

Council Agenda

Date: Thursday, 13th December, 2012
Time: 2.00 pm
Venue: Grand Hall, Congleton Town Hall, High Street, Congleton
CW12 1BN

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

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

1. **Prayers**
2. **Apologies for Absence**
3. **Minutes of the meeting Held on 11 October 2012** (Pages 1 - 26)
4. **Mayor's Announcements**

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

5. **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.

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

In accordance with Council Procedure Rule 35 and Appendix 7 to the rules, a total period of 15 minutes is allocated for members of the public to speak at Council meetings.

Individual members of the public may speak for up to 5 minutes, but the Chairman 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 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. It is not a requirement to give notice of the intention to make use of public speaking provision. However, as a matter of courtesy, a period of 24 hours notice is encouraged.

7. **Notices of Motion** (Pages 27 - 28)

To consider the attached Notices of Motion which have been received in accordance with Procedure Rule 12.

8. **Leader's Report to Full Council**

The Leader to report details of his appointments to the Cabinet and the functions delegated to Cabinet Members.

9. **Recommendations from Cabinet** (Pages 29 - 98)

- (a) Connecting Cheshire Superfast Broadband Partnership Arrangement (pages 29-36)
- (b) Revised Statement of Gambling Principles (pages 37-65)
- (c) Council Tax Base 2013/14 (pages 67-97)

10. **Recommendations from the Constitution Committee** (Pages 99 - 138)

To consider the recommendations of the Constitution Committee.

(Links to individual Constitution reports and appendices below).

- (a) Re-organisation of Community Governance Review (Crewe) Order 2012 and Mini Review of Electoral Arrangements for the Parish of Leighton (<http://bit.ly/Xp9iGc>)
- (b) Notice of Motion – Motions to Council (<http://bit.ly/VBafr8>)
- (c) Notice of Motion – Right to Speak at Public Meetings (<http://bit.ly/TESUik>)
- (d) Notice of Motion – Start Time of Public Meetings (<http://bit.ly/R6PCpd>)
- (e) Scheme of Members' Allowances: Report of the Independent Remuneration Panel (<http://bit.ly/VII1yh>)
Review 2012 (<http://bit.ly/TBEYIS>)

11. **Capital Programme & Treasury Management Strategy Update** (Pages 139 - 160)

To note the revised Capital Programme. (Appendix 4) and to approve the reductions in the approved Capital Programme (Appendix 1), Supplementary Capital Estimates and Virements (Appendix 2) and amendments to the Treasury Management Strategy (Appendix 3).

12. **Annual Audit Letter** (Pages 161 - 174)

To consider a report relating to the recently received Annual Audit Letter from the District Auditor.

13. **Review of Contract Procedure Rules** (Pages 175 - 206)

To approve the amendments to the Councils Procedure Rules, as set out in the Appendix to the report and that the Constitution be amended accordingly.

14. **Appointments to Cheshire Police and Crime Panel** (Pages 207 - 210)

To confirm the Council's nomination of three Councillors to sit on the Cheshire Police and Crime Panel.

15. **Recommendation for the Constitution Committee - Council Governance Arrangements** (Pages 211 - 242)

To consider the recommendations of the Constitution Committee.

16. **Questions**

In accordance with Procedure Rules 11, opportunity is provided for Members of the Council to ask the Chairman, the appropriate Cabinet Member or the Chairman of a Committee any question about a matter which the Council, the Cabinet or the Committee has powers, duties or responsibilities.

Questions must be sent in writing to the Monitoring Officer at least 3 clear working days before the meeting.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Thursday, 11th October, 2012 at The Assembly Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor G M Walton (Chairman)

Councillors C Andrew, Rachel Bailey, Rhoda Bailey, A Barratt, G Baxendale, D Bebbington, D Brickhill, D Brown, L Brown, B Burkhill, P Butterill, R Cartlidge, J Clowes, S Corcoran, H Davenport, W S Davies, R Domleo, D Druce, K Edwards, P Edwards, I Faseyi, J P Findlow, W Fitzgerald, H Gaddum, S Gardiner, L Gilbert, M Grant, P Groves, J Hammond, M Hardy, A Harewood, P Hayes, S Hogben, D Hough, O Hunter, J Jackson, L Jeuda, M Jones, S Jones, A Kolker, W Livesley, J Macrae, D Mahon, D Marren, A Martin, M A Martin, R Menlove, G Merry, A Moran, B Moran, B Murphy, H Murray, D Neilson, D Newton, P Nurse, M Parsons, P Raynes, L Roberts, J Saunders, M Sherratt, M J Simon, L Smetham, D Stockton, A Thwaite, D Topping, M J Weatherill, R West, P Whiteley, S Wilkinson and J Wray

Apologies

Councillors D Flude, G Barton, G Boston, R Fletcher, P Hoyland, F Keegan, P Mason, S McGrory, B Silvester, C G Thorley and G Wait

45 MINUTES OF THE MEETING HELD ON 19 JULY 2012**RESOLVED**

That the minutes be approved as a correct record, subject to an amendment to minute 41, question 3, response 2, to the effect that 'Cllr Menlove stated that the charity and company between them owed an amount approaching £300,000' and an amendment to question 3, response 3, to the effect that Cllr Brown "did not believe that the situation needed to be rectified".

46 MAYOR'S ANNOUNCEMENTS

1. The Mayor reported that his first duty was a very sad one regarding the recent tragic air crash in Kathmandu, Nepal, in which 19 people were killed, including 7 from the United Kingdom. It was with regret that he had to inform Members that two of those killed had links to Cheshire East. Raymond Eagle worked for the Council; based in Macclesfield. Ray was part of our Care4CE service where he provided support to enable people with disabilities to live in their

own homes. The second person with links to the Borough was Timothy Oakes, who until 2001 had been Head teacher of Ryles Park High School in Macclesfield. At the time of his death he was employed as a secondary school advisor by Lancashire County Council. In these tragic circumstances books of condolences had been opened here at Macclesfield Town Hall.

The Mayor also referred to the recent death of former Councillor John Jones. The Mayor had represented the Council at his funeral in the previous week.

Members stood for a minute's silent tribute.

2. The Mayor invited the Leader of the Council to speak and the Leader introduced Kim Ryley, Interim Chief Executive to the Council.
3. The Mayor referred to the recent Olympic and Paralympic Games and was delighted to be able to inform Council that athletes from Cheshire East had won a total of ten medals. He felt it appropriate that Council should mark the achievement of the medal winning athletes by offering them the Freedom of the Borough. From the Olympic Games, medal winners were Victoria Pendleton, who lived in Wilmslow, who had won gold and silver medals in cycling and Beth Tweddle from Bunbury, who had won a bronze in gymnastics. Four residents of the Borough had won medals in the Paralympic Games. Sarah Storey, from Disley, had won four cycling gold medals and her husband, Barney, had also won a gold medal, again in cycling. Craig McLean from Wilmslow had won a gold medal in cycling and Niki Birrell from Knutsford had won a bronze in sailing.

Council agreed that a special meeting of the Council should take place immediately before the Council meeting, scheduled for Thursday 13th December, in order to bestow Freedom of the Borough on the Olympic and Paralympic.

4. The Mayor reported that, since Council had last met, he and the Deputy Mayor had attended almost seventy events. These had included school visits, civic services in Knutsford, Wilmslow, Bollington and Rainow, a graduation ceremony at Reasesheath College and a considerable number of community based events. These events, be they flower shows, sports days, concerts or theatrical presentations always impressed and demonstrated the real community spirit across the Borough.
5. The Mayor referred to the Notice of Motion submitted to Council in the previous year, by Cllrs Flude and Thorley, relating to the proposal to erect a memorial to six Royal Engineers who were killed near Nantwich in 1940. He was delighted to be able to inform

Members that he had unveiled this memorial at Alvaston Hall Hotel on the previous Sunday.

6. The Mayor presented an award, on behalf of the Trading Standards Institute, to Joan Morrison who had been so incensed when she realised that she had been the victim of rogue traders who cold-called her to do work on her roof that she was determined to do everything in her power to stop the same thing happening to other vulnerable people. She had reported the incident to the Consumer Protection and Investigations Team within Cheshire East Council, which had resulted in the discovery of further offences against people in the community, leading to a criminal investigation and a 12-month community order with 150 hours of unpaid work to the criminals involved. Joan had attended Court and was also the spearhead for the launch of the Cheshire East Consumer Protection and Investigations Team's 'Nominated Neighbour Scheme', a preventative scheme for elderly and vulnerable residents. She was the first resident to sign up to the scheme and more than 1,000 residents had now signed up. Her efforts had received national recognition, with her being awarded a Trading Standards Institute's Hero Award. She had been unable to collect the award at the Institute's conference in June, but it was now the Mayor's privilege to present it to her.

47 DECLARATIONS OF INTEREST

Cllr Hogben declared a disclosable pecuniary interest in item 7, relating to the Crewe Community Governance Review, by virtue of being a Cheshire East Allotment Holder and would leave the room during consideration of this matter.

Cllr Cartlidge also declared an interest in the above item, by virtue of being a Cheshire East Allotment Holder.

Cllr Brickhill declared an interest in item 15, relating to Standards Issues and Planning Protocol, by virtue of being a member of the Cheshire Fire Authority.

Declarations of interest are also recorded for Cllrs Livesley, Merry, Simon, Topping, Thorley and Weatherill, who were present at the meeting, by virtue of being a member of the Cheshire Fire Authority.

48 PUBLIC SPEAKING TIME/OPEN SESSION

There were no Members of the public present, wishing to use the public speaking facility.

49 NOTICES OF MOTION

Consideration was given to the following Notices of Motion :-

1 Proposed by Cllr P Edwards and Seconded by Cllr M Jones

Vote of Thanks

2012 has seen two very intensive periods of severe flooding across Cheshire East. The first was in June and the second in September. During both events, Council employees responded quickly to the rapidly changing conditions and worked effectively together along with external partners to minimise the disruption caused to road users whilst protecting both domestic and business properties within the area. Areas most severely affected in the recent storm included:-

- River Bollin at Little Bollington
- The River Dane at Middlewich
- Wrinchill Road, Nantwich
- Whitehaven Lane, Faddiley
- Maw Green Lane, Crewe
- Warford Lane, Great Warford
- Tabley Hill Lane, Tabley
- A50 Dog Lane, Brereton
- Wilmslow Road, Alderley Edge
- A50 King Edward Road, Knutsford
- Bradfield Green, Crewe
- Trent and Mersey Canal, Middlewich

Teams worked relentlessly throughout the flooding 24 hours a day until the flood risk had diminished. Although the majority of floods have now been removed or have subsided naturally, there are still many locations where follow-up work is required.

Notice of Motion

“This Council places on record its thanks and appreciation to our local communities, our employees, our partners in Fire, Police, Environment Agency, Town and Parish Councils, and other agencies, who worked tirelessly and effectively during the recent storms and delivered a truly coordinated and effective response”.

RESOLVED

That the motion is approved.

(The Mayor added his thanks).

2 Proposed by Cllr D Brickhill and Seconded by Cllr A Moran

Highways Contract

“That the Environment and Scrutiny Committee conduct an examination of the performance of the highways contract and its contractor Ringway Jacobs placing particular emphasis on improving response times to maintenance and gateway white lining calls. It should report back to council before Christmas 2012.”

RESOLVED

That the motion stand referred to Cabinet for consideration.

3 Proposed by Cllr D Brickhill and Seconded by Cllr A Moran

Start Time of Council Public Meetings

“That in view of the increasingly bad traffic congestion in the morning rush hours all this councils’ 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.”

RESOLVED

That the motion stand referred to the Constitution Committee for consideration.

4 Proposed by Cllrs S Wilkinson and Seconded by Cllr Rachel Bailey

Bovine TB

“That Cheshire East endorses measures to halt the current high incidence of Bovine TB with the ultimate aim of both healthy wildlife and cattle population, never mind vital protection of the economic social wealth, health and wellbeing of our rural community.

In so doing Cheshire East supports early liaison with both EU and DEFRA to ensure infected areas within the Borough are tackled speedily”.

RESOLVED

That the motion is approved.

5 Notice of Motion - Statutory Allotments

It was reported that the Notice of Motion submitted by Cllr Keegan, relating to the re-location of Statutory Allotments had been withdrawn.

50 **RECOMMENDATION FROM CONSTITUTION COMMITTEE - CREWE COMMUNITY GOVERNANCE REVIEW - FINAL OUTCOME**

(Cllr Hogben had declared a disclosable pecuniary interest and left the meeting during consideration of this item).

Consideration was given to the recommendation from Constitution Committee regarding the final outcome of the Crewe Community Governance Review.

The Constitution Committee had recommended :-

That

(1) Council be recommended to approve that

- (a) the interests of effective and convenient local government and community identities in the area would be served by the creation of a new parish with a Parish Council for the unparished area of Crewe and that Parish Council be advised to consider its designation as a Town Council;
- (b) having taken into account the representations received, the Parish should be divided into 6 wards for the purposes of election to the Parish Council, such wards to be coterminous with the existing Borough wards, with each ward having the number of parish councillors as follows:

St Barnabas	2
Crewe Central	2
Crewe North	2
Crewe South	3
Crewe East	4
Crewe West	3
TOTAL	16

- (c) having considered the results of the ballot of electors, the unparished part of the Borough ward of Leighton be included within the Leighton Urban ward of Leighton Parish;
- (d) elections to the Crewe Parish Council be held on 4th April 2013;
- (e) the public conveniences in Lyceum Square, Crewe be transferred to the new parish council with effect from 1st April 2013 but Cheshire East Council continue to manage the facilities for the first three months; a sum of £30,000 to be included in the budget for the first year of the parish council to cover the cost of managing these assets;

- (f) the Council allotments within the unparished part of Crewe be transferred to the new parish council with effect from 1st April 2013 on the basis of a 150 year lease; a sum of £30,000 to be included in the budget for the first year of the parish council to cover the cost of managing these assets;
 - (g) the draft budget be approved, as attached to the report, subject to the addition of a contingency fund of £100,000, the budget totalling £442,000;
 - (h) the draft re-organisation order be updated as required and submitted to Council on 13th December for approval, following a mini-review of the electoral arrangements for the Parish of Leighton arising from the proposed boundary change to the Leighton Urban Ward;
- (2) the terms of reference of the Community Governance Review Sub-Committee be extended to enable the Sub-Committee to take all necessary actions in preparation for the new Crewe parish council.

The Chairman of the Constitution Committee, Councillor A Martin, moved the above recommendations, subject to a correction to recommendation 1(b), so that the reference to the St Barnabas ward reads 'Crewe St Barnabas' and the description of the Crewe South ward includes: 'except for Gresty Brook (Polling District 1GM2), which is already parished and falls within the Parish of Shavington-cum-Gresty'

AMENDMENT

The following amendment was moved and seconded and carried :-

That part (b) of the motion be replaced by the following wording :

"Having taken into account the representations received, the Parish should be divided into 6 wards for the purposes of election to the Parish Council, such wards to be coterminous with the existing Borough wards, with each ward having the number of parish councillors as follows:

Crewe St Barnabas 2

Crewe Central 2

Crewe North 2

Crewe South 4

(except for Gresty Brook (polling district 1GM2)

Crewe East 6

Crewe West	4
Total	20 “

RESOLVED

That :-

(a) the interests of effective and convenient local government and community identities in the area would be served by the creation of a new parish with a Parish Council for the unparished area of Crewe and that Parish Council be advised to consider its designation as a Town Council;

(b) having taken into account the representations received, the Parish should be divided into 6 wards for the purposes of election to the Parish Council, such wards to be coterminous with the existing Borough wards, with each ward having the number of parish councillors as follows:

Crewe St Barnabas 2

Crewe Central 2

Crewe North 2

Crewe South 4

(except for Gresty Brook (polling district 1GM2)

Crewe East 6

Crewe West 4

Total 20

(c) having considered the results of the ballot of electors, the unparished part of the Borough ward of Leighton be included within the Leighton Urban ward of Leighton Parish;

(d) elections to the Crewe Parish Council be held on 4th April 2013;

(e) the public conveniences in Lyceum Square, Crewe be transferred to the new parish council with effect from 1st April 2013 but Cheshire East Council continue to manage the facilities for the first three months; a sum of £30,000 to be included in the budget for the first year of the parish council to cover the cost of managing these assets;

(f) the Council allotments within the unparished part of Crewe be transferred to the new parish council with effect from 1st April 2013 on the

basis of a 150 year lease; a sum of £30,000 to be included in the budget for the first year of the parish council to cover the cost of managing these assets;

(g) the draft budget be approved, as attached to the report, subject to the addition of a contingency fund of £100,000, the budget totalling £442,000;

(i) the draft re-organisation order be updated as required and submitted to Council on 13th December for approval, following a mini-review of the electoral arrangements for the Parish of Leighton arising from the proposed boundary change to the Leighton Urban Ward;

(2) the terms of reference of the Community Governance Review Sub-Committee be extended to enable the Sub-Committee to take all necessary actions in preparation for the new Crewe Parish Council.

51 RECOMMENDATION FROM CONSTITUTION COMMITTEE - NOTICE OF MOTION RE LOCATION OF STRATEGIC PLANNING BOARD MEETINGS

Consideration was given to the recommendation from Constitution Committee regarding the Notice of Motion concerning the location of Strategic Planning Board Meetings.

RESOLVED

That the Capesthorpe Room, Macclesfield Town Hall and the Council Chamber, Municipal Buildings, Crewe be reserved in advance for every scheduled meeting of the Strategic Planning Board, with the room that is not required for a particular meeting being released at the appropriate time, the choice of venue to be at the discretion of the Chairman of the Strategic Planning Board in consultation with officers.

52 RECOMMENDATION FROM CONSTITUTION COMMITTEE - KEY DECISIONS

Consideration was given to the recommendation from Constitution Committee regarding revised definitions for Key Decisions. The recommendation of the Constitution Committee was moved and seconded as follows :-

That the following definition of a key decision be adopted:

“an executive decision which is likely –

- (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard

to the local authority's budget for the service or function to which the decision relates; or

- (b) to be significant in terms of its effects on communities living or working in an area comprising one or more wards or electoral divisions in the area of the local authority.

For the purpose of the above, savings or expenditure are "significant" if they are equal to or greater than £250,000."

Amendment

An amendment to increase the financial threshold for Key Decisions from £250,000 to £ 500,000 was moved and seconded and carried.

RESOLVED

That the following definition of a key decision be approved and adopted:

"an executive decision which is likely –

- (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising one or more wards or electoral divisions in the area of the local authority.

For the purpose of the above, savings or expenditure are "significant" if they are equal to or greater than £500,000."

53 RECOMMENDATION FROM CONSTITUTION COMMITTEE - REVIEW OF CONTRACT PROCEDURE RULES

RESOLVED

That this item be deferred for consideration at the next meeting of the Council.

54 RECOMMENDATION FROM CONSTITUTION COMMITTEE - PROPOSED AMENDMENTS TO THE COUNCIL'S FINANCE AND CONTRACT PROCEDURE RULES/PROJECT GATEWAY

Consideration was given to the recommendation from Constitution Committee regarding proposed Amendments to the Council's Finance and Contract Procedure Rules, which were appended to the report and the

creation of “Project Gateway”, to provide a strong quality assurance model for major projects and programmes in Cheshire East.

The Constitution Committee recommended :-

That :-

- (1) the proposed amendments to Sections A and B of the Finance and Contract Procedure Rules be approved subject to the following amendment:

“That projects with an estimated cost of between £100,000 and £250,000 are to be brought to the appropriate Policy Development Group for consideration and/or noting.”

- (2) the Constitution be amended accordingly.

AMENDMENT

An amendment to delete the words “and/or noting” at the end of recommendation (1) was moved and seconded and carried.

RESOLVED

That :-

- (1) the proposed amendments to Sections A and B of the Finance and Contract Procedure Rules be approved subject to the following amendment:

That projects with an estimated cost of between £100,000 and £250,000 are to be brought to the appropriate Policy Development Group for consideration.

- (2) the Constitution be amended accordingly.

55 RECOMMENDATION FROM CONSTITUTION COMMITTEE - SPECIAL RESPONSIBILITY ALLOWANCE: LOCAL SERVICE DELIVERY COMMITTEES FOR CREWE AND MACCLESFIELD

Consideration was given to the recommendation of the Constitution Committee regarding the awarding of a Special Responsibility Allowance to the Chairmen and Vice-Chairmen of the Local Service Delivery Committees for Crewe and Macclesfield.

Following debate, Council resolved that this matter should be referred back to the Independent Remuneration Panel for further consideration and that Member comments reported to the Panel.

RESOLVED

That this matter be referred back to the Independent Remuneration Panel for further consideration.

56 RECOMMENDATION FROM CONSTITUTION COMMITTEE - PETITIONS SCHEME

The recommendations of the Constitution Committee regarding proposed amendments to the Council's Petitions Scheme were submitted.

RESOLVED

That this item be referred back to the Constitution Committee for further consideration.

At this point the meeting was adjourned for 10 minutes.

57 RECOMMENDATION FROM CONSTITUTION COMMITTEE - REVIEW OF THE PLANNING PROTOCOL OF CONDUCT AND THE PLANNING PUBLIC SPEAKING PROTOCOL

The recommendations from the Constitution Committee regarding the review of the Planning Protocol of Conduct and the Planning Public Speaking Protocol were submitted. The Mayor reported that the documents had also been considered by the Strategic Planning Board and the Audit and Governance Committee. Revised documents, which showed the changes as considered by the Constitution Committee were appended to the agenda.

The Mayor reported that the Constitution Committee had noted the recommendations from the Strategic Planning Board and had not made any further comments on the proposed amendments to the Protocols. However, the Audit and Governance Committee, on considering the Public Speaking Protocol, had proposed that the speaking time for Ward Members on planning applications should remain at 5 minutes, as opposed to the proposal by the Strategic Planning Board and the Constitution Committee, which recommended that all visiting Cheshire East Councillors, including Ward Councillors should have 3 minutes to speak. He, would therefore, call upon the Chairman of the Constitution Committee, Cllr Andrew Martin to move the proposed changes to the Protocols as agreed by the Strategic Planning Board, as set out on page 142 of the of the agenda and once this motion has been disposed of, he would then call upon Cllr Hammond, as Chairman of the Audit and Governance Committee to move the recommendation from the Audit and

Governance Committee in respect of this matter, as set out on page 143 of the agenda.

Cllr Martin, moved the recommendations of the Strategic Planning Board, as considered by the Constitution Committee, with the exception of the recommendation relating to the time period for Member speaking time.

RESOLVED

That the amendments put forward by the Legal Officer and the following additional amendments suggested by Members of the Strategic Planning Board be approved: -

- 1) That in relation to the Public Speaking Protocol the provision requiring a copy of a Constitution outlined in paragraph 1.1 of the report, to be produced by a Local Representative Group should be deleted.
- 2) That the final sentence in paragraph 1.2 of the Public Speaking Protocol be deleted.
- 3) That the third bullet point in paragraph 2.6 of the Public Speaking Protocol be amended so that all visiting Cheshire East Councillors (including Ward Councillors) may be questioned by Members of the Strategic Planning Board/Northern or Southern Planning Committee, for a maximum of 5 minutes, or longer at the Chairman's discretion.
- 4) In relation to paragraph 8.9 of the Planning Protocol, the words 'not ever' be replaced with the word 'never'.

With reference to recommendation 3 of the Strategic Planning Board, Cllr Hammond moved the recommendation of the Audit and Governance Committee, which proposed that the speaking time for Ward Members should remain at 5 minutes.

RESOLVED

That the third bullet point in paragraph 2.6 of the Public Speaking Protocol be amended so that all visiting Cheshire East Councillors have 3 minutes to speak, Ward Councillors have a total of 5 minutes to speak and may be questioned by Members of the Strategic Planning Board/Northern or Southern Planning Committee, for a maximum of 5 minutes, or longer at the Chairman's discretion.

Consideration was given to the recommendation of the Audit and Governance Committee relating to the appeals procedure for complaints under the Member Code of Conduct.

RESOLVED

That the appeals procedure in relation to complaints under the Member Code of Conduct take the form of an oral hearing, the appeals body to comprise three Councillors from the pool of 15 and an independent person none of whom have previously been involved in a particular case.

**59 RECOMMENDATION FROM AUDIT AND GOVERNANCE COMMITTEE -
AUDIT AND GOVERNANCE COMMITTEE ANNUAL REPORT 2011/12**

The requirement to submit an Audit and Governance Committee Annual report to Council was now included within Cheshire East Council's Constitution. The first Audit and Governance Committee Annual Report was, therefore, submitted.

RESOLVED

That the Audit and Governance Committee Annual Report 2011/12 be received.

**60 RECOMMENDATION FROM INDEPENDENT REMUNERATION PANEL
- NOTICE OF MOTION RE MEMBER ALLOWANCES/MILEAGE RATES**

Consideration was given to the recommendation from the Independent Remuneration Panel regarding a Notice of Motion concerning Member Mileage Rates.

The Independent Remuneration Panel recommended :-

That the payment of travel expenses by way of an increase to elected Members' Basic Allowance is not considered by the Independent Remuneration Panel to be a viable option for Cheshire East Council at this point in time; given that: -

- i) It goes against the principle of Members being reimbursed for actual expenditure incurred in the performance of their duties; and
- ii) It would have a detriment impact on Members due to the travel element of the basic allowance being liable for tax.

RESOLVED

That the recommendation of the Independent Remuneration Panel, as set out above be approved.

61 RECOMMENDATION FROM CABINET - MIDDLEWICH EASTERN BYPASS & MIDPOINT 18

Consideration was given to the recommendation from Cabinet in respect of the Middlewich Eastern Bypass & Midpoint 18. Following the Government's proposed allocation of £4m from its Regional Growth Funding to Pochin Developments Ltd to support the development of the Middlewich Eastern Bypass, Cheshire East Council had been requested to act as the grant recipient and accountable body to receive and manage the grant.

RESOLVED

1. That Council approves the request for the Council to act as the grant recipient for this project and accepts the terms of a conditional grant offer letter from the Secretary of State for Business, Innovation and Skills (BIS), subject to the satisfactory advice of the Borough Solicitor.

2. That authority be delegated to the Strategic Director (Places & Organisational Capacity), in conjunction with the Portfolio Holder, to accept the final grant offer letter, subject to the satisfactory advice of the Borough Solicitor and independent Due Diligence advice.

62 QUESTIONS

The following questions had been submitted:-

QUESTION 1

From Councillor D Brickhill

Parking at the rear of the Municipal Buildings, Crewe

On Monday 17 September, on the occasion of a Cabinet meeting at the Municipal Buildings, Crewe, the only properly marked disabled spot, was occupied by a cone with a notice marked "Reserved for Councillor Michael Jones". I am glad to say he is not disabled. However this contravened both the disabled space regulations and the notice that Councillors (and he is just one of 82) are not permitted to use ANY of the car parking spaces behind the Municipal building. He was not expected at the meeting and had given his apologies. Will you please explain this?

Will you please detail the steps you are taking to ensure that disabled spots are only used by disabled people displaying their disabled badge

and the way you will deal with offenders to prevent them using these spots again, preferably with some kind of penalty.

If you are not able to produce such evidence, I would like to hear who gave the authority to issue the notice saying *"Members be aware that they are not permitted to park at the rear of the Municipal Buildings, as parking is very restricted and they need to keep this for visitors and deliveries as well as disabled parking."*

Response from Cllr Macrae

As Members will be aware, there is minimal parking at the Municipal Buildings, in Crewe, however, there are currently three clearly marked disabled spaces. The Asset Management Service is currently reviewing this provision, with the aim of creating one further disabled parking space and improving the area as a whole.

Unfortunately, the note sent to Members was badly worded and an apology has been offered.

The Building Support Officers monitor this car park throughout the day and issue notices to offenders, this will continue in the future. Can I also encourage Members to sign in when visiting so that illegal parking can be monitored.

QUESTION 2

From Councillor S Hogben

Crewe Heritage Centre

The Council is planning to grant a 125 year lease on the Crewe Heritage Centre site for a peppercorn rent. This effectively gives away an asset valued at £1m.

Could we have an assurance that there will be adequate safeguards within the lease agreement that

- 1) the site will be used for the benefit of the people of Crewe and that the site will be subject always to the objective that it shall be used for railway heritage and that any other use must be ancillary to this purpose, and
- 2) the existing rights of the Crewe Heritage Centre Trust will be fully protected, and
- 3) the new lease holders shall be prevented from extracting profits derived from the rent free site by paying high salaries, management charges or by raising loans secured on the lease?

Response from Cllr Macrae

Following on from the Notice of Motion of 13/10/ 11, I would respectfully remind Councillor Hogben that the matter has received consideration by both the Cabinet Member for Prosperity on the 27th June 2011 and by the Environment and Prosperity Scrutiny Committee on the 25th July 2011, at which Cllr Hogben was present.

1. I can remind Cllr Hogben that on the 27th June 2011 it was agreed that the site of the Crewe Heritage Centre be declared surplus to the requirements of Cheshire East Council and that a 125 year lease be offered for sale on the open market with a restrictive covenant to preserve the site for the rail heritage of Crewe. The terms have of the draft lease have been offered on this basis. (We are not disposing of the freehold).
2. The existing rights of the Crewe Heritage Centre Trust will not be affected by the grant of a new Head Lease.
2. The draft lease has been offered on the basis that the Tenant will invest the profits derived from the property into the property and/or into the activities carried on at the property.

I have copies of the previous decisions and Scrutiny call-in and relevant minutes if Members require them and if Members wish to view the terms of

the lease, I suggest that they make an appointment with the Borough Solicitor.

Supplementary Question

Cllr Hogben requested that the response be copied to all Members and requested an update in respect of the current situation. It was noted that the response would be included in the minutes of the Council meeting and Cllr Macrae undertook to check on the current situation and would provide an update.

QUESTION 3

From Councillor S Corcoran

East Cheshire Community Transport

- 1) Why didn't Cheshire East Council act on the warnings from East Cheshire Community Transport in January 2012 that the new services they were being asked to take on by Cheshire East Council would cause them cash flow difficulties?
- 2) The amount Cheshire East Council is now paying for the Dial-a-Ride service is higher than if no cuts at all had been made in the grant to East Cheshire Community Transport. Why did Cheshire East Council push ahead and impose cuts to the grant for East Cheshire Community Transport for Dial-a-Ride rather than negotiate an achievable reduction with East Cheshire Community Transport?
- 3) Why didn't the Council respond to requests for assistance from East Cheshire Community Transport in the weeks leading up to the cessation of trading?
- 4) It has been stated that Cheshire East Council was owed £139,000 by East Cheshire Community Transport. Why hasn't Cheshire East Council submitted a claim to the liquidator for this amount?
- 5) Why didn't the Council act to secure the computer system for which £39,000 had been granted less than a year previously?
- 6) Why didn't the Council act to secure the buses for which £90,000 had been granted less than a year previously?

Response from Cllr Menlove

- 1 It is incorrect to assert that the Council has not acted, and it is also incorrect to say that the changes would result in cash flow difficulties. The Council has for many years been a strong

supporter of community transport across the Borough, committing substantial amounts of funding to ensure residents with mobility difficulties can access essential local services. In helping East Cheshire Community Transport with its implementation of a revised business plan, officers worked closely with them to help mitigate the impact of funding changes. This included offering transitional funding, and reprofiling the payments that were to be made.

Unfortunately, despite regular requests, no information was forthcoming to the Council over the exact financial position facing the Charity. It is for the Charity to answer for its own specific failure to keep proper accounting records, and to make them available to the Council. The Charity had failed for a number of years to even submit its accounts to the Charity Commission. It is likely that had the true financial position been known, then funding would have ceased sooner in order to protect the taxpayers' interests and adopt alternative approaches.

- 2 This statement also is simply incorrect. The funding made available now is for a service that covers the whole of the south of the Borough, whereas funding for East Cheshire Community Transport and the service they provided covered only certain areas. Also, the ongoing costs of operating this service ourselves is lower than the ongoing amounts paid to East Cheshire Community Transport would have been – again, another unsupported assertion. So, we are providing better service coverage at lower cost, which I believe all members would welcome.
- 3 Again, this is simply incorrect. Officers were in regular contact with Trustees and officers of the Charity, and I attended a meeting with the Chair of Trustees and the Charity's coordinator. Requests for assistance, as they are termed, were limited to no more than demands for increased funding.

There was no recognition from the Charity that they had to change their working practices; no recognition they had to reduce costs; no recognition that there are many sources of funding other than Cheshire East's taxpayers. The Charity did not have any volunteers – only paid staff. The Charity did no fundraising – it was in effect a contractor to the Council, with no attempts to seek grants from other bodies or fundraise within the community it served. They occupied a very high cost premises, employed a high number of management and administrative staff, and displayed a lack of commercial acumen. In such circumstances, it is right that the Council does not avoid taking difficult decisions to ensure we get maximum value from the limited taxpayer funding we have available.

- 4 Cheshire East Council funding was provided to the Charity, not to the company, It is inappropriate – and probably unlawful - to submit a claim to a company we have not funded.

To recover any funding from the Charity would mean submitting a claim to the Trustees, and they are considered to be without substantial assets. The prospect of recovering the funding is therefore remote, and is not considered to be worth the cost of pursuing.

- 5 The bailiff appointed by the company sold the computer system before the Council was invited to submit a formal offer. The data had already been secured in hard copy form, and the replacement flexible transport service is operating a satisfactory database without needing to use the previous system used by East Cheshire Community Transport.
- 6 The Charity had not paid its debts for some considerable period – nearly 12 months in some instances. Bailiffs were appointed by the Charity's creditors to sell assets. This only came to light after the Charity had transferred its remaining assets and liabilities into a company against the expressed wishes of the Council. When the remaining vehicles were likely to be sequestered, the Council's officers moved swiftly to ensure that they were surrendered to the Council, and these vehicles are currently being used to provide the service in the south of the Borough.

Supplementary Question

Cllr Corcoran questioned, that if the new contract was better than the old contract with East Cheshire Community Transport, then why did the first quarter financial report of Cheshire East Council include £500,000 provision for extra costs due to the collapse of ECCT.

Cllr Menlove undertook to provide a written response to this question.

QUESTION 4

From Councillor S Corcoran

Sustainable Housing Developments

Further to my question at the last Council meeting and the written response received:

- 1) Could the Cabinet Member elaborate on their comment that "it will not always be a 50% margin of tolerance that is used"? The traffic light system already has an inherent amount of flexibility. I am very concerned that allowing the margin of tolerance to be varied could lead

to confusion and inconsistency. Who decides what the margin of tolerance is and on what basis do they decide?

- 2) Ensure that all planning officers are aware of the 'traffic light approach'? I have recently been advised by a senior member of the department that the normal procedure is to only regard a red traffic light as a failure and I have seen this interpreted at a recent Strategic Planning Board meeting where planning officers presented an application stating that it 'meets 11 out of the 15' NWDA criteria when in fact 4 were green, 7 were amber and 4 were red. At that meeting no 'traffic light' slide was presented and it was not mentioned in the officer report. As a council we need to have a clear, consistent approach to sustainability.
- 3) Advise when the Council is likely to have adopted documents that reflect the current NPPF guidance, so that the Council has a defensible definition of a sustainable development? I note that the Interim Planning Policy (recently consulted upon) gives criteria based on the NWDA Sustainability Toolkit distances, but this makes no mention of a traffic light system. If the acceptable distances are to be increased by 50% (or more) by use of an amber traffic light then this calls into question the validity of the consultation.

(Question and Written Response from Council 19 July 2012 - referred to in the above Question)

Definition of a 'Sustainable Development'

What is this Council's working definition of a 'sustainable development'?

The National Planning Policy Framework states that there is a presumption in favour of sustainable development. Cheshire East Council has intimated that it uses the North West Development Agency (NWDA) sustainability toolkit to assess sustainability. The interim planning policy that has recently been subject to consultation used the distances to local services taken from the NWDA sustainability toolkit question 34. However, I am told by Cheshire East officers that in assessing planning applications a tolerance of 50% is added to all the distances given in the NWDA sustainability toolkit. As an example the NWDA sustainability toolkit lists Primary school (1000m). When Cheshire East assesses a site, is a primary school 1,400m away a pass or a fail (or a marginal fail)?"

Written Response:

The concept of Sustainable Development lies at the heart of the planning system. In very simple terms it relates to Development which meets of the present without compromising the ability of future generations to meet their own needs.

It is often suggested that sustainable development is the harmonious interaction of three dimensions – economic factors, social considerations and environmental issues. These goals need to be pursued jointly and simultaneously to achieve sustainable development.

The National Planning Policy framework puts this more broadly – and indicates that the accumulated guidance of some 201 distinct paragraphs collectively constitutes ‘sustainable development’ within the planning system.

The new Cheshire East Local Plan will explain what we consider to be sustainable development in a Cheshire context; but currently we do not have any adopted documents that reflect the current NPPF guidance.

Sometimes in the assessment of development proposals, the term ‘sustainable’ and ‘accessible’ are used interchangeably. That is perhaps a misreading of the true concept of sustainability as spelt out in the NPPF. The NPPF adopts a broader approach to the issue.

The North west Sustainability Tool Kit as used by the Council specifically addresses sustainability in terms of accessibility – how well a residential development is related to a number of key local services. The Council has refined the tool kit on application and particularly on planning appeals by introducing a traffic light system. This is with the aim of giving a fairly simple picture of a site’s accessibility. The following approach is taken:

Green = the standard is met

Amber = the standard is not met, but by a moderate margin

Red = the standard is not met by a significant margin

The distinction between ‘moderate’ and ‘significant’ margins will vary according to the particular facility concerned. Consequently it will not always be a 50 % margin of tolerance that is used.

When making planning decisions the Council is concerned with the balancing the benefits of development with any harm it may also cause in terms of adverse impacts. Most prominence is given to those impacts which are significant; consequently it is entirely appropriate to seek to distinguish between a marginal or moderate impact and one that is much more severe. The Traffic light approach seeks to achieve this, whilst also give a quick and easy perspective on a sites suitability).

Summary of Response from Cllr Bailey

At the outset we need to make it clear that sustainable development is a much broader concept than the subjects which the traffic light matrix addresses. The Government states that sustainable development is the effective balance of economic, social and environmental factors – whereas

the traffic light matrix primarily considers accessibility – which is a much more narrow aspect of development. Consequently we should be careful not to over emphasise its importance or role.

To address the specific questions:

Question 1

The matrix states that anything other than a 'green' fails to meet the standard. Therefore amber and red only signify the scale and extent of the standard.

Green = the standard is met

Amber = the standard is not met, but by a moderate margin

Red = the standard is not met by a significant margin

The Amber / Red categories have been devised internally by the planning teams.

(Hence, question 2 is surprising, but I assume that you are looking for consistency).

Question 2

As set out above, if the standard of accessibility is only met if it is shown green on the traffic light matrix

Question 3

The Priority of the Council is to ensure it has an up to date Local plan in compliance with the National Planning Policy Framework. This will carry full statutory weight in decision making. The Next stage of the Local Plan, the Borough Development strategy will appear before Council committees later in the autumn.

The Consultation on the Interim Planning Policy took place before the publication of the NPPF and therefore could not have taken full account of the final version. We will be reporting on the Interim Policy at a forthcoming meeting of the Strategic Planning board.

Supplementary Question

Cllr Corcoran stated that he did not feel that his first question had been answered and asked when the National Planning Policy Framework guidance would be published.

Cllr Bailey responded that this would be later in the Autumn.

QUESTION 5

From Councillor D Brickhill

Proposed Development on Duchy Land

It has been reported on Twitter that the Duchy are proposing a major development on their land to the north of the A 500.

Have there been any pre-application discussions with our officers about this and precisely where is the site concerned?

Response from Cllr David Brown

During the consultation on the Crewe Town Strategy, a range of responses have been received by developers and landowners across Crewe and the surrounding area. One of these responses includes proposals for major development to the east of Crewe, north of the A500. There have been no formal pre-application discussions with Officers with regards to these proposals; however there have been meetings with developers and landowners, including the Duchy of Lancaster as part of the consultation process.

Supplementary Question

Cllr Brickhill questioned why Members had to find out about this matter via Twitter, rather than through Council officers and the Cabinet Member.

Cllr Brown stated that there had been an internal conference discussion with the Duchy and that the Duchy had informed tenants, who had posted the information on Twitter. As soon as the position was formal, notification had taken place.

QUESTION 6

From Councillor D Brickhill

Cost of Telephone Maintenance

It is reported on the Crewe Voice website that Cheshire East spends £5 million on telephone maintenance.

If this is correct can you tell us please how the figure is broken down and if it includes line rentals and calls?

Response from Cllr David Brown

Cllr Brown thanked Cllr Brickhill for his question and provided a brief response at the meeting and undertook to provide a more detailed written response.

Supplementary Question

Cllr Brickhill questioned what reliance he could have on the figures produced and stated that he did not have faith in them.

Cllr Brown responded that the problem with the web action package was being investigated, but that this was not reflected in the way the Council ran it.

The meeting commenced at 2.00 pm and concluded at 6.30 pm

Councillor G M Walton (Chairman)
CHAIRMAN

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COUNCIL – 13 DECEMBER 2012**NOTICES OF MOTION****1. Submitted by Cllr M Sherratt****Youth Homelessness**

"It is important that this Council recognises its responsibility in providing safe and secure routes for young people who find themselves temporarily homeless.

This Council notes that Centrepont estimates 80,000 young people experience homelessness every year nationally. The Council acknowledges that, due to the fact that some young people who are without a secure home are sofa surfing, the full figures of youth homelessness may be higher than recorded figures collected both locally and nationally.

This Council resolves to:

- Identify ways of collating more data locally on youth homelessness. Work with local colleges, NHS trusts, Job Centres and other local services to identify additional ways this data can be obtained
- Work with local and national charities and homelessness organisations to ensure that every young person who needs help, including those who are not deemed a priority or are 'intentionally' homeless, is at a minimum directed to where help and advice may be available if it cannot be delivered by the local authority.
- Ensure that the online and face-to-face advice services include specific information on obtaining housing support if you have a disability, addiction or have mental health issues.
- Use proactive channels to reach young people at risk to ensure they have the info about advice channels that are available."

2. Submitted by Cllr P Nurse**Countryside Policy**

Cheshire East Council draws attention to aspects of Government policy towards the Countryside and in particular:-

- The failure of policy to deal with Bovine TB which will now have a further year to develop;
- The slow response to the spread of Ash disease which threatens to destroy the stock of one of our finest trees;
- The decision to permit the wider development of agricultural land which reverses long established planning policies;

- The Council believes a change of approach is urgently required to deal with the problems facing the Countryside.

3. Submitted By Cllr S Corcoran

Request for Audit Investigation into Collapse of East Cheshire Community Transport

This Council requests that an internal audit investigation is carried out into the collapse of East Cheshire Community Transport and the withdrawal of Community Transport Macclesfield from providing Dial-a-Ride services. The investigation should specifically look at

- 1) whether the Council is obtaining better value for money through the private companies now running the Dial-a-Ride and Adult Care transport services or whether they were obtaining better value for money through the charities that previously ran the service
- 2) whether factually incorrect information has been given in answers to questions in full Council and in press releases issued by Cheshire East Council.

4. Submitted by Cllr L Jeuda and Seconded by Cllr G Boston

The Living Wage

Recent research by the Joseph Rowntree Foundation has found that it is becoming increasingly difficult for people on low incomes to maintain a decent standard of living and that many people are experiencing 'in work poverty'.

Other research shows that a Living Wage of £7.45 an hour would help to lift these families out of poverty and its introduction has been widely supported across all the major political parties, by the Mayor of London, the Anglican General Synod and the Catholic Bishops of England and Wales.

Cheshire East Council therefore welcomes and supports the adoption of the Living Wage by the Mayor of London and thirty five councils across the country and will adopt the policy for its own employees.

Cheshire East Council will also ensure that companies and organisations commissioned to carry out work on its behalf pay the Living Wage of £7.45 an hour to their employees.

Council Meeting – 13 December 2012

Extract from Cabinet Minutes - 17 September 2012

KEY DECISION CE12/13-15 CONNECTING CHESHIRE SUPERFAST BROADBAND PARTNERSHIP

Consideration was given to the partnership arrangements proposed for the delivery of this project to provide superfast broadband services in areas of market failure, these being predominantly outlying rural areas. It was proposed that Cheshire East be the accountable body and delivery agent for the project partners of Cheshire West and Chester, Warrington and Halton.

RESOLVED

That Council be recommended to approve that:

1. Cheshire East Council enter into a partnership arrangement with Cheshire West and Chester Council, Warrington Borough Council and Halton Borough Council for the delivery of the Connecting Cheshire Superfast Broadband Project.
2. That Cheshire East Council lead the partnership and fulfil the role as the accountable body and principal delivery agent of the Connecting Cheshire Partnership.

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CHESHIRE EAST COUNCIL

REPORT TO: CABINET

Date of Meeting:	17th September 2012
Report of:	John Nicholson – Strategic Director, Places and Organisational Capacity. Lisa Quinn – Director of Finance and Business Services
Subject/Title:	Connecting Cheshire Superfast Broadband Partnership Arrangement
Portfolio Holder:	Councillor David Brown, Deputy Leader and Cabinet Member for Sustainable Communities. Councillor Jamie Macrae, Cabinet Member for Prosperity and Economic Regeneration.

1.0 Report Summary

- 1.1 This report provides a progress update on the development and delivery of the Cheshire and Warrington Local Broadband Plan.
- 1.2 The Connecting Cheshire project has been progressed to the transition point from a development phase into a delivery phase for the provision of superfast broadband services in areas of market failure, largely our outlying rural areas.
- 1.3 The conclusion of procuring a telecommunications delivery partner, award of ERDF grant funding and approval of State Aid taking place over the coming months will mark the beginning of the £39m project.
- 1.4 The project is being developed in partnership with the Councils of Cheshire West and Chester, Warrington and Halton. Approval is sought to enter into a partnership arrangement with the local authorities and for Cheshire East Council to be the accountable body and principal delivery agent.

