

Council Agenda

Date: Thursday, 23rd July, 2015
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. **Apologies for Absence**

3. **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.

4. **Minutes of the Annual Council Meeting** (Pages 1 - 24)

To approve the minutes of the Annual meeting of Council, held on 27 May 2015, as a correct record.

5. **Mayor's Announcements**

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

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. **Appointment of the Director of Children's Services and Deputy Chief Executive**
(Pages 25 - 28)

To endorse the appointment of Ms Kath O'Dwyer, as the Director of Children's Services and to note her position as Deputy Chief Executive.

8. **Review of the Senior Management Structure** (Pages 29 - 34)

To approve the recommendations as set out in the report.

9. **Recommendations from the 2014/15 Final Outturn Review of Performance to Cabinet** (Pages 35 - 108)

To consider the recommendations from Cabinet.

10. **Recommendations from the Constitution Committee - Proposed Changes to the Constitution** (Pages 109 - 190)

To consider the recommendations from the Constitution Committee.

11. **Overview and Scrutiny Annual Report 2014/15** (Pages 191 - 210)

To receive the Overview and Scrutiny Annual Report.

12. **Leader's Announcements**

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

13. **Notices of Motion**

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

14. **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.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Wednesday, 27th May, 2015 at The Tenants' Hall, Tatton Park,
Knutsford WA16 6QN

PRESENT

Mr W Fitzgerald
Councillor H Gaddum

Councillors C Andrew, A Arnold, D Bailey, Rachel Bailey, Rhoda Bailey, G Barton,(afternoon only) P Bates, G Baxendale, M Beanland, D Bebbington, S Brookfield, D Brown, C Browne, B Burkhill, J Clowes, H Davenport, W S Davies, T Dean, B Dooley, L Durham, S Edgar, I Faseyi, P Findlow, R Fletcher, D Flude, H Gaddum, S Gardiner, S Gardner, L Gilbert, M Grant, P Groves, J Hammond, A Harewood, G Hayes, S Hogben, D Hough, O Hunter, J Jackson, M Jones, A Kolker, J Macrae, D Mahon, N Mannion, D Marren,(afternoon only) S McGrory, R Menlove, G Merry, A Moran, B Moran, D Newton, M Parsons, S Pochin, B Roberts, J Saunders, L Smetham, D Stockton, A Stott,(afternoon only) G Wait, B Walmsley, G M Walton, L Wardlaw, M Warren, M J Weatherill, H Wells-Bradshaw, J Weston, G Williams and J Wray

Apologies

Councillors G Barton(morning session), E Brooks, P Butterill, S Carter, C Chapman, S Corcoran, M Deakin, T Fox, M Hardy, L Jeuda, A Martin, P Mason, H Murray, J Rhodes, M Sewart and M Simon, A Stott(morning session)

1 PRAYERS

The Mayor's Chaplain said prayers, at the request of the Mayor.

2 DECLARATIONS OF INTEREST

Councillors H Gaddum and O Hunter declared a non- pecuniary interest in the agenda items relating to appointment of Mayor and Deputy Mayor 2015/16, by virtue of being the persons nominated.

3 ELECTION OF MAYOR 2015/16

Council was requested to elect a Mayor for the Borough of Cheshire East for 2015/16, who would also act as Chairman of the Council for that period.

It was proposed by Councillor J Macrae, seconded by Councillor J Jackson, and:

RESOLVED

That Councillor Hilda Gaddum be elected Mayor of the Borough of Cheshire East for the year 2015/16 and Chairman of the Council for that period.

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

The Mayor thanked the Council for electing her to this office and informed Members that her daughter-in-law, Mrs Jane Gaddum, was to be her Mayoress. Mrs Jane Gaddum was then invested with the badge of office.

4 APPOINTMENT OF DEPUTY MAYOR 2015/16

Council was requested to appoint a Deputy Mayor of the Borough of Cheshire East for the year 2015/16, who would also act as Vice-Chairman of the Council for that period.

It was proposed by Councillor S Gardiner, seconded by Councillor L Smetham, and

RESOLVED

That Councillor Olivia Hunter be appointed as Deputy Mayor of the Borough of Cheshire East for the year 2015/16 and Vice-Chairman of the Council for that period.

The Deputy Mayor thanked the Council for appointing her to this office.

5 APPOINTMENT OF MAYOR'S CHAPLAIN

The Mayor announced that her Chaplain for the forthcoming Municipal Year would be the Rt Rev William Pwaisiho. Rt Rev Pwaisiho stood forward and shook hands with the Mayor.

6 VOTE OF THANKS TO THE RETIRING MAYOR

Councillor Michael Jones paid tribute to the retiring Mayor and Mayoress, Wesley Fitzgerald and Mrs Joan Fitzgerald, for the dedicated work they had undertaken during their term of office.

The Mayor presented Mr Fitzgerald with his Past Mayor's Medal.

7 PRESENTATION OF PAST MAYORS' MEDALS

The Chief Executive of the Council reported that, Wesley Fitzgerald had been presented with a "new-style" Past Mayors' Medal and that he was delighted to report that the Council had "new-style" medals for all of its former Mayors.

Each of the former Mayors were presented with new Past Mayors' Medals by the Mayor and Leader of the Council as follows:-

Cllr Margaret Simon - The inaugural Mayor of Cheshire East.

Cllr Gordon Baxendale - Mayor for the 2010 /11 civic year.

Mr Roger West - Mayor for the 2011/12 civic year.

Cllr George Walton - Mayor for the 2012/13 civic year.

Cllr Dorothy Flude - Mayor for the 2013/14 civic year.

The Mayor then presented the Past Mayoress Medal to Mrs Joan Fitzgerald.

Mr Wesley Fitzgerald then gave a speech of thanks, as outgoing Mayor.

(At this point in the meeting Cllr H Gaddum, as Mayor, took the chair).

8 MAYOR'S ANNOUNCEMENTS

The Mayor informed Members that the meeting would now stand adjourned until 1.45pm, when the remaining items of business on the agenda would be considered.

She thanked all guests and Members for joining her in celebrating this momentous occasion.

Reconvened Meeting

9 DECLARATIONS OF INTEREST

There were no further declarations of interest.

10 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 26 February 2015 be approved as a correct record.

11 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present wishing to use public speaking time.

12 APPOINTMENTS TO THE CABINET/LEADER'S ANNOUNCEMENTS

The Leader of the Council, Councillor Michael Jones, presented to Council information about executive functions for the forthcoming year, including the names, addresses and electoral divisions of those Members appointed to the Cabinet and Cabinet Roles and responsibilities. An updated version of the information is attached to these minutes at minute 12.

The Leader also highlighted the key points of his written speech, which would be circulated to all Members of the Council.

The Leaders of the Council's political groups were given an opportunity to speak in response to the Leader's announcements.

RESOLVED

That the Leader's address and the information on executive functions in respect of the forthcoming year be noted.

13 POLITICAL REPRESENTATION ON THE COUNCIL'S COMMITTEES

Consideration was given to a report inviting the Council to determine political group representation on the Council's Committees, in relation to the overall political composition of the Council.

An updated version of the report and Appendix 1 to the report, showing the latest position regarding the proportional distribution of seats on Committees amongst the political groups, was circulated at the meeting.

RESOLVED

That the political group representation, as set out in the updated Appendix 1 and the methods, calculations and conventions used in determining this, as outlined in the revised report, as circulated at the meeting and attached to these minutes at minute 13, be approved.

14 APPOINTMENT OF MEMBERS TO COMMITTEES

Consideration was given to a report relating to the review of the membership of the Council's decision-making and other bodies.

The nominations made by the Group Leaders to these bodies were listed in an appendix to the report, which was circulated at the meeting.

In addition to the nominations contained in the circulated Appendix, Cllrs M Parsons and M Warren were nominated to fill the two Independent group vacancies on the Appeals Sub-committee, Cllr C Browne was nominated as Chairman of the Northern Planning Committee and Cllr J Clowes was added to the nominations to the Health and Wellbeing Board.

RESOLVED

That, subject to the above additional nominations, the nominations made by the Group Leaders to the bodies listed in Appendix 1 to the report, as circulated at the meeting, be noted and agreed and that the bodies listed in Appendix 1 be approved.

(The Committee membership as approved by Council, is attached to these minutes at minute 14).

15 APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN

Consideration was given to the appointment of Chairmen and Vice-chairmen of the Council's decision making and other bodies.

The Political Group Leaders' nominations for Chairmen and Vice-chairmen of the Council's decision-making and other bodies were circulated at the meeting and were updated at the meeting, as indicated at minute 14.

RESOLVED

That the Chairmen and Vice-chairmen of the Council's decision-making and other bodies, as circulated at the meeting (as updated at the meeting) and as attached to these minutes at minute 14, be appointed, including the appointment of Cllr C Browne as Vice-chairman of the Northern Planning Committee.

16 APPOINTMENTS TO ADOPTION AND FOSTERING PANEL

Consideration was given to appointments to the Adoption Panel and the Fostering Panel.

RESOLVED

1. That Councillor L Jeuda be appointed to the Adoption Panel.
2. That Councillor G Merry be appointed to the Fostering Panel.

17 APPOINTMENTS TO THE CHESHIRE FIRE AUTHORITY, THE CHESHIRE POLICE AND CRIME PANEL AND BURLAND PARISH COUNCIL

Consideration was given to appointments to the Cheshire Fire Authority and the Cheshire Police and Crime Panel and to the recommendation that Councillor S Davies be appointed to Burland Parish Council, until such time as the Parish Council had successfully co-opted one or more additional members, thereby making it quorate.

RESOLVED

- 1 That Councillors D Marren, G Merry, M Simon, J Weatherill, P Mason, D Bailey, D Flude and D Mahon be nominated to serve on the Cheshire Fire Authority.
- 2 That Councillors P Findlow, D Marren and H Murray be nominated to serve on the Cheshire Police and Crime Panel, with Councillor G Walton as nominated substitute.
- 3 That Councillor S Davies be appointed to Burland Parish Council, until such time as the Parish Council successfully co-opts one or more additional members, thereby making it quorate.

The meeting commenced at 11.00 am and concluded at 2.45pm

Councillor H Gaddum
CHAIRMAN

Appointments to the Cabinet**Cabinet Membership and Responsibilities**

Details of the Leader's appointments to the Cabinet and the functions delegated to Cabinet Members

CABINET MEMBER	ADDRESS	WARD	PORTFOLIO
Michael Jones	Westfields Middlewich Road Sandbach CW11 1HZ	Bunbury	Leader of the Council <ul style="list-style-type: none"> ▪ Liaison with NHS Trusts and Clinical Commissioning Groups (CCG)- Integrated Service provision ▪ Joint working with CCGs, NHS England, NHS Trusts, NHS providers and Health Watch ▪ Development of integrated services with health partners ▪ Joint Health & Wellbeing Strategy (JHWS) ▪ Health and Wellbeing Board (jointly with Adults and Leisure Portfolio Holder)
David Brown (Deputy Leader)	Westfields Middlewich Road Sandbach CW11 1HZ	Congleton East	Highways <ul style="list-style-type: none"> ▪ Strategic Highways and Transport ▪ Local Transport Plan ▪ Highways Operations, including Public Rights of Way & Countryside (PROW) ▪ Transport Specialist Solutions Company ▪ Carbon Reduction ▪ Corporate Risk Management ▪ Broadband ▪ Shared Services and CoSocius ▪ Plus Dane ▪ Digital Resident ▪ Customer Access/Services ▪ AGMA ▪ CCN Representative ▪ Energy Poverty ▪ IEASE ▪ Northern Rail ▪ Congleton Disability Forum ▪ Public Rights of Way

Ainsley Arnold	Westfields Middlewich Road Sandbach CW11 1HZ	Macclesfield Tytherington	Housing and Planning <ul style="list-style-type: none"> ▪ Public and Private Sector Housing ▪ Homelessness Strategy ▪ Building Control ▪ Development Management ▪ Neighbourhood Planning ▪ Planning Support Company (Civicance)
Rachel Bailey	Westfields, Middlewich Road, Sandbach, CW11 1HZ	Audlem	Children and Families <ul style="list-style-type: none"> ▪ Lead under Children's Act 2004 ▪ Early Years & Child Care ▪ Children's Centres ▪ Education & Schools ▪ School organisation and capital planning ▪ Special educational needs (SEN) ▪ School development and improvement ▪ School funding/ School Forum ▪ School Catering ▪ Children's Social Care and Wellbeing ▪ Youth Support & Offending Services ▪ Children and Young People to 25 years old ▪ Lifelong Learning ▪ Family Support ▪ Health Inequalities ▪ Cared for Children and Care Leavers ▪ Fostering & Adoption ▪ Residential Services ▪ Children's Trust ▪ Children's Safeguarding <ul style="list-style-type: none"> ▪ Children's Board ▪ Children's Safeguarding unit ▪ Child Poverty Needs Assessment Unit ▪ Rural Affairs ▪ Local Plan

<p>Janet Clowes</p>	<p>Westfields Middlewich Road Sandbach CW11 1HZ</p>	<p>Wybunbury</p>	<p>Adults, Health and Leisure</p> <ul style="list-style-type: none"> ▪ Adult Safeguarding ▪ Adult Safeguarding Board ▪ Leisure Strategy ▪ Leisure Services ▪ Lead responsibility for health, including: ▪ Health Improvement ▪ Strategic commissioning of integrated health and social care ▪ Promoting the work of all agencies to support improved health and well being within the Borough ▪ Health and Well Being Board (Jointly with Leader) ▪ Joint Strategic Needs Assessment (JSNA) ▪ Care Services, including: ▪ Disability Services ▪ Sensory Impairment Services ▪ Domestic Violence Services ▪ Re-ablement ▪ Informal Carers ▪ Community Equipment ▪ Occupational Therapy ▪ Assistive Technology ▪ Mobile Meals ▪ Respite and Short Breaks ▪ Domiciliary Care ▪ Residential Care ▪ Substance misuse services ▪ Equality in service access and delivery ▪ Welfare Rights ▪ Equality and Diversity (Service Users- Health & Social Care Act 2012) ▪ Cheshire East Council – Care Quality Accreditation ▪ Health over 19 years ▪ Extra care Housing (jointly with Housing and Planning Portfolio) ▪ Public Health (jointly with Children and Families Portfolio) ▪ Mental Health Services (jointly with Children and Families Portfolio) ▪ Health Promotion (jointly with Children and Families Portfolio) ▪ Prevention and early intervention strategies (jointly with Children and Families Portfolio) ▪ Family Based Care (jointly with Children and Families Portfolio)
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			<ul style="list-style-type: none"> ▪ Home Care (jointly with Children and Families Portfolio) ▪ Health under 19 years (jointly with Children and Families Portfolio)
Paul Findlow	Westfields Middlewich Road Sandbach CW11 1HZ	Prestbury	<p>Performance</p> <ul style="list-style-type: none"> ▪ Performance Management Framework ▪ Project and Programme Management Framework ▪ Human Resources ▪ Organisational Development ▪ Workforce Development ▪ Occupational Health ▪ Corporate Health and Safety ▪ Shared Services/ CoSocius ▪ Business Improvement Programme lead ▪ Customer Complaints and Responses ▪ Information, Intelligence and Consultation ▪ Media ▪ Information and Communications Technology ▪ Shared Services/CoSocius lead ▪ Procurement strategy and compliance, including: ▪ Participation in Regional Hubs and the Procurement Forward Plan ▪ Corporate contracts policy and compliance ▪ Contract monitoring of external providers, to include the Contracts Register ▪ Governance of Alternative Service Delivery Vehicles ▪ Legal Services

