

Constitution Committee

Agenda

Date:	Thursday 24th January 2013
Time:	2.00 pm
Venue:	Committee Suite 1,2 & 3, Westfields, Middlewich Road, Sandbach CW11 1HZ

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

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

1. **Apologies for Absence**

2. **Declarations of Interest**

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

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

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the meeting. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

For requests for further information

Contact: Paul Mountford

Tel: 01270 686472

E-Mail: paul.mountford@cheshireeast.gov.uk with any apologies

4. **Minutes of Previous meeting** (Pages 1 - 10)

To approve as a correct record the minutes of the meeting held on 26 November 2012

5. **Questions at Cabinet** (Pages 11 - 14)

To consider a report which invites the Committee to consider a proposal from the Leader of the Council which would lead to a new provision in the Constitution providing for questions to be put to Cabinet Members at Cabinet meetings by Members of the Council.

6. **Macclesfield Members Forum and the Macclesfield Local Service Delivery Committee** (Pages 15 - 22)

To consider a request from the Members representing the unparished area of Macclesfield to establish a Macclesfield Members Forum pending the outcome of the Community Governance Review for Macclesfield.

7. **Frequency of Meetings** (Pages 23 - 42)

To consider a report that seeks the views of the Committee upon whether the frequency of the Council's meetings should be reviewed.

8. **Scheme of Delegation for Director of Public Health** (Pages 43 - 54)

In advance of the transfer of public health responsibilities to Local authority control on 1st April 2013, the Committee is asked to consider recommending to Council changes to the Officer Scheme of Delegation to ensure that the Director of Public Health is empowered to undertake their role.

9. **Review of Powers and Responsibilities of Officers** (Pages 55 - 58)

Subject to the Scheme of Delegation Member Working Group completing its deliberations, the Committee is asked to recommend to Council the approval of the revised draft section of the Constitution on Powers and Responsibilities of Officers, with any appropriate amendments

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Constitution Committee**
held on Monday, 26th November, 2012 at Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor A Martin (Chairman)
Councillor D Marren (Vice-Chairman)

Councillors C Andrew, G Baxendale, D Brickhill (for Cllr Moran), P Groves,
S Hogben, S Jones, W Livesley, B Murphy, D Newton and P Whiteley

Officers

Brian Reed, Democratic and Registration Services Manager
Julie Openshaw, Deputy Monitoring Officer
Paul Jones, Democratic Services Team Manager
Lindsey Parton, Registration Service and Business Manager
Paul Mountford, Democratic Services Officer

Apologies

Councillors A Moran, D Topping and G Wait

The Chairman welcomed Councillor Andrew to the meeting following her recent appointment to the Committee.

The Chairman also welcomed Mrs Janet Rushbrooke, Chairman of the Independent Remuneration Panel.

28 DECLARATIONS OF INTEREST

There were no declarations of interest.

29 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

30 MINUTES OF PREVIOUS MEETING

It was noted that the minute on Petitions had been referred back to the Committee for further consideration.

RESOLVED

That with the above amendment the minutes of the meeting held on 20th September 2012 be approved as a correct record.

**31 RE-ORGANISATION OF COMMUNITY GOVERNANCE (CREWE)
ORDER 2012 AND MINI REVIEW OF ELECTORAL ARRANGEMENTS
FOR THE PARISH OF LEIGHTON**

The Committee considered the recommendations of the Community Governance Review Sub-Committee on a review of the electoral arrangements for the Parish of Leighton, arising from the proposed boundary change to the Leighton Urban Ward.

The minutes of the Sub-Committee's meeting of 22nd November 2012 were circulated at the meeting.

The review had considered the timing of the proposed boundary change, the timing of parish elections and whether there was a need to increase the number of parish councillors. Minshull Vernon and District Parish Council had been consulted and its views had been taken into consideration.

RESOLVED

That having considered the outcome of the mini-review of the electoral arrangements for the Parish of Leighton, the Committee recommends to Council that

- (1) the change to the boundary of the Leighton Parish take effect from 1st April 2013;
- (2) no parish elections be held until 2015 but Cheshire East Council take steps to advertise the current vacancies on the Parish Council;
- (3) the number of parish councillors for Leighton remain unchanged at the present time but the number be reviewed when Cheshire East Council conducts its community governance review of parish councils;
- (4) accordingly, paragraph 10 of the draft order be retained in its present form; and
- (5) the draft reorganisation order be approved.

32 NOTICE OF MOTION - MOTIONS TO COUNCIL

The Committee considered the following motion which had been proposed by Councillor Arthur Moran and seconded by Councillor David Brickhill at the Council meeting on 19th July 2012 and referred to the Committee for consideration:

"That all motions that are referred by Council to a Committee or Cabinet must be put on the agenda of the next meeting of that body or brought back to the next Council meeting for vote on a final decision."

The motion had provided an opportunity for the Committee to consider more fully the provisions relating to Notices of Motion to see where improvements to the procedure could be made. Some of the existing provisions were in need of modernisation to reflect contemporary usage and methods of electronic communication. In addition, some inconsistencies of approach had been identified.

RESOLVED

That having considered the motion and having reviewed more fully the provisions relating to notices of motion as set out in the Constitution, the Committee recommends to Council that

- (1) the Democratic and Registration Services Manager be a nominated recipient of notices of motion (in addition to the Monitoring Officer) in order to enable Members to lodge notices of motion when the Monitoring Officer is not available;
- (2) Members should be permitted to submit notices of motion by email, and a hard copy signature of the Members in question should not be a requirement of the process;
- (3) the wording of the rules should be amended to make it clear that the full text of the notice of motion would be reproduced in the agenda for the Council meeting;
- (4) a notice of motion should be permitted to be withdrawn:
 - (a) prior to the Council meeting if an indication to this effect is given in writing to at least one of the above-named officers by the member who submitted the notice; or
 - (b) at the Council meeting if oral notice to this effect is given by the member who submitted the notice, provided that the motion has not already been moved and seconded;
- (5) there should be no distinction in the rules between executive and non-executive functions, there being just one rule which simply requires the motion in question to be referred to the relevant decision-making body, which will be announced at Council by the Mayor;
- (6) each motion should then be referred to the relevant decision-making body for determination, without the need for any reference back to Council except where:
 - (a) arising from consideration of the motion, the Constitution Committee recommends to the Council a change to the Constitution; or

- (b) there is some other legal or Constitutional requirement for the matter to be referred back to Council;
- (7) following the moving and seconding of the motion in question, the mover and seconder having been given the opportunity to speak, the motion shall stand referred without debate to the appropriate decision-making body and the proposer and seconder shall have the right to speak at the meeting of the body to which the motion is referred;
- (8) unless the chairman of the appropriate decision-making body agreed there were good reasons not to do so, notices of motion must be referred to that body within two meeting cycles, and the proposer and seconder of the motion would be consulted before the chairman decided the matter;
- (9) the existing provision be retained whereby the Mayor may determine that it is conducive to the despatch of business for a motion to be dealt with in full at the Council meeting;
- (10) no notice of motion which, in the opinion of the Mayor, deals with the same or a similar matter to one which had come before Council during the previous 6 months should be included on the Council agenda; and
- (11) the Borough Solicitor be authorised to make such changes to the Constitution as she considers necessary to give effect to the wishes of Council.

33 NOTICE OF MOTION - RIGHT TO SPEAK AT MEETINGS

The Committee considered the following motion which had been proposed by Councillor A Moran and seconded by Councillor P Edwards at the Council meeting on 19th July 2012 and referred to the Committee for consideration:

“That visiting members to all Cabinet meetings, committees and sub-committees have the right to speak once on each separate item on the agenda before the debate proper commences. This will apply to all items on the agenda including part 2 items.”

Under the current arrangements as set out in the Constitution, any member may attend any meeting and, with the consent of the chairman or person presiding, speak on any matter on the agenda. Special circumstances applied to planning meetings and Licensing Act Sub-Committee meetings.

The Committee considered the implications of the motion for the efficient management of meetings and in particular the potential for delay if a significant number of visiting members wished to speak on a number of items.

RESOLVED

That Council be recommended that no action be taken.

34 NOTICE OF MOTION - CONFIDENTIALITY

The Committee considered the following motion which had been proposed by Councillor B Murphy and seconded by Councillor P Edwards at the Council meeting on 19th July 2012 and referred to the Committee for consideration:

“In the light of the ever-growing demand for public accountability in public services and the need to sustain public trust and confidence in democratic governance, this Council calls for a review of its policies and protocols in relation to confidentiality.”