2.0 Decision Requested

- 2.1 Approval is sought for the following decisions:
 - 1. Cheshire East Council entering into a partnership arrangement with Cheshire West and Chester Council, Warrington Borough Council and Halton Borough Council for the delivery of the Connecting Cheshire Superfast Broadband Project.
 - 2. Cheshire East Council leading the partnership and fulfilling the role as the accountable body and principal delivery agent of the Connecting Cheshire Partnership.

3. Recommendations to be taken to Cabinet and Full Council, as appropriate, for ratification. .

3.0 Reasons for Recommendations

- 3.1 To progress 5th March 2012 Cabinet decisions
- 3.2 Working in partnership will enable efficient delivery of the project maximising the public sector investment through collaborative working, providing access to new resources and sharing risks across the Partnership.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 The case for investment into Superfast Broadband for Cheshire East has been established in the following key policy documents:
- Cheshire East Business Plan 2012/15 (2012)
 - Cheshire East Sustainable Community Strategy: Ambition for All (2010)
 - Cheshire East Economic Development Strategy (2011)
 - Cheshire East ICT Strategy (2011)
 - Cheshire Crewe Vision All change for Crewe (2011)
 - Cheshire and Warrington Local Enterprise Partnership Business Plan (2012).

7.0 Connecting Cheshire partnership, Superfast Broadband Collaboration Agreement

- 7.1 The Connecting Cheshire Partnership is a partnership arrangement. The nature of the partnership is to deliver the superfast broadband project including infrastructure provision and a business support scheme, to encourage take up of the Broadband Service once the infrastructure has been installed.
- 7.2 Cheshire East Council would act as the Lead Partner and Accountable Body for entering into the contract with the successful commercial operator on behalf of the Connecting Cheshire partnership, however, there will be a collaboration agreement in place between the partners which will ensure that each Partner meets their financial obligations.
- 7.3 The partnership arrangement has been developed and endorsed by legal and Democratic Services and is underpinned by a Collaboration Agreement and Finance Protocol derived from the Council Constitution and agreed between

the parties. The Collaboration Agreement has been developed under the following headings to provide for completeness of definition of responsibilities and obligations:

- Definitions
- Purpose of this Agreement
- Connecting Cheshire Partnership Objectives
- Marketing Commitments
- Governance
- Principles of Operation
- Withdrawal from the Connecting Cheshire Partnership
- Status of this Agreement
- Governing Law and Jurisdiction
- Appendix 1: The Partners

7.4 The partnership arrangement will legally bind the partners to provide funding contributions for infrastructure, business support and project management for the duration of the project, which is anticipated to have a total cost of £39m.

8.0 Financial Implications (Authorised by the Director of Finance and Business Services)

8.1 The Connecting Cheshire Partnership has secured £3.24m funding from Broadband Delivery UK (BDUK) for infrastructure investment to which the local authorities have committed match funding through their 2012/13 capital programmes.

8.2 The Council approved the investment of £1.2 million profiled over three years to provide for 90% superfast broadband coverage across the Borough, with an ambition to achieve 100% coverage by leveraging European Grant Funding.

8.3 To extend the rollout of Superfast Broadband, the Partnership has recently submitted an application to the European Regional Development Fund (ERDF) for £15m to support investment in faster broadband infrastructure. The grant will be matched by similar investment from the private sector.

8.4 The total value of the project is expected to be £39m. Grants and contributions will be paid by the Council in accordance with the policies determined under Finance Procedure Rule. The Council as the accountable body will be responsible for managing finance and funding on behalf of the partnership.

9.0 Legal Implications (Authorised by the Borough Solicitor)

9.1 Section 2 of the Local Government Act 2000 gives Local Authorities power to take steps which they consider are likely to promote the economic, social or environmental well being of their area - or its inhabitants. However, no action can be taken which would contravene any specific statutory prohibition,

restriction or limitation. Regard must also be had to the Community Strategy. The actions proposed in this report fall within this power.

- 9.2 Given the significance of the project, the need for a financial contribution of up to £1.2m from the Council, and in view of the Council having accountable body status, it has agreed between the Partners that Cheshire East will seek approval from Cabinet and full Council prior to entering into the partnership arrangement. The other Partners are similarly seeking formal ratification under the appropriate terms of each of their constitutions.
- 9.3 It should be noted that the European Commission, Central Government and suppliers on the Broadband Delivery UK (BDUK) framework have been in talks about the detail of the Commission granting approval for a UK wide State Aid umbrella scheme. Such approval from the Commission has been expected since April 2012, but complications have delayed matters until after October.

10.0 Risk Management

- 10.1 Appropriate and robust financial accounting and reporting systems will be put in place and these will assist with early identification of any financial variances from the planned expenditure and funding.
- 10.2 An annual report will be presented to the Cabinet Member for Sustainable Communities, outlining how sums have been used and the key outcomes and achievements. The report will also review the affordability and continued relevance of the arrangement to Service policies and corporate objectives and seek appropriate Business Plan approval.
- 10.3 Regular reports on progress and outcomes will be provided to the project board, Head of Service and Cabinet Member for Sustainable Communities.
- 10.4 Heads of Service will report on the outcomes achieved through the provision of support to outside bodies on an annual basis to the appropriate Member Group and Cabinet Member, with interim reporting on an exception basis or where the sums involved are significant.

11.0 Background

- 11.1 Cabinet on the 5th March 2012 resolved:
1. That the Cheshire Warrington and Halton Local Broadband Plan be received and endorsed.
 2. That the Council investment of £1.2 million, profiled over three years to provide for 90% superfast broadband coverage across the Borough, with an ambition to achieve 100% coverage by leveraging European Grant Funding, be noted.
 3. That approval be given for the Strategic Director Places and Organisational Capacity, and the Director of Finance & Business Services,

in consultation with the Cabinet Member for Performance and Capacity, to be given delegated authority to make necessary decisions on approved matters to enable the delivery of the Superfast Broadband project.

4. That approval be given for the Director of Finance and Business Services, the Borough Solicitor and the ICT Manager to prepare, negotiate and sign off legal documentation required between the Council and the Secretary of State, and the Connecting Cheshire Partnership, as required.
- 11.2 The Councils across Cheshire East, Cheshire West & Chester, Halton and Warrington are forming the Connecting Cheshire Partnership tasked with the delivery of a c£39m project to bring faster broadband speeds for our businesses and indirectly our residents by 2015. The project is a real opportunity to give the sub-region a much needed economic and social boost; a recent study estimated full coverage of Superfast Broadband (SfB) would generate a gross impact of £1.3bn to the economy and create 11,000 jobs over the next 15 years across our sub-region.
- 11.3 By working in the partnership with Cheshire West and Chester Council, Warrington Borough Council, and Halton Borough Council the Council will to reduce the management costs of delivering the project and to make best use of knowledge and skills available. Furthermore by going to market with a larger geographical area will present a more attractive investment case to the suppliers, than a single unitarily authority alone.
- 11.4 In accordance with the Local Broadband Plan, a primary objective of SfB rollout is to increase the economic prosperity of the sub-region by ensuring as many businesses as possible have access to superfast broadband services, in particular small and medium sized enterprises (SMEs). An equally important objective is to improve broadband speeds to communities in rural areas which have hitherto not been commercial viable for private sector investment in faster and reliable broadband speeds.
- 11.5 A key milestone of the project is to appoint a telecommunications provider from the Broadband Delivery UK (BDUK) delivery framework, to undertake the publicly funded rollout of SfB infrastructure across Cheshire, Halton & Warrington. BT and Fujitsu have now signed the delivery framework, and the first sub-regions to use it have commenced procurement. It is expected our Invitation to Tender (ITT) will be published in October as part of the BDUK project 'pipeline', where we are ninth in the queue of forty projects.
- 11.6 The project is expected to commence in March 2013 (subject to procurement and state aid), with capital investment completed by December 2014, and infrastructure project completion by June 2015. Economic modelling indicates the project will increase the availability of Superfast Broadband services from 70% of homes and businesses to over 94% coverage.

Funding Update

- 11.7 The £15m ERDF grant submission made in July 2012 focuses on the delivery of SfB connectivity to 88% of eligible Small and Medium Sized Enterprises (SMEs) in known areas of market failure such as our outlying rural areas; and will provide a business support programme to maximise take-up and exploitation of technology enabled by SfB e.g. high definition video conferencing, 'cloud computing', telecare, international trade and e-commerce. The submission is being appraised and it is expected to be endorsed by the Local Management Committee (LMC) of the Northwest Operational Programme in October 2012.
- 11.8 The investment will create and safeguard jobs and generate increases in Gross Value Added (GVA) to Cheshire, Halton and Warrington. It will build a digital infrastructure platform for growth and prosperity. Over 6,485 additional eligible small businesses will receive connectivity to SfB; and approximately 29,600 eligible businesses across Cheshire, Warrington and Halton will gain access to a SfB business support programme.

State Aid

- 11.9 The Government State Aid Notification to the European Commission is expected to be approved in September 2012, once new guidance from the European commission has been released. The submission of the Connecting Cheshire State Aid notification to Broadband Delivery UK (BDUK) will commence inline with the procurement activity.

Campaign for Better Broadband

- 11.10 The Connecting Cheshire Partnership is encouraging both businesses and communities to register their demand for SfB to help build our case for investment. With over 3,000 registrations received to date and a network of 100 Digital Champions now recruited across the sub-region we are well placed to embrace the rise in availability of superfast broadband services. The project team is working with the local media and they are enthusiastically supporting our campaign.

12.0 Access to Information

- 12.1 Background papers relating to this report can be inspected by contacting the report writer:

Name: *Julian Cobley*
Designation: *Head of Technical Strategy and Planning*
Tel No: *01270 686170*
Email: Julian.cobley@cheshireeast.gov.uk

CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	10 December 2012
Report of:	Borough Solicitor
Subject/Title:	Revised Statement of Gambling Principles
Portfolio Holder:	Councillor Paul Findlow

1.0 Report Summary

- 1.1 The Gambling Act 2005 requires local authorities to prepare and publish a statement of the principles that they propose to apply when exercising their functions under the Act during the three year period to which the statement applies.
- 1.2 The Council is required to review its existing statement of principles and publish the revised version by no later than 31st January 2013. In preparing a revised statement the Council must undertake a consultation exercise with stakeholders.
- 1.3 The purpose of this report is to give the Cabinet the opportunity to pass comment on the content of the Statement of Principles in accordance with the Council's Budget and Policy Framework Procedure Rules.

2.0 Recommendation

- 2.1 That Cabinet resolves to support the content of the Statement of Principles as set out in appendix 1 and recommend formal adoption by full Council.

3.0 Reasons for Recommendations

- 3.1 The Statement of Principles under the Gambling Act 2005 forms part of the Council's Policy Framework. Therefore, in accordance with the Framework Procedure Rules, the Cabinet should consider the content of the Statement, any consultation responses, any recommendations by other Council committees and then make a recommendation to full Council.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 The decision within 2.0 seeks approval for a draft policy following consultation having taken place with relevant stakeholders.

7.0 Financial Implications (Authorised by the Director of Finance and Business Services)

- 7.1 No financial implications have been identified.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 By virtue of section 349 of the Gambling Act 2005 ('the 2005 Act') the Licensing Authority is required to prepare and publish a statement of the principles that it proposes to apply in exercising its functions under the 2005 Act during the three year period to which the policy applies. Whilst statements must usually be revised and published in respect of every period of three years, the Local Government (Structural Changes) (Transitional Arrangements) (No 2) Regulations 2008 confirms that the statement of principles approved in 2009 satisfied the requirements of the Gambling Act 2005 as regards the three year period commencing on 31st January 2010. For this reason the Council's statement must be reviewed and republished by no later than 31st January 2013.
- 8.2 The Statement of Principles forms part of the Council's Policy Framework. As such, the final decision to approve a statement of principles or a revision of the statement rests with full Council. In addition, in developing a revised statement of principles, the Authority must comply with its Budget and Policy Framework Procedure Rules (as set out within the Constitution).
- 8.3 Sub-section 349(3) of the 2005 Act prescribes that in preparing a revision of a statement a licensing authority is required to consult:
- (a) the chief officer of police for the authority's area;
 - (b) one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and
 - (c) one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the 2005 Act.
- 8.4 The drafting of the Statement of Principles must take into account the requirements of The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 ('the 2006 Regulations'). In addition, the Gambling Commission's Guidance to Licensing Authorities ('the Guidance') prescribes that in determining its policy, the Licensing Authority must have regard to the Guidance and give appropriate weight to the views of those it has consulted.
- 8.5 Regulation 7 of the 2006 Regulations prescribes that before a revised statement comes into effect the authority must advertise the publication of the statement by way of a notice published on the authority's website and in one

or more of the following places: (i) a local newspaper circulating in the area covered by the statement; (ii) a local newsletter, circular or similar document circulating in the area covered by the statement; (iii) a public notice board in or near the principal office of the authority; (iv) a public notice board on the premises of public libraries in the area covered by the statement.

- 8.6 Consideration has been given to the application of the 'public sector equality duty' (as per section 149 Equality Act 2010) to the decision requested within paragraph 2.0 above. It is suggested that the decision requested would have a neutral impact in terms of its impact on those individuals with 'protected characteristics.'

9.0 Risk Management

- 9.1 It is suggested that (a) compliance with the provisions of section 349 of the 2005 Act and the 2006 Regulations; (b) having regard to the provisions of the Guidance; (c) compliance with the Budget & Police Framework Procedure Rules; and (d) giving appropriate weight and consideration to any consultation responses received will mitigate the risk of a successful challenge of the final Statement of Principles.

10.0 Background and Options

- 10.1 As set out above, the Gambling Act 2005 requires Licensing Authorities to prepare and publish a Statement of Principles that it proposes to apply in exercising its functions under the Act. The current statement of principles was approved in 2009 and was based on the policies then in force in the areas of the three predecessor district Councils and took into account the requirements of the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 in terms of its form and content.
- 10.2 The draft statement, a copy of which is attached as Appendix 1, incorporates some minor amendments, but in essence remains substantially the same as the original statement. The Licensing Section has not received any comments about the drafting of the current statement from stakeholders in the period since it came into force, i.e. 1st April 2009. Similarly, the Council has not been challenged on the current Statement.
- 10.3 Following a review of the revised Statement of Gambling Principles on the 16th July 2012 the Statement was presented to the Licensing Committee where it was resolved to support the content. Following a subsequent decision of the Cabinet Member for Safer & Stronger Communities the Council has been consulting upon the revised Statement in accordance with the statutory requirements set out in the Legal Implications section of this report. The full list of consultees is set out within the Statement.
- 10.4 The period of the consultation ran from 1st August 2012 to 19th October 2012. No comments on the content of the Statement have been received. In total three responses have been received:

- i. On the 30th July 2012 an email was received from The Race Course Association confirming that as they have no venues in the Borough they would not be responding to the consultation.
- ii. On the 7th August an email was received from our Research and Consultation Section, which highlighted a number of spelling and grammatical errors that have been corrected
- iii. Letter received from the Association of British Bookmakers Ltd received 18th October 2012 (appendix 2)

10.5 On the 25th October 2012 the draft revised Statement was considered by the Council's Sustainable Communities Scrutiny Committee. The Committee resolved to recommend that Cabinet approve their comments prior to final submission to full Council. Their proposals were as follows:

Scrutiny Committee Proposals	Officer Comments
1. With regard to the Responsible Authorities, Town and Parish Councils should be included within paragraph 6.3 and consulted accordingly.	The status of Responsible Authority is given by the Gambling Act 2005 to prescribed bodies. The Council has no authority to increase the number or scope of the Responsible Authorities.
2. The last sentence of paragraph 8.6.2 should be a new paragraph	No comment
3. With regard to Reviews, it was agreed that Town and Parish Councils should be included in paragraph 9.1	A Review of a Licence can only be made by a Responsible Authority or an Interested Party. Town and Parish Councils cannot be regarded as Responsible Authorities. Town and Parish Councils can be considered an Interested Party. However, case law has shown that a Licensing Authority (the Council) cannot actively consult with one Interest Party and not with all those who may be Interested Parties. The way applications are advertised is set out in the Gambling Act 2005 and the Council should not go beyond those requirements. If we were to depart from the statutory requirements we would leave ourselves open to challenge by way of Judicial Review.
4. Noise leakage should be included in paragraph 10.2.2	Any conditions applied by the Licensing Authority must relate to the Licensing Objectives set out in the 2005 Act, must related to the gambling and should be enforceable. The Licensing Objectives are: (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime, (b) ensuring that gambling is conducted in a fair and open way, and (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.
5. With regard to the review of a premises licence and the application for a premises	The Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees) (Premises Licences and Provisional Statements) (England and

licence, these issues should be considered by the full Committee and not a Sub-Committee	Wales) Regulations 2007 confirms that the Committees and Sub-Committees constituted under the Licensing Act 2003 must also consider applications and reviews under the Gambling Act 2005. The Council has adopted the model delegations issued at the time the Act was commenced. These delegations confirm that hearings for opposed applications or reviews should be determined by a Sub-Committee of the Licensing Committee.
6. With regard to paragraph 13.1.5, applicants must provide information leaflets and helpline numbers to protect vulnerable persons.	Any conditions applied by the Licensing Authority must relate to the Licensing Objectives set out in the 2005 Act, must related to the gambling and should be enforceable. Similarly, the Gambling Commission issues Codes of Practice, which operators must have regard to that deal with the promotion of the Licensing Objectives. The Licensing Authority should therefore not duplicate the requirements placed on operators by the Gambling Commission.
7. Councillors should be notified of applications in their wards.	An email notification of Premises Licence applications is distributed to all Members. However, the Licensing Authority deals with very few new applications and has dealt no Reviews of Premises Licences.
8. Test purchases should be employed to ensure that underage gambling is not taking place.	Test purchasing is an operation function carried out by either the Council's Consumer Protection and Investigation Section, the Gambling Commission or the Police. Any operation functions that are not mandatory are subject to the individual department's priorities and budgetary constraints.

- 10.6 At its meeting on the 5th November 2012 the Licensing Committee considered the revised Statement in light of all the comments made during the consultation process. This included those comments made by the Sustainable Communities Scrutiny Committee. The Licensing Committee resolved to support the Statement subject only to amendment numbers 2 and 4 for the reasons set out above.

11.0 Access to Information

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

Appendix 1 - Revised Statement of Gambling Principles

Appendix 2 – Letter from the Association of British Bookmakers Ltd

Name: Miss K Evans

Designation: Licensing Team Leader

Tel No: 0300 123 5015

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STATEMENT OF PRINCIPLES

GAMBLING ACT 2005

1 Introduction

- 1.1 This Statement of Principles ('the Statement') is published by Cheshire East Council ('the Council') as the Licensing Authority in accordance with section 349 of the Gambling Act 2005 ('the Act').
- 1.2 The Council has produced this Statement of Principles in accordance with the provisions of the Act and having regard to the provision of the Guidance issued by the Gambling Commission under Section 25 of the Act.
- 1.3 This Statement of Principles will come into effect on the date of publication by the Council and will be reviewed from time to time as necessary. This statement will be published at least every three years from the date of publication. Statutory consultation shall take place whenever amendments are proposed to the Statement of Principles, before it is republished.
- 1.4 This Statement of Principles deals with the approach the Council, as Licensing Authority, will take in relation to the following matters:
 - (a) Licensing objectives;
 - (b) Licensable functions;
 - (c) General principles;
 - (d) Responsible Authorities;
 - (e) Interested Parties;
 - (f) Consideration of applications;
 - (g) Reviews;
 - (h) Gambling Premises Licences;
 - (i) Provisional Statements;
 - (j) Casino resolution;
 - (k) Permits;
 - (l) Temporary Use Notices;
 - (m) Occasional Use Notices;
 - (n) Information Exchange;
 - (o) Enforcement;
 - (p) Declaration (of matters to which the Licensing Authority has had regard);
 - (q) Scheme of delegation; and
 - (r) Sources of information

- 1.5 The persons and organisations consulted in relation to this revised Statement of Principles are listed below:

Responsible Authorities

The Gambling Commission;
Cheshire Constabulary;
Cheshire Fire & Rescue Service;
Local Planning Authority;
Environmental Health Department;
Local Safeguarding Children Board;
HM Revenue and Customs.

Persons representing the interests of persons carrying on gambling businesses in the authority's area

British Holiday and Home Parks Association
Business in Sport & Leisure
Casino Operators Association of the UK
Racecourse Association Lts
BACTA
British Casino Association
Association of British Bookmakers
The Bingo Association
British Beer and Pub Association
PubWatch Groups within the Borough
Chambers of Commerce & Enterprise

Persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005

Parish and Town Councils within the Borough
East Cheshire NHS Primary Care Trust
GamCare
Samaritans
Gamblers Anonymous
Citizens Advice Bureau
Local Service Delivery Committee for Crewe
Local Service Delivery Committee for Macclesfield
Adult Safeguarding Board

2 Cheshire East

- 2.1 Cheshire East has a population of 370,100 and covers an area of 116,638 hectares. Cheshire East's administrative area contains the industrial town of Crewe, the old mill towns of Macclesfield, Bollington and Congleton, the market towns of Alsager, Nantwich, Knutsford and Sandbach, the salt town of Middlewich, the town of Wilmslow as well as the smaller settlements of Holmes Chapel and Poynton.

A plan showing the geographical area within which the Council exercises functions as Licensing Authority is shown below.



3 Licensing Objectives

3.1 The Gambling Act 2005 requires the Council as Licensing Authority to carry out its various licensing functions with a view to promoting the three licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

3.2 The licensing authority shall aim to permit the use of the premises for gambling as set out in section 153 of the Act, that is so far as the Authority think it:

- (a) in accordance with any relevant code of practice under section 24 of the Act;
- (b) in accordance with any relevant guidance issued by the Gambling Commission under section 25 of the Act;
- (c) reasonably consistent with the licensing objectives (subject to (a) and (b) above); and
- (d) in accordance with this statement of principles (subject to (a) and (c) above).

4 Licensable functions

The licensing functions within the Act include the following:

- the grant of premises licences and the issue of provisional statements in respect of premises where gambling activities are to take place;

- to receive notifications from premises licensed for the sale of alcohol (under the Licensing Act 2003) for the use of either one or two Category C or D gaming machines;
- to grant licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the premises where there are more than two gaming machines;
- to grant club gaming permits and club gaming machine permits for members' clubs;
- to grant club machine permits for commercial clubs;
- to grant permits for unlicensed family entertainment centres for the use of certain lower stake gaming machines;
- to grant permits for prize gaming;
- to receive and endorse notices for the temporary use of premises for gambling;
- to consider occasional use notices for betting at tracks;
- to register small societies' lotteries;
- to provide information and statistics to the Gambling Commission; and
- to maintain registers of licences and permits issued.

5 General Principles

- 5.1 The Licensing Authority recognises the need to avoid, so far as possible, duplication of existing legislation and other regulatory regimes that place obligations on employers and operators such as the Health and Safety at Work Act 1974, the Disability Discrimination Act 1995 and the fire safety regime.
- 5.2 The Licensing Authority recognises that it may only consider matters within the scope of the Guidance issued by the Gambling Commission, the Act and the Codes of Practice. It is also recognised that there may be issues raised, such as the likelihood of the applicant obtaining planning permission, which are not relevant for the purposes of the Act.
- 5.3 The Licensing Authority makes a commitment to regulating gambling in the public interest.
- 5.4 Nothing in this Statement of Principles will undermine the rights of any person to make an application under the Act and have the application considered on its individual merits; or undermine the right of any person to make representations on any application or seek a review of a licence or permit where provision has been made for them to do so within the Act.
- 5.5 In determining its Statement of Principles, the licensing authority will have regard to the Guidance issued by the Gambling Commission, and will give appropriate weight to the views of those it has consulted. In determining what weight to give particular representations, the factors to be taken into account will include:
 - who is making the representations (what is their expertise or interest);
 - what their motivation may be for their views;
 - how many other people have expressed the same or similar views;
 - how far the representations relate to matters that the licensing authority should be including in its statement of principles.

- 5.6 The Licensing Authority recognises that unmet demand is not a criterion for it when considering an application for a premises licence under the Act. Each application will be considered on its merits without regard to demand.
- 5.7 The Licensing Authority recognises that the location and proximity of premises to be used for gambling to other premises such as, for example, schools and other premises used by vulnerable persons, may be a relevant consideration with respect to the objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. The type of gambling which is to be offered will also be relevant.

Each application will be considered on its merits and the Licensing Authority will take into account any proposals by the applicant or licence holder which show how the licensing objectives may be satisfied.

6 Responsible Authorities

- 6.1 A 'Responsible Authority' may make representations about an application for a premises licence or may request a review of a premises licence.
- 6.2 For the purposes of sections 157 and 349 of the Gambling Act 2005, the following are responsible authorities in relation to premises in the area of Cheshire East:
- (i) The licensing authority in whose area the premises are wholly or mainly situated (Cheshire East Council)
 - (ii) The Gambling Commission
 - (iii) Cheshire Constabulary as the police authority
 - (iv) Cheshire Fire & Rescue Service as the fire and rescue authority
 - (v) The Local Planning Authority (Cheshire East Council)
 - (vi) Environmental Health Service (Cheshire East Council)
 - (vii) Local Safeguarding Children Board
 - (viii) Her Majesty's Revenue and Customs
 - (ix) Any other person prescribed, for the purposes of Section 157 of the Act, by regulations made by the Secretary of State.
- 6.3 In exercising this licensing authority's powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm, the following principles have been applied:
- the need for the body to be responsible for an area covering the whole of the licensing authority's area
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc
- 6.4 In accordance with the Gambling Commission's Guidance for local authorities this authority designates the Local Safeguarding Children Board for this purpose.
- 6.5 The contact details of all the responsible authorities under the Gambling Act 2005 are available via the Council's website at: www.cheshireeast.gov.uk or on request from the Licensing Section.

7 Interested Parties

7.1 In addition to Responsible Authorities, 'Interested parties' can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in Section 158 of the Gambling Act 2005 as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person-

(a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,

(b) has business interests that might be affected by the authorised activities, or

(c) represents persons who satisfy paragraph (a) or (b)"

7.2.1 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. The principles are as set out below.

7.2.2 Each case will be decided upon its merits.

7.2.3 This authority will not apply a rigid rule to its decision making, however it will consider the following as per the Gambling Commission's Guidance to local authorities:

- the size of the premises
- the nature of the premises
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and
- the nature of the complainant. This is not the personal characteristics of the complainant but the interests of the complainant which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that "sufficiently close to be likely to be affected" could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) residential hostel for vulnerable adults.
- the 'catchment' area of the premises (i.e. how far people travel to visit); and
- whether the person making the representation has business interests in that catchment area, that might be affected.

7.2.4 Representations made on the grounds that an applicant would be in competition with an existing business or that there is allegedly no demand for additional gambling premises will not be considered to be relevant.

7.2.5 The Gambling Commission has also recommended that the licensing authority states that interested parties include trade associations and trade unions, and residents' and tenants' associations. This authority will not, however, generally view these bodies as interested parties unless they have a member who can be classed as one under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the authorised activities.

8 Consideration of applications

- 8.1 The licensing authority is mindful of the Commission's Guidance which provides that the authority should set out in its statement what factors it may take into account when considering applications for premises licences, permits and other permissions and matters that it will consider relevant when determining whether to review a licence.
- 8.2 The licensing authority has determined to set out a number of factors, linked to the licensing objectives, which it may consider when considering applications. It should be noted that each case will be decided on its merits, so if an applicant can show how they might overcome licensing objective concerns, then that will be taken into account.
- 8.3 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- 8.3.1 In considering licence applications, the Licensing Authority will particularly take into account the following:-
- The location of the premises – for example if an application for a licence or permit is received in relation to premises that are in an area noted for particular problems with organised crime.
 - The design and layout of the premises;
 - The training given to staff in crime prevention measures appropriate to those premises;
 - Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
 - Where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
 - The likelihood of any violence, public order or policing problem if the licence is granted.
- 8.3.2 This licensing authority notes the Commission's Guidance in relation to the meaning of disorder in the context of gambling premises, namely activity that is more serious and disruptive than mere nuisance, and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it.
- 8.3.3 Applicants are encouraged to discuss the crime prevention procedures in their premises with the Licensing Officers of Cheshire Constabulary before making a formal application.
- 8.4 Ensuring that gambling is conducted in a fair and open way

8.4.1 This licensing authority has noted that the Commission's Guidance states: *"Generally the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence."*

8.4.2 This licensing authority also notes, however, that the Gambling Commission also states *"in relating to the licensing tracks the licensing authorities' role will be different from other premises in that track operators will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable."* It is recognised that because the track operator does not need to have an operating licence (although he may have one), the licensing authority may have to consider placing requirements on the premises licence holder about his responsibilities in relation to the proper conduct of betting.

8.5 Protection of children and other vulnerable persons

8.5.1 It is noted that, with limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult-only environments.

8.5.2 This licensing authority has noted that the Gambling Commission Guidance to local authorities states that "The objective talks of protecting children from being "harmed or exploited by gambling", but in practice that often means preventing them from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children

8.5.3 The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions to protect children on particular categories of premises. This may include consideration of issues such as:-

- Supervision of entrances;
- Segregation of gambling areas from areas frequented by children;
- Supervision of gaming machines in non-adult gambling specific premises.

8.5.4 The Licensing Authority recognises the Commission's Guidance which states that Licensing authorities should ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

8.5.5 It is noted that in relation to casinos, the Act provides for a code of practice on access to casino premises by children and young persons. In accordance with section 176 of the Act, adherence to the code will be a condition of a casino premises licence.

8.5.6 The Council does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children, but it will assume for regulatory purposes, that “vulnerable persons” include:

- People who gamble more than they want to;
- People who gamble beyond their means;
- People who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol or drugs.

8.6 Conditions

8.6.1 The Act provides licensing authorities with:

- The ability to exclude from the premises licence any default conditions that have been imposed under section 168; and
- The power to impose conditions on the premises licence

8.6.2 The Licensing Authority recognises its duty to act in accordance with the principles within section 153 of the Act and will not attach conditions which limit the use of premises for gambling except where to do so is necessary as a result of the requirement to act:

- In accordance with the Commission’s Guidance, the Commission’s Codes of Practice, or this statement of licensing principles; or
- In a way that is reasonably consistent with the licensing objectives.

8.6.3 The Licensing Authority will not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions.

8.6.4 Any condition imposed by the licensing authority will be proportionate to the circumstances which it seeks to address. In particular, the licensing authority will ensure that premises licence conditions are:

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

8.6.5 Decisions on individual conditions will be taken on a case-by-case basis, although this will be against the background of general policy set out in the Commission’s Guidance and this statement of principles.

8.6.6 There are conditions which the Licensing Authority cannot attach to premises licences which are:

- any condition which makes it impossible to comply with an operating licence condition;

- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs); and
- conditions in relation to stakes, fees, winning or prizes.

8.6.7 Where a condition is attached to a premises licence requiring door supervisors, the Licensing Authority will normally require those door supervisors to be Security Industry Authority (SIA) registered. Door supervisors at casinos or bingo premises are exempt from being registered by the SIA but the Licensing Authority considers that it is best practice for door supervisors working at casinos or bingo premises to have SIA training or similar.

9 Reviews

9.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities (including the Licensing Authority itself). The Licensing Authority will carry out the review unless it determines that a review should not be carried out based on whether the request for the review is relevant to the matters listed below, and with consideration as to whether the request is frivolous, vexatious, will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of principles

10. Gambling Premises Licences

10.1 Adult Gaming Centres

10.1.1 The Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to meet the licensing objectives, for example, to ensure that those under eighteen years of age do not have access to the premises.

10.1.2 Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

10.2 (Licensed) Family Entertainment Centres

10.2.1 The Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to meet the licensing objectives, for example, to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

10.2.2 Appropriate licence conditions may cover issues such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare, Gamblers Anonymous, the Gordon House Association, National Debtline and local Citizens Advice Bureaux.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

10.3 Bingo Premises

10.3.1 It is important that, if children are allowed to enter premises licensed for bingo, they do not participate in gambling, other than on category D machines.

10.3.2 Where category C or above machines are available in premises to which children are admitted the Licensing Authority will expect applicants to consider measures to ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

10.3.3 Further Guidance will be issued by the Gambling Commission about the particular issues which should be taken into account in relation to the suitability and layout of bingo premises. The Licensing Authority will take account of that Guidance when it is made available.

10.4 Betting Premises

10.4.1 The Licensing Authority will take into account

- the size of the premises;

- the number of counter positions available for person-to-person transactions; and
- the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people
- when considering the number, nature and circumstances of betting machines an operator wants to offer.

10.4.2 The Licensing Authority will consider making door supervision a requirement in circumstances where there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

10.4.3 The Licensing Authority is mindful of the conditions which may be attached to betting premises licences, which may include those relating to the restriction of the number of betting machines, their nature and the circumstances in which they are made available. The Authority will consider limiting the number of machines in circumstances where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. In these circumstances the Authority may take into account the ability of staff to monitor the use of such machines from the counter.

10.4.4 The Licensing Authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.

10.5 Tracks

10.5.1 Tracks may be subject to one or more than one premises licence, provided that each licence relates to a specified area of the track.

10.5.2 The Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas and do not have access to adult only gaming facilities.

10.5.3 It should be noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

10.5.4 Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes

- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

10.5.6 Where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, if these machines are above category D, the applicant must demonstrate that they will be located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

10.5.7 The Licensing Authority will consider restricting the number and location of betting machines in respect of applications for track premises licences.

10.5.8 When considering the number, nature and circumstances of betting machines an operator wants to offer, the Licensing Authority will take into account

- the size of the premises;
- the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people

10.5.9 The Licensing Authority will normally attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.

10.6 Travelling Fairs

10.6.1 A travelling fair is defined as a fair consisting wholly or principally for the provision of amusements and is provided by persons who travel from place to place and is held at a place which has been used for the provision of fairs on no more than 27 days per calendar year.

10.6.2 Category D gaming machines or equal chance gaming may be provided without a permit provided that facilities for gambling amount to no more than ancillary amusement at the fair.

11 **Provisional Statements**

11.1 An applicant cannot obtain a full premises licence until the premises are ready to be used for gambling. An applicant may apply for a provisional statement in respect of premises expected to be constructed, altered or acquired.

11.2 Where a provisional statement is granted and an application subsequently made for a premises licence, the Licensing Authority will disregard any representations made which address matters that could have been addressed when the provisional statement was considered unless there has been a change of circumstances.

11.3 A premises licence will be granted in the same terms as the provisional statement unless:

- representations are received which address matters that could not have been addressed when the provisional statement was considered;
 - there has been a change of circumstances; or
- the premises have been constructed or altered otherwise than in accordance with the plans and information included with the application for the provisional statement

12 Casino resolution

- 12.1 The Council may make a resolution to not grant premises licences for casinos. In doing so, it may take into account any principle or matter.
- 12.2 The Council has not passed a resolution not to grant premises licences for casinos.

13 Permits

13.1 (Alcohol) Licensed Premises Gaming Machine Permits

- 13.1.1 Premises licensed to sell alcohol are automatically entitled to have 2 gaming machines of categories C or D provided that:

- the requisite notice has been served on the Licensing Authority;
- the appropriate fee has been paid; and
- any code of practice relating to the location and operation of gaming machines is complied with.

- 13.1.2 The Licensing Authority can remove the automatic authorisation if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

- 13.1.3 If a licensed premises wishes to have more than 2 machines, then a permit is required.

- 13.1.4 The Licensing Authority must take account of the licensing objectives and any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005 when considering an application for a permit. The Licensing Authority may also consider such matters as it thinks are relevant. Such matters will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling.

- 13.1.5 The Licensing Authority will expect the applicant to demonstrate that there will be sufficient measures to ensure that fewer than 18 year olds do not have access to the adult only gaming machines. Such measures may include notices and signage, adult machines being in sight of the bar or in sight of staff that will monitor that the

machines are not being used by those under 18. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare, Gamblers Anonymous, the Gordon House Association, National Debtline and local Citizens Advice Bureaux.

13.2 Unlicensed Family Entertainment Centre gaming machine permits

13.2.1 This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include CRB checks for staff, training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.

13.3 Prize Gaming Permits

13.3.1 Prize gaming is a form of gaming where the size of the prize is determined by the operator and is not based on the number of persons playing or the total value of the stakes raised.

13.3.2 Premises which have a Premises Licence can provide prize gaming without the need for a separate Prize Gaming Permit issued by the Local Authority. Premises licensed as a casino* or a betting shop, or for bingo or for an adult gaming centre or as an FEC do not need a Prize Gaming Permit in order to offer prize gaming. In addition, an unlicensed FEC may provide prize gaming without a permit provided that a gaming machine permit has been issued and the gaming is equal chance gaming, and, finally a travelling fair may provide prize gaming provided that it is equal chance gaming.

* except for prize bingo which would require a permit/bingo operating licence

13.3.3 In exercising its functions in respect of prize gaming permits, the Licensing Authority need not, but may, have regard to the licensing objectives and must have regard to any guidance issued by the Gambling Commission.

13.3.4 There are conditions in the Act which a permit holder must comply with which are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day;
- the game must be played and completed on the day the chances are allocated and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

13.3.5 Applicants should set out the types of gaming intended to be offered and should demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law.

The Licensing Authority will consider these matters when determining the suitability of an applicant for a permit.

13.4 Club Gaming and Club Gaming Machine Permits

13.4.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming machines permit.

13.4.2 The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance in accordance with regulations made under the Act.

13.4.3 A Club Gaming Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

13.4.4 Members Clubs must:

- have at least 25 members;
- be established and conducted wholly or mainly for purposes other than gaming, unless the gaming is permitted by separate regulations. (It is anticipated that this will include bridge and whist clubs.);
- be permanent in nature;
- not be established to make commercial profit;
- be controlled by its members equally.

Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

13.4.5 The Licensing Authority may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Commission or the police.

13.4.6 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10).

13.4.7 Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse

a permit are reduced.

13.4.8 The only grounds upon which an application under the fast-track process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

14 Temporary Use Notices

14.1 A temporary use notice may only be given by the holder of an operator's licence. A set of premises may not be the subject of temporary use notices for more than 21 days within a 12 month period.

14.2 A set of premises will be considered to be the subject of a temporary use notice if any part of the premises is the subject of a notice. Consequently, operators cannot extend the limits on temporary use notices in respect of large premises by giving separate notices for different parts of the premises.

14.3 The Licensing Authority will object to temporary use notices where it appears that they are being used to permit regular gambling in a set of premises.

14.4 In determining whether a place falls within the definition of "a set of premises" the Licensing Authority will take into consideration ownership/occupation and control of the premises. For example, a large exhibition centre will normally be regarded as one set of premises and will not be allowed separate temporary use notices for each of its exhibition halls. Individual units in a shopping centre may be regarded as different sets of premises if they are occupied and controlled by different people.

15 Occasional Use Notices

15.1 Where betting takes place on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence.

15.2 A track includes a horse racing course, a dog track or any other premises on any part of which a race or other sporting event takes place or is intended to take place. This could include, for example, agricultural land upon which a point-to-point meeting takes place. The track need not be a permanent fixture. Those giving occasional use notices will be expected to demonstrate that the premises fall within the definition of a track.

16 Information exchange

- 16.1 Licensing authorities are required to include in their statement the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 16.2 In fulfilling its functions and obligations under the Gambling Act 2005 the Licensing Authority will exchange relevant information with other regulatory bodies and will establish protocols in this respect. In exchanging such information, the Licensing Authority will conform to the requirements of data protection and freedom of information legislation in accordance with the Council's existing policies. In addition, the Licensing Authority will act in accordance with guidance from the Commission and adopt the principles of better regulation.
- 16.3 Details of those persons making representations will be made available to applicants to allow for negotiation unless the individual notifies the Licensing Authority to the contrary within seven days of a request for confirmation of this. In the event of a hearing being held, the representation will form part of a public document. Anyone making representations will be informed that their details will be disclosed unless they advise to the contrary.
- 16.4 Data subjects may make requests for information held by the Licensing Authority about themselves to the Data Protection Officer, Cheshire East Council.

17 Enforcement

- 17.1 The Act requires licensing authorities to state the principles that they will apply when exercising their functions under Part 15 of the Act (inspection of premises) and the powers under section 346 (power to institute criminal proceedings in respect of offences specified).
- 17.2 The Council is a signatory to the Regulator Compliance Code and will follow the principles set out in it. The Code is based around the principles of consistency, transparency and proportionality. These principles are reflected within Cheshire East Borough Council's Enforcement Policy (available on request).
- 17.3 The Licensing Authority will be guided by the Gambling Commission's Guidance for local authorities and in accordance with both this Guidance and the Better Regulation principles will base its approach on the following:
- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
 - Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
 - Consistent: rules and standards must be joined up and implemented fairly;
 - Transparent: regulators should be open, and keep regulations simple and user friendly; and
 - Targeted: regulation should be focused on the problem, and minimise side effects

- 17.4 The Code (available upon request) proposes that a graduated response is taken where offences against legislation are found or where licence conditions have been contravened. An isolated administrative offence, such as failing to maintain certain records, may be dealt with by way of a written warning. More serious offences may result in a referral to a Sub-Committee for a review, the issue of a Formal Caution or a referral for prosecution.
- 17.5 The Licensing Authority will adopt a risk-based programme of inspections; this will include targeting high-risk premises which require greater attention, whilst operating a lighter touch in respect of low-risk premises, so that resources are more efficiently concentrated on problem premises.
- 17.6 As per the Gambling Commission's Guidance for local authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

18 Declaration

In producing this statement of principles the authority has had regard to the licensing objectives of the Gambling Act 2005, and the guidance issued by the Gambling Commission. In producing the final statement the licensing authority will also have regard to any responses from those consulted on the statement.

19 Scheme of delegation

- 19.1 The Committee has delegated certain decisions and functions and has established a Sub-Committee to deal with them.
- 19.2 Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example those licences and permits where no representations have been made, will be delegated to Licensing Authority Officers. The table shown at Appendix A sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committee and Officers. This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Full Committee if considered appropriate in the circumstances of any particular case.

20 Sources of information

Further information about the Gambling Act 2005, this Statement of Principles or the application process can be obtained from:-

Licensing Section
Cheshire East Council – Westfields, Middlewich Road, Sandbach CW11 1HZ

www.cheshireeast.gov.uk
licensing@cheshireeast.gov.uk

Information is also available from:-

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Tel: 0121 230 6666
e-mail info@gamblingcommission.gov.uk
Website: www.gamblingcommission.gov.uk

APPENDIX A

TABLE OF DELEGATION OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate		X (Full Committee)	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice and occasional use notices			X
Decision to give a counter notice to a temporary use notice		X	

APPENDIX B**GLOSSARY OF TERMS**

Licensing Objectives:	As defined in section 1.3 below
Council:	Cheshire East Council
Borough:	The area of Cheshire administered by Cheshire East Borough Council
Applications:	Applications for licences and permits as defined in section 4 above
Notifications:	Means notification of temporary and occasional use notices
Act:	The Gambling Act 2005
Regulations:	Regulations made under the Gambling Act 2005
Premises:	Any place, including a vehicle, vessel or moveable structure
Code of Practice:	Means any relevant code of practice under section 24 of the Gambling Act 2005
Mandatory Condition:	Means a specified condition provided by regulations to be attached to a licence
Default Condition:	Means a specified condition provided by regulations to be attached to a licence, unless excluded by Cheshire East Council
Responsible Authority:	<p>For the purposes of this Act, the following are responsible authorities in relation to premises:</p> <ol style="list-style-type: none"> 1. The Licensing Authority in whose area the premises are wholly or mainly situated ("Cheshire East Council"); 2. The Gambling Commission; 3. Cheshire Constabulary; 4. Cheshire Fire & Rescue Service; 5. Local Planning Authority, Cheshire East Council; 6. Environmental Health Department, Cheshire East Council; 7. Local Safeguarding Children Board; 8. HM Customs and Excise.
Interested Party:	<p>For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:-</p> <ol style="list-style-type: none"> a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities; b) Has business interests that might be affected by the authorised activities; c) Represents persons who satisfy a) or b) above.



Licensing Section
Cheshire East Council
Westfields
Middlewich Road
Sandbach CW11 1HZ

18 October 2012

Dear Sir or Madam,

Thank you for your recent letter regarding Cheshire East Council's review of its Statement of Principles (Gambling Act 2005).

The Association of British Bookmakers (ABB) is the leading trade association for high street bookmakers and represents the operators of around 7,000 betting shops in the UK, including Gala Coral, Ladbrokes, William Hill and about 130 independent bookmakers.

Betting is an everyday leisure activity which is more popular than ever, with 8 million people visiting betting shops every year. Betting shops are modern leisure retail businesses offering customers state-of-the-art video and audio systems, comfortable furniture, alcohol-free refreshments and friendly staff. They are an important part of the retail mix on high streets generating more footfall than other similar sized outlets apart from post offices and pharmacies.

We also play our part in supporting the UK economy, despite challenging conditions for the industry, contributing nearly £1 billion in tax every year - about £400 million more than we make in profit – and support 100,000 jobs. The industry takes on a relatively high proportion of staff with few qualifications and provides them with structured training and long term career opportunities.

Betting shops are highly regulated, licensed, responsible businesses who work pro-actively to tackle any issues in communities alongside the police, regulator and local authority.

We believe the Council's current Gambling Policy has been effective in promoting the licensing objectives as set out in Section 1 of the Gambling Act 2005, and we are satisfied with the proposed Policy.

If the Council considers any further changes I should be grateful if you would let me know.

Please do let me know if you would require further background information on the LBO sector and/or our responsible gambling procedures.