<p>Les Gilbert</p>	<p>Westfields Middlewich Road Sandbach CW11 1HZ</p>	<p>Dane Valley</p>	<p>Communities</p> <ul style="list-style-type: none"> ▪ Community Strategy ▪ Partnerships for Cheshire East (PACE) ▪ Voluntary, Community and Faith Sector Relationships/Development ▪ Local Area Partnership (LAP) and Neighbourhood working ▪ Neighbourhood and Community Cohesion ▪ Civil Protection/Emergency Planning ▪ Third Sector and community delivery ▪ Crime reduction including Community Safety Partnership and Police/ emergency services liaison ▪ Anti-social behaviour reduction including drug abuse and domestic violence ▪ Community Wardens including dog wardens ▪ CCTV ▪ Trading Standards ▪ Licensing-including fares and fees ▪ Environmental Health ▪ Food Safety ▪ Air Pollution control and monitoring ▪ Gypsies and travellers ▪ Contaminated Land ▪ Pest and Vermin Control ▪ Overall responsibility for monitoring all enforcement activity ▪ Markets ▪ Public conveniences ▪ Registration Services; (births, marriages and deaths) ▪ Community Assets ▪ Libraries and Archives ▪ Car Parking ▪ Cultural Strategy ▪ Operational delivery of cultural services including: <ul style="list-style-type: none"> ▪ Tourism and visitor economy ▪ Tatton Park ▪ Park rangers ▪ Arts Promotion ▪ Events programme co-ordination
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<p>Peter Groves</p>	<p>Westfields Middlewich Road Sandbach CW11 1HZ</p>	<p>Nantwich South and Stapeley</p>	<p>Finance and Assets</p> <ul style="list-style-type: none"> ▪ Finance, including: ▪ Finance Service ▪ The budget and business planning ▪ 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 ▪ Shared Services/ CoSocius ▪ Corporate Landlord function in respect of all Council property ▪ Facilities management and the allocation of office space, including; cleaning and postal services ▪ The Council's conference facilities and allied establishments ▪ Security of Council buildings ▪ Accessibility within Council buildings ▪ Governance, including: ▪ Democratic Services ▪ Civic matters ▪ Electoral Services ▪ Member training and development ▪ Monitoring compliance with, and the effectiveness of, the council's decision-making processes, including ▪ executive and non-executive decision making/taking ▪ officer decision making/taking ▪ other delegated decision-making arrangements
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Don Stockton	Westfields Middlewich Road Sandbach CW11 1HZ	Wilmslow Lacey Green	Regeneration and Assets <ul style="list-style-type: none"> ▪ Economic Development ▪ Employment Initiatives ▪ Skills ▪ Credit Union and Co-op Development ▪ Regeneration ▪ Engine of the North (with Finance and Assets PH) ▪ Town Centre Management ▪ Economic Twinning ▪ Energy ▪ Energy Poverty ▪ Energy Company ▪ Assets, including: ▪ Asset Management Plan ▪ Property services including farms estate ▪ Council land policy, usage, sales, valuations ▪ Supported Employment ▪ Engine of the North ▪ Waste and Recycling (ANSA) ▪ Environmental and Cleansing Services (ANSA) ▪ Street Scene (ANSA) ▪ Parks (ANSA) ▪ Crematoriums and Burial Services (Orbitas) ▪ HS2
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DEPUTY CABINET MEMBERS

George Hayes – Children and Families
 Stewart Gardiner – Adults, Health and Leisure
 Glen Williams – Communities
 Sam Gardner – Finance and Assets
 Tony Dean – Regeneration and Assets

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APPENDIX 1

(Updated 22.5.2015)

**CHESHIRE EAST COUNCIL - POLITICAL PROPORTIONALITIES ON ALL BODIES
(other than those to be appointed on an ad-hoc basis)****Based upon the following:****Con:53; Lab:16; Ind:11; Lib Dem:2**

Committee	Con	Lab	Ind	Lib Dem	Total
Corporate Overview and Scrutiny	10	3	2	0	15
Communities Overview and Scrutiny	5	2	1	0	8
Environment Overview and Scrutiny	5	2	1	0	8
Children and Families Overview and Scrutiny	5	2	1	0	8
Health and Adult Social Care Overview and Scrutiny	5	2	1	0	8
Jobs Regeneration and Assets Overview and Scrutiny	5	2	1	0	8
Audit and Governance Committee	7	1	1	1	10
Constitution	9	3	2	0	14
Strategic Planning Board	9	2	2	2	15

Committee	Con	Lab	Ind	Lib Dem	Total
Northern Planning Committee	10	3	2	0	15
Southern Planning Committee	10	3	2	0	15
Public Rights of Way	5	1	1	0	7
Licensing Committee	10	3	2	0	15
Staffing	5	2	1	0	8
Lay Members Appointments	3	1	1	0	5
Local Authority School Governor Appointments Panel	3	1	1	0	5
Civic Sub Committee	5	1	1	1	8
Community Governance Review Sub Committee	4	1	1	0	6
Outside Organisations Sub Committee	4	1	1	0	6
Committee	Con	Lab	Ind	Lib Dem	Total
Total Places allocated	119	36	25	4	184
Total places available					184
Proportional Entitlement	119 (118.92) (64.63%)	36 (35.90) (19.51%)	25 (24.67) (13.41%)	4 (4.47) (2.43%)	184 (100%)
Difference*	(0)	(0)	(0)	(0)	(0)

COMMITTEE MEMBERSHIPS AND CHAIRMEN/VICE-CHAIRMEN 2015/16

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 (15) (10:3:2:0)			
Conservative	Labour	Independent	Lib Dem
M Simon (C)	M Grant (VC)	A Moran	
C Andrew	S Corcoran	B Walmsley	
Rhoda Bailey	D Flude		
G Barton			
G Baxendale			
J Saunders			
L Wardlaw			
H Wells-Bradshaw			
J Weston			
J Wray			

COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE (8) (5:2:1:0)			
Conservative	Labour	Independent	Lib Dem
G Baxendale (C)	M Grant	M Warren	
C Andrew (VC)	J Rhodes		
M Beanland			
E Brooks			
S Pochin			

ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE (8) (5:2:1:0)			
Conservative	Labour	Independent	Lib Dem
J Wray (C)	N Mannion	M Parsons	
G Barton (VC)	B Roberts		
A Martin			
M Hardy			
H Davenport			

CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY COMMITTEE (8) (5:2:1:0)			
Conservative	Labour	Independent	Lib Dem
Rhoda Bailey (C)	D Flude	A Moran	
G Merry	L Jeuda		
B Dooley			
J Saunders			
L Wardlaw			

HEALTH AND ADULT SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE (8) (5:2:1:0)			
Conservative	Labour	Independent	Lib Dem
J Saunders (C)	D Bailey	A Moran	
L Wardlaw (VC)	L Jeuda		
Rhoda Bailey			
B Dooley			
G Merry			

JOBS, REGENERATION AND ASSETS OVERVIEW AND SCRUTINY COMMITTEE (8) (5:2:1:0)			
Conservative	Labour	Independent	Lib Dem
H Well-Bradshaw (C)	S Brookfield	C Browne	
J Weston (VC)	B Roberts		
P Bates			
D Bebbington			
L Durham			

REGULATORY AND OTHER COMMITTEES

AUDIT AND GOVERNANCE COMMITTEE (10) (7:1:1:1)			
Conservative	Labour	Independent	Lib Dem
L Smetham (C)	S Corcoran	A Stott	R Fletcher
D Marren (VC)			
C Andrew			
G Baxendale			
M Hardy			
A Kolker			
M Simon			

CONSTITUTION COMMITTEE (14) (9:3:2:0)			
Conservative	Labour	Independent	Lib Dem
A Martin (C)	S Hogben	D Mahon	
D Marren (VC)	N Mannion	B Burkhill	
M Beanland	D Newton		
G Baxendale			
S Edgar			
S Gardner			
R Menlove			
S Pochin			
G Wait			

STRATEGIC PLANNING BOARD (15) (9:2:2:2)			
Conservative	Labour	Independent	Lib Dem
H Davenport (C)	J Jackson	B Burkhill	D Hough
J Hammond (VC)	D Newton	S McGrory	Vacancy
Rachel Bailey			
T Dean			
L Durham			
S Pochin			
M Sewart			
G Walton			
J Wray			

NORTHERN PLANNING COMMITTEE (15) (10:3:2:0)			
Conservative	Labour	Independent	Lib Dem
G Walton (C)	A Harewood	C Browne (VC)	
C Andrew	L Jeuda	T Fox	
M Beanland	N Mannion		
E Brooks			
S Gardner			
S Gardiner			
M Hardy			
G Hayes			
O Hunter			
J Macrae			

SOUTHERN PLANNING COMMITTEE (15) (10:3:2:0)			
Conservative	Labour	Independent	Lib Dem
G Merry (C)	S Hogben	P Butterill	
J Weatherill (VC)	J Rhodes	B Walmsley	
Rhoda Bailey	B Roberts		
D Bebbington			
J Clowes			
S Davies			
S Edgar			
P Groves			
A Kolker			
D Marren			

PUBLIC RIGHTS OF WAY COMMITTEE (7) (5:1:1:0)			
Conservative	Labour	Independent	Lib Dem
M Hardy (C)	D Flude (VC)	T Fox	
Rhoda Bailey			
S Davies			
M Deakin			
J Wray			

LICENSING COMMITTEE (15) (10:3:2:0)			
Conservative	Labour	Independent	Lib Dem
S Davies (C)	I Faseyi	M Parsons	
D Bebbington (VC)	A Harewood	M Warren	
E Brooks	L Jeuda		
M Deakin			
B Dooley			
M Hardy			
L Smetham			
G Wait			
J Wray			
L Wardlaw			

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)			
Conservative	Labour	Independent	Lib Dem
B Moran (C)	J Jackson	A Stott	
G Barton (VC)	D Newton		
D Brown	D Flude (sub)		
M Jones			
D Marren			

LAY MEMBERS APPOINTMENTS COMMITTEE (5) (3:1:1:0)			
Conservative	Labour	Independent	Lib Dem
D Marren	D Bailey	C Browne	
L Smetham			
S Edgar			

LOCAL AUTHORITY SCHOOL GOVERNOR APPOINTMENTS PANEL (5) (3:1:1:0)			
Conservative	Labour	Independent	Lib Dem
G Merry (C)	A Harewood	D Mahon	
G Williams (VC)			
G Walton			

APPEALS SUB-COMMITTEE (5) (3:1:1:0) (To be drawn from the following pool of 10 members)			
Conservative	Labour	Independent	Lib Dem
M Hardy	C Chapman	M Parsons	
O Hunter	I Faseyi	M Warren	
D Marren			
S Pochin			
M Simon			
J Weatherill			

CIVIC SUB-COMMITTEE (8) (5:1:1:1) (C & VC to be appointed by the Sub-Committee)			
Conservative	Labour	Independent	Lib Dem
G Baxendale	S Carter	A Moran	R Fletcher
D Bebbington			
A Martin			
G Merry			
M Simon			

COMMUNITY GOVERNANCE REVIEW SUB-COMMITTEE (6) (4:1:1:0) <i>(C & VC appointed by the Sub-Committee)</i>			
Conservative	Labour	Independent	Lib Dem
G Baxendale	S Brookfield	B Walmsley	
P Groves			
D Marren			
J Weatherill			

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

CORPORATE LEADERSHIP BOARD APPRAISAL BOARD (Same membership as Staffing Committee)			
Conservative	Labour	Independent	Lib Dem
B Moran (C)	J Jackson	A Stott	
G Barton (VC)	D Newton		
D Brown	Flude (sub)		
M Jones			
D Marren			

HEALTH AND WELLBEING BOARD (Council Members) <i>(C & VC appointed by the Board)</i>			
M Jones	S Corcoran		
Rachel Bailey			
J Clowes			

MISCELLANEOUS

CHESHIRE FIRE AUTHORITY			
Conservative	Labour	Independent	
D Marren	D Bailey	D Mahon	
G Merry	D Flude		
M Simon			
J Weatherill			
P Mason			

CHESHIRE POLICE AND CRIME PANEL
P Findlow
D Marren
H Murray
Nominated Substitute: G Walton

ADOPTION PANEL
L Jeuda

FOSTERING PANEL
G Merry

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CHESHIRE EAST COUNCIL

Council

Date of Meeting: 23rd July 2015
Report of: Chief Executive
Subject/Title: Appointment of the Director of Children's Services, and Deputy Chief Executive

1.0 Report Summary

- 1.1 The Staffing Committee met on 11 June and unanimously agreed to the appointment of Ms Kath O'Dwyer, with a requirement for the Chief Executive to finalise the offer for full Council.
- 1.2 Subsequently Group Leaders were consulted on the offer and met with their Groups to consider the matter and were supportive.

2.0 Recommendation

- 2.1 The Council is invited to endorse the appointment of Ms Kath O'Dwyer, as the Director of Children's Services and to note her position as Deputy Chief Executive, on a salary of £135,000 per annum.

3.0 Reasons for Recommendations

- 3.1 The Director of Children's Services is a critical role within the Council and national evidence suggests that success for children is linked to corporate leadership and joined up public sector partnership support to this agenda. This approach was outlined in the Council's Giving the Best Start in Life – Every Child Matters Innovation led 0-25 Programme.
- 3.2 The national focus upon public sector transformation in Children's Services with our partner agencies gives a new emphasis, and systemic improvement is critically important. Given the new appointee's expertise in national children's services inspection, she will be asked to directly support the Chief Executive in delivering this holistic Children's transformation approach with our public sector partners and take on additional responsibilities acting on behalf of the Chief Executive. In recognition of this broader strategic role Ms O' Dwyer will also be designated as the Deputy Chief Executive.
- 3.3 The recruitment process for the Director of Children's Services has been managed by the Staffing Committee.

- 3.4 Two candidates were considered as part of the final selection process, which involved a presentation and formal interview with the Staffing Committee on 11 June 2015.
- 3.5 The Staffing Committee unanimously agreed that the position of Director of Children's Services be offered to Ms Kath O'Dwyer.
- 3.6 Ms O'Dwyer's current role is as a Civil Servant as National Director for Social Care Inspection within Ofsted.
- 3.7 Prior to her national Director roles, Ms O'Dwyer has substantial experience in the strategic leadership, operational management and delivery of services to vulnerable residents. She previously held the role of Director of Children's Services for Warrington Borough Council, and is extremely familiar with the North West region.

4. Wards and Local Ward Members Affected

- 4.1 None specifically, albeit DCS role affects all areas of the Council.

5.0 Policy Implications

- 5.1 None specifically.

6.0 Financial Implications

- 6.1 This post will be funded from savings within the management structure discussed elsewhere on this agenda. The pay level will be £125,000 plus a market supplement of £10,000, making £135,000 in total.

7.0 Legal Implications

- 7.1 The Council Meeting has a duty to consider and to disclose agreed variations to the remuneration of all roles earning above £100,000 per annum under Section 40 of the Localism Act 2011.

8.0 Risk Management

- 8.1 Actions have been undertaken in accordance with the appropriate policies, procedures and scheme of officer delegations.

9.0 Background and Options

- 9.1 Ms O'Dwyer's designation as a Statutory Officer requires the formal agreement of Council.

10.0 Access to Information

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

The report to Council on 4th February 2013 entitled Becoming a “Strategic Council” – Review of Management Roles and Responsibilities.

The Council’s current Pay Policy Document.

Name: Mike Suarez

Designation: Chief Executive

Tel No: 86017

Email: mike.suarez@cheshireeast.gov.uk

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CHESHIRE EAST COUNCIL

Council

Date of Meeting: 23rd July 2015
Report of: Chief Executive
Subject/Title: Review of the Senior Management structure.

1.0 Report Summary

- 1.1 The Council has significant ambitions to put its residents first, and in order to continue to deliver quality, cost effective services, it needed to review its senior management structure.
- 1.2 Following a review of the commissioning functions across the Council I have concluded, in consultation with the Leader of the Council and Chair of Staffing Committee, that the scope and accountabilities of the Executive Director, Commissioning role is too broad. Given the growing significance of public sector transformation; the importance of the integrated health and wellbeing agenda within the wider economy; and the new Governments vision to create opportunities for greater regional collaboration - organisational changes are needed. The restructuring of the functions within the senior management team will allow the Council to achieve more, at a greater pace, and from a lower overall cost for senior leadership and management.
- 1.3 The recent Government announcements regarding sub regional collaboration within the public sector, and between the public and private sector adds significantly to the Council's existing ambitious programme for Economic Growth and Regeneration for Cheshire East residents. The Council continues to be at the forefront of public sector transformation with the creation of alternative service delivery vehicles and other arrangements such as its partnership with other Councils for its award winning Adoption Service. Delivering greater value as part of a resident first approach.
- 1.4 This report sets out proposals to further refine the Council's senior management structure as a result of a review and a need to better align responsibilities within the senior management structure to deliver the Council's priorities and all within a reduced funding envelope for senior management.
- 1.5 The Council has previously delivered over £5M of management savings and will continue to ensure that costs of supervision and management are lean and kept under constant review to deliver value for residents as part of the service and financial planning work. Seeking greater synergies and continued alignment of responsibilities to reduce cost, improve productivity and efficiency will be an ongoing requirement.

- 1.6 As discussed previously the Staffing Committee met on 11 June and unanimously agreed to the appointment of Ms Kath O'Dwyer, with a requirement for the Chief Executive to finalise the offer for full Council.

2.0 Recommendation

- 2.1 Note the appointment of Ms Kath O'Dwyer, as the Director of Children's Services and to note her position as Deputy Chief Executive.
- 2.2 The Council is invited to agree the following recommendations, at a reduced net overall cost for senior leadership and management:
- 2.2.1 Delete the role Executive Director, Strategic Commissioning.
- 2.2.2 Transfer the client and strategic commissioning and other functions and posts from the Executive Director, Strategic Commissioning role to the Chief Operating Officer.
- 2.2.3 Note the reporting line for the roles of Director of Children's Services and Deputy Chief Executive, Director of Public Health, and Director of Adult Services and Independent Living will remain reporting directly to the Chief Executive.
- 2.2.4 Endorse the amendment of the remuneration of the Chief Operating Officer to an inclusive salary of £135,000 per annum in recognition of additional responsibilities with effect from July 2015.
- 2.2.5 Endorse the amendment of the remuneration of the Executive Director, Economic Growth and Prosperity to an inclusive salary of £120,000 per annum in recognition of additional responsibilities with effect from July 2015.
- 2.2.6 Endorse the amendment of the remuneration of the Head of Legal Services, and Monitoring Officer role to an inclusive salary of £90,000 per annum with effect from April 2015.
- 2.2.7 Endorse the amendment of the remuneration of the Director of Adult Services and Independent Living to an inclusive salary of £110,000 per annum with effect from July 2015.
- 2.2.8 Mandate the Chief Executive to review senior management pay including the performance related pay (PRP) elements in the contracts for senior managers currently in receipt of PRP, with the proviso that the overall pay bill for the most senior managers must decrease.
- 2.2.9 The Chief Executive, in consultation with the Leader of the Council and Chairman of Staffing Committee, be authorised to implement the changes detailed above in accordance with the Council's HR policies and procedures, and make the necessary amendments to the Pay Policy.

