Act had been declined in percentage terms on the grounds that this would involve the disclosure of restricted information. The Director of Policy and Change undertook to provide a written response to the Committee.

RESOLVED

That the Committee

1. notes the progress made to date to support the Council's continued commitment to ensuring that there is transparency in all aspects of Council decision-making and requests an annual report on progress;
2. supports the use of the Insight Cheshire East website to hold and provide a mechanism to share Census 2021 data and to ensure that the Council provides transparency about how and where this data is used to inform decision-making by the Council; and
3. supports open data accreditation for all data which is currently available via the Insight Cheshire East website.

98 FIRST ANNUAL REVIEW OF THE COMMITTEE SYSTEM

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

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

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

- The criteria for the new committee system provided that any additional costs would be kept to a minimum. The outturn figures for this year would be calculated at year end. Whilst a potential additional cost had been anticipated, additional provision had not been made within the Democratic Services budget to support the new committee system and to date officers had not recorded an overspend. However, the Council had not yet had a full year of normal running costs since the start of the pandemic, it was unlikely that a definitive position on costs could be arrived at for the first year of operation of the system.
- The wording for the Member Code of Conduct had been adopted from the Nolan Principles. The wording for the Officer Code of Conduct reflected the particular roles of officers. However, it was open to the Constitution Working Group to review the Officer Code of Conduct to decide whether transparency should be considered further as part of its future work programme.
- The Director of Governance and Compliance was not aware of any impending judicial review relating to the operation of the committee system.
- The scrutiny role as set out in the constitution could be reviewed and developed further alongside the development of the Integrated Care System arrangements.
- The next annual review report would be submitted to the Committee in July 2023 so that the review covered a whole 12 month period of the committee system.

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

RESOLVED

That the Committee recommends that Council:

1. note the comparative data and successful operation of the committee system to date in Appendix 1 to the report;

2. agree the revisions to the Constitution in Appendices 2 to 4;
3. agree the future work to be undertaken in Part 3 of the report; and
4. require a further annual review report at its meeting scheduled to be held in July 2023.

99 WORK PROGRAMME

The Executive Director of Corporate Services advised that the Committee's work programme for 2022-23 was in development and would be shared with members of the Committee prior to their next scheduled meeting.

RESOLVED

That the current progress with the work programme for 2022-23 be noted.

100 MINUTES OF SUB-COMMITTEES

RESOLVED

That the minutes of the meeting of the Finance Sub-Committee on 2nd March 2022 be received.

101 REPORTING OF URGENT DECISIONS

There were no urgent decisions to report.

The Chair took the opportunity to report that 13 Ukrainian refugees had so far arrived in the Borough. On behalf of the Council, he welcomed them.

290 people had applied for visas and were coming to Cheshire East. 118 sponsors had so far offered accommodation across the Borough.

The Chair outlined the two schemes that the Council was supporting and the work the Council was undertaking to support Ukrainian refugees, including the carrying out of safeguarding checks, and he thanked officers for their work.

The Chief Executive added that the Council was engaging with the Home Office and others to share information and confirmed that the Council had a single point of contact. She undertook to consider what financial and other support the Council could provide for refugees who did not qualify for financial support.

The meeting commenced at 1.00 pm and concluded at 4.40 pm

Councillor S Corcoran (Chair)