Councillor Murphy stated that his aim was to maximise transparency and openness and that there needed to be greater clarification as to why something should be treated as confidential or commercially sensitive.

In considering this matter, Members also considered the merits of including additional areas of information in the Council's publication scheme, such as departmental structures and information on the Council's land holdings and assets.

RESOLVED

That the officers review the approach to confidentiality and the publication of information in this and other local authorities and consult all members of the Council and appropriate Council decision-making bodies before reporting back to the Committee.

35 NOTICE OF MOTION - START TIME OF COUNCIL PUBLIC MEETINGS

The Committee considered the following motion which had been proposed by Councillor D Brickhill and seconded by Councillor A Moran at the Council meeting on 11th October 2012 and referred to the Committee for consideration:

“That in view of the increasingly bad traffic congestion in the morning rush hours all this Council's public meetings, which cause additional traffic to travel in these periods, should never start before 10 am if held in Sandbach and not before 10.30 am if held elsewhere.”

Work had commenced on the Calendar of Meetings for 2013/14. The vast majority of meetings were scheduled to start at 2.00pm in the afternoon and would therefore be unaffected by the proposed motion. For those meetings that commenced in the morning, the start times were either 10.00am or 10.30am. The scheduled slot for Portfolio Holder meetings

was 9.00 am to 11.00 am Mondays to allow Cabinet Members to attend other meetings later in the day. Flexibility was also required in arranging ad hoc meetings.

RESOLVED

That Council be recommended that no action be taken.

36 NEW OUTSIDE ORGANISATION - THE NANTWICH PARTNERSHIP

The Committee received a report on a new outside organisation, The Nantwich Partnership.

The body had been set up to promote the improvement of the economic, social, environmental and cultural health of the Nantwich area. The Council had been invited to appoint representatives to the body. The Outside Organisations Sub-Committee at its meeting on 20th September 2012 had agreed to add the Partnership to the Category 2 list of outside organisations. Clarification was still awaited as to the number of Cheshire East Council representatives to be appointed.

RESOLVED

That

- (1) the addition of the Nantwich Partnership to the list of Category 2 (Constitution Committee) approved Outside Organisation appointments be noted;
- (2) subject to further clarification, two Cheshire East Councillors be appointed to the Partnership, one from each of the two Nantwich wards; and
- (3) accordingly, Councillors P Groves and A Moran be nominated as the Council's representatives on the body.

37 COUNCIL GOVERNANCE ARRANGEMENTS

The Committee considered a report on proposed changes to the governance arrangements of the Council which gave effect to the decision taken at the Annual Council meeting in May 2012.

The report recommended changes to the Council's scrutiny structure and the establishment of new policy development groups.

Six new policy development groups would be established which would play a central role in the Council's decision-making processes. The groups would actively involve backbench Members on a cross-party basis, giving them a key role in the formulation of policy. They would operate closely with both scrutiny committees and the Cabinet, both being informed by

and informing the work of those bodies. The groups would hold some meetings in private, particularly in the initial stages, but would also meet regularly in public to ensure open accountability for their decisions.

The number, focus and role of the scrutiny committees would change. There would be three scrutiny committees focussing on the way the Council works as a service commissioner and deliverer, as well as on health and wellbeing and community safety.

Further details of the proposals were set out in the report and its appendices.

RESOLVED

That Council be recommended to agree that

- (1) the arrangements set out in the report be adopted with immediate effect;
- (2) the new Policy Development Groups referred to in the report be formally established, with the terms of reference and compositions as set out in Appendices A and E to this report;
- (3) the new Scrutiny Committees referred to in the report be formally established, with the terms of reference and compositions as set out in Appendices D and E to this report, and that the existing Council scrutiny structure be dissolved;
- (4) the terms of reference of the Policy Development Groups and Scrutiny Committees, and the operation of the Policy Development Groups, be reviewed after six months;
- (5) when a Policy Development Group meets to agree its formal recommendations to Cabinet, the meeting be held in public and be open to all Members of the Council;
- (6) the membership of each Policy Development Group be noted and the Chairman and Vice-Chairman of each Policy Development Group be formally appointed to those offices, as set out in Appendix E;
- (7) the membership of each Scrutiny Committee be noted and the Chairman and Vice-Chairman of each Scrutiny Committee be formally appointed, as circulated at the meeting; and
- (8) the Borough Solicitor be authorised to make such changes to the Council's Constitution as she determines are necessary to give effect to the wishes of Council.

38 RECOMMENDATION FROM CONSTITUTION COMMITTEE - LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012

The Committee considered a report which outlined the new provisions introduced by the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, and which informed Members of amendments to current practice to ensure compliance with the new provisions.

The Regulations covered such matters as holding meetings in public, recording of meetings, key decisions and the Forward Plan, executive decisions taken by officers, dispensations to Members, Member and public access to documents and the Leader's report to Council. Full details were set out in the report which also detailed actions taken to bring the Council's procedures in line with the new Regulations, including some changes to the Forward Plan procedure. In other respects, there were no practical implications for the Council although some matters required further clarification or consultation with relevant Members.

RESOLVED

That

- (1) the actions taken so far to comply with the new Regulations as detailed in the report be noted;
- (2) it be recommended to the Leader of the Council that the Forward Plan continue to be published on a monthly basis;
- (3) clarification be sought from the Department for Communities and Local Government as to the intended focus of the new regulation relating to the recording of executive decisions taken by officers;
- (4) the Chairman of the Audit and Governance Committee be consulted on the arrangements for dispensations for members as discussed in paragraph 10.17 of the report;
- (5) the matter of the Leader's report to Council on urgent executive decisions as discussed in paragraph 10.20 be referred to the Leader of the Council for consideration;
- (6) it be noted that in accordance with the authority delegated to the Borough Solicitor by Council on 23rd July 2009 to exercise corrective powers with regard to the Constitution in cases where it is considered appropriate to do so, the Borough Solicitor will make such consequential amendments to the Constitution as are necessary to give effect to the new Regulations; and
- (7) a further report be submitted to the next meeting.

**39 SCHEME OF MEMBERS' ALLOWANCES: REPORT OF THE
INDEPENDENT REMUNERATION PANEL**

The Committee considered the recommendations of the Independent Remuneration Panel on the Scheme of Members' Allowances.

The Independent Remuneration Panel ('the Panel') had conducted a review of the current Scheme of Members' Allowances as adopted by Cheshire East Council on 18th May 2011 and amended by Council on 15th December 2011.

To inform its review, the Panel had been provided with background documentation including comparator data pertaining to Members' Allowances Schemes operated by comparable authorities. The Panel had also met members from different political groups together with those holding different responsibilities within the Council. A copy of the Panel's Report was attached as Appendix 2 to the Committee report.

Mrs Janet Rushbrooke, Chairman of the Independent Remuneration Panel, responded to Members' questions regarding the Panel's report and recommendations.

RESOLVED

That the recommendations of the Independent Remuneration Panel as set out in Appendix 2 to the report be recommended to Council for approval.

The meeting commenced at 2.00 pm and concluded at 5.00 pm

Councillor A Martin (Chairman)

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CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 24th January 2013
Report of: Interim Borough Solicitor
Subject/Title: Questions to Cabinet

1.0 Report Summary

- 1.1 The Leader has called for a report to be considered by the Committee which would lead to a new provision in the Constitution providing for questions to be put to Cabinet members at Cabinet meetings by members of the Council.
- 1.2 This report sets out proposals for a change to the Procedure Rules, which would enable this to happen.

2.0 Decision Requested

- 2.1 That the Committee recommend to Council that the draft provisions referred to in paragraphs 8.4 & 8.5 of the report be adopted and that the Interim Borough Solicitor be authorised to make such changes to the Constitution as he considers are necessary to give effect to the wishes of Council.

3.0 Wards Affected

- 3.1 All Council wards are affected.

4.0 Policy Implications

- 4.1 The recommendations of this report have no direct policy implications.

5.0 Financial Implications

- 5.1 The recommendations of this report have no direct financial implications.

6.0 Legal Implications

- 6.1 If the recommendations of this report are accepted, Council must be asked to approve the consequent changes to the Constitution.

7.0 Risk Management

- 7.1 No risks would appear to be associated with the recommendations of this report.