3.0 Reasons for Recommendations

- 3.1 Since the implementation of the recommendations of the report to Council entitled “Becoming a Strategic Council” on the 4th February 2013, a number of significant changes have begun to impact upon the nature of the roles of the strategic leadership team within the Council. As a result it is important to consider future requirements to enable the continued delivery of the Council’s vision and priorities.
- 3.2 A restructure of the organisation of our commissioning approach across the Council is essential given the growing significance of public sector transformation, and the importance of the integrated health and wellbeing agenda within the wider economy. Redefining the scope and accountabilities of Executive Director roles within the current senior leadership team will allow the Council to achieve more and at a greater pace.
- 3.3 Following consideration of the senior management requirements a mutual agreement has been reached with the post holder in the role of Executive Director, Strategic Commissioning and the post deleted. This decision is not a reflection of the capability or commitment of the previous postholder.
- 3.4 The Director of Children’s Services is a critical role within the Council and national evidence suggests that success for children is linked to corporate leadership and joined up public sector partnership support to this agenda. This approach was outlined in the Council’s Giving the Best Start in Life – Every Child Matters Innovation led 0-25 Programme.
- 3.5 The national focus upon public sector transformation in Children’s Services with our partner agencies gives a new emphasis, and systemic improvement is critically important. Given the new appointee’s expertise in national children’s services inspection, she will be asked to directly support the Chief Executive in delivering this holistic Children’s transformation approach with our public sector partners and take on additional responsibilities acting on behalf of the Chief Executive. In recognition of this broader strategic role Ms O’ Dwyer will also be designated as the Deputy Chief Executive.
- 3.6 The statutory functions of Director of Children’s Services & Deputy Chief Executive, Director of Public Health, and Director of Adult Services and Independent Living will report directly for all matters to the Chief Executive.
- 3.7 The client functions in relation to the Council’s ASDVs and major contracts such as Highways, Communities, Libraries, Customer Services, Revenues and Benefits will transfer to the Chief Operating Officer (COO) to allow synergies with other functions within COO e.g. procurement, stewardship and governance. This will also allow further synergies with the large scale digital customer services programme which falls under the responsibility of the Chief Operating Officer, and better alignment with finance and treasury functions.

- 3.8 The accountabilities of the COO have grown significantly over the last twelve months. Since the appointment to the role there has been growing market pressure on the salary range offered for similar roles within local government. An assessment of the current job market for this role type and job evaluation suggest that a revision within the existing grade to £125,000 plus a £10,000 market supplement per annum with effect from July 2015 is appropriate.
- 3.9 The reduction in the number of senior leaders at a strategic level requires greater involvement in corporate leadership and governance for the Executive Director, Economic Growth and Prosperity. It is appropriate to revise the salary within the current Executive Director grade to an inclusive salary of £120,000 per annum to reflect the additional accountability. The recent Government announcements regarding the encouragement of regional collaboration across a wide range of public services, and further significant growth prospects for local government have the potential to add substantial scope to the opportunities available to the Council. Such growth would impact the breadth and scope of this role. It is not proposed to address this at the present time however, it will be kept under review given the national decisions around HS2.
- 3.10 The remit of the Head of Legal Services, and in particular the significance of the Monitoring Officer role, has grown since the appointment of the current post holder. Under the current job evaluation scheme and Pay Policy the role was given a spot point at the bottom of the grade and salary range for 'director level' roles - £75,000 to £90,000. Given the major importance of this role within the Council in giving increasingly complex legal and constitutional advice to Cabinet, Elected Members, and senior managers, it is felt that a movement to an inclusive salary of £90,000 per annum with effect from April 2015 is appropriate.
- 3.11 Given the decision to delete the role of Executive Director, Strategic Commissioning it is necessary to reassign accountability for the leadership of the health and adult social care integration agenda, the Better Care Fund, and local authority leadership of the Cheshire Pioneer Programme to the role of the Director of Adult Services and Independent Living. The significance and profile of an aging population is growing in strategic importance and is extremely challenging. Given these factors it is recommended that the salary for this role increases from £95,000 to an inclusive salary of £100,000 plus a £10,000 market supplement per annum.
- 3.12 In 2013 the Council introduced a performance related pay scheme for first, second and third tier managers as a way of stimulating improved operational performance. It was agreed that a review would be undertaken to consider the impact of the scheme, and give consideration to rolling it out to the wider workforce at a future date. After two years in operation it has become clear that whilst the performance and development review scheme is demonstrating improvements in performance through increased numbers of employees engaged in the process, the link to pay is less quantifiable. After further consideration it is not intended to roll out the scheme further. Instead it is proposed to consider a comprehensive review of the scheme during this financial year. The scheme forms part of the contract of employment for the

employees currently covered by the scheme and a formal process will therefore need to be concluded including consultation with the recognised trade unions to review the scheme that enables the Council to continue to recruit and retain managers within the cohort covered by the scheme.

4 Wards and Local Ward Members Affected

4.1 None

5.0 Policy Implications

5.1 The revisions highlighted within this report will require an adjustment to the Council's current Pay Policy.

6.0 Financial Implications

6.1 The deletion of the Executive Director, Strategic Commissioning role will enable an ongoing saving to be made in overall senior leadership costs. The budgetary implications of the proposed revisions fall within the current financial plan for 2015/16. The deletion of the post with salary additions for other Tier 2 leadership and statutory posts identified in this report will result in a net overall saving of approximately £65,000 in a full year from 2016/17.

7.0 Legal Implications

7.1 The Council Meeting has a duty to consider and to disclose agreed variations to the remuneration of all roles earning above £100,000 per annum under Section 40 of the Localism Act 2011.

8.0 Risk Management

8.1 Actions have been undertaken in accordance with the appropriate policies, procedures and scheme of officer delegations.

9.0 Background and Options

9.1 The recruitment process for the Director of Children's Services has been managed by the Staffing Committee and is referred to elsewhere on this agenda.

10.0 Access to Information

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

The report to Council on 4th February 2013 entitled Becoming a "Strategic Council" – Review of Management Roles and Responsibilities.

The Council's current Pay Policy Document.

Name: Mike Suarez
Designation: Chief Executive
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CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	21 st July 2015
Report of:	Chief Operating Officer (Section 151 Officer)
Subject/Title:	2014/15 Final Outturn Review of Performance
Portfolio Holders:	Cllr. Peter Groves, Finance and Assets Cllr. J Paul Findlow, Performance

1.0 Report Summary

- 1.1. This report sets out the Council's continuing improved performance for 2014/15, and highlights the latest progress towards achieving the Council's Residents First Outcomes as described in the Council's three year plan 2013 to 2016. Permanent savings of £5m in management costs have been achieved from 2013/14 to 2014/15.
- 1.2. The Final Outturn shows how the Council is continuing to build on the position for last year. The 2013/14 Accounts were signed off by the Council's external auditors, without qualification, and demonstrated that the overall financial health, performance, resilience and value for money at Cheshire East Council is strong despite taking £50m out of its cost base from 2011/12, and freezing Council Tax for the fourth consecutive year. The Council Tax freeze has been maintained for 2015/16.
- 1.3. Savings have been consistently achieved through efficiency, removing any duplication of effort, making reductions in management costs, and a planned programme of asset disposals. This approach has protected funding provided to front line services. The Council's strong financial position reflects its enhanced governance, innovative delivery arrangements and effective stewardship of public money.
- 1.4. At the end of 2014/15 the Council's reserves strategy remains effective with an underspend of £0.7m being produced. This represents only a 0.3% variance from a budget of £253.8m.
- 1.5. Cheshire East is the third largest Council in the Northwest of England, responsible for over 500 services, supporting over 370,000 local people. Annual spending is more than £750m, with a balanced net budget for 2014/15 of £253.8m. The complexity of customer demands and the size of the organisation make it very important to manage performance and control expenditure to ensure the best outcomes for residents and businesses.
- 1.6. The Council's response to these issues has seen the development of Alternative Service Delivery Vehicles in 2013 and 2014. This will result in the Council publishing its first set of Group Accounts for 2014/15 to

consolidate the accounts of the Council with the accounts of the wholly or partly owned companies of the Council.

1.7. In addition to its strong financial performance the Council can also reflect on a large number of operational successes throughout 2014/15. Some highlights include:

- § Creating a wholly owned company to provide Transport Services and benefit from a more commercial approach.
- § Significant investment to develop the local economy including roads and broadband infrastructure.
- § Pushing ahead with construction of Crewe Lifestyle Centre.
- § Moving forward the University Technical College scheme.
- § Exploring options to develop Macclesfield Town Centre.
- § Continuing to have over 93% of Schools classified as Good or Outstanding.
- § Creation of an Alternative Service Delivery Vehicle to provide a range of professional services such as Building Control and Structural Appraisal.
- § Maintaining the highest recycling rates in the North West.
- § Implementation of the Care Act.
- § Achieving a record number of adopters and being recognised for a national award.

1.8. The attached report, **Annex 1**, sets out further details of how the Council has performed in 2014/15. It is structured into three sections:

Section 1 Summary of Council Performance - brings together the positive impact that service performance, the change management programme and financial performance have had on the 5 Residents First Outcomes in the year.

Section 2 Financial Stability - provides an update on the Council's overall financial position. It demonstrates how spending in 2014/15 has been funded, including the positions on overall service budgets, grants, council tax and business rates, treasury management, centrally held budgets and the management of the Council's reserves.

Section 3 Workforce Development - provides a summary of the key issues relating to the Council's workforce development plan.

2.0 Recommendations

2.1 Cabinet is asked to consider and comment on the final outturn review of 2014/15 performance, in relation to the following issues:

- the summary of performance against the Council's 5 Residents First Outcomes (**Section 1**);
- the service revenue and capital outturn positions, overall financial stability of the Council, and the impact on the Council's reserves position (**Section 2**);

- the delivery of the overall capital programme (**Section 2, paragraphs 196 to 207 and Appendix 4**);
- fully funded supplementary capital estimates and virements up to £250,000 in accordance with Finance Procedure Rules (**Appendix 5**);
- reductions to Capital Budgets (**Appendix 8**);
- treasury management investments and performance (**Appendix 9**);
- the Council's invoiced debt position (**Appendix 11**);
- use of earmarked reserves (**Appendix 12**);
- the workforce development and staffing update (**Section 3**).

2.2 Cabinet is asked to approve:

- fully funded supplementary capital estimates and virements above £250,000 in accordance with Finance Procedure Rules (**Appendix 6**);
- supplementary revenue estimates to be funded by additional specific grant (**Appendix 10**).

2.3 Cabinet is asked to recommend that Council approve:

- fully funded supplementary capital estimates and virements above £1,000,000 in accordance with Finance Procedure Rules (**Appendix 7**);
- the creation of earmarked reserves of £4.9m as set out in **Appendix 12**.

3.0 Reasons for Recommendations

3.1 The overall process for managing the Council's budget, promoting value for money and complying with its Finance Procedure Rules, ensures that any changes that become necessary during the year are properly authorised. This report sets out those areas where any further approvals are now required.

4.0 Wards Affected

4.1 All

5.0 Local Ward Members

5.1 All

6.0 Policy Implications

6.1 Performance management supports delivery of all Council policies. The final outturn position, ongoing considerations for future years, and the impact on general reserves will be fed into the assumptions underpinning the 2016/19 medium term financial strategy.

7.0 Implications for Rural Communities

7.1 The report provides details of service provision across the borough.

8.0 Financial Implications

8.1 The Council's financial resources are aligned to the achievement of stated outcomes for local residents and communities. Monitoring and managing performance helps to ensure that resources are used effectively and that business planning and financial decision making are made in the right context of performance – to achieve better outcomes from an appropriate cost base.

9.0 Legal Implications

9.1 Although the Council is no longer required to report to Government on its performance against measures in the National Indicator Set, monitoring and reporting on performance is essential if decision-makers and the public are to be assured of adequate progress against declared plans and targets.

10.0 Risk Management

10.1 Performance and risk management are part of the management processes of the Authority. Risks are captured both in terms of the risk of underperforming and risks to the Council in not delivering its objectives for its residents, businesses, partners and other stakeholders. Risks identified in this report will be used to inform the Corporate Risk Register.

10.2 Financial risks are assessed and reported on a regular basis, and remedial action taken if and when required. Risks associated with the achievement of the 2014/15 budget - and the level of general reserves – were revised throughout the year and factored into the 2015/16 financial scenario, budget and reserves strategy that was approved by Council in February 2015.

11.0 Background and Options

11.1 The Council's quarterly reporting structure provides forecasts of a potential year-end outturn. This report highlights achievements against outcomes and provides confirmation that the Council's finances are well managed and controlled.

11.2 Portfolio Holders and the Corporate Leadership Board have focussed on managing finances during the year to avoid any impact on the Council's general reserves at year end. At the financial year end, the Council's reserves strategy remains effective with a small underspend of £0.7m (0.3%) against a budget of £253.8m.

12.0 Access to Information

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

Name: Peter Bates
Designation: Chief Operating Officer, (Section 151 Officer)
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Final Outturn Review of Performance 2014/15

July 2015

Introduction

Overall performance, financial health and resilience of Cheshire East Council is strong. It is the third largest Council in the Northwest of England, supporting over 370,000 local people with annual spending of more than £750m. The Council continues to strive for further improvements, putting residents first in the provision of over 500 services delivering more for less.

A commitment across the public sector to contribute to reducing the high levels of national debt has meant local government is going through a period of unprecedented change and financial challenge. Cheshire East Council's response continues to be based on innovation and creativity. The Council continues to be relentless in its pursuit of greater efficiency and productivity, and minimising bureaucracy to enable it to deliver a high level of sustainable, quality services for a lower overall cost. This is reflected in Council Tax being frozen for the fifth consecutive year in 2015/16.

Our commissioning intentions to develop better ways to achieve the Council's five stated outcomes by using a mix of delivery mechanisms is continuing to gain momentum. The Council's philosophy is about much more than simply reducing costs through arranging cheaper provision or about traditional outsourcing. In 2013/14 the Council completed significant reviews of management structures to divert spending to front line services.

At final outturn the Council's reserves strategy remains effective, with an underspend of £0.7m (0.3%) against a budget of £253.8m. This is an improvement of £0.5m since the three quarter year review.

To support openness and transparency the report has three main sections, to provide background and context, and then twelve supporting appendices with detailed information about allocation and management of public money during 2014/15.

Section 1 provides a summary of Council performance and brings together service achievement highlights against the five Residents First Outcomes in the Council's three year plan.

Section 2 provides information on the overall financial stability and resilience of the Council. It demonstrates how spending in 2014/15 has been funded, including the positions on overall service budgets, grants, council tax and business rates, treasury management, centrally held budgets and the management of the Council's reserves.

Section 3 provides a summary of the issues relating to the Council's workforce development plan.

- **Appendix 1** shows the Three Year Council Plan.
- **Appendix 2** explains budget changes since the Third Quarter Review.
- **Appendix 3** shows the latest position for Corporate Grants.
- **Appendix 4** shows revised Capital Programme expenditure.
- **Appendix 5** lists approved Supplementary Capital Estimates and Virements up to £250,000.
- **Appendix 6** lists approved Supplementary Capital Estimates and Virements over £250,000 and up to £1m for Cabinet approval.
- **Appendix 7** lists approved Supplementary Capital Estimates and Virements over £1m for Council approval.
- **Appendix 8** lists Capital Budget reductions.
- **Appendix 9** provides details of Treasury Management investments.
- **Appendix 10** lists requests for allocation of additional Grant funding.
- **Appendix 11** analyses the position on Outstanding Debt.
- **Appendix 12** lists details of Earmarked Reserves.

Peter Bates CPFA CIPD MBA
Chief Operating Officer (Section 151 Officer)

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This report receives scrutiny and approval from Members of Cheshire East Council. As a public report, anyone can provide feedback to the information contained here.

