

Council Agenda

Date: Thursday, 16th October, 2014
Time: 2.00 pm
Venue: The Ballroom, Sandbach Town Hall, High Street, Sandbach,
CW11 1AX

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. **Commemoration of the First Battle of Ypres - October 1914**
3. **Apologies for Absence**
To receive any apologies for absence
4. **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.
5. **Minutes of the Meeting Held on 17 July 2014** (Pages 1 - 10)
To approve the minutes of the meeting held on 17 July as a correct record.
6. **Mayor's Announcements**
To receive such announcements as may be made by the Mayor.

7. **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.

8. **Notices of Motion** (Pages 11 - 12)

To consider any Notices of Motion that have been received in accordance with Procedure Rule 12

9. **Recommendations from 2014/15 First Quarter Review of Performance Report to Cabinet** (Pages 13 - 16)

To approve a supplementary capital estimate of over £1m, as recommended by Cabinet on 16 September 2014

10. **Audit and Governance Committee Annual Report** (Pages 17 - 34)

To receive the Audit and Governance Committee Annual Report 2013/14

11. **Political Representation on the Council's Committees** (Pages 35 - 42)

To determine the political group representation on the Council's Committees

12. **Appointments of Members to Committees** (Pages 43 - 52)

To receive the political groups' nominations of Members to the Council's Committees, in accordance with item 11 above.

13. **Council's Mayor-Making and Annual General Meetings 2015** (Pages 53 - 54)

To seek approval in respect of a proposed change of date of the Council's 2015 Mayor-Making and Annual General Meetings

14. **Leader's Announcements**

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

15. **Questions**

In accordance with Procedure Rule 11, opportunity is provided for Members of the Council to ask the Mayor, 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.

At Council meetings, there will be a maximum question time period of 30 minutes. Questions will be selected by the Mayor, using the criteria agreed by Council. Any questions which are accepted, but which cannot be dealt with during the allotted period will be answered in writing. Questions must be brief, clear and focussed.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Thursday, 17th July, 2014 at Grand Hall Congleton Hall, Congleton
Town Hall, High Street, Congleton CW12 1BN

PRESENT

Cllr W Fitzgerald (Mayor/Chairman)

Cllr H Gaddum (Deputy Mayor/Vice-chairman)

Councillors C Andrew, Rachel Bailey, Rhoda Bailey, A Barratt, G Barton, G Baxendale, D Bebbington, D Brickhill, D Brown, L Brown, B Burkhill, P Butterill, S Carter, R Cartlidge, J Clowes, S Corcoran, W S Davies, R Domleo, D Druce, K Edwards, I Faseyi, D Flude, S Gardiner, L Gilbert, M Grant, P Groves, J Hammond, M Hardy, A Harewood, P Hayes, S Hogben, D Hough, P Hoyland, J Jackson, L Jeuda, M Jones, S Jones, F Keegan, A Kolker, W Livesley, D Mahon, D Marren, A Martin, M A Martin, P Mason, R Menlove, G Merry, A Moran, B Moran, B Murphy, H Murray, D Neilson, D Newton, P Raynes, L Roberts, J Saunders, B Silvester, M J Simon, D Stockton, C G Thorley, A Thwaite, D Topping, G Wait, G M Walton, M J Weatherill, R West, P Whiteley, S Wilkinson and J Wray

Apologies

Councillors H Davenport, P Edwards, R Fletcher, K Hickson, O Hunter, J Macrae, S McGrory, M Parsons, M Sherratt and L Smetham

23 PRAYERS

The Mayor's Chaplain was unable to attend the meeting. Revd Magdalen Smith said prayers at the request of the Mayor.

24 DECLARATIONS OF INTEREST

Cllr R Domleo declared a pecuniary interest in motion 1 at item 7 of the agenda by virtue of being a Vodafone shareholder.

25 MINUTES OF THE ANNUAL COUNCIL MEETING

The Mayor reminded Members that the final position in respect of the nomination of Members to committees had not been settled at the annual meeting of the Council and that Council had agreed that the details would follow. The details had previously been circulated to all Members, but for the sake of clarity, they were circulated around the Chamber for information.

RESOLVED

That the minutes of the Annual meeting of the Council held on 14 May 2014 be approved as a correct record and that the circulated details of nominations of Members to Committees be noted and agreed.

26 MAYOR'S ANNOUNCEMENTS

The Mayor :-

Announced that, since the Annual Meeting of Council in May he and the Deputy Mayor had attended over 60 events across Cheshire East and the wider area. Continuing the custom started by his predecessor, details of these events had been circulated around the Chamber.

Announced that he had had the pleasure of attending a number of Mayor Making ceremonies across the Borough and that it was always pleasant to attend these ceremonies and see such important traditions maintained.

Announced that an event had taken place in Congleton, on 31 May, to welcome to Queen's Baton Relay into Cheshire East. It was wonderful to see so many members of the public in attendance and it was a real privilege for Cheshire East and the town of Congleton, to host this event. He expressed his most sincere congratulations to all those who worked to make the day such a success.

Announced that on Tuesday 15 July he and the Mayoress had visited Leighton Primary School in Crewe where they had the pleasure in seeing the school's groundbreaking approach to the teaching of the German language. It was an absolute pleasure to see children as young as two speaking and understanding the language.

Announced that, on June 28, he and the Mayoress had attended the first of what he knew would be many events to commemorate the start of the First World War and that it was particularly pleasing that this event took place in his own Parish Church.

Announced that he was delighted that so many Members had accepted his invitation to a reception at Tatton on 4 August; the actual day of the centenary of the outbreak of war. On that day, Cheshire East would mark this sombre anniversary in a fitting manner.

Announced that all Members would shortly be receiving an invitation to an event at Tatton on 24 August. On the afternoon of that day the Archdeacon of Macclesfield would be conducting an open air Service to commemorate the outbreak of the First World War. The Service, which was timed to coincide with the centenary of the Battle of Mons, would be followed by excerpts from 'Silent Night' and 'Over by Christmas' from Theatre in the Quarter, readings from the Cheshire East Youth Theatre and a concert by the world renowned Foden's Brass Band. This free

event would be widely publicised and he hoped would be well attended by both Members and by the public.

Informed Members that his civic service would be held on Sunday 28 September at 3.00pm at St Bartholomew's Church, Wilmslow and that they would all be receiving invitations in the near future.

27 PUBLIC SPEAKING TIME/OPEN SESSION

Mr Rueben Davies (on behalf of the Save Hack Green Committee), used public speaking time to address Council regarding a recently submitted planning application relating to the former RAF camp, Hack Green, Nantwich, which he understood was due to be considered by the Council's Southern Planning Committee. He took the opportunity to outline a number of detailed concerns regarding the application.

28 NOTICES OF MOTION

Consideration was given to the following Notices of Motion:-

1 Phone Contract

Proposed by Councillor D David Brickhill and seconded by Cllr Barry Burkhill

When Vodafone's current contract(s) with this Council expire, very careful consideration should be given to any proposal to enter into new contracts with the company directly or on our behalf by Cosocius. Such consideration must include a robust assessment of the quality of the product which would be the subject of the contract.

RESOLVED

That the motion be not accepted.

2 Making Roads on New Estates Subject to a 20mph Speed Limit

Proposed by Councillor David Neilson and seconded by Councillor Derek Hough

Most, if not all, new approved Planning Applications for large estates have a condition that the developers build the road in a way that is unsuitable for driving at speeds in excess of 20mph.

However, it appears that not all residents or visitors to these estates are aware that the roads on these new estates are usually set at different levels can damage their vehicles if they drive in excess of 20mph.

Local garages have stated that the increase in damage to cars is being caused by potholes, the poor state of Cheshire roads, and driving at excess speed over road humps.

The Council, therefore, calls for official 20mph speed limits to be imposed when Cheshire East Planning Department imposes a condition that roads be built to ensure that speeds are limited to 20mph maximum and that any associated legal costs and erection of signs is paid for by the developers.

RESOLVED

That the motion stand referred to Cabinet.

3 Definition of a Sustainable Development

Proposed by Councillor Sam Corcoran and seconded by Cllr Steve Hogben

This Council should provide a working definition of sustainable development in Cheshire that our planning officers could use and justify objectively when assessing planning applications.

That the motion stand referred to Cabinet.

4 Definition of Emergency Powers

Proposed by Councillor Arthur Moran and seconded by Councillor David Brickhill

That the Constitution Committee carefully define 'emergency' so that emergency powers are used only in a real emergency.