Yours faithfully,

Dirk Vennix
Chief Executive
E: dirkvennix@abb.uk.com

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CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting: 10th December 2012
Report of: Director of Finance & Business Services
Subject/Title: Council Tax Base 2013/14
Portfolio Holder: Cllr Raynes

1.0 Report Summary

- 1.1 This report notifies Cabinet of the Council Tax Base for Cheshire East and identifies important changes to the calculation of the tax base for 2013/2014.

2.0 Decision Requested

- 2.1 That Cabinet, in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, recommends to Council, the amount to be calculated by Cheshire East Council as its Council Tax Base for the year 2013/14 as 137,122.19 for the whole area.
- 2.2 That Cabinet recommend the Cheshire East Council Tax Support Scheme to Council in accordance with Appendix A.
- 2.3 That Cabinet recommend the calculation of the Council Tax Base for Local Preceptors to Council, in accordance with Appendix B.

3.0 Reasons for Recommendations

- 3.1 In accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992 Cheshire East Council is required to agree its tax base before 31 January 2013.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications including - Climate change - Health

- 6.1 N/a

7.0 Financial Implications 2013/14 and beyond (Authorised by the Borough Treasurer)

- 7.1 The calculation of the taxbase contributes to the calculation of overall funding for Cheshire East Council in each financial year.
- 7.2 The proposed reduction in the discounts to certain properties (when compared to those currently applied in 2012/2013), as detailed in the report, could generate additional annual income of £3.2m.
- 7.3 The replacement of Council Tax Benefit with Council Tax Support has the effect of reducing the taxbase, as reductions under this scheme are provided as a discount to Council Tax liability as opposed to a rebate (which was subsequently repaid to the Council via Central Government subsidy).
- 7.4 Overall costs for the Council Tax Support scheme in Cheshire East are anticipated to mirror the existing expenditure on Council Tax Benefit, less the 10% overall reduction in Government Funding for this welfare benefit. The net effect on Council Tax income is therefore nil.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 Included in report

9.0 Risk Management

- 9.1 Confirmation of the Council Tax base for 2013/14 ensures that the statutory requirement to set the Tax Base is met.
- 9.2 Estimates contained within the Council Tax Base calculation, such as the loss on collection and caseload for Council Tax Support, will be monitored throughout the year. Any significant variation will be reflected in a surplus or deficit being declared in the Collection Fund which is then shared amongst the major precepting authorities.

10.0 Background and Options

- 10.1 Cheshire East Council is required to approve its Tax Base before 31 January 2013 so that the information can be provided to Cheshire Police Authority and Cheshire Fire Authority for their budget processes.
- 10.2 The Tax Base for the area is the estimated number of chargeable dwellings expressed as a number of Band D equivalents adjusted for an estimated number of discounts, exemptions, disabled relief and appeals plus an allowance for non-collection. A reduction of 1% is included in the Tax Base calculation to allow for anticipated levels of non-collection.

- 10.3 The Local Government Finance Act 2012 allows Billing Authorities flexibility over the application of council tax discounts and premiums in respect of empty properties of the following classes:

- i) 2nd Homes
- ii) Uninhabitable property undergoing substantial renovation (formerly Class A exemption)
- iii) Property vacant for less than 6 months (formerly Class C exemption)
- iv) Property left empty for more than 2 years

This flexibility is especially important for a Council, such as Cheshire East, that has low government funding due to the high local tax base. Where flexibility has been provided in the past, in relation to unoccupied properties, the Council has also maximised the amount payable, particularly in an effort to maintain the housing supply which is currently not meeting demand.

The Council Tax base of 137,122.19 has been calculated on the basis that no discount will be awarded for classes i) – iii) and a premium of 50% charged on class iv).

- 10.4 It should be noted that the current exemptions which apply to property left vacant following the death of the occupier (Class F & FP) have not been amended and will remain in place. This affords exemption for the period up to, and for 6 months following, probate.
- 10.5 Council Tax legislation allows Billing Authorities further discretion to apply discounts locally where it considers the circumstances require. This discretion is contained in Section 13A of The Local Government Finance Act 1992. The replacement of the Class C exemption with a nil discount is not intended to discourage landlords from maintaining property standards by utilising short periods between lettings for minor refurbishment work. Proposals will therefore be developed to allow vacancy periods of up to 8 weeks to be discounted in these circumstances under the provisions of Section 13A.
- 10.6 In addition to the above changes the Government are proposing to replace the Council Tax Benefit Scheme in 2013. Each Council must develop its own local scheme to provide continuing support for local residents, but reflecting a need to make overall savings. The Council will support the local scheme through an estimated investment of c.£15.5m in 2013/2014. A non-ringfenced grant will be included in the Council's overall settlement from Central Government to reflect the costs of the scheme in 2013/2014, but with a 10% reduction compared to the costs of the 2012/2013 scheme. In future years this grant will become part of the Council's overall funding from the retention of Business Rates and will not be separately identified.
- 10.7 Pensioners are protected from local changes to the scheme and will continue under existing arrangements from April 2013. This means c.14,000 working age households, of the current c.25,000 households receiving Council Tax Benefit in Cheshire East, will be affected. The new scheme must be approved by full Council by 31st January 2013.

- 10.8 An additional report in respect of the ending of the Council Tax Benefit scheme and the introduction of the local Council Tax Support Scheme is appended to this report at **Appendix A**.
- 10.9 The tax base of 137,122.19 reflects the impact of the Council Tax Support Scheme as described in **Appendix A**, including the recommendations which are made in response to the consultation exercise carried out in late summer.
- 10.10 **Appendix B** shows a reduction in tax base for a number of Town & Parish Councils. The Department for Communities & Local Government consulted on the possibility of providing a separate Council Tax Base for Town & Parish Councils due to changes in relation to Council Tax Support. The consultation response is shown below:
- 2.5 The Government will not, therefore, apply an unadjusted council tax base to the local precepting authority or to other special items. Accordingly, the council tax base regulations will apply reductions to the calculation of the council tax base for local precepting authorities and other special items, as well as billing and major precepting authorities.
- 2.6 The Government is clear that the funding attributable to the parish precept has been provided to the billing authority and expects them to work with local parish and town councils to provide certainty over their funding.

Source:

Localising Support For Council Tax

Council tax base and funding for local precepting authorities:
Government response to the outcome of consultation

November, 2012

Department for Communities and Local Government

- 10.11 The tax base of 137,122.19 reflects the impact of the Council Tax Support Scheme, to provide the Council Tax Base for each Local Preceptor as described in **Appendix A**, reflecting the DCLG guidance above.
- 10.12 The Council will therefore communicate directly with Town & Parish Councils to clarify how this position will be managed in the medium term.

11.0 Overview of Year One and Term One Issues

- 11.1 N/a

12.0 Access to Information

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

Name: Lisa Quinn

Designation: Director of Finance & Business Services

Tel No: 01270 686628

Email: lisa.quinn@cheshireeast.gov.uk

Council Tax Base 2013/14

APPENDIX A

Date of Meeting: 10th December 2012
Report of: Director of Finance & Business Services
Subject/Title: Council Tax Base 2013/14
Council Tax Support
Portfolio Holder: Cllr Raynes

1.0 Report Summary

- 1.1 The Government are proposing to replace the Council Tax Benefit Scheme in 2013. Each Council must develop its own scheme and Cheshire East plan to continue supporting local residents through investment of an estimated £15.5m in the local scheme in 2013/2014.
- 1.2 Spending on the local scheme in 2013/2014 is estimated to be c.10% less than estimated spending in 2012/2013 in line with the overall need to reduce public expenditure as part of the national deficit reduction programme.
- 1.3 Pensioners who claim Council Tax Benefit will not be affected by these changes as their entitlements are protected and will continue under similar arrangements from April 2013.
- 1.4 The new scheme must be approved by full Council by 31st January 2013.

2.0 Decision Requested

- 2.1 The Cabinet are asked to agree the following amendments to its preferred scheme, in response to the feedback from the public consultation:
 - To increase the capital limit to £6,000
 - To consider an upper capital limit of £10,000 and introduce a tariff income of £10 for every £1k, still endorsing the principle that those with assets should pay more without the disincentive of making provision for emergencies
 - Set a maximum period of 13 weeks for backdating rather than the current 26 weeks
 - Agree to further amendments in line with feedback on the additional options described in Para 3.3 below – **Figure 2** Feedback on the additional options
 - To retain the current 'Local Scheme' where all war widows, war widowers and war disablement pensions and war pensions for surviving civil partners are full disregarded rather than the statutory £10 per week

3.0 Reasons for Recommendations

- 3.1 The recommendations have been made further to the responses received to the public consultation, which ended on 21st October 2012.
- 3.2 See **Appendix A1** for a full copy of the full responses.
- 3.3 The following summarise the responses.

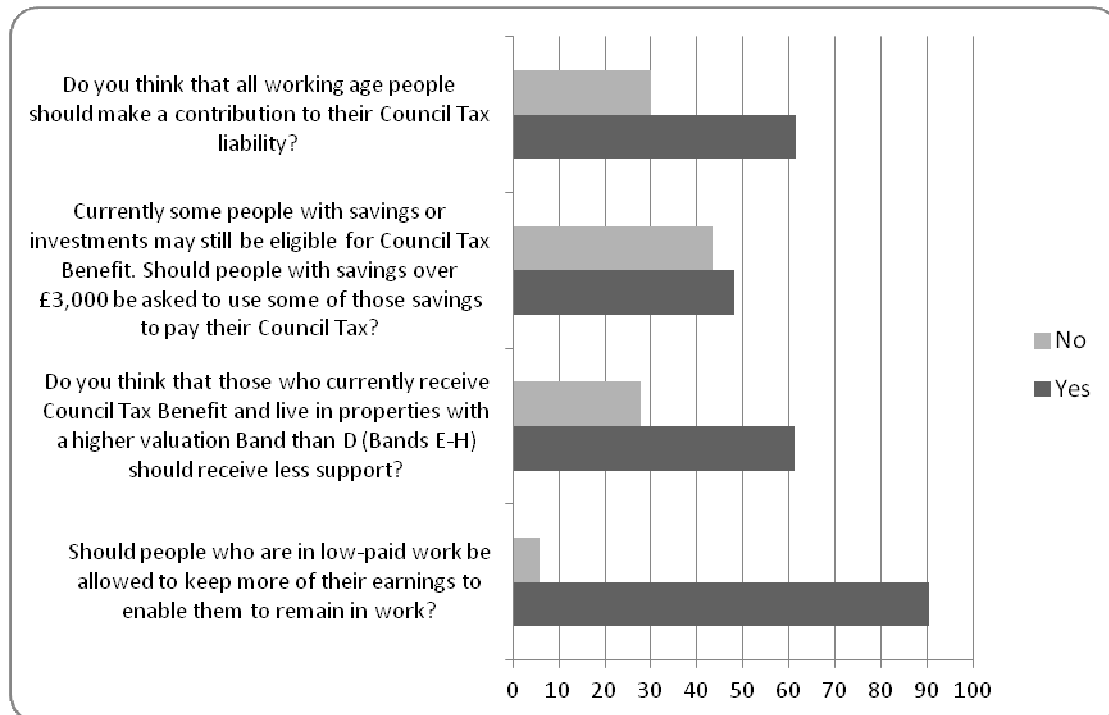


Figure 1 Feedback on the proposed schemes (%)

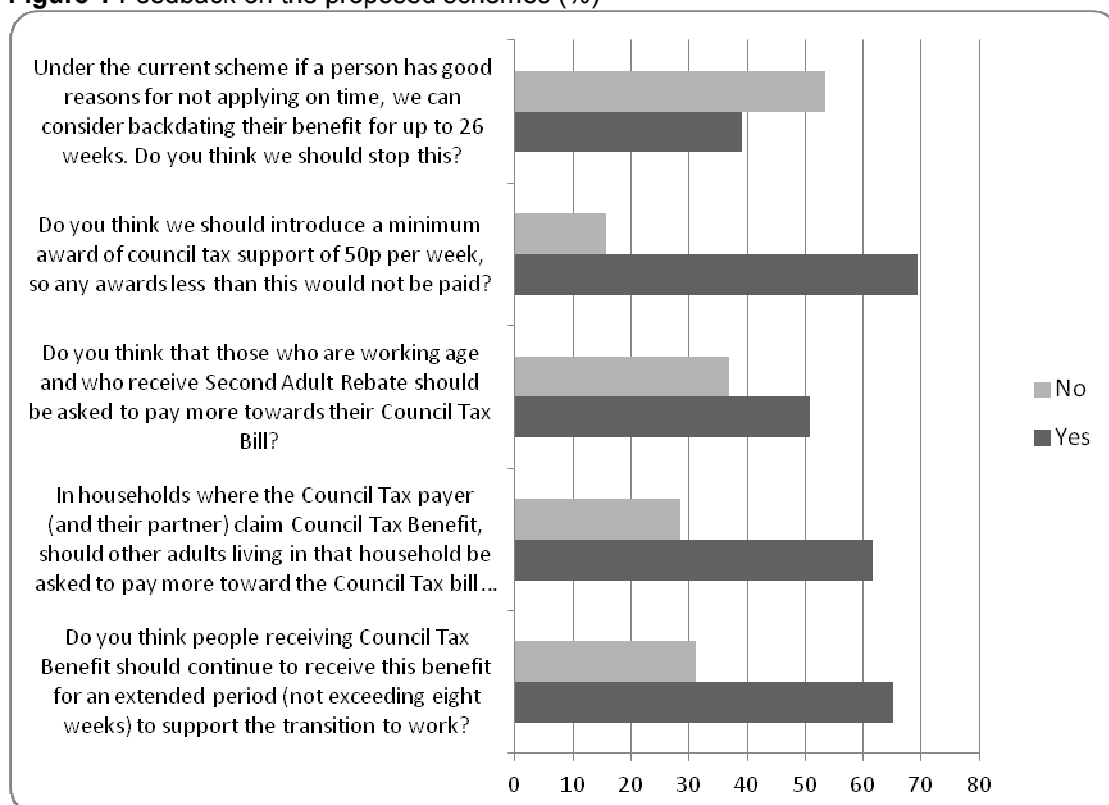


Figure 2 Feedback on the additional options (%)

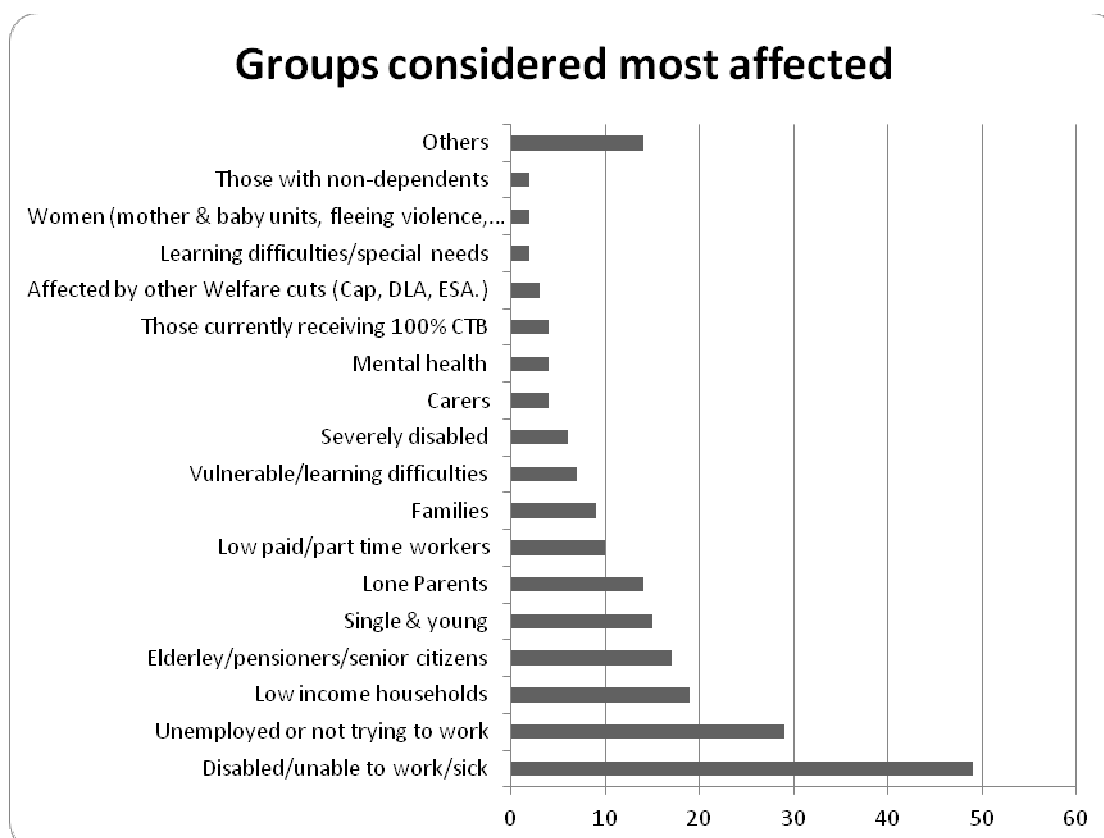


Figure 3 Feedback on the groups considered most likely to be affected (count of responses)

- 3.4 Those who are disabled/unable to work are identified as the group most likely to be affected by the proposed scheme, by those responding.

Treatment of Disability under the scheme

- 3.5 Concessions are already built into the scheme to support those who are disabled/unable to work.
- 3.6 This is broadly covered into two areas; increasing the allowances used in the assessment recognising the potential increased living expenses, and disregarding certain incomes associated with disabilities, such as Disability Living Allowance and Attendance Allowance.

Treatment of Capital

- 3.7 Under the current Council Tax Benefit arrangements, if the claimant has capital of more than £16,000 they do not qualify. However, for those of working age with capital below this, it is treated as follows:
- First £6,000 is disregarded
 - £1 per week income is taken into account for every £250 or part, above this
- 3.8 Claimants who are in receipt of Income Support, Job Seekers Allowance income based and Employment and Support Allowance income related are automatically entitled to the maximum award and

do not have to provide information to the Council on their income and savings. Their capital is treated as outlined above, so they could have capital in excess of the capital limits suggested in the proposed scheme, which could not be identified.

- 3.9 Feedback from the consultation expressed concerns that by having a single cut off, this will cause a potential 'cliff edge' and encourage people not to have some savings for emergencies, or to retain and not to disclose cash.

4.0 Wards Affected

- 4.1 All Wards are affected.

5.0 Local Ward Members

- 5.1 None specifically – all wards affected

6.0 Policy Implications including – Carbon Reduction, Health

- 6.1 A detailed Equality Impact Assessment is being prepared and will be available for Council.

7.0 Financial Implications

- 7.1 The proposed scheme, including the recommended changes outlined in 2.1, delivers the required saving, including a small contingency to allow for small changes in caseload during the year.
- 7.2 Communities and Local Government (CLG) has recently made additional funding available for Councils to bid for, if the scheme the Council introduces meets set criteriaⁱ. This funding is only available for one year.
- 7.3 Neither of the options consulted upon meet the criteria, and to comply would result in a shortfall of funding of c.£870,000. In view of this is it recommended not to amend the scheme to meet the criteria.

8.0 Legal Implications

- 8.1 Section 13A of the Local Government Finance Act 1992, as amended by the Local Government Finance Act 2012, places a duty on the Council to make a scheme specifying the reductions to council tax for those:
- persons considered to be in financial need P
 - persons in classes consisting of persons whom the authority considers to be, in general, in financial need P
- 8.2 The draft scheme is attached as **Appendix A2**. This does not reflect the recommendations within this report.

9.0 Risk Management

- 9.1 If Council do not approve a scheme by 31st January 2013, the default scheme must be delivered, with the reduction in funding found from elsewhere within the Council's budget.
- 9.2 Should the approved scheme vary greatly from the scheme consulted on, or the consultation found to be ineffective legal challenge could be made.

10.0 Background and Options

- 10.1 Cabinet previously agreed the following options for the consultation:

Scheme	Description	Financial Impact
1	Rewarding work & reducing support for claimants with assets (savings and investments)	Benefit awards to claimants in work will be largely unaffected. Savings will be made by cutting support from other claimants, particularly those with higher capital or living in high banded properties.
2	Continue with a reduced existing scheme	The maximum council tax support payable will be 80% rather than 100%

11.0 Access to Information

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

Name: Liz Rimmer
 Designation: Benefits Manager
 Tel No: 01270 371448
 Email: liz.rimmer@cheshireeast.gov.uk

ⁱ www.communities.gov.uk/publications/localgovernment/localtransitionalgrant

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Summary Report

Local Council Tax Support consultation: 10th September 2012 - 21st October 2012

Total forms returned:

609



1. Should people who are in low-paid work be allowed to keep more of their earnings to enable them to remain in work?

Value	Count	Percent
Yes	495	90.5%
No	31	5.7%
Don't know	21	3.8%
Total Responses	547	

2. Do you think that those who currently receive Council Tax Benefit and live in properties with a higher valuation Band than D (Bands E-H) should receive less support?

Value	Count	Percent
Yes	333	61.1%
No	152	27.9%
Don't know	60	11.0%
Total Responses	545	

3. Currently some people with savings or investments may still be eligible for Council Tax Benefit. Should people with savings over £3,000 be asked to use some of those savings to pay their Council Tax?

Value	Count	Percent
Yes	261	48.2%
No	236	43.5%
Don't know	45	8.3%
Total Responses	542	

4. Do you think that all working age people should make a contribution to their Council Tax liability?

Value	Count	Percent
Yes	337	61.4%
No	165	30.1%
Don't know	47	8.6%
Total Responses	549	

5. Do you think people receiving Council Tax Benefit should continue to receive this benefit for an extended period (not exceeding eight weeks) to support the transition to work?

Value	Count	Percent
Yes	341	65.1%
No	163	31.1%
Don't know	20	3.8%
Total Responses	524	

6. In households where the Council Tax payer (and their partner) claim Council Tax Benefit, should other adults living in that household be asked to pay more toward the Council Tax bill than they do now?

Value	Count	Percent
Yes	322	61.7%
No	148	28.4%
Don't know	52	10.0%
Total Responses	522	

7. Do you think that those who are working age and who receive Second Adult Rebate should be asked to pay more towards their Council Tax Bill?

Value	Count	Percent
Yes	263	50.8%
No	191	36.9%
Don't know	64	12.4%
Total Responses	518	

8. Do you think we should introduce a minimum award of council tax support of 50p per week, so any awards less than this would not be paid?

Value	Count	Percent
Yes	359	69.4%
No	81	15.7%
Don't know	77	14.9%
Total Responses	517	

9. Under the current scheme if a person has good reasons for not applying on time, we can consider backdating their benefit for up to 26 weeks. Do you think we should stop this?

Value	Count	Percent
Yes	201	39.1%
No	275	53.5%
Don't know	38	7.4%
Total Responses	514	

10. To help us complete our Equality Impact Assessment, do you think there are any groups of people in the community who would be affected more than others if everyone currently on benefit has to pay something towards their Council Tax?

Value	Count	Percent
Yes	188	37.2%
No	176	34.8%
Don't know	142	28.1%
Total Responses	506	

If yes, please provide details of who and why you think they would be more affected:Who/which groups:

Response	Count
Disabled/unable to work/sick	49
Unemployed or not trying to work	29
Low income households	19
Elderley/pensioners/senior citizens	17
Single & young	15
Lone Parents	14
Low paid/part time workers	10
Families	9
Vulnerable/learning difficulties	7
Severely disabled	6
Carers	4
Mental health	4
Those currently receiving 100% CTB	4
Affected by other Welfare cuts (Cap, DLA, ESA.	3
Learning difficulties/special needs	2
Women (mother & baby units, fleeing violence, hostels)	2
Those with non-dependents	2
Care leavers	1
50 plus	1
Those just over the means tested levels	1
Those with severe debts	1
House sharers	1
People in high banded properties	1
Those with adult children in full-time education	1
Lower socio economic groups	1
All will be affected	1
English	1
Ethnic minorities	1
Non-English speaking	1
Those living alone may lose 25% reduction	1
You as the local authority should be aware of those in the community who will be affected more. You should be able to do your own EIA.	1

11. Have you got any general comments that you wish to make about these changes or are there any other changes you

See detailed responses in Annex A

12. If you are completing this on behalf of a group, organisation or other body, please state the name and address in the box below. There is no need to complete the rest of the questions.

All daft. Don't know where you are up to with all these changes.

CARER

Environmental Health Cheshire East Council

Muir Group Housing Association Oakmere House Mere's Edge Chester Road Helsby WA6 0DJ
 Plus Dane Group.
 SHOULD BE DONE BY SQUARE FOOT SIZE OF PROPERTY NOT BY BANDS
 Wulvern
 Macmillan Benefits Adviser

13. Are you a resident of the Cheshire East Borough?

Value	Count	Percent
No	56	11.6%
Yes	428	88.4%

Total Responses 484

Postcodes	Count
CW	1
CW1	57
CW10	12
CW11	19
CW12	23
CW13	1
CW2	53
CW3	1
CW4	6
CW5	34
CW6	1
SK1	5
SK10	50
SK11	46
SK12	6
SK22	1
SK7	1
SK9	16
ST7	18
WA16	5
Homeless	1

14. Does anyone in your household receive Council Tax Benefit?

Value	Count	Percent
Yes	156	32.5%
No	317	66.0%
Don't know	7	1.5%

Total Responses 480

15. Do you or anyone in your household receive any other benefits?

Value	Count	Percent
Yes	177	36.5%
No	299	61.6%
Don't know	9	1.9%

Total Responses 485

16. Which of the following best describes your household?

Value	Count	Percent
A family with one or two dependant children	107	22.2%
A family with three or more dependant children	13	2.7%
A lone parent household	47	9.8%
A carer	5	1.0%
A household with full and/or part time workers	107	22.2%
A household that includes someone who is disabled	24	5.0%
A single person household or a couple without children	133	27.6%
Other	46	9.5%

Total Responses 482

17. Are you a service personnel or ex service personnel?

Value	Count	Percent
Yes	19	3.9%
No	465	96.1%

Total Responses 484

18. Are you a War Widow/Widower or do you receive a War Disablement pension?

Value	Count	Percent
Yes	1	0.2%
No	480	99.8%

Total Responses 481

19. What is your gender?

Value	Count	Percent
Male	159	33.8%
Female	311	66.2%

Total Responses 470

20. Are you undergoing/have you undergone gender reassignment?

Value	Count	Percent
Yes	4	0.9%
No	447	99.1%

Total Responses 451

21. What age group are you in?

Value	Count	Percent
under 16	0	0.0%
16-24	41	8.8%
25-44	193	41.6%
45-64	197	42.5%
65+	33	7.1%

Total Responses 464

22. What is your marital status?

Value	Count	Percent
Single	137	29.8%
Married/Cohabiting	244	53.0%
Civil Partnership	3	0.7%
Separated/Divorced	57	12.4%
Widowed	17	3.7%
Other - please specify:	2	0.4%

Total Responses 460

23. Do you have caring responsibilities?

Value	Count	Percent
Yes	93	21.1%
No	348	78.9%

Total Responses 441

24. What is your employment status?

Value	Count	Percent
Employee in a full time job (30 hours or more per week)	209	46.3%
Employee in a part time job (under 30 hours per week)	76	16.9%
Self-employed (full or part time)	18	4.0%
Unemployed and available for work	44	9.8%
Permanently sick/disabled	23	5.1%
Wholly retired from work	40	8.9%
On a government supported training programme (e.g. mor	2	0.4%
Full time education at school college or university	4	0.9%
Looking after the home	13	2.9%
Other - please specify:	22	4.9%

Total Responses 451

Other:	Count
Carer for wife	1
Cllr	1
ESA- NOT PERMANENTLY SICK	1
Employee on a 0 hours contract	1
HAD TO RETIRE DUE TO BRAIN SURGERY	1
ILLNESS	1
Maternity	1
Minimal part time work seeking full employment	1
Sick at the moment	1
Smp	1
Temporarily unable to work due to sickness on ESA	1
Unemployed carer	1
Unemployed with significant disability but prepared to wor	1
Why does this matter ?	1
carer	2
employed - long term sick	1

full time carer	1
made redundant	1
maternity	1
retired	1
retired from full time employment but work one day every 1	1

25. Are your day-to-day activities limited because of a health problem or disability which has lasted or is expected to last at least 12 months?

Value	Count	Percent
No	370	82.6%
Yes, affecting mobility	43	9.6%
Yes, affecting hearing	7	1.6%
Yes, affecting vision	4	0.9%
Yes, a learning disability	1	0.2%
Yes, mental ill-health	9	2.0%
Yes, another form of disability - please specify:	14	3.1%
Other - please specify	0	0.0%

Total Responses 448

Other	Count
Aspergers	1
Born with physical disability	1
CANNOT DRIVE OR HAVE CAR NEED HELP TO SHOP	1
Cancer	1
Dyslexia	1
Treatment for cancer	1
depression	1
hearing / mobility / mental health	1
mobility	1
one mobility/one sight	1
walking	1

28. What is your Ethnic Group?

Value	Count	Percent
White - English/Welsh/Scottish/Northern Irish/British	421	93.8%
White -Irish	7	1.6%
White - Any other white background (please type in the box)	6	1.3%
Black or Black British - Caribbean	5	1.1%
Black or Black British - African	1	0.2%
Black or Black British - Any other black background (please specify)	0	0.0%
Asian or Asian British - Indian	0	0.0%
Asian or Asian British - Pakistani	0	0.0%
Asian or Asian British - Bangladeshi	0	0.0%
Asian or Asian British - Chinese	0	0.0%
Asian or Asian British - Any other Asian background (please specify)	2	0.4%
Mixed - White and Black Caribbean	0	0.0%
Mixed - White and Black African	0	0.0%
Mixed - White and Asian	0	0.0%
Mixed - Any other Mixed background (please type in the box)	0	0.0%
Other Ethnic group - Arab	1	0.2%
Other Ethnic group - other (please type in the box below)	0	0.0%
Travelling Community - Gypsy/Roma	1	0.2%
Travelling Community - Traveller of Irish descent	0	0.0%
Travelling Community - Other member of the Travelling Community	0	0.0%
Other background - please specify:	5	1.1%

Total Responses 449

Other	Count
British	1
EU	1
French	1
German	1
Great Grandfather Irish	1

27. What is your religion/beliefs?

Value	Count	Percent
Buddhism	7	1.6%
Christianity (all denominations)	246	57.3%
Hinduism	0	0.0%
Islam	3	0.7%
Jainism	0	0.0%
Judaism	0	0.0%
Sikhism	1	0.2%
Zoroastrian	0	0.0%
No religion/Atheist	117	27.3%
Other religion - please specify:	10	2.3%
Do not wish to disclose	45	10.5%

Total Responses 429

Other	Count
Jedi	1
Not applicable	1
Spiritualist	2
agnostic	1
methodist	1

Annex A - detailed comments

11 please provide details of who and why you think they would be more affected:Why:

These people would not find it easy to manage budgeting without outside help (vulnerable, learning difficulties)

Should look for a job

Already struggling - benefit already only barely enough to live on...

As they do not have options to increase their income to deal with increased costs

As they may be unable to work to increase their income to help pay for this

Because of some disabilities nature

Because pay nothing now

Because they may be unable to raise any extra income

Benefit restrictions

Can't get out to pay bills

Can't go out to work because of caring responsibility.

DON'T GET ENOUGH MONEY TO SURVIVE

Difficult to manage on benefits anyway

Due to other benefit changes ie housing benefit

ELDERLEY

Fixed income from pensions & Benefits received

HAVE OTHER PRIORITIES

Higher wage earners should pay. Over a certain income - you should have to pay e.g. £12,000

If second adult rebate is changed

LIVING IN HIGHER VALUE AREA

LOW WEEKLY EARNINGS

Less income available, especially those on a fixed income like State Retirement Pension

Levels of council tax are very high for families in work but whose earnings are low

Low income

Low income, poor cash flow

Many are on Pension Credit or unemployed with very little chance of finding work.

Many in debt to make ends meet & relying on charity for food

Many unable to work so no other options

May need assistance to help understand and cope with the changes

Mney is already tight and it will be even worse if they have to pay 20% of ctax.

More difficult for these people to get work

No other source from which to pay

None of these groups are likely to have the money available to pay more.

Often only part time because children at school

PENSION IS HARDLY ENOUGH TO LIVE ON

PENSIONS ARE NOT ENOUGH TO SUPPORT THEM AND EXPECT THEM TO CONTRIBUTE ANY AMOUNT

Probably not possible for them to work

Reduction in all other benefits

Require help to manage their money

Savings will be sought from any group.

Scheme aimed to encourage work but not possible in this case

They will have less and less to live on

The benefit is needed to feed themselves.

The fact that benefits are also changing will raise the question of people disposable income

Their costs can be more for utilities

Their income is limited

There income is alredy low.

These are the low paid

These people are not able to work to increase their household income.

These people may not have enough money to pay their Council Tax

They already have very limited income intended to be the minimum needed

They cannot afford to pay anything

They currently pay nothing so will have to find money they are not used to paying out.

They don't have much to live on as it is

They get less income to begin with

UNABLE TO EARN MORE MONEY

Won't be able to afford it

answer is obvious

are trying to pay debts not accrue more. more stress, more pressure, rise in suicide rates

as they may not be able to afford the added cost of council tax

because money is already tight

because they are on a very low income anyway

because £71p/w isnt enough to live on.

benifits set at amount demmed to live on but no reason why should get 100%

can't afford to pay

can't work

change of working. Also single parents due to high cost of child care.

cost of living

difficult circumstances, stressful, low income

have to pay more

if you council tax you should pay
low fixed incomes are not enough to pay extra bills with
low income
made homeless
might lose job through no fault of their own
more mouths to feed
no access to support to give them help with form filling and understanding a complex system
no other source of income
no work
only get a specific amount to live on, may struggle to pay this
out of work and low income households
part time worker
people on low income getting hit again
people who aren't able to work because of disability shouldnt have to pay council tax
reliant only on benefits
these people need every penny so paying 20% could be very much needed elsewhere
they get less in benefits already
they have all the on costs of a family home without joint incomes /benifits
they have never had to pay anything
they struggle now .
they would have to pay more
unable to work
unable to work or increase their income in any way
using their money for props
very little to live off anyway
very low income
would struggle to make additional payments
they may be of working age but may not be able to work and therefore wont be able to pay their council tax bill, leading to living without heating and/or food and may even become homeless
Because the support they receive at present is not enough to cover day to day living in most cases
I think people who have just been made redundant especially if they have always worked and never claimed should be helped, these plans appear to hit all new applicants aaaaaand those currently claiming will have a period of change I feel this would be unfair.
Most needy and vulnerable ... not able to control their situation and at the mercy of any measures to be applied which would be to them a retrograde step.
Because these claimants are already facing MASSIVE financial difficulties by the loss or reduction in their other income/benefits. They simply will NOT be able to afford any further reductions, and this will actually end up costing the LA more money in court fee's and letters to try and obtain what the claimant will end up owing you in C/Tax. It WON'T save you money!
Reduced work opportunities and low entry level pay for young people genrally. Care Leavers are generally living independently at a younger age than other young people and often have no choice about this.
If they are unable to work due to disability any payment will come out of their benefit so it would be the same as reducing their benefits
those who are recently out of work for genuine reasons will be those least able to cope with a lack of income
Due to proposed cap - may have paid full ctax for years but would only get limited support in proposed scheme whereas others in lower banded properties would get a higher percentage of support if suddenly lost job
Because some can't afford to put their children in nurseries. Those that don't want find a job shouldn't be given full benefit.
THEY ALREADY STRUGGLE TO HEAT THEIR HOMES AND FEED THEMSELVES PROPERLY AND THEY MAY HAVE ALREADY CONTRIBUTED TO INCOME TAX WHILST THEY MAY HAVE WORKED ALL THEIR LIVES
They have lots of outgoings and not much money coming in so money is tight as it is and any increase in bills will then cause them to struggle and make cuts on essentials like food.
The money I get for having a disability isn't going up enough for me to be able to find extra cash to pay this bill. If I had the money I would willingly pay it but I don't have the funds. I've just had a medical for the job centre and been told that due to my disability I do not need to be looking for work, but I still fall into the work age bracket.
The fact that two thirds of children in poverty are in households getting either no CTB, or partial CTB is clear evidence that CTB is badly failing low income, working-age households. For many hard working families the changes to CTB will wipe out the gains from changes to personal tax allowances.
these people receive barely enough money to leave on now without having to pay an additional expense
May have struggled for years to pay and then find they need to use the benefit system for the first time are penalised.
due to not being physically able to work where as most people will have an opportunity to gain employment
This group will not benefit from being able to keep the first £X per week income and the sick and disabled have additional living costs to bear that may not be covered by the NHS or other disability benefits
being unable to speak English will contribute to unemployment, thereby increasing the pressure on this group. However, this is not a reason to not introduce these changes
Wulvern recognise Cheshire East has difficult decisions to take but measures that impact disproportionately on families and individuals who are already struggling financially and compound measures central Government is taking on welfare reforms should be avoided. We would seek measures that simplify the process in what is already a complex benefits system yet many of the options would seem to make administration more complex and presumably costly to administer.
They will never be able to work and therefore will never be able to afford to pay council tax in any form. They struggle to survive now and if there is a shortfall in council tax they are going to struggle.
get no money for anyone else living with them, basic living allowance, may not be able to find an extra 20%
Because the government is telling those groups of people that they should be working but are cutting jobs instead of creating them, so forcing people into poverty. If all working-age people have to pay something towards Council Tax this will criminalise people and make their lives even worse.
Sometimes having extra rooms/higher band housing is unavoidable for disabled people, paying a minimum % of higher band tax will obviously impact them more
Disabled people receive benefits to live on because they can't work. Elderly have very little in many cases and carers are saving the state enough already. Why should any of these groups suffer more.

11. Have you got any general comments that you wish to make about these changes or are there any other changes you would like us to consider?

Disability people should not pay any other tax but people who claim child benefits should pay tax
Retired people with some savings should be rewarded by still being able to get some council tax benefit. The principle of everyone paying something is good
1 charge per house
4 week ep good 8 weeks to much
Abolish ctax benefit/ctax support completely for households in ctax bands F, G & H.
Abolition of benefits on second homes. Premium HB payable on homes empty over 2 years
All adults should contribute towards council tax nothing is free in this world.
Be careful. There are many deserving poor.
Council Tax arrears will increase, affecting recovery
ESA IS ONLY 71 PER WEEK, CAN'T AFFORD TO PAY COUNCIL TAX
Everyone should pay towards council tax. You can be given more on benefits than people working.
Higher earners should pay more
I dont think people with thousands in the bank should get as much help as others who dont.
I think Single Person Discount should be scrapped
I think capping the banding level is a really good idea.
I think that the valuation of properties needs to be revisited overall
IMMIGRANTS SHOULD HAVE BENEFITS STOPPED FOR THREE YEARS
Include changes for pensioners and don't penalise workers
More consideration should be given to people who work who are struggling to live day to day
NEED MORE SUPPORT
No Stop benefits for alcoholics and imigrants.
People on benefits should have to pay just as those who work.
People over retirement age should get more than 25% off if they are alone at the property.
People should be encouraged to go to work and should be given support in remain in work.
Please don't abolish the SPD for people living on their own.
Protect single parents or families with under 5's
Reduce backdating limit to less than 26 weeks.
Reduce backdating to 4 months.
Stop protecting pensioners. Let them take some of the cuts
The Council Tax is a heavy burden on single council tax payers even when they get the reduction.
The system is far too complicated - the worked examples do not make sense
Think it is important to help people who are trying to get into work.
Thinks carers and disabled should be protected.
Thinks government is targeting people on low incomes
Those on JSA should contribute and any other benefits.
Those who can afford to pay more should be asked to do so.
Why bother changing the current system at all?
a good idea to get people working and make it an incentive to work
ahouls be bands a-z think minimum award should ve £10.00
any changes put forward by government cost more to inplement in the long run
as a landlord, should be an option to pay direct to the landlord and not the tenant
ensure that even those people who are on full benefits start paying towards their bill
higher minimum award, more publicity for the scheme
important that help is targeted at people who need it, but this needs to be seen to be fair.
living on benefits is difficult
lower amount of benefits paid to those on higher incomes and with more capital
make forms easier
not all circumstances are black and white
not enough detail to know why you have only chosen these things and not other things
people on low incomes should be considered seperately and should pay a fixed sum
police reductions should be reflected on ctax balance
reforms should have been put in place years ago
should make it beneficial to work rather than being on benefits
thin k we shoul db e more active towards fraudulent claims
too harsh to have a complete capital cut off, just encourages peoplpe to take cash out
would be difficult to come to terms with, get people back into the habit of working
How can the entitlement be worked out from pensionable income when as a pensioner I am required to pay more rent for the services I need due to my age and health.
All income shoulf be taken into account including child maintenance because if there were 2parents all income would be considered
NO POINT IN GIVING BENEFITS AND THEN TAKING IT BACK, IF I AM OFF WORK ILL, I WONT HAVE ENOUGH MONEY TO SURVIVE
The Government squeeze on local authority finance is an attack on the vulnerable in society and doing nothing to create proper jobs
People living in high valuation properties should be another degree of council tax bandings to catch more people at a higher lkevel of payment.

Generally I think the questions could have been put into "plain English" as even I found them a little hard to get the point of what you were asking on first reading! The Second Adult Rebate should be made a little simpler, some self employed people do not earn the higher rate and may not even have full self employment accounts but just records of what they earn and what they pay. People in employment (mainly part time) should receive help, myself I am very grateful for it. However I believe many people who are unemployed and receive all benefits earn so much that they could actually contribute a small amount. In fact I believe all benefits that are paid out (whether housing or council tax) must be paid direct to either the housing association or the council - there should be no question or option available of it going into their own bank accounts as they may believe it is their money! Pensioners should receive all the help they should be allowed to whatever their circumstances. As for benefit entitlement of people who live in property that is classed as Band D and above, if these people are unemployed why are they housed in these properties is it because they are a large family, and they should contribute something. If they actually live in these properties and can qualify for a bit help and have fallen on hard times through no fault of their own (been made unemployed but can claim they are actively looking for work) then they should. I work part time and am very grateful for the help I receive and would find it very difficult if I had to pay the whole amount. Changing from 10 months to 12 months - if this made the contributions we had to pay a little less then why not. I am not really sure why it is paid over 10 months. I do not believe that people who have had improvements (conservatories, wet rooms, kitchens etc) should be put into higher council tax brackets. I am not really sure how the banding works but maybe properties on the same road should be the same prices? Not really sure on that point! I do not really believe that those who work in this country but are from a different country/ethnic group even travellers should be entitled to benefits of any sort especially if they send money "back home" or the families are not even living with them, travellers should not receive council benefits as firstly they will not live in brick houses but they must contribute something as once they set up a camp I believe they then have an address to receive benefits and also send their children to school, they expect the Police to help them, the Council provide for them with aid and with refuse collection so, please do not think I am being horrid to them or anything, but they should be expected to pay something and if they do not should be treated as the local residents would if they did not pay (Court orders, Eviction etc). Thank you for taking my point of view into consideration.

Glad to see pensioners are not effected, however if people retire early, this may make life difficult for them.

Council Tax Benefit should always be based on individual circumstances ie employed or unemployed, working age or retired ie pensioners. Those with state pension should pay less than those with additional private pensions. To even consider taxing savings of £3000 is ridiculous; why does The Merchant of Venice come to mind one wonders? Equally, same applies to suggested Band Ratings ie A to D favoured, E to H not. You must or at least should be aware that there are many on high incomes who choose to live in A/D homes, and those in E/H on low incomes for many reasons beyond their control. You cannot get blood out of a stone !

where there is a general need to help the council should help. Where people are just abusing the system it should be stopped. Regardless of your income, everyone uses the councils services (bin collection, library etc) and so should contribute towards it in a fair way.

I think everyone in society should contribute to it. Therefore all members of society should make some contribution to Council Tax, whether small or large. We should encourage all people of working age to work, and make it worth their while working, and therefore if possible, should help people of lower incomes to encourage them to gain work or continue working.

Firstly I am amazed at the inadequacy of the council to only inform me of this change by a letter posted 2nd class on 16.10.12 and arriving on 19.10.12 giving me only 2 days to respond before the consultation period ended on 21.10.12!!!!!! I would also have liked to express a different answer to the questions than yes or no or don't know. I think the saving threshold of £3000 is far too low. £3000 would barely cover an emergency situation. This policy will discourage people from saving and encourage people to get into debt. I agree in principle to setting a limit to the level of council tax rebate people in high band of property receive however if working people in high banded property need to move as they can't afford to live there is there going to be enough affordable accommodation within reach of their work? If not they may end up unemployed and / or homeless.

The survey in general is complicated, words like second adult, for a person who has never claimed benefits is very confusing. Also this survey seems to me that Community Charge is coming back and in my opinion will not help this country, it is in a financial mess as it is and Crewe is known as one of the worst areas for debt! Landlords need sorting they have no respect for property or the area it is in, and properties are in dire straits and need modernising and liveable and presentable.

My biggest concern is that there are a large number of individuals who work but are still on the poverty line - more so than a lot of people who are on benefits. I would not like to see them disadvantaged by any changes (any more than they perhaps already are!)

run more creches so that single young girls can work after a period of one year instead of receiving free hand outs from the pockets of older working adults

it appears clear that people on benefit are to pay more, given that benefits seem to be the only income regularly increasing year on year this does not seem unreasonable, however, how much is it going to cost to try and recover this money from people who will not need to pay

If everyone had to pay 20% there would be more council problems/costs. The proposed capital limit of £3000 is too low - suggest £10,000 is more realistic. At £3000, there would be more admin costs as capital rose and fell from £3000.

The emphasis on rewarding work is admirable but seems to completely sideline those who genuinely can't work and will never be able to. They seem to have become the easy target for benefit cuts now, through no fault of their own temporary absence rules should still apply to those in hospital. If a person has another property they do not live in which is lower banded we should only pay benefit based on this lower band or they should not be entitled at all.