Anyone wanting to comment can contact the Council at:
shapingourservices@cheshireeast.gov.uk

2014/15 Final Revenue Outturn Summary

2014/15 Final Outturn (GROSS Revenue Budget £638.3m)	Revised Budget (NET) £m	Final Outturn Position £m	Over / (Underspend) £m	Change from TQR £m	For further information please see the following sections
Children & Families	46.0	45.8	-0.2	-0.2	Section 1 - Paragraphs 87 - 92
Adult Social Care & Independent Living	94.5	94.3	-0.2	-0.3	Section 1 - Paragraphs 153 - 154
Public Health & Wellbeing	2.2	2.3	0.1	0.0	Section 1 - Paragraphs 127, 155 - 156
Environmental	28.4	28.8	0.4	-0.2	Section 1 - Paragraphs 111 - 112
Highways	10.7	10.9	0.2	-0.1	Section 1 - Paragraph 65
Communities	10.1	9.3	-0.8	-1.3	Section 1 - Paragraphs 28 - 31
Economic Growth & Prosperity	24.7	25.2	0.5	-0.1	Section 1 - Paragraphs 72 - 77
Chief Operating Officer	41.3	37.9	-3.4	-2.0	Section 1 - Paragraphs 160 - 166
Total Services Net Budget	257.9	254.5	-3.4	-4.2	
CENTRAL BUDGETS					
Specific Grants	-18.6	-21.4	-2.8	-3.3	Section 2 - Paragraphs 173 - 178
Capital Financing	12.4	12.4	0.0	0.5	Section 2 - Paragraphs 208 - 215
Contingencies / Central budgets	2.1	2.0	-0.1	0.9	Section 2 - Paragraphs 216 - 218
Add to Investment Reserve	0.0	1.0	1.0	1.0	Section 2 - Paragraph 227
Add to Financing Reserve	0.0	1.2	1.2	1.2	Section 2 - Paragraph 227
Add to Business Rates Retention Reserve	0.0	3.2	3.2	3.2	Section 2 - Paragraph 176
Add to Service Manager Carry Forward Reserve	0.0	0.2	0.2	0.2	Section 2 - Paragraph 228
Total Central Budgets	-4.1	-1.4	2.7	3.7	
TOTAL NET BUDGET	253.8	253.1	-0.7	-0.5	
Planned Contribution					
	2014/15		Actual	Impact on reserves	
	£m		Quarter 4	Final Outturn	
			£m	£m	
Impact on Reserves	-5.8 *		0.7	-5.1	
* increased from £5.3m by Council approved in-year transfers to earmarked reserves					
General Reserves Balance					
	2014/15		Final Outturn		
	Budget				
	£m		£m		
Opening Balance April 2014	19.3	Actual	19.8		
2014/15 Impact on Reserves (see above)	-5.3	Forecast	-5.1		Section 2 - Paragraphs 222 - 225
Closing Balance March 2015	14.0	Forecast	14.7		

Overview of Performance ~ Putting Residents First

ACHIEVING THE COUNCIL'S FIVE OUTCOMES

Cheshire East Council provides more than 500 services, supporting over 370,000 residents, and over 17,500 businesses.

Cheshire East has again been recognised as the Best Place to Live in the Northwest

1 ~ Our local communities are strong and supportive

- § Continuing to be an enforcing Council through:
 - Successful prosecution of people committing benefit fraud;
 - Working with police to effectively use CCTV and Anti-Social Behaviour Orders;
 - Tackling youth crime.
- § Lowest primary school absence level compared to similar councils and a significant reduction in secondary school absences.
- § Introducing targeted clean up campaigns in local town centres.
- § Providing over £1.5m of grants to the community for a variety of uses from provision of training and information leaflets through to helping restore Nantwich Aqueduct.
- § Creating a wholly owned company to provide Transport Services and benefit from a more commercial approach.

2 ~ Cheshire East has a strong and resilient economy

- § Significant investment to develop the local economy including roads and broadband infrastructure.
- § Pushing ahead with construction of Crewe Lifestyle Centre.
- § Moving forward the University Technical College scheme.
- § Exploring options to develop Macclesfield Town Centre.
- § Successfully promoting apprenticeships.

3 ~ People have the life skills and education they need in order to thrive

- § Continuing to have over 93% of Schools classified as Good or Outstanding.
- § Successful focus on reducing NEETs.
- § Improving feedback methods for clients.
- § Protecting schools funding.

4 ~ Cheshire East is a green and sustainable place

- § Driving forward the production of an updated Local Plan.
- § Progress in determining major planning applications but scope to improve the position for minor and other applications.
- § Creation of an alternative service delivery vehicle to provide a range of professional services such as Building Control and Structural Appraisal.
- § Maintaining the highest recycling rates in the North West.
- § Pushing forward the Waste Strategy, reducing landfill and exploring options around food waste.
- § Introducing cheaper energy deals for every resident that takes part in the scheme.

5 ~ People live well and for longer

- § Maintaining a range of services, and working with Health partners, to help people stay independent through technology, adaptations etc.
- § Implementation of the Care Act including taking responsibility for the care needs of Adult prisoners.
- § Recognising the issues faced by carers
- § Achieving a record number of adopters and being recognised for a national award.
- § Promoting and improving leisure facilities.

FINANCIAL STABILITY

Cheshire East Council is achieving outcomes based on sound financial management. In 2014/15 the Council operated on an annual budget of more than £750m.

- At Outturn an overall **underspend of £0.7m** is being reported compared to budget.
- The underspend represents only 0.3% of the Council's **net revenue budget of £253.8m**. This follows the Mid Year Review and Third Quarter Review which had already demonstrated significantly better budget management compared with previous years.
- **Service Budgets** – an underspend of £3.4m is reported.
- **Central Budgets** – the service underspend has created flexibility to fund additional sustainable investment and financing for future schemes.
- The Council is among the top third of Unitary Councils in terms of **Council Tax collection**. Over 99% of Council Tax and Business Rates are collected within three years.
- **Council Tax was frozen** for the fourth consecutive year in 2014/15. This freeze has been maintained in 2015/16.
- Additional **Investment income** and lower external interest charges have contributed to a £1.8m underspend on capital financing to be reserved for funding future capital expenditure. The average rate earned on investments (0.57%) is higher than the London Inter Bank 3 month rate.
- **General Reserves** - the robust reserves strategy assesses risk at the beginning of the year, and protects the Council against potential overspending. The underspend has had the effect of increasing general reserves above the risk assessed level at £14.7m.
- **Capital Programme** - although well within budget, the Council has completed spending in excess of £100m for the first time. Again there has been no requirement for additional external borrowing this financial year.
- Outstanding **Debt** (excluding local taxation) – is £3.9m. This is an increase of £0.2m from third quarter, but is significantly lower than the year end positions for the past two years. Debt over 6 months old stands at £2.2m (around 4% of total debt raised annually) and this is completely covered by provisions to meet potential write-offs.

1. Summary of Council Performance

Introduction

1. Cheshire East Council is responsible for delivering more than 500 local public services across an area of over 1,100km² for over 370,000 residents. The budget to deliver these services in the period April 2014 to March 2015 is over £750m, which is raised from a combination of local taxes, national taxes (in the form of Government Grants) and payments direct from service users. In terms of spending power per head, Government figures highlight the impact of different levels and sources of funding on total Council spending:

	Cheshire East	Rural East Riding of Yorkshire	Urban Liverpool
	£	£	£
Grants	316	389	896
Council Tax	450	386	251
Total	766	775	1,147

2. The Council's Three Year plan, which was agreed by Council on 28th February 2013, has five Residents First Outcomes that will focus service delivery in the medium term (see **Appendix 1**). This section of the report highlights progress towards achieving each of the five outcomes, in addition to inward-facing work undertaken during 2014/15 to support the delivery of a responsible, effective and efficient organisation.
3. This report reflects activity that has taken place mostly in the period April 2014 to March 2015 including progress against the Council's change programme. Commentary is also provided on the financial impacts (both revenue and capital) of this activity.

1 ~ Our local communities are strong and supportive

Mutual Respect & Personal Responsibility

4. We have been tough on fraudsters, achieving 18 prosecutions against people who between them had claimed over £300,000 of benefits that they weren't entitled to.
5. Our closed-circuit television (CCTV) service dealt with over 3,000 incidents, many of which have assisted in arrests being made for offences ranging from burglary and shoplifting to drunkenness and car crime. This contribution has helped people to feel safer whilst tackling incidents of anti-social behaviour (ASB).
6. Our ASB team, working closely with the police, are dealing with 35 new ASB Cases, making it 154 for the whole year. We sent out 1,129 youth notifications this year, resulting in 993 warning letters being issued to young people. These have been very successful; with only 3.8% of young people going on to need any further intervention from us. Only two young people were made subject to an anti-social behaviour order (ASBO), which is testament to the early intervention approach that we have taken to tackle causes rather than symptoms.
7. Incidents involving one individual were reduced to nil when we introduced a Criminal Behaviour Order (CBO). The positive prohibition on the CBO centred on alcohol engagement and the individual is now in full time rehabilitation and doing really well.
8. The work of the Youth Management Board is reducing the number of first time entrants to the youth justice system to an all-time low. Compared to national figures, Cheshire East is ahead of the downward curve due to the excellent early intervention of the multi-agency Youth Engagement Team preventing youth crime.

9. Persistent absentees in Cheshire East primary schools have fallen significantly since 2011 from 4.3% to 1.8%, 1 percentage point below the 2014 national average. Cheshire East is ranked first when compared to statistical neighbours. Persistent absence in secondary schools has also fallen significantly since 2011 by 4.4 percentage points from 9.5% to 5.1%. Cheshire East is ranked 4th when compared to its statistical neighbours.
10. Work has continued with schools to improve attendance and reduce persistent absences. In quarter four a full analysis took place with all schools around coding for alternative provision to ensure they are compliant with national regulations. This exercise identified a group of schools where further work is required to take place in 2015/16.
11. Working with our local clean teams we have held fantastic spring cleaning operations in our key market towns. As we put residents first, it was really heartening to see residents getting involved in improving areas where they live and working alongside Ansa – Cheshire East’s operating company for streetscape services - to make these improvements a reality. Volunteers identified areas that would benefit from tidying, and discussed their findings with us and Ansa, covering issues such as overgrown hedges, grass verges encroaching onto footpaths, dirty or obscured signs, litter, and areas in need of a general tidy-up. We also planted thousands of bulbs which have provided a glorious burst of colour and attracted many compliments from residents.

Communities

12. The Council's Community Grants Scheme granted over £225,000 of funding to 129 organisations, contributing towards over £1.5m worth of projects and community activities. Projects include:
 - Training of advisers, information leaflets, use of a new computer system and training for volunteers at a local debt advice service

- Installation of disabled toilet facilities at a bowling club to reduce a round trip of over 200 meters and accommodate less able-bodied members to join

13. The Giveback Scheme awarded £632,000 to over 80 organisations from the faith sector, young people’s sections of uniformed organisations and older people’s groups. This enabled over £3m worth of large community projects to take place. Projects include:
 - Refurbishment of a church's outside toilet block to include shower and laundry services for use by the homeless and socially isolated
 - Purchase of specialist flight simulation equipment for a new air cadets’ building which will hugely enrich the experiences of the young cadets in the group
14. The Residents First Fund enabled a number of larger scale projects to take place across the Borough with grant funding totalling £593,000 awarded to 35 organisations. Projects include:
 - Repair and restoration of Nantwich Aqueduct
 - Youth training programme at a community radio station
 - Replacement heating system and toilet facilities for a group supporting people with Autism
15. 2014/15 saw £66,000 awarded to Town and Parish Councils and Community Organisations to restore and refurbish local War Memorials in Commemoration of the First World War. 24 Organisations received funding with work continuing throughout the commemoration period to bring the memorials back to their former glory to mark this important event, both for now and for future generations to appreciate.
16. The First World War continues to be commemorated through the Cheshire East Reflects programme. Wreath laying ceremonies have taken place in Crewe, Congleton, Macclesfield and at Tatton Park.

17. We have supported community-led centres to extend their offer to local people. For example, Barnies in Crewe is now online and running clubs for older people whilst helping young people get jobs. Light House Centre in Crewe, also now online, have enhanced their homeless service, and their new kitchen means they now provide family meal sessions.
18. We successfully awarded £90,000 from central government to deliver services differently in neighbourhoods, which will increase the number of services on local estates and increase attendance from troubled and vulnerable families in Macclesfield.
19. Friends of Banbury Park Group submitted a £15,000 'WREN' (Waste Recycling Environmental Limited) application to bring green gym equipment in to the local park, setting up a afterschool homework club, tackling social isolation by running shared reading for the over 50's group and utilising the local volunteer-ran library to hold a series of activities.
20. Friends of South Park (S:Park) Macclesfield submitted a £48k WREN application to contribute to £217,000 worth of sports facilities to go in to the local park, and are increasing the number of social events operating in the park with a range of activities to suit all ages.
21. During the year the number of volunteer hours in community sports activity increased to over 7,200, over 1,200 more than the target. It included support to events by local sports groups and the successful hosting of the Commonwealth games baton Relay during its visit to Cheshire East.
22. Countryside volunteer days stood at 1,138 in 2014/15. Volunteers continue to be as present and critical to helping us deliver services but do require supervision, learning and training, which can be a limiting factor in growing volunteer numbers. 130 volunteers are registered with the Public Rights of Way team to carry out minor vegetative cutting-back and way marking. 135 volunteers are registered with Tatton Park across the Gardens, Mansion, Farm and Estates.
23. The first schools writing competition was completed and prizes will be given out in June 2015. A second competition will be launched in September 2015. Two secondees from Education have now started working with the team to improve links between schools and the programme.
24. Two archival collections are being digitised through Cheshire Archives service and will be made available to the public during summer 2015. Work is ongoing to develop the programme into 2015 and beyond including a major project to culminate in events throughout the Borough in 2018. Over 15,000 people have now engaged with the programme.
25. Cheshire East recorded a total of 1.54m library visitors during the year, and Sandbach Library received a welcome facelift to bring its 1960s glass front into the 21st Century with a new exterior.
26. The Joint Cheshire Emergency Planning Team worked with partners throughout 2014/15 to increase public awareness of what to do in the event of a large scale emergency. This took the form of deploying Emergency Pocket Leaflets (to fit in wallets, purses or pockets) and displaying banners at major events such as the Cheshire Show as well as Fire Station Open Days in Crewe and Middlewich. These events have seen over 700 leaflets handed out to residents, helping them to prepare for, and respond safely to, major incidents such as severe weather and flooding.
27. On 1 January 2015, another Alternative Service Delivery Vehicle (ASDV), Transport Service Solutions Ltd, 'went live'. The new company will continue to co-ordinate and deliver our public transport, home-to-school and social care transport, fulfilling our contractual and statutory responsibilities. By becoming an ASDV, it will now have freedom to develop new business through an entrepreneurial approach to service delivery. Transport Service Solutions is the seventh new company to be set up in a drive to put residents first as part of our ongoing revolution in the way we deliver our services.

28. Services within Communities have an outturn underspend of £0.8m at the end of 2014/15, against a £10.1m budget.
29. Local Community Services has a favourable variance of £1.4m, of which £1m is for the Benefits Service. This has been managed through improved subsidy recovery on housing benefits and an increase in income from housing benefits overpayments. The Revenues service has a favourable variance of £0.2m, the majority of which comes from an increase in court cost income. There are also small underspends for Libraries and Customer Services.
30. Regulatory Services & Health, Local Area Working and Consumer Protection and Investigations services have underspends totalling £0.3m. These are due to managed delays in filling vacancies and small savings in supplies and services.
31. Overall these underspends are offset by a pressure of £0.9m for the car parking service. A review of enforcement has been completed but this did not alleviate a £0.4m pressure. There is also a pressure of £0.5m for car parking pay and display. £0.4m of this relates to the shortfall in pay and display income and £0.1m is for additional gritting costs. Cabinet have agreed to produce a Car Parking Strategy. Part of this will be assessing whether our pricing policy is effective and proportionate. At this point, prices remain the same.

Civic Pride

32. The Council worked throughout 2014/15 towards achieving the successful and efficient delivery of local and national elections in May 2015, with completion and maintenance of the Electoral Register and the implementation of new legislative requirements.
33. A new Town Council for Macclesfield was elected in May 2015. Moving forward into 2015/16 and beyond, this will further enable locally led decision-making and service delivery and advice from the Town Council will help to inform the Cheshire East Council decision-making processes.

34. The number of Council website visits reached 5.2million during 2014/15, ahead of our target of 4 million. The number of visits made via a mobile device has increased and is currently consistent at 45% of the visits.
35. We successfully launched our App which is available on both Apple and Android phones. We set ourselves the goal of achieving 1,000 downloads in the first three months and beat that by some distance with 1,294 downloads.
36. We have promoted the App to residents using traditional techniques, such as flyers and business cards, as well as using social media, with boosted Facebook and Twitter posts. Our first boosted post reached more than 21,000 residents.
37. By the end of March 2015, @CheshireEast had over 10,500 Twitter followers, an increase of over 3,500 since April 2014.

2 ~ Cheshire East has a strong and resilient economy

Business and Visitor Economy

38. Macclesfield Heritage and Culture Strategy is being delivered. A Strategy Partnership Group has been established to oversee delivery. Meetings with major funding bodies are ongoing to promote the role of the Strategy and it has been well received. A programme of events for Summer 2015 has been developed by the group and promotional material is being put in place.
39. The Council is supporting the Silk Heritage Trust in delivering a transition programme and provided £45,000 to match fund a further £50,000 from Heritage Lottery Fund. This will help the trust become more sustainable and better positioned to take advantage of future opportunities.