RESOLVED

That the motion stand referred to Cabinet.

5 Review of Cabinet System

Proposed by Councillor Brendan Murphy and seconded by Councillor David Brickhill

That the Cabinet system be reviewed so that the next administration will have the option of a more democratic and inclusive alternative.

RESOLVED

That the motion stand referred to Cabinet.

6 Changes to Venues for Council Meetings

Proposed by Councillor Roy Cartlidge and seconded by Councillor Penny Butterill

The Council expresses dissatisfaction that the Southern Planning Committee, not for the first time, was displaced from its established meeting room which had been booked a year in advance. Instead it had to use the Library with no sound system and delayed IT. This was to make way for an appeal hearing which could and should have been accommodated elsewhere.

If a Council committee is booked for a specific venue, under no circumstances should it be relocated elsewhere unless the room is made unavailable by an emergency such as a fire.

RESOLVED

That the motion stand referred to Cabinet.

7 Members Handbook

Proposed by Councillor Penny Butterill and seconded by Councillor Andy Barratt

That the Members Handbook be published in hard copy to all Members.

RESOLVED

That the motion stand referred to Cabinet.

8 I-Pads and Tablet Devices

Proposed by Councillor Brendan Murphy and seconded by Councillor Denis Mahon.

That I-Pads or suitable alternative tablets should be made available to Members at the earliest opportunity.

RESOLVED

That the motion stand referred to Cabinet.

9 Planning Inspectorate Decisions

Proposed by Councillor David Brickhill and seconded by Councillor Arthur Moran

In a time when we are trying to secure public trust and restore confidence in a system of democracy and priorities of acceptable locations, this Council deplores the planning inspectorate making decisions in the face of

the wishes of our local committees and our parish councils. It therefore condemns the Government at Westminster for its policy on granting planning permission for sites not within the submitted local plan. It strongly recommends and requests that the Chief Executive and the Leader contact all local MPs to press them to urge withdrawal of the policy which causes this excess pressure on some Cheshire East communities.

RESOLVED

That the motion stand referred to Cabinet.

10 Queen's Baton Relay

Proposed by Councillor David Brown and seconded by Councillor Janet Clowes

Cheshire East Council recognises all the hard work undertaken to make the recent visit to Congleton of the Queen's Commonwealth Baton Relay such a resounding success and congratulates all those involved in making the bid for the Relay to come to Congleton. Over ten thousand local residents enjoyed a day in Congleton Park that resulted from the fantastic working together of officers from this Council, Congleton Town Council, Team Congleton, local sports groups, Everybody Sports & Recreation Trust, local businesses, schools and volunteers who together further raised the profile of both the Town and the Borough in such a positive way.

RESOLVED

That the motion stand referred to Cabinet.

11 £900,000 Underspend

Proposed by Councillor Peter Raynes and seconded by Cllr Michael Jones

Council welcomes the news that there has been a £900,000 underspend against the 2013/14 budget; acknowledges that this is the result of prudent financial management; and commits to using this money to benefit the residents of Cheshire East Borough. Council is asked to approve a supplementary estimate of £900,000 funded from the 2013/14 revenue underspend and to delegate to Cabinet the power to set up and administer a Community Fund to benefit the residents of Cheshire East.

RESOLVED

That the motion be accepted.

12 Dementia

Proposed by Councillor Janet Clowes and seconded by Cllr Stewart Gardiner

This Council will pro-actively maintain in the momentum to ensure that that Borough becomes increasingly Dementia Friendly.

The Council is proud to be leading the way nationally to ensure those living with dementia and their carers have the support they need. The new plans for dementia support are innovative and wide-ranging and will make a real difference by ensuring earlier diagnosis, support and reablement. The Council recently held a hugely successful event at Tatton Park which brought over 100 business and community leaders together to pledge to make Cheshire East Dementia Friendly, this is a landmark that sets the course for the call to action from the Council to help those with this debilitating illness and their carers.

RESOLVED

That the motion stand referred to Cabinet.

13 Peace Pole on Scotch Common, Sandbach

Proposed by Councillor Sam Corcoran and seconded by Cllr Gillian Merry

This Council supports the efforts of Churches Together in Sandbach, with support from Sandbach Town Council, to plant a Peace Pole on Scotch Common in Sandbach.

RESOLVED

That the motion stand referred to Cabinet.

29 RECOMMENDATIONS FROM 2013/2014 OUTTURN REPORT TO CABINET

Consideration was given to the recommendations from the 2013/2014 Outturn report to Cabinet. On 1 July 2014, Cabinet had received a report on the 2013/14 Final Outturn Review of Performance. The report had set out the Council's improved overall performance for 2013/14 and strong financial position reflecting its enhanced governance, innovative delivery arrangements and effective stewardship of public money. An underspend of £0.9m (0.35%) was reported, compared to an approved revenue budget of £260m. The report also contained recommendations that Council create earmarked reserves. This approach followed processes set out in Finance Procedure Rules and the Reserves Strategy.

RESOLVED

That the creation of earmarked reserves, as recommended by Cabinet and as set out in Appendix 1 of the report be approved.

30 RECOMMENDATION FROM AUDIT AND GOVERNANCE COMMITTEE - ARRANGEMENTS REVIEW OF PROCESSES FOR CONSIDERING COMPLAINTS THAT MEMBERS HAVE BREACHED THE CODE OF CONDUCT

Consideration was given to the recommendation from the Audit and Governance Committee in respect of arrangements review of processes for considering complaints that Members had breached the Code of Conduct.

Revised arrangements for dealing with standards allegations under the Localism Act 2011 had been considered by the Audit and Governance Committee, following a review of the procedure that had been adopted by the Council in July 2012. The report as considered by the Audit and Governance Committee was submitted, together with an appendix to the report, which set out the proposed new arrangements in detail. The review of arrangements for assessing and investigating member complaints had shown that the main criticisms of both subject members and complainants were of delay and complexity. The report set out the proposed changes under which the initial assessment of complaints would be undertaken by the Monitoring Officer, in consultation with an Independent Person, with the emphasis being on the Monitoring Officer dealing with complaints in a timely manner.

Council was recommended to approve the revised arrangements for dealing with standards allegations under the Localism Act 2011

Amendment 1

The following amendment was proposed and seconded and declared carried:-

The inclusion of the following wording at the end of paragraph 1.3 of Appendix 6 of the report - "No new evidence will be allowed to be submitted for consideration, once a decision that a Local Hearing sub-committee needs to be held has been made".

The removal of the words "or, if applicable, within 20 working days of receipt of the written response by the subject member" to be replaced with the words "and if applicable, an additional 5 working days of receipt of the written response, if one is required, from the subject member".

Amendment 2

The following amendment was proposed and seconded and declared lost:-

“Council refers this report back to Legal Services for them to formulate an appeal process for further consideration by Council.

RESOLVED

That subject to amendment 1 above, the revised arrangements for dealing with standards allegations under the Localism Act 2011, as detailed in Appendix 1 of the report be approved.

31 LEADER'S ANNOUNCEMENTS

The Leader of the Council:-

1. Announced that the Council had received £81.4m funding from the Regional Growth Fund, which included funding for the Poynton relief Road and a commitment to work with the Council to invest in a new train station at Crewe. Discussions were ongoing with network Rail in respect of this.
2. Reported that the Alternative Service Delivery Vehicles ANSA and Orbitas, which had gone live on 1 April were working well and that there had been positive feedback from residents and staff. ESAR and CoSocius had gone live on 1 May and there had, again, been positive feedback.
3. Commended those staff who did not go on strike during the recent strike, whilst recognising staff's right to strike.
4. Referred to Cabinet's approach to openness and transparency and reported that there had not been any part 2 exempt items since October 2013.
5. Referred to the television programme "Alan's Challenge". A campaign to save the country's road verges and reported that the Council had already taken the proactive decision to enhance the biodiversity along its highway verges in the previous year in advance of the programme.
6. Announced that the Council was looking to produce a balanced budget for the following year and was already working to produce this.

32 **QUESTIONS**

Cllr Hoyland in respect of the Council's support of cycle to work day, on 4 September 2014 – The Leader of the Council, Cllr M Jones, responded.

Cllr A Moran, in respect of the appointment of more females to the Cabinet – The Leader of the Council, Cllr M Jones, responded.

Cllr Cartlidge, in respect of problems with cycleways and the street lights on the pedestrian crossing in West Street, Coppenhall – The Service Commissioning Portfolio Holder, Cllr D Topping responded.