Those with capital can easily spend to get below the levels Many disabled are not able to work and so have no choice and will be hit hard

Think that families are suffering, and single people are given lots of money and are well off on benefits, split from her partner and got everything all rent tax children had no school dinners since got back together are worse off financially.

I own my own home and live alone so I receive the 25% discount for single occupancy. This is the only benefit I have ever received and I already find it a struggle to run a property with all the other costs I have to pay ie mortgage, gas, electric. If you remove this one and only benefit I have (from someone who trying their best to stand on their own two feet), I might as well give up working and claim every benefit I can like most of the other people in this country.

£3000 is low for working age - for those who work and keep a small contingency for emergencies/lost of employment as per good financial planning advice to hold an average of 3 months of income in case of such events. For other means tests £6,000 tends to be the lower limit.

I sympathise with the local authority as you only have 90% of the budget that was available under the old scheme from government. My issue is with the ConDem's. We hear a lot of spin from Cameron claiming to be helping the most vulnerable in our society. However, his actions speak louder than his false words and it is clear that for many hard working families the changes to the CTB will hit the most vulnerable (including Disabled, Young people, Low Income Families and those with Caring responsibilities).

I believe those on sickness / disability benefits will suffer the most as already they are not eligible for certain benefits such as free prescriptions and having to pay 20% means that they will be penalised for being unfit for work. 20% of a council tax bill is a lot of money to most sickness claimants, continually taking away or cutting benefits will see more hardship amongst our communities and quite possibly an increase in crime which will have a knock on effect on public spending further. Those with properties in the highest bands should pay their way as they clearly quite capable and as known in the past have exploited every given opportunity in not paying their way, this includes the abuse of the mobility schemes.

Council tax should be fairer, park homes and static caravans should pay less tax and people in larger homes should pay more

A plea to safeguard the most vulnerable in our community making sure that those on lower incomes and benefits do not suffer disproportionality to the more affluent.

I think if no-one had access to a council house until the age of 25, then it would stop children having children for the sake of getting a free council house with benefits so that they don't have to work for a living because they can earn more money on benefits than they can in work. I think people who work for a living find this difficult to understand, especially people who earn minimum wage and still manage to run a family on the poverty line without the aid of benefits.

Whilst I feel that change is needed I am uncertain of the long term effects the changes in Council Tax and Housing Benefit will have on us all in the long term, I think we will be looking at much more homelessness and outstanding debt for the council which may lead to inflated costs for housing people in b and b and collection of council tax arrears.

I am worried by the notion that there are two options but "CEC prefers option 1." What would it take for you to change your mind - the parallel would be with the number of councillors on the new Crewe Town Council when nothing would make you change your views (despite all evidence and representations). In general with regard to these proposals, I think they are disgraceful. The attacks on the poorest on society need to stop. The Council should be standing up to Osborne, Pickles and Duncan-Smith, not falling over themselves to see how many different groups they can hit. Some of the proposals sound like the Poll Tax. Don't you remember what a crashing disaster that was? Also, there just aren't too many jobs around so penalising those who can't get a job is doubly unfair on thousands of people in the borough. Finally, if you have to do anything, then I would suggest that those in the highest banded properties are hit hardest. Bring on the Mansion Tax (or at least a small way towards it)!

Should people who have paid full ctax for a set period (e.g 2 years) have a period of protection where they would be award full support (regardless of ctax banding) similar to the protection given to private tenants who could afford their rent when they took on their tenancy under current Housing Benefit regulations.

Perhaps efficiency savings should be considered more especially the cost of supplies and the high prices that suppliers charge, I think it is called competition Turning the heat down in council building which are like hot houses, we are told that domestically just 1degree reduction would save a fortune. Don't leave council office lights burning all night

My opinion is that those who live in higher band properties could well afford to live in them prior to applying for benefits - if they now receive benefits then encouragement to move to a more affordable property would be a way of saving money by Council.

elderly people should repay through sale of property when they die 10% a year reduction for unemployed people should be repaid gradually once in employment

I think that limiting council tax benefit to a band E is unfair - people in higher bands need support too if they fall on hard times. I think maybe it could be limited to a band E after a period of time e.g 6 months or 12 months. Backdating should be limited to one month or possibly longer in very special circumstances. Disabled people should be protected. I don't think extended payments should be increased - 4 weeks is more than enough. Second adult rebate should be preserved - especially when adult children are being encouraged to stay at home and not move out. Having a minimum benefit will keep down administration costs so is a good idea.

forms more user friendly, more face to face contact, genuine if having difficulties, less telephone contact and taking people to court so quickly

I feel that people who have worked and PAID everything they should and NEVER claimed anything for all of their working lives should be considered sympathetically, having paid into the system all of their lives it appears that the eligibility for everything including state pension is becoming further and further away, how about giving those people a 6 month leeway, to help them find their feet.

This consultation has been poorly advertised. The information on the website does not explain why Cheshire East has to impose a 20% reduction for working age claimants - I had to research myself to find an explanation. It is not fair to make those on means tested benefits which are designed to cover living expenses such as food, clothing and utilities pay an additional amount to council tax. It looks as though the proposals will raise more than the 10% shortfall in government funding because of the additional cuts suggested but this is not clear and if more could be raised then an explanation should be given. Has there been a consideration of the increased recovery costs when benefit claimants struggle to pay a council tax liability as they face significant increases in utility and food costs and possibly rent.

I feel that people who are out of work and claiming council tax benefits, and other benefits such as job seekers allowance, should have to do a designated amount of unpaid work for the council, to pay towards their allowance. This could be doing graffiti removal, litter picking, tidying grass verges, delivering meals on wheels etc. This would keep them physically active so that they are more likely to get work and get off the benefits, and would feel that they are contributing. This also would help reduce the costs of the council, yet would benefit the area and its citizens as the area would be a nicer place to live, and this may bring in more investors in the area, thus making the area better economically.

1. Scheme 1 and rewarding work Scheme 1 appears to be inspired by central government policy on welfare reform. However, the often-voiced reasoning behind that policy is flawed. The reasoning typically goes: (i) the Government needs to make savings, (ii) benefit fraud is a problem, (iii) it's only right therefore that benefit rates are cut. To the majority of those receiving out-of-work benefits who are honest, this line of reasoning is offensive. It fails to consider those who are not working through no fault of their own—in particular those with long-term sickness or disability and who are not able to work. Even if they want to, individuals in this group cannot simply take up work. Scheme 1 incentivises work. It unfairly discriminates against those who are unable to work: for these people, those rewards cannot be reached. Indeed, given that it is, in truth, a scheme for Council Tax Benefit _reduction_, it can be seen as penalising the sick and disabled. If a benefit reduction scheme is to operate in favour of those in work, it must _also_ (somehow) favour those without independent means and who, for whatever reason, cannot work. In addition, given that the purpose of this scheme is to apportion a reduction in benefit, the terminology used ("reward") is objectionable. For many people, a means-tested benefit is all that stands between them and unimaginable hardship. To describe any aspect of such a benefit as a reward or incentive ought rightly cause offence. 2. Protection of the vulnerable With the exception of pensioners, neither of the two proposed schemes seek to protect some of the most vulnerable in society: those who are unable to work due to sickness or disability and who have no income. The long-term sick or disabled typically have extra living costs to bear, many of which are not covered by the NHS and are not made up for in disability benefits. Those moving from Incapacity Benefit to Employment and Support Allowance have seen their benefit rate frozen. These and others have seen their Housing Benefit cut. Yet it appears that both reduction schemes require those with no other income to find £170 every year. If there is any to be any bias in the reduction scheme at all, it should be in favour of the most vulnerable, whether they are of pension age or of working age. 3. Respondent's personal feelings I had previously felt Cheshire East Council—and before it Macclesfield Borough Council—to be not only an intelligent and understanding authority but also an independently-minded one. That is why it is disappointing and disheartening that instead of protecting its most vulnerable residents from a disingenuous central government policy that assumes the worst about people, it is blindly adopting and taking inspiration from that policy.

I think there needs to be a review of the system with some changes, but ensure it is applied fairly and consistently with flexibility to individual cases when appropriate.

Any changes made to the status quo should be fair & reasonable The return of a poll tax based system should be avoided for happy life

make it fairer, spd not fair single people, really hard for single parents, a widow with no children not entitled to anything. home owners low income not fair

Reduce backdating to a shorter period eg 3 months. Protect those who are disabled and cannot work. I don't think those on IS/ESA should be asked to pay as it is not their fault they cannot work. Reduce savings threshold to 3 months. Reduce disregarding income eg maintenance, child benefit.

If benefits are to be withdrawn from houses above band D. why do we not also charge them more to support those who cannot afford a large home? We should increase council tax on the rich rather than the poor, and should also be reworking the band assessment, as it is very out of date and inaccurate in many cases.

Everybody should be treated the same. Any suggestion otherwise is of complete disrespect for those who could be classed as ethnics.

Glad to see that pensioners are not effected, but if you had to retire early you may find life difficult to resolve your finances. I work in CE, but live in CWAC, I am hoping to move to CE and it does concern me that you take into account that the retirement age is altering.

I think this new thing coming out in april that people have to pay for the ammount of rooms they have is really wrong . people have worked on there home .if they have extra rooms that should not affect there rent rebate ,

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I work in Cheshire East as a Macmillan Benefits Adviser. My client group is cancer patients of all ages. I am concerned that many cancer patients are of working age and would be affected by these proposed changes. Particularly if someone is self employed and unable to work due to ill health they will suffer financial hardship if Council Tax Benefit does not pay the whole liability

I would like to see an assessment of the costs of making benefits so closely related to changes in income and savings, this would need to be constantly reassessed in the light of inflation and there would be individuals immediately above/below any arbitrary line who could be winners and losers when their incomes are close. Using bank details etc encourages fraud and costs more to chase - historically there have been many examples of means testing costing more than it saves and I see no suggestion from the Council that this would give a real saving but rather a paper one

Those who have no children are still charged for all the services connected to children. They get no return for this element. Should this be a factor to take into consideration?

Stopping council tax exemption for empty properties. This would encourage more properties to become available for rent / purchase. (We are told by CEC that there is a housing shortage).

I am frustrated that I am on a low income and I am a single parent and yet I have to pay my council tax in full (excluding my 25%) I work 37 hours a week and I am £24 better off a week than when I was on benefit yet I was turned down for help with rent and council tax ... if I sat at home I would currently get it paid - I think it needs modification.

As a general principal I would support anything that eases transition into work and ensures work pays over remaining on benefit. Q4 - have answered don't know to this. If every one in work was on a living wage would have said yes. Q6 - I don't know what other adults in the household are expected to pay now. If they are not on benefit or low income, then their contribution should offset some/all council tax benefit to claimant & claimant's partner. Q9 - would support reduction to 13 weeks rather than stopping all backdating.

I think those who have lots of children and live off different benefits should be made to pay some of their benefit money back into the community.

I would like to believe that the reductions proposed will encourage people to find jobs and hope that the jobs are out there to be found. Two more council tax bands, I and J, would add income from those in larger homes with high numbers of bedrooms, and other facilities, such as extensive grounds.

I am American and not entitled to vote here, but have resided in UK since 1983 and understand the benefit scheme.

Council tax benefit should be a right for all people and people who cannot afford to pay a contribution should not be forced into worse poverty by being denied benefits.

I really hope the 25% discount for people living alone will not be removed. I have this discount, am on a low income receiving working tax credit. Having to pay full council tax would make my already tightening budget even more difficult. It would be hard to feel I'm expected to pay the same, as a single person, for using much less of the Council's services than a family of several people.

I consider that the Council Tax charges are already far too expensive for the services currently provided by Cheshire East Council. Since the authority became a unitary authority I consider that the services are significantly worse than previously. Highway maintenance is very poor, bin collection should be every week, grounds maintenance in Crewe & Nantwich area is dreadful. No investment in Crewe Town Centre at all, I avoid going into Crewe at all if possible. Poor sporting facilities and activities for youngsters. Excessive car park charges. Nantwich appears to be thriving whilst Crewe is dying on its feet. Extreme traffic congestion problems at Crewe Green and B & Q roundabouts in Crewe making travelling a nightmare.

If there was a guaranteed job for everyone who could work then restricting benefits may affect the workshy, which would be good. However, proposals penalise people who cannot get a job, for whatever reason. They are already struggling with rising food and fuel prices. The measure of a civilised country is the way it cares for its more vulnerable citizens - this Tory crowd hate anyone who is not economically productive and making profits for the rich!

Some larger families receive more than the average wage due to various tax credits but still receive maximum rebate. Perhaps this could be looked at.

I'm in Council Tax Band A, I work full time, and do not receive any benefits (in fact I'm a Welfare Reform Advisor for an RSL). I think it's absurd that you would penalise those in Council Tax Band D or above by not allowing them to claim Council Tax Support. Just because they are in a more expensive property does not mean they have sufficient financial means to support themselves. What if they are made redundant? What if they become disabled? What if they have unexpected long-term health conditions? What if they are already at risk of having their home re-possessed or are in mortgage arrears? You cannot penalise a claimant based on the value of their property. The value of their property does NOT reflect their personal circumstances. You should base any award on FACT, not assumptions. If the FACT is that they have substantial savings, then let this reflect any award.

to differentiate between home owners and tenants. I live in a band c building, but there are several apartments; why are we ALL having to pay a high amount of council tax - when it should only be paid once!

We need more jobs, less redundancies in local authorities and then we wouldn't need so much benefit paying

He wants to change the fact that women are just having babies to get around the system. He wants system to deter women from having babies just for the income and housing. They should be paying a contribution to the council tax because of the income of etc. The whole process needs to be looked at and those that are getting 7 years 'free living' should be abolished and should be asked to pay for each child that are in the property as they are getting more income than single people. They should be deterred from doing it in the first place and people who have already done it then abolish the 7 years - they should be looked at and asked to pay towards their ctax.

People on Min wage or JSA going to struggling financially, don't take into account outgoings ie water, food, gas electricity.

Cheshire East will probably have to make savings of 20% on council tax benefit expenditure because approximately 51% of claimants are of working age. This is not clearly stated in the consultation documents. Scheme 1 looks as though it will deliver savings of more than 20% so what will be done with the additional money saved. Why are there only 2 schemes considered when other local authorities offer more options. In the 4 case studies - 2 out of 3 of the workers will be worse off under scheme 1 so how can the introduction claim workers will be largely unaffected. Why not consider increasing council tax revenue by asking those who can afford their council tax bills to pay more rather than asking those who are already on the lowest of incomes to pay more. Has the council considered the increased recovery costs in trying to get council tax payments out of those who are on the lowest of incomes (and likely to see those incomes compromised further thanks to the other elements of welfare reform and increased energy and food bills) and if the council has considered these increased costs, is it really worth going ahead with a reduced rebate scheme.

The questions don't allow for comment - for example the backdating could be reduced rather than eliminated or kept at 26 weeks. Perhaps 3 months is reasonable. I think that those in higher value houses who have temporarily fallen on hard times should not be penalised - they may have paid and contributed for the rest of their lives. Perhaps a reduction in the length of time help is available would be better if a change to help available to all band levels is required.

don't agree lone working parent should be getting higher discounts as they already receive generous benefits in extra credits

I don't feel that those in larger properties above band D should have restrictions placed on the top rate as many are unable to sell property and may have large families therefore need a larger home. Transition to work extension period should remain 4 weeks and if a difficulty evident then payments should be spread longer to allow minimal effect and time to repay any money owed. Also the second adult rebate for single applicants should remain as this will place a penalty on the householders when the second applicant can't pay the extra due to low income. Savings should however be taken into account to show who has more disposable income instead of targeting those who may be trapped in expensive property.

Capital limit very low, no excess for emergencies, white goods breakdowns, car breakdowns and funeral cost. Average funeral costs would wipe out the savings.

Capital limit of £3000 seems extremely low when I worked all my life for some savings to keep hold of.

What worries me is how this will affect people who move from one area to another, as this is a local authority how much will it cost to implement?

If someone is benefit that is for health reasons - permanently i.e. their condition will not improve or perhaps get worse. They should not be affected by any changes - as these are based around encouraging people back to work and these people will never be able to go back to work.

Claimants that commit fraud should not be paid any future benefits and made to pay all the money back plus compound interest. Claimants who have Sky TV should have their benefits reduced. As I work and cannot afford it. All people from abroad who have not paid into the system should not get any benefits.

If non-deps have to make a contribution they should be billed for that. Often non-deps refuse to pay and the bill payer suffers unfair hardship.

Keep the single person 25% discount. It is outrageous that you are considering getting rid of this.

I think that people who are working should be asked to pay something towards their council tax maybe a tier system this could include people with a high income from benefits however vulnerable people should be exempt under special rules

I think that savings should be £6000, if you had just come out of work any savings below this would be quickly used up for day to day living costs. I do not feel higher bands should be restricted straight away - maybe after a year but you are penalising people who have worked hard for what they have got. Maybe they should be allowed 6/12 months at 80 % before the band restriction is brought in. Why should they have to pay more - they could find themselves in the same situation - out of work as someone in a lower band yet these lose out for trying to better themselves.

People who are not earning should not have to pay ctax - there should be percentage of earnings like an assessment of income tax rather than filling forms in.

I write to offer feedback on the proposed changes to council tax benefit on behalf of Wulvern Housing. Wulvern manage over 5200 households in Cheshire East and recognise that many of our tenants will be impacted by the Cheshire East proposals. Firstly we recognise that Cheshire East has had to make changes following the Government's decision to abolish council tax relief and request local authorities introduce a localised scheme. We further recognise the significant (10%) savings that Government expects. We also recognise that the Government has chosen to protect pensioners from any savings. The decisions Cheshire East is faced with are therefore challenging. Wulvern also understands that whilst pensioners represent a significant proportion of our tenant base they are largely also exempt from many of the welfare reforms that will start to impact on households at the same time as a new council tax scheme. The result will be an inevitable squeeze on some of our most financially challenged households. Against the above background these changes are going to present particular difficulties regardless of which of the two options Cheshire East ultimately adopts. Option 1 which looks to 'reward work and reduce support for claimants with assets' present a particular challenge for Wulvern. Over 70% of our tenants get some help currently from housing benefit (indicating they are entitled to some form of means tested benefit) and employment data shows that unemployment peaks in Wulvern's communities (e.g. Alexandra ward) compared to the rest of Cheshire East. Our tenants will face a disproportionate impact if this option was chosen. We are also concerned that changes to capital limits (moving from a tariff of £6k-£16k) to cut off at £3k will be both an administrative challenge but also is set at a level that will mean that many claimants will very quickly hit the cut off - causing confusion and potential hardship. This will be compounded when Universal Credit is introduced in October 2013 as Cheshire East will be administering a scheme with different tariffs than that being administered by Department of Work and Pensions (DWP) - one through council tax scheme and one through Universal Credit (DWP). Wulvern would prefer a scheme that mirrors existing housing benefit arrangements regarding assets. Option 2 proposes a maximum council tax support payable of 80%. We feel this represents a simpler to understand and simpler to administer scheme. Though we recognise that this will represent a significant impact on many of our tenants who will be faced by higher bills at a time when they may be feeling the squeeze of the raft of other welfare reforms. It is difficult from the consultation data to ascertain how much, in cash terms, the two options will save Cheshire East - it would have been useful to understand this in more detail and this also could be said for the other options that could be included in any of the schemes which I comment on below. 1. Rewarding work. We support the proposal to extend the 'extended payment' arrangements. 2. Non Dependant Deduction. We have some concerns about the proposed age restrictions and this being introduced at the same time as bedroom tax - we fear unknown consequences that are hard to quantify without knowing the numbers of non dependants impacted. What is clear is that claimants will have one non dependant age limit for their housing benefit claim and another for council tax scheme which will lead to confusion. The 18-24 year olds out of work will be impacted by the proposal and it does appear to be at odds with the housing benefit system which reflects the age at which qualifying benefits are uplifted at 25 (helping bridge the shortfall for 18-24 year olds). 3. Minimum Awards. Whilst we accept this is a simpler approach we have concerns for owner occupiers who will see an impact as the current approach to council tax relief ensures they have passported rights to their benefits such as grants around affordable warmth. With fuel poverty a real issue for many of our tenants we fear that there may be unforeseen consequences that disadvantage people trying to make their homes more efficient and reduce their fuel bills. 4. Abolish Second Adult Rebate. At a time when the bedroom tax is being brought in the abolishing of second adult rebate may push people into greater poverty. We are anticipating greater mobility between households as they try and off set the impact of the bedroom tax. We know that the age people leave home has dramatically increased and the impact of this may compound an issue that we predict will cause households hardship. This will typically impact on claimants really struggling to make ends meet on low incomes (rather than on passported benefits). The consultation data doesn't indicate how much Cheshire East expects to save by taking this step? In summary Wulvern recognise Cheshire East has difficult decisions to take but measures that impact disproportionately on families and individuals who are already struggling financially and compound measures central Government is taking on welfare reforms should be avoided. We would seek measures that simplify the process in what is already a complex benefits system yet many of the options would seem to make administration more complex and presumably costly to administer. Tenants already prioritise payment of council tax and Cheshire East recovery powers result in very high collection rates (over 97%). If tenants are squeezed yet further we fear will see more rental evictions with all the inherent social and financial costs to the Cheshire East community.

Please let the wealthy members of our society who will not be detrimentally effected by these proposed cuts contribute their fair share in percentage terms and not those who's income is such that they and their children have to go without what we would consider nowadays, basic needs in a civilised society.

I believe that if someone is working then they should contribute something towards the Council Tax even if only a small amount.

As I said above there are people of working age that have a disability that is preventing them having the ability to go out to work. They don't have spare cash as they only get what the government says you need to live on, where will the extra income be coming from for them to be able to make a 20% payment of their council tax bill. I also expect that at some point you will also be taking away housing benefit from people of working age. People are going to die because they will pay these bills but have no money for food or heating on the run up to winter!!!!

Being unemployed and claiming JSA does not allow a person to live and pay normal bills without them also having to pay towards council tax. I have a degree in law but was unable to get a job for a few months. I had already used my savings to keep on top of utility bills. The mode of thinking should not be that people claiming JSA are lazy! Also there should be a difference between single adults with children and single adults with no children when giving single adult rebate. A no children household should not have to pay for schooling Support for transition into work should only last four weeks given that after this they will have been paid

Cheshire East Council
Council Tax Reduction Scheme Policy
S13a (2) and Schedule 1a of the Local Government Finance Act 1992

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Please note:

The remaining 136 pages of this appendix can be provided on request from the Democratic Services Section, from the contact on the front page of the agenda.

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APPENDIX B

COUNCIL TAX-TAX BASE 2013/2014

CHESHIRE EAST	BAND D EQUIVALENTS	TAX BASE 99%
Acton	119.09	117.90
Adlington	600.57	594.57
Agden	66.99	66.32
Alderley Edge	2,608.37	2,582.29
Alpraham	183.60	181.76
Alsager	4,229.57	4,187.27
Arclid	117.93	116.75
Ashley	152.28	150.76
Aston by Budworth	182.76	180.93
Aston-juxta-Mondrum	90.37	89.47
Audlem	915.47	906.31
Austerson	42.41	41.98
Baddiley	119.85	118.65
Baddington	55.49	54.93
Barthomley	93.72	92.78
Basford	88.68	87.79
Batherton	23.68	23.44
Betchton	251.91	249.39
Bickerton	119.75	118.55
Blakenhall	71.31	70.59
Bollington	2,978.94	2,949.15
Bosley	197.05	195.08
Bradwall	85.57	84.71
Brereton	564.82	559.17
Bridgemere	64.31	63.67
Brindley	66.91	66.24
Broomhall	89.50	88.61
Buerton	211.36	209.25
Bulkeley	120.36	119.15
Bunbury	609.75	603.65
Burland	275.36	272.61
Calveley	131.29	129.98
Checkley-cum-Wrinehill	46.06	45.60
Chelford	611.10	604.99
Cholmondeley	70.55	69.85
Cholmondeston	77.30	76.53
Chorley	258.33	255.75
Chorley (Crewe)	53.03	52.50
Chorlton	510.99	505.88
Church Lawton	864.80	856.15
Church Minshull	199.87	197.88
Congleton	9,385.97	9,292.11
Coole Pilate	26.18	25.92
Cranage	623.20	616.97
Crewe	12,633.28	12,506.95
Crewe Green	98.40	97.42
Disley	1,887.22	1,868.35
Dodcott-cum-Wilkesley	184.44	182.60
Doddington	14.65	14.50
Eaton	192.13	190.21
Edleston	38.37	37.99
Egerton	36.10	35.74
Faddiley	74.65	73.90
Gawsworth	806.48	798.42
Goostrey	1,060.05	1,049.45
Great Warford	444.96	440.51
Handforth	2,173.65	2,151.91
Hankelow	129.94	128.64
Haslington	2,319.02	2,295.83
Hassall	109.15	108.06
Hatherton	178.34	176.56
Haughton	98.60	97.61
Henbury	342.74	339.32
Henhull	26.09	25.83
High Legh	890.74	881.83
Higher Hurdsfield	326.28	323.01
Holmes Chapel	2,389.54	2,365.64
Hough	338.27	334.89
Hulme Walfield & Somerford Booths	160.40	158.79
Hunston	80.07	79.26
Hurleston	34.08	33.74

COUNCIL TAX-TAX BASE 2013/2014

CHESHIRE EAST	BAND D EQUIVALENTS	TAX BASE 99%
Kettleshulme	165.25	163.60
Knutsford	5,649.88	5,593.38
Lea	24.26	24.02
Leighton	1,488.73	1,473.84
Little Bollington	84.51	83.67
Little Warford	36.34	35.97
Lower Peover	73.19	72.46
Lower Withington	304.28	301.24
Lyme Handley	71.19	70.47
Macclesfield	17,625.20	17,448.95
Macclesfield Forest/Wildboardclough	111.87	110.76
Marbury-cum-Quoisley	117.28	116.11
Marton	110.99	109.88
Mere	433.86	429.52
Middlewich	4,389.02	4,345.13
Millington	106.91	105.84
Minshull Vernon	118.27	117.09
Mobberley	1,441.88	1,427.46
Moston	177.93	176.16
Mottram St Andrew	389.92	386.02
Nantwich	5,013.18	4,963.04
Nether Alderley	387.20	383.33
Newbold Astbury-cum-Moreton	345.60	342.15
Newhall	353.92	350.38
Norbury	93.74	92.81
North Rode	126.70	125.43
Odd Rode	1,892.14	1,873.22
Ollerton with Marthall	308.69	305.61
Over Alderley	214.59	212.45
Peckforton	69.35	68.65
Peover Superior	403.46	399.43
Pickmere	366.44	362.77
Plumley with Toft and Bexton	388.76	384.87
Poole	72.54	71.81
Pott Shrigley	145.87	144.41
Poynton with Worth	5,785.02	5,727.17
Prestbury	2,157.92	2,136.34
Rainow	593.21	587.28
Ridley	80.55	79.74
Rope	816.88	808.71
Rostherne	80.94	80.13
Sandbach	6,431.75	6,367.43
Shavington-cum-Gresty	1,603.68	1,587.64
Siddington	183.23	181.39
Smallwood	294.32	291.38
Snelson	81.65	80.83
Somerford	185.60	183.74
Sound	98.81	97.82
Spurstow	187.00	185.13
Stapeley	1,349.22	1,335.73
Stoke	110.35	109.25
Style	365.64	361.98
Sutton	1,123.85	1,112.61
Swettenham	167.55	165.88
Tabley	209.41	207.33
Tatton	10.92	10.81
Twemlow	98.42	97.43
Walgherton	60.49	59.89
Wardle	52.98	52.45
Warrington	110.85	109.74
Weston	902.05	893.03
Wettenhall	115.62	114.46
Willaston	1,272.05	1,259.33
Wilmslow	11,066.81	10,956.14
Wincle	95.19	94.24
Wirswall	42.65	42.22
Wistaston	2,971.65	2,941.93
Woolstanwood	244.29	241.85
Worleston	106.39	105.33
Wrenbury	431.39	427.07
Wybunbury	591.96	586.04
	138,507.27	137,122.19

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CHESHIRE EAST COUNCIL

REPORT TO: COUNCIL

Date of Meeting: 13th December 2012

Report of: Democratic and Registration Services Manager

Recommendations from the Constitution Committee

1.0 Report Summary

- 1.1 This report contains the recommendations of the Constitution Committee, which met on 26th November 2012.

2.0 Decision Requested

- 2.1 That Council agree the recommendations set out under the following headings in the report:

(1) Re-organisation of Community Governance (Crewe) Order 2012 and mini review of electoral arrangements for the Parish of Leighton. (Paragraph 7.2 of the report)

(2) Notice of motion: Motions to Council (Paragraph 7.4 of the report)

(3) Notice of Motion: right to speak at meetings (Paragraph 7.4.12 of the report)

(4) Notice of Motion: start time of public meetings (Paragraph 7.4.14 of the report)

(5) Scheme of Members' Allowances: Report of the Independent Remuneration Panel (Paragraph 7.4.16 of the report)

- 2.2 That the Borough Solicitor be authorised to make such changes to the Constitution as she considers are necessary to give effect to the wishes of Council.

3.0 Policy Implications

- 3.1 Certain recommendations of this report, if accepted, will require changes to the Constitution.

4.0 Financial Implications

- 4.1 No financial implications would appear to arise from the recommendations of the Constitution Committee, other than those which are linked to the work of the Independent Remuneration Panel. In this respect, the cost of the existing Members' Allowances Scheme are not in excess of the allocated budget. Forecasts for 2012/13 indicate that the budget is anticipated to be underspent. The recommendations in respect of the number of special responsibility allowances within the Scheme can be met from within the existing Allowances budget.

5.0 Legal Implications

- 5.1 Where the recommendations of this report have legal implications, these are set out in the sections of the report which deal with those recommendations.

6.0 Risk Management

- 6.1 There are no identifiable risks associated with the recommendations of this report.

7.0 Information

- 7.1 This report sets out the recommendations of the Constitution Committee which met on 26th November. Each recommendation is listed in the following paragraphs, along with commentary which explains the background.

Re-organisation of Community Governance (Crewe) Order 2012 and mini review of electoral arrangements for the Parish of Leighton.

- 7.2 At its meeting on 11th October 2012, Council had agreed that the draft Re-Organisation of Community Governance Order for Crewe be updated and submitted to Council on 13 December, following a mini review of electoral arrangements for the Parish of Leighton.

In the light of the decision of Council on 11th October, which dealt with all other community governance arrangements for Crewe, all that remained to be decided were the arrangements for the area of Leighton and the final approval of the Reorganisation Order to give effect to the Council's decisions.

The Constitution Committee reviewed when elections for the Leighton Parish Urban ward should be held and whether the number of councillors for the parish should be amended. In respect of the area of Leighton, the Committee made **recommendations** (1) to (5) 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 Re-Organisation order, as appended to this report at Appendix A be approved.**

Notice of motion: Motions to Council

7.3 At the Council meeting on 19th July 2012, the following motion was proposed by Councillor Arthur Moran and was seconded by Councillor David Brickhill:

“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.”

7.4 The Committee considered the motion and made the following **recommendations to Council** as to how notices of motion should be dealt with. The existing Rules are appended to the report at Appendix B:

7.4.1 **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.**

7.4.2 **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.**

7.4.3 **The wording of the Rules should be amended to make it clear that the full text of the notice of motion would be reproduced with the agenda papers for Council meetings.**

7.4.4 A Notice of Motion should be regarded as withdrawn:

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

at the Council meeting if oral notice to this effect is given by the Member who submitted the Notice; or

if the Notice of Motion is not moved and seconded at the meeting of Council.

7.4.5 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.

7.4.6 That 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:

arising from consideration of the motion, the Constitution Committee recommends to the Council a change to the Constitution; or

there is some other legal or Constitutional requirement for the matter to be referred back to Council.

7.4.7 That, following the moving and seconding of the motion in question; the mover and seconder having been given the opportunity to speak, the motion should stand referred to the appropriate decision-making body without debate.

7.4.8 That, 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 that the proposer of the motion would be consulted before the chairman decided the matter.

7.4.9 That 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 initial Council meeting.

7.4.10 That 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.

Notice of Motion: right to speak at meetings

7.4.11 At the Council meeting on 19th July 2012, Councillor A Moran proposed and Councillor P Edwards seconded the following motion:

“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 II items”.

The current rules allow any Member to attend any meeting and, with the consent of the Chairman, to speak on any matter on the agenda. Special provisions apply to meetings of licensing and planning meetings.

7.4.12 The Committee considered the motion and **recommended that no action be taken.**

Notice of Motion: start time of public meetings

7.4.13 On 12th October 2012, Council considered the following motion, which had been proposed by Councillor Brickhill and seconded by Councillor A Moran:

“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 10am if held in Sandbach and not before 10.30am if held elsewhere”.

7.4.14 The Committee considered the motion and **recommended that no action be taken.**

Scheme of Members’ Allowances: Report of the Independent Remuneration Panel

7.4.15 The existing Scheme of Members’ Allowances is appended to this report at Appendix C. During 2012, the Independent Remuneration Panel conducted a review of the Scheme.

7.4. 16 The Committee considered the report of the Panel, as appended to this report at Appendix D, and **recommended that the Panel’s recommendations be accepted by Council.**

8.0 Access to Information

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

Name: Brian Reed
Designation: Democratic and Registration Services Manager
Tel No: 01270 686670
Email: Brian.reed@cheshireeast.gov.uk

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Appendix A

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

The Cheshire East Borough Council (Reorganisation of Community Governance) (Crewe) Order 2012

Made [....December 2012]

Coming into force in accordance with article 1(2)

Cheshire East Borough Council (“the Council”), in accordance with section 83 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”), has undertaken a community governance review and after having made recommendations on 16 May 2012 and having undertaken the processes described below, has made a decision dated 11 October 2012 to which this Order gives effect.

In accordance with section 93 of the 2007 Act, the Council has consulted with the local government electors and other interested persons and has had regard to the need to secure that community governance reflects the identities and interests of the community and is effective and convenient:

The Council, in accordance with section 100 of the 2007 Act, has had regard to guidance issued under that section.

The Council makes the following Order in exercise of the powers conferred by sections 86, 98(3), 98(4), 98(6) and 240(10) of the 2007 Act and of all other powers enabling it in that behalf.

1. Citation and commencement

- (1) This Order may be cited as the Cheshire East Borough Council (Reorganisation of Community Governance) (Crewe) Order 2012.
- (2) Subject to paragraphs (3) and (4) below, this Order comes into force on the 1st April 2013
- (3) Article 8 and Schedule 1 shall come into force on 4 April 2013
- (4) For the purposes of:
 - (a) this Article
 - (b) Article 11, and
 - (c) Article 13 – and all proceedings preliminary or relating to the election of parish councillors for the parish of Crewe to be held on 4 April 2013,this Order shall come into force on the day after that on which it is made.

2. Interpretation

In this Order—

“borough” means the borough of Cheshire East

“existing” means existing on the date this Order is made

“map” means the map marked “Map referred to in the Cheshire East Borough Council (Reorganisation of Community Governance) (Crewe) Order 2012” and deposited in accordance with section 96(4) of the 2007 Act: and any reference to a numbered sheet is a reference to the sheet of the map which bears that number

“new parish” means the parish constituted by article 4

“ordinary day of election of councillors” has the meaning given by section 37 of the Representation of the People Act 1983 and

“electoral registration officer” means an officer appointed for the purpose of, and in accordance with, section 8 of the Representation of the People Act 1983.

3. Effect of Order

This Order has effect subject to any agreement under section 99 (agreements about incidental matters) of the Local Government and Public Involvement in Health Act 2007 relevant to any provision of this Order.

4. Constitution of new parish

- (1) With effect from 1 April 2013, a new parish, comprising the area outlined in yellow and shaded green on the map, shall be constituted within the borough.
- (2) The name of the new parish shall be Crewe.

5. Parish Council

- (1) There shall be a parish council for the parish of Crewe.
- (2) The name of that council shall be “Crewe Parish Council”.

6. Elections for the parish of Crewe

- (1) Elections of all parish councillors for the parish of Crewe shall be held on 4 April 2013.
- (2) The term of office of every parish councillor elected on 4 April 2013 for the parish of Crewe shall be two years until 2015 and thereafter coincide with the ordinary day of election of parish councillors every four years in accordance with s.16 (3) of the Local Government Act 1972.

7. Number of parish councillors

The number of councillors to be elected for the new parish Council shall be 20.

8. Wards of the new parish of Crewe and numbers of parish councillors

- (1) The Parish of Crewe shall be divided into six wards which shall be named as set out in column (1) of Schedule 1.
- (2) Each parish ward shall comprise the area of the borough ward in Crewe specified in respect of each ward in column (2) of Schedule 1 and designated on the map by reference to the name of the ward and demarcated by green lines.
- (3) The number of councillors to be elected for each ward shall be the number specified in column (3) of Schedule 1.

9. Annual meeting of parish council

The annual meeting of the new parish council in 2013 shall be convened by the Chief Executive of Cheshire East Borough Council. The meeting for the new parish council shall take place no later than 14 days after the day on which the councillors elected to the new parish council take office.

10. Variation to the area of Leighton Parish

The area of the Leighton parish shall be varied to include within the Leighton Urban ward of that parish the unparished part of the borough ward of Leighton (polling district 1FJ4) as indicated by the red line on the map.

11. Calculation of Budget Requirement

For the purposes of regulation 3 of the Local Government Finance (New Parishes) (England) Regulations 2008, there is specified in relation to the parish of Crewe the sum of £442,000.

12. Transfer of property, rights and liabilities

The land, property, rights and liabilities described in Schedule 2 shall transfer from the borough to the new parish council on the date specified in column (2) of that Schedule.

13. Electoral register

The Electoral Registration Officer for the borough shall make such rearrangement of, or adaptation of, the register of local government electors as may be necessary for the purposes of, and in consequence of, this Order.

14. Order date

1st April 2013 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008.

Sealed with the seal of the council on the [] day of [December 2012].

Borough Solicitor

SCHEDULE 1 (ARTICLE 8)

WARDS OF THE PARISH OF CREWE

NAMES AND AREAS OF WARDS AND NUMBERS OF COUNCILLORS

Column 1 Name of parish Ward	Column 2 Area of Ward	Column 3 Number of parish councillors
Crewe St Barnabas	The whole of the borough ward of St Barnabas as shown on the map	2
Crewe Central	The whole of the borough ward of Crewe Central as shown on the map	2
Crewe North	The whole of the borough ward of Crewe North as shown on the map	2
Crewe South	The whole of the borough ward of Crewe South, except for Gresty Brook (Polling District 1GM2), as shown on the map	4
Crewe East	The whole of the borough ward of Crewe East as shown on the map	6
Crewe West	The whole of the borough ward of Crewe West as shown on the map	4

SCHEDULE 2 (ARTICLE 12)

LAND AND PROPERTY TO BE TRANSFERRED

Column 1	Column 2
Land and property to be transferred	Date
Public Conveniences at Lyceum Square, Crewe	1 April 2013
Allotments holdings on the basis of 150 year leases situated at: Alton Street; Brookhouse Drive; Claughton Avenue; Electricity Street; Ford Lane; Henry Street; Hungerford Road; Hulme Street; Manor Way; Ruskin Road; and Walker Street	1 April 2013

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to a decision made by Cheshire East Borough Council for the creation of a new parish and a parish council for Crewe within the borough of Cheshire East.

The new parish will be created with effect from 1 April 2013. The electoral arrangements for the parish council apply in respect of parish elections to be held on 4 April 2013.

Article 6 provides for the first parish elections in the parish of Crewe in 2013, and then in 2015 and every four years thereafter according to the established system of parish elections.

Article 7 specifies the number of parish councillors for the new parish of Crewe.

Article 8 and Schedule 1 establish the names and areas of the wards of the new parish of Crewe (as indicated on the map) and the numbers of councillors for each ward.

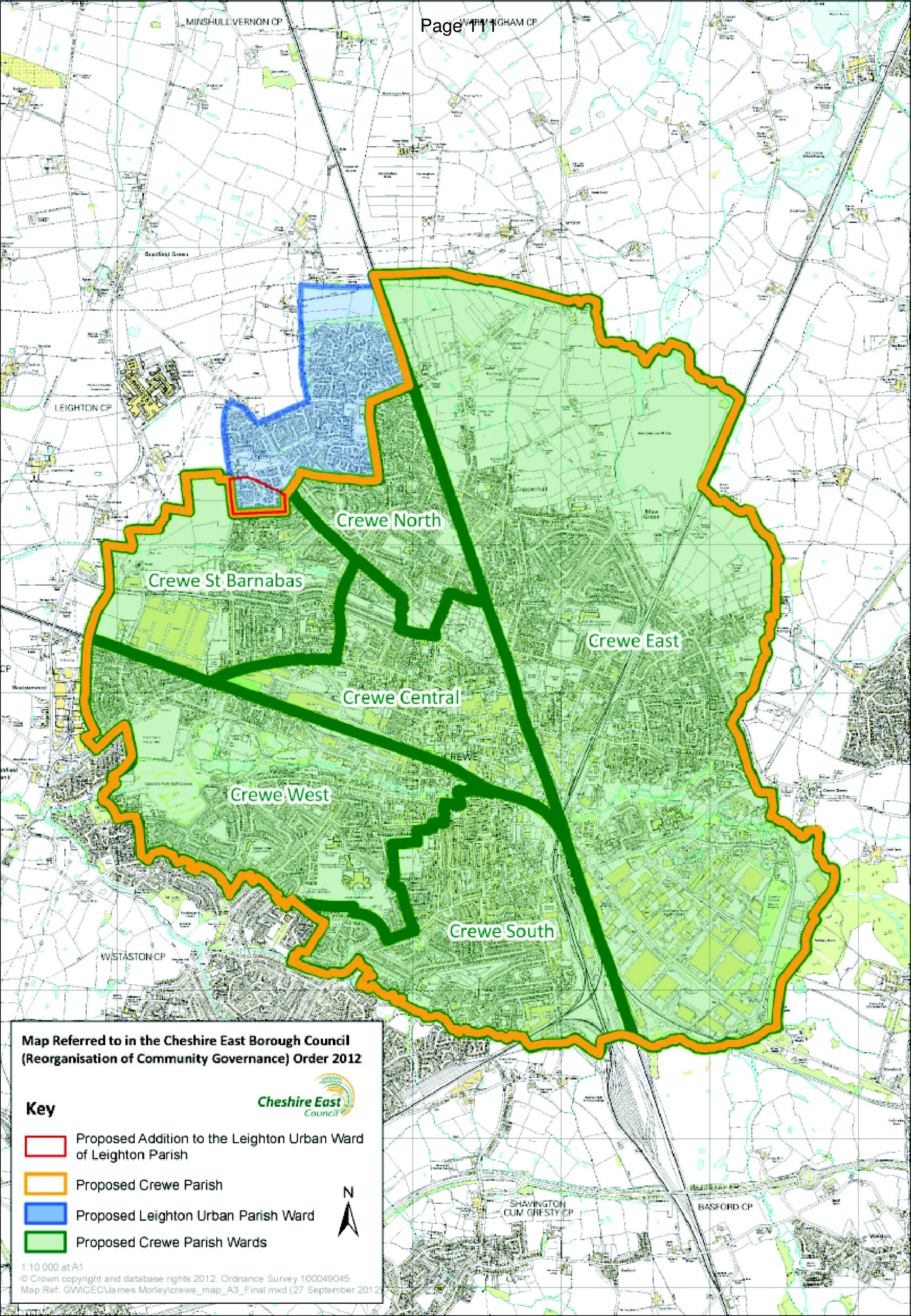
Article 10 provides for a consequential amendment to the area of the Leighton Urban ward of Leighton Parish.

Article 11 specifies the amount of the initial precept for the new parish to be applied in the 2013 – 14 financial year.

Article 13 obliges the Electoral Registration Officer to make any necessary amendments to the electoral register to reflect the new electoral arrangements.

The map defined in Article 2 shows the area comprising the new parish of Crewe and the wards of the new parish, together with the change to the area of the Leighton Urban Ward of the Leighton parish. It is available for inspection, at all reasonable times, at the offices of Cheshire East Borough Council.

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Map Referred to in the Cheshire East Borough Council
(Reorganisation of Community Governance) Order 2012



Key

- Proposed Addition to the Leighton Urban Ward of Leighton Parish
- Proposed Crewe Parish
- Proposed Leighton Urban Parish Ward
- Proposed Crewe Parish Wards



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Appendix B

References in the Procedure Rules to Notices of Motion

Council Procedure Rules

12 Notices of Motion

- 12.1 A notice of motion must relate to matters for which the Council has responsibility or which affect its area.
- 12.2 The arrangements for submitting and dealing with notices of motion are set out in Appendix 2.

Committee Procedure Rules

33 Mover of a Motion at Council under Procedure Rule 12: Attendance at Committee and Sub-Committee

- 33.1 Where a motion has been referred under Procedure Rule 12 from the Council to a Committee or Sub-Committee for consideration and report, the mover of the motion has the right to attend the meeting and to explain the motion.
- 33.2 The mover of the motion will be advised of the date and time of the meeting at which the matter is to be considered and he/she will be sent a copy of the relevant papers.

Executive and Cabinet Procedure Rules

50 Motion Under Standing Order 12

- 50.1 A mover of a motion under Standing Order 12 which has been referred to the Cabinet for consideration may attend the meeting of the Cabinet when his/her motion is under consideration and explain the motion. The mover of the motion will be advised of the date and time of the meeting when the matter is to be considered and he/she will be sent a copy of the relevant papers. This does not affect the right of the mover or seconder of the motion to attend a Scrutiny body when his/her motion is being considered.