8.0 Information

- 8.1 At the meeting of Council on 13th December 2012, the Leader seconded a proposal by Councillor David Newton that a new provision should be included in the Council Procedure Rules which would allow questions to be put to Cabinet members by members of the Council, at Council meetings, without notice first being given.
- 8.2 This proposal was agreed, and will now be included in the Constitution.
- 8.3 The Leader has called for a similar provision to be put in place, which would allow for questions, without notice, to be put to Cabinet members by members of the Council at meetings of Cabinet.
- 8.4 This report therefore proposes that the Constitution should be amended to include a provision, which would allow 20 minutes for questions to be put to Cabinet members by members of the Council at Cabinet meetings. Notice of these questions would not need to be given in advance of the meeting.
- 8.5 The Rules previously agreed by Council, which applied to questions at Council would be adapted appropriately for the purposes of questions to Cabinet members:
- Questions must relate to the powers, duties or responsibilities of the Cabinet.
 - Questions put to Cabinet members must relate to their portfolio responsibilities.
 - The Leader will determine how Cabinet question time should be allocated where there are a number of members wishing to ask questions.
 - Questions will be brief, clear and focussed.
 - Questions which the Leader deems to be inappropriate, frivolous, derogatory or vexatious will not be allowed.
 - Questions will not be allowed which repeat, or which are substantially the same as questions asked at a meeting of Council or Cabinet within the preceding 3 months.
 - Where any question might be disallowed under the agreed provisions, the Leader, as chairman of Cabinet will have absolute discretion to determine whether or not to do so.
 - Questions will be asked and answered without discussion. In replying, the Cabinet member responding will use their reasonable endeavours to address the matters raised in the question. The Cabinet member responding may decline to answer any question or may: reply direct, reply by reference to a publication, or reply by written answer.
 - Following each answer, the questioner may ask a concise and focussed supplementary question which relates to the subject matter of the initial question and answer. The Leader may choose

to disallow a supplementary question if, in his opinion, it is inappropriate or unduly lengthy. The Cabinet member answering the supplementary question will decide whether or not to reply.

- Where a question relates to a matter which appears on the agenda of the Cabinet meeting in question, the Leader may allow the question to be asked at the beginning of consideration of that item.
- Whilst formal notice of questions is not required; until such time as the operation of these arrangements can be reviewed, any member wishing to ask a question as part of Cabinet question time should be asked to give an advance indication of their intention to do so, providing at least one working day's notice and a reasonable indication of the subject matter of their intended question.

9.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 24th January 2013
Report of: Interim Borough Solicitor
Subject/Title: Macclesfield Members Forum and the Macclesfield Local Service Delivery Committee

1.0 Report Summary

- 1.1 The Committee is asked to give consideration to a request from the members representing the unparished area of Macclesfield to establish a Macclesfield Members Forum pending the outcome of the Community Governance Review for Macclesfield.

2.0 Recommendation

- 2.1 In considering the request referred to in this report, the Committee takes a view on whether acceding to the request would set a difficult precedent for other areas of Cheshire East and whether it is appropriate to take action of this kind at this point considering that the Macclesfield Community Governance Review is about to start.

3.0 Wards Affected

All Macclesfield Members.

The unparished areas of Macclesfield are:

Macclesfield West and Ivy
Macclesfield Hurdsfield
Broken Cross and Upton
Macclesfield South
Macclesfield Central
Macclesfield Tytherington
Macclesfield East

4.0 Local Ward Members

Cllrs Andrew, Harewood, Boston, L Brown, Hardy, Jeuda, Druce, K Edwards, Jackson, Murphy, Roberts, Neilson.

5.0 Policy Implications

- 5.1 Not applicable.

6.0 Financial Implications

- 6.1 There are potential implications arising from the proposal in terms of officer support and operating costs associated with the establishment of any Forum, for which no provision exists.

7.0 Legal Implications

- 7.1 Any arrangements for a Forum would need to be developed and included in the Constitution, which would need to be agreed by Council, following a recommendation of the Committee.

8.0 Risk Management

- 8.1 No risks would appear to arise from the proposals contained in this report.

9.0 Background and Options

- 9.1 At the meeting of Cabinet on the 19 July 2010, Members approved an initial report entitled "Local Service Delivery (Town and Parish Councils)" which set out the Council's ambitions to transfer services and devolve functions to Town and Parish Councils, to allow them to be delivered at a local level. It was envisaged that this would have a number advantages, including enabling the new unitary Council to concentrate on its core business, to harmonise approaches from Legacy Councils, to resolve the issue of "double taxation, and to generate long term savings for the new Council. It was recognised that structures to support this transfer would need to be established, on an interim basis, in the unparished areas of Crewe and Macclesfield, where devolution to a local council was not possible. On the recommendation of the Constitution Committee, Local Service Delivery Committees were established for both areas by full Council for this sole purpose.
- 9.2 Given that the Council has now resolved that a Parish Council in Crewe will now be established the Crewe Local Service Delivery Committee has completed its work.
- 9.3 The Macclesfield Local Service Delivery Committee has held several meetings recently to consider the way forward pending the outcome of the Community Governance Review for Macclesfield.
- 9.4 At an informal briefing meeting of the Macclesfield Members on 17 December 2012 the Members agreed to make a request to the Constitution Committee that a consultative body, made up of the elected Borough Councillors from the unparished area of Macclesfield, be established immediately, to represent the views of residents of the town concerning any decisions being made by Cheshire East Council that affect them, until the Community Governance Review for Macclesfield has been completed.
- 9.5 A timetable for Stage 1 of the Macclesfield CGR was approved by the Community Governance Review Sub-Committee at a meeting on 4 September 2012 (Appendix B). The full review process is expected to begin this month

and will then take 12 months after which the chosen governance arrangements will be put in place. These governance arrangements would supersede any role the interim consultative body would have.

- 9.6 Macclesfield Members currently feel they do not have a collective voice to make representations to the Council concerning issues affecting Macclesfield residents or the public services provided to them. They believe that the current Local Service Delivery Committee (LSDC) Terms of Reference (Appendix A) preclude Members from discussing wider issues relating to Macclesfield.
- 9.7 However, as well as the Local Service Delivery Committee there are other bodies which cover the unparished area and include some Borough Councillors as members. The Macclesfield Local Area Partnership (LAP) is made up of several organisations including housing trusts, police and fire services, health and education representatives and other community groups. The Council is represented on the LAP Area Management Group by Councillor Lesley Smetham. The LAP Area includes the unparished area of Macclesfield as well as surrounding towns and parishes such as Bollington, Siddington and Gawsorth. Its role is to improve services, ensure people influence decision-making and to actively engage and empower communities. Appendix C shows the LAP's terms of reference.
- 9.8 "Make it Macclesfield" is a forum which operates in the Macclesfield area with the purpose of regenerating the economy of Macclesfield and making it a vibrant town. The Forum is a partnership/consortium of private sector individuals from various sectors of the local community with support from the Council and other organisations such as Cheshire Peaks and Plains Housing Trust.
- 9.9 The "Make It Macclesfield" Forum has developed various sub-groups that focus on a variety of key areas in regeneration. In each of these sub-groups and on the Forum there is Council Representation as follows:
- Make it Macclesfield Forum – Cllrs Janet Jackson, Damien Druce and David Neilson.
 - Communications and Visitor Economy – Cllrs Alift Harewood, Jamie Macrae, Lesley Smetham and David Neilson.
 - Finance and Funding – Cllrs Louise Brown and Martin Hardy.
 - Town Centre Regeneration – Cllrs Janet Jackson and Jamie Macrae.
 - Property Owners – Cllr Damien Druce.
 - Wider Economy & Inward Investment – Cllr Brendan Murphy.
 - Heritage & Culture – Cllrs Laura Jeuda and Carolyn Andrew.
 - Silk Qtr Development – Cllr Janet Jackson
- 9.10 All Macclesfield Members are democratically accountable to the residents of the town and were in agreement that they wanted a democratically accountable consultative body to represent Macclesfield residents regarding the work of the Council; until such a time as the Macclesfield Community

Governance Review (CGR) has been completed and governance arrangements chosen by the electorate could be put in place.

10.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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Designation: Scrutiny Officer

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Appendix A

LOCAL SERVICE DELIVERY COMMITTEES

The Council has appointed the following Committees for the unparished parts of Crewe and Macclesfield respectively:

Local Service Delivery Committee (Crewe)

11 Members, comprising the local ward members for the unparished part of Crewe

Local Service Delivery Committee (Macclesfield)

12 Members, comprising the local ward members for the unparished part of Macclesfield

The Committees' terms of reference are:

- To consider and review the delivery of services and the transfer of assets within the relevant unparished area in accordance with the Council's Policy for Local Service Delivery Arrangements, namely the transfer of assets and the devolution of local services to Town and Parish Councils within the Cheshire East area.
- To consider and review the cost implications of both the delivery of services and the transfer of assets within the relevant unparished area in accordance with the Council's Policy for Local Service Delivery arrangements.
- To make recommendations to Cabinet on the level of service provision for those services and/or assets being considered as part of the Local Service Delivery arrangements within the relevant unparished area.
- To consider and make recommendations to Cabinet on any necessity for, and the amount of, a special expense levy in the relevant unparished area to represent the cost of the Local Service Delivery arrangements and to ensure consistency with the arrangements in the Parished areas.