Cllr Baxendale, in respect of the 5 year Housing supply - The Leader of the Council, Cllr M Jones, responded.

Cllr Domleo, in respect of the Council's decision regarding Mount View Care Home - The Care and Health in the Community Portfolio Holder, Cllr Clowes, responded.

Cllr Roberts, in respect of Hollins View Care Home - The Leader of the Council, Cllr M Jones, responded.

Cllr Corcoran, in respect of the timescale for the ratification of the Local Plan – The Strategic Outcomes Portfolio Holder, Cllr D Brown, responded.

Cllr Rhoda Bailey, in respect of the Council's housing land supply - The Leader of the Council, Cllr M Jones, responded.

Cllr Hayes, in respect of Stockport Council's support of the Local Plan - The Strategic Outcomes Portfolio Holder, Cllr D Brown, responded.

Cllr Flude, in respect of the negotiations relating to Crewe Police Station - The Leader of the Council, Cllr M Jones, responded.

Cllr Jeuda, in respect of the timescale for the privatisation of care homes - The Leader of the Council, Cllr M Jones and the Safeguarding Children and Adults Portfolio Holder, Cllr Rachel Bailey, responded.

Cllr K Edwards, in respect of the impact of the spare room subsidy on the residents of Cheshire East – The Finance Portfolio Holder, Cllr Raynes, responded.

Cllr Thorley, in respect of the methodology for assessing the figures for housing supply in Alsager - The Leader of the Council, Cllr M Jones, responded.

Cllr Neilson, in respect of the setting of the start times for Council's meetings, to enable people who work to attend - The Leader of the Council, Cllr M Jones, responded.

Cllr Livesley, in respect of Member notification of Ofsted's findings and recommendations concerning Life Long Learning – The Housing and Jobs Portfolio Holder, Cllr Stockton, responded.

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The meeting commenced at 2.00 pm and concluded at 5.05 pm

Councillor W Fitzgerald (Chairman)
CHAIRMAN

COUNCIL – 16 OCTOBER 2014

NOTICES OF MOTION

Submitted to Council in Accordance with Procedure Rule 12

1 Location of Strategic Planning Board meeting.

Proposed by Councillor David Brickhill and seconded by Councillor Arthur Moran

In the light of the chairman's decision to hold a Strategic Planning Board meeting in Macclesfield when all the items of the agenda (bar one in Ollerton) were in the south of the Borough, it is clear that the previous decision of Council is not being observed by him. Therefore his discretion in this matter is withdrawn. The location of the meeting in Crewe or Macclesfield shall be decided only on the basis of whether the majority of the agenda items are in the south or north of the Borough, as this was clearly the intention of council especially to avoid residents having to travel long distances e.g. Wrenbury to Macclesfield.

2 Risk Assessment before Changes to Current Respite/Short Term Break Arrangements

Proposed by Councillor Laura Jeuda and seconded by Councillor Dorothy Flude

That this Council adopts a policy of carrying out a thorough risk assessment, using criteria agreed with our Clinical Commissioning Groups, before making any decision or changes to the current respite/short term break arrangements, and that the results of the risk assessment will be announced publicly and shared with all Consultees.

3 Health Care

Proposed by Councillor Brendan Murphy and Seconded by Councillor Lloyd Roberts

In the light of plans for the development of sub-regional Specialist Hospitals and the consequent downgrading of other Hospitals in the Greater Manchester conurbation, the Council requests the Health and Wellbeing Board to consider the impact that such developments *could* have on the future of Macclesfield General Hospital and, in particular, to ensure that the wellbeing of North East Cheshire residents will not be adversely affected in the event of Stepping Hill Hospital being downgraded as result the changes being currently considered.

4 Work Experience for Young People

Proposed by Councillor Brendan Murphy and Seconded by Councillor Lloyd Roberts

This Council regrets its failure to provide work-experience opportunities for young people and calls upon the Cabinet to implement an appropriate scheme at the earliest opportunity.

5 Reunification of Cheshire

Proposed by Councillor Brendan Murphy and Seconded by Councillor Lloyd Roberts

In the light of the proposed escalation of power for combined city authorities, this Council welcomes the Leaders proposal for the restoration of a Cheshire-wide authority to ensure the County is not disadvantaged or threatened by city region growth,

PROVIDED

- a. The new Authority consists of elected members appointed “proportionally” by the existing Borough Councils.
- b. Appropriate powers – such as Strategic Planning, Economic Development *et al* -are transferred from the Borough Councils to the new Authority
- c. Given the arrival of Alternative Service Delivery Vehicles, there should be maximum devolution of commissioning powers and freedom of choice for Town and Parish Councils.

The Cabinet is requested to develop a long term policy as outlined above.

CHESHIRE EAST COUNCIL

REPORT TO: COUNCIL

Date of Meeting:	16 th October 2014
Report of:	Chief Operating Officer (Section 151 Officer)
Subject/Title:	Recommendations from 2014/15 First Quarter Review of Performance Report to Cabinet
Portfolio Holder:	Cllr. Peter Raynes

1.0 Report Summary

- 1.1 On 16th September 2014, Cabinet received a report on the 2014/15 First Quarter Review of Performance (Agenda Item 14). The report set out the Council's financial and non financial performance at the first quarter stage, including the projected capital outturn position and commentary on the delivery of the capital programme.
- 1.2 The report provided details of the strong and improving financial management of the Council's budget. The report also contained a recommendation that Council approve a fully funded supplementary capital estimate over £1m, recognising the receipt of additional grant funding to support the highway investment programme.
- 1.3 This additional funding builds on the strong financial performance of the Council during 2013/14 as independently confirmed by the recent External Audit Report. The Council received an unqualified Value for Money conclusion on its arrangements to secure economy, efficiency and effectiveness in its use of resources and was praised for managing its finances effectively within its budget.

2.0 Recommendations

- 2.1 In accordance with the Council's Finance Procedure Rules Council is asked to approve a supplementary capital estimate of over £1m, as recommended by Cabinet, and as set out in **Appendix 1**.

3.0 Reasons for Recommendations

- 3.1 The Council's Finance Procedure Rules provide authority to Council to approve supplementary estimates exceeding £1m.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 The impact of the changes to the capital programme will be fed into the assumptions underpinning the 2015/18 medium term financial strategy.

7.0 Financial Implications (Authorised by the Chief Operating Officer)

- 7.1 The request for this supplementary capital investment is funded from central government grant, there is therefore no impact on Council borrowing or investments.
- 7.2 Full detail of the Council's 2014/15 First Quarter Review is provided in the Cabinet Report (Agenda item 14, 16th September 2014).

8.0 Legal Implications (Authorised by the Head of Legal Services)

- 8.1 None.

9.0 Risk Management

- 9.1 Risks associated with the achievement of the 2014/15 budget will be factored into the 2015/16 financial scenario, budget and reserves strategy.

10.0 Background

- 10.1 Grant funding from the Department of Transport has been made available to local authorities to provide for additional Highways Maintenance in 2014/15. The grant funds are specifically to address poor highway condition evidenced by potholes and the impact of severe weather and flooding during the winter of 2013/14 on the highway network.

11.0 Access to Information

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

Name: Peter Bates
Designation: Chief Operating Officer (Section 151 Officer)
Tel No: 01270 686013
Email: peter.bates@cheshireeast.gov.uk

Appendix 1 – Request for Council to approve Supplementary Capital Estimates above £1m

Capital Scheme	Amount Requested £	Reason and Funding Source
Council is asked to approve Supplementary Capital Estimates and Virements above £1m		
Highways		
Highway Investment Programme	1,862,407	Fully Funded by Grant - Additional Highways Maintenance Funding in 2014/15 for the fixing of Pot Holes within Cheshire East.
	1,249,785	Fully Funded by Grant - Additional Highways Maintenance Funding in 2014/15 to help repair the damage caused by the Severe Weather and flooding earlier in the year.
Total Supplementary Capital Estimates Requested	3,112,192	

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COUNCIL MEETING – 16 OCTOBER 2014**Extract from the Minutes of the Audit and Governance Committee Meeting on 25 September 2014****21 ANNUAL REPORT 2013/14**

The Chairman introduced the Committees draft Annual Report for 2013/14 prior to the final version being considered by the Council at its meeting on 16 October. The report set out the performance of the Committee in relation to its terms of reference, and detailed the findings, conclusions and recommendations in respect of the adequacy and effectiveness of its governance, risk management and internal control frameworks, financial reporting arrangements and internal and external functions.