40. The vacant shop figure within Cheshire East was calculated at 9.7% in 2014 which is a reduction of 0.28% on the 2013 figure. This compared favourably to the national vacancy rate of 13.3% and the North West vacancy rate of 17.4%. Congleton and Middlewich experienced above the national average vacancy rate and measures are being examined to improve this position. Shop vacancy rates are calculated on an annual basis from data collected during September and October each year.
41. The consultation draft of the Crewe Town Centre Regeneration Delivery Framework was completed in preparation for the Council's Cabinet meeting in April.
42. Considerable progress was made in the construction of the Council's first Lifestyle Centre in Crewe. Due to open in Spring 2016, the Centre will see the hosting of a range of services under one roof including, leisure, library, adult social care and children's support services, who together will aim to both improve the health and wellbeing of local residents in the area and to help the move towards the regeneration of Crewe Town Centre.
43. Heads of Terms were exchanged on the acquisition of the Royal Arcade site in Crewe, which will provide the basis for a major town centre regeneration scheme and, in the short-term, represents a revenue income stream for the Council.
44. Work to establish the University Technical College continued, with recruitment for the Principal Designate taking place in quarter four. The consultation exercise was successful in engaging with young people and their families. Ongoing work relating to the site is progressing positively.
45. Phase 1 of the Shop Front Improvement Scheme in Macclesfield town centre is complete, with plans for phase two under development. The Council has had hugely positive feedback from local landlords and businesses who took part in the scheme: *"Through their investment in the shop-front scheme, the Council has demonstrated its support for the existing businesses and*

properties in Macclesfield town centre and the results have been instant".

46. The Council has reaffirmed its commitment to Macclesfield through committing additional capital funding to the town centre. We are now exploring the potential to accelerate delivery of a leisure scheme for Macclesfield town centre, consisting of a cinema and restaurants. A Macclesfield Town Centre Vision Stakeholder Panel has been established to engage with local residents and businesses on the future of regeneration in town centre.
47. The Business Engagement service has had 1-2-1 meetings with over sixty of the area's high growth Small to Medium-sized Enterprises ('SMEs') to understand their barriers to growth and where appropriate refer to specialist business support programmes. There are over forty companies undergoing 12 hours of free business support to help them identify new markets, reduce costs and secure access to finance. To raise the profile of business support products available the service has co-ordinated events to improve access to finance, identify new markets and improve the efficiency of the manufacturing process.
48. The service has made significant progress in engaging with existing companies and attracting new companies to the area. To date, account plans have been developed for thirty-nine of Cheshire East's top 100 investors. This has generated a number of significant projects including McCann's proposal to invest in their Prestbury Campus and Assurant's growth plans in Crewe. The service has been successful in securing £2.3m of Regional Growth Fund on behalf of companies making major investments.

49. The service manages strategic investment projects, including co-ordinating the relationship with Bentley Automotive who announced their plans to invest in a design and engineering function in Crewe. The £40m investment will create 300 new high-value jobs and will be facilitated by the sale of Cheshire East owned assets. To develop the service and expand resource Cheshire East has an 'in principal' agreement with the Manchester Growth Company to extend their diagnostic and access to finance resources to the area. In the medium-term there is the potential to leverage European Funds to further extend the services available.
50. New data confirms there were 15.4 million tourist days in Cheshire East in 2013, up from 14.7 million the previous year (2012 Scottish Tourism Economic Activity Model figures).

Workforce

51. Comparison for the academic years 2012/13 and 2013/14 show that 16-18 year-old apprenticeship starts have increased from 873 to 986. However, 19-24 year-old starts have reduced from 1,169 to 1,071 and 25+ starts have reduced from 1,421 to 864. This is likely to be as a result of changes to the funding methodology.
52. Latest NOMIS (a service provided by the Office for National Statistics) figures for Jan 2014 to December 2014 show that the number of adults with NVQ3 or above has increased to 57.3%.

Infrastructure

53. The 'Connecting Cheshire' Project has now passed over 66,000 homes and businesses with fibre broadband, taking overall coverage to 94%. The first phase of the project will complete by summer 2015 and will surpass the national target of providing 95% coverage by 2017.

54. The Fibre Guys campaign continued to gather momentum, with a regular programme of community switch-on events, a Fibre for Breakfast week during February; this included local press and radio advertising, engagement events using a fibre 'goody bag' including a 'Superfast Fruit and Fibre' cereal sample and a mobile AdVan touring the area. A joint project with Junior Recycling Officers in primary schools challenged to make Fibre Guy models using recycled materials provided a unique way to engage with families. At the end of March take-up had risen to almost 18%.
55. The Superfast Business Support programme has supported over 730 businesses to improve their digital knowledge, with 28 businesses reporting improved gross value added (GVA) performance and 14 jobs created following the support.
56. Planning work on the phase 2 infrastructure deployment will begin summer 2015. The intention is for the deployment to run back to back with the completion of phase 1. The aim is to cover an additional 10,000 premises with superfast broadband connectivity by summer 2017. Once the planning work has been completed details of which communities will benefit will be released.
57. The Women in Business programme is due to complete delivery at the end of April, and is anticipated to have engaged with 308 women, provided in-depth support to 54 and created 6 peer mentors to continue supporting other female entrepreneurs and business owners.
58. The Strategic Infrastructure Team continues to plan, develop and deliver major highway and transport infrastructure improvements, in conjunction with partner organisations. Current Delivery Schemes include:
- Crewe Green Link Road – A new railway bridge was installed over the Easter weekend. The construction of the 0.7 mile

- road will reduce congestion in and around the town and is due to open to traffic in autumn 2015.
- Basford West Spine Road – work is well advanced on a new road to provide access to Basford East and West development areas. The new road is due to open to traffic in autumn 2015.
 - A500 at Junction 16 (in partnership with Highways England) – alleviating congestion on the approach to Junction 16 by widening the carriageway. Delays have occurred in the construction with a new opening date of June 2015.
 - M6 junction improvements (Highways England scheme) – work has commenced on improvements at Junctions 16 and 17 to ease access to and from the motorway. These are due to complete in mid-2015.
 - A556 Knutsford to Bowden (Highways England scheme) – a new 4.5 mile dual carriageway between M6 junction 19 (near Knutsford) and the M56 junction 7 (near Bowdon). Construction started in November 2014 and the scheme is due to complete in winter 2016/17.
 - A6 to Manchester Airport Relief Road (in partnership with Stockport Metropolitan Borough Council) – the scheme is will provide 10km of new dual carriageway to improve access across south east Manchester and east Cheshire area. Construction began in March 2015 and the new road is expected to be open in late 2017.
59. The Council is developing an ambitious pipeline of highway and transport infrastructure schemes for future delivery. The schemes under development including:
- Poynton Relief Road – preferred route established
 - Congleton Link Road – preferred route established
 - Middlewich Eastern Bypass
 - Crewe Bus Station – option appraisal underway
 - Sydney Road Railway Bridge
 - Crewe Green Roundabout
 - Leighton West Spine Road
 - King Street Public Realm Scheme (Knutsford)
- Congleton Public Realm Scheme
 - M6 Junction 16-19 SMART Motorway (Highways England scheme)
60. A new pro-forma has been introduced to ensure planning application consultation responses consider the wider planning balance when formulating a highway / transport recommendation. The introduction of a new performance management tool is also improving response times to consultations. This will be further enhanced with the introduction of Standing Advice by removing direct consultation on applications with minor highway implications.
61. In October 2014 there was a strong recommendation from Sir David Higgins, Chairman of HS2, that Crewe should be a North West hub for HS2 with delivery brought forward to 2027. A full integrated station would provide 360 degree connectivity to North Wales, Liverpool and Merseyside, routes to Scotland, Greater Manchester and beyond into the Northern Powerhouse and south to Stoke, Staffordshire and on to the East Midlands and Birmingham and finally into Shropshire and Mid Wales becoming an even greater node of the national rail network linked to London and all the UK's major Airports. During quarter four the Council worked in partnership with Network Rail and Government to explore options to improve the current station and determine the next stage of the project.
62. A series of transport strategy documents have been started for Cheshire East, including input to the Cheshire & Warrington Sub Regional Transport Strategy (Phase 1), beginning a refresh of the Cheshire East Local Transport Plan, as well as continuing the drafting of more detailed documents including a Cycling Strategy and Rail Strategy.

63. Cheshire East was successful in securing £453,000 from the Department for Transport's Total Transport Pilot Fund. The pilot will fund the cost of undertaking feasibility studies and other groundwork to identify what scope there is for integration across passenger transport services commissioned by the public sector (e.g. home to school transport, local bus support and non-emergency patient transport).

64. Support is being provided to develop proposals for inclusion of public art in the Basford West scheme to ensure best possible outcomes for residents in the new residential aspect of the scheme.

65. Highways has an overall overspend of £0.2m against a net budget of £10.7m, after further increasing the earmarked client reserve by £120,000 to fund potential financial commitments arising in the event of a severe winter. The overall variance mainly relates to an overspend against Street Lighting Energy due to the under-recording of the baseline inventory data and the change in carbon reduction strategy from night-time dimming to LED technology, which will now be rolled out in 2015/16. This has been offset, and is an improvement on third quarter review, by a lower than anticipated costs on the Cheshire East Highways contract and slightly improved position on other fees and charges.

Inward Investment

66. The Inward Investment service has an active pipeline of interest from companies looking to establish an operation in the area. HPL Prototype (a design and engineering company) has agreed Heads of Terms on a site in Nantwich with AV Support (an aerospace systems supplier) committed to relocating to Alderley Park. The number of reactive investment enquires stands at 255 for the year, exceeding our target of 200.

67. The service has made strong progress in developing their relationship with UK Trade & Investment and hosted visits from an international delegation of food and drink sector and life sciences specialists. To promote the area, the service has commissioned a range of marketing materials to capture the area's sector strengths and key assets. The service delivered a range of events to promote the area including co-ordinating an event for over 150 representatives from the commercial property sector and a supplement in The Times newspaper.

68. Estimated inward investment with Cheshire East for filming has increased from £0.6m and 61 filming days in 2012 to £2m and 130 filming days in 2014.

Responsible Business

69. Business satisfaction with local authority regulation services remains strong at 97% at year-end, ahead of our annual target of 95%.

70. 100% of high risk inspections for food standards were completed in 2014/15, and the Council also completed 100% of all scheduled high risk animal health inspections.

71. We increased the number of food premises that are scored against the Food Hygiene Rating System to 2,535 an increase of 7% on 2013/14. Of these, 93% of premises scored 3 or above (maximum of 5). We are continuing to focus our efforts on those low scoring premises to improve compliance.

72. The final outturn for the Economic Growth and Prosperity service is a £0.5m overspend against a £24.7m net revenue budget. This includes the £14.8m transport budget.

73. The final outturn for the Transport service is a £0.7m overspend, against a £14.8m net budget. This is a worsening of the position by £0.9m since third quarter. Work has been done to review savings targets, but the main area of pressure which continues to increase is Special Educational Needs (SEN) transport. In addition the underspend on Core Transport, which was expected to be used to offset the overspend in Children's Transport, did not materialise as anticipated.
74. The Council's Planning functions faced significant challenges in 2014/15, which created financial pressures anticipated at around a net £1.7m at third quarter review. This improved significantly in the last quarter with the overall overspend reducing to £1.1m in 2014/15. The service will continue to face significant challenges and funds were earmarked in the 2015/16 Medium Term Financial Strategy to recognise this issue.
75. Strategic Infrastructure Service including Transport had a net £0.2m underspend, which principally is due to further savings against Public Transport contract.
76. Assets had a £0.7m underspend across the Service; £0.3m arising from a favourable pay variance offset by a shortfall in income against non-operational buildings. There is also a favourable outturn forecast against the Farms Estate of £0.2m.
77. The Investment Service final outturn was a £0.3m underspend, in line with third quarter review, with the favourable variance principally due to a delay in recruiting to vacant posts across the Service.

3 ~ People have the life skills & education they need in order to thrive

Securing the Best Start in Life

78. Work to improve achievement in the early years was ongoing in quarter four, including a conference around effective learning,

with a focus on boys. Also, 100% of schools attended training on moderating judgements for the Early Years Foundation Stage Profile (EYFSP). Visits to schools around the EYFSP continue on a rolling programme.

79. Take up of the 2-year-old offer continues to increase. There were 848 children in provision in quarter four compared with 764 in the previous quarter. Overall, 70.6% of the eligible population are placed. Intensive support is provided to both parents and childcare providers to ensure maximum take up.

Highest Achievements for All Learners

80. Cheshire East continues to maintain a high profile of schools judged as good or outstanding, with over 93% good or outstanding. Recent inspections for secondary schools has seen the percentage rise from 76% in last quarter to 86% with two Inspections moving up from 'Requires Improvement' to 'Good'.

Achieve Aspirations

81. Through the Crewe Pledge, four cohorts of the employment readiness programme have run for 82 pupils from Crewe Schools.
82. The Youth Service continues to work closely with vulnerable individuals to support them into suitable education, employment and training. The number of young people who are not in education, employment or training (NEET) continues to improve and the percentage of NEET young people as at the end of March 2015 was 3% (331 young people).
83. Figures from DfE show that 99% of Year 11 leavers in 2014 had an offer of education or training.

Inclusion

84. Developments continue to take place to improve the attainment of cared for children and to ensure they remain in education and training. Specific programmes to mentor those most vulnerable post-16 are proving highly effective.
85. The local offer for children with SEN has increased access to good quality local provision. In quarter four, the local offer was published and launched through a number of events to raise awareness, including the launch event for the Children and Young People's Plan. Publicity materials, co-produced with professionals and the parent carer group, were used to publicise and raise awareness of the local offer amongst local residents and professionals.
86. Work has continued to ensure that information is current and meets the needs of residents. New services are added along with updates to existing services on a daily basis, and training sessions have taken place to allow some Council services to update and maintain their own information in the online directory. In addition to various online feedback mechanisms for the local offer and the Cheshire East directory (e.g. online forms, and the ability to leave feedback for individual services), parent questionnaires were also sent out to gather feedback. This feedback is being used to shape future developments, for example an improved search functionality.
87. The overall financial outturn for Children's Services of just under £0.2m underspent on a net budget of £46m reflects the position reported throughout the year. Unit prices have been driven down through successful negotiation which has mitigated increased costs which have arisen from a rise in children in care numbers to 350 (at year-end). This has included a small number of secure placements, which have been accommodated within the budget affordability. The service has embraced the discipline of business improvement reviews, realising a range of service efficiencies. Good vacancy management and other one-off remedial measures have been taken to balance the books overall.
88. The budget is likely to remain under pressure to achieve savings targets in 2015/16. There remains an ongoing difficulty in recruiting permanent staff to the professional social worker establishment (with the result being expenditure on more expensive agency staffing in order to maintain the safety of the service), pressure created by more children identified as needing protection from harm and therefore being placed in the care of the Council, and the further investment needed to maintain the momentum of the Ofsted Improvement Plan before the formal reassessment.
89. Cheshire East was able to carry forward unspent Dedicated Schools Grant (DSG) of £5.9m from 2013/14 into 2014/15. This surplus was the result of savings delivered on the SEN placements budget (both in the placements made out of county and in independent provision) and in the amount of statement requests from schools. The Early Years budget also underspent as the service was building up the provision of places for 2 year olds in accordance with Government guidelines. In addition, the Education Funding Agency reviewed the allocation of post-16 High Needs Funding and in recognition of the misallocation of the previous SEN Block grant, allocated Cheshire East an additional £3.6m as one-off funding.
90. Some of this funding was used in year for specific projects, aimed at narrowing the gap, leaving £3.3m to be carried forward again into 2015/16. Continued careful budget management throughout 2014/15 has resulted in an additional underspend on centrally retained DSG of £4.8m, which means that the Authority has been able to carry forward a balance on centrally retained DSG of £8.1m.

91. This prudent budget management has enabled the Local Authority to maintain all school formula funding values at existing levels, whilst delegating in full the additional £5.7m received in the 2015/16 DSG settlement to schools through the Age Weighted Pupil Unit (AWPU) factor in the schools funding formula. The Council has again been able to earmark funding for specific projects that are likely to create a budget pressure in year. £0.4m has again been earmarked for Priority Projects to support Narrowing the Gap activity and improve the attainment for Vulnerable Children. A further £4.2m has been set aside to meet pressures likely to occur in 2015/16 and 2016/17 due to the introduction of Children and Families Act, the new Autism Special School, new alternative provision being developed in the borough and pressure on the post 16 High Needs budget.
92. Schools brought forward surplus balances of £8.9m from 2013/14. During 2014/15, a further 17 schools converted to academy status, taking their budget surplus with them. The policy for holding earmarked reserves for specific projects within schools remains in place, meaning that at the end of 2014/15, schools have total surplus balances of £8.1m, with £2.1m held in earmarked reserves, £0.7m unspent specific grants and the remaining £5.3m held as uncommitted balances.