Appendix B

MACCLESFIELD COMMUNITY GOVERNANCE REVIEW - PROJECT PLAN

Task/activity		Decision-making process	Date
Officer Project Team	Officer Responsible	Community Governance Review Sub Committee meetings	w/c 7 January 2013
Guidance summary Project Plan Map of Review Area Electorate figures Options appraisal (As per Crewe CGR) Prepare consultation leaflet Update Website Electoral arrangements - initial views size/warding Consultation – Full list of consultees and contact details 2 x Public notices prepared for public meetings and for commencement of the Review Arrange public meetings Arrange printing for postal ballot		Consider summary of CGR guidance Approve Review Process / project plan Agree consultation methods Agree list of consultees Identify and evaluate options for the review Formulate Leaflet to consultees and electors Agree arrangements for public meetings	
		Constitution Committee	24 January 2013
Publish Public Notice giving details of public meetings			21/1/2013 – Media Release 28/1/2013 – Public Notice in press (commencing 2 weeks before

Task/activity		Decision-making process	Date
			<i>public meetings held)</i>
Public Meetings		Series of meetings held across Unparished Area	w/c 11 February 2013
Further public engagement / publicity co-ordinated with assistance from Communications Team and LSP Manager			February 2012
Publicity for 1 st stage consultation with stakeholders Publish Notice			25/2/2013 (Two weeks before consultation starts)
Comments / submissions invited from interested parties on Options (4 week consultation period)		Consultation Period (stage 1)	11/3/2013 – 1/4/2013
All submissions / comments considered and evaluated. Collate representations			Monday 1/4/2013
		Community Governance Review Sub Committee meeting Consider outcomes from stage 1 consultation Agree Stage 2 Consultation	w/c 15/4/2013

Appendix C

Macclesfield Local Area Partnership

Macclesfield Area Management Group

Terms of Reference

Purpose:

To focus collective effort on what really matters, delivering improved outcomes for local people and places. To improve local services, ensure people influence decision making and to actively engage and empower communities.

Key Roles:

- Develop and implement an Area Plan on guidance of the Area Assembly, which contributes to Ambition for All (Sustainable Community Strategy).
- Ensure actions meet the needs identified in the Area Plan and are evidence based and performance managed.
- Develop appropriate responses to local priorities identified by the Area Assembly and other community engagement mechanisms.
- Unblock situations and enable joint problem-solving which turbo-charges local solutions.
- Develop and deliver specific localised projects and initiatives, as identified by the Area Assembly, Area Management Group, PACE Executive.
- Commission projects or services to meet local priorities, through shared resources and budgets and/or external funding.
- Build partnerships and inter-agency working with local public, private, voluntary and community organisations.
- Influence the development and delivery of responsive local services, which are effective, efficient and provide value for money.
- Develop opportunities to improve local services through different ways of working.
- Respond to strategic policies or resource allocations which may impact on the area.
- Join up local activities and events.
- Develop structures and approaches that ensure meaningful engagement and empowerment of local people.
- Increase community ownership of issues and community led delivery in neighbourhoods.

Accountable to:

- i) Area Assembly for delivery of the Area Plan and responding to locally identified needs, issues and priorities.
- ii) Relevant commissioning body for specific projects and initiatives.
- iii) PACE Executive for the development of Area Action Plans which underpin Ambition for All”.
- iv) Funding organisation for the effective allocation of financial resources devolved down to local level.

CHESHIRE EAST COUNCIL

CONSTITUTION COMMITTEE

Date of Meeting:	24 th January 2013
Report of:	Democratic and Registration Services Manager
Subject/Title:	Frequency of the Council's Meetings

1.0 Report Summary

- 1.1 This report seeks the views of the Committee upon whether the frequency of the Council's meetings should be reviewed.

2.0 Decision Requested

- 2.1 That the principle of fewer Council meetings be supported, and a report be brought back to the next meeting of the Committee in order for the detailed implications to be assessed.

3.0 Wards Affected

- 4.1 All of the Council's wards are affected.

4.0 Policy Implications

- 4.1 If the frequency of meetings was to be changed, care would need to be taken in order to ensure that this did not create detrimental delays to the adoption of Council policies.

5.0 Financial Implications

- 5.1 These are set out in the main body of the report.

6.0 Legal Implications

- 6.1 No adverse implications arise from the proposals contained in this report.

7.0 Risk Management

- 7.1 The risks of making changes to the Council calendar of meetings will be assessed in a more detailed report, which the recommendations of this report propose should be brought to the next meeting of the Committee.

8.0 Information

- 8.1 The calendar of Council meetings shows that Council members attend around 220 formal meetings of its decision-making and other bodies each year.

- 8.2 At a time when elected members heavily engaged with constituency and other work, and when efficiencies need to be made, the Council should question whether so many meetings are necessary and whether, instead, their frequency might be changed.
- 8.3 A brief snapshot has been taken of the frequency of meetings held by 15 other comparator local authorities. Further work needs to be undertaken to verify the results obtained, but the following issues arise from this initial work:
- The average number of full Council meetings amongst the comparator authorities is x8 pa. Cheshire East holds x8 full Council meetings each year. However, eight authorities hold fewer full Council meetings: four hold x7 meetings pa and four hold x6.
 - The details of Cabinet meetings held by comparator authorities need further research, but initial suggestions would appear to suggest that Cheshire East Council has a higher number of Cabinet meetings each year than most of the other authorities. The Cabinet of one authority appears only to meet once every two months.
 - The average number of “regulatory” committee meetings of the comparators is 72pa. Cheshire East’s regulatory committees meet over 80 times pa.
- 8.4 More detailed analysis of the information from other authorities will illustrate more accurately whether Cheshire East Council holds more meetings than others, but the initial snapshot would appear to suggest that this may be the case.
- 8.5 Whilst we must ensure that Members meet frequently enough to make timely decisions, there should be no assumption that old frequencies of meetings, which have applied since the authority was created, should continue to apply.
- 8.6 There could be a number of benefits arising from a reduction in the frequency of meetings:
- More time being available for Members to spend on constituency or other work
 - More officer time available for other things, and the potential of consequent efficiency savings.
 - A reduced need to hire, service and use fewer meeting rooms eg it currently costs approximately £1400 to hire the public address system each time it is used at Council.
 - Fewer meetings for Members to travel to, with a consequent saving in mileage allowances and travelling time.

- Fewer agenda print-runs, which might lead to reduced printing costs
- 8.7 In the light of the above and in these austere times, historical assumptions in respect of the frequency of meetings should be challenged. However, care must be taken in order to ensure that fewer meetings would not lead to:
- Too much business being required to be done when the bodies in question do meet.
 - A “log-jam” of business, which would prevent important decisions being made in a timely way.
- 8.8 It is therefore proposed that a report should be brought back to the next meeting of the Committee. In the interim, discussion should take place with report-authors and heads of service in order for the implications of a change in the frequency of meetings to be properly assessed.
- 8.9 The January 2013 meeting of the Constitution Committee would normally receive a draft timetable of meetings for the 2013/14 municipal year and would make recommendations in respect of its proposed adoption by Council in February. The appended draft calendar of meetings, which has been produced following consultation with Members and officers, is provided with this report for information purposes. The proposals of this report, if agreed, would delay the usual process of adoption of the Calendar of meetings and would result in a calendar of meetings not being agreed until the April meeting of Council.