In his introduction to the report, as well as giving a summary of the major areas of work covered during the year, the Chairman made reference to the contribution of the Committee to the Council's overall governance and control arrangements, the strengthening and improvement of which had been recognised by the External Auditors. The continuing importance of the Committee in the development of the Council's new Alternative Service Delivery Vehicles, and the positive results of its self assessment against new CIPFA guidance on audit committees was also reported.

RESOLVED

That approval be given for the draft Annual Report for 2013/14 to be submitted to Council on 16 October 2014.

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CHESHIRE EAST COUNCIL

REPORT TO: Audit and Governance Committee

Date of meeting: 25 September 2014
Report of: Chair of the Audit and Governance Committee
Title: Audit and Governance Committee Annual Report 2013/14
Portfolio Holder: Councillor Peter Raynes

1.0 Report Summary

- 1.1 The purpose of the report is for the Committee to consider the draft 2013/14 Annual Report of the Audit and Governance Committee and agree the final version of the report that will go to Council in October 2014.

2.0 Recommendation

- 2.1 That the Committee considers the draft Annual Report 2013/14, as attached (Appendix A) and agree the final version that will go to Council in October 2014.

3.0 Reasons for Recommendation

- 3.1 To report in accordance with the Council's Constitution. The Audit and Governance Committee's Terms of Reference include:
- § To report to full Council on a regular basis on the committee's performance in relation to the terms of reference.
 - § To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangements, and internal and external functions.

4.0 Wards Affected

- 4.1 All wards.

5.0 Local Wards Affected

- 5.1 Not applicable.

6.0 Policy Implications

- 6.1 Not applicable.

7.0 Financial Implications (Authorised by the Chief Operating Officer)

7.1 None.

8.0 Legal Implications (Authorised by the Head of Legal Services)

8.1 None.

9.0 Risk Assessment

9.1 There is a requirement within the Council's Constitution for the Audit and Governance Committee to submit an annual report to Council. Failure to submit the record would be a breach of the Constitution.

10.0 Background and Options

10.1 Current CIPFA guidance, *Audit Committees, Practical Guidance for Local Authorities and Police* (2013) states that audit committees should report regularly on their work and at least annually report an assessment of their performance. Aspects to consider include:

- § whether the committee has fulfilled its agreed terms of reference
- § whether the committee has adopted recommended practice
- § whether the development needs of committee members have been assessed and whether committee members are accessing briefing and training opportunities
- § whether the committee has assessed its own effectiveness or been the subject of a review and the conclusions and actions from that review
- § what impact the committee has on the improvement of governance, risk and control within the authority.

10.2 The requirement to submit an annual report is included within Cheshire East Council's Constitution and the 2013/14 report is the third annual report of this Committee.

11.0 Access to information

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

Name: Councillor John Wray

Designation: Chair of the Audit and Governance Committee

Tel No: 01477 500609

Email: john.wray@cheshireeast.gov.uk



Audit and Governance Committee

Annual Report 2013/14

Introduction by the Chair of the Audit and Governance Committee



I am pleased to present the third Annual Report of the Audit and Governance Committee, which describes the Committee's activity over the municipal year to May 2014.

I hope that this Annual Report helps to demonstrate both to the Council and the wider community in general, the important role that is performed by the Audit and Governance Committee and the particular contribution that it makes to the Council's overall governance and control arrangements.

This year has seen a strengthening of governance arrangements within the Council; with positive and improved levels of assurance reported recently to the Committee by External Audit, through the Annual Governance Statement and the Internal Audit Annual Opinion.

As the Council's new Alternative Service Delivery Vehicles (ASDVs) develop, the Committee has and continues to play an important role in ensuring appropriate governance arrangements have been introduced and continue to operate.

It has been pleasing to see the Council's senior leadership team is now in place and established with permanent

appointments, including the Chief Operating Officer, the Head of Legal Services and Monitoring Officer and the Head of Corporate Resources and Stewardship.

During the year, the new CIPFA guidance on Audit Committees was introduced and we have carried out a self-assessment on our Committee with positive initial results. Some areas for improvement have been identified and an action plan developed. A training session for Members of the Committee was held recently, and an assessment against the core knowledge and skills framework is planned. This will be developed further during 2014/15 to help inform the training programme for the Committee.

During the year a major review (by a working group of the Committee) was undertaken to assess the arrangements for considering Member Code of Conduct Complaints procedures. It's very pleasing to note that revised and improved arrangements have now been introduced. These will be reviewed annually to ensure they continue to be fit for purpose and I would like to thank all those who contributed to the new procedures.

Finally, we have recently reviewed and updated the Committee's Terms of Reference. The updated Terms based on recent CIPFA guidance were approved by Council in May 2014 and I'm confident these will assist the Committee in continuing its key governance role as we move through 2014/15 and beyond.

Councillor John Wray
Chair of the Audit and Governance Committee
September 2014

Role and Statement of Purpose of the Audit and Governance Committee

Role of the Audit and Governance Committee

Audit Committees are an essential element of good governance. Good corporate governance requires independent, effective assurance about the adequacy of financial management and reporting. These functions are best delivered by an Audit Committee, independent from the executive and scrutiny functions.

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

Statement of Purpose of the Audit and Governance Committee

- 1 The Audit and Governance Committee is a key component of the Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
- 2 It provides an independent assurance to the Council of the adequacy of the risk management framework and the internal control environment.
- 3 It provides independent review of the Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes.
- 4 It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.
- 5 It promotes high standards of ethical behaviour by developing, maintaining and monitoring Codes of Conduct for Members of the Council (including co-opted Members and other persons acting in a similar capacity).

Review of 2013/14

Governance, Risk and Control within Cheshire East Council

The review of the effectiveness of the governance framework concluded that arrangements continue to be regarded as fit for purpose. (Annual Governance Statement 2013/14)

The Audit and Governance Committee has had a positive impact on improving the governance, risk and control framework and arrangements of the Council during the year, including the following:

- Approving the Council's Statement of Accounts.
- Approving the Council's Annual Governance Statement.
- Approving the Council's updated Code of Corporate Governance.
- Endorsing the governance arrangements for the Council's new Alternative Service Delivery Vehicles.
- Reporting to Council on the Committee's performance for the year.
- Undertaking a self-assessment of the Committee against new CIPFA guidance.
- Reviewing standards training and the process for dealing with complaints under the Code of Conduct for Members.

In addition, the Committee has also received assurances during the year from a variety of sources, including:

- **Financial Statements Opinion (External Audit):** *"It is pleasing to report that we anticipate that we will provide the Council with an unqualified opinion, in line with the reporting timescale required under the Accounts and Audit (England) Regulations 2011."* (September 2014)
- **Value for Money Conclusion (External Audit):** *"Based on our review of the Council's arrangements to secure economy, efficiency and effectiveness in its use of resources, we propose to give an unqualified vfm conclusion. This is an improvement from the previous year's qualified vfm conclusion and the Council is to be commended for the improvements made to its arrangements during the year."* (September 2014)
- **Internal Audit:** *"The Council's framework of risk management, control and governance is assessed as adequate for 2013/14"* (June 2014)
- **Risk Management:** *"The work of the Corporate Risk Management Group over the year has assisted and demonstrated improvements to the Council's risk management framework, such that it has moved further towards a risk maturity of risk defined, but there are further developments to be made to progress the level of risk maturity of the Council"* (June 2014)

Effectiveness of the Committee

The Committee regularly undertakes a formal review of its own effectiveness. The [2013/14 self-assessment](#) was carried out with the Chair and Vice Chair against the new CIPFA guidance, *Audit Committees – Practical Guidance for Local Authorities and Police 2013* and the results reported to the Committee in March 2014. The Committee assessed as compliant or partially compliant against all areas. Actions to ensure the Committee becomes fully compliant are in place, with some already implemented.

Review of 2013/14

The Committee's [revised Terms of Reference](#), based on the new CIPFA guidance were approved by Council in May 2014. The Committee's 2014/15 Work Plan has been updated and amended in line with the new Terms of Reference to ensure that the Committee continues to work effectively and fulfil its purpose.

The External Auditors Value for Money report findings include: "The Audit and Governance Committee provide adequate challenge but there is scope to improve the focus of its discussions to provide more effective oversight, support and challenge for the Council's financial management and system of internal control". The Chief Operating Officer will continue to work with the Chair/Vice Chair and established Member/Officer Groups to: develop the role of the Committee; further develop the approach to agenda planning; provide and appropriate focus for debate; and implement the improvement actions agreed in response to the effectiveness self-assessment.