PROCEDURE RULES RELATING TO THE COUNCIL: PROCEDURE RULE 12 - NOTICES OF MOTION

1 Procedure

Notice of every motion (other than a motion which under Procedure Rule 10 may be moved without notice) shall be given in writing, signed by the Member(s) of the Council giving the notice, and delivered, at least seven clear working days before the next meeting of the Council, to the office of the Monitoring Officer by whom it shall be dated, in the order in which it is received.

2 Motions to be set out in Summons

The summons for every ordinary meeting of the Council will set out all motions of which notice has been duly given, unless the Member giving the notice has intimated in writing, when giving it, that he/she proposed to move it at some later meeting, or has since withdrawn it. The motions will be listed in the summons according to whether they relate to executive or non-executive functions but otherwise in the order in which they have been received.

3 Withdrawal of Motion which is before the Council

Where a notice of motion is before the Council having been formally moved and seconded and the mover wishes subsequently to withdraw it, he/she with the consent of the seconder may do so in writing and with the consent of the Mayor again in writing.

4 Motions Not Moved

If a motion set out in the summons is not moved either by a Member who gave notice of it or by some other Member on his/her behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

5 Automatic reference to Cabinet, Committee/Sub-Committee – Non-executive Function

If the subject of any motion (which does not relate solely to any executive function or part of a function) comes within the powers, duties and responsibilities of any Committee or Sub-Committee or the Cabinet, it shall, when it has been moved and seconded, stand referred without discussion to such of those bodies as the Mayor may determine, for consideration and report. However, if the Mayor considers it conducive to the despatch of business, the motion may be dealt with at the meeting at which it is brought forward. Unless the Mayor has indicated that he/she proposes to deal with the motion at the meeting, the mover may formally move the motion and reserve the right to speak until the report on the motion comes before the Council.

Advice to the Council on any referred Notice of Motion under this section will be formulated by the Cabinet and by such other bodies (Committees, Sub-Committees, or Panels) as are deemed appropriate. The report to Council will set out the views of all bodies consulted on the Notice of Motion. The Minutes of a Committee or Sub-Committee containing advice to the Council on any referred Notice of Motion shall be dealt with separately from the other Minutes of those bodies.

6 Automatic reference to the Cabinet – executive Function

If the subject of any motion of which notice has been duly given comes solely within the powers, duties and responsibilities of the Cabinet, it shall, when it has been moved and seconded, stand referred to the Cabinet to determine subject to the advice from any other body whose views are sought as determined by Council. The mover on formally moving the motion has the right to speak to the Motion. The seconder may also speak to the Motion. The Mayor will allow a period of fifteen minutes for a debate on any such notices of motion. This period shall include any speeches made by the mover and seconder of the motion in question. At the end of the debate if sooner or upon the expiration of the fifteen minutes, the appropriate Cabinet Member shall have an opportunity to respond. No speeches including the response shall exceed five minutes. No amendments to the motion may be moved. The motion will then stand referred to the Cabinet.

There are no rights of “call in” or “reference to the Council” where the Cabinet has discharged a motion submitted under this Procedure Rule.

7 Deferment of a Notice of Motion

Where a notice of motion has been moved and seconded, and referred for advice, the consideration of the motion may be deferred where the mover and seconder signify in writing his/her agreement to the deferral and the Mayor indicates, in writing, his/her agreement on behalf of the Council. The matter would then come to a subsequent meeting of the Council for report and decision.

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Appendix C



SCHEME OF MEMBERS' ALLOWANCES

2011/2012

**Effective Date:
18 May 2011**

**[Encompassing Changes to Car Mileage
Rates as approved by Council on
15 December 2011]**

SCHEME OF MEMBERS' ALLOWANCES 2011/2012

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

The effective date of operation of the Scheme is 18 May 2011. Notwithstanding this, Council on 15 December 2011 agreed to make changes to the car mileage rates, which came into effect on 1 December 2011 and are set out in Schedule 2 of the Scheme.

The Scheme is reviewed each year by the Independent Remuneration Panel. It makes recommendations to Constitution Committee then Council on whether any adjustments should be made to the Allowances contained therein having regard to relevant financial information from the Office for National Statistics and taking into account the outcome of the National Joint Council Local Government Settlement.

In making the Scheme the Council has accepted the recommendations of the Independent Remuneration Panel and Constitution Committee contained in the report submitted to Council on 21 April 2011 entitled "Referral from Constitution Committee - Mid Year Review of Members' Allowances".

SCHEME OF MEMBERS' ALLOWANCES 2011/2012

1. Basic Allowance

- 1.1 The amount to be disbursed as Basic Allowance annually is **£918,400**.
- 1.2 Each Member of the Borough Council shall receive a sum of **£11,200** per annum (**£933** monthly).
- 1.3 Payment of Basic Allowance shall be monthly in arrears. If during this period, the term of office of a Member begins or ends, the entitlement to payment shall be based on calendar days per month.

2. Special Responsibility Allowances (SRA's)

- 2.1 Special Responsibility Allowances are paid as a percentage (referred to as gearing) of the Basic Allowance except for the position of Committee Vice Chairmen who receive £1000 per annum and who may claim an additional £50 per Committee meeting chaired up to an accumulated maximum total of £1,500 per annum.
- 2.2 The amount to be disbursed as Special Responsibility Allowances in 2011/2012 is **£344,840**.
- 2.3 Special Responsibility Allowances shall be paid in accordance with Schedule 1 attached to this Scheme.
- 2.4 Only one Special Responsibility Allowance shall be payable to any individual Member. Where a Member holds two or more positions which attract an SRA payment the highest amount only shall be paid.
- 2.5 Payment of Special Responsibility Allowances shall be monthly in arrears. If during this period a Member takes up or relinquishes such responsibilities as entitle him/her to a Special Responsibility Allowance the entitlement to payment shall be based on calendar days per month.

3. Civic Allowances

- 3.1 An allowance of **£14,000** per annum shall be paid to the Worshipful the Mayor of the Borough of Cheshire East and an allowance of **£5,600** per annum shall be paid to the Deputy Mayor of the Borough of Cheshire East to meet the expenses of the officer holder.
- 3.2 Although included in the Scheme for completeness, the allowances are not considered to be Special Responsibility Allowances in accordance with Section 3(5) and 5(4) of the Local Government Act 1972.

4. Travel and Subsistence Allowance: Elected Members

- 4.1 Travel and Subsistence Allowances may be claimed on the submission of receipts for the performance of any duty specified in the Local Authorities (Members' Allowances) (England) Regulations 2003 and set out in Schedule 2 attached to this Scheme.

5. Travel and Subsistence Allowance: Co-opted Members

- 5.1 Parent Governor Co-opted members and School Appeal Panelists may claim reasonable travel expenses for attendance at the Cheshire Association of Governing Bodies meetings and School Appeals meetings respectively. School Appeal Panelists may also be reimbursed for any loss of earnings incurred as a direct result of the performance of their duties when attending appeal meetings or associated training up to a maximum of £50 per four hour session (or part thereof) on receipt of proof of the loss from their employer.
- 5.2 Co-opted (Independent/Parish) members of the Standards Committee are entitled to claim an allowance of £30 for any meeting they are required to attend by the Chairman of the Standards Committee together with associated travel costs, whereas only claims for subsistence will be paid where the cost of attendance at an event has been met by the Council.
- 5.3 Members of the Independent Remuneration Panel are entitled to claim Travel and Subsistence Allowances and a meeting allowance of £30 for each meeting attended.

6. Approved Duties

- 6.1 The list of approved duties for which Allowances can be claimed is set out in Schedule 3 of this Scheme.

7. Dependants Carers' Allowance

- 7.1 A Dependent Carers' Allowance will be paid to Members where actual costs are incurred for the care of dependants whether children, elderly people or people with disabilities whilst undertaking the duties specified in the Local Authorities (Members' Allowances) (England) Regulations 2003 and set out in Schedule 3 of this Scheme.
- 7.2 The amount payable in respect of a Dependent Carers' Allowance shall be up to a maximum of **£6,100** per calendar year on the production of receipts. A carer's (reasonable) expenses will also be paid.

- 7.3 The allowance or expenses can be claimed only if the elected Member is the carer. The allowance will not be payable in respect of a member of the elected Member's own household.

8. Suspension of Allowances

- 8.1 The right to Basic Allowance, Special Responsibility Allowance and Travel and Subsistence Allowance may be withdrawn by the Council whilst a Councillor is suspended or partially suspended from his/her responsibilities or duties as a member of the Council as a result of a breach of the Members' Code of Conduct in accordance with Part III of the Local Government Act 2000 or Regulations made under that Part.

9. Telephone/Broadband Line Rental

- 9.1. An allowance to cover the cost of telephone calls made in the course of Council business has been included in the Basic Allowance. Where elected Members are billed directly for a personal broadband/telephone line used or partly used for the purpose of carrying out Council duties; the associated line rental cost can be reclaimed on submission of a bill.

10. Local Government Pension Scheme

- 10.1 The Council has introduced a Pension Scheme for Members as provided under Section 7 of the Superannuation Act 1972 and in accordance with the statutory regulations and guidance issued by the Local Government Pensions Committee and the Local Government Pension Scheme (LGPS). Under the Council's Scheme, elected Members of Council are entitled to join the LGPS, providing they meet the eligibility criteria; contributions to be calculated on the Basic Allowance payable and any Special Responsibility Allowance whilst the Member is in receipt of such Allowances.

11. Other Provisions

- 11.1 Claims for allowance reimbursement are required to be submitted to Democratic Services for processing no later than three months after the performance of the duty. Members requiring reimbursement of expenses which have not been submitted within this time limit will have the right of appeal to the Borough Solicitor.
- 11.2 A Member may request in writing to the Chief Executive (or an officer appointed by them in writing) that payment of Special Responsibility Allowance and Basic Allowance be paid at such intervals, in arrears, as the Member may specify but in any event within 1 month of the end of the financial year.

- 11.3 A Member may, by notice in writing to the Chief Executive (or an officer appointed by her in writing), elect to forgo all or any part of the entitlement to an allowance under this Scheme.

12. Revocation of Previous Scheme

- 12.1 The previous Scheme of Members' Allowances for 2010/2011 is hereby revoked.

SCHEDULE OF ALLOWANCES 2011/2012

	No	Gear¹	£
The Worshipful the Mayor	1		14000
Deputy Mayor	1		5600
Basic Allowance (per elected Member)	82		11200
Carers Allowance (maximum claimable per year)		0.55	6100
Special Responsibility Allowances	No	Gear	£
Council Leader	1	2.5	28000
Deputy Council Leader	1	1.5	16800
Cabinet Member/Portfolio Holder	8	1.25	14000
Cabinet Support Members	7	0.4	4480
Audit and Governance Committee Chairman	1	0.65	7280
Vice Chairman	1		1000²
Constitution Committee Chairman	1	0.65	7280
Vice Chairman	1		1000
Licensing Committee Chairman	1	0.65	7280
Vice Chairman	1		1000
Public Rights of Way Committee Chairman	1	0.5	5600
Vice Chairman	1		1000
Scrutiny Committee Chairman	6	0.65	7280
Vice Chairman	6		1000
Southern/Northern Planning Committee Chairman	2	0.65	7280
Vice Chairman	2		1000
Staffing Committee Chairman	1	0.65	7280
Vice Chairman	1		1000
Standards Committee Chairman	1	0.65	7280
Vice Chairman	1		1000
Strategic Planning Board Chairman	1	0.65	7280
Vice Chairman	1		1000
Main Opposition Group Leader	1	0.65	7280
Main Opposition Group Deputy Leader	1	0.325	3640
Opposition Group Leaders	2	0.5	5600
Administration Whip	1	0.325	3640
Deputy Administration Whips	2	0.15	1680
Opposition Whips	3	0.15	1680

¹ Percentage of Basic Allowance applied

² Plus £50 per Committee meeting chaired (see paragraph 2.1 for full details)

TRAVEL, SUBSISTENCE AND OTHER ALLOWANCES**1. Dependants' Carers' Allowance**

A Dependants Carers' Allowance is payable in respect of approved duties on the basis of actual costs accrued only if the elected Member is the carer. The maximum total amount which can be paid to an individual Member each year is £6,100 and claims should be supported by a receipt.

2. Travel Reimbursement**2.1 Car Rate per Mile**

[In line with the National Joint Council (NJC) for Local Government Services Casual User Officer rates and as amended by Council on 15 December 2011]

Miles per Annum/Engine Size	451 – 999cc	1000 +cc
Per mile first 8,500	46.9p	52.2p
Per mile after 8,500	13.7p	14.4p

Additional rate for each passenger, not exceeding four to whom a Travel Allowance would otherwise be payable: 1 pence per mile

Members may also choose to claim the HM Revenue & Customs threshold of 45p per mile traveled upon notifying Democratic Services.

2.2 Rail and other travel

The cost of train travel is reimbursed up to the open standard rail fare for the journey undertaken. Expenses must be at the minimum cost to achieve the purpose of the journey. Any case for first class rail travel greater than the full open standard rail fare will require the submission of a business case supported by the Member's Group Leader.

2.3 Motorcycle or Moped Allowance

	Rate per mile	Rate per mile	Rate per mile
Motorcycle	126 - 250cc	251 - 500cc	
For the first 1,500 per annum	27 pence	35.5 pence	
Moped	Up to 50cc	Up to 125 cc	500cc+
For the first 1,500 per annum	12.4 pence	18.8 pence	39.2 pence

2.4 Other Travel Expenses

Non motorised transport e.g. bicycle 11 pence per mile

Expenditure on tolls, ferry or car parking, overnight garaging where the Member is absent overnight Actual Amount

3. Subsistence Reimbursements

Breakfast Allowance for a duty of more than 4 hours concluding before 12 noon	£8.29
Lunch Allowance for a duty of more than 4 hours concluding after 12 noon	£10.64
Dinner Allowance for a duty of more than 4 hours concluding after 6 p.m.	£16.69
Dinner Allowance (London and abroad) for a duty of more than 4 hours concluding after 6 p.m.	£34.57
Overnight accommodation outside London (to include breakfast)	£118.60
Overnight accommodation in London (to include breakfast)	£142.31

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

The cost limitations on reimbursement are:

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

4. Member's Surgeries

Members may claim up to a maximum of £32 for room hire in connection with the conduct of a Member's Surgery, subject to a maximum of twelve such claims per annum and the submission of necessary receipts.

CHESHIRE EAST COUNCIL: LIST OF APPROVED DUTIES

- Attendance at meetings of Council, Committees, Sub-Committees, Cabinet meetings (including by invitation), Special Committees, Panels, Boards, Forums and Working/Task Groups
- Attendance at site visits/building inspections arranged by any of the bodies listed above
- Attendance at meetings of bodies on which the Borough Council is invited to be represented and Outside Organisation meetings to which the Cabinet and Constitution Committee make appointments (excluding School Governing Bodies)
- The duties associated with the Chairman or Vice-Chairman of an Outside Organisation on which the Member is representing the Borough Council
- Conferences/Seminars
- Visits to Tatton Park in the capacity of a Councillor excluding attendance at functions, council meetings and seminars
- Authorised briefings for Committees/Sub-Committees/Cabinet meetings including all meetings which are called by officers of the Council e.g. pre-agenda meetings
- Duties undertaken by a Chairman/Cabinet Member
- Courtesy Visits e.g.
 - i) Civic duties of the Mayor and Deputy Mayor of the Council
 - ii) Service duties and visits undertaken by the Chairman/Vice Chairman of Committees and Sub-Committees and by Cabinet Members
 - iii) For individual Members, attendance at official openings, open days, presentations, meetings with VIPs, receptions (in line with the adopted guidance document), all of which take place outside the Electoral Ward
- Governors of Further Education/Higher Education Colleges, Residential Special Schools and Independent Schools
- 'Nominated Member' Duties – Members covered by this element of the scheme are Leaders, Deputy Leaders, Group Whips, Mayor and Deputy Mayor and includes travel to the authority's administrative buildings for essential business arising from the office which they hold
- Attendance at Parish Council Meetings within the Electoral Ward
- Member Learning and Development Events

Appendix D



Report of Independent Remuneration Panel

Scheme of Members' Allowances 2012 Review

November 2012

1. INTRODUCTION

- 1.1 In accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003, Cheshire East Council is required to appoint an Independent Remuneration Panel to consider and make recommendations on its Scheme of Members' Allowances.
- 1.2 As a result of the expiry of the term of office of the Independent Remuneration Panel ('the Panel') established in 2008, Cheshire East Council appointed a new Panel in spring 2012, membership consisting of the following independent members:
 - ◆ Mrs Janet Rushbrooke (Chairman)
 - ◆ Mrs Khumi Burton
 - ◆ Mr Alan Edgeworth
 - ◆ Mr Robin Lord
 - ◆ Mrs Cynthia Speed
- 1.3 Subsequent to its appointment, the Panel undertook a period of Induction, receiving information on the makeup of the Council, the roles and responsibilities of Councillors and the legislation under which it (the Council and the Panel) was expected to conduct its business before beginning its review. Following an open invitation to Group Leaders, a discussion with elected Members took place on 29 May 2012 to enable the Panel to gain at first hand, information pertinent to the various roles held by Councillors.
- 1.4 A list of the background documents provided to and considered by the Panel in the course of its review is provided at paragraph 5.

2. BACKGROUND TO THE REVIEW

- 2.1 The Panel first met formally on 24 July 2012 to scope out its review of Cheshire East Council's Scheme of Members' Allowances. As a result of its discussions the following issues were identified for consideration i.e.
 - i) The potential for applying any uplift to the Scheme having regard to a) the Local Government Employers' pay award for 2012; and b) Cheshire East Council's employee remuneration for 2012;
 - ii) The awarding of a Special Responsibility Allowance to the Chairman and Vice Chairman of the Adult and Social Care Scrutiny Committee and Health and Well-being Scrutiny Committee;
 - iii) The awarding of a Special Responsibility Allowance to the Chairman and Vice Chairman of the Local Service Delivery Committees for Crewe and Macclesfield;
 - iv) The awarding of a Special Responsibility Allowance to the Chairmen and Vice Chairmen of the Policy Development Groups;
 - v) The Special Responsibility Allowance applicable to Cabinet Support Members;
 - vi) The remuneration (if any) for the position of Independent Person to the Audit and Governance Ad Hoc Standards Panels and Sub-Committee;

- vii) Whether access to the Cycle to Work Scheme by elected Members should be recognized in the Scheme of Members' Allowances;
- viii) Whether elected Members should be permitted to join the Green Car Scheme;
- ix) The harmonization of elected Members' travel mileage rates with those applicable to local government employees;
- x) Arrangements for varying the payment of allowances to elected Members experiencing hardship; and
- xi) Whether formal arrangements should be introduced to govern the making of interim Special Responsibility Allowance payments to new Committees in the period between the Committee's appointment and consideration of the matter by the Independent Remuneration Panel.

3. METHODOLOGY AND CONCLUSIONS

- 3.1 The Panel met on 5 occasions; namely 13 August, 11 September, 24 September, 9 October and 22 October. At two of these meetings, members met with Councillors to discuss matters pertaining to Cabinet Support Members and the Policy Development Groups. A wide range of evidence and documentation was also considered by the Panel (paragraph 5 refers).
- 3.2 Having completed the review, the Panel believes that every member of Cheshire East Council should be expected to provide leadership and take on additional responsibility from time to time during the course of their term of office and that the basic allowance recognises this commitment. The Panel also believes that, in certain situations, the level of additional responsibility is significant which might lead to further recognition in the form of a Special Responsibility Allowance (SRA).
- 3.3 In these austere times, elected Members need to demonstrate that a significant responsibility exists in order to justify the payment of an SRA. Examples include constitutional responsibility, legislative responsibility, decision making powers, accountability to the public and delivery of projects within a defined period. As such, Advisory Groups without decision making powers or constitutional responsibilities would not normally attract an SRA unless it can be shown that an SRA might be awarded as a result of the significance of the role.
- 3.4 Notwithstanding this, the Panel considers that the current Scheme remains broadly fit for purpose but that a 'root and branch' review of all allowances based on the criteria established above will be conducted in 2013, seeking to ensure that the scheme remains sustainable and provides value for money. The Panel expects the Council to demonstrate that Councillors are being efficient and effective and that the level of allowances is justified. Having regard to these austere times the Panel recognises that the level of allowances in future years may decline.

4. RECOMMENDATIONS FROM THE 2012 REVIEW

4.1 UPLIFT OF MEMBERS' ALLOWANCES

4.1.1 As part of its annual review, the Panel was invited to consider whether an uplift should be applied to the Scheme of Members' Allowances for 2012/2013. To inform its review, the Panel was cognisant of i) the levels of allowances paid to elected Members by 15 of its nearest neighbour authorities; ii) the 2012 Local Government Employers (LGE) pay award for employees which offered no increase; and iii) Cheshire East Council's own pay freeze.

4.1.2 Whilst the level of basic allowance had not increased since 2009, the Panel considered that Cheshire East's Scheme remained comparable to its nearest neighbours; the majority of which had also remained static. Given the position in respect of the LGE pay award and the Council pay freeze, the Panel did not consider that there was sufficient justification to support an uplift to Members' Allowances in these austere times.

Recommendation 1: That

No uplift be applied for 2012/13 and 2013/14 to basic, special responsibility and other allowances set out in Schedule 1 and 2 of the Scheme of Members' Allowances.

4.2 SPECIAL RESPONSIBILITY ALLOWANCES: SCRUTINY COMMITTEES

4.2.1 At Annual Council on 18 May 2011, Cheshire East Council changed its committee structure insofar as it created two new bodies (Adult Social Care Scrutiny Committee and Health and Well-being Scrutiny Committee) from what had been the Health and Adult Social Care Scrutiny Committee. As an interim measure, the Chairman and Vice Chairman of the Committees had been paid a Special Responsibility Allowance (SRA) in line with the extant Scrutiny Committees; subject to the Panel's review.

4.2.2 The Terms of Reference for the new bodies were made available for comparison with the existing Committees and having considered the matter, the Panel accepted that in operation, they were on a par with their contemporaries and, in this instance, the payment of an interim SRA had been appropriate.

Recommendation 2: In order to regularise the interim arrangements, that

- a) The Adult Social Care Scrutiny Committee and Health and Well-being Scrutiny Committee be included in the Scheme of Members' Allowances for 2011/2012;
- b) A Special Responsibility Allowance be allocated to the Chairman of the above Scrutiny Committees at a gearing of 0.65 of basic allowance (£7280 per annum) in line with the extant Scrutiny Committees;
- c) A Special Responsibility Allowance be allocated to the Vice Chairman of the above Scrutiny Committees of £1000 per annum plus £50 per meeting chaired in line with the extant Scrutiny Committees; and
- d) The effective date for commencement of the allowances be confirmed as 18 May 2011.

4.3 SPECIAL RESPONSIBILITY ALLOWANCES: LOCAL SERVICE DELIVERY COMMITTEES

4.3.1 Cheshire East Council had in 2011, established two Local Service Delivery Committees for Crewe and Macclesfield respectively, to enable elected Members in these non-parish Council areas to consider the implications for the transfer and devolution of local services.

4.3.2 Both Committees had dealt with detailed and complex issues, making recommendations and decisions in respect of local matters. In recognition of the work undertaken and in line with the Scheme, the Panel had been invited to consider the awarding of a Special Responsibility Allowance to the Chairman and Vice Chairman of each Committee.

4.3.3 The Panel sought information on the frequency of meetings (3-5 in the first year); the make up of each body (7 members plus Ward Members for the relevant area) and the anticipated workload moving forward. Whilst both Committees had been reconstituted at Annual Council in May 2012, neither had met nor appointed a Chairman or Vice Chairman for the Municipal Year (as at July 2012). Mindful of this position, the Panel made the following recommendation to Council, which was referred unchanged by the Constitution Committee at its meeting on 20 September 2012:

Recommendation to Council: That -

- a) *A Special Responsibility Allowance be awarded to the Chairman and Vice Chairman of the Local Service Delivery Committee (Crewe) and the Local Service Delivery Committee (Macclesfield), of £5,600 (Chairman) and £1,000 (Vice Chairman) for 2011/2012 in recognition of the work undertaken during the Committees' inaugural year and in line with the requirements of Cheshire East Council's Scheme of Members' Allowances which states that an elected Member can only be in receipt of one Special Responsibility Allowance; and*
- b) *The matter be included as part of the Independent Remuneration Panel's Review of the Scheme of Members' Allowances for 2012/2013 which will consider whether the posts merit the awarding of a Special Responsibility Allowance from 16 May 2012 onwards.*

4.3.4 On 11 October 2012, the matter was debated by full Council. Due to divergent views on the level of award recommended and the date of implementation, Council resolved to refer the matter back to the Panel for reconsideration.

4.3.5 Further consideration was given to the matter by the Panel at its meeting on 22 October 2012. In seeking clarification as to the reasons for Council's decision, the Democratic Services Team Manager reported that a consensus had not been reached amongst elected Members as to i) whether the posts merited a Special Responsibility Allowance; ii) whether the gearing was appropriate; or iii) the retrospective nature of the award.

- 4.3.6 The Panel was satisfied that its recommendation had sought to recognise the responsibilities of the Chairmen and Vice Chairmen in performing their duties, not only in respect of meetings of the Committee but also outside of formal meetings in order to facilitate business. It was recognition of these responsibilities, as described to the Panel, which had led it to its decision. Accordingly, the Panel did not wish to modify its recommendation and agreed that, in referring the matter back to Council, the criteria against which the recommendation had been made remained valid.

Recommendation 3: That

The recommendation to Council on 11 October 2012 in respect of the Local Service Delivery Committees Crewe and Macclesfield remain unchanged for the following reasons:

- i) Constitution Committee did not challenge the recommendation at its meeting on 20 September 2012 and referred it unchanged to Council;
- ii) The Panel judged the roles against the criteria of constitutional responsibility, legislative responsibility, decision making powers, accountability to the public and delivery of projects within a defined period and found that the criteria had been met;
- iii) The level of allowance was in line with that paid to an extant Council Committee which had met a similar number of times during the year;
- iv) Gearing had not solely been based on the number of meetings held but also on the level of responsibility of the Chairmen/Vice Chairmen as described to the Panel;
- v) Appointment of the new Panel had prevented the matter from being considered during the Committees year of operation; and
- vi) Both Local Service Delivery Committees had only met during 2011/2012; therefore the Panel's recommendation was in recognition of duties actually performed.

4.4 SPECIAL RESPONSIBILITY ALLOWANCE: POLICY DEVELOPMENT GROUPS AND OVERVIEW AND SCRUTINY COMMITTEES

- 4.4.1 Information relating to the proposed terms of reference for the Policy Development Groups together with oral reports on the proposal was submitted to the Panel at 3 of its meetings for the purpose of considering if the Chairmen and Vice Chairmen of the Groups should be afforded a Special Responsibility Allowance (SRA).

- 4.4.2 The Panel was informed that the bodies would replace all but two of the current Overview and Scrutiny Committees and would advise Cabinet on significant areas of policy and policy development. Whilst accepting that more details on the proposals would emerge in due course, the Panel stated at its meeting on 11 September, that it had insufficient evidence available to it to support the awarding of an SRA.

- 4.4.3 As discussions remained ongoing, the Panel accepted an offer from leading members of Council to provide a further update and the Portfolio Holder for Corporate Policy attended the Panel's meeting on 9 October for this purpose.

- 4.4.4 The discussion centred on the rationale for the introduction of the Policy Development Groups ('Policy Groups'), which was designed to enable a cross-party group of elected Members to be involved in policy making at a much earlier stage; the Groups working with the Cabinet.
- 4.4.5 It was anticipated that the work would, in some circumstances be time limited, the policies developed by the Groups having measurable outcomes e.g. ensuring value for money without a reduction of service. As each Group would also be able to put forward member driven policy for consideration, the Chairmen would have a vital role in facilitating the functions of their Groups by providing leadership, co-ordinating business and commissioning from officers the relevant support and information required.
- 4.4.6 Having heard the arguments put forward, and having met with the Leader of the Council and the Interim Chief Executive at their request on 15 November 2012, the Panel was persuaded that there would be a significant workload for the Chairmen and Vice Chairmen in establishing the Policy Development Groups in the inaugural year, which would support the awarding of an interim Special Responsibility Allowance.
- 4.4.7 The Panel also agreed to include a review of the interim arrangements in its 'root and branch' review of all allowances in 2013 to satisfy it that the level of Special Responsibility Allowance recommended met the criteria set by the Panel.

Recommendation 4: That

- a) A Special Responsibility Allowance be awarded to the Chairmen of the Policy Development Groups in recognition of the work required in establishing the Groups during the inaugural year;
- b) £7280 per annum equivalent to a gearing of 0.65 of basic allowance be awarded to the Chairmen of the Policy Development Groups on an interim basis, effective from the date of their formal appointment, pending a further review of their work;
- c) £1000 per annum plus £50 per meeting chaired be awarded to the Vice Chairmen of the Policy Development Groups on an interim basis, effective from the date of their formal appointment, pending a further review of their work;
- d) The matter to be included in the 2013 Work Programme for the Independent Remuneration Panel; and
- e) The current level of remuneration for the extant Scrutiny Committees to remain at current levels i.e. £7280 per annum and £1000 plus £50 per meeting chaired for the Chairmen and Vice Chairmen respectively, the matter to be included in the 2013 Work Programme for the Independent Remuneration Panel for review.

4.5 SPECIAL RESPONSIBILITY ALLOWANCE: CABINET SUPPORT MEMBERS

- 4.5.1 The Panel had been invited to consider the current level of Special Responsibility Allowance applicable to Cabinet Support Members. To enhance their understanding of the role, the Panel had extended an invitation to two Cabinet Support Members to address members so that information on roles and responsibilities could be obtained at first hand.
- 4.5.2 Having met and spoken with the Cabinet Support Member for Health and Adult Social Care at its meeting on 24 September 2012, the Panel looked to establish the additional responsibilities required of a post holder. The example given by the Cabinet Support Member was that a Ward Member may attend committee meetings on a monthly and bi-monthly basis, whilst a Cabinet Support Member may attend regular meetings with officers at Director and Senior Management level, spend a day with officers shadowing them in their role and deputise for the Portfolio Holder on occasion whilst continuing to perform ward duties.
- 4.5.3 Having considered the remit of each portfolio and taking into account the oral evidence obtained, the Panel was of the view that some portfolios appeared more onerous than others. In its opinion, this meant that the current level of remuneration did not fairly reflect the apparent imbalance. The Panel felt that it did not wish to recommend any change to the gearing associated with the post(s) but that, if Council shared this view, it should be afforded the flexibility to recognise this, if it wished.

Recommendation 5: That

With effect from the Municipal Year 2013/2014, an amount of £40,000 be set aside from within the Members' Allowances budget for the remuneration of Cabinet Support Members; the Leader of the Council to have the flexibility to i) appoint members to the role of Cabinet Support Member as he deems necessary; and ii) vary the remuneration between the posts, providing that the budget of £40,000 is not exceeded.

4.6 REMUNERATION OF INDEPENDENT PERSONS TO AUDIT AND GOVERNANCE AD HOC STANDARDS PANELS AND SUB-COMMITTEES

- 4.6.1 The enactment of the Localism Act 2011 had repealed the standards regime established under the Local Government Act 2000 and had abolished the role of Independent non-elected member to the Standards Committee. As a result, Cheshire East Council (CEC) had disbanded its Standards Committee transferring responsibility for standards matters to the Audit and Governance Committee.
- 4.6.2 In accordance with the new legislation, the authority was required to appoint an Independent Person (or in CEC's case, four Independent Persons); to be consulted by the authority on Code of Conduct allegations made against Members of the Borough Council or Town and Parish Councils within its area. The Panel was invited to consider whether it would be appropriate to pay an allowance other than mileage expenses in recognition of their time and in reimbursement of any costs incurred when carrying out their role.

- 4.6.3 The role and responsibilities of the Independent Persons was outlined to the Panel i.e. i) to attend meetings of the Initial Assessment Panel, the Local Resolution Panel, Hearings Sub-Committee and Appeals Panel in an advisory capacity [attendance in accordance with the regulations]; ii) to make decisions in conjunction with the Monitoring Officer where a request for anonymity had been received on submission of a complaint or when considering the findings of an external investigation; and iii) to provide procedural advice to the Subject Member, if required, against whom the complaint had been made.
- 4.6.4 No estimation as to the level of involvement required from each individual could be made on the basis that it was difficult to predict how many complaints would be received or referred on for further action or the number of occasions a Subject Member may request advice. Having cognisance to this position, the Panel considered information from neighbouring authorities as to the level of remuneration paid to its Independent Person(s) of which there were four trends i.e.
- Expenses only, no other remuneration
 - Expenses plus hourly/meeting allowance
 - Expenses plus remuneration
 - Equivalent rate to co-opted members
- 4.6.5 The Panel did not wish to recommend an annual allowance due to the uncertainty surrounding levels of involvement, preferring instead to recognise the actual work undertaken by each individual. Accordingly, the Panel considered that the Independent Persons should be paid an allowance for each meeting attended of the Panels and Sub-Committee, the figure to also recognise other responsibilities of the post holder.

Recommendation 6: That

The four Independent Persons appointed to Cheshire East Council's Audit and Governance ad hoc Standards Panels and Sub-Committee be entitled to claim a meeting allowance of £30 per meeting, claimable when attending meetings of the Initial Assessment Panel, the Local Resolution Panel, Hearings Sub-Committee and Appeals Panel, with effect from the date of their appointment i.e. 19 July 2012.

4.7 CYCLE TO WORK SCHEME: MEMBERS' PARTICIPATION IN THE SCHEME

- 4.7.1 Elected Members could, if they chose, participate in the Council's Cycle to Work Scheme, which enabled individuals enrolled in the scheme to lease bicycles and associated safety equipment via 'salary' sacrifice. As there was no reference within the Scheme of Members' Allowances which indicated Councillors could take advantage of this opportunity, it was proposed to the Panel that the following wording be included, pending confirmation that the Cycle to Work Scheme would remain open to elected Members from January 2013 -

"Councillors are entitled to make use of the Council's Cycle to Work Scheme, details of which can be found on the Council's Intranet. Expressions of interest from elected Members wishing to join the Scheme should be made to Democratic Services Team Manager in the first instance."

Recommendation 7: That

Subject to confirmation that Cheshire East Councillors remain entitled to join the Cycle to Work Scheme, the following wording be included in the Scheme of Members' Allowances for 2013/2014 -

"Councillors are entitled to make use of the Council's Cycle to Work Scheme, details of which can be found on the Council's Intranet. Expressions of interest from elected Members wishing to join the Scheme should be made to Democratic Services Team Manager in the first instance."

4.8 GREEN CAR SCHEME

4.8.1 The Green Car Scheme worked on the same principle as the Cycle to Work Scheme in that participants could obtain a fuel efficient vehicle at a lower cost than could be achieved in the retail market via salary sacrifice. Based on present eligibility criterion and the transient nature of a Councillor's term of office and responsibilities, elected Members were not currently able to take up the offer. Notwithstanding this, the Panel was asked to indicate whether it would support, in principle, elected Members being able to join the scheme in the future should present restrictions change in their favour.

Recommendation 8: That

Elected Members be permitted to join the Green Car Scheme at such time that the current restrictions changed in their favour.

4.9 HARMONISATION OF TRAVEL MILEAGE RATES

4.9.1 The Scheme of Members' Allowances reimbursed Councillors for any mileage costs incurred when using motorcycles/bicycles in the performance of their Council duties. The figures included in the 2011/2012 Scheme had not been reviewed for two years and were not reflective of the amounts paid to Council employees in line with the tax-exempt rates set by HM Revenues and Customs; currently 24p per mile (Motorcycles) and 20p per mile (Bicycles).

4.9.2 Given that Council, in 2011 had agreed to set its car mileage rates for elected Members at the same level claimable by employees; the Panel considered that the same principle should be applied to the setting of other travel allowances.

Recommendation 9: That

With immediate effect, the mileage rates payable to elected Members in respect of motorcycle/moped and bicycle travel be amended to the tax-exempt rates set by HM Revenues and Customs; currently 24p per mile (Motorcycles) and 20p per mile (Bicycles).

4.10 HARDSHIP ARRANGEMENTS FOR COUNCILLORS

4.10.1 The current Scheme of Members' Allowances did not permit the varying of allowance payments to address financial hardship and a proposal to consider the inclusion of such a facility in the Scheme was considered by the Panel.

4.10.2 A straw poll of neighbouring authorities indicated that this facility was not widespread and it was not evident in the nearest neighbour data. Given that i) HM Revenue and Customs treated the payment of basic allowance as income for taxation purposes and thus advancing payment(s) could actually be detrimental to the individual concerned; and ii) state support was available, the Panel did not consider that this facility should be introduced.

Recommendation 10: That

The Scheme of Members' Allowances remain unchanged in respect of hardship arrangements.

4.11 INTERIM PAYMENT OF ALLOWANCES

4.11.1 In accordance with the relevant regulations, where Council changed its decision making structure, the Independent Remuneration Panel had to be consulted in order for it to advise Council on the awarding of allowances to the new bodies, typically Special Responsibility Allowances. Where there had been a substantial gap between meetings, interim payments had been made on occasion to elected Members where an equivalent body existed in the Scheme pending consideration of the matter by the Panel.

4.11.2 Whilst accepting the need for expediency, the Panel considered that interim measures should no longer be employed given that the decision may be overturned or amended by the Panel on consideration of the matter, which could be detrimental to the recipient(s). Should Council be minded to make changes at Annual Council or at any other time, it considered that a specially convened meeting of the Panel could be arranged the following month to consider the matters at hand.

Recommendation 11: That

Any change to the Council's Committee structure be submitted to the Independent Remuneration Panel to consider, where appropriate, the awarding of an 'Special Responsibility Allowance' prior to any payment being made to Councillors.

5. BACKGROUND DOCUMENTS

- The Local Authorities (Members' Allowances) (England) Regulations 2003
- Communities and Local Government: Guidance on Regulation for Local Authority Allowances
- Cheshire East Council Scheme of Members' Allowances 2011/2012
- Cheshire East Guide to Members' Allowances 2011/2012
- Cheshire East Council: List of Committees and Panels 2012/2013
- National Census of Local Authority Councillors 2010
- Independent Remuneration Panel Councillor Survey 2010
- Terms of Reference: Adult Social Care Scrutiny Committee and Health and Well-being Scrutiny Committee
- Draft Terms of Reference: Policy Development Groups
- Members' Allowances comparative data from 15 neighbouring authorities 2012
- Cabinet Support Member: Role description Shropshire Council 2012
- Cabinet Support Member: Role profile Birmingham City Council 29 March 2012
- Cheshire East Council: Independent Person application pack
- Cheshire East Council: Audit and Governance Committee Code of Conduct Complaints procedure flowchart August 2012
- HM Revenues and Customs Rates vehicle rates for motorcycles and bicycles 2011-2012
- Cheshire East Council: Current Employee Terms and Conditions
- Salary Sacrifice 4 Cars Scheme
- Cheshire East Council: Cycle to Work Scheme
- Cheshire East Council: Internal guidance on pay awards 2011
- Local Government Employers letter to Trade Unions February 2012

6. ELECTED MEMBER CONSULTATIONS

<u>Subject:</u>	<u>Date:</u>
Role of the Councillors	29 May 2012
Cabinet Support Member	24 September 2012
Policy Development Groups	9 October 2012

The Panel also met with the Leader of the Council, Councillor Michael Jones and the interim Chief Executive, Kim Ryley on 15 November 2012.

CHESHIRE EAST COUNCIL

REPORT TO: COUNCIL

Date of Meeting:	13 December 2012
Report of:	Director of Finance and Business Services
Subject/Title:	Capital Programme & Treasury Management Strategy Update
Portfolio Holders:	Councillor Peter Raynes (Finance)

1.0 Report Summary

- 1.1 This report brings forward Cabinet recommendations for amendments to the capital programme and Treasury Management Strategy contained within the 2012/13 Mid Year Review of Performance report for Council approval.

2.0 Decision Requested

- 2.1 Council is asked to note the revised capital programme. (**Appendix 4**)
- 2.2 Council is asked to approve the following:
- Reductions in the approved capital programme (**Appendix 1**)
 - Supplementary Capital Estimates and Virements (**Appendix 2**)
 - Amendments to the Treasury Management Strategy (**Appendix 3**)

3.0 Reasons for Recommendations

- 3.1 Finance Procedure Rules set out the requirements for financial approvals by Members, and relevant recommendations are contained in this report.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications including - Climate change, Health

- 6.1 As contained in the report.

7.0 Financial Implications (Authorised by the Borough Treasurer)

- 7.1 As contained in the report.

8.0 Legal Implications (Authorised by the Borough Solicitor)

8.1 As contained in the report.

9.0 Risk Management

9.1 Financial risks are assessed and reported on a regular basis, and remedial action taken if and when required.

9.2 Performance and risk management are part of the key management processes of the Authority. Risks are captured both in terms of the risk of underperforming and the risk to the Council in not delivering its ambitions for the community of Cheshire East.

10.0 Background

10.1 On 12 November 2012, Cabinet received the Mid Year Review of Performance report for the 2012/13 financial year. This included updates on the Capital Programme and the Treasury Management Strategy. In accordance with Finance Procedure Rules, Cabinet resolved to ask Council to approve the revised Capital Programme and Treasury Management Strategy.

10.2 During September a series of meetings were held to review and challenge the capital programme. The sessions involving Portfolio Holders, Directors and Heads of Service set out to complete a comprehensive review of current schemes in the programme with the intention of making substantial savings and to release capacity in both financial and resources terms to enable new schemes to come forward.

10.3 Following the reduction in the capital programme it has been possible to use the additional financial capacity to provide new investment which has the highest priority for the Council. The highways structural maintenance programme is therefore to be increased in 2012/2013 by £3m funded by prudential borrowing, this will deliver the first phase of the Highways Asset Recovery Programme with a further £20m to be invested over the next two years.

10.4 The programme has now been revised to reflect the outcome of the challenge process and has reduced by £42.4m due to the following:

- Budget reductions totalling £24.2m, where schemes have been either been fully removed from the programme or are continuing with restricted resources.
- A budget reduction of £1.9m relating to the Devolved Formula Capital Budget to realign it with available resources and to correct a previous overstatement of the budget.
- Budget deferrals totalling £16.3m, where schemes have been removed from the programme and will require new business cases identifying

benefits and demonstrating future revenue savings in order for them to be considered for re-inclusion.

- 10.5 Details of the schemes removed from the programme are provided in **Appendix 1**.
- 10.6 A highways asset management model has been developed to give an accurate assessment of the condition of the network and the investment required to keep the network in good working order. This additional investment will seek to interrupt the current cycle of decline in the condition of our roads by early targeted investment aimed at restoring a number of roads now beyond their serviceable life.
- 10.7 Consideration will be given to the practicalities of programming substantial amounts of additional work, both in terms of the resources required and the disruption to the network which could arise in the remaining months of the year. The plan will be designed to deliver a number of key activities including tackling drainage problem hot spots, pre-patching areas in readiness for the surface dressing programme during the summer months and carriageway surfacing improvement works where more serious issues exist.
- 10.8 A number of Supplementary Capital Estimates have been included at mid-year and they are all funded by external resources with the exception of the highways asset recovery programme, which is to be funded from prudential borrowing, afforded from the savings in the Capital Programme. A SCE of £40.4m recognises the contributions from our partners that are required to fund the entire Superfast Broadband scheme. Details of supplementary capital estimates and virements are provided in **Appendix 2**.

Update to Treasury Management Strategy

- 10.9 Investments are made in accordance with the parameters set out in the Treasury Management Strategy Statement (TMSS) approved by Council on 23rd February 2012. This strategy sets out minimum credit rating criteria for any investment counterparty taking into account both long term and short term credit ratings. However, long term and short term ratings do not correlate precisely and can lead to inconsistencies in the application of ratings in determining credit worthiness. It is recommended that the minimum long term credit ratings are retained. However, Council is asked to approve that the short term credit rating criteria is removed from the TMSS. An amended extract from the TMSS is attached in **Appendix 3**. Any short term risk will continue to be managed by limiting the duration of any investments in accordance with advice received from our treasury management advisors enabling a swift reaction to any real or perceived changes to the credit worthiness of any counterparty. Removal of the short term credit rating criteria would enable the Council to lend to Royal Bank of Scotland which currently has short term credit ratings below that included in the TMSS but does have a sufficiently high enough long term credit rating.