9.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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Designation: Democratic and Registration Services Manager

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Email: brian.reed@cheshireeast.gov.uk

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COMMITTEE	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MARCH	APRIL	MAY
Council (Thursday)	15		18			17		12		27		10	14
Cabinet Bodies													
Cabinet (Monday 2 pm)	28 (Tue)	24	22	19	16	14	11	9	6	3	3 31	28	
Portfolio Holders (Monday am)													
Shared Services (Friday 2 pm Winsford)	31	28	26	30	27	25	29	20	24	21	21	25	
Corporate Bodies													
Constitution Committee (Thursday 2 pm)	30		4		19		21		23		20		
Audit and Governance Committee (Thursday 2 pm)		27			26				30		27		
Staffing Committee (Tuesday or Thursday 2 pm)			25			24			16			8	
Appeals Sub Committee (Tuesday or Thursday 2 pm)		20	23		5	3	19	19	21	18	6		1
Regulatory Bodies													
Licensing Committee (Tuesday 2 pm)	23 (Thu)		16		3		5		14		4		
Public Rights of Way Committee (Tuesday 2 pm)		18			17			10			18		
Strategic Planning Board (Wednesday 10.30 am)	22	19	17	14	11	9	6	4	8	5	5	2 30	
Southern Planning (Wednesday 1 pm)	1 29	26	24	21	18	16	13	11	15	12	12	9	7
Northern Planning (Wednesday 1 pm)	8	5	3 31	28	25	23	20	18	22	19	19	16	

COMMITTEE	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MARCH	APRIL	MAY
Scrutiny Bodies													
Corporate (Tuesday 2 pm)	7	11	9		10	8	12	3	7	11	11	1	6
Health and Wellbeing (Thursday 10 am)	9	13	11		12	10	14	5	9	13	13	3	8
Community Safety (Thursday 2 pm)	9	13	11		12	10	14	5	9	13	13	3	8
Others													
Health and Wellbeing Board (Tuesday 2 pm)		25			24		26		28		25		
Local Authority School Governor Appointments Panel (Friday 10.30 am)	24					18				7			
Policy Development Groups													
Children and Families		3	1		2	1	4	2	13	4	6	7	
Environment and Prosperity		4	2		5	3	7	2	16	6	10	14	
Health and Adult Social Care		6	4		9	7	18	16	20	6	17	15	
Finance		6	8		19	15	21	16	23	10	20	17	
Corporate and Performance		10	15		23	21	25	17	27	17	24	24	
Communities		17	25		26	22	28	19	30	20	27	29	

Member Training Sessions		7	5 23		4	2	22		8, 9 29		26	23	
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DRAFT CALENDAR OF PUBLIC MEETINGS 2013-14

MAY 2013	
1	2.00 pm Southern Planning Committee
2	
3	
4	
5	
6	MAY DAY BANK HOLIDAY
7	2.00 pm Corporate Scrutiny
8	2.00 pm Northern Planning Committee
9	10.00 am Health and Wellbeing Scrutiny Committee 2.00 pm Community Safety Scrutiny Committee
10	
11	
12	
13	
14	
15	11 am ANNUAL COUNCIL
16	
17	Planning Site Visits
18	
19	
20	
21	
22	10.30 am Strategic Planning Board
23	2.00 pm Licensing Committee
24	10.30 am Local Authority School Governors Appointment Panel Planning Site Visits
25	
26	
27	SPRING BANK HOLIDAY
28	2.00 pm Cabinet
29	1.00 pm Southern Planning
30	2.00 pm Constitution Committee
31	Planning Site Visits 2.00 pm Shared Services Joint Committee

Note: School Holidays 27 to 31 May 2013

JUNE 2013	
1	
2	
3	2.00 pm Children and Families Policy Development Group
4	2.00 pm Environment and Prosperity Policy Development Group
5	1.00 pm Northern Planning Committee
6	10.30 am Health and Adult Social Care Policy Development Group 2.00 pm Finance Policy Development Group
7	
8	
9	
10	2.00 pm Corporate and Performance Policy Development Group
11	2.00 pm Corporate Scrutiny Committee
12	10.30 am Cheshire Fire Authority
13	10.00 am Health and Wellbeing Scrutiny Committee 2.00 pm Community Safety Scrutiny Committee
14	Planning Site Visits
15	
16	
17	2.00 pm Communities Policy Development Group
18	2.00 pm Public Rights of Way Committee
19	10.30 am Strategic Planning Board
20	2.00 pm Appeals Sub Committee
21	Planning Site Visits
22	
23	
24	2.00 pm Cabinet
25	2.00 pm Health and Wellbeing Board
26	1.00 pm Southern Planning Committee
27	2.00 pm Audit and Governance Committee
28	Planning Site Visits 2.00 pm Shared Services Joint Committee
29	
30	

JULY 2013	
1	2.00 pm Children and Families Policy Development Group
2	2.00 pm Environment and Prosperity Development Group
3	1.00 pm Northern Planning Committee
4	10.30 am Health and Adult Social Care Policy Development Group 2.00 pm Constitution Committee
5	
6	
7	
8	2.00 pm Finance Policy Development Group
9	2.00 pm Corporate Scrutiny Committee
10	
11	10.00 am Health and Wellbeing Scrutiny Committee 2.00 pm Community Safety Scrutiny Committee
12	Planning Site Visits
13	
14	
15	2.00 pm Corporate and Performance Policy Development Group
16	2.00 pm Licensing Committee
17	10.30 am Strategic Planning Board
18	4.00 pm COUNCIL
19	Planning Site Visits
20	
21	
22	2.00 pm Cabinet
23	2.00 pm Appeals Sub Committee Member Training
24	1.00 pm Southern Planning Committee
25	10.30 am Communities Policy Development Group
26	Planning Site Visits 2.00 pm Shared Services Joint Committee
27	
28	
29	
30	
31	1.00 pm Northern Planning Committee

Note: School Holidays – 25 July to 30 August 2013

AUGUST 2013	
1	
2	
3	
4	
5	
6	
7	
8	
9	Planning Site Visits
10	
11	
12	
13	
14	10.30 am Strategic Planning Board
15	
16	Planning Site Visits
17	
18	
19	2.00 pm Cabinet
20	
21	1.00 pm Southern Planning Committee
22	
23	Planning Site Visits
24	
25	
26	BANK HOLIDAY
27	
28	1.00 pm Northern Planning Committee
29	
30	2.00 pm Shared Services Joint Committee
31	

Note: School Holidays – 25 July to 30 August 2013

SEPTEMBER 2013	
1	
2	2.00 pm Children and Families Policy Development Group
3	2.00 pm Licensing Committee
4	
5	10.30 am Environment and Prosperity Policy Development Group 2.00 pm Appeals Sub Committee
6	Planning Site Visits
7	
8	
9	2.00 pm Health and Adult Social Care Policy Development Group
10	2.00 pm Corporate Scrutiny Committee
11	10.30 am Strategic Planning Board
12	10.00 am Health and Wellbeing Scrutiny Committee 2.00 pm Community Safety Scrutiny Committee
13	Planning Site Visits
15	
15	
16	2.00 pm Cabinet
17	2.00 pm Public Rights of Way Committee
18	10.30 am Cheshire Fire Authority 1.00 pm Southern Planning Committee
19	10.30 am Finance Policy Development Group 2.00 pm Constitution Committee
20	Planning Site Visits
21	
22	
23	2.00 pm Corporate and Performance Policy Development Group
24	2.00 pm Health and Wellbeing Board
25	1.00 pm Northern Planning Committee
26	10.30 am Communities Policy Development Panel 2.00 pm Audit and Governance Committee
27	2.00 pm Shared Services Joint Committee
28	
29	
30	

OCTOBER 2013	
1	2.00 pm Children and Families Policy Development Group
2	
3	10.30 am Environment and Prosperity Policy Development Group 2.00 pm Appeals Sub Committee
4	Planning Site Visits
5	
6	
7	2.00 pm Health and Adult Social Care Policy Development Group
8	2.00 pm Corporate Scrutiny Committee
9	10.30 am Strategic Planning Board
10	10.00 am Health and Wellbeing Scrutiny Committee 2.00 pm Community Safety Scrutiny Committee
11	Planning Site Visits
12	
13	
14	2.00 pm Cabinet
15	2.00 pm Finance Policy Development Group
16	1.00 pm Southern Planning Committee
17	2.00 pm COUNCIL
18	10.30 am Local Authority School Governors Appointment Panel Planning Site Visits
19	
20	
21	2.00 pm Finance Policy Development Group
22	2.00 pm Communities Policy Development Group
23	1.00 pm Northern Planning Committee
24	2.00 pm Staffing Committee
25	2.00 pm Shared Services Joint Committee
26	
27	
28	
29	
30	
31	