Outline of the Work of the Committee

This annual report sets out the work of the Committee during 2013/14, including:

- How the Terms of Reference* have been met (see pages 6 to 8)
- How the Committee has added value/outcomes (see pages 9 to 10)

* Terms of Reference in place for majority of 2013/14. New Terms of Reference were approved by Council in May 2014.

Members of the Committee

Members of the Committee during 2013/14 are set out on pages 11 to 12.

Statutory Requirements, New Guidance and Recommended Practice

During the year, the Committee has carried out a number of statutory requirements such as approving the Financial Statements and approving the AGS. It has also ensured that it is up to date in adopting new guidance and/or recommended practice, including:

- Adopting new Terms of Reference, based on new CIPFA guidance.
- Approving the Internal Audit Charter, based on new Public Sector Internal Audit Standards.
- Undertaking a self-assessment of the Committee, based on new CIPFA guidance.

Training and Development

The following training was carried out during the year:

- Induction for new Members of the Committee
- Statement of Accounts
- Annual Governance Statement

Members of the Committee have also attended external briefings/courses. During 2013/14, the Vice Chair attended the CIPFA *Developing the Audit Committee* event in February 2014.

The Member/Officer Groups continued to meet through 2013/14. The groups enable individual Members to become more involved in specific areas of audit and governance

Review of 2013/14

work as a means of developing in-depth knowledge and expertise, and cover the following areas:

- Audit
- Financial Statements
- Fraud Management
- Governance
- Risk Management

In addition, Members continued to receive copies of the CIPFA Better Governance Forum *Audit Committee Update* featuring a round-up of legislation, reports and developments of interest to Audit & Governance Committee Members.

As part of the Committee's self-assessment (reported to the Committee in March 2014), it was recognised that membership of the Committee needed to be assessed against the core knowledge and skills framework included in the new CIPFA guidance on Audit Committees. A training session in early September 2014 has already been held with a further session covering the knowledge and skills framework planned in November 2014. This will be developed further during 2014/15 to help inform the training programme for the Audit and Governance Committee.

Agendas and Minutes

There were five meetings of the Committee during the year:

- [27th June 2013](#)
- [27th September 2013](#)
- [28th November 2013](#)
- [30th January 2014](#)
- [27th March 2014](#)

Looking Forward to 2014/15

The Committee has an agreed work programme for 2014/15, which includes the many annual statutory requirements (e.g. approval of the Statement of Accounts, approval of the AGS etc.) of the Committee and also those regular reports and assurances it receives on External Audit, Internal Audit, Risk Management, Treasury Management, Whistleblowing and other areas. This work programme is regularly reviewed to ensure that the Committee continues to work effectively and fulfil its purpose.

Also included within the work programme for 2014/15:

- Approval of the new arrangements for dealing with the standards allegations under the Localism Act 2011.
- Approval of amendments to the Whistleblowing Policy.
- Update on the progress of the actions arising from the Committee's 2013/14 self-assessment.
- Review of the governance arrangements for ASDVs.
- Training and development

Audit and Governance Committee – How the Terms of Reference have been met in 2013/14

Terms of Reference of Committee	Relevant activity in 2013/14
Annual Report	
Submitting an Annual Report to the Council.	The Committee approved its second annual report, covering the 2012/13 municipal year, at the November 2013 meeting and this report was submitted to Council in December 2013.
Audit	
Overseeing the Council's role and responsibilities in respect of Audit.	<p><i>Internal Audit:</i> The Committee approved the overall strategy and annual programme of audits (March 2014) and monitored progress against the plan (November 2013 & January 2014).</p> <p><i>External Audit:</i> The Committee received and considered the work of the External Auditor (all meetings, 2013/14).</p>
Supporting the Council's audit function, both internal and external.	See above.
Considering the Head of Internal Audit's Annual Report and opinion and a summary of internal audit activity and the level of assurance over corporate governance arrangements.	<p>The Internal Audit Annual Report, including the annual audit opinion was presented to the Committee in June 2013.</p> <p>Note: <i>The 2013/14 Annual Report was presented to the Committee in June 2014.</i></p>
Receiving the Internal Audit Plan and summary reports on performance against the plan.	Internal Audit interim reports against the 2013/14 plan were received in November 2013 and January 2014, with the 2013/14 Internal Audit Plan received in March 2014.
Corporate Governance & Annual Governance Statement	
Overseeing the Council's role and responsibilities in respect of Corporate Governance.	<p>The Committee received and approved the Annual Governance Statement (September 2013), received an update on progress against the 2012/13 AGS Action Plan (November 2013) and endorsed the process for the production of the 2013/14 AGS (November 2013).</p> <p>Note: <i>The draft 2013/14 AGS was brought to Committee in June 2014 with the final version to be approved at the September 2014 meeting.</i></p>
Developing a Code of Corporate Governance and to undertake as appropriate an assessment of wider governance issues.	The Committee received and approved an update to the Code of Corporate Governance and also received an update on the Corporate Governance Group's ongoing work on the Governance Framework (both November 2013).

Audit and Governance Committee – How the Terms of Reference have been met in 2013/14

Terms of Reference of Committee	Relevant activity in 2013/14
Reviewing and approving the Annual Governance Statement.	The Annual Governance Statement 2012/13 was approved at Committee in September 2013.
Financial Statements	
Supporting the Chief Financial Officer in relation to the performance of their duties.	Reports on the Statement of Accounts, including progress and audit thereof were presented at June 2013, September 2013 and November 2013 Committee meetings.
Approving any Council Statement of Accounts as may be required by the relevant Account and Audit Regulations.	The Statement of Accounts 2012/13 was approved at Committee in September 2013.
Considering External Audit and other external agencies reports to those charged with governance as a source of assurance.	The 2012/13 Audit Findings Report and Review of the Council's Arrangements for Securing Financial Resilience was presented to Committee in September 2013 by the External Auditor. The 2012/13 Annual Audit Letter was reported to the Committee in November 2013. The management response to the 2012/13 Audit Findings Report was considered at the November 2013 meeting.
Fraud Management	
Ensuring the Council has in place appropriate policies and mechanisms to safeguard the Council's resources.	The Committee considered the outcome of a review of Anti-Fraud and Corruption arrangements in September 2013. A report on Compliance with International Standards on Auditing was received by the Committee in March 2014.
Reviewing and making recommendations upon the Whistleblowing arrangements process.	The Committee considered the outcome of a review of Anti-Fraud and Corruption arrangements in September 2013. A report on Compliance with International Standards on Auditing was received by the Committee in March 2014.
Ensuring that the Council maintains a robust counter fraud culture via the implementation of an Anti-Fraud and Corruption Policy and Strategy.	The Committee considered the outcome of a review of Anti-Fraud and Corruption arrangements in September 2013.
Seeking assurance that Customer Complaint arrangements are robust.	Annual Report of Corporate Complaints and Local Government Ombudsman's Annual Review 2012/13 presented to Committee in November 2013.

Audit and Governance Committee – How the Terms of Reference have been met in 2013/14

Terms of Reference of Committee	Relevant activity in 2013/14
Risk Management	
Ensuring any Council's Risk Management arrangements are operating effectively.	The Committee receives regular update reports on Risk Management (September 2013, January 2014 and March 2014). In June 2013, the Committee noted the 2012/13 Annual Report of the Corporate Risk Management Group and endorsed changes to the Risk Management Policy.
Where necessary, overseeing and agreeing the arrangements for Members to be indemnified for and insured against risks and liabilities arising from the performance of their duties as Members of the Council, and as the Council's representatives on outside bodies.	General updates on insurance are reported to the Corporate Risk Management Group as part of their remit to review and monitor risks in relation to specific area needs as and when required e.g. Climate Change, Health and Safety, Insurance and the National Fraud Initiative (NFI). A summary of the key points from the insurance updates are included in the Risk Management Update reports to the Committee. Any specific issues relating to Members' indemnity are reported where necessary.
Standards	
Promoting high standards of ethical behaviour by developing, maintaining and monitoring Codes of Conduct for Members of the Council (including co-opted Members and other persons acting in a similar capacity).	An annual report recording decisions relating to complaints was submitted to the Committee on 27 March 2014. Audit & Governance Committee Members have attended Complaints Hearings through the year. Operation of the complaints procedure was monitored during 2013/2014 in preparation for a report to Committee in June 2014.
Ensuring that Members receive advice and training as appropriate on the Members Code of Conduct.	Members of the Audit & Governance Committee have been advised on the Code of Conduct during the year.
Granting dispensations under the provisions of the Localism Act 2011 to enable a member or co-opted Member to participate in a meeting of the Authority.	There have been no requests for individual dispensations during 2013/14.