11.0 Access to Information

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

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Designation: Director of Finance and Business Services
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Email: lisa.quinn@cheshireeast.gov.uk

Appendix 1 –Capital Programme Reductions

Scheme	Approved Budget £	Revised Approval £	Reduction £	Reason
ADULTS,CHILDREN AND FAMILIES				
DFC Grant	4,730,808	2,818,382	1,912,426	Budget Realignment
Hurdesfield / Ethel Elks	1,115,000	865,000	250,000	Capital Challenge
Short Break Re Provision 11-12	300,000	50,500	249,500	Capital Challenge
Contact Point / Further Dev of Children's Hub/ e-CAF	382,000	236,665	145,335	Capital Challenge
Minor Works / Accessibility (<£100k)	382,000	222,985	159,015	Capital Challenge
Pupil Referral Unit 11-12	1,500,757	38,052	1,462,705	Capital Challenge
Specialist Special Needs Provision 11-12	950,000	0	950,000	Capital Challenge
Land Block 10-11	66,650	1,213	65,437	Capital Challenge
Land Drainage 10-11	63,140	54,027	9,113	Capital Challenge
VA Contributions 10-11	12,997	2,250	10,747	Capital Challenge
Kings Grove Mobile Replacement	792,000	609,912	182,088	Capital Challenge
Church Lawton - Specialist Provision	2,995,805	6,347	2,989,458	Capital Challenge
Sandbach Childrens Centres Ph3	758,959	754,353	4,606	Capital Challenge
Adults workforce Census East	14,920	0	14,920	Capital Challenge
Children's Workforce Dev Sys East	70,000	11	69,989	Capital Challenge
Signage (£5k*20 centres, estimate)	13,000	9,397	3,603	Capital Challenge
Primary Capital Programme (PCP)	22,000	0	22,000	Capital Challenge
Cledford TLC Scheme	3,360,000	3,345,630	14,370	Capital Challenge
TLC Dean Oak's PS	3,186,894	3,168,971	17,923	Capital Challenge
TLC Vernons PS Amalgamation	3,753,000	3,727,542	25,458	Capital Challenge
Offley Primary School	1,017,653	1,014,330	3,323	Capital Challenge
Stapely Broad Lane PS - Replacement of temp accomodation	907,970	901,575	6,395	Capital Challenge
TLC Sir William Stanier Comm S	21,447,626	21,413,515	34,111	Capital Challenge
Alsager H S Perf Arts Cent	1,100,000	1,079,361	20,639	Capital Challenge
St Johns Wood CS - Sports Barn	268,000	264,000	4,000	Capital Challenge
Monks Coppenhall Primary School	120,000	117,812	2,188	Capital Challenge
Hollins View	6,000,000	0	6,000,000	Capital Challenge

Scheme	Approved Budget £	Revised Approval £	Reduction £	Reason
PLACES & ORGANISATIONAL CAPACITY				
Streets & Open Spaces				
Springfield Road Allotments	36,000	32,546	3,454	Capital Challenge
Allotment Improvements	15,000	11,931	3,069	Capital Challenge
HWRC Sites Review	4,000,000	0	4,000,000	Capital Challenge
Highways & Transport				
Vaudreys Wharf Canal	600,000	98,018	501,982	Capital Challenge
Drain Improvements - Joey the Swan	35,000	0	35,000	Capital Challenge
Alderley Edge Village Enhancements	109,301	94,007	15,294	Capital Challenge
Structural Maintenance	1,500,000	0	1,500,000	Capital Challenge
Community				
Parking Penalty Charge Notice Processing	112,000	87,000	25,000	Capital Challenge
Macclesfield Car Park Management Plan	242,384	200,000	42,384	Capital Challenge
Other Car Parking Improvements	696,649	180,000	516,649	Capital Challenge
Crematoria - Replacement Cremators	450,000	60,000	390,000	Capital Challenge
Alderley Edge Cemetery	89,153	7,073	82,080	Capital Challenge
Weston Cemetery	150,000	0	150,000	Capital Challenge
Development				
Town Regeneration & Development	6,035,000	2,757,000	3,278,000	Capital Challenge
Crewe Town Squares Refurb	2,908,702	2,034,640	874,062	Capital Challenge
Crewe Regeneration	845,000	0	845,000	Capital Challenge
Visitor Information Centres	30,000	0	30,000	Capital Challenge
Parkgate - Regeneration	1,282,000	509,254	772,746	Capital Challenge
Private Sector Assistance	1,599,284	1,316,284	283,000	Capital Challenge
Assisted Purchase Scheme	811,049	590,844	220,205	Capital Challenge
Empty Homes Initiatives	500,000	885	499,115	Capital Challenge
Private Sector Assistance	300,000	0	300,000	Capital Challenge
Disabled Facilities for Cheshire East Residents	1,320,000	920,387	399,613	Capital Challenge
Municipal Buildings Office Ref	650,000	0	650,000	Capital Challenge
Office Accommodation Strategy	9,830,000	8,376,339	1,453,661	Capital Challenge
Energy Consumption	660,000	350,000	310,000	Capital Challenge

Scheme	Approved Budget £	Revised Approval £	Reduction £	Reason
CORPORATE SERVICES				
ICT				
Local Independent Workforce	10,711,688	8,390,000	2,321,688	Capital Challenge
Enable Citizens and Businesses	1,700,000	964,000	736,000	Capital Challenge
Core System Stability	18,456,594	15,342,000	3,114,594	Capital Challenge
Superfast Broadband	1,618,000	1,224,000	394,000	Capital Challenge
HR				
Accident Reporting system New scheme	18,000	15,150	2,850	Money returned to Revenue
Totals			42,383,689	

					Virement FROM ...		
Capital Scheme	Starts Year	Amount Requested £	Funding	Reason for SCE/Virement	Starts Year	Capital Scheme	Amount Requested £
<u>SUPPLEMENTARY CAPITAL ESTIMATES</u>							
Adults, Children and Families							
Adelaide Special School	2011/12	26,353	Adelaide School Contribution	School agreed to fund overspend against total approved budget from their School budget			
The Quinta Primary	2011/12	37,000	School Contribution	School has agreed to fund additional funding requirement			
Monks Coppenhall	2011/12	1,849	School Contribution	School has agreed to fund the residual expenditure on the scheme as funding was removed as part of the C&F Capital Challenge session - 03/09/2012			
The Berkeley Primary	2012/13	2,559	School Contribution	School has agreed to fund additional funding requirement			
Shavington High School	2012/13	1,520	School Contribution (LMS budget)	School has agreed to fund additional funding requirement			
Capital Maintenance Grant	2012/13	30,000	Puss Bank Primary School (School Contribution)	School has agreed to fund roofing work			
Capital Maintenance Grant	2012/13	5,000	Hollinhey Primary School (School Contribution)	School has agreed to fund roofing work			
Capital Maintenance Grant	2012/13	30,000	Malbank High School (School Contribution)	School has agreed to fund replacement window work			
Capital Maintenance Grant	2012/13	15,000	Ashdene Primary School (School Contribution)	School has agreed to fund replacement window work			
Goostrey Primary School	2011/12	4,500	School Contribution	School agreed to fund overspend against total approved budget from School budget for fire screen			
Alsager Highfields Primary School	2011/12	83,000	School Contribution	School agreed to fund overspend against total approved budget from School budget			
Leighton Primary School	2011/12	18,735	Schools LMS budget	School agreed to fund additional works for mobile replacement			
Building Base Review	2012/13	86,030	Capital Grant for Lincoln House (LDDF Moneys)	Grant funding has been sitting in Revenue and has been transferred to capital to account for and utilise the grant monies correctly.			
Building Base Review	2012/13	57,350	Capital Grant for Carter House (LDDF Moneys)	Grant funding has been sitting in Revenue and has been transferred to capital to account for and utilise the grant monies correctly.			
<u>Places & Organisational Capacity</u>							
Highways & Transport							
S278 - Dunwoody Way (Apartments)	2011/12	1,500	External Contributions from Developer	The original developer went bankrupt leaving the scheme part done, a new developer is now finishing the development and as a new agreement is required the costs to complete have risen from £500 to £1,500. This increase in costs will be met by the Developer.			
Accessibility - Bus Network Investment	2011/12	8,052	S106 Contribution	The existing Accessibility programme of LTP funded works is to be extended to include the provision of sustainable transport facilities at Knutsford Railway Station so that existing S106 funding could be used to further enhance existing plans at the site and to contribute to reducing car dependency and to encourage cycling.			
Connect 2 Phase 3	2010/11	124,000	Additional Sustrans grant	Increased as a result of the need to re-design intended route. Concerns expressed by landowner late in design process. Sustrans successfully approached for additional funding to cover the increased design and construction costs. Failure to complete project would have resulted in significant abortive costs for CEC.			

					Virement FROM ...		
Capital Scheme	Starts Year	Amount Requested £	Funding	Reason for SCE/Virement	Starts Year	Capital Scheme	Amount Requested £
Highway Structural Maintenance	2012/13	3,000,000	Prudential Borrowing	Increase in investment in new and existing roads infrastructure			
Development							
Private Sector Assistance	2011/12	3,467	Repayments of Decent Homes grant	Increase due to repayments of 2 Decent Homes loan, to be recycled as loans for future applicants.			
Corporate Services							
Superfast Broadband	2012/13	40,421,708	External Contributions from Cheshire West & Chester B.C., Halton B.C., Warrington B.C., ERDF, LEP fund, BDUK, Private sector provider	The update is to reflect the gross cost of the overall project, together with the partner contributions, grants and private sector investment.			
Total SCE's Requested		43,957,623					-
<u>CAPITAL BUDGET VIREMENTS</u>							
<u>Adults, Children and Families</u>							
Minor Works / Accessibility (<£100k)	2011/12	96,000	Capital Maintenance Grant	School scheme has now ceased and the grant funding made available has been used to finance the Minor Works block scheme instead of prudential borrowing as per the C&F Capital Challenge Session -03/09/12	2012/13	Woodcocks Well Primary School	96,000
Minor Works / Accessibility (<£100k)	2011/12	25,099	Capital Maintenance Grant	Scheme under spent so the grant funding has been made available to finance the Minor Works block scheme instead of prudential borrowing as per the C&F Capital Challenge Session - 03/09/2012	2011/12	Middlewich High Secondary School	25,099
Minor Works / Accessibility (<£100k)	2011/12	21,000	Capital Maintenance Grant	Used Capital Maintenance Grant funding from 2012/13 Minor Works allocation to fund 2011/12 Minor works block scheme - to replace the prudential borrowing requirement as per the C&F Capital Challenge session 03/09/12	2012/13	Minor Works (<£100k)	21,000
Minor Works / Accessibility (<£100k)	2011/12	8,039	Capital Maintenance Grant	Used Capital Maintenance Grant funding from 2011/12 Suitability Bids allocation to fund 2011/12 Minor works block scheme - to replace the prudential borrowing requirement as per the C&F Capital Challenge session 03/09/12	2011/12	Suitability Bids (<£100k)	8,039
Minor Works / Accessibility (<£100k)	2011/12	9,000	Capital Maintenance Grant	Used Capital Maintenance Grant funding from 2012/13 Minor Works allocation to fund 2011/12 Minor works block scheme - to replace the prudential borrowing requirement as per the C&F Capital Challenge session 03/09/12	2012/13	Capital Maintenance Grant	9,000
Minor Works / Accessibility (<£100k)	2011/12	31,000	Capital Maintenance Grant/DFC Contribution from Alsager School (All within Accessibility)	Projects with different start years aligned to afford a more sustainable solution.	2012/13	Accessibility (<£100k)	31,000
Goostrey Primary School	2011/12	1,106	Prudential Borrowing	Asset Management service has agreed to fund asbestos removal works as part of their Compliance work	2011/12	COMPLIANCE 2011/12	1,106
Rode Heath Primary School	2011/12	5,000	DFC Capital Grant	School has agreed to fund overspend against the total approved budget on new build from their DFC allocation	2012/13	DFC Grant	5,000
Poynton High School	2010/11	31,000	Capital Maintenance Grant	To fund overspend against total approved budget from the capital maintenance grant allocation for 2012/13	2012/13	Capital Maintenance Grant	31,000
Mobberley CE Primary School	2012/13	796,000	Capital Maintenance Grant	Scheme has been agreed at TEG & EMB to fund new classrooms, toilet facilities to accommodate the increase in the need for child places at the school.	2012/13	Capital maintenance Grant	796,000
<u>Places & Organisational Capacity</u>							

					Virement FROM ...		
Capital Scheme	Starts Year	Amount Requested £	Funding	Reason for SCE/Virement	Starts Year	Capital Scheme	Amount Requested £
Streets & Open Spaces							
Sandbach Park Building Refurb	2008/09	1,989	S106 Contribution	Re-alignment required to fund unexpected Assets staff time bookings not in original project scope	2009/10	Sandbach Park	1,989
Congleton Park Improvements - Town Wood	2009/10	1,660	S106 Contribution	Lower Heath Community Project has finished and left over S106 funds can be applied to Congleton Park for qualifying works	2011/12	Lower Heath Community Project	1,660
Highways & Transport							
Connect 2 Phase 3	2010/11	106,000	Local Transport Plan 12-13 Direct Grant	Increased as a result of the need to re-design intended route. Concerns expressed by landowner late in design process. The virement of budget will fund the associated land compensation costs. Failure to complete project would have resulted in significant abortive costs for CEC.	2012/13	Bridge Maintenance Minor Works	106,000
Performance, Customer Services & Capacity							
Website and Telephony 2012/13	2012/13	7,040	Capital Reserve	The virements were requested due to budget pressures resulting from the change in the hourly rate for ICT Shared Services recharges.	2008/09	Customer Access	7,040
Customer Relationship Management & Telephone System	2009/10	8,382	Capital Reserve	The virements were requested due to budget pressures resulting from the change in the hourly rate for ICT Shared Services recharges.	2008/09	Customer Access	8,382
Customer Relationship Management & Telephone System	2009/10	7,618	Capital Reserve	The virements were requested due to budget pressures resulting from the change in the hourly rate for ICT Shared Services recharges.	2010/11	Radio Frequency ID (RFID)	7,618
Community Services							
Nantwich Pool Enhancements (part-funding)	2008/09	372,000	Prudential Borrowing	Combination of increase in costs since Feasibility	2012/13	Minor Works 2012/13	108,000
			Capital Reserve	stage and final contractor submission along with an increase in project scope to include	2008/09	Disability Discrimination Act Improvements/ Adaptations	59,000
			Prudential Borrowing	extensions for a fitness suite & exercise studio	2012/13	AMS BLOCK 12/13	205,000
Development							
Wilmslow Feasibility 11/12	2011/12	25,381	Revenue Contribution	The intention had been to fund this work through the Town Regeneration & Development capital budget 2012/13. However, this is ultimately financed through prudential borrowing and, as the focus of this project is essentially feasibility, it is more appropriate to fund it through the Feasibility Studies capital budget which is financed from the revenue account. This Feasibility Studies budget was allocated to inform the business case and delivery strategy for the Lifestyle concept and associated projects.	2011/12	Feasibility Studies 11/12	25,381
Total Virements Requested		1,553,314					1,553,314
Requests for Budget Adjustments within Programme to consolidate funding							
These Budget adjustments are wholly within the same Project/Programme/Block allocation category but across Starts Years and are required to consolidate Programme/Block Budgets							
<u>Places & Organisational Capacity</u>							
Development							
Disabled Facilities Grants	2012/13	25,000	Prudential Borrowing	Projects within the same Programme with different start years, rolled up so that they can be shown as one line in the Capital Programme.	2011/12	Disabled Facilities for Cheshire East Residents	25,000

					Virement FROM ...		
Capital Scheme	Starts Year	Amount Requested £	Funding	Reason for SCE/Virement	Starts Year	Capital Scheme	Amount Requested £
Total SCE's, Virements and Budget Adjustments		45,535,937					1,578,314

Amendment to Treasury Management Strategy Statement (TMSS)

As indicated in **paragraph 10.9** of the report, the following extracts from the TMSS show the proposed changes for approval.

Specified Investments

Specified Investments will be those that meet the criteria in the CLG Guidance, i.e. the investment

- is sterling denominated
- has a maximum maturity of 1 year
- meets the “high” credit quality as determined by the Council or is made with the UK government or is made with a local authority in England, Wales and Scotland or Northern Ireland or a parish or community council.
- the making of which is not defined as capital expenditure under section 25(1)(d) in SI 2003 No 3146 (i.e. the investment is not loan capital or share capital in a body corporate).

“Specified” Investments identified for the Council’s use are:

- Deposits in the DMO’s Debt Management Account Deposit Facility
- Deposits with UK local authorities
- Deposits with banks and building societies
- *Certificates of deposit with banks and building societies
- *Gilts : (bonds issued by the UK government)
- *Bonds issued by multilateral development banks
- Treasury Bills (T-Bills)
- Local Authority Bills (LA Bills)
- Commercial Paper
- Corporate Bonds
- AAA-rated Money Market Funds
- Other Money Market Funds and Collective Investment Schemes– i.e. credit rated funds which meet the definition of a collective investment scheme as defined in SI 2004 No 534 and SI 2007 No 573.

1. ** Investments in these instruments will be on advice from the Council’s treasury advisor.*
2. *The use of the above instruments by the Council’s fund manager(s) will be by reference to the fund guidelines contained in the agreement between the Council and the individual manager.*

For credit rated counterparties, the minimum criteria will be the lowest equivalent ~~short term~~/long-term ratings assigned by Moody’s, Standard & Poor’s and Fitch (where assigned):

Long-term minimum: A3 (Moody’s) or A- (S&P) or A-(Fitch)

~~Short term minimum: P 1 (Moody's) or A 1 (S&P) or F1 (Fitch).~~

In addition the Council will also make use of short term call accounts with the Councils current bankers, the Co-operative Bank, who do not meet the Council's minimum creditworthiness criteria, although the ratings do.

The Council will also take into account information on corporate developments of and market sentiment towards investment counterparties

Capital Programme 2012/2013 - 2014/2015

	Total Approved Budget £000	Prior Year Spend £000	Forecast Spend 2012/2013 £000	Forecast Spend 2013/2014 £000	Forecast Spend 2014/2015 £000
Adults					
Business Management & Change - Adults Accommodation Strategy	20	0	20	0	0
Business Management & Change - Building Base Review - Adaptations and refurbishments	566	0	443	123	0
Business Management & Change - Combined ICT Project - Standardising processes	567	0	567	0	0
Care4CE - CareWorks System - Information Management System	456	0	456	0	0
Total	1,609	0	1,487	123	0
Children & Families Safeguarding & Specialist Support					
Cledford Infants School - Conversion to accommodate Social Care staff	679	140	539	0	0
Residential Development Programme	1,500	867	213	400	0
Total	2,179	1,007	752	400	0
Children & Families Early Intervention & Prevention					
Contact Point / Children's Hub development	237	182	55	0	0
Short Breaks for Disabled Children - Development of placements	203	113	90	0	0
Oakenclough CC - Co-location - Creation of hot desks and training facility	75	4	71	0	0
Hurdsfield / Ethel Elks - Refurbishment / replacement of Family Centres	865	0	40	825	0
Total	1,380	299	256	825	0

Capital Programme 2012/2013 - 2014/2015

	Total Approved Budget £000	Prior Year Spend £000	Forecast Spend 2012/2013 £000	Forecast Spend 2013/2014 £000	Forecast Spend 2014/2015 £000
Children & Families Strategy, Planning & Performance					
TLC Dean Oaks PS - Creation of single site school	3,169	3,165	4	0	0
Brine Leas Sixth Form - New sixth form	7,316	7,216	100	0	0
Capital for Kitchen & Dining Facilities - Improvements	460	295	164	0	0
Christ the King Catholic & C of E PS - Creation of a single site	3,338	3,190	147	0	0
Offley Primary School - Creation of a single site school	1,014	1,011	3	0	0
Kings Grove Mobile Replacement	610	607	2	0	0
Land Drainage 2010-11	54	38	16	0	0
Styal PS Early Years Classroom - New classrooms	135	22	113	0	0
Malbank School & Sixth Form College - New build project	1,349	1,217	132	0	0
Poynton HS - Creation of a new sixth form building	3,188	1,363	1,825	0	0
Tytherington HS - Replacement and refurbishment of buildings	3,130	968	2,162	0	0
Adelaide School - New Workshop	200	175	25	0	0
Beechwood Primary School - Basic Needs 2011-12 - Extension	451	7	444	0	0
Oakefield Primary School - Basic Needs 2011-12 - Extension	812	8	804	0	0
Minor Works / Accessibility (<£100k) - Improvements	850	223	607	20	0
Ruskin Secondary School - Refurbishment	100	54	46	0	0
Monks Coppenhall Primary School - Refurbishment	120	118	2	0	0
Suitability Bids (<£100k) - Improvements	1,129	444	685	0	0
Rode Heath Primary School - Re-modelling classroom	119	0	119	0	0
Wilmslow High Secondary School - Re-furbishment of labs	120	0	120	0	0
Lower Park Primary School - Adaptations and refurbishments	103	62	41	0	0
Havannah Primary School - Refurbishment	181	0	181	0	0
Parkroyal Primary School - Development of classroom	169	142	27	0	0
Styal Primary School - Extension	125	10	115	0	0
Adelaide Special School - Improvements	148	42	106	0	0
Goostrey Primary School - Extension	168	13	155	0	0
Middlewich High Secondary School - Refurbishment	200	104	96	0	0
Mossley Primary School - Extension	149	146	3	0	0
The Dingle Primary School - Refurbishment	112	0	20	92	0
Alsager Highfields Primary School - Extension	210	6	204	0	0
Gorsey Bank Primary School - Development	227	9	213	5	0
Park Lane Special School - Classroom replacement	238	10	226	2	0
Alsager Secondary School - Lift installation	278	14	264	0	0

Capital Programme 2012/2013 - 2014/2015

	Total Approved Budget £000	Prior Year Spend £000	Forecast Spend 2012/2013 £000	Forecast Spend 2013/2014 £000	Forecast Spend 2014/2015 £000
The Quinta Primary School - Extension	792	26	767	0	0
Lostock Hall Primary School - Classroom replacement	252	24	228	0	0
Leighton Primary School - Classroom replacement	401	18	382	0	0
Bexton Primary School - Extension	535	36	499	0	0
Sound & District Primary School - Classroom replacement	332	6	316	10	0
Devolved Formula Capital Grant	2,813	0	1,995	819	0
Capital Maintenance Grant - Improvements	225	0	225	0	0
Excalibur Primary School - Improvements	115	0	95	20	0
Woodcocks Well Primary School - Extension and refurbishment	21	0	22	0	0
Stapeley Broad Lane Primary School - Extension	125	0	125	0	0
Middlewich High School - Extension	171	0	141	30	0
Pebble Brook Primary School - Phase 2 - Extension	1,040	0	200	840	0
Wheelock Primary School - Phase 2 - Extension	1,609	0	300	1,309	0
Wilmslow High School - Extension	1,685	0	976	709	0
Mobberley CE Primary School - Extension	796	0	75	721	0
Egerton School - Classroom extension	212	0	212	0	0
Wheelock Primary School - Phase 1 - Extension	157	0	157	0	0
Basic Need (<£100k) - Extensions	120	0	120	0	0
Total	41,371	20,790	16,007	4,576	0
Places and Organisational Capacity					
Waste, Recycling & Streetscape					
Queens Park Restoration	7,230	7,030	200	0	0
Improvements to Congleton Park	29	22	2	5	0
Alsager Skate Park/Milton Park - Restoration	32	28	5	0	0
Sandbach Park Building Refurbish	31	17	14	0	0
Alsager Closed Landfill Site - Land Purchase	60	0	60	0	0
Play Capital - Recreational Development	807	790	17	0	0
Sandbach Park - Development	99	62	37	0	0
Congleton Park Improvements - Town Wood	74	2	37	35	0
Waste, Recycling & Streetscape - S106 Agreements	776	350	328	99	0
Malkins Bank Play Area - Restoration / Improvements	41	0	1	40	0
Bromley Farm Adventure & Assault Course - Improvements	50	49	1	0	0
Materials Transfer Facility - Provision of facility	726	696	30	0	0

Capital Programme 2012/2013 - 2014/2015

	Total Approved Budget £000	Prior Year Spend £000	Forecast Spend 2012/2013 £000	Forecast Spend 2013/2014 £000	Forecast Spend 2014/2015 £000
Stanley Hall & Meriton Park - Drainage and improvements	46	0	46	0	0
Bollington Recreation Ground - Improvements	12	0	12	0	0
Freerunners - Barony Park - New training facility	50	0	50	0	0
Total	10,063	9,045	840	179	0
Places and Organisational Capacity					
Highways & Transport					
Highways & Transport Section 278 Agreements	1,182	490	269	160	0
LTP - Crewe Green Link Road - Development	10,145	8,845	697	303	300
Alderley Edge By-Pass Scheme Implementation	54,687	44,722	6,519	3,446	0
Middlewood Way Viaduct Repair	545	457	87	0	0
LTP - Road Safety Schemes	415	693	72	0	0
Badger Relocation	115	51	64	0	0
Gurnett Bridge, Hall Lane, Sutton - Reconstruction	1,020	968	52	0	0
Alderley Edge Village enhancements	94	34	60	0	0
LTP - Detrunked Road - A523 Bosley - Improvements	859	847	12	0	0
Connect 2 - Phase 2 & 3 - Cycle link construction	1,095	530	565	0	0
Poynton High, Links to School - Improvements	130	129	2	0	0
LTP - Road Safety Schemes - Minor works	306	295	11	0	0
Vaudreys Wharf Canal (Non LTP) - Surveys and monitoring	98	23	75	0	0
Bridge Maintenance Minor Works - PROW	114	3	91	20	0
Public Rights of Way 2011-12	40	31	10	0	0
Bridge Maintenance Minor Works	1,138	864	274	0	0
Part 1 Claims	25	16	8	0	0
Local Area Programme - Carbon Reduction	214	0	214	0	0
Local Measures - Ward Local Works - Highway developments	452	420	32	0	0
Eaton Village Flood Alleviation	50	0	50	0	0
Accessibility - Bus Network Investment	53	20	34	0	0
Accessibility - Cycling - Improvements	157	142	15	0	0
Cycle parking, Wilmslow	41	33	8	0	0
Taylor Drive, Nantwich - Footway / Cycleway link	120	79	11	20	10
Accessibility - Rail Station Improvements	35	5	30	0	0
Capacity enhancement A534 Nant Rd	85	68	17	0	0
Crewe Rail Exchange - Redevelopments	6,177	131	1,500	2,000	2,546

Capital Programme 2012/2013 - 2014/2015

	Total Approved Budget £000	Prior Year Spend £000	Forecast Spend 2012/2013 £000	Forecast Spend 2013/2014 £000	Forecast Spend 2014/2015 £000
Road Safety Schemes - Minor Works	199	99	100	0	0
Bridge Maintenance Minor Works	1,294	0	1,294	0	0
Claims	60	0	60	0	0
Local Measures - Ward local - Highway developments	580	0	580	0	0
Local Safety Schemes - Minor Works - Road safety	520	0	520	0	0
Carbon Initiatives	2,000	0	1,400	600	0
Non-Principal Roads Minor Wks	3,923	0	3,923	0	0
Highway Structural Maintenance - Non LTP	3,750	0	3,750	0	0
Principal Roads Minor Works	2,396	0	2,302	0	0
Highways & Transport S106 Agreements	101	0	71	30	0
Accessibility - PROW	150	0	150	0	0
Bollin Valley Way - Improve access	12	0	12	0	0
LDF Transport Infrastructure	70	0	70	0	0
Programme Management	30	0	30	0	0
Congleton Relief Road - Feasibility studies	400	0	400	0	0
Available Walking Routes	130	0	130	0	0
Accessibility - Bus Network Inv - Improvements	100	0	100	0	0
Cycle Facilities	400	0	400	0	0
Integrated Transport Block - LTP	5,489	0	0	2,281	3,208
Roads Maintenance Block - LTP	15,975	0	0	8,227	7,748
Total	116,972	59,996	26,071	17,087	13,812
Places and Organisational Capacity					
Community Services					
Nantwich Pool Enhancements	1,501	11	500	989	0
Sandbach Utd Football Club - Development	2,240	2,209	32	0	0
Swim For Free Capital - Improvements to facilities	128	124	4	0	0
Crematoria - Replacement cremators	60	0	60	0	0
New Cremators - Macclesfield	800	583	217	0	0
Cemetery road and path improvements	100	43	57	0	0
Residents Parking Schemes	282	139	143	0	0
CCTV /UTC Rationalisation	1,127	1,122	5	0	0
Athletics Track at Macclesfield Leisure Centre	55	52	3	0	0
H & S Works at Macclesfield Leisure Centre	25	0	25	0	0

Capital Programme 2012/2013 - 2014/2015

	Total Approved Budget £000	Prior Year Spend £000	Forecast Spend 2012/2013 £000	Forecast Spend 2013/2014 £000	Forecast Spend 2014/2015 £000
Leisure Centre ICT Member Systems	200	3	197	0	0
Lifestyle Centre Refurb at Macclesfield Leisure Centre	115	0	115	0	0
Lifestyle Centre Refurb at Wilmslow Leisure Centre	75	0	75	0	0
Community Safety Schemes	30	19	11	0	0
Parking Penalty Charge Notice Processing	87	0	87	0	0
Macclesfield Car Park Management Plan	200	0	200	0	0
Other Car Parking Improvements	180	0	180	0	0
CCTV - Infrastructure Rationalisation	150	0	50	50	50
Total	7,355	4,305	1,961	1,039	50
Places and Organisational Capacity Development					
Town Centre Regeneration & Development Programme	6651	3685	966	1000	1000
Choice Based Lettings	222	182	20	20	0
Affordable Housing Initiatives	870	559	0	310	0
Parkgate - Regeneration	509	289	70	150	0
Housing Grants - Ex MBC - S106	1,045	807	180	58	0
Social Housing Grants 2008-09	601	535	31	35	0
Disability Discrimination Act Improvements/ Adaptations	187	177	10	0	0
Tatton Park Programme	9,375	925	1,013	7,439	0
Office Accommodation Strategy	8,376	6,376	2,000	0	0
Poynton Revitalisation	4,751	3,578	1,173	0	0
Astbury Marsh Caravan Site - Provision of 2 extra pitches	42	39	3	0	0
Private Sector Assistance - Home repairs	1,320	376	400	300	244
Highway Improvements – Sherborne Estate, Crewe	53	0	53	0	0
Assisted Purchase Scheme - First Time Buyers	591	242	349	0	0
Feasibility Studies	275	60	214	0	0
Wilmslow Feasibility	125	95	30	0	0
Minor Works	236	220	16	0	0
Compliance	549	545	4	0	0
Disabled Facilities Grants - Adaptations	1,525	0	1,200	325	0
Housing Development 2012-13	6,000	0	500	2,500	3,000
Gypsy and Traveller Sites - Development of provision	540	0	130	410	0
Asset Management Programme	14,170	0	6,170	3,500	4,500

Capital Programme 2012/2013 - 2014/2015

	Total Approved Budget £000	Prior Year Spend £000	Forecast Spend 2012/2013 £000	Forecast Spend 2013/2014 £000	Forecast Spend 2014/2015 £000
Energy Consumption - Investment in energy efficiencies	350	0	350	0	0
Farms Strategy - Restructure	3,380	0	356	757	2,271
Total	61,743	18,690	15,238	16,805	11,015
Places and Organisational Capacity					
Performance, Customer Services & Capacity					
Customer Relationship Management & Telephone System	1,471	1,093	378	0	0
Customer Access - Improvements	404	265	138	0	0
Radio Frequency ID (RFID) - Library self service machines	1,066	966	100	0	0
Relocation of Library Services	285	74	211	0	0
Website and Telephony - Improvements	107	0	107	0	0
Total	3,333	2,398	934	0	0
Corporate Services					
Finance & Business Services					
Integrated Legal ICT System	60	42	13	5	0
Oracle Optimisation - Development of financial systems	3,960	2,059	750	824	327
Location Independent Workforce - Developing ICT facilities	8,390	0	1,500	3,445	3,445
Enable Citizens and Businesses - Technology improvements	964	0	204	300	460
Core System Stability - Maintenance of ICT	15,342	0	4,600	4,866	5,876
Superfast Broadband	41,646	0	480	20,583	20,583
Total	70,362	2,101	7,547	30,023	30,691
Grand Total	316,367	118,631	71,092	71,057	55,568

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CHESHIRE EAST COUNCIL

REPORT TO: COUNCIL

Date of Meeting:	13 December 2012
Report of:	Chief Executive – Kim Ryley
Subject/Title:	Annual Audit Letter
Leader:	Cllr Michael Jones, Leader of the Council

1.0 Report Summary

- 1.1 This report presents, and provides a brief overview of, the recently received Annual Audit Letter from the District Auditor. This important document provides an objective external view of the good progress made by the Council in recent months, and of the likelihood of further improvement under the new, three year Council Plan and Medium Term Financial Strategy.

2.0 Decision Requested

- 2.1 That Council notes and acknowledges the positive view of the District Auditor on its recent progress and its prospects for further improvement, and supports the Leader and Cabinet in the implementation of the new Council plan and related financial strategy.

3.0 Background

- 3.1 The District Auditor's Annual Governance Report for 2011-12 was considered by the Council's Audit and Governance Committee on 27th September 2012. This contained several recommendations on how the Council should seek to improve its arrangements to provide value for money for local people.
- 3.2 That report recognised, and encouraged the Council to continue, the process of improvement started by the new Leader of the Council earlier in the year. In response to the recommended improvements, the Leader and Cabinet approved an Action Plan on 10th December to ensure that planned improvements continue to be driven forward strongly.
- 3.3 More recently, the District Auditor has issued her Annual Audit Letter to the Council. This important document, which provides a current analysis and objective overview of the Council's financial health and governance, contains further recognition of the progress now being made by the Council, and of its ambitions for the future, under its new plans. (A copy of the Annual Audit Letter is attached as Appendix 1.)

4.0 Key Messages

- 4.1 In her Annual Letter, the District Auditor sets out a number of key messages for consideration by the Council, as part of the summary of her 2011-12 audit, as well as recognising recent successes and new arrangements put in place by the Council during the current year.
- 4.2 In particular, looking forward, the District Auditor has commented positively on the fact that the “new Leader quickly recognised the need to provide clearer strategic direction and leadership, and to build on the positive aspects of the legacy of the Council’s first three years... [and] has developed a new vision for Cheshire East”.
- 4.3 The District Auditor goes on to say that the actions agreed recently by Cabinet “allied to the actions being taken to reinforce business planning, budgeting and performance management arrangements should, if successfully implemented, place the Council in a stronger position to achieve its vision”.

5.0 Summary

- 5.1 In summary, the Annual Audit letter provides a balanced, objective, and encouragingly positive view of the Council’s recent progress, and of its prospects for further improvement under its new, strong strategic direction of travel over the next few years.

30 October 2012

The Members
Cheshire East Borough Council
Westfields
Middlewich Road
Sandbach
Cheshire

Dear Member

Cheshire East Borough Council - Annual Audit Letter 2011/12

I am pleased to submit my Annual Audit Letter which summarises my 2011/12 audit of Cheshire East Borough Council.

Financial statements

On 27 September I presented my Annual Governance Report (my report) to the Audit & Governance Committee outlining the findings of my audit of the Council's 2011/12 financial statements.

The Council significantly improved its closure of accounts process this year. The accounts presented for audit contained no material errors and far fewer other errors than in previous years. Supporting audit trails and working papers were also much better. The finance team have now implemented the recommendations from the last two audits including important improvements to their quality assurance arrangements. This has all helped to reduce the number of errors identified during the audit and improve the overall quality of the accounts.

Following the Audit Committee on 28 September I issued an unqualified opinion on the Council's 2011/12 financial statements included in the Council's Statement of Accounts.

Value for money

I am also required to assess your arrangements for securing value for money, (vfm), in your use of resources. As highlighted in my report, I have some concerns about the Council's arrangements to secure vfm in its use of resources.

I concluded that the Council had put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ending 31 March 2012. But its processes to develop business proposals and manage significant projects needed to be improved. I issued a qualified vfm conclusion on 28 September.

During the audit of your accounts, I received questions from a number of local electors. I agreed to hold the audit open until 12 October 2012 to allow two of them time to exercise their statutory rights. I have not received any objection notices to the accounts. The 2011/12 audit is now complete and I have issued my certificate closing the audit.

Key Messages

While I will not replicate the findings set out in my Annual Governance Report in any detail I set out the key messages from my value for money work below.

The Council continues to face financial pressures and has accepted, more recently, the need to review and improve its own arrangements for securing financial resilience. Since its inception in April 2009 the Council has had to manage unplanned budget pressures each year. This has involved restructuring departments and a repeated focus on reducing costs. In 2010/11 the Council also had to react to the emergency budget set by the new Government. This pattern is continuing in 2012/13 – in its first quarter report the Council identified pressures of £22m.

Despite this very challenging context, over the last three years, the Council can also point to a number of successes. For example, it has:

- Approved a new Customer Services strategy putting customers at the heart of everything it does. It achieved the highest 4 star rating in a national annual survey for customer experience on its website - one of only 23 councils to do so.
- Harmonised terms and conditions for all staff into one single set for Cheshire East - without threats of industrial action. In May 2011 the Council attained liP recognition and later that year, a North West Skills Award – in recognition of its whole organisation approach to workforce development.
- Continued to improve safe guarding services for children following its positive OFSTED inspection in 2011. In addition, educational results at all levels are being maintained above the national average.
- Run a successful fostering campaign which received national recognition, to reduce the number of young people going into care, and has achieved better outcomes for those children in care.
- Procured new arrangements to provide better value-for-money in several important service areas, including highways maintenance, HR, Finance and ICT.

Since 2010 the Council has also sought to improve its business planning and budget setting process. But in 2011/12 there were weaknesses in the Council's processes for translating budget proposals into deliverable plans. Since April 2012, the Council has put in place new arrangements designed to help ensure that planned savings are delivered.

So far, the Council has used its reserves to help manage its overall financial position. It has recognised that its General fund reserves are no longer adequate to support in year pressures and are now below the Council's own assessment of the financial risks it faces. The Council is developing a new Medium Term Financial Strategy which will include proposals to increase reserves to an acceptable level. The Council intends that strategy to also:

- make it clear that realistic savings targets need to be set for each of the next three years; and
- recognise that, while the use of reserves to date has been planned, their continued use to support budget pressures is not sustainable.

I have reviewed the actions taken by the Council relating to its decision to build a waste transfer station at Lyme Green, Macclesfield. The transfer station was part of the Council's plans for an improved waste and recycling collection service. In January 2012 the Audit & Governance Committee commissioned internal audit to review what happened at Lyme Green. That review identified a number of important governance and internal control issues. The Council accepted all of the recommendations for improvement set out in the internal audit report. It is clear that the Council has already begun a series of key actions and changes to address the issues highlighted by Internal Audit. These actions should also help the Council satisfy itself that the issues raised by Lyme Green are not repeated.

The Audit & Governance Committee will continue to monitor the delivery of the agreed action plan. In June 2012 the Council's staffing committee also approved the appointment of an independent investigator to consider the actions of the officers involved. That investigation is underway and should be concluded later this year.

During my audit I received letters, emails and telephone calls from members of the public concerned about what happened at Lyme Green. While I was not involved in the detail of the internal audit investigation the Council kept me fully informed of emerging issues together with its response to those issues. The Council acted quickly to strengthen its governance and internal control processes and is continuing to implement internal audit's recommendations. I have considered carefully whether I should take any further audit action in response to the issues raised by Lyme Green. I have concluded that I do not.

The full text of my annual governance report is available on the Council's website via the link below – at agenda item 7:

<http://moderngov.cheshireeast.gov.uk/ecminutes/ieListDocuments.aspx?CId=486&MId=4295&Ver=4>

Looking forward

My report included a small number of high level recommendations to improve the Council's arrangements to secure value for money. The most significant was the need for clearer strategic direction and political leadership when agreeing priorities, taking difficult decisions and supporting officers to deliver agreed plans.

The Council appointed a new Leader in May 2012 and an interim Chief Executive joined in August 2012. The new Leader quickly recognised the need to provide clearer strategic direction and leadership and to build on the positive aspects of the legacy of the Council's first three years. Working with the Chief Executive, and his Cabinet, the Leader has developed a new vision for Cheshire East. This defines the Council's core purpose, the desired outcomes for local people and its priorities for investment and development over the next three years. The vision was agreed by Cabinet on 15 October 2012 and is expected to drive the Council's revised financial strategy. The Council is also planning extensive consultation on its new vision.

Some of the recommendations in my report link closely to those made by internal audit in relation to project management and aspects of the Council's budget setting process. The Council has accepted all of my recommendations and agreed a detailed action plan which is now being put in place. A copy of that action plan is attached to this letter.

In that action plan the Council emphasises the historic and continuing underfunding issues it faces. These include the aging population, pockets of deprivation and the rural nature of the Borough. Together with continuing funding pressures and competing demands for services it is important that the Council has robust plans in place to manage the major changes needed over the next three years and beyond.

The Council's response to my recommendations highlights a number of actions which should help satisfy itself that the areas for improvement highlighted in my report and also by Lyme Green are addressed. For example:

- In May 2012 the Council clarified when delegated decision making is appropriate and implemented procedures to deal with any non compliance. It is also improving the way its deals with in-house planning advice to satisfy itself that the process is robust and separate from the its statutory planning responsibilities.
- More recently the Council has revisited its corporate and medium term financial plans. A paper to the October Cabinet set out the Council's purpose and values underpinning its strategic objectives. This work was also used to affirm its underlying budget principles such as a three year planning horizon; policy led decision making; and recognition that the use of limited resources needs to be focussed on essential services and targeted outcomes.
- The Council is also developing its governance framework to enhance Cabinet members' roles in decision making and support new scrutiny arrangements and policy development groups.
- Work on the revised project management arrangements includes the establishment of a member led Executive Monitoring Board to allow greater strategic and financial oversight of project development and delivery.

These changes, allied to the actions being taken to reinforce business planning, budgeting and performance management arrangements should, if successfully implemented, place the Council in a stronger position to achieve its vision.

Closing remarks

I have discussed and agreed this letter with the Chief Executive and Director of Finance & Business Services. I wish to thank finance staff for the positive and constructive approach they have taken to my audit. I also wish to thank senior management and the Audit & Governance Committee for their support and co-operation during the audit.

Finally, you will be aware that in response to the Government decision to put in place a new framework for local public audit, the Audit Commission has carried out a procurement exercise to externalise the work of its in house practice. The contract for North West audits, including Cheshire East Borough Council, has been awarded to Grant Thornton (UK) LLP. Existing employees from the Audit Commission's in house practice will transfer to Grant Thornton on 1 November 2012. I hope to remain your Engagement Lead and look forward to continuing to work with you.

Yours sincerely

Judith Tench
District Auditor

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Audit Commission Recommendations

Audit Commission - Recommendation 1

Members need to provide clearer strategic direction and political leadership when agreeing priorities, taking difficult decisions and supporting officers to deliver agreed plans.

Cheshire East Responsibility: Leader of the Council (the Leader)

Cheshire East Comments:

The need to provide clearer strategic direction and political leadership was recognised by the new Leader in early summer as he took on his new role. The Leader also recognised that the previous three years were about forming Cheshire East and that these were difficult and challenging times, in the midst of economic uncertainty and significant reductions in funding. It is felt that not enough recognition was given in the Audit Commission's report to the specific historic and continuing underfunding issues faced by Cheshire East. This underfunding relates to a lack of recognition of the aging population in the area, above national trend, the pockets of deprivation in the main towns and also the rural nature of the Borough. The uncertain times are here to stay in the medium to long term but the new Cabinet have been building a strong platform during the summer and into the autumn upon which the vision for Cheshire East can be set for the next three years and beyond. This vision in the form a 3 Year Plan was reported to Cabinet on 15th October and is a new dawn of openness, transparency and inclusiveness. The Leader has also taken strong action with regard to the Council's Project Management arrangements, as detailed in the responses to Recommendations 2 and 4 below. The message is 'we are on with it', utilising the ideas, skills and expertise of Cheshire East Members and officers.

The key initiatives that have been undertaken in the first half of the financial year are:

- The development of a vision for Cheshire East that will define the core purpose of the Council, the outcomes that we are striving to achieve for local people and our priorities for action over the next three years.
- The development of a governance framework to support the implementation of Policy Development Groups and a redefinition of the Scrutiny arrangements.
- The implementation of a more significant role for Portfolio Holders in decision making.
- The Capital Visioning exercise, including a fundamental review of the existing Capital Programme and a focus on the priorities for future investment over the next five years.
- The development and implementation of the new Project Gateway model, including the new Executive Monitoring Board and the Technical Enabler Group.

Further Action:

- The development of policies, based on the vision for Cheshire East, which will drive the achievement of the Council's 3 Year Plan for 2013/16.
- In developing the Council's policies, recognising the need to make tough decisions on the future delivery of Services and being prepared to see them through.
- The setting of a robust 3 Year Budget for 2013/16 that is affordable, deliverable and sustainable.
- The development of a strategic 3 Year Capital Programme for 2013/16 with an emphasis on investment in external and internal infrastructure, development of new Service delivery models and invest-to-save opportunities.
- The development of a major 3 year programme of transformational change in service delivery by March 2013, out of which we can identify a major savings plan.
- The aim is that for 12/13 and beyond this will lead to strong delivery and therefore a clear demonstration that Cheshire East provides value for money in the delivery of needed and targeted

services.

Audit Commission - Recommendation 2

The Council needs to implement planned improvements in business planning and programme/project management processes providing a clear link to agreed priorities – including robust option appraisal and financial analysis before projects begin. This should also include relevant aspects of recognised effective programme/project management arrangements for all projects.

Cheshire East Responsibility: Cabinet and CMT

Cheshire East Comments:

Cabinet and Corporate Management Team have provided a clear steer on how the Council's 3 Year Plan is to be developed and where the Budget setting process needs to improve to ensure that there is a clear link to the agreed priorities. Again, this was set out in the report to Cabinet on the 3 Year Council Plan on 15th October. There is a strong commitment to work much more closely with all Members through the emerging Policy Development Groups. An all Member briefing took place on 3rd October 2012.

The new Project Gateway model has been developed over the summer and autumn periods and is now being implemented and embedded. The new model is bringing about a more robust discipline to the management of major Projects and Programmes across the Council but will also ensure that the process is simple and agile. A key aspect of effectively operating the Project Gateway is the formation of a high level, Member-led Governance Group called the Executive Monitoring Board (EMB). The EMB has taken on the challenge role as part of the development of the Council's Budget setting proposals and the monitoring of their delivery. One of the key aims of the EMB will be to provide consistent and robust direction for all major Projects and Programmes in Cheshire East through the Project Gateway model. The EMB met on a monthly basis since its first meeting on 29th August 2012. It is supported by a Technical Enabler Group (TEG) comprising of key corporate enablers supporting major Projects and Programmes and a Programme Office (PMO). The TEG supports the EMB by assessing the technical feasibility and options of proposals from the perspective of all relevant professional disciplines.