4 ~ Cheshire East is a green and sustainable place

Development Management

93. The Inspector examining the Local Plan Strategy issued his Interim Views in November, which necessitated a revision of the Local Plan timetable. However, the Council reacted promptly and positively through the Local Plan Task Force, which drove production of additional evidence for draft publication in May 2015. It is anticipated that the Examination will resume in the autumn of 2015.

94. In the meantime work on the subsequent site allocations has been commissioned and was making sound progress by the end of March.
95. Planning applications for 2014/15 show a significant improvement in the determination of 'Major' applications; however there has also been downturn in 'Minors' and 'Others', compared with the previous year. These figures reflect the considerable effort placed on improving the position for Majors, but with overall application numbers remaining very high, pressure has thus been felt in other areas.
- N157a (majors within time) - 61%
 - N157b (minors within time) - 55%
 - N157c (others within time) - 75%
96. In terms of the rolling two year average which central government measure, the Council remains in a satisfactory position, comfortably outside 'special measures' but still with notable room for improvement.
97. Appeals have continued at a high rate, but with some notable successes in relation to sites in the Green Gap - including a High Court victory. This has pushed some of the ongoing financial pressure further into 2015/16.
98. The creation of 'Civiance' - a wholly owned company of the Council providing professional services for Building Control, Structural Appraisal, Fire Risk Assessment, Local Land Charges, Address Management, Planning Support and Liaison - is a significant achievement for 2014/15 and now sets the scene for further efficient working in 2015/16.

Waste Management

99. Cheshire East is one of the best-performing boroughs in the North West when it comes to recycling, with more than half of all household waste collected by the Council now being either recycled, reused or composted. This year has been the best yet, with our silver bin and garden waste recycling schemes likely to report a combined recycling figure of over 56%. Our Household Waste Recycling Centres have also had a great year; having reused and recycled 79.7% of items deposited and reported an overall customer satisfaction rate of 96.6%.
100. Significant progress has been made in beginning the new Waste Strategy to 2030. This was agreed by Cabinet in October 2014. The Strategy seeks to reduce waste, reuse and recycle what we can, and to treat what remains as a resource for energy production, ending the landfilling of black bin waste. With our delivery company, Ansa Environmental Services, we have worked to reduce waste through schools education and our waste prevention volunteer scheme. Our partnership with Christian Concern, Crewe, has seen the tonnage of waste reused increase by 5% to 1,176 tonnes, and in dry recycling we are projecting an increase in the tonnage of 8% over last year.
101. This year has also seen significant moves away from landfilling black bin waste. 19,000 tonnes of waste from the north of the Borough has been utilised for energy production at Staffordshire's energy from waste plant in Stoke-on-Trent. This has resulted in an overall drop of 35% in waste sent to landfill.
102. This year's results place Cheshire East in a strong position to continue to build on the progress made so far. In future years the proposed Environmental Hub will enable the ending of landfill disposal through the use of existing energy from waste plants outside the Borough. The Council is also currently undertaking feasibility work into dry anaerobic digestion, which has the potential to allow us to collect food waste as part of our garden

waste recycling scheme, creating energy, in addition to high quality recycled compost.

Carbon Management

103. In 2014/15 the Council reduced the Carbon Dioxide emissions from its operational buildings to 10,070.4 tonnes, representing a 40% reduction in emissions on the baseline, and is well in excess of our target to achieve 25% reduction by 2016.
104. As previously reported, the Council is investigating the suitability of renewable technologies for top 5 energy users in building assets, with facilities management. The scheme could both help reduce carbon reduction commitment levels and bring a return on investment from the Renewable Heat Incentive and Feed in Tariff.

Environmental Management

105. All Green Flag awards were retained during 2014/15 (Bollington Recreation Ground; Brereton Heath Local Nature Reserve; Congleton Park; Sandbach Cemetery; The Moor in Knutsford; Tatton Park; and Tegg's Nose Country Park, Macclesfield) and Tatton also achieved 'Green Heritage' status.
106. Actions within the Council's Air Quality Strategy are underway, supported by the further development of our Local Air Quality Management website. Milestones within the Air Quality Action Plan are on track in accordance with their schedule. In addition, implementation of the Electric Vehicle Infrastructure is well underway; to date six charging points have been installed within the Council's estate, demonstrating our commitment to improving air quality and encouraging sustainable transport.

Sustainable Energy

107. 1,000 customers signed up in the first two weeks of the 'Fairerpower' scheme. £252,000 has been saved by Cheshire East residents, meaning an average saving of £252 per customer. Cheshire East is the first local authority in sixty years to offer energy to residents, resulting in national media interest from The Times, Financial Times, The Independent and Daily Mail. Associate partners are in discussions about joining the Fairerpower offer.
108. A series of schemes are being developed to progress the delivery of the Council's Energy Framework, which has set about the vision to create affordable energy, grow energy businesses and create independent energy.
109. Business plans have been produced and preparations for submission to the Council's Technical Enabler Group / Executive Monitoring Board are underway for the Cheshire East Energy Ltd Alternative Service Delivery Vehicle. The project is on target to present a full report to Cabinet in summer 2015, with a planned feasibility report completed.
110. Two schemes are being progressed with regard to Geothermal heat; Single Well and Deep Geothermal. The schemes are complimentary and are progressing, with the team developing specifications to go out to market for the developing model for delivery. The Department of Energy and Climate Change (DECC) have approved the funding for the single well project, and discussions to establish planning and permitting requirements are underway, with publicity about the scheme to commence end of May 2015. This will set a precedent for Geothermal energy in the UK, and is on target for delivery by April 2016.
111. Environmental Operations has an overall overspend of £0.4m against a net budget of £28.4m; this mainly relates to one-off client side staffing costs, for which growth is included in the

2015/16 budget, and actuarial costs / voluntary redundancies for former Service Managers. There was a much improved outturn position on bereavement services income which ended up slightly above budget on the year after projected pressure earlier in the year.

112. An underspend of one off funding of £0.5m will be carried forward in relation to the new integrated contract procurement which requires re-profiling over 2015/16 and 2016/17, leading to the new depot in 2017.

5 ~ People live well and for longer

Facilitating people to live independent, healthier and more fulfilled lives

113. During 2014/15 the Council successfully met carers' respite needs through a range of activities including supporting customers with dementia through Shared Lives day care, provision of Personal Assistants and assistive technologies such as Global Positioning System to provide peace of mind for carers, in addition to supporting a range of services including the 'Neighbours Network' to enable independent living and provide carers with a break from their role.
114. Cheshire East Council has been working with our partners across the whole Health, Care and Support system to help people remain independent. For example, we have run services over weekends to help us deal with winter pressures and to be able to respond promptly to the needs of our residents. The strategic aim of all those involved in Care and Support is to help people live well and for longer. In order to do that we are promoting independence, and when people can't cope on their own, we're helping them get back on their feet via reablement and other various services.

115. In quarter four we made the changes we needed to implement the Care Act. This included providing information and advice both via our website and printed matter as well as introducing an independent phone line. We have also worked with colleagues across the region with the aim of jointly making information available in as consistent a way as possible, so that our residents can make informed decisions about the support and care that they need.
116. Adult prisoners are one group of people for whom the Care Act marks a major change in how their needs are assessed and met. From April 2015 local authorities will be responsible for assessing and meeting the social care needs of adult prisoners (not just on discharge from prison but also while they are in custody). The LGA welcomed the new legislation as *“to date it has been unclear who is responsible for meeting the social care needs of prisoners, with the result that such needs have often gone unrecognised or have not been met effectively. As a consequence individuals have been unable to participate as fully as they could in the day to day life of the prison, and could potentially have suffered a loss of dignity, been subject to abuse by other prisoners and have left prison less well equipped to return successfully into the community than they might have done.”*
HMP Styal is located in Cheshire East. This is a women’s prison and our care and support staff have been conducting assessments under the Care Act. Our initial findings suggest that between 10% and 25% of those assessed may meet our eligibility thresholds. Others required support related to equipment and visual impairment.
117. Cheshire East Adults Social Care and our colleagues who provide health services such as community nursing and physiotherapy came together over eight weeks in quarter four to co-design and agree a model for community integrated teams. These teams will be part of the communities that they support; they will be flexible and go to where the need is greatest to help residents stay in their own homes.
118. We also recognise the value of carers and how, at times, being a carer can be incredibly hard. But carers aren’t just carers – they are people with lives and desires and goals of their own. As shown in the 2015 State of Caring report, carers are worried about money, about how they can maintain their own employment, relationships and lives and what the future holds. That’s why the Care Act enshrined the right for carers to have an assessment so that their needs can be assessed and supported.
119. We have developed a Carers’ Strategy ‘Caring for Carers: A Joint Strategy for Carers of All Ages’ in conjunction with our Clinical Commissioning Group partners which identifies the plans for support for carers to support them in their caring role. In January 2015 we undertook 7 engagement events with carers (110 carers attended) across Cheshire East which delivered information and gained feedback on the Care Act 2014 implementation and how this legislation improved access to carers’ assessments, support planning, personalisation and direct payments.
120. Cheshire East Council’s Housing Related Support Services are instrumental in enabling people to stay living in their own homes and remain as independent as possible. In the most recent quarter, a minimum of 73% of people receiving support from Housing Related Support services were able to maintain independent living. Of 36 services where performance indicators are submitted for independent living, performance has improved in 6 areas since the previous quarter. This includes mental health and older people client groups. In addition, there have been 393 referrals successfully placed with Housing Related Support services in quarter four.

121. The number of home adaptations per annum for older and / or disabled residents stood at 2,090 at the end of 2014/15, significantly ahead of our annual target of 1,700. The Council's focus on early intervention and prevention has increased the number of minor adaptations provided to keep residents living safely in the community, together with an increase in the use of Disabled Facilities Grants.
122. Between January and March 2015 intermediate care services supported the recovery of 471 people following incidents of ill health.
123. Cheshire East continues to work closely with Registered Providers to increase the level of affordable homes available across the authority. In 2014/15 the target of 350 was exceeded with 640 units being completed.
124. Reducing the level of empty homes continues to be a priority. We are on track to achieve our target of 1% by 2016 with an outturn at the end of 2014/15 of 1.04%. This is being achieved through a number of projects including the 'In Town Living' project, affordable homes development and the Housing Innovation Fund.
125. The Handyperson Service was due to be successfully transferred to Orbitas on 1st May 2015. The intention is to develop the service further to enable residents to remain living independently within a home of their choice.
126. The Vulnerable and Older Persons Housing Strategy would be presented to Cabinet in May 2014.
127. Leisure has a small overspend of £0.1m against a net budget of £2.2m, relating to the client management budget, for which growth is included in the 2015/16 budget. Further one-off costs associated with the Council's Leisure closedown and transitional support to the Trust in its first year fed into the corporate outturn.

Early Intervention, Help and Prevention

128. Thirteen Public Health Transformation Fund projects are now underway. This now includes:
 - CVS (social prescribing project)
 - YMCA (healthy conversation project)
 - Catch 22 (MyChoice - Holistic Sexual Health Education, Advice and Guidance)
 - Cheshire East CAB (Advice on Prescription)
 - Cheshire East Council Public Rights of Way and Countryside Management Service (Walking to Wellbeing)
 - Cheshire Without Abuse (Safer and Healthier Families)
 - CVS (Social Prescribing)
 - End of Life Partnership (Cheshire Living Well, Dying Well)
 - Food Dudes (Food Dudes in our Schools)
 - NHS SCCCH (Diagnose Cancer Early – campaign)
 - Peaks and Plains Housing Trust (Keeping Warm, Living Well)
 - Royal Voluntary Service (Staying Home Community Support)
 - St. Luke's Hospice (Volunteer Befriending in Crewe and Nantwich)
 - The Reader Organisation (Reader in Residence Project)

Reporting on projects has been initiated and will inform quarter one reporting in 2015/16.

129. The Walking for Health Project funded by Public Health Transformation fund is developing a project in the north Crewe area. The project is on target and has now moved to the implementation stage with work being undertaken to modify the public rights of way network for the project.
130. Adult services are in the process of recruiting an additional 6 Local Area Co-ordinators creating a team of eight to work with the Adult Social Care to support service users to engage in community activities and identify innovative ways to meet their needs.

131. The Emotionally Healthy Schools pilot is out to procurement. Six schools were identified to participate in first stage. 4,200 children and young people attend these schools; 10% of the 0-19 population of Cheshire East. Interventions will commence with the 2015/16 academic year. With the focus on prevention at the first point of contact the team have exceeded the annual target and have prevented 841 households from becoming homeless at year end.
132. The Dementia Reablement Service has been launched, focussed on supporting people to continue to live independently following a diagnosis of dementia.
133. A working group has been established to draft the Cheshire East Alcohol Harm Reduction Strategy. This includes officers from a number of Council teams, and colleagues from the Police and Clinical Commissioning Groups.
134. Communication is ongoing with the East Cheshire NHS Trust and Mid Cheshire NHS Foundation Trust to facilitate the adoption of the Cardiff Model within their respective A&E Departments.
135. The 'Under the Weather' working group is continuing to oversee and connect activities linked to reducing excess winter deaths. Public Health are undertaking detailed research to determine other interventions to focus upon.
136. The 'Street Triage' mental health initiative (led by the Police) is now running in Cheshire East and is already demonstrating positive impacts with people being referred more appropriately and A&E admissions being avoided.
137. A pan-Cheshire mental health needs assessment is now underway, led by the two Public Health teams, to inform a Pioneer review of mental health commissioning.
138. Sexual Health Services have been re-commissioned for 2015/16.

Accessible Services, Information and Advice

139. The Care Act places a duty on local authorities to provide information and advice. We have published a directory of support and care on our website and have also distributed 3,000 printed copies where and when they are needed. These have been well received, so much so that we are now printing over a thousand additional copies to meet demand.
140. During the year over 6,000 young people received training to improve their bike riding skills to improve their safety whilst undertaking this healthy activity.
141. There were over 2.7m visits to the Council's leisure centres during the year. These facilities are now run on behalf of the Council by Everybody Sport and Recreation. This figure will now be used as the baseline to determine future performance improvements.
142. Theatre attendance targets are being exceeded, which led to a review of the original targets. The full-year attendance at end of quarter four has even exceeded the revised target of 74,394 by 17.6%, now standing at 87,533 for 2014/15. In addition, use of the theatre by community groups is up 15% on the previous year.

Public Protection and Safeguarding

143. Policies and procedures have been revised, agreed and updated in light of the Care Act. All of these have been communicated with our staff from Making Safeguarding Personal to the changes in carers' rights. The redesign of adult social care processes has also continued so that we are positioned to make use of the new technology and systems which we will be implementing in autumn 2015.

144. Cheshire East were successful in its bid as the accountable body for the Tech Fund 2. This has enabled us to move forward as a partnership (via the Cheshire Pioneer) in developing the Cheshire Care Record. This is a real game-changer and will allow professionals to see relevant information about the residents that they are working with so that people will only need to tell their story once.
145. The new Dementia Reablement Service was launched on the 1st May 2015, to provide advice, support and information for anyone who has recently been diagnosed with dementia via Cheshire East memory clinics. It will be a free service made up of trained staff who have an understanding of people living with dementia. Having an early diagnosis of dementia and getting early support to the individual and their family can help to continue living well and independently for as long as possible.
146. Work to address the findings of Ofsted's Progress Inspection of Children's Services was underway in quarter four.
147. A new Children's Improvement Plan was agreed by the Improvement Board, with a focus on the partnership contribution to safeguarding children and young people.
148. Improving timescales for assessments continues to be a priority. Revised practice standards around assessments were launched in January to improve timeliness. Fortnightly performance challenge sessions of all services are now underway and these ensure that performance is scrutinised in great depth across all teams and services, so a culture of performance management is embedded. The latest audits are showing improvements in the quality of practice.
149. An innovation bid, submitted to the Department for Education to provide some children in need services in Crewe in a different way, has been approved. 'Project Crewe' will see the Council working in partnership with the charity Catch 22 to deliver tailored services for some of the most vulnerable families, overseen by a qualified social worker. By harnessing the specialist skills and

knowledge of Catch 22, the Council hopes to better support these families and improve outcomes for children and young people. Work is now underway to get this up and running.

150. The Safeguarding Unit continues to ensure that participation with children and young people is meaningful through a variety of media, including an improved website, co-produced by young people. In addition, the Local Safeguarding Children Board is working to implement 'Strengthening Families', a new model for child protection conferences, designed around better engagement with families.
151. The launch of the Children and Young People's Plan, co-produced and co-delivered with children and young took place in January 2015. This included the launch of the Neglect Strategy.
152. After approving a record number of 40 Adopters in 2014/15, Cheshire East has been shortlisted along with our partners Stockport, Tameside and Trafford who make up the Four4Adoption service. If successful, it will be the second award since the partnership was established in 2013. The four authorities have worked in collaboration to increase the number of adopters and successful placements in Cheshire East and the three Greater Manchester boroughs. The general trend is that the timeliness for the majority of children placed for adoption is improving. The percentage figure of children placed within timescales has increased from 53% in 2012/13, to 61% in 2013/14 with a figure of 59% in 2014/15.