Audit and Governance Committee – How the Committee has added value/outcomes in 2013/14

27 th June 2013	27 th September 2013	28 th November 2013	30 th January 2014	27 th March 2014
Noted the contents of the report on Compliance with International Auditing Standards.	Considered the draft Internal Audit Charter.	Approved the Committee's Annual Report for submission to Council.	Noted the External Audit update.	Noted the report on the numbers and outcomes of complaints under the Code of Conduct for Members.
Considered draft 2012/13 Annual Governance Statement.	Received the External Audit Financial Resilience Report for 2012/13.	Noted the External Auditors' 2012/13 Annual Audit Letter.	Noted the External Audit Certification Report 2012/13.	Noted the External Audit Plan for 2013/14.
Noted the External Audit update.	Approved the 2012/13 Statement of Accounts.	Noted the External Audit update.	Noted the Interim Internal Audit Report.	Noted the External Audit 'emerging issues' report.
Considered key issues within the 2012/13 draft Statement of Accounts.	Approved the 2012/13 Annual Governance Statement.	Considered the management response to the 2012/13 Audit Findings Report.	Recommended for Council to approve the Treasury Management Strategy and the Minimum Reserve Position Statements.	Approved the Internal Audit Plan for 2014/15 and endorsed the approach to internal audit planning.
Noted the 2012/13 Annual Report of the Corporate Risk Management Group and endorsed changes to the Risk Management Policy.	Noted the External Audit Findings Report for 2012/13 and approved the letter of representation to be signed.	Approved update to the Code of Corporate Governance. Noted ongoing work on the Council's Governance Framework and progress in implementing the 2012/13 AGS Action Plan. Endorsed the process for the production of the 2013/14 AGS.	Noted the report on, and the arrangements in place to ensure compliance with, the Data Protection Act, Freedom of Information Act and Environmental Information Regulations.	Noted the report on Compliance with RIPA and Protection of Freedoms Act and agreed that the current arrangements in place ensure that the Council complies with the legislation.
Noted the introduction of	Noted the 2012/13	Noted the Interim Internal	Noted the new CIPFA	Confirmed the

Audit and Governance Committee – How the Committee has added value/outcomes in 2013/14

27 th June 2013	27 th September 2013	28 th November 2013	30 th January 2014	27 th March 2014
the new Public Sector Internal Audit Standards and further actions necessary e.g. development of Audit Charter.	Treasury Management Annual Report and update for the period April – July 2013.	Audit Report and endorsed the approach to achieving adequate audit coverage in the remainder of 2013/14.	guidance on Audit Committees and that the Constitution Working Group was reviewing the Audit & Governance Committee's Terms of Reference.	management response to External Audit's 'Informing the Risk Assessment for Cheshire East', in compliance with International Standards on Auditing.
Noted the Internal Audit Annual Report for 2012/13.	Noted the Risk Management update.	Approved the Internal Audit Charter.	Noted the Risk Management update.	Noted the Risk Management update.
Noted the findings on the Council's use of the Regulation of Investigatory Powers Act (RIPA).	Noted the update on Delegated Decisions and Non Compliances including the revision to procedures.	Noted the update on Anti-Fraud and Corruption arrangements.	Noted the proposed governance, stewardship and control principles for Alternative Service Delivery Vehicles (ASDVs).	Noted the update on waivers of Contract Procedure Rules and revised procedures in this area.
		Noted the 2012/13 Annual Report of Corporate Complaints and the Local Government Ombudsman's 2012/13 Annual Review.		Endorsed the governance arrangements for ASDVs and confirmed that the Committee will review the assurance framework to ensure it remains satisfied with the arrangements.
				Noted the results of the Audit & Governance Committee Self-Assessment and endorsed the actions arising.

Audit and Governance Committee Members 2013/14



Councillor John Wray (Chair)

Councillor Wray has been an elected member of Cheshire East Council since its beginning in April 2009. He joined the Audit and Governance Committee as Chair following the Council meeting on 18th July 2013.



Councillor Louise Brown (Vice-Chair)

Councillor Brown became an elected member of Cheshire East Council in May 2011 and has served on the Audit and Governance Committee as the Vice-Chair from the 2012/13 municipal year onwards.



Councillor Sam Corcoran

Councillor Corcoran became an elected member of Cheshire East Council in May 2011 and has served on the Audit and Governance Committee since then.



Councillor Rod Fletcher

Councillor Fletcher has been an elected member of Cheshire East Council since its beginning in April 2009 and has served on the Audit and Governance Committee since May 2011.



Councillor Martin Hardy

Councillor Hardy has been an elected member of Cheshire East Council since its beginning in April 2009. He has served on the Audit and Governance Committee since its inception in June 2010 and was Vice-Chair from May 2011 to January 2012.



Councillor Steven Hogben

Councillor Hogben became an elected member of Cheshire East Council in June 2011 and after attending as a substitute in June 2011, he served on the Audit and Governance Committee from September 2011 until May 2014.

Audit and Governance Committee Members 2013/14



Councillor Andrew Kolker

Councillor Kolker has been an elected member of Cheshire East Council since its beginning in April 2009. He served as Vice-Chair of the Governance and Constitution Committee for a time and has been on the Audit and Governance Committee from June 2010 to date.



Councillor David Marren

Councillor Marren became an elected member of Cheshire East Council in May 2011 and has served on the Audit and Governance Committee since then, being Vice-Chair from January 2012 until the end of the 2011/12 municipal year.



Councillor Lloyd Roberts

Councillor Roberts became an elected member of Cheshire East Council in May 2011 and has served on the Audit and Governance Committee from the start of the 2012/13 municipal year.



Councillor Margaret Simon

Councillor Simon has been an elected member of Cheshire East Council since its beginning in April 2009. She has served on the Audit and Governance Committee since its inception in June 2010 and was Chair for the 2010/11 year.



Councillor John Hammond

Councillor Hammond served on the Audit and Governance Committee since its inception in June 2010 and became the Chair in May 2011. Councillor Hammond stepped down from the Committee following the Council meeting on 18th July 2013 and was replaced as Chair by Councillor John Wray.

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CHESHIRE EAST COUNCIL

Council

Date of Meeting: 16 October 2014

Report of: Head of Governance and Democratic Services

Title: Political Representation on the Council's Committees

1.0 Purpose of Report

- 1.1 To determine the political representation on the Council's Committees.

2.0 Decision Required

- 2.1 That the political group representation, as set out in Appendix 1 to this Report and the methods, calculations and conventions used in determining this, as outlined in the report be adopted, and allocations of places to Committees be approved.

3.0 Legal Implications

- 3.1 The Local Government (Committees and Political Groups) Regulations 1990, made pursuant to the Local Government and Housing Act 1989, makes provisions in respect of the political group representation on a local authority's committees in relation to the overall political composition of the Council. The legislation applies to overview and scrutiny committees and the decision-making committees and sub committees of the Council.
- 3.2 The legislation requires that, where proportionality applies, and seats are allocated to different political groups, the authority must abide by the following principles, so far as is reasonably practicable:
- 3.2.1 Not all of the seats can be allocated to the same political group. (i.e. there are no single group committees.)
 - 3.2.2 The majority of seats on a body are to be allocated to a political Group with a majority membership of the authority.
 - 3.2.3 The total number of seats on all ordinary committees and sub committees allocated to each Political Group bears the same proportion to the proportion on the full Council. Appendix 1 achieves this.
 - 3.2.4 The number of seats on each ordinary committee allocated to each Political Group bears the same proportion to the proportion on full Council.
- 3.3 The proposals contained in this report meet the requirements of the legislation.

- 3.4 The 1990 Regulations require Political Group Leaders to notify the Proper Officer of the Group's nominations to the bodies in question.

4.0 Risk Assessment

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

5.0 Local Government (Committee and Political Groups) Regulations 1990.

- 5.1 Appendix 1 to this report sets out the proposed political representation on ordinary committees and sub committees, based on the political structure of the Council as a whole. The following is the basis of the approach adopted:

Conservatives	50	60.98
Labour	14	17.07
Independent Group	12	14.63
Liberal Democrat	4	4.88
UKIP	2	2.44
TOTAL	82	100%

- 5.2 The proportionalities in Appendix 1 have been arrived at by the following methods and conventions:

- § applying the relevant percentage to each body;
- § rounding up from 0.5 and above and rounding down below 0.5

- 5.3 The Act provides that where this results in a Group having a total of more or fewer actual seats than its proportional entitlement, any surplus seats are re-allocated to ensure that the final actual allocation to each Group equals the proportional entitlement. Appendix 1 shows the proposed allocation of seats taking into account the actual allocation following consultation with the Group Whips.