Note: School Holidays 21-25 October 2013

NOVEMBER 2013	
1	Planning Site Visits
2	
3	
4	2.00 pm Children and Families Policy Development Group
5	2.00 pm Licensing Committee
6	10.30 am Strategic Planning Board
7	2.00 pm Environment and Prosperity Policy Development Group
8	Planning Site Visits
9	
10	
11	2.00 pm Cabinet
12	2.00 pm Corporate Scrutiny Committee
13	1.00 pm Southern Planning Committee
14	10.00 am Health and Wellbeing Scrutiny Committee 2.00 pm Community Safety Scrutiny Committee
15	Planning Site Visits
16	
17	
18	2.00 pm Health and Adult Social Care Policy Development Group
19	2.00 pm Appeals Sub Committee
20	1.00 pm Northern Planning Committee
21	10.30 am Finance Policy Development Group 2.00 pm Constitution Committee
22	
23	
24	
25	2.00 pm Corporate and Performance Policy Development Group
26	2.00 pm Health and Wellbeing Board
27	
28	2.00 pm Communities Policy Development Board
29	Planning Site Visits 2.00 pm Shared Services Joint Committee
30	

DECEMBER 2013	
1	
2	2.00 pm Children and Families Policy Development Group 2.00 pm Environment and Prosperity Policy Development Group
3	2.00 pm Corporate Scrutiny Committee
4	10.30 am Strategic Planning Board
5	10.00 am Health and Wellbeing Scrutiny Committee 2.00 pm Community Safety Scrutiny Committee
6	Planning Site Visits
7	
8	
9	2.00 pm Cabinet
10	2.00 pm Public Rights of Way Committee
11	10.30 am Cheshire Fire Authority 1.00 pm Southern Planning Committee
12	2.00 pm COUNCIL
13	Planning Site Visits
14	
15	
16	2.00 pm Health and Adult Social Care Policy Development Group 2.00 pm Finance Policy Development Group
17	2.00 pm Corporate and Performance Policy Development Group
18	1.00 pm Northern Planning
19	10.30 am Communities Policy Development Group 2.00 pm Appeals Sub Committee
20	2.00 pm Shared Services Joint Committee
21	
22	
23	
24	
25	CHRISTMAS DAY
26	BOXING DAY
27	
28	
29	
30	
31	

Note: School Holidays 20 December 2013 to 3 January 2014

JANUARY 2014	
1	NEW YEAR'S DAY
2	
3	Planning Site Visits
4	
5	
6	2.00 pm Cabinet
7	2.00 pm Corporate Scrutiny Committee
8	10.30 am Strategic Planning Board Member Training
9	10.00 am Health and Wellbeing Scrutiny Committee 2.00 pm Community Safety Scrutiny Committee Member Training
10	Planning Site Visits
11	
12	
13	2.00 pm Children and Families Policy Development Group
14	2.00 pm Licensing Committee
15	1.00 pm Southern Planning Committee
16	10.30 am Environment and Prosperity Policy Development Group 2.00 pm Staffing Committee
17	Planning Site Visits
18	
19	
20	2.00 pm Health and Adult Social Care Policy Development Group
21	2.00 pm Appeals Sub Committee
22	1.00 pm Northern Planning Committee
23	10.30 am Finance Policy Development Group 2.00 pm Constitution Committee
24	2.00 pm Shared Services Joint Committee
25	
26	
27	2.00 pm Corporate and Performance Policy Development Group
28	2.00 pm Health and Wellbeing Board
29	
30	10.30 am Communities Policy Development Group 2.00 pm Audit and Governance Committee
31	Planning Site Visits

FEBRUARY 2014	
1	
2	
3	2.00 pm Cabinet
4	2.00 pm Children and Families Policy Development Group
5	10.30 am Strategic Planning Board
6	10.30 am Environment and Prosperity Policy Development Group 2.00 pm Health and Adult Social Care Policy Development Group
7	10.30 am Local Authority School Governors Appointment Panel Planning Site Visits
8	
9	
10	2.00 pm Finance Policy Development Group
11	2.00 pm Corporate Scrutiny Committee
12	10.30 am Cheshire Fire Authority 1.00 pm Southern Planning Committee
13	10.00 am Health and Wellbeing Scrutiny Committee 2.00 pm Community Safety Scrutiny Committee
14	Planning Site Visits
15	
16	
17	2.00 pm Corporate and Performance Policy Development Group
18	2.00 pm Appeals Sub Committee
19	1.00 pm Northern Planning Committee
20	2.00 pm Communities Policy Development Groups
21	2.00 pm Shared Services Joint Committee
22	
23	
24	
25	
26	
27	2.00 pm COUNCIL
28	Planning Site Visits

Note: School Holidays 17 -21 February 2014

MARCH 2014	
1	
2	
3	2.00 pm Cabinet
4	2.00 pm Licensing Committee
5	10.30 am Strategic Planning Board
6	10.30 am Children and Families Policy Development Group 2.00 pm Appeals Sub Committee
7	Planning Site Visits
8	
9	
10	2.00 pm Environment and Prosperity Policy Development Group
11	2.00 pm Corporate Scrutiny Committee
12	1.00 pm Southern Planning Committee
13	10.00 am Health and Wellbeing Scrutiny Committee 2.00 pm Community Safety Scrutiny Committee
14	Planning Site Visits
15	
16	
17	2.00 pm Health and Adult Social Care Policy Development Group
18	2.00 pm Public Rights of Way Committee
19	1.00 pm Northern Planning Committee
20	10.30 am Finance Policy Development Group 2.00 pm Constitution Committee
21	2.00 pm Shared Services Joint Committee
22	
23	
24	2.00 pm Corporate and Performance Policy Development Group
25	2.00 pm Health and Wellbeing Board
26	
27	10.30 am Communities Policy Development Group 2.00 pm Audit and Governance Committee
28	Planning Site Visits
29	
30	
31	2.00 pm Cabinet

APRIL 2014	
1	2.00 pm Corporate Scrutiny Committee
2	10.30 am Strategic Planning Board
3	10.00 am Health and Wellbeing Scrutiny Committee 2.00 pm Community Safety Scrutiny Committee
4	Planning Site Visits
5	
6	
7	2.00 pm Children and Families Policy Development Group
8	2.00 pm Staffing Committee
9	1.00 pm Southern Planning Committee
10	4.00 pm COUNCIL
11	Planning Site Visits
12	
13	
14	2.00 pm Environment and Prosperity Policy Development Group
15	2.00 pm Health and Adult Social Care Policy Development Group 2.00 pm Finance Policy Development Group
16	1.00 pm Northern Planning Committee
17	
18	GOOD FRIDAY
19	
20	
21	EASTER MONDAY
22	
23	10.30 am Cheshire Fire Authority
24	2.00 pm Corporate and Performance Policy Development Group
25	Planning Site Visits 2.00 pm Shared Services Joint Committee
26	
27	
28	2.00 pm Cabinet
29	2.00 pm Communities Policy Development Group
30	10.30 am Strategic Planning Board

Note: School Holidays 7 - 21 April 2014

MAY 2014	
1	2.00 pm Appeals Sub Committee
2	Planning Site Visits
3	
4	
5	MAY DAY BANK HOLIDAY
6	2.00 pm Corporate Scrutiny Committee
7	1.00 pm Southern Planning Committee
8	10.00 am Health and Wellbeing Scrutiny Committee 2.00 pm Community Safety Scrutiny Committee
9	
10	
11	
12	
13	
14	11 am ANNUAL COUNCIL
15	
16	
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26	SPRING BANK HOLIDAY
27	
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Note: School Holidays 26-30 May 2014

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CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting:	24 th January 2013
Report of:	Democratic and Registration Services Manager
Subject/Title:	Scheme of Delegation for the Director of Public Health

1.0 Report Summary

- 1.1 In advance of the transfer of public health responsibilities to Local authority control on 1st April 2013 the Council needs to amend its scheme of delegation to ensure that the Director of Public Health is empowered to undertake their role.
- 1.2 This report contains a proposed Scheme of Delegation for the Director of Public Health role.

2.0 Decision Required

- 2.1 Members of the Committee are invited to consider the proposed draft Scheme of Delegation for the Director of Public Health the Committee
- 2.2 Members might wish to recommend to Council the adoption of the Scheme pending further review by the Scheme of Delegation Member Working Group. Members of the Committee are invited to comment on the proposals.

3.0 Reasons for Recommendations

- 3.1 To ensure that the Council meets its obligations under the Health and Social Care Act 2012.

4.0 Wards affected

All

5.0 Local Ward Members

All

6.0 Policy Implications

- 6.1 The health and wellbeing of the residents of Cheshire East is everyone's business and the Director of Public Health will have a significant role to play in future policy development and service redesign to improve the health and wellbeing of our population and indeed the future priorities for Health.