The EMB is comprised of the following members:

Portfolio Holder for Performance (Chair)
Portfolio Holder for Finance (Vice-Chair)
Strategic Director for Places and Organisational Capacity
Strategic Director for Children, Families and Adults
Director of Finance and Business Services

In attendance to support the Board:

Organisational Change Manager (PMO Lead)
Corporate Finance Officer
Heads of Service as appropriate

The EMB will essentially perform two streams of work:

Stream 1 – Review and Challenge of proposals as part of the Council's 3 Year Planning process
Stream 2 – Quality assurance and monitoring of progress

Underpinning the above governance has been the development of the Council's Project Management

Framework through the Council wide Project Management Group. Good progress has been made with regard to the implementation of the framework and the delivery of the associated guidance and training. There has also been significant action taken to date in each Directorate to introduce a more disciplined approach to Project and Programme management. This is now linking in well with the introduction of the Project Gateway model and the improvements in financial forecasting.

Further Action:

- The further development of the Technical Enabler Group (TEG) to support the EMB, the first meeting of TEG took place on 4th October 2012.
- The full implementation of the corporate Project Management Framework by March 2013, including effective communication of the new model, for all projects not just major projects, and a strong training programme underpinned by user friendly guidance.
- The completion of detailed business cases for proposals coming from the 3 Year planning process for 2013/16, based on strong options appraisal, robust financial analysis and capacity to deliver, through TEG and EMB.
- The identification of existing major Projects and Programmes for review and monitoring by EMB.
- Introduction of robust 3 year business plans for individual services across the Council, building on previous approaches to service planning. These will clearly identify, amongst other things, key projects and programmes and will ensure that Services have the capacity and capability to deliver these projects and programmes.

Audit Commission - Recommendation 3

The Council needs to develop longer term financial plans clearly aligned to business priorities and supported by deliverable savings plans. These plans should also ensure that reserves are used appropriately and are maintained in line with the Council's own assessment of the financial risks it needs to manage. The quality of financial forecasting in some areas also needs to improve.

Cheshire East Responsibility: Portfolio Holder for Finance and CMT

Cheshire East Comments:

The Portfolio Holder for Finance, as part of the vision for Cheshire East, has already determined that a longer term approach to financial planning is required to ensure that the Council continues to demonstrate and achieve financial resilience. The 2013/16 Budget will be policy led, based on the priorities set out in the 3 Year Council Plan and will incorporate a change delivery plan based on robust business cases made through the Executive Monitoring Board. The Budget will be balanced over the three-year period, backed up by a strong assessment of risk and opportunity and a clear demonstration that the organisation has the capacity to deliver its plans.

The current Reserves Strategy is risk assessed and recognises the uncertainty in the economic environment, the volatility of central government funding and the national and local pressures faced by the Council. It has been necessarily cautious with regard to the planned application of reserves, with some strategic use to enable savings and key projects, but mainly planned growth to safeguard the future difficulty in balancing within the current Comprehensive Spending Review cycle and beyond. The Reserves Strategy for 2013/16 will still be based on uncertainty but with a stronger and more deliverable transformational change programme and savings plan there will be a greater opportunity to use reserves strategically to address both short term and long term challenges.

The current year budget pressures were identified very early in the financial year, therefore affording as much time as possible to tackle the underlying pressures and strengthen savings delivery plans. Monthly Performance reports were in place from April, produced through the Council's corporate performance system CorVu. The monthly reports include key local performance indicators, a forecast of the year-end

financial position and a risk assessment of the delivery of savings plans for each Directorate. The 1st Quarter Performance report to Cabinet clearly set out the financial challenge for the Council for 2012/13.

There is also a significant amount of work being undertaken by each Directorate to understand the base budget and Service activity. The main focus has been to identify the key cost drivers in each Service area in order to identify where cost can be removed and where Services can be developed and improved. This work is also addressing the need to provide more accurate and meaningful financial forecasts based on strong Service based commitment information. In addition a number of corporate and Service specific initiatives have been undertaken to examine new services delivery models.

The partnership between the Finance Team and Directorate Management Teams has been strengthened throughout the current financial year through the implementation of the Finance Reporting Centre (FRC). In excess of 40 pilot Budget managers have been working with the Finance Team to test the first wave of dedicated reports based on the key reports used by managers. The FRC is now being rolled out across the organisation and is also being further developed to incorporate additional reporting requirements such as payroll forecasting and capital analysis.

Further Action:

- The agreement of a 3 Year Council Plan for 2013/16 to enable a longer term financial plan, including a strategic approach to investment.
- The setting of a balanced 3 Year Budget for 2013/16 and a resilient and risk assessed Reserves Strategy.
- The review of the approach to monthly and quarterly integrated performance reporting by March 2013 to ensure that key local indicators are determined by the priorities set out in the 3 Year Council Plan and that financial forecasts are based on consistent and robust financial forecasting.
- The Directorate reviews of key Services and delivery models as part of the development of the 2013/16 transformational change programme.
- The rollout of the Finance Reporting Centre during 2012/13 along with the further improvement and development of the reporting package.

Audit Commission - Recommendation 4

The Council needs to improve performance monitoring and reporting. This should include agreeing a set of relevant local performance indicators that reflect its priorities. Those indicators should then be reported alongside the national indicators and integrated with robust financial information to support member and officer decision making.

Cheshire East Responsibility: Portfolio Holder for Performance and CMT

Cheshire East Comments:

The Portfolio Holder for Performance, as part of the vision for Cheshire East, has already determined that the Council's Performance Management Framework requires strengthening and re-focusing based on the Council's priorities and identified outcomes for the public, communities and businesses in Cheshire East to be set out in the 3 Year Council Plan. The Council's Performance Management framework will address the need to demonstrate to the public and key stakeholders that the Council is achieving what it set out to do and is delivering value for money in the Services that it provides. The framework will also address the need to demonstrate that the organisation is performing from a business perspective and that Services should be continually striving for improvement and greater efficiencies. Local indicators will be developed, which will be set of outcome measures. This will be driven by the 3 Year Council Plan and based on the six identified key outcomes.

Early on in the year, a review of the Performance Management Framework commenced and is progressing

under the management of a cross service steering group. The review is addressing:

- The existing Performance Management Framework.
- The suite of indicators in use, both those required nationally and those developed locally.
- The systems for performance measurement and monitoring.

The actions and work undertaken as described under Recommendations 2 and 3 above are also relevant to this recommendation and are therefore repeated below.

The new Project Gateway model has been developed over summer and autumn periods and is now being implemented and embedded. The new model will bring about a more robust discipline to the management of major Projects and Programmes across the Council. A key aspect of effectively operating the Project Gateway is the formation of a high level, Member-led Governance Group called the Executive Monitoring Board (EMB). The EMB has taken on the challenge role as part of the development of the Council's Budget setting proposals and the monitoring of their delivery. One of the key aims of the EMB will be to provide consistent and robust direction for all major Projects and Programmes in Cheshire East through the Project Gateway model. The EMB has been meeting on a monthly basis since its first meeting on 29th August 2012. It is supported by a Technical Enabler Group (TEG) comprising of key corporate enablers supporting major Projects and Programmes and a Programme Office (PMO).

The current year budget pressures were identified very early in the financial year, therefore affording as much time as possible to tackle the underlying pressures and strengthen savings delivery plans. Monthly Performance reports were in place from April, produced through the Council's corporate performance system CorVu. The monthly reports include key local performance indicators, a forecast of the year-end financial position and a risk assessment of the delivery of savings plans for each Directorate. The Mid-Year Performance report to Cabinet clearly set out the financial challenge for the Council for 2012/13.

There is also a significant amount of work being undertaken by each Directorate to understand the base budget and Service activity. The main focus has been to identify the key cost drivers in each Service area in order to identify where cost can be removed and where Services can be developed and improved. This work is also addressing the need to provide more accurate and meaningful financial forecasts based on strong Service based commitment information. In addition a number of corporate and Service specific initiatives have been undertaken to examine new services delivery models.

The partnership between the Finance Team and Directorate Management Teams has been strengthened throughout the current financial year through the implementation of the Finance Reporting Centre (FRC). In excess of 40 pilot Budget managers have been working with the Finance Team to test the first wave of dedicated reports based on the key reports used by managers. The FRC is now being rolled out across the organisation and is also being further developed to incorporate additional reporting requirements such as payroll forecasting and capital analysis.

Further Action:

- The completion of the review of Performance Management and the implementation of its recommendations by the end of March 2013.
 - The completion of the development of a new set of outward facing and outcome based local indicators to be reported on a quarterly basis from 2013/14.
 - The completion of the development of a new set of internal business performance indicators to be reported on a monthly basis from 2013/14.
 - Introduction of robust three-year business plans for individual services for 2013/16 across the Council, building on previous approaches to service planning.
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- The further development of the Technical Enabler Group (TEG) to support the EMB, the first meeting of TEG took place on 4th October 2012.
 - The identification of existing major Projects and Programmes for review and monitoring by EMB.
 - The review of the approach to monthly and quarterly integrated performance reporting by March 2013 to ensure that key local indicators are determined by the priorities set out in the 3 Year Council Plan and that financial forecasts are based on consistent and robust financial forecasting.
 - The Directorate reviews of key Services and delivery models as part of the development of the 2013/16 transformational change programme.
 - The rollout of the Finance Reporting Centre during 2012/13 along with the further improvement and development of the reporting package.
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CHESHIRE EAST COUNCIL

Council

Date of Meeting: 13 December 2012
Report of: Borough Solicitor
Subject/Title: Review of Contract Procedure Rules

1.0 Report Summary

- 1.1 The purpose of the report is to seek approval to the proposed amendments to the Council's Contract Procedure Rules.

2.0 Recommendation

That the amendments to the Councils Procedure Rules (as set out in the Appendix to this report) be approved and the Constitution amended accordingly.

3.0 Reasons for Recommendations

- 3.1 At its meeting on the 5th July 2012 the Constitution Committee resolved to undertake a further review of the Contract Procedure Rules. The subsequent report to Council on 11 October 2012 setting out a number of recommendations for review was deferred for consideration to the next meeting of Council.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 There are no identifiable policy implications

7.0 Financial Implications

- 7.1 There are no direct financial implications associated with this report.

8.0 Legal Implications

- 8.1 Any changes to the Contract Procedure Rules need to comply with the relevant statutory requirements.
- 8.2 The Purchase of goods, services and works by the Council as a public sector body is regulated by the Public Contracts Regulations 2006 (the Regulations) which implement into English law the EU procurement regime currently in place throughout the EU.
- 8.3 It is important to note that the Regulations only apply to contracts with a value that exceeds the relevant thresholds. The current thresholds that apply to local authorities are as follows:

SUPPLIES (GOODS)	SERVICES	WORKS
£156,442	£156,442	£3,927,260

- 8.4 However, in undertaking any procurement (including those below the EU threshold) a contracting authority must also comply with the following key principles (derived from the Treaty on the Functioning of the European Union (TFEU) and the fundamental freedoms of the EU):
- Proportionality
 - Mutual recognition
 - Transparency
 - Non-discrimination
 - Equal treatment
- 8.5 In simple terms, the Council is required to act in a transparent way, treating all potential providers equally and in a non-discriminatory way. There are also detailed requirements in relation to the drafting of technical specifications, the requirement to publish contract award notices and submission of returns to the Office of Government Commerce (OGC).
- 8.6 As third parties have a right to take court action for financial loss if there is any failure to comply with the principles, it is extremely important that the Council does comply with the key Principles set out in paragraph 8.4.

9.0 Risk Management

- 9.1 Following on from the work of the Audit and Governance Committee a fundamental review of relevant procedures is being undertaken to ensure that the proper checks and balances are in place to safeguard and ensure proper processes are followed.

10.0 Background

- 10.1 At their meeting on 14 June 2012 members of the Audit and Governance Committee resolved that the Council's Contract Procedure Rules be submitted to the next meeting of the Constitution Committee to further review with a view to increasing the level of Member involvement in decision – making. The Contract Procedure Rules form part of the Council's Constitution and were last reviewed by the Constitution Committee on 22 September 2011 and subsequently approved by full Council in October 2011. The Rules set out a framework for the procurement of goods, works and services with a view to achieving value for money and an open and transparent process which complies with best practice and the Council's Procurement Strategy. Detailed guidance on the Contract Procedure Rules can be found on the Council's Procurement Knowledge Map on the centranet site.
- 10.2 At its meeting on 5th July 2012 the Constitution Committee resolved that the Task Group previously appointed by the Committee to review detailed changes to the Constitution be asked to undertake a further review of the Contract Procedure Rules and report back to the Committee's next meeting. A meeting of the Constitution Task Group was held to undertake the review and make recommendations to the full Committee on 20 September 2012
- 10.3 The Task Group met on 9th August 2012 and a number of matters were considered. The Task Group agreed the following:-
- Clarity was required around the responsibilities of Directors which would include ensuring that they took all reasonable steps for the proper administration of contracts and procurement in their Departments
 - Revisions were required to clarify the process, actions and approvals required in respect of exceptions to the rules, non compliance with the rules and urgency
 - Other matters included retaining records, specifications, whole life costs (excluding VAT) and quotations
 - The need for a short Guide to Procurement for Officers to complement the existing Knowledge Map.
- 10.4 A number of additional amendments were agreed at the Constitution Committee including the definition of financial thresholds, the recording of training needs and the breakdown of non compliances.
- 10.5 **Members formally RESOLVED that**
- (1) The proposed amendments to the contract procedure rules, including the additional amendments proposed by the Director of Finance and Business Services at the meeting, be approved for recommendation to Council subject to the further amendments agreed by Members;**

- (2) The Vice – Chairman of the Committee be authorised to determine any final amendments to the contract procedure rules in consultation with the Director of Finance and Business Services**
- (3) A final updates version of the rules incorporating all amendments be produced for consideration by Council; and**
- (4) Council be recommended to approve the amended contract procedure rules and the consequential amendments to the Constitution**

10.6 The amended rules are appended to the report for Members formal approval. Since the last meeting of the Council the Vice – Chairman has exercised his delegated authority to add the Borough Solicitor as an authorised signatory at Rule E23 and E24 and this is reflected in the amended Rules now attached.

11.0 Access to Information

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

Name: Caroline Elwood
Designation: Borough Solicitor
Tel No: 01270 685882
Email: caroline.elwood@cheshireeast.gov.uk

Appendix

E	Contract Procedure Rules
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Why is this important?

This section covers all aspects of procurement and Contracts procedures in relation to EU and National legislation.

What's covered in this Section?

The roles and responsibilities of:

- The Cabinet
- The Committees of the Cabinet
- The Statutory Officers
- All Officers procuring goods and services on behalf of the Authority

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Introduction

- E.1 All Council employees and third parties/contractors engaged to act in any capacity to manage or supervise a contract must comply with these Rules, and each Head of Service must ensure such compliance in the Service for which they are responsible. Any breaches should be reported to the relevant Chief Officer. Failure to comply with these Rules or the associated detailed guidance may be considered a breach of the Officer Code of Conduct and may result in disciplinary action and legal proceedings against the officers or third parties concerned.

All Council employees and third parties engaged on the Council's behalf must ensure that any conflicts of interest are avoided. Any conflict of interest must be declared to appropriate line managers in the Council as defined and in line with the Officer Code of Conduct.

These Rules set a clear framework for the procurement of goods, works and services for the Council. Detailed guidance on these Rules can be found by accessing the Procurement Knowledge Map which can be found on the Council's intranet site. The aim is to ensure a system of openness, integrity and accountability where the probity and transparency of the process will be beyond reproach. Working within the Rules in turn leads to better value for money and gives confidence to all concerned that the Council is fulfilling its fiduciary responsibilities. These Rules apply to all quotations (informal procurement with a value up to £75,000 and tenders (formal procurement over £75,000)

- E.2 Any dispute or difference as to the interpretation of these Rules shall be resolved by the Borough Solicitor in consultation with the Director of Finance and Business Services.
- E.3 There is a clear requirement for the Council to achieve value for money in its purchase of goods, works or services. These Contract Procedure Rules have been written to ensure that this requirement is achieved on behalf of the whole Council. Any procurement decision by a Service must therefore be made in the context of this overall value for money aim of the Council. It is a requirement that in all cases these Rules will be applied.
- E.4 These Rules will ensure that the Council will:
- get value for money;
 - keep within the law;
 - maintain standards of conduct;
 - be fair to suppliers;
 - protect officers;
 - demonstrate accountability for public money ;
 - meet its corporate and directorate aims and policies; and
 - comply with the Council's Procurement Strategy.

- E.5 Officers must procure goods and services in the first instance through Corporate Contracts, where these have been awarded. Details of current Corporate Contracts can be obtained from the Director of Finance and Business Services. Failure to comply with this Rule may be considered a breach of the Officer Code of Conduct.

Compliance and Officer Responsibilities

- E.6 Every contract made by or on behalf of the Council must comply with these Rules and the associated detailed guidance on the Knowledge Map.

Chief Officers must ensure before beginning the procurement that they have the appropriate authority to undertake it either by means of delegated authority given under the Scheme of Delegation or by Cabinet

Chief Officers must ensure that every procurement is dealt with in accordance with any statutory requirements including relevant EU legislation, within budget and financial provision and in accordance with the Constitution, these rules, all Councils policies, procedures and strategies

Due to the size and complexity of Directorates and to ensure timely procurement activity, it is highly likely that Chief Officers will delegate authority to appropriate officers/Council employees within their Directorate/Services/Section/Groups to procure on their behalf. Each Director must however provide and maintain a list of the officers authorised to initiate procurement, place orders and make payments on their behalf specifying a maximum financial limit for each transaction within any pre-defined limits. This list must be provided through a Scheme of Delegation as per paragraph A.27 of the Finance Procedure Rules. The Schemes of Financial Delegation should be reviewed regularly.

Chief Officers will ensure that all officers/Council employees authorised to initiate procurement, place orders and make payments have the appropriate knowledge, skills and training to undertake the same. Any issues in relation to knowledge and training needs should be discussed in supervision and Performance Development Plans.

- E.7 All Council employees and third parties/contractors engaged to act in any capacity to manage or supervise a contract must comply with these Rules and each Head of Service must ensure such compliance in the Service for which they are responsible. Failure to comply with these Rules or the associated detailed guidance maybe considered a breach of the Officer Code of Conduct and may result in disciplinary action and legal proceedings against the officers or third parties concerned. All Council employees and third parties engaged on the Council's behalf must ensure that any conflicts of interest are avoided. Any conflict of interest must be declared to appropriate line managers in the Council as defined and in line with the Officer Code of Conduct.

- E.8 Prior to the start of the relevant procurement process where a Chief Officer or his/her designated representative intends to seek an exception to these Rules, as they apply to contracts and tenders, he shall arrange for a Delegated Decision (DD) to be prepared.

DD's are not available if the proposed exception will breach national or EU legal requirements. A DD can only waive the Council's internal rules.

The main areas where it may be appropriate to request a DD are set out within Sections ~~E.23 to E.26~~ E.23 & 24. Before a DD is prepared ~~the Chief Officer or his delegated representative~~ the authorised officer/Council employee must seek authorisation to proceed from the Procurement Service. The draft DD must then be signed off by Procurement, Legal and Finance before being considered by the ~~Borough Solicitor and the Director of Finance and Business Services~~ Chief Officer and Portfolio Holder.

All attempts to waive the Rules will be subject to very close scrutiny and may be reviewed by the Corporate Management Team. The DD must clearly set out the exemption or the exception from the Rules that ~~is~~ are being replied upon.

- E.9 All such exceptions should be recorded in the delegated decisions register and be available for inspection as required.
- E.10 National and European Union legislation overrides the Finance and Contract Procedure Rules.
- E.11 Where it becomes apparent that a Service has failed to comply with these Rules then the Chief Officer or his/her designated representative shall ~~issue a report~~ complete a non-compliance form outlining the reasons for the non-compliance and the steps taken to prevent a re-occurrence. The Chief Officer or his/her designated representative will be required to submit the ~~report form for sign off~~ to the Director of Finance and Business Services and Borough Solicitor ~~before reporting~~. A report will be made to the Audit and Governance Committee, at least on a half yearly basis, setting out the number of non-compliance instances in the previous period, broken down by Service, and a description of exceptional instances.
- E.12 When any employee either of the Council or of a service provider may be affected by any transfer arrangement. Officers must ensure that Transfer of Undertaking (Protection of Employment) Regulations (TUPE) issues are considered and obtain legal advice before proceeding with inviting tenders and quotations.

Appointment of Consultants

- E.13 Any appointment of a consultant or consultancy body is subject to these Rules and any detailed guidance. Advice should be sought from the Director of Finance and Business Services prior to entering into any such

arrangement.

Pre Contract Requirements

- E.14 The Council's Service Schemes of Delegation set out the approvals necessary for different types of contract.
- E.15 Before beginning a purchase, the authorised officer responsible for letting the contract must:
- make sure that the appropriate authority is in place to start the process and spend the money in accordance with the appropriate Scheme of Delegation;
 - make sure that there is enough money in the budget to cover the total whole-life financial commitment being made (including any consultant's or other external charges or fees);
 - make sure that the Forward Plan requirements have been followed where the purchase is a Key Decision.
- E.16 The authorised officer must ensure when entering into supply agreements that the requisition order and payment processes to be provided by the supplier are in accordance with Section D (Ordering and paying for work, goods and services) of these Finance and Contract Procedure Rules **and that specifications are clear and sufficiently detailed.**
- E.17 For procurements above £10,000 advice should be sought from the Borough Solicitor's Department as to the relevant form of contract to be employed for the procurement.

General Requirements

- E.18 Before beginning a purchase, the authorised officer responsible for it must also:
- Where the proposed value of the procurement is estimated to be over £75,000 the appropriate officer should seek advice from The Director of Finance and Business Services and where appropriate enquire whether the service is able to be provided by an 'in-house' provider;
 - Carry out an options appraisal, to decide what procurement method is most likely to achieve the purchasing objectives, in a form specified by the Director of Finance and Business Services;
 - Assess the risks associated with the purchase and how to manage them;
 - Prepare a procurement plan where the value of the purchase exceeds £75,000 or where the purchase poses a significant risk to the Council and send a copy to the Director of Finance and Business Services;

- If the procurement is subject to European Procurement Rules, advice should be sought from the Director of Finance and Business Services;
- Ensure that all bid evaluation criteria have been determined in advance; and
- Ensure that these Rules and the detailed guidance contained in the Procurement Knowledge Map have been complied with, and that the proposed contract represents value for money.

Contract Procedures

E.19 The table below sets out which procedures must be followed for different contract values.

The Total Value of the contract is determined by considering the annual cost of the goods/services and multiplying by the number of years that the contract is required for including any optional extensions **net of VAT**.

	Total Value	Procedure to follow where no Contract exists
Informal	Below £10,000	Compare at least 3 quotes on the Chest, by e mail or by telephone with a written record See E 32
	Above £10,000 but below £75,000 for goods, services and works.	Comparison of written quotations from at least 3 bidders on the Chest. See E33
Formal	Above £75,000 but below the EU threshold for goods, services and works.	Formal tender process from at least 3 suppliers. See E35.
	Above the EU threshold for goods, services and works. See Procurement Knowledge Map for up to date current thresholds.	Tender process in accordance with EU Procurement Rules. See E38

Exceptions to Requirements of Competition

Framework Agreements

E.20 Only Central Government, Local Government, consortia and other legally procured Framework Agreements may be used for the procurement of goods or services. The framework agreement must allow the Council to participate in such an agreement and must adhere to the principles of

these Rules and the specification must encompass the Council's requirements. Before starting any procurement guidance should be sought from the Director of Finance and Business Services.

- E.21 Examples of Central Government Frameworks can be found on the Government Procurement Service website. Advice on the process should be sought from the Director of Finance and Business Services.
- E.22 Framework agreements must be for a maximum of four years. If there is any doubt about their duration advice should be sought from the Director of Finance and Business Services.

Other Exceptions to Requirements of Competition

- E.23 Where a Chief Officer or his/her designated representative intends to seek an exception to these Rules as they apply to contracts and tenders, he/she shall arrange for a Delegated Decision (DD) to be prepared in accordance with the detailed guidance on DDs on the Knowledge Map. **All DDs will be notified to the relevant Policy Development Group.**

In the event that Procurement, Legal, or Finance Officers advise that the DD should not be exercised, if appropriate, the Chief Officer and/or Portfolio Holder may wish the matter to be referred to Cabinet to decide on alternative proposals. If the Procurement, Legal or Finance Officers advise that the decision can only proceed at risk the matter should be referred to Cabinet. In both cases, the DD form will be signed as rejected, or proceeding with risk, by the Borough Solicitor and Director of Finance and Business Services, with comment, and notified to the Leader of the Council, relevant Portfolio Holder and relevant Policy Development Group.

DDs are not available if the proposed exception would breach National or EU legal requirements. A DD can only waive the Council's internal rules.

- E.24 Provided that a proposed contract award complies with national and EU legislation and any other Finance and Contract Procedure Rule and subject to the Chief Officer or his/her designated representative having a DD signed by the ~~Borough Solicitor~~ **Portfolio Holder, the Borough Solicitor** and the Director of Finance and Business Services then the competition requirements may not apply to:
- The purchase of goods or services or the execution of works which in the opinion of the appropriate Chief Officer or his/her Authorised Officer and the Director of Finance and Business Services is certain are obtainable only from one source or contractor, and where no reasonably satisfactory alternative is available;
 - The purchase of a product required being compatible with an existing installation and procurement from any other source would be uneconomic given the investment in previous infrastructure as approved by the Chief Officer;

- The instruction of, advice from, or service provided by Counsel or, by exception, Solicitors to act on the Council's behalf;
- Special education or social care contracts if, in the opinion of the Chief Officer, following consultation with the ~~Borough Solicitor and the Director of Finance and Business Services~~ Legal, Finance and Procurement, it is considered the Council's interests are best met if there is exemption from the competition rules;
- The exercise of statutory grant aid powers delegated to a Chief Officer or his/her authorised officer (which shall be specified by that Chief Officer or his/her designated representative in each case);
- Circumstances which the ~~in the opinion of both the Director of Finance and Business Services and Borough Solicitor~~ Chief Officer and Portfolio holder consider warrants an exception to the requirements for competition, ~~to include, but not limited to when on the basis of~~ an emergency (which is defined as a situation brought about by unforeseeable events and not attributable to the council) requires an immediate contract (which should in any event be procured from an approved list of suppliers where available) or when exceptionally the Chief Officer his/her authorised officer considers that is inappropriate in the interests of the efficient management of the service;
- Any other general circumstances, up to the EU threshold, as agreed by both the ~~Director of Finance and Business Services and the Borough Solicitor~~ Chief Officer and Portfolio Holder and supported by advice from Legal, Procurement and Finance.

E.25 In those circumstances where ~~only~~ 3 quotations or tenders are required, and these cannot be obtained due to lack of suitable contractors prepared to quote/tender then a record of the reasons for this action must be kept and be reported annually to the Director of Finance and Business Services.

E.26 The Chief Officer or his/her authorised officer must be satisfied that if three quotations/tenders have not been received that the offer accepted offers the Council best value and the prices are competitive. ~~Advice from the Director of Finance and Business Services should be sought as to the most appropriate form of Contract to employ for the procurement.~~

Variations and Contract Extensions

E.27 All variations must be in the form of written instruction to the contractor. Any such variation should be agreed, documented and signed by both parties.

E.28 The Contract term cannot be extended where this would result in the value of the contract exceeding the European Procurement threshold. In such circumstances the advice of the Director of Finance and Business Services should be sought.

E.29 The term of a Contract may be extended with the approval of the Chief Officer or his/her authorised officer if there is provision within the Contract

terms and conditions to extend and the budgetary provision allows. If the contract has already been extended to the full extent provided in the contract it cannot be extended further.

- E.30 If there is no provision within the contract terms and conditions for the Contract to be extended the approval of the Borough Solicitor and the Director of Finance and Business Services must be sought to any proposed extension of the term of contract, and a record kept by the Chief Officer and the reasons why.

Advertising of Procurement Opportunities

- E.31 To determine the market for each procurement in excess of £10,000 the Chief Officer or his/her authorised officer should identify the most appropriate method of advertisement including but not restricted to local press, relevant trade journals, council websites and other websites. The Director of Finance and Business Services will facilitate advertisement in the OJEU.

Competition Requirements below £10,000

- E.32 Officers must seek quotations so as to demonstrate value for money. Procurement of goods and services below £10,000 must be in accordance with guidance in the Knowledge Map and 'Ordering and paying for work, goods and services' (D.19 – D.43). It is the responsibility of the officer to retain written notice of all the quotes for audit purposes (See E19)

Competition Requirements for Procurements between £10,000 and £75,000

- E.33 Procurement of goods and services must not be split to avoid a formal tender award procedure, or to have the effect by such a split that the value of the goods or services would if not split would breach the European Procurement Rules threshold. At least three written quotes must be obtained on the Chest.
- E.34 Records required to be kept under Rules E.20 – E.26 and E.32 – E.53 shall be in a format to be determined by the Director of Finance and Business Services.

Competition Requirements for Procurements over £75,000 but below the EU Procurement threshold

- E.35 Where contracts have an aggregate value over the life of the contract estimated at £75,000 or more, a formal tendering procedure must be undertaken in a format to be approved by the Director of Finance and Business Services. The invitation to tender must be advertised in an appropriate manner and tenders received must be dealt with and evaluated in accordance with these Rules. Subject to E37, either the Open or Restricted Procedures, described below, should be used as practicable.

The full European Procurement Regime does not apply below the financial threshold (shown below which is subject to change and should be verified by accessing the Knowledge Map) it is not imperative to publish an OJEU notice in these circumstances, however advertising in the OJ may be a consideration. Further advice can be sought from the Director of Finance and Business Services.

Competition requirements under European Procurement Rules apply to contracts and must be observed. Advice on the current thresholds can be obtained from the Council's Procurement Unit.

- E.36 The procedures set out below follow the model set out in the European Procurement Rules. They represent best practice and should be adopted as the norm for all exercises over the threshold values. Either the Open or Restricted Procedure must be used as practicable. The Negotiated Procedure and Competitive Dialogue Procedure may only be used in exceptional circumstances and with the approval of the Borough Solicitor. Advice on the appropriate procedure to apply may be obtained from the Director of Finance and Business Services or the Borough Solicitor.

Negotiated and Competitive Dialogue Tendering Procedure

- E.37 The Negotiated and/or the Competitive Dialogue procedure should only be used in exceptional cases where advice has been sought from the Director of Finance and Business Services and the Borough Solicitor.

General Procedure

- E.38 Contracts that are subject to the EU procurement rules (and other contracts where that is appropriate) generally follow a three-stage process:

Stage 1 – PQQ

This stage uses a Pre-Qualification Questionnaire (PQQ) to short-list those tenderers to be invited to submit a tender. Templates are available from the Director of Finance and Business Services and;

Stage 2 – Tender

This stage involves the preparation of a detailed tender specification and instructions which explain what is required to be provided and how tenders will be managed and evaluated. Bidders will submit their tenders based on the information provided in this document and give contract specific proposals (including as to delivery and price) and;

Stage 3 – Evaluation

This will usually lead to the award of the contract. It is at this stage that any contract specific proposals (e.g. price and how the contract will be delivered) are assessed. Evaluation is dealt with in more detail below.

- E.39 Stage 1 PQQ - the only considerations are those matters which are relevant to the performance of the contract in question (e.g. financial standing, expertise, experience and technical capacity). There can be no consideration of the suppliers' proposals as to *how* the contract would be delivered.
- E.40 Once an organisation has been selected through the PQQ stage, they are deemed to be suitable to undertake the contract and they cannot be failed on the same criteria at the Tender and Evaluation stage (Stage 2 & 3) unless relevant changes occur during the later stages of the procurement process (e.g. a change in a supplier's financial standing).
- E.41 A minimum number of short-listed suppliers are then invited to submit tenders within a strict timetable. At the close of the period of time allowed for tender submission, each tender is evaluated against the criteria identified in the tender instructions/specification document sent out at Stage 3. (See paragraph E.42 below).
- E.42 If following the PQQ stage less than 3 organisations meet the selection criteria consideration should be given as to whether continuing with the process will achieve a competitive price, value for money and quality of services. A further advertisement may be required to achieve a better response and more tenderers.
- E.43 The Chief Officer or his/her authorised officer must keep a record of the reasons for this action and report these annually to the Director of Finance and Business Services.

Open Tendering Procedure

- E.44 All companies expressing an interest will receive an invitation to tender. There is no restriction or selection process prior to the dispatch of tenders.
- E.45 Public Notice must be given in relevant trade journals, newspapers, websites and the Official Journal of the European Union (OJEU) if the EU threshold is breached or exceeded, and where appropriate on the Council's Web-Site. At least 52 days public notice must be given in one or more local newspapers or trade journals circulating amongst such firms who undertake such contracts, and on the Council's Web-Site, setting out details of the proposed contract, inviting tenders from applicants and stating the last date on which tenders will be received. Tenders must be sent out within 6 days of a request. The OJEU must state the date and time of the opening of tenders whether or not the supplier is to be allowed to attend the tender opening.
- E.46 The time limits referred to in E.45 may be reduced by 5 days where electronic versions of the contract documents are made available or be reduced to a shorter period of generally not less than 36 days and in any

event not less than 22 days where a prior information notice has been published in accordance with the EU Regulations. These two reductions in the periods of time may be combined. No decision to reduce those time limits must be taken without consulting the Director of Finance and Business Services and the Borough Solicitor.

- E.47 If an alternative (variant) bid is to be permitted, the OJEU must say this. The Instructions for tendering specification document must give details of what is to be regarded as the minimum requirements of a variant bid. If these requirements are not met, a variant bid cannot be accepted.
- E.48 Evaluation of tenders submitted through the Open Procedure must be undertaken in accordance with the EU Procurement Regulations. All tenders submitted must be evaluated. The Open Procedure does not allow any negotiation with bidders.
- E.49 The Open Procedure may not be suitable where it is anticipated that there may be a large number of potential contractors interested in bidding for the contract. The Open Procedure is the most suitable for the procurement of non specialist goods such as stationary. The selection stage and the award stage can be undertaken simultaneously.

The Restricted Procedure

- E.50 This is a two stage process involving the invitation of expressions of interest from interested bidders. A contract notice must be published in the OJEU if the EU threshold is exceeded and where appropriate on the Council's website allowing at least 37 days for receipt of expressions of interest from prospective bidders. A shortlist of bidders is then drawn up in accordance with qualification criteria. At least 5 bidders must be selected at this stage, based on economic standing and professional or technical ability. If an alternative (variant) bid is to be permitted, the OJEU must say this. The instructions for tendering and specification document must give details of what is to be regarded as the minimum requirements of a variant bid. If these requirements are not met, a variant bid cannot be accepted.
- E.51 Those bidders on the shortlist must be invited to tender, allowing at least 40 days for receipt of completed tenders. Tenders are evaluated at the end of the 40 day period. No negotiation with bidders is allowed.
- E.52 The contract will be awarded in accordance with the criteria specified in the OJEU notice. An award notice must be published within 48 days. Unsuccessful tenderers must be de briefed.
- E.53 In circumstances of urgency, the time limits can be reduced. The 37 day period for expressions of interest may be replaced by a period of not less than 15 days. The time for inviting short listed suppliers to tender can be reduced from 40 to 10 days. No decision to reduce the time limits must be taken without first consulting with the Director of Finance and Business Services and the Borough Solicitor.

Despatch of Tenders

- E.54 If an invitation to tender is required such invitations can be made using any available form of communication providing all invited parties receive identical information despatched at the same time.

Submission and Receipt of Tenders

- E.55 Tenders should be submitted as instructed in the tender documentation. The tendering process can be undertaken using an electronic tendering system and shall be opened by the Borough Solicitor or her authorised officer. The authorised officer will be given 'Verifier' status for the purpose of this task by the system administrator. The task of opening the tender should be performed when the authorised officer opens the electronic seal facility within the system. Following this action the authorised officer shall release the received tender to permit access by the Procurement Unit. Tenders received electronically shall be recorded as received when the authorised officer opens the electronic seal facility within the system. Non compliance with this requirement will result in the tender not being considered. Electronic tenders should only be sought following advice from the Director of Finance and Business Services.
- E.56 The tender must be submitted to the location, and by the time and date specified in the invitation to tender as being the last time and date for the receipt of tenders in the envelope provided bearing " Tender " or carrying any tender label supplied with the invitation to tender.
- E.57 Where the Council estimates the tender value to be £75,000 or more, all tenders must be submitted to the Borough Solicitor.
- E.58 Unless it forms part of an electronic tender process tenders will be submitted in hard copy in the first instance and must bear no details of name, mark, slogan or logo of the contractor on the tender envelope. Non compliance with this requirement may result in the tender not being considered. The Director of Finance and Business Services will in such circumstances determine whether it is in the interests of the Council to consider the relevant tender. Electronic versions of tenders must not be delivered or opened before the opening of hard copy tenders.
- E.59 The Council is not bound to accept the lowest (see E.83) or any tender.
- E.60 Each hard copy tender submitted in accordance with the procedures detailed in E.64 – E.66 will remain in the custody of the Borough Solicitor until the time appointed for opening.
- E.61 Upon receipt of a hard copy tender the receiving officer must indicate on the envelope the date and time of its receipt.
- E.62 Tenders received after the date and time indicated for the receipt of

tenders will not normally be considered except with the agreement of the Borough Solicitor and Director of Finance and Business Services. Such tenders will be opened and returned to the tenderer if they are not to be considered.

Opening of Electronic Tenders

- E.63 The majority of tenders are now submitted via the Due North System. These electronic tenders are verified by The Borough Solicitor or her delegate and released to the Procurement Department.

Opening and Registration of Hard Copy Tenders/Quotations

- E.64 Hard copy tenders shall be opened at one time by the Borough Solicitor or her authorised officer, in the presence of the purchasing Chief Officer or his/her designated representative and Director of Finance and Business Services or his/her designated representative.
- E.65 The authorised officer must at the time non electronic tenders are opened, record on the Register:
- the type of goods or materials to be supplied or disposed of, or the work or services to be carried out;
 - the name of each contractor submitting a tender;
 - the amount of each tender where appropriate
 - the date of the opening of a tender
 - the signatures of all persons present at the opening of each tender
 - the reason for any disqualification of any tender
 - the name of each contractor invited to tender but who did not submit a tender.
- E.66 Every written quotation obtained for each proposed contract must be opened at one time and details recorded by the Chief Officer or his/her Authorised Officer.

Errors in Tenders

- E.67 Errors in Tenders shall be dealt with in one of the following two ways:
- the tenderer shall be given details of the error(s) found during the examination of the tender and shall be given the opportunity of confirming without amendment or withdrawing the tender; or
 - Amending the tender to correct genuine error(s) provided that in this case, apart from these genuine errors, no other adjustment, revision or qualification is permitted.
- E.68 Tender documents must state which method will be used for dealing with errors in tenders. Any request for an extension to the tender period must (in normal circumstances) be no later than 5 working days before the

tender closing date. If the date is to be extended the revised date must be advised to all tenderers.

Exclusions of Tenders

- E.69 No valid tender received should be excluded from the tender process without the approval of the Borough Solicitor and the Director of Finance and Business Services.

Evaluation of Tenders and criteria for selecting a supplier

- E.70 All the procedures, with the exception of the Open Procedure, anticipate a selection process which involves at least two stages. The first stage is to draw up a shortlist of candidates who will be invited to submit tenders, and a second stage when the contract is awarded to one (or more) of the bidders. Where the procedure is a Negotiated Procedure or Competitive Dialogue Procedure there may be an intermediate stage which allows further refinement of the shortlist.
- E.71 The following criteria (set out in Public Contracts Regulations 23, 24, 25 and 26) may be used to draw up the shortlist of those who are to be invited to tender:
- Suppliers who have, or whose directors have been convicted of certain offences listed in Public Contracts Regulation 23 are ineligible to submit bids and must not be included in the short list;
 - A public authority can (but does not have to) refuse to shortlist businesses which are insolvent, have been convicted of a criminal offence relating to the running of the business, or committed grave misconduct in the running of the business. Advice should sought from the Borough Solicitor in the event that you do not wish to exclude on this basis.
 - Businesses can be excluded if they have not paid all their taxes or social security contributions. Advice should sought from the Borough Solicitor in the event that you do not wish to exclude on this basis.
 - Businesses can be excluded if they are not included on the appropriate trade register in their home state
 - Public authorities are allowed to request evidence from prospective bidders to allow them to assess whether any of the above factors apply.
 - Public authorities may make an assessment of bidders' economic and financial standing by taking into account all or any of the following:-
 - statements from the bidders' bankers or evidence of relevant professional indemnity insurance;
 - published accounts where publication of such accounts are a legal requirement;
 - a statement covering the 3 previous financial years setting out the overall turnover of the bidder's business and the turnover in respect

- of the goods or services being provided.
- Technical or professional ability which can only be assessed against the criteria set out in the Regulations.

Acceptance of Tenders/Quotations

- E.72 The award of a contract to the successful tenderer must be conditional upon the tender costs being within budgetary limits and subject to any prior Member decision making procedures.
- E.73 For goods and services procured in accordance with EU Procurement Rules notification to the successful tenderer of the award of the contract is subject to the 10 day "Alcatel" standstill period, (the Director of Finance and Business Services can provide advice), and may, if a decision by Cabinet Members was required, involve the 5 working day 'call in' period. (see E.84)

Criteria for Awarding the Contract

- E.74 There are only two possible criteria:
- Lowest price; or
 - Most economically advantageous tender

NB where the selection is based on price the contract must be awarded to the bidder offering the lowest price unless it is made clear in its invitation to tender that it reserves the right not to award the contract at all.

- E.75 Where the winning bid is to be selected on the basis of the most economically advantageous tender, this is assessed from the point of view of the contracting authority. Usually quotes will be selected for the lowest price however they can be selected on the basis of the most economically advantageous quote if this is made clear in the request for quote and sufficient detail is submitted to enable an evaluation. Criteria linked to the subject matter of the contract must be used to determine the most economically advantageous tender. These might include:
- quality;
 - price;
 - technical merit;
 - aesthetic and functional characteristics;
 - environmental characteristics;
 - running costs;
 - cost effectiveness;
 - after sales service;
 - technical assistance;
 - delivery date;
 - delivery period;
 - period of completion
- E.76 The criteria to be used to evaluate bids and the weightings to be attached to them, or if weightings cannot be established, their relative importance,

must be set out in the invitation to tender. However, it is not possible to take into account tenderer's experience, staffing levels, equipment or ability to perform the contract within a set timescale. These factors can only be considered at PQQ stage.

Specifications

- E.77
- Any technical specifications to be met by the goods, services or works to be provided must be set out in the contract documentation.
 - Technical specifications can include requirements relating to quality, environmental performance and accessibility or usability by the disabled (among others)
 - Any reference to British Standards in the specification must be followed by the words "or equivalent"
 - A public authority is only allowed to consider bids which vary from the requirements set out in the specification if the OJEU notice states that variants are permissible
 - Where variants are to be permitted the public authority must set out its minimum requirements.

E.78 Subject to E.72 and E.73 above:

- in the case of a tender the Chief Officer or his/her authorised officer authorise the acceptance of the tender on behalf of the Council, such acceptance to be notified in writing to the successful tenderer in a manner specified by the Borough Solicitor; or
- in the case of a quotation the Chief Officer or his/her authorised officer may accept the quotation by issuing either an official order (which should be signed by the Chief Officer or his/her authorised officer (as set in the Scheme of Delegation) or an Agreement signed by the Borough Solicitor or his/her Authorised Officers, as set out in E.98 - E.111.

- E.79 If a decision is taken to abandon or to recommence a tender process in respect of which a contract notice has been published, each tenderer must be informed of the decision and the reasons for it, as soon as possible after it has been made.

Post Tender Negotiations (Open and Restricted Procedure)

- E.80 Providing clarification of matters in the Invitation to Tender to potential or actual bidders or seeking clarification of a Tender, whether in writing or by way of a meeting, is permitted. However, the discussion with tenderers after submission of a Tender and before the award of a Contract with a view to obtaining adjustments in price, delivery or content (i.e. post-tender negotiations) must not be conducted. There are special rules relating to procurements using the Negotiated and Competitive Dialogue Procedures.
- E.81 Negotiations post-award of the contract are only permissible in exceptional circumstances and should only be commenced after the Director of

Finance and Business Services and the Borough Solicitor have given written approval of the procedure(s) to be adopted in any negotiation. The Director of Finance and Business Services or the Borough Solicitor must be involved in the negotiation process and any consequent amendments to the contract terms and conditions must be approved by the Borough Solicitor.

- E.82 Where post-tender negotiation results in a fundamental change in specification (or contract terms) the contract must not be awarded but re-tendered.

Best Offer

- E.83 As a rule the award of a contract will be made to the organisation offering the lowest price, or in the case of a sale the highest price. The lowest price may not then be the “best offer” and may not merit award of the Contract. In assessing the tender however consideration may be given to quality, service and other determining factors as well as price. Where this is intended then this must be clearly set down in the tender documentation and the evaluation criteria. The Chief Officer or his/her Authorised Officer will record the detail of the contract award where the basis of the award is “best offer” rather than lowest price, which should then be reported to the appropriate Member. Advice should always be sought from the Director of Finance and Business Services as to whether the “best offer” approach is appropriate in the circumstances.

Disclosure of Tender information and debriefing Tenderers

Procedure for Notification of Contract Award for EU Contracts

- E.84 All participants in a tender procedure must be notified in writing as soon as possible after the successful bidder has been chosen.
Content of Standstill Notice

- The criteria for the award of the contract
- The reason for the decision, including the characteristics and relative advantages of the successful tender
- The score (if any) obtained by the tenderer to whom the notice is addressed and that of the successful tenderer
- Any reason why the unsuccessful tenderer did not meet the technical specifications.
- The name of the successful tenderer:
- A precise statement setting out the date on which the standstill period ends or before which the contract will not be let. If a precise date cannot be given the notice should explain when it is expected to end, including anything which might affect the date.
- A contract award notice must be published in OJEU within 48 days of the award of the contract
- Information may be withheld if disclosure would :

- a) impede law enforcement;
- b) otherwise be contrary to public interest;
- c) prejudice the legitimate commercial interests of any economic operator or
- d) might prejudice fair competition.