153. The financial headline for Adults Services is an underspend position for the second year running with the final outturn being £94.3m against a net budget of £94.5m, representing a variance of less than 0.25%. This has been achieved against the local and national backdrop of increased demand coming through the ageing population and increased levels of complexity being presented by service users. This positive outturn arrives as a result of a number of factors. Positives include early delivery of some 2015/16 target savings in areas such as Supporting People, income levels remaining buoyant and care costs (especially in relation to older people) continuing to be tightly managed. This latter point is achieved through a combination of front-line social work practice supported by a number of preventative interventions which support residents, including those such as reablement which contribute to maximising independence.
154. The positive financial position cannot detract from very real ongoing financial challenges being faced by the Adults service. Delivery of some existing Medium Term Financial Strategy targets in 2014/15 have been delayed which will impact in 2015/16, negotiation of complex / joint funded packages of care is still to be resolved and demand will inevitably rise due to both the demographics of the Borough and the impact of the Care Act.
155. Public Health is funded through a ring-fenced grant of £14.3m received from Central Government. 2014/15 represents the second year of this service being with local government. Major contracts within the service such as Drugs & Alcohol and Sexual Health have been renegotiated, which in addition to providing financial efficiencies moving forward also, importantly, involve an increased focus on preventative activities. In 2014/15 the service successfully launched the Public Health Innovation Fund which has resulted in targeted investment of over £1m in key Public Health outcomes from Children's obesity initiatives to added investment in supporting Mental Health outcomes. This is being delivered by a variety of partners from local voluntary organisations to statutory Health bodies.

156. Investment in both Children's and Adults has also been made during 2014/15 and a full investment plan covering the following three year period is being drafted. This will mean that the allocation of spending on public health programmes is moving towards a target investment based on the burden of illness and disability experienced by residents. This combines both premature mortality with time lived with a disability to derive a measure that describes the total burden of disease and illness.

6 ~ A Responsible, Effective and Efficient Organisation

157. Budget planning shows that the Council is 'in great shape' financially. Council Tax was frozen for the fourth consecutive year in 2014/15 and, in February 2015, Council voted to freeze Council Tax for 2015/16.
158. Consistent and effective debt recovery processes continue to support high collection rates for council tax and business rates, with two year rates of 99.0% and 99.2% respectively against a target of 98.75% for both.
159. The average age of debt invoices has been reduced to 288 days significantly outperforming the target of 375 days. Ongoing cleansing of historic cases and thorough and effective processes to deal with current debt have contributed to a significant impact on the indicator.
160. The budget for Chief Operating Officer (COO) Services was underspent overall by £3.4m which is an improvement against third quarter and includes underspending of one off budgets
161. Corporate Resources & Stewardship underspent by £2m. mainly within Facilities Management. Energy being underspent by £1.1m, and Repairs and Maintenance being underspent by £0.5m. Pressure from unbudgeted voluntary redundancy costs was offset by staff vacancies across the service resulting in an underspend of £0.4m.

162. Organisational Development underspent by £0.7m partly as a result of unspent one-off budgets (£0.2m), and budget underspends within Organisational Development, and Workforce Development. Organisational Development was underspent (£0.2m), in part due to the ending of the graduate trainee scheme and being unable to get all training programmes running this year. Workforce Development were underspent by £0.3m, largely due to programmes not running as anticipated, such as Care Act training which will now be incurred in 2015/16.
163. Legal Services underspent by £0.1m at outturn (net-nil forecast at third quarter). Following the COO structure costing exercise and the resulting realignment of employee's budgets, the staffing budget for Legal Services increased to accurately reflect the cost of the service's structure. Throughout the year the service has been carrying a number of vacancies, resulting in Legal Services underspending against their staffing budget. Income from general fees and charges improved in the final quarter. The underspend against the staffing budget offset an overspend on supplies and services expenditure, mainly due to additional costs of External Legal Advice.
164. The Governance & Democratic service underspent by £0.1m at outturn (net-nil forecast at third quarter). The underspend was due to pressures within the Coroner's budget, and the Registration Service (which eased in the final quarter) being offset by part-year vacancies within the Chief Executive Office, and an underspend on Members Allowances.
165. Communications underspent by £42,000 (£80,000 underspend forecast at third quarter). The staffing underspend decreased to £62,000 due to increased costs of agency staff. This underspend was offset by a small overspend on supplies and services.
166. The Strategic Commissioning service underspent by £0.4m mainly due to unspent one off budgets (£0.3m) as the majority of expenditure to be funded from this budget will not be incurred

until 2015/16, and an underspend on the staffing budget due to part-year vacancies which were only filled at the end of the year.

2. Financial Stability

Introduction

167. Financial performance has continued to improve compared to previous financial years. Improvements in financial planning, governance and stewardship are having a clear impact on the Council's ability to manage its budget and create greater confidence in the medium term plans which is evidenced by further improved outturn forecasts throughout 2014/15.

168. Applying the best fit approach towards commissioning means the Council now wholly owns several supplier companies as well as maintaining relationships with private sector suppliers, charitable trusts and voluntary sector organisations. The financial position of the wholly owned companies will have a direct effect on the financial performance of the Council over time, but to date no forecast profit or loss is being factored in to the outturn position for the Council.

169. **Table 1** provides a service summary of financial performance for 2014/15. For further details please see Section 1 and the notes below the table. Changes to service net budgets since the Third Quarter Review are analysed in **Appendix 2**.

Table 1 - Service Revenue Outturn Forecasts

	Revised Net Budget	Final Outturn Position	Over / (Underspend)	Over / (Underspend)	Outcome Number 1 - 5
	£000	£000	£000	%	
Children & Families	46,000	45,807	-193	-0.4%	3,5
Adult Social Care & Independent Living	94,461	94,251	-210	-0.2%	5
Public Health & Wellbeing	2,229	2,274	45	2.0%	5
Environment	28,364	28,799	435	1.5%	4
Highways	10,673	10,882	209	1.9%	4
Communities	10,076	9,287	-789	-7.8%	1,2
Economic Growth & Prosperity	24,734	25,184	450	1.8%	2
Chief Operating Officer	41,347	37,980	-3,367	-8.1%	
TOTAL SERVICE OUTTURN	257,884	254,464	-3,420	-1.3%	

170. The final service outturn position is an underspend of £3.4m. Further items impacting on the final level of the Council's balances are detailed in the paragraphs below on centrally held budgets.

171. The Council made considerable improvements in the way it managed its major change programmes. This included extensive training, a refreshed methodology, the setting up of new monitoring and reporting arrangements and regular reporting. In April 2013 the Council launched a corporate project and programme management framework to support achievement of the Three Year Plan. The framework focused on capital or revenue projects or programmes where the total value exceeds £250,000, or posed significant risk to the Council. Progress was reviewed by a Member-led governance group, called the Executive Monitoring Board, which was supported by a Technical Enabler Group and the Programme Management Office.

172. Monitoring of projects and programmes focused on whether projects were expected to achieve the benefits set out in each business case within the timescales and budget initially agreed. Where projects were not meeting time, quality or cost standards these were reviewed by Cabinet as part of a regular summary report.

Government Grant Funding of Local Expenditure

173. Cheshire East Council receives two main types of Government grants; specific use grants and general purpose grants. The overall total of Government grant budgeted for in 2014/15 was £387.4m.

174. In 2014/15 Cheshire East Council's specific use grants held within the services was budgeted to be £283.6m based on Government announcements to February 2014. Further announcements have revised this figure down to £269.4m mainly due to academy conversions. Spending in relation to specific use grants must be in line with the purpose for which it is provided. General purpose grants were budgeted to be £103.9m, but further in-year grant announcements have increased this figure to £107.9m for the year.

175. The Council's budget provides for the receipt of known specific grants. However, where additional non-ringfenced grant funding is received, services wishing to increase their expenditure budgets are required by Finance Procedure Rules to seek approval to use this additional funding. Additional general purpose grants totalling £176,000 were received during the final quarter of 2014/15, and have been transferred to an earmarked reserve. These grants were received too late in 2014/15 to seek approval to spend in year, and therefore this report seeks approval to services' requests to incur additional expenditure in 2015/16 fully funded by these additional grants. Details of the allocations are contained in **Appendix 10**.

176. Business Rates Retention Section 31 compensation grants of £3.2m have also been received during 2014/15 to reimburse billing authorities for the extra discounts offered to businesses as announced in the 2013 Autumn Statement. This includes the doubling of Small Business Rate relief for a further year and a new

Retail Relief discount. These grants have been transferred to the Business Rates Retention earmarked reserve.

177. Services general purpose grant was originally budgeted at £17.4m. Net additional grant of £4m has been received during the year. £1.2m of additional grant has been allocated to services during the year, leaving a net underspend against budget of £2.8m. After allowing for the transfer of £3.4m to earmarked reserves, the net outturn variance is a £0.6m overspend, mainly reflecting a £0.5m reduction in Education Services Grant as reported at the mid year review.

178. **Table 2** provides a summary of the updated budget position for all grants in 2014/15. A full list is provided at **Appendix 3**.

Table 2 – Summary of Grants 2014/15

	Original Budget 2014/15 £m	Revised Forecast 2014/15 £m	Final Outturn 2014/15 £m	Change from TQR 2014/15 £m
SPECIFIC USE				
Held within Services	283.6	269.4	269.4	0.1
GENERAL PURPOSE				
Central Funding	86.5	86.5	86.5	0.0
Service Funding:				
Children's & Families	1.0	1.7	1.8	0.0
Adult Social Care & Independent Living	0.3	0.4	0.4	0.0
Environment	0.1	0.1	0.1	0.0
Highways	0.0	0.1	0.0	-0.1
Communities	3.2	3.2	3.3	0.1
Economic Growth & Prosperity	0.8	0.9	0.9	0.0
Chief Operating Officer	12.0	11.7	14.9	3.2
Total Service Funding	17.4	18.2	21.4	3.3
TOTAL GENERAL PURPOSE	103.9	104.6	107.9	3.3
TOTAL GRANT FUNDING	387.4	374.0	377.4	3.3

Collecting Local Taxes for Local Expenditure

179. Cheshire East Council collects Council Tax and National Non Domestic Rates for use locally and nationally.

Council Tax

180. Council Tax is set locally and retained for spending locally. Council Tax was frozen for 2014/15 at £1,216.34 for a Band D property. This is applied to the taxbase.
181. The taxbase for Cheshire East reflects the equivalent number of domestic properties in Band D that the Council is able to collect Council Tax from (after adjustments for relevant discounts, exemptions and an element of non collection). The taxbase for 2014/15 was agreed at 137,548.53 which, when multiplied by the Band D charge, means that the expected income for the year is £167.3m.
182. In addition to this, Cheshire East Council collects Council Tax on behalf of the Cheshire Police and Crime Commissioner, the Cheshire Fire Authority and Parish Councils. **Table 3** shows these amounts separately, giving a total budgeted collectable amount of £202.7m.

Table 3 – Cheshire East Council collects Council Tax on behalf of other precepting authorities

	£m
Cheshire East Council	167.3
Cheshire Police & Crime Commissioner	21.1
Cheshire Fire Authority	9.5
Town & Parish Councils	4.8
Total	202.7

183. This figure is based on the assumption that the Council will collect at least 98.75% of the amount billed. The Council will always pursue

100% collection, however, to allow for non-collection the actual amount billed will therefore be more than the budget.

184. This figure may also vary during the year to take account of changes to Council Tax Support payments, the granting of discounts and exemptions, and changes in numbers and value of properties. The amount billed in 2014/15 was £205.5m.
185. **Table 4** shows collection rates for the last three years, and demonstrates that 99% collection is on target to be achieved within this period.

Table 4 – Over 99% of Council Tax is collected within three years

Financial Year	CEC Cumulative		
	2012/13 %	2013/14 %	2014/15 %
After 1 year	98.2	98.1	97.9
After 2 years	99.3	99.0	**
After 3 years	99.5	**	**

**data not yet available

186. The Council Tax in-year collection rate for 2014/15 was 97.9% compared to 98.1% for the same period in 2013/14. This reduction is due to the continued impact of Council Tax Support Scheme arrangements.
187. Council Tax Support payments (including Police and Fire) were budgeted at £19.1m for 2014/15 and at the end of the year the total benefit awarded was £16.1m. The Council Tax Support caseload has reduced since April 2014 and there have been more reductions in the awards in the year than increased or new awards.
188. Council Tax discounts awarded are £18.9m which is slightly higher than 2013/14 (£18.6m).

189. Council Tax exemptions awarded totalled £3.6m which is in line with the awards granted in 2013/14.

Non-Domestic Rates (NDR)

190. NDR is collected from businesses in Cheshire East based on commercial rateable property values and a nationally set multiplier. The multiplier changes annually in line with inflation and takes account of the costs of small business rate relief. This year the multiplier increase was capped by the Government at 2%.
191. The small business multiplier, applied to businesses which qualify for the small business relief, was set at 47.1p in 2014/15. The non-domestic multiplier was set at 48.2p in the pound for 2014/15.
192. The amount of business rates set by Department for Communities and Local Government (DCLG), to be collected by Cheshire East at the start up of the business rates retention scheme, was £132.5m (including an allowance for valuation appeals). This baseline is subject to an inflationary increase each year (capped at 2% for this year) and therefore for 2014/15 the level was £135.1m.
193. At final outturn net rates collected was £129.8m. This reduction was due to an increase in the provision required for possible successful appeals. This was as a result of a large spike in the number of late appeals lodged with the Valuation Office Agency at the end of March 2015. The final provision was set at £5.9m for Cheshire East (£12.1m total provision for all preceptors).
194. **Table 5** demonstrates how collection continues to improve even after year end. The table shows how over 99% of non-domestic rates are collected within three years.

Table 5 – Over 99% of Business Rates are collected within three years

Financial Year	CEC Cumulative		
	2012/13 %	2013/14 %	2014/15 %
After 1 year	98.0	98.3	98.1
After 2 years	98.8	99.2	**
After 3 years	99.4	**	**

**data not yet available

195. The business rates in-year collection rate for 2014/15 was 98.1% compared to 98.3% for 2013/14. This represents a decrease in collection rate of 0.2% following changes to the payment schedules of a large number of business rate payers who chose to extend payments into February and March. This impacted on the ability to pursue late payment before year-end.

Capital Programme 2014/18

196. Since the Third Quarter Review the overall programme has decreased by £1.7m as shown in **Table 6**.

Table 6 – Summary Capital Programme

	TQR Total Forecast Budget 2014/18 £m	Amendments to Outturn Forecast Budget 2014/18 £m	Amended Outturn Forecast Budget 2014/18 £m	Budget Reductions £m	Supp Revenue Estimates £m	Revised Total Forecast Budget 2014/18 £m
Early Help & Protection	2.3	0.0	2.3	0.0	0.0	2.3
Education Strategy	32.4	0.0	32.4	-0.6	0.0	31.8
Adult Social Care & Independent Living	3.4	1.0	4.4	0.0	0.0	4.4
Public Health & Wellbeing	27.1	0.0	27.1	0.0	0.0	27.1
Environment	17.0	-2.8	14.2	-0.1	0.2	14.3
Highways	36.5	0.6	37.1	-0.1	0.2	37.2
Communities	2.9	0.0	2.9	0.0	0.0	2.9
Economic Growth & Prosperity	224.9	0.0	224.9	-0.1	0.3	225.1
Chief Operating Officer	70.7	-0.3	70.4	0.0	0.0	70.4
	417.2	-1.5	415.7	-0.9	0.7	415.5

Table 7 – Capital Funding Sources

	TQR Total Forecast Budget £m	Outturn Total Forecast Budget £m	Change £m
Grants	183.0	186.5	3.5
External Contributions	59.6	58.5	-1.1
Cheshire East Resources	174.6	170.5	-4.1
Total	417.2	415.5	-1.7

Capital Budget 2014/15

197. The amendment since third quarter review of £2.8m within Environment relates to the purchase of waste vehicles that have now been leased back by ANSA so the requirement for a capital budget has reduced.
198. There have also been a number of budget reductions totalling £0.9m, and Supplementary Capital Estimates of £0.7m which are grant or externally funded.
199. The revised programme is funded from both direct income (grants, external contributions) and the Council's own resources (prudential borrowing, revenue contributions, capital reserve). A funding summary is shown in **Table 7**.

200. At the Outturn stage the Council has incurred actual expenditure of £101.5m in 2014/15 against an approved in-year budget of £132.7m, as shown in **Appendix 4**. The Council has also contributed expenditure of £13.6m for the SEMMMS relief road with matched grant funding from the Department of Transport. The new relief road straddles Stockport MBC and Manchester City Council boundaries as well as Cheshire East. As the host council, Stockport MBC includes the full costs within their capital programme.
201. Since the start of 2014/15 slippage on the capital programme has been measured on schemes that are at the Gateway 2 stage. These are classed as committed schemes as they should have commenced prior to, or during, 2014/15 and have a detailed forecast expenditure plan in place. **Table 8** below shows the actual expenditure incurred on those schemes against the revised outturn budget.