7.0 Financial Implications

- 7.1 There are no direct financial implications arising from the issues covered in this report. Further reports on other aspects of the Health and Social Care Act 2012 will deal with the operational issues arising from the transfer of the public health function.

8.0 Legal Implications

- 8.1 The Council must ensure that the DPH has the necessary powers and duties confirmed upon them in accordance with the Health and Social Care Act 2012.

9.0 Risk Management

- 9.1 There are no direct financial implications arising from the issues covered in this report. Corporate risks have been determined in respect of Health Partnerships, and this is reported to the Corporate Risk Management Group.

10.0 Scheme of Delegation for Director of Public Health (DPHs)

- 10.1 In advance of the transfer of public health functions to Local Authority control on 1st April 2013, the Council needs to amend its Scheme of Delegation to ensure that the DPH is legally empowered to undertake their role.
- 10.2 A number of the specific responsibilities and duties of the DPH arise directly from Acts of Parliament – mainly the NHS Act 2006 (2006 Act) and the Health and Social Care Act 2012 (2012 Act) – and related regulations. Some of these duties are closely defined but most allow for local discretion in how they are delivered. The main legal provisions in effect from April 2013 are set out below.
- 10.3 DsPH are made statutory chief officers of their local authority, and therefore holders of politically restricted posts, by section 2(6)(zb) of the Local Government and Housing Act 1989, inserted by Schedule 5 of the 2012 Act. They are accountable through the local authority Chief Executive to elected members.
- 10.4 In general the statutory responsibilities of the DPH are designed to match exactly the corporate public health duties of their local authority. The exception is the annual report on the health of the local population – the DPH has a duty to write a report, whereas the authority's duty is to publish it (section 73B(5) and (6) of the 2006 Act, inserted by section 31 of the 2012 Act). The content and structure of the report is decided locally by the DPH.
- 10.5 Otherwise section 73A(1) of the 2006 Act, inserted by section 30 of the 2012 Act, gives the DPH responsibility for:

- all of the local authority's duties to take steps to improve public health (the exercise by the authority of its functions under section 2B, 111 or 249 of, or Schedule 1 to, the 2006 Act)
- any of the Secretary of State's public health protection or health improvement functions that s/he delegates to local authorities, either by arrangement or under regulations – these include services mandated by regulations made under section 6C of the 2006 Act, inserted by section 18 of the 2012 Act
- the Secretary of State's public health functions exercised by local authorities in pursuance of arrangements under section 7A of the 2006 Act
- exercising the local authority's functions that relate to planning for, or responding to, emergencies that present a risk to public health
- the local authority duty to co-operate with the prison service with a view to improving the exercise of functions in relation to securing and maintaining the health of prisoners (the functions of the Authority under section 325 of the Criminal Justice Act 2003)
- such other public health functions as the Secretary of State may prescribe.

10.6 As well as these core functions, the Acts and regulations give the DPH some more specific responsibilities from April 2013:

- through regulations made under section 73A(1) of the 2006 Act, inserted by section 30 of the 2012 Act, the Department intends to confirm that DsPH will be responsible for their local authority's public health response as a responsible authority under the Licensing Act 2003, such as making representations about licensing applications (a function given to local authorities by sections 5(3), 13(4), 69(4) and 172B(4) of the Licensing Act, as amended by Schedule 5 of the 2012 Act)
- if the local authority provides or commissions a maternity or child health clinic, then regulations made under section 73A(1) will also give the DPH responsibility for providing Healthy Start vitamins (a function conferred on local authorities by the Healthy Start and Welfare Food Regulations 2005 as amended)
- the DPH must have a place on the local Health and Wellbeing Board (section 194(2)(d) of the 2012 Act).

10.7 Beyond the statutory provisions the DPH is expected to:

- be the person who elected members and senior officers look to for leadership, expertise and advice on a range of issues, from

outbreaks of disease and emergency preparedness through to improving local people's health and concerns around access to health services

- know how to improve the population's health by understanding the factors that determine health and ill health, how to change behaviour, and promote both health and wellbeing in ways that reduce inequalities in health
- provide the public with expert, objective advice on health matters
- be able to promote action across the life course, working together with local authority colleagues such as the Strategic Director of Children, Families and Adults services, and with NHS colleagues
- work through local resilience fora to ensure effective and tested plans are in place for the wider health sector to protect the local population from risks to public health
- work with local criminal justice partners and police and crime commissioners to promote safer communities
- work with wider civil society to engage local partners in fostering improved health and wellbeing
- be an active member of the Health and Wellbeing Board, advising on and contributing to the development of the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy, and commission appropriate services accordingly
- take responsibility for the management of their authority's public health services, with professional responsibility and accountability for their effectiveness, availability and value for money
- play a full part in their authority's action to meet the needs of vulnerable children, for example by linking effectively with the Local Safeguarding Children's Board
- contribute to and influence the work of NHS commissioners, ensuring a whole system approach across the public sector.

10.8 The DPH will receive information on all local health protection incidents and outbreaks and take any necessary action, working in concert with Public Health England and the NHS.

10.9 The Health and Social Care Act 2012 promotes the principle of integrated working by stating that in exercising their respective functions NHS bodies (on the one hand) and local authorities (on the other) must cooperate with one another in order to secure and advance the health and welfare of the people of England and Wales. This

confers a duty of co-operation between the DPH, clinical commissioning groups (CCGs) and the wider NHS when carrying out their respective functions.

10.10 The DPH will be responsible for a number of public health functions and commissioned services that will be mandated through regulations made under new section 6C(1) and (3) of the NHS Act 2006, inserted by section 18 of the 2012 Act, as follows:

- steps to be taken to protect the health of the local population
- ensuring NHS commissioners receive the public health advice they need
- appropriate access to sexual health services
- the National Child Measurement Programme
- NHS Health Check assessments.

10.11 The DPH will also lead the non mandated public health commissioning responsibilities of the local authority, which include:

- tobacco control and smoking cessation services
- alcohol and drug misuse services
- public health services for children and young people aged 5-19 (including the Healthy Child Programme 5-19) (and in the longer term all public health services for children and young people)
- interventions to tackle obesity such as community lifestyle and weight management services
- locally-led nutrition initiatives
- increasing levels of physical activity in the local population
- public mental health services
- dental public health services
- accidental injury prevention
- population level interventions to reduce and prevent birth defects
- behavioural and lifestyle campaigns to prevent cancer and long-term conditions
- local initiatives on workplace health

- supporting, reviewing and challenging delivery of key public health funded and NHS delivered services such as immunisation and screening programmes
- local initiatives to reduce excess deaths as a result of seasonal mortality
- public health aspects of promotion of community safety, violence prevention and response
- public health aspects of local initiatives to tackle social exclusion
- local initiatives that reduce public health impacts of environmental risks.

10.12 The ring-fenced public health grant is provided to give the local authority the funding needed to discharge its new public health responsibilities (as set out in section 73A(1) and 73B(2) of the 2006 Act, inserted by sections 30 and 31 of the 2012 Act). The grant must be used only for these public health functions, which are summarised in Paragraphs 11.5, 11.10 and 11.11. The DPH will take day-to-day management over the public health grant, thereby having both the responsibility and the resources to invest to improve health locally.

10.13 The scope of the DPH role may extend beyond these core statutory and non-statutory responsibilities, by local agreement.

10.14 In addition to being the lead adviser on health to the local authority and a statutory chief officer, the DPH will have a critical role in defining the needs assessment which will drive commissioning, building on the assets of the local area. The DPH will support clinical commissioning so that it reflects the needs of the whole population. The DPH will also lead on health protection, ensuring that appropriate arrangements are in place, escalating concerns and holding local partners to account.

10.15 The DPH, as the lead officer for these new functions, will have specialist public health expertise and access to specialist resources spanning the three domains of public health, health improvement, health protection and healthcare public health (i.e. the population health aspects of NHS-funded clinical services).

10.16 All of the public health professionals employed by the local authority will need to meet the requirements of their regulators in relation to revalidation and fitness to practice, and the local authority will need to ensure that arrangements are in place for this. The DPH must ensure that all medically qualified staff have a Responsible Officer for the purposes of revalidation.

- 10.17 The DPH will carry overall responsibility for all services and issues concerning public health, and for professional advice to the Cabinet, Corporate Management Team and Council as the designated statutory Director of Public Health (including exercising the duties and functions set out in statutory guidance). The DPH may subdelegate any of these responsibilities to the Associate Directors of Public Health or to other individuals.
- 10.18 Having regard to the above the a draft Scheme of Delegation is attached at Appendix 1.
- 10.19 The Committee will be aware that the Officer Delegation Working Group is continuing to look at the substantive officer delegation scheme. If Members are minded to approve the proposed draft Scheme of Delegation for the Director of Public Health the Committee might wish to adopt the Scheme pending further review by the Working Group. Members of the Committee are invited to comment on the proposals.