- 5.4 The proportionality rules only apply to those bodies listed in appendix 1. The bodies not subject to proportionality rules are, therefore, excluded from the proportionality calculation, but are included in the Committee membership appendix at item 12, for information purposes only.

6. Reasons for Recommendations

- 6.1 To determine political representation on the Council's committees and to receive the Groups nominations to the different bodies referred to in the report.

7.0 Access to Information

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

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APPENDIX 1

(Updated 2.10.14)

**CHESHIRE EAST COUNCIL - POLITICAL PROPORTIONALITIES ON ALL BODIES
(other than those to be appointed on an ad-hoc basis) C=Chair VC=Vice-Chair****Based upon the following:****Con:50; Lab:14;Ind:12;LD:4;UKIP:2**

Committee	Con	Lab	Independent	Lib Dem	UKIP/	Total
Corporate Overview and Scrutiny	8 (7.93) C	2 (2.22)	2 (1.90) VC	1 (0.63)	0 (0.31)	13
Communities Overview and Scrutiny	5 (4.88) C	2 (1.36) VC	1 (1.17)	0 (0.39)	0 (0.20)	8
New Delivery vehicles and Environment Overview and Scrutiny	5 (4.88) C	1 (1.36) VC	1 (1.17)	1 (0.39)	0 (0.20)	8
Children Families and Adult Safeguarding Overview and Scrutiny	5 (4.88) C	2 (1.36)	1 (1.17) VC	0 (0.39)	0 (0.20)	8
Health and Adult Social Care Overview and Scrutiny	5 (4.88) C and VC	1 (1.36)	1 (1.17)	1 (0.39)	0 (0.20)	8
Jobs Regeneration and Assets Overview and Scrutiny	5 (4.88) C and VC	2 (1.36)	1 (1.17)	0 (0.39)	0 (0.20)	8
Audit and Governance Committee	6 (6.10)	1 (1.70)	2 (1.46)	1 (0.49)	0 (0.24)	10
Constitution	9 (8.53)	2 (2.39)	2 (2.05)	1 (0.68)	0 (0.34)	14
Strategic Planning	9 (9.15)	2 (2.56)	3 (2.20)	1 (0.73)	0 (0.37)	15

APPENDIX 1

(Updated 2.10.14)

Board						
Northern Planning Committee	9 (9.15)	2 (2.56)	3 (2.20)	1 (0.73)	0 (0.37)	15
Southern Planning Committee	9 (9.15)	3 (2.56)	3 (2.20)	0 (0.73)	0 (0.37)	15
Public Rights of Way	4 (4.27)	1 (1.19)	1 (1.02)	0 (0.34)	1 (0.17)	7
Licensing Committee	9 (9.15)	3 (2.56)	2 (2.20)	1 (0.73)	0 (0.37)	15
Staffing	5 (4.88)	2 (1.36)	1 (1.17)	0 (0.39)	0 (0.20)	8
Lay Members Appointments	3 (3.05)	1 (0.85)	0 (0.73)	1 (0.24) Vacancy	0 (0.12)	5
Local Authority School Governor Appointments Panel	3 (3.05)	1 (0.85)	0 (0.73)	0 (0.24)	1 (0.12)	5
Civic Sub Committee	4 (4.88)	1 (1.36)	2 (1.17)	0 (0.39)	1 (0.20)	8
Community Governance Review Sub Committee	4 (3.66)	1 (1.02)	1 (0.87)	0 (0.29)	0 (0.15)	6
Polling Arrangements Review Sub Committee	4 (3.66)	1 (1.02)	0 (0.87)	0 (0.29)	1 (0.15)	6
Outside Organisations Sub Committee	4 (3.66)	1 (1.02)	0 (0.87)	0 (0.29)	1 (0.15)	6

APPENDIX 1

(Updated 2.10.14)

Total Places allocated	115	32	27	9	5	188
Total places available						188
Proportional Entitlement	114.63 (115)	32.09 (32)	27.51 (27)	9.17 (9)	4.59 (5)	188
	(60.98%)	(17.07%)	(14.63%)	(4.88%)	(2.44%)	(100%)
Difference	0	0	0	0	0	

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CHESHIRE EAST COUNCIL

COUNCIL

Date of Meeting:	16 October 2014
Report of:	Head of Governance and Democratic Services
Subject/Title:	Appointments of Members to Committees

1.0 Report Summary

- 1.1 To review the memberships of the Council's decision-making bodies.

2.0 Recommendations

- 2.1 That the nominations made by the Group Leaders to the bodies listed in Appendix 1 be approved.

3.0 Reason for Recommendations

- 3.1 To review the memberships of the Council's decision-making and other bodies and their appointment.

4.0 Legal Implications

- 4.1 The previous report on the agenda dealt with the requirements of the Local Government (Committees and Political Groups) Regulations 1990, in respect of the political group representation on the Authority's committees.
- 4.2 Council is responsible for approving the Council's decision-making structures and the number of seats to be allocated on each body.
- 4.3 The 1990 Regulations require political Group Leaders to notify the Proper Officer of the Group's nominations to the bodies in question.

5.0 Risk Assessment

- 5.1 Failure to comply with the Act and Regulations would leave the Council open to legal challenge.

6.0 Amendments to Appointments to Committees under the Council's Political Structure for the Municipal Year 2014/15

- 6.1 Council is responsible for approving the Council's decision-making structures and the number of seats to be allocated on each body.

- 6.2 The 1990 Regulations require political Group Leaders to notify the Proper Officer of the Group's nominations or any changes to their nominations to the bodies in question.
- 6.3 On 10 September 2014, the Proper Officer received a notice in accordance with Regulation 8 of the 1990 regulations from two Members of the Council indicating that they wished to be treated as a political group. Following the delivery of such a notice to the proper officer in accordance with the regulations, the Council is required, as soon as practicable, to review the allocation of committee places. The Political Groups have therefore been invited to review their nominations. A schedule of the proposed memberships is included in this report at appendix 1

7.0 Access to Information

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

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COMMITTEE MEMBERSHIPS AND CHAIRMEN/VICE-CHAIRMEN 2014/15

This schedule lists all those bodies which fall to the Council to be appointed. Executive bodies are therefore excluded. The number of seats and political proportionality for each body are indicated in brackets.

OVERVIEW AND SCRUTINY COMMITTEES

CORPORATE OVERVIEW AND SCRUTINY COMMITTEE (13) (8:2:2:1:0)				
Conservative	Labour	Independent	Lib Dem	UKIP
S Wilkinson (C)	K Edwards	B Murphy (VC)	D Neilson	
G Baxendale	M Grant	A Moran		
P Groves				
F Keegan				
P Hoyland				
B Livesley				
M Simon				
J Saunders				

COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE (8) (5:2:1:0:0)				
Conservative	Labour	Independent	Lib Dem	UKIP
G Baxendale (C)	M Grant (VC)	P Edwards		
S Davies	K Hickson			
H Gaddum				
P Whiteley				
P Hayes				

NEW DELIVERY VEHICLES AND ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE (8) (5:1:1:1:0)				
Conservative	Labour	Independent	Lib Dem	UKIP
W Livesley (C)	K Edwards (VC)	B Murphy	R Fletcher	
A Martin				
M Hardy				
H Davenport				
G Barton				

CHILDREN FAMILIES AND ADULT SAFEGUARDING OVERVIEW AND SCRUTINY COMMITTEE (8) (5:2:1:0:0)				
Conservative	Labour	Independent	Lib Dem	UKIP
P Hoyland (C)	I Faseyi	A Moran(VC)		
J Saunders	D Flude			
C Andrew				
R Domleo				
G Merry				

HEALTH AND ADULT SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE (8) (5:1:1:1:0)				
Conservative	Labour	Independent	Lib Dem	UKIP
M Simon (C)	L Jeuda	A Moran	S Jones	
J Saunders (VC)				
C Andrew				
R Domleo				
G Merry				

JOBS, REGENERATION AND ASSETS OVERVIEW AND SCRUTINY COMMITTEE (8) (5:2:1:0:0)				
Conservative	Labour	Independent	Lib Dem	UKIP
P Groves (C)	S Corcoran	B Murphy		
F Keegan (VC)	S Hogben			
G Barton				
J Weatherill				
J Wray				