Challenging the award of a Contract

- E.85 Any person who was eligible to bid for the contract (even if they did not bid) or actually bid for the contract can challenge the award of the contract on the basis that the Regulations have not been complied with:
- A person proposing to bring proceedings must notify the public authority concerned of that fact;
 - The proceedings must be brought promptly, and in any event within 30 days from the date when the grounds for bringing proceedings first arose unless the Court considers there is good reason for extending the period;
 - There are two possible remedies available to a party who wishes to challenge the award of a contract. The remedies available for a successful challenge are setting aside of the contract and the award of damages. Where the contract is set aside it may be necessary to carry out a further procurement process to award the contract.
- E.86 Advice as to the extent and detail necessary for debriefing tenderers should be sought from the Director of Finance and Business Services.

Keeping Written Records

- E.87 The Chief Officer or his/her designated representative must keep proper written records of:
- the different stages of the tendering process including all the quotes and letters you have received, and notes of phone calls and meetings about selecting suppliers;
 - details of the quotes/tenders sought and received (see E25)
 - the awarding of the contract;
 - any information provided to tenderers or contractors; and
 - any decisions made, together with the reasons for those decisions.

- E.88 Records must be kept for the periods set out in E.91.

Contracts Register

- E.89 The Chief Officer or his/her designated representative must record on the Contracts Register held by the Director of Finance and Business Services details of all contracts it has awarded with a total value of £10,000 or above including contracts above the EU threshold for goods and services.

Changes to Contracts

- E.90 Contract Extensions/Variations which take place must be consistent with the term specified in the OJEU notice. Any extension provision must be consistent with the OJEU notice, otherwise it is a breach of the Regulations. Similarly any substantial variation of the contract may amount to a breach of the Regulations, such as a change to include the provision of additional services.

Storing Documents

- E.91 All documents relating to a tender award must be kept at least 12 years. Officers must consider confidentiality when storing contracts and other information relating to tenders and agreements.

Requests for Information under the Freedom of Information Act

- E.92 Before making any disclosures to third parties on any element of a procurement following a request under the Freedom of Information Act advice should be sought from the Director of Finance and Business Services and the Borough Solicitor.

Contracts where the Council is the supplier

- E.93 Any Service, where such exists whose goods, works or services have been subjected to competition and who has now been approved as a nominated supplier, or are included on the Council's electronic marketplace, or where there is a Corporate Contract in place, in accordance with the Procurement Strategy, for those particular goods or services must be the first choice for that particular procurement.

Collaborative, Consortia and Partnership working

- E.94 Collaborative, consortium and partnership arrangements are subject to all UK and EU procurement legislation and must also follow the Finance and Contract Procedure Rules (Section F).
- E.95 Collaborative, consortium and partnership arrangements include joint working where one partner takes the lead and awards contracts on behalf of the other partners, long term collaborative partnerships, pooled budgets and joint commissioning.
- E.96 Further guidance can be obtained from the Director of Finance and Business Services and the Borough Solicitor.

E Procurement

- E.97 The use of e-procurement technology does not negate the requirement to comply with all elements of these Finance and Contract Procedure Rules, particularly those relating to competition and value for money.

Written Contracts and Signing of Contracts

E.98 Every contract must be in writing and advice should be sought from the Borough Solicitor.

The table below sets out which procedures must be followed for different contract values:

Total Value	Form of Contract
Below £10,000	As per Section D – Ordering and paying for work, goods and services (D.19 – D.28).
Above £10,000	As for Below £10,000, plus: The advice of the Borough Solicitor must be sought to agree an appropriate form of contract or written agreement which must be signed by the successful third party and on behalf of the Council by the Borough Solicitor and/or one of his/her authorised signatories, or by two of his/her authorised signatories.
Above £50,000	Formal contract executed under seal and attested by the Borough Solicitor or her authorised signatory.

Content of Contracts

E.99 The appropriate Chief Officer or her authorised officer must ensure that in addition to terms and conditions set out in E.103 every contract details:

- The goods, works and services, materials, matters to be carried out or supplied;
- The price to be paid and/or the amounts and frequency or the method of calculation of contract payments including the treatment of inflation, with a statement of discounts or other deductions including terms of payment and settlement periods;
- The time(s) within which the contract is to be performed.

E.100 Every contract with an estimated value of £75,000 or more must state that if the third party fails to comply with its contractual obligations in whole or in part, the Council may:

- cancel all or part of the contract
- perform the contract
- recover from the firm any additional costs in completing the contract
- take other legal action against the contractor

Contract Terms and Conditions

E.101 A glossary set out in Annex 1 defines the terms used throughout

this Section.

E.102 The Rules set out below will apply to all contracts entered into by the Council involving goods, works or services, with the exception of contracts of employment and contracts relating to the purchase or disposal of land and property. They will also apply to contracts entered into as where the Council acts as agent for another body, subject to the specific terms of the agency agreement.

E.103 Advice should be sought from the Borough Solicitor, prior to taking action to secure quotations and tenders referred to in the following paragraphs, on the specific Conditions of Contract, in addition to any standard terms and conditions, appropriate in each individual case. They may include some or all of the following:

- Form of Contract
- Authorised Officer
- Modifications
- Bonds and Guarantees
- Contractors Obligations
- Contractors Employees
- Control and Supervision of Staff
- Complaints
- Confidentiality
- Health and Safety
- Agency
- Standards
- Observance of Statutory Requirements
- Gratuities and Inducements
- Indemnities and Insurance
- Use of Authority's Premises and Facilities
- Security
- Equipment and Materials
- Freedom of Information and Data Protection
- Royalties and Patent Rights
- Certificates and Payments
- VAT
- Equality and Diversity
- Fluctuations
- Review of Prices
- Assignment and Sub-Contracting
- Emergencies
- Default
- Termination
- Recovery of Sums Due (set off)
- Notices
- Waiver
- Special Conditions

All contracts must also include appropriate clauses referring to:

- Prevention of Corruption
- Assignment or sub-contracting without the Council's agreement
- Quality Standards
- Indemnities and Insurance
- Compliance with Council policies and procedures where appropriate (see E.105 to E.111)
- Where possible application of TUPE or a successor provision could apply then the Personnel and Pensions Services must be consulted.
- Transparency
- Anti Bribery

E.104 Unless the Borough Solicitor and the Chief Officer or his/**her** designated representative considers it to be unnecessary or impractical, every contract must provide that:

- Where under any contract, one or more sums of money are to be received by the Council, the contracting party responsible for the payment of such sum or sums must pay interest at the rate stated in the contract from the date when payment is due until the date when payment is received;
- In the performance of the contract, the contractor must not act incompatibly with the rights contained within the European Convention on Human Rights or the Disability Discrimination Act; or the Bribery Act 2010
- The contractor must provide any information reasonably requested relating to the performance of the contract to ensure that the Council meets its statutory obligations including under: Section 71 of the Race Relations Act 1976; Race Relations Amendment Act 2000; Best Value Legislation; Transfer of Undertakings and Protection of Employment Regulations; Code of Practice on Workforce Matters in Local Authority Service Contracts;
- In the performance of the contract, the Contractor must comply with the requirements of the Health and Safety at Work Act 1974, and of any other relevant Acts, Regulations, Orders or Rules of Law pertaining to health and safety;
- without prejudice, and subject to any other condition of the contract, no sub-letting by the contractor will relieve the contractor of its liability to the Council for the proper performance of the contract;
- the contractor must not sub-contract the contract or any part of the contract, without the prior written consent of the appropriate Chief Officer or his/**her** Authorised Officer who will take advice from the Borough Solicitor where appropriate.

E.105 The contractor is responsible to the Council for the proper performance and observance of all sub-contractors of all the Contractor's obligations under the contract as if references in the contract to "the contractor" were

references to the sub-contractors. Failure or neglect by a sub-contractor is deemed to be failure or neglect by the contractor;

- E.106 The contractor is prohibited from transferring or assigning directly or indirectly to any person or persons whatsoever any part of its contract, without the prior written consent of the appropriate Chief Officer or his/her authorised officer (following consultation with the Borough Solicitor and the Director of Finance and Business Services);
- E.107 All goods, works and services must comply with any appropriate European Union Specification or Code of Practice or British Standard Specification or British Standard Code of Practice or European Union equivalents in force at the date of tender/quotation;
- E.108 The Council is entitled to cancel the contract and to recover from the contractor the amount of any direct loss resulting from such cancellation, if the contractor or its employees or agents (with or without its knowledge):
- does anything improper to influence the Council to give the contractor any contract;
 - commits an offence under the Bribery Act 2010 or under Section 117(2) of the Local Government Act 1972;
- E.109 Whenever under the contract any sum of money is recoverable from or payable by the contractor, this sum may be deducted from any sum due or which at any time may become due to the contractor under this or any other contract with the Council. Exercise by the Council of its rights under this clause will be without prejudice to any other rights or remedies available to the Council under the contract.
- E.110 The contractor must provide evidence of adequate insurance to cover both Public Liability and Employers' Liability. Indemnity Levels to reflect the risk to the Council which typically will be £10m for both public and employer liability policies. In some cases where the contract is of low risk this may be reduced to £5 million but advice should be sought from the Insurance team on indemnity levels before the issue of Invitations to Tender have been despatched.
- E.111 Any standard terms and conditions of contract submitted by contractors must not be accepted without advice from the Borough Solicitor. Proposed payment arrangements under a contract must be discussed with and agreed by the Director of Finance and Business Services in advance of any contract being entered into.

Parent Company Guarantees and Performance Bonds

- E.112 Advice of the Director of Finance and Business Services whether a parent company guarantee or performance bond is needed in cases where;

- there is doubt about the suppliers financial standing
- the contract poses a high risk to the Council

Performance Monitoring

E.113 During the life of the contract, the authorised officer should monitor the contract in respect of the following:

- Performance;
- Compliance with specification and contract;
- Cost;
- Any Best Value requirements;
- User satisfaction; and
- Risk management

E.114 Where the contract is to be re-let this information should be available early enough to inform the approach to re-letting the subsequent contract.

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CHESHIRE EAST COUNCIL

REPORT TO: COUNCIL

Date of Meeting:

13 December 2012

Report of: Borough Solicitor

Subject/Title: **Appointments to Cheshire Police and Crime Panel**

1.0 Report Summary

- 1.1 The report invites Council to review appointments to the Cheshire Police and Crime Panel

2.0 Decision Requested

Council is asked to confirm its nomination of three Councillors to sit on the Cheshire Police and Crime Panel.

3.0 Reasons for Recommendation

- 3.1 This body carries out statutory functions, and appointments are needed to ensure that the Council meets its obligations.

4.0 Background and Options

Cheshire Police and Crime Panel

- 4.4 In accordance with the Police Reform and Social Responsibility Act 2011 arrangements were made for the election of a Police Commissioner to replace the Cheshire Police Authority in November 2012
- 4.5 Section 28 requires each Police area to establish a Police and Crime Panel (PCP). The main responsibilities are to:
- To review and make a report or recommendation on the draft police and crime plan, or draft variation, given to the panel by the Police and Crime Commissioner.
 - To review, put questions to the Police and Crime Commissioner at a public meeting, and make a report or recommendation (as necessary) on the annual report.
 - To hold a confirmation hearing and review, make a report, and recommendation (as necessary) in respect of proposed senior appointments made by the Police and Crime Commissioner.

- To review and make a report on the proposed appointment of the Chief Constable.
- To review and make a report and recommendation (as necessary) on the proposed precept.
- To review or scrutinise decisions made, or other action taken, by the Police and Crime Commissioner in connection with the discharge of the commissioner's functions.
- To make reports or recommendations to the Police and Crime Commissioner with respect to the discharge of the commissioner's functions.
- To support the effective exercise of the functions of the Police and Crime Commissioner.
- To fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities accorded to the panel by the Police Reform and Social Responsibility Act 2011.
- To appoint an Acting Police and Crime Commissioner if necessary.
- To suspend the Police and Crime Commissioner if it appears to the panel that the Commissioner has been charged in the United Kingdom or Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years.

4.6 At the Annual Meeting of Council the Council appointed Councillors Findlow, Fitzgerald, Murray and Nurse to the shadow Cheshire Police and Crime Panel. The shadow Panel would exist until the Police Commissioner elections. At the time Council made its nominations the shadow Panel comprised 10 Councillors appointed by the constituent Councils. Based upon the size of population Cheshire East believed that it would need to appoint 4 members to the Panel. Cheshire West would appoint 3, Warrington 2 and Halton 1.

4.7 Subsequent to the meeting of Annual Council, there was protracted debate between the constituent authorities upon the question of membership of the Panel and how this should be composed after the end of the shadow period. Discussions between the authorities resulted in it being accepted that the allocation of seats would result in Cheshire East having 3 Panel members. Cheshire West would appoint 3, Warrington 2 and Halton 2.

4.8 In the light of this change Council is asked to confirm three Councillors to represent Cheshire East on the Cheshire Police and Crime Panel.

5.0 Reasons for Recommendations

5.1 To determine political representation on the Panel.

For further information:

Officer: Paul Jones Democratic Services Team Manager

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Email: paul.jones4@cheshire.gov.uk

Background Documents: None

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Council Meeting – 13 December 2012**Extract from Constitution Committee Minutes – 26 November 2012****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.

CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 26th November 2012
Report of: Democratic and Registration Services Manager
Subject/Title: Council Governance Arrangements

1.0 Report Summary

- 1.1 This report sets out proposed changes to the governance arrangements of the Council, which give effect to the previous decision at the Council Annual General Meeting in May 2012. It recommends changes to the Council's scrutiny committee structure, and the formal establishment of new Policy Development Groups, in order to improve the effectiveness of these functions.

2.0 Recommendations

- 2.1 That Council be recommended to agree that
- (1) the arrangements set out in this report be adopted with immediate effect;
 - (2) the new Policy Development Groups referred to in this 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 this 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 membership of each Policy Development Group be noted and the Chairmen and Vice-Chairmen of each Policy Development Group be formally appointed to those offices, as set out in Appendix E;
 - (5) the membership of each Scrutiny Committee be noted and the Chairmen and Vice-Chairmen of each Scrutiny Committee be formally appointed, as circulated at the meeting; and
 - (6) 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 in this matter.

3.0 Policy Implications

- 3.1 These are set out in the body of this report.
- 3.2 The Council's governance arrangements must be reflected in the Constitution.

4.0 Financial Implications

- 4.1 The financial implications of the proposed arrangements are not expected to lead to an increase in the resources required to service the new structure, as current resources can be realigned, but the impact of the changes will need to be regularly monitored, and reviewed after 12 months. There are no other known financial implications, although the Independent Remuneration Panel will receive a report on the proposals. Any recommendations from the Panel on these changes will be reported to Council.

5.0 Legal Implications

- 5.1 The proposals contained in this report, if agreed by Council, will need to be reflected in changes to the Council's Constitution. The Constitution Committee must make a formal recommendation to Council, and this must then be agreed by full Council, before Constitutional change can take place.

6.0 Risk Management

- 6.1 No risks would appear to arise from the proposals contained in this report. Indeed, wider Member involvement in the formulation of policy would appear to result in reduced risk to the Council, although care will need to be taken that the Council's decision-making process is not slowed down as a result of these changes, at a time when the Council will need to be agile and responsive.

7.0 Background

- 7.1 At the Annual Meeting of Council on 16th May 2012, Council resolved "that:

1. with effect from the end of a shadow period of operation, which shall end no earlier than September 2012, the existing Overview and Scrutiny Committees will be dissolved and be replaced with two Overview and Scrutiny Committees with the names and provisional terms of reference set out in Appendix 1 of the submitted report;
2. with immediate effect Council establishes, initially in shadow form, up to nine Policy Groups, aligned with the Cabinet, with the provisional terms of reference set out in Appendix 2 of the submitted report;
3. the Leader will determine the size and cross party composition of the Policy Groups and invite the Political Groups to notify the Borough Solicitor of their nominations;
4. the consideration of the terms of reference of the two new Overview and Scrutiny Committees be referred to the Overview and Scrutiny Chairmen in the June/July cycle of meetings and the terms of reference thereafter be finalised by Council, following consideration by the Constitution Committee;

5. the consideration of the terms of reference of the new Policy Groups be referred to the shadow Policy Groups in the June/July cycle of meetings and thereafter be finalised by Council, following consideration by the Constitution Committee; and
6. the Borough Solicitor submit a further report to Council which will enable Council to formalise all remaining arrangements following the shadow period”.

- 7.2 Since the Annual Meeting of Council, significant work has been undertaken by Members, on a cross-party basis, and officers, to develop the proposals for Policy Development Groups (PDGs) and in respect of the revised arrangements which might apply to the Council’s scrutiny function.
- 7.3 This report sets out in detail how the developed proposals might now be formally established, with a view to these being incorporated into the Council’s Constitution. The Committee will need to make a recommendation to Council before constitutional change can take place, and a suggested recommendation is set out in paragraph 2 of this report for consideration and approval by Members.

8.0 The Decision-making Role of PDGs

- 8.1 If Council agrees the establishment of the six new PDGs, these groups will play a central role in the Council’s decision-making processes in future.
- 8.2 Leadership from elected members is crucial at this difficult time for the Council, which therefore is “modernising” the roles of elected members, and the way they carry out their work. It is our ambition that we become an increasingly inclusive Council. This is a Council which listens to a wider range of voices, and which works in partnership with other key local agencies, as well as across the political divide, for the benefit of all the people of Cheshire East. The current Overview and Scrutiny arrangements have not achieved this, and the introduction of these new PDGs will be pivotal in delivering the Council’s ambitious plans for change over the next few years and beyond. In effect, these new Groups will significantly increase the visible political leadership capacity of the Council, and create the shared vision and drive for major change.
- 8.3 The PDGs will:
- Actively involve backbench Members, on a cross-party basis, giving them a key role in the formulation of policy across the board.
 - Develop major new Council policies from their most formative early stages, through to their adoption.
 - Present the detailed policies, which they have formulated, to Cabinet, in a form which would enable Cabinet to endorse, adopt and put into practice those policies without significant changes. (In other words, respective

complementary roles for the PDGs and the Cabinet of decision making and decision taking).

- Have real influence on the role and work of the relevant Cabinet Members in the development of policies, so that the finished product of the PDGs will have a smooth passage through to formal adoption by Cabinet or, where necessary, by full Council.
- Take the place of scrutiny committees in formulating policy, thereby allowing scrutiny committees to focus more effectively on their core function of monitoring, evaluating and making recommendations for improving the performance of the Council and its main local partners.
- Have a key role in respect of major service changes. The PDGs will be able to bring officers and Members before them to develop detailed thinking which, again, will be likely to be accepted by the decision takers in Cabinet.
- Bring forward recommendations on major financial change in order to meet the challenges of the austere times within which local government and other local public services must operate. It is anticipated that the PDGs will have a significant role in assisting the detailed thinking arising from the Council's budgetary process and its transformation programme.
- Work according to an agreed work-programme, delivering in-depth clear decisions in a limited number of key priority areas, within a specific timescale.

8.4 In practice, therefore, PDGs will operate closely with both Scrutiny Committees and the Cabinet – both being informed by and informing the work of those bodies – as part of active dialogue and collaboration between them.

8.5 The PDGs will have some meetings in private but, importantly, will meet regularly in public, to ensure open accountability for their decisions. There is a clear understanding that the PDGs will be very influential and the impact on the activities, resources and outcomes of the Council will be significant. They will be the Policy Makers, often working with several portfolio holders across different service areas. They will be tasked with delivering comprehensive, well developed pieces of work, focusing in on major service and financial change. It is hard to see any instance where the Cabinet will not support the Policies promoted by PDGs. The new Groups will require a high order of skilled leadership, if they are to be credible and effective.

9.0 Scrutiny Committees

9.1 Given that the focus of our scrutiny arrangements is changing, partly by new legislation, it is proposed that the number, focus and role of the scrutiny committees will change also. Whilst, in theory, they will still have the power to develop policy, their opportunities to do this will be limited, and this function is

more likely to be performed by those committees seeking to inform and influence the work of the PDGs. (For example, a scrutiny review of particular service performance or outcomes could lead to the view that a new or different policy is needed to improve what is being achieved).

9.2 It is proposed that we have three scrutiny committees in future, with a new focus on the changed landscape across the country for the commissioning of local public services as follows:

- A scrutiny committee which focuses on the way the Council works as a service commissioner and deliverer, as well as a key strategic partner. (This role will include “call-in”).
- A health and well-being scrutiny committee.
- A community safety scrutiny committee, which will have responsibility for review of external partnerships such as those with the police and fire and rescue services. (This will have a significant role in advising our members of the new Police and Crime Panel and ensuring that issues within the Borough are properly taken into account by the Panel, which will have wider responsibilities across the Cheshire Police Area in scrutinising the newly elected Police and Crime Commissioner).

9.3 Over the course of the past few weeks, the scrutiny chairmen have worked with officers to ensure that there are appropriate transitional arrangements to ensure that the work of the existing scrutiny committees which is still outstanding is properly dealt with under the new arrangements. Informal agreement has been reached on those ongoing scrutiny work areas which should be referred to the new scrutiny committees, and those which should be dealt with by the PDGs.

10.0 Terms of Reference and work streams: PDGs

10.1 The proposed Terms of Reference of the PDGs are set out at **Appendix A** to this report. The six PDGs, and the way in which they relate to the Cabinet Portfolios are:

Corporate and Performance Policy Development Group (Strategic Communities Portfolio)

Finance Policy Development Group (Finance Portfolio)

Health and Adult Social Care Policy Development Group (Health and Adult Social Care Portfolio)

Children and Families Policy Development Group (Children and Families Portfolio)

Environment and Prosperity Policy Development Group (Environment Portfolio and Prosperity and Economic Regeneration Portfolio)

Communities Policy Development Group (Strategic Communities Portfolio and Communities Portfolio)

- 10.2 Although the PDGs could potentially work across the areas of responsibility of a number of Cabinet Portfolio holders, and will have the power to do so, they will predominantly align with the Portfolios listed against them above.
- 10.3 A guide to the Council service areas of responsibility, as these relate to each PDG, is appended to this report at **Appendix B**. This is for guidance purposes only and should not be viewed restrictively. Each PDG will have the flexibility to work across the a range of areas of work of the Council, in order to enable them to properly perform their functions.
- 10.4 For illustrative purposes only, **Appendix C** comprises an initial draft of possible work streams for each PDG. The work programmes will be determined by each PDG, and will change over time, depending on the needs of the Council.

11.0 Terms of Reference and work areas: Scrutiny Committees

- 11.1 It is proposed that the Council's existing scrutiny structure should be dissolved and that three new scrutiny committees should be formally appointed, with immediate effect, each having a membership of 8. The proposed Terms of Reference of the following proposed new Scrutiny Committees are set out at **Appendix D** to this report, in relation to:

Health and Wellbeing Scrutiny Committee
Corporate Scrutiny Committee
Community Safety Scrutiny Committee

12.0 Membership, Chairmanships and Vice Chairmanships of the new Council bodies

- 12.1 In accordance with the resolution of Council on 16th May 2012, the Leader has determined the size and composition of the PDGs. Each PDG will comprise 8 Members, on a 5:2:1 (Conservative: Labour: Independent) basis. However, the Liberal Democrat Group was invited to nominate a total of two Members and to choose two PDGs on which their two Members should sit.

Appendix E sets out the nominations of each political group to both the PDGs and the new scrutiny committees, together with their proposed chairmanships and vice chairmanships. Council will be asked to note the membership of each PDG and to formally appoint the Chairmen and Vice Chairmen as set out in the Appendix.

13.0 Development and growth in the Borough

- 13.1 The Leader has also signalled his intention to establish an informal body which will have responsibility for driving forward significant development and growth projects within the Borough. Such projects will include those which will bring investment, job creation and income into the Borough. Further thought will be given to the way in which this body will operate, the involvement of Members and external business leaders in its work, and how its effectiveness can be maximised. In due course, developed proposals will be brought forward for the attention of Members

14.0 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
Tel No: 01270 686670
Email: brian.reed@cheshireeast.gov.uk

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Appendix A

CHESHIRE EAST COUNCIL GOVERNANCE REVIEW 2012 DRAFT TERMS OF REFERENCE OF THE POLICY DEVELOPMENT GROUPS

Six Policy Development Groups have been appointed which, between them, will advise the Cabinet on all significant areas of Policy:-

Finance Policy Development Group
Communities Policy Development Group
Environment and Prosperity Policy Development Group
Health & Adult Social Care Policy Development Group
Corporate and Performance Policy Development Group
Children & Family Services Policy Development Group

Membership

Each Policy Development Group (PDG) will have 8 members on a cross party basis. The Leader of the Council will determine membership of the PDGs, after consultation with Group Whips. A member will only serve on one PDG, with the exception of Cabinet Support Members.

The PDGs will have a proportionality of 5:2:1 (Con: Lab: Ind), with one seat each on two PDGs of their choice being allocated to the Liberal Democrats

Members of Scrutiny Committees will be permitted to serve on PDGs.

Cabinet Support Members will sit on the relevant PDG as non voting members in addition to the eight voting members.

Portfolio holders and officers may attend all meetings of PDGs and should do so if requested. It should be a priority that the relevant officer(s) attends PDG meetings when requested to do so; appropriate notice having been given of the need to do so.

Substitute members will be permitted to sit on PDGs.

The Chairman of the PDG will be drawn from the ruling Political Group and will be appointed by the Leader.

General Responsibilities of all PDGs

- 1 To develop new, and review/revise existing policies (with a cross-service approach wherever possible) and make reports and recommendations to the Portfolio Holder and/or Cabinet.
- 2 To advise the Portfolio Holder about significant service-delivery issues and make recommendations for improvement, based on detailed analysis by task and finish groups.
- 3 To undertake policy development, on a task and finish basis. (In doing so, PDGs may establish working groups, appointing the chairmen in accordance with the Council's criteria, and with such membership drawn from the PDG in question only).
- 4 To investigate and develop alternative service delivery mechanisms and improvements, and advise the Portfolio Holder and/or Cabinet.
- 5 To evaluate best practice, new technologies, new policies and new ways of working and generate ideas for improvement.

- 6 To offer advice and make recommendations to the appropriate body of the Council on the development and review of policy.
- 7 To consult and involve the local community and other local public, private and voluntary bodies and organisations, in performing its role.

Operation of the PDGs

The PDGs will be supported by the relevant senior officers who undertake the function under review, with further support from Democratic Services.

The Chairman of the relevant PDG will determine the agenda for each meeting, in accordance with the PDG's agreed work programme.

Public, partners and service users will be invited to participate in the work of PDGs as appropriate.

PDGs will have a public meeting at least every six months, so that their work is transparent and accountable.

Agendas and minutes of public meetings session will be published.

PDGs will not be involved directly in the budget-setting process.

PDGs will have access to all data relevant to their function.

Members of the PDGs will have access to, and work with, all officers of the Council, as required. Officers are expected to attend and contribute to meetings of the Policy Development Groups, as needed.

The PDGs will work closely with Portfolio Holders in carrying out their work.

Chairs of PDGs will have the right to attend Cabinet meetings to present their proposals, when decisions have been made.

Appendix B

Guide to Service Areas for Policy Development Group Responsibilities

Corporate & Performance

The Corporate & Performance PDG is responsible for developing policy in relation to the Corporate Policy Portfolio and the Performance Portfolio. In particular the PDG has responsibility for the following matters:

- Corporate Policy Advice and Development
- Procurement Strategy
- Procurement including participation in Regional Procurement Hubs
- Procurement Forward Plan
- Corporate Contracts
- Contract monitoring of external providers (Contracts Register)
- Policy on Shared Services
- Policy on delivery models/arms length companies
- Monitoring delegated decision-making processes
- Legal Services
- Democratic Services
- Civic matters
- Electoral Services
- Member Training and Development
- Community Strategy and Planning
- Performance Management: Strategy and Delivery
- Project and Programme Management: Strategy and Delivery
- HR strategy and delivery
- Organisational Development
- Employee Training and Development
- Occupational Health
- Corporate Health and Safety

Finance

The Finance PDG is responsible for developing policy in relation to the Finance Portfolio. In particular the PDG has responsibility for the following matters:

- Finance
- Finance Service
- Development of the Business Plan
- Capital Programme
- Capital Strategy
- Reserves Strategy
- Income and Funding Strategy
- Treasury Management
- Business Management

- Insurance
- Internal Audit Responsibilities
- External Audit Responsibilities
- Pensions
- Corporate and Business Planning
- Revenues and Exchequer Functions, including Benefits

Health & Adult Social Care

The Health & Adult Social Care PDG is responsible for developing policy in relation to the Health & Adult Social Care Portfolio. In particular the PDG has responsibility for the following matters:

- Public Health promotion
 - Health improvement
 - Liaison with NHS Trusts and Health Authorities
 - Mental Health and Disability
 - Health Promotion
 - Development of Integrated Services with Health Partners
 - Promoting the work of all agencies to support improved health and wellbeing within the Borough.
 - Supporting and monitoring the development of the Health and Wellbeing Board.
 - Ensuring the development and delivery of a Health and Wellbeing Strategy, and to monitor its impact and outcomes for children, young people, adults and families.
 - Ensuring that the Joint Strategic Needs Assessment (JSNA) collates the intelligence of all partners in respect of the health and wellbeing of residents that supports Commissioners.
 - Ensuring the effective working of Commissioners (GPCC, Social Care).
 - Supporting the transition and integration of Public Health within the Council.
 - Having an overview of the Health and Social Care architecture and working with officers and partners to shape local structures.
 - Having oversight of the transition of LINKs to Local Health Watch to ensure that the local views of residents influence the work of the Health and Wellbeing Board.
 - Having oversight of the work of Public Health Protection.
 - Having oversight of the organisational development needs of the Health and Social Care system to support collaboration and integration.
 - Ensuring that the work of the Director of Public Health influences wider Council strategy and operational delivery to maximise the health and wellbeing benefits in all areas of the business.
 - Influencing and informing the Health and Wellbeing Strategy and supporting implementation within operational services.
 - Supporting officers and partners to deliver connected service responses for whole families and communities in addressing the health, social care and wellbeing needs of the Borough's residents.
-
- Re-ablement

- Supporting informal Carers
- Community Equipment
- Occupational Therapy
- Assistive Technology
- Mobile Meals
- Respite and Short Breaks
- Family Based Care
- Domiciliary Care
- Residential Care
- Nursing Home Care
- Extracare housing
- Supported Employment
- Sensory Impairment Services
- Safeguarding Adults
- HIV/Aids
- DAAT Services
- Domestic Violence Service
- Equality in service access and delivery
- Adult Social Care
- Welfare Rights
- Community Legal Service

Children & Families

The Children & Families PDG is responsible for developing policy in relation to the Children & Families Portfolio. In particular the PDG has responsibility for the following matters:

- Early Years and Child Care
- Children's Centres
- Education, including:
 - School organisation and Capital Planning
 - Special educational needs
 - School development and improvement
 - School funding/Schools Forum
 - School Catering
- Children's social care and wellbeing
- Youth Support Services, Youth Offending Service
- Services to Children & Young People with disabilities 0-25
- Lifelong Learning
- Family Support Services
- Strategy for responding to Health Inequalities
- Cared for Children and Care Leavers
 - Fostering & Adoption
 - Residential Services
- Children's Trust – Children & Young People's Plan
- Safeguarding including Local Safeguarding Children's Board
- Children's Safeguarding Unit

- Child Poverty Needs Assessment
- Influencing and informing the Health and Wellbeing Strategy and support implementation within operational services.
- Supporting officers and partners to deliver connected service responses for whole families and communities in addressing the health, social care and wellbeing needs of the Borough's residents.

Environment & Prosperity

The Environment and Prosperity PDG is responsible for developing policy in relation to the Environment Portfolio and the Prosperity and Economic Regeneration Portfolio. In particular the PDG has responsibility for the following matters:

- Highways Operational Management including:
 - Management of Highways Register
 - Highways Design and Maintenance
 - Fleet
 - Road Safety and Flooding
 - Parking and Parking Enforcement
 - Street Lighting, Signals and Signing
 - Traffic Management and Road Safety
 - Civil Engineering and Transport Operations
 - Transportation delivery, including public transport liaison and coordination
 - Car Parking
- Carbon Reduction
- Waste Management, including:
 - Recycling and Waste Management
 - Bulk Waste and Clearance
- Environmental cleansing and Street Cleaning
- Street Scene
- Markets
- Public Conveniences
- Town Centre Management
- Cremation and Burial Services
- Leisure Strategy
- Operational delivery of Leisure services:
 - Parks and Recreation
 - Countryside
 - Public Rights of Way
 - Sport development
 - Leisure Centres
 - Children's Play
- Economic Development
- Employment Initiatives
- Credit Union and Co-operatives development
- Regeneration
- Public and Private Sector Housing Strategy and Provision
- Homelessness strategy
- Tourism and Visitor Economy

- Tatton Park
- Arts Promotion
- Events Programme Co-ordination
- Strategic Highways and Transport
- Assets
 - Asset Management Plan
 - Property services including farms estate
 - Corporate Landlord function in respect of all Council property
 - Council Property functions including:
 - Council land policy, usage, sales, valuations
 - Facilities management and the allocation of office space, including cleaning and postal services
 - Architectural and design services
 - The Council's conference facilities and allied establishments
 - Security of Council buildings
 - Accessibility within Council buildings

Communities

The Communities PDG is responsible for developing policy in relation to the Communities and Regulatory Services Portfolio and the Strategic Communities Portfolio. In particular the PDG has responsibility for the following matters:

- Civil Protection/ Emergency Planning
- Third Sector and community delivery
- Youth Offending Team
- Crime reduction including Crime and Disorder Reduction Partnership (CDRP) and police/emergency services liaison
- Anti-social behaviour reduction including drug abuse and domestic violence
- Community Safety Wardens
- CCTV
- Trading Standards
- Licensing
- Reviewing Fares and Licensing Fees
- Environmental Health
- Food Safety
- Air Pollution control and monitoring
- Environmental enforcement
- Contaminated Land
- Pest and Vermin Control
- Dog Wardens
- Health and Safety Enforcement
- Overall responsibility for monitoring all enforcement activity
- Local Area Partnership (LAP) and Neighbourhood working
- Neighbourhood and Community Cohesion
- Building Control
- Development Management including:
 - Development issues connected with highways

- Housing delivery
- Cultural Strategy
- Operational delivery of Cultural services including:
 - Museums
 - Archives
 - Theatres
 - Cinemas
 - Arts
- Registration Services (births, marriages and deaths)
- Customer Access/Services
- Libraries and Archives
- Community Strategy
- Voluntary, Community and Faith Sector Relationships/Development
- Partnerships for Cheshire East (PACE)
- Customer Complaints and Responses
- Economic Twinning
- Information and Communications Technology
- Information, Intelligence and Consultation
- Corporate Risk Management
- Equality and Diversity
- Local Plan
- Local Development Strategy
- Local Transport Plan
- Communications and Marketing

Appendix C

Policy Development Group Initial Possible Work Streams 2012/13

Children and Families Policy Development Group

New Policies Needed and Planned Major Change Projects

- Develop self-sustaining and improving schools
- Improve adult skills for work
- Improve the range of special school provision
- Pursue the development of a new University Technical College
- Reducing unnecessary demand in adult and children services through promoting self-sufficiency*
- Development of future commissioning strategy for children young people and adults with disabilities*
- The development of sustainable models of care for children (residential fostering and adoption etc.)
- The development of a commissioning strategy for children and young people with learning difficulties and/or disabilities including schools, supported employment, short breaks etc
- Development of future policy in relation to schools against the changing national policy context
- Review of future policy options in relation to young people at risk of becoming NEET
- Development of early education and health provision as part of an integrated 'early help offer'

Health and Adult Social Care Policy Development Group

New Policies Needed and Planned Major Change Projects

- Improve the local market of care providers, including fostering and adoption
- Next phase of development of Care4CE service
- Improve local provision for learning disabilities
- Create new integrated health and care models
- Reducing unnecessary demand in adult and children services through promoting self-sufficiency*
- Create new service delivery models to prevent recourse to acute and costly services later
- Better information/signposting for care users and carers
- Maximise the impact of the Health and Wellbeing Board for local resident
- Implementation of White Paper Provisions – Caring for our Future: subject to the Bill being passed
- Changes in Government funding for care for the elderly
- Development of integrated local health and social care provision with health partners
- Development of future commissioning strategy for children young people and adults with disabilities*
- Development of Housing Strategy and provisions for vulnerable adults (Extra Care Housing)
- Future commissioning of care shaping the care market locally and the future of Care4CE

Environment and Prosperity Policy Development Group

New Policies Needed and Planned Major Change Projects

- Investment in existing and new road infrastructure
- Investment in high speed broadband network for Cheshire East
- Investment to support business growth and delivery of Macclesfield and Crewe regeneration, and the Sustainable Towns programme
- Total Transport change project
- Determine and implement future delivery model for waste management services (Streetscape transfer to RJ)
- Develop new delivery models for frontline place-based services (Waste & leisure outsourcing)*

Communities Policy Development Group

New Policies Needed and Planned Major Change Projects

- New delivery model for the housing service
- Better integrate housing across all Council services
- Ensure housing services support independent living and health improvement
- Develop new delivery models for frontline place-based services (Waste & leisure outsourcing)*
- Develop a new model for sustainable library services and community hubs
- ICT Strategy
- Better integrate housing across all Council services (Housing Re-design)
- Ensure housing services support independent living and health improvement
- Further devolution to Town and Parish Councils
- Localism – Right to Buy and Right to Manage

Corporate and Performance Policy Development Group

New Policies Needed and Planned Major Change Projects

- Develop a more affordable model of corporate services with key subject expertise, to enable better strategic commissioning and delivery of frontline services*
- Implement a modern business architecture, including ICT systems, which supports innovative and affordable frontline delivery*
- Continue targeted business improvement reviews to find efficiency savings from all services*
- Maximise the benefits from the Corporate Landlord model to best utilise our asset base to support delivery of the Council's wider objectives
- Further develop employment and working practices to enable flexible and agile working
- Identify changing skills requirements over medium term and equipping the organisation with these skills
- Manage workforce turnover so that vacant posts are used to provide efficiency savings, whilst retaining staff with essential skill
- Shared Services Separate Legal Entity (SLE)
- Procurement Strategy
- New Procurement Delivery Model
- Strategic Commissioning Framework
- Senior Management Review
- New Public Service Board for Cheshire East Commissioners

Finance Policy Development Group**New Policies Needed and Planned Major Change Projects**

- Develop a more affordable model of corporate services with key subject expertise, to enable better strategic commissioning and delivery of frontline services*
- Implement a modern business architecture, including ICT systems, which supports innovative and affordable frontline delivery*
- Continue targeted business improvement reviews to find efficiency savings from all services*
- Local Taxation e.g. Council Tax level, Local Council Tax Support Scheme, Taxbase technical flexibilities
- Capital Strategy e.g. the development of the 13/16 Capital Programme
- Treasury Management Strategy e.g. borrowing and investment income options
- New Funding Options e.g. Supplementary Business Rate, Business Improvement Districts, Tax Increment Financing, CIL, New Homes Bonus and TIF
- Pensions e.g. future contribution rate, impact of new Service delivery models

Appendix D

SCRUTINY COMMITTEES

Terms of Reference

Three-Scrutiny Committees have been appointed which, -:

- Corporate Scrutiny
- Health and Wellbeing
- Community Safety

1 General Responsibilities of all Scrutiny Committees

Any of the Committees may be invited to provide advice and recommendations on the reviewing and updating of the Authority's policies.

The Committees each consist of 8 Members on a politically proportionate basis (plus appropriate co-option).

The Scrutiny Committees may specifically:

- discharge the Council's functions under Section 21 of the Local Government Act 2000 (Scrutiny Committees);
- oversee the Council's overall scrutiny function including the preparation, implementation, monitoring and review of an annual work programme for scrutiny and arrangements for the scrutiny of other public bodies particularly where required to do so by law and where partners can contribute to the Sustainable Community Plan priorities and outcomes;
- establish such task and finish groups, appointing the Chairman with such membership as it sees fit, to undertake scrutiny on a task and finish basis;
- ensure that officers discharge their responsibilities effectively and efficiently in relation to the scrutiny function;
- scrutinise decisions of the Cabinet, and of local partner agencies, and offer advice or make recommendations on the matter under scrutiny once the Committee has considered the issues;
- refer to the Council or appropriate Committee/Sub-Committee any matter which, following scrutiny, the Committee determines should be brought to the attention of the Council or the Committee or Sub-Committee;
- if requested, offer any views or advice to the Cabinet in relation to any matter referred to the Committee for consideration;

- undertake general policy reviews with a cross-service and multi-organisational approach wherever possible and make recommendations to the Council or the Cabinet to assist in the -review of existing policies and strategies;
- in performing its role, the Committee may consult and involve the local community and other local public, private and voluntary bodies or organisations;
- review the Council's response to its obligations in respect of the overall performance management regime and where appropriate advise the Cabinet and the Council of its findings;
- scrutinise decisions after implementation to examine their effect and outcomes;
- review and make recommendations in relation to matters which are not the direct responsibility of the Council but which affect the social, economic and environmental well-being of an area, or the Council's area as a whole, or under any statutory requirement or Council contract, procedure or practice;
- develop, maintain and monitor policies and procedures for handling complaints made against the Council and monitor on a regular basis the level and nature of complaints received and ensure that advice is formulated regarding action to be taken to address areas of concern;
- monitor the level and nature of Ombudsman complaints and advise the Cabinet, Committees, Sub-Committees and officers on remedial action as appropriate;
- ensure in conjunction with the Constitution Committee that the Council has in place appropriate mechanisms to protect organisational Integrity including the review of appropriate policies and guidance;
- deal with any overview and scrutiny matter which is the subject of a call-in, a Councillor Call for Action or a Local Petition (a Councillor Call for Action Protocol is included in Part 5 of this Constitution);
- provide a regular programme of training and development for all Members and Co-opted Members involved in the work of the Committee.

2 Specific Responsibilities

2.1 Health and Wellbeing Scrutiny Committee

The Health and Wellbeing Scrutiny Committee will fulfil the functions of an Overview and Scrutiny Committee as they relate to Health Scrutiny duties falling on the Authority by virtue of the relevant Health acts and subsequent relevant legislation and Government Guidance; and the - portfolio holder responsibilities of the Health and Adult Social Care Portfolio Holder as they relate to health.

2.2 Corporate Scrutiny Committee

The Corporate Scrutiny Committee will fulfil the functions of an Overview and Scrutiny Committee as they relate to the performance and functions of the Council and

- in relation to the Budget and Policy Framework respond to any consultation which is required under the law or the Council's constitution;
- may 'call in' any decision of cabinet in accordance with the Scrutiny procedure rules contained within section 4 of the constitution;
- will scrutinise quarterly performance reports;
- may scrutinise any Cabinet decisions;
- may scrutinise the effectiveness of any existing policies and retrospectively any new policies introduced by Cabinet;
- deal with any matter referred to it in accordance with the Council's protocol on Councillor Call for Action.

2.3 Community Safety Scrutiny Committee

The Community Safety Scrutiny Committee will fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities relating to social cohesion, community safety and crime and disorder.

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Appendix E (Scrutiny Committee memberships to be agreed)

POLICY DEVELOPMENT GROUP MEMBERSHIP AND
CHAIRMEN/VICE CHAIRMEN

6 NOV 2012

CHILDREN AND FAMILIES POLICY DEVELOPMENT GROUP (8) (5:2:1)			
Conservative	Labour	Independent	Lib Dem
P Hoyland (CH)	K Edwards (VCH)	P Butterill	N/A
G Merry	M Sherratt		
P Whiteley			
D Bebbington			
A Martin			
Plus Rhoda Bailey Children & Family Services CSM (non voting)			

HEALTH AND ADULT SOCIAL CARE POLICY DEVELOPMENT GROUP (9) (5:2:1+1)			
Conservative	Labour	Independent	Lib Dem
M Simon (CH)	J Jackson	A Moran	S Jones
J Saunders (VCH)	L Jeuda		
G Wait			
C Andrew			
R West			
Plus Stewart Gardiner Health & Adult Social Care CSM (non voting)			

ENVIRONMENT AND PROSPERITY POLICY DEVELOPMENT GROUP

(9) (5:2:1+1)			
Conservative	Labour	Independent	Lib Dem
B Livesley (CH)	S Hogben	D Brickhill	R Fletcher
W Fitzgerald (VCH)	R Cartledge		
H Davenport			
L Smetham			
A Thwaite			
Plus Don Stockton and Gail Wait Environment CSMs (non voting)			
Plus Peter Groves Prosperity CSM (non voting)			
COMMUNITIES POLICY DEVELOPMENT GROUP (8) (5:2:1)			
Conservative	Labour	Independent	Lib Dem
O Hunter (CH)	I Faseyi	L Roberts	N/A
S Davies (VCH)	M Grant		
L Brown			
J Wray			
R Bailey			
Plus Steve Wilkinson Communities & Regulatory Services CSM (non voting)			
Plus Lesley Smetham Strategic Communities CSM (non voting)			

(8) (5:2:1)			
Conservative	Labour	Independent	Lib Dem
A Kolker (CH)	P Nurse	B Burkhill	N/A
P Hayes (VCH)	P Martin		
M Hardy			
D Druce			
D Topping			
Plus David Marren Corporate and Performance CSM (non voting)			

FINANCE POLICY DEVELOPMENT GROUP (8) (5:2:1)			
Conservative	Labour	Independent	Lib Dem
F Keegan (CH)	S Corcoran	B Murphy (VCH)	N/A
J Hammond	D Newton		
S Wilkinson			
J Weatherill			
P Groves			
Plus Peter Mason Finance CSM (non voting)			

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