11 Access to Information

The background papers relating to this report can be inspected by contacting the report writers:

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DIRECTOR OF PUBLIC HEALTH

The Director has four key roles:

- Health Improvement
- Health protection
- Health care, Commissioning and service planning
- Reduction of health inequalities

The Director is a statutory chief officers of the local authority, and therefore a holder of politically restricted posts, by section 2(6)(zb) of the Local Government and Housing Act 1989, inserted by Schedule 5 of the Health and Social Care Act 2012.

Pursuant to the Health and Social Care Act 2012 the Director is responsible for

- all of the local authority's duties to take steps to improve public health (the exercise by the authority of its functions under section 2B, 111 or 249 of, or Schedule 1 to, the 2006 Act)
- any of the Secretary of State's public health protection or health improvement functions that s/he delegates to local authorities, either by arrangement or under regulations – these include services mandated by regulations made under section 6C of the 2006 Act, inserted by section 18 of the 2012 Act
- the Secretary of State's public health functions exercised by local authorities in pursuance of arrangements under section 7A of the 2006 Act
- exercising the local authority's functions that relate to planning for, or responding to, emergencies that present a risk to public health
- the local authority duty to co-operate with the prison service with a view to improving the exercise of functions in relation to securing and maintaining the health of prisoners (the functions of the Authority under section 325 of the Criminal Justice Act 2003)
- such other public health functions as the Secretary of State may prescribe.
- the duty to write the annual report on the health of the local population:
- Subject to the publication of Regulations, the local authority's public health response as a responsible authority under the Licensing Act 2003, such as making representations about licensing applications (a function given to local authorities by sections 5(3), 13(4), 69(4))

and 172B(4) of the Licensing Act, as amended by Schedule 5 of the 2012 Act)

- if the local authority provides or commissions a maternity or child health clinic, then regulations made under section 73A(1) will also give the DPH responsibility for providing Healthy Start vitamins (a function conferred on local authorities by the Healthy Start and Welfare Food Regulations 2005 as amended)

The Director of Public Health will also:

- be the person who elected members and senior officers look to for leadership, expertise and advice on a range of issues, from outbreaks of disease and emergency preparedness through to improving local people's health and concerns around access to health services
- know how to improve the population's health by understanding the factors that determine health and ill health, how to change behaviour, and promote both health and wellbeing in ways that reduce inequalities in health
- provide the public with expert, objective advice on health matters
- be able to promote action across the life course, working together with local authority colleagues such as the Strategic Director of Children, Families and Adults services, and with NHS colleagues
- work through local resilience fora to ensure effective and tested plans are in place for the wider health sector to protect the local population from risks to public health
- work with local criminal justice partners and police and crime commissioners to promote safer communities
- work with wider civil society to engage local partners in fostering improved health and wellbeing
- be an active member of the Health and Wellbeing Board, advising on and contributing to the development of the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy, and commission appropriate services accordingly
- take responsibility for the management of their authority's public health services, with professional responsibility and accountability for their effectiveness, availability and value for money
- play a full part in their authority's action to meet the needs of vulnerable children, for example by linking effectively with the Local Safeguarding Children's Board

- contribute to and influence the work of NHS commissioners, ensuring a whole system approach across the public sector.
- will receive information on all local health protection incidents and outbreaks and take any necessary action, working in concert with Public Health England and the NHS.

Pursuant to Section 6C(1) and (3) of the NHS Act 2006 as amended by the, 2012 Act, the Director is responsible for:

- steps to be taken to protect the health of the local population
- ensuring NHS commissioners receive the public health advice they need
- appropriate access to sexual health services
- the National Child Measurement Programme
- NHS Health Check assessments.

The DPH will also lead the non mandated public health commissioning responsibilities of the local authority, which include:

- tobacco control and smoking cessation services
- alcohol and drug misuse services
- public health services for children and young people aged 5-19 (including the Healthy Child Programme 5-19) (and in the longer term all public health services for children and young people)
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- local initiatives on workplace health
- supporting, reviewing and challenging delivery of key public health funded and NHS delivered services such as immunisation and screening programmes
- local initiatives to reduce excess deaths as a result of seasonal mortality
- public health aspects of promotion of community safety, violence prevention and response
- public health aspects of local initiatives to tackle social exclusion
- local initiatives that reduce public health impacts of environmental risks.

The DPH will take day-to-day management over the ring-fenced public health grant is provided to local authority to discharge its new public health responsibilities

The DPH will carry overall responsibility for all services and issues concerning public health, and for professional advice to the Cabinet, Corporate Management Team and Council as the designated statutory Director of Public Health (including exercising the duties and functions set out in statutory guidance). The DPH may sub delegate any of these responsibilities to the Associate Directors of Public Health or to other individuals.

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CHESHIRE EAST COUNCIL

CONSTITUTION COMMITTEE

Date of Meeting:	24 th January 2013
Report of:	Democratic and Registration Services Manager
Subject/Title:	Review of Powers and Responsibilities of Officers

1.0 Report Summary

- 1.1 This report requests Members' consideration of the newly drafted section of the Constitution which sets out the Powers and Responsibilities of Officers. These are the powers delegated by full Council to Officers to make decisions and take action, as distinct from those powers and functions which are the responsibility of the Cabinet, Committees or Portfolio Holders.

2.0 Recommendation

- 2.1 Noting that the final draft document will not be available to this Committee until after the Member Working Group has made its recommendations at a meeting on Friday 18th January 2013, to recommend to Council the approval of the revised draft section of the Constitution on Powers and Responsibilities of Officers, with any appropriate amendments

3.0 Reasons for Recommendations

- 3.1 A review of the Powers and Responsibilities of Officers has been required to ensure the Constitution is up to date and clear and reflects the changes to the Council's Management Structure. In addition the review of this section of the Constitution provides an opportunity to streamline this part of the Constitution and make it more user-friendly.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications including – Carbon Reduction - Health

- 6.1 The delegations to officers relates to operational decisions by officers. The draft document makes it clear that all decisions made by officers must comply with policy approved by Members.

7.0 Financial Implications (Authorised by the Borough Treasurer)

- 7.1 The Finance Procedure Rules are not proposed to be amended by the revised Powers and Responsibilities of Officers. Where the document refers to financial issues it reflects those Rules as they are currently approved by Council. The draft document makes it clear that all decisions made by officers must be within approved budgets.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 The Council needs to keep its Schemes of Delegations to Committees, to Portfolio Holders and to Officers up to date in order to ensure that it is clear who has the ability to make decisions and to reduce the risk of challenge to the Council that a decision has not been made with the correct authority.
- 8.2 Changes to the Constitution need to be agreed by Council, following a recommendation from the Constitution Committee.
- 8.3 Any changes need to reflect statutory requirements. This has been considered as part of this review.

9.0 Risk Management

- 9.1 As paragraph 8.1 above.
- 9.2 The review has provided an opportunity to reduce the inconsistencies in the Constitution

10.0 Background and Options

- 10.1 At its meeting on 5th July 2012 the Constitution Committee resolved that in respect of the review of the Constitution "...that officers give priority to work on the scheme of delegation". This report is the culmination of that piece of work.
- 10.2 A Member Working Group was set up by the Constitution Committee at its meeting on 17th November 2011 to make recommendations on detailed changes to the Constitution. The Working Group has met and undertaken considerable work on the Scheme of Delegation. It is meeting again prior to the date of this Constitution Committee meeting with the intention that it will recommend a draft Scheme of Delegation to this Committee.
- 10.3 The exercise has involved an extensive re-write of the whole of the section in the Constitution dealing with Officer Delegations. The proposed format is that all delegations from Council are to the Director or most senior officer with responsibility for the function, who will then internally cascade delegations to other designated staff within the organisation as appropriate to the particular operational requirements of the service.

10.4 The existing Officer Delegations were largely cut and pasted from the former Constituent Authorities and as a consequence the document contained duplication and inconsistencies and lacked cohesion in places.

10.5 The Member Working Group meets on 18th January 2013 and any draft document recommended by the Group will follow for consideration by this Committee.

11.0 Access to Information

11.1 The Council's current Constitution is available on the Council's website: www.cheshireeast.gov.uk

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