REGULATORY AND OTHER COMMITTEES

AUDIT AND GOVERNANCE COMMITTEE (10) (6:1:2:1:0)				
Conservative	Labour	Independent	Lib Dem	UKIP
J Wray (C)	S Corcoran	L Roberts	R Fletcher	
L Brown (VC)		B Burkhill		
M Hardy				
A Kolker				
D Marren				
M Simon				

CONSTITUTION COMMITTEE (14) (9:2:2:1:0)				
Conservative	Labour	Independent	Lib Dem	UKIP
A Martin (C)	D Flude	B Murphy	S Jones	
D Marren (VC)	D Newton	M Sherratt		
C Andrew				
G Baxendale				
P Groves				
B Livesley				
R Menlove				
G Wait				
P Whiteley				

STRATEGIC PLANNING BOARD (15) (9:2:3:1:0)				
Conservative	Labour	Independent	Lib Dem	UKIP
H Davenport (C)	J Jackson*	B Murphy	D Hough	
G Walton (VC)	D Newton	P Edwards		
Rachel Bailey		D Brickhill		
D Brown	*sub C Thorley			
J Hammond				
P Hoyland				
L Smetham				
S Wilkinson				
J Wray				

NORTHERN PLANNING COMMITTEE (15) (9:2:3:1:0)				
Conservative	Labour	Independent	Lib Dem	UKIP
R West (C)	A Harewood	B Burkhill	D Neilson	
B Livesley (VC)	L Jeuda	D Mahon		
C Andrew		L Roberts		
L Brown				
H Gaddum				
S Gardiner				
J Macrae				
O Hunter				
A Thwaite				

SOUTHERN PLANNING COMMITTEE (15) (9:3:3:0:0)				
Conservative	Labour	Independent	Lib Dem	UKIP
G Merry (C)	S Hogben	P Butterill		
J Weatherill (VC)	M Martin	S McGrory		
Rhoda Bailey	I Faseyi	R Cartlidge		
D Bebbington				
J Clowes				
S Davies				
P Groves				
A Kolker				
D Marren				

PUBLIC RIGHTS OF WAY COMMITTEE (7) (4:1:1:0:1)				
Conservative	Labour	Independent	Lib Dem	UKIP
M Hardy (C)	K Edwards	M Parsons		A Barratt
Rhoda Bailey (VC)				
S Davies				
J Wray				

LICENSING COMMITTEE (15) (9:3:2:1:0)				
Conservative	Labour	Independent	Lib Dem	UKIP
P Whiteley (C)	I Faseyi	D Mahon	S Jones	
S Davies (VC)	A Harewood	M Parsons		
C Andrew	L Jeuda			
Rhoda Bailey				
D Bebbington				
M Hardy				
L Smetham				
G Wait				
J Wray				

GENERAL LICENSING SUB-COMMITTEE (5) To be appointed by the Committee

LICENSING SUB-COMMITTEE (3) To be appointed by the Committee

STAFFING COMMITTEE (8) (5:2:1:0:0)				
Conservative	Labour	Independent	Lib Dem	UKIP
R Domleo (C)	J Jackson*	B Murphy		
H Murray (VC)	D Newton			
D Brown				
D Marren	*Sub D Flude			
B Moran				

LAY MEMBERS APPOINTMENTS COMMITTEE (5) (3:1:0:1:0)				
Conservative	Labour	Independent	Lib Dem	UKIP
D Marren	K Hickson		Vacancy	
L Smetham				
A Thwaite				

LOCAL AUTHORITY SCHOOL GOVERNOR APPOINTMENTS PANEL (5) (3:1:0:0:1)				
Conservative	Labour	Independent	Lib Dem	UKIP
G Merry (C)	A Harewood			A Barratt
Rhoda Bailey (VC)				
G Walton				

APPEALS SUB-COMMITTEE (5) (3:1:1:0:0) (To be drawn from the following pool of 10 members)				
Conservative	Labour	Independent	Lib Dem	UKIP
C Andrew	I Faseyi	B Murphy		
M Hardy	A Harewood	M Sherratt		
D Marren				
J Saunders				
M Simon				
P Whiteley				

CIVIC SUB-COMMITTEE (8) (4:1:2:0:1) (C & VC to be appointed by the Sub-Committee)				
Conservative	Labour	Independent	Lib Dem	UKIP
A Martin	S Carter	A Moran		B Silvester
G Baxendale		L Roberts		
C Andrew				
M Simon				

COMMUNITY GOVERNANCE REVIEW SUB-COMMITTEE (6) (4:1:1:0:0) (C & VC appointed by the Sub-Committee)				
Conservative	Labour	Independent	Lib Dem	UKIP
G Baxendale	J Jackson*	B Murphy		
P Groves				
D Marren	*sub K Edwards			
P Whiteley				

POLLING ARRANGEMENTS REVIEW SUB-COMMITTEE (6) (4:1:0:0:1) <i>(C & VC to be appointed by the Sub-Committee)</i>				
Conservative	Labour	Independent	Lib Dem	UKIP
R Domleo	K Hickson			B Silvester
B Livesley				
A Martin				
P Whiteley				

OUTSIDE ORGANISATIONS SUB-COMMITTEE (6) (4:1:0:0:1) <i>(C & VC to be appointed by the Sub-Committee)</i>				
Conservative	Labour	Independent	Lib Dem	UKIP
J P Findlow	S Hogben			A Barratt
P Groves				
D Marren				
J Wray				

CORPORATE LEADERSHIP BOARD APPRAISAL BOARD (Same membership as Staffing Committee)				
Conservative	Labour	Independent	Lib Dem	UKIP
R Domleo (C)	J Jackson	B Murphy		
H Murray (VC)	D Newton			
D Brown				
D Marren				
B Moran				
NAMED SUBSTITUTES				
	D Flude			

LOCAL SERVICE DELIVERY COMMITTEE (MACCLESFIELD) (12) Those Members who represent the wards in the unparished areas of Macclesfield <i>(C & VC to be appointed by the Group)</i>			
C Andrew			
S Carter			
L Brown			
D Druce			
K Edwards			
M Hardy			
A Harewood			
J Jackson			
L Jeuda,			
B Murphy			
D Neilson			
L Roberts			

HEALTH AND WELLBEING BOARD (Council Members) (C & VC appointed by the Board)			
J Clowes			
Rachel Bailey			
A Harewood			

MISCELLANEOUS

CHESHIRE FIRE AUTHORITY			
Conservative	Labour	Independent	
G Merry	D Flude	D Brickhill	
W Livesley	C Thorley		
M Simon			
D Topping			
J Weatherill			

CHESHIRE POLICE AND CRIME PANEL	
L Brown	
J Findlow	
H Murray	
Nominated Substitute – G Walton	

ADOPTION PANEL
A Harewood

FOSTERING PANEL
G Merry

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CHESHIRE EAST COUNCIL

Council

Date of Meeting:	16 th October 2014
Report of:	Head of Governance and Democratic Services
Subject:	Council's Mayor-Making and Annual General Meetings 2015

1.0 Report Summary

- 1.1 This report seeks Council approval in respect of a proposed change of date of the Council's 2015 Mayor-Making and Annual General Meetings.

2.0 Recommendations

- 2.1 That the Council's 2015 Mayor-Making and Annual General Meetings be re-scheduled to take place on 27th May 2015.

3.0 Financial Implications

- 3.1 No direct financial implications arise from the recommendations of this report.

4.0 Legal Implications

- 4.1 In accordance with Schedule 12 - Meetings and Proceedings of Local Authorities, Part I Principal Councils of The Local Government Act 1972, the first day in accordance with the legislation that the Annual General Meeting could be held is 19th May 2015, with the last day being 1st June. The proposed scheduling of the meeting on 27th May 2015 therefore falls within the statutory timeframe.

5.0 Risk Management

- 5.1 No risks would appear to arise from the recommendations of this report.

6.0 Background and Options

- 6.1 The Council Calendar of Meetings identifies 20th May 2015 as the date of the Council's Mayor-Making and Annual General Meetings.
- 6.2 Tatton Park is the Council's regular venue for Mayor-Making and Annual General Meetings. However, the venue is not available on the date in question.

- 6.3 Tatton Park can, however, be secured on 27th May 2015 and this report recommends that Council agrees to change the date of the Mayor-Making and Annual General Meetings to that date.

7.0 Access to Information

No background papers were used in the preparation of this report.

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