Table 8 – Progress Against Gate 2 Schemes in 2014/15

	TQR Budget	Final Outturn Budget	Actual Exp	Current Forecast Over / Under Spend
	£m	£m	£m	£m
Early Help & Protection	1.3	1.3	0.3	-1.0
Education Strategy	10.1	10.0	8.5	-1.5
Adult Social Care & Independent Living	0.8	1.8	1.6	-0.2
Public Health & Wellbeing	8.5	8.5	4.7	-3.8
Environment	2.7	2.8	1.2	-1.6
Highways	31.4	31.9	29.9	-2.0
Communities	1.2	1.1	0.4	-0.7
Economic Growth & Prosperity	26.0	25.8	20.5	-5.3
Chief Operating Officer	37.5	37.6	28.9	-8.7
Total	119.5	120.9	96.0	-24.9

still on target so that the new facility opens in March 2016 as expected.

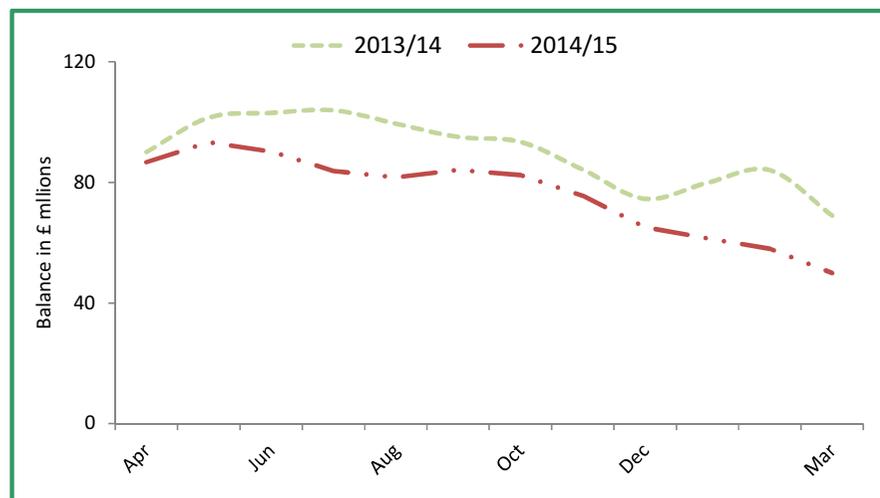
204. **Appendix 5** lists approved supplementary capital estimates and virements up to and including £250,000 approved by delegated decision which are included for noting purposes only.
205. **Appendix 6** details requests for virement of over £250,000 relating to Daven Primary School, and Highways Local Area programme.
206. **Appendix 7** details a request to Council to approve a virement of £1.3m to fund an overspend on the Highways Investment Programme in 2014/15.
207. **Appendix 8** lists details of reductions in Approved Budgets where schemes are completed and surpluses can now be removed. These are for noting purposes only.

Central Adjustments

Capital Financing Costs and Treasury Management

202. During 2014/15 a number of major projects have started and are progressing at a steady pace, including the Crewe Green Link Road (£11.8m), Crewe Lifestyle Centre (£4.6m), Highways Investment Programme (£14.9m) and Connecting Cheshire (£18.6m).
203. However there has been slippage of £24.9m across all services' budgets. £7.8m of this occurred on the Connecting Cheshire project which had anticipated costs of £26.4m but only incurred costs of £18.6m. This was mainly down delivering against a high demand for the service. The Development Programme for Housing and Jobs underspent by £1.3m. The Crewe Green Link Road scheme anticipated costs of £15.7m and delivered significantly against that budget but there was an in-year underspend of £3.9m. Crewe Lifestyle Centre also had an underspend of £3.7m but the project is
208. The capital financing budget includes the amount charged in respect of the repayment of outstanding debt and the amount of interest payable on the Council's portfolio of long term loans. These costs are partly offset by the interest the Council earns from temporary investment of its cash balances during the year. The capital financing budget of £12.4m accounts for 5% of the Council's net revenue budget.
209. Cash balances remained stable throughout the year, and no additional external borrowing was undertaken as the Council continued its policy of 'internally' borrowing to finance the capital programme. As a result external interest charges have continued to decrease as external loans are repaid and not replaced.

Chart 1 – Average monthly cash balances available for investment



210. Investment income achieved in year was £1.1m (see Table 9), including the full realised income from the sale of externally managed investments of which £0.4m relates to previous years. Since the initial investment of £20m was made in June 2011, the funds have returned an average of 0.6% per year with 2014 being above average.

211. Although returns improved in 2014, prior to this the externally managed pooled funds had not been performing as well as anticipated so were recalled. In their place, investments were placed with the Charities, Churches and Local Authorities property fund and in covered bonds. The property fund is designed to offer high returns but should be viewed over a five to six year period as eventual returns based on the underlying value of the assets of the fund can be volatile. The covered bonds provide additional security as they are backed up by collateral, are exempt from bank bail-in risk and still provide a good level of return. The bonds currently

held are due to mature in March 2016 and are fixed at a margin above the London Inter-bank Offer Rate (LIBOR).

212. There is a difference between the purchase price of the units in the property fund and their selling price of around 7%. Since the purchase of the units at the end of October 2014 the selling price has increased by 5.7% with the fund expected to recoup the costs of initial investment early in 2015/16. In addition to capital growth, the fund pays out income earned from property rents in the form of dividends. This has provided a significant boost to investment income in 2014/15 of £0.1m at a rate of 4.83%.
213. As a result of additional investment income and lower external interest charges overall the budget has underspent by a total of £1.8m. This has been transferred to an earmarked reserve to fund future capital expenditure from revenue contributions. The budget is therefore reporting a net nil variance at outturn.

Table 9 – Investment Returns

Sources of Income	£000
In House Managed Investments	359
Fund Manager Gains in Value from 2011	591
Property Fund	101
Other Interest Income	79
Total Income	1,130

- The average lend position (the 'cash balance') including fund manager in the year was £76.3m.
- The average interest rate received on in-house investments in the year was 0.57%.
- The average interest rate (after fees) received on the externally managed pooled funds in the year was 0.97%.

- The average dividend return from the property fund in the year was 4.83%.

214. The Council's total average interest rate received in the year was 0.74%. This is favourable when compared to the London Inter-bank Bid Rate (LIBID) for 7 days at 0.44% (see Table 10). The Council benefited from improved performance of the managed funds in 2014 and the high yields from the property fund.

Table 10 – Interest Rate Comparison

Comparator	Average Rate
Cheshire East	0.74%
LIBID 7 Day Rate	0.44%
LIBID 3 Month Rate	0.50%
Base Rate	0.50%

215. All investments are made in accordance with the parameters set out in the Treasury Management Strategy Statement approved by Council on 27th February 2014 and updated on 26th February 2015. Further details of counterparty limits and current investments are given in **Appendix 9**.

Central Contingencies and Contributions

216. The 2014/15 budget included £1.1m to meet ongoing actuarial charges relating to Voluntary Redundancies. A budget of £1m is also held centrally to meet past service Employer Pension contributions relating to staff transferred to the new supplier companies. Spending in year on these items was in line with the budget.

217. The outturn for contingencies also includes £1m of additional income from the NHS relating to settlement of 2013/14 funding, offset by budget pressures arising from contractual obligations in

Leisure. Other miscellaneous items have generated a small underspend of £0.1m.

218. The service underspend has also created flexibility to transfer £2.2m into earmarked reserves to provide for future funding and sustainable investment costs.

Debt Management

219. The balance of outstanding debt is broadly in line with the level at third quarter review. Balances remain within expected levels and adequate provisions have been made. A summary of outstanding invoiced debt by Service is contained in **Appendix 11**.

Outturn Impact

220. The impact of the projected service outturn position increases balances by £3.4m as reported above (**para 170**).

221. Taken into account with the central budget items detailed above and the approved use of general reserves (**para 224**), the financial impact described in this report decreases balances by £5.1m as summarised in **Table 11**.

Table 11 – Impact on Balances

	£m
Service Net Budget Outturn	3.4
Central Budgets Outturn	-2.7
Use of Reserves reported to Council	-5.8
Total	-5.1

Management of Council Reserves

222. The Council's Reserves Strategy 2014/17 stated that the Council would maintain reserves to protect against risk and support investment. The Strategy forecast that the risk assessed level of reserves would be likely to remain at £14.0m throughout the medium term.
223. The opening balance at 1st April 2014 on the Council's General Reserves was £19.8m, as shown in the published statement of accounts for 2013/14.
224. Council have approved the use of £5.8m of general reserves in 2014/15, to support investment in sustainability and communities, at their meetings in February and July 2014.
225. The overall impact of service budgets, central budgets and Council decisions is shown in **Table 11** above. **Table 12** shows how this impacts on the closing balance of general reserves.

Table 12 – Change in Reserves Position

	£m
Opening Balance at 1 April 2014	19.8
Impact on Balances at Final Outturn	-5.1
Final Closing Balance at March 2015	14.7

226. The balance of £14.7m is broadly in line with level planned in the 2014/17 Reserves Strategy. Overall the Council remains in a strong financial position given the major challenges across the public sector.
227. The Council also maintains Earmarked Revenue reserves for specific purposes. At 1st April 2014 balances on these reserves stood at £26.3m (excluding balances held by Schools). Council have approved the transfer of £5.8m from general reserves into earmarked reserves in 2014/15 to support investment in sustainability and communities. An additional £10.5m of unspent

grant (largely Dedicated Schools Grant) has been transferred to revenue grant earmarked reserves, and £4.8m has been transferred into the newly proposed Financing reserve. Other transfers to and from earmarked reserves have increased the balance by £1.7m. At 31st March 2015, total earmarked reserves stood at £49.1m.

228. Services have made provisions within their outturns to reflect slippage in spending plans for temporary cost of investment and other budgets, carry forward of grant backed initiatives and provision for specific liabilities. It is proposed that this expenditure be met from carry forward via the service manager earmarked reserve under Finance procedure Rule A 40, as listed in **Table 13** below.
229. A full list of earmarked reserves is contained in **Appendix 12**. Cabinet are asked to request Council approval to the newly created reserves at 31st March 2015.

Table 13 – Service Manager Carry Forward Earmarked Reserve

Service	Type	Description	Amount £000	Total £000
Children & Families	COI	Young Persons Advice	20	165
	Other	Catering - Food Quality & Marketing	145	
Adult Social Care & Independent Living	COI	Social Care Bill implementation	510	2,949
	COI	Respite Placements Review	100	
	COI	Learning Disability / Fees Review	126	
	Other	Adult Integrated Care	593	
	COI / Other	Commissioning Reviews	1,485	
	COI	Carefund Calculator	135	
Environmental	COI	Bereavement Orbitas	54	676
	COI	Environmental Operations Programme	106	
	COI	New Delivery Model	442	
	COI	Close Automatic Public Conveniences	24	
	COI	Mapping Maintained Assets for Routing	50	
Highways	Grant	Flood Management	215	465
	COI	Highways Contract	150	
	COI	NRSWA Permits	100	
Communities	Other	Local Community Services	140	300
	COI	New Operating Model	50	
	COI	Car Park Strategy	30	
	Other	Licensing Enforcement	50	
	Other	Citizens Advice Bureau	30	
Economic Growth & Prosperity	Other	Lifelong Learning	190	272
	Other	Housing - Choice Based Lettings	33	
	Other	Cultural	49	
Chief Operating Officer	Other	PSN provision	306	417
	Other	Organisational Change	35	
	Other	Organisational Development	76	
GRAND TOTAL				5,244

3. Workforce Development

230. This section sets out the Council's activities and progress in relation to HR, Organisational Development and Workforce Development plans and changes to staffing levels during 2014/15.

Culture Change

231. A number of organisational development projects have continued to support the Council's transformation. For example, the launch of the Council's FIRST values and behaviours which underpin the Council's commitment to Putting Residents First and define the way in which we work together. Supporting this has been the launch of the Making a Difference employee recognition scheme which has seen more than 700 colleagues being recognised for Putting Residents First and making a real difference to colleagues, citizens and communities.

232. To support the Council's ambitious agenda an investment has been made in developing coaching capability to lead and manage change, unlock individual and team potential, and sustain high levels of performance. More than 35 internal accredited coaches are now using a coaching approach with their teams and provide a coaching offer to the wider workforce.

Learning and Development

233. Towards Excellence, the learning, development and staff improvement corporate training programme has continued to grow its offering for all employees comprising of statutory, mandatory, vocational and professional themes and topics. This ensures that the Council creates a workforce which is safe, knowledgeable and competent in performing their duties to the highest possible standard, providing the best quality services to the residents and businesses.

234. Over 4,000 delegates have attended statutory, mandatory and vocational training during 2014/15. For example, to ensure our staff and providers are legally compliant with the Care Act which came into effect from 1st April 2015 more than 30 team based action learning sessions have been delivered exploring compliance with the new legislation for both internal and external employees within the Adult Social Care sector, supported by a launch event and an e-learning package.

235. The delivery of City and Guilds accredited vocational courses in Health and Social Care supporting Adult Services, Business Administration and ATE (Adult Teaching) have been available to support teams across the organisation with Level 2, 3 and 4 qualifications, with the addition this year of Advocacy, Information and Advice NVQ being added to the Council's in-house further education college prospectus.

236. A particular focus during the year has been on developing management capability within the Council with the creation of four cohorts (90 managers) of Institute of Leadership and Management (ILM) nationally recognised qualifications. In addition, a programme of well attended business breakfasts has been run for managers interested in improving their business and commercial awareness in conjunction with North West Employers.

237. The Workforce Development Team continues to work closely with numerous regulatory and professional bodies, and link into several local universities and colleges to ensure academia and research based theories are inherent in everything we do. As a recognised centre of excellence, quality assurance measures ensure that all employees and apprentices receive up to date training and surpass



expectations of external verification and examination boards and feel fully supported throughout all stages of their career.

Employing Young People

238. The Council has provided more than 200 work experience sessions for young adults and school children and arranged more than 50 apprenticeship pathways for school and college leavers in employment. In addition the Council has introduced Higher Apprenticeships in Finance and Social Media. The Council is part of the Government’s trailblazing programme to introduce employer standards across apprenticeship frameworks. The Council has also signed up to The Crewe Pledge, an initiative that brings together businesses, schools, further and high education institutions with the aim of providing every young person living, studying or working in Crewe with the opportunity to develop employability related skills.

Education HR Consultancy

239. The Education HR consultancy launched two levels of service in September 2014, Gold and Silver, with the Silver Service having a limit on the amount of time that can be spent providing on-site support to schools and academies. Total buy back during 2014/15 equated to 90% of schools which represents a slight reduction on last year due to a number of Primary Schools joining Multi Academy Trusts which provide HR support.

Health and Safety

240. Cheshire East has been awarded its third (consecutive) Gold Royal Society for the Prevention of Accidents (RoSPA) Award for Health & Safety. This RoSPA award gave us an opportunity to prove our ongoing commitment to raising health and safety standards and means we are part of a long running and highly respected occupational safety awards programme.

Staffing Changes

241. As shown in **Tables 14** and **15**, Cheshire East’s employee headcount decreased by almost 20% between March 2014 and 2015. This reduction predominantly relates to employees transferring to ANSA and Orbitas on 1st April 2014, to ESAR and CoSocius on 1st May 2014, and to Transport Service Solutions on 1st January 2015. Employees transferring to Civicance were still employed by the Council on 31st March 2015.

Table 14: March 2014 headcount and FTE figures

Directorate	Employee FTE Mar-14	Employee Headcount Mar-14
Places & Organisational Capacity	1380.1	1869
Adults Services (<i>inc. public health</i>)	995.6	1304
Children & Families	754.3	1104
Finance & Business Services	227.9	246
Shared Services	107.0	113
Legal & Democratic	79.3	120
Apprentices & Graduates	45.0	47
HR & OD	42.3	48
Cheshire East Council Total	3,631.4	4,828

Table 15: March 2015 headcount and FTE figures

Due to the implementation of the new Oracle organisation structure in September 2014 the headcount / FTE information cannot be compared by service across financial years. For example the Workforce Development team were split between Adults and Children's in March 2014 and now appear in People and OD.

Directorate/Service	Employee FTE Mar-15	Employee Headcount Mar-15
Public Health	19.3	22
Media (Communications and PR)	8.0	8
Strategic Commissioning	2,053.2	2,845
Adults Social Care & Independent Living	871.3	1,148
Children's Services	742.1	1,169
Commissioning and Client Support ^a	25.8	27
Communities	413.0	500
Chief Operating Officer	489.8	604
Commissioning	47.2	52
Corporate Resources and Stewardship	254.2	317
Democratic Services and Governance	57.1	92
Legal Services	33.7	38
People and OD	53.7	60
Apprentices	43.0	44
Economic Growth & Prosperity	325.3	407
Assets	28.0	29
Investment	79.8	88
Strategic and Economic Planning	100.1	109
Strategic Infrastructure	9.5	10
Visitor Economy, Culture and Tatton Park	103.2	166
Cheshire East Council Total	2,896.6	3,875

242. As shown in **Table 16**, absence levels were slightly higher in 2014/15 than in 2013/14, but have been consistent (variance of 0.7 days / FTE employee only) over the past three financial years. Management of sickness absence levels during this financial year will focus on developing greater resilience and addressing stress and a detailed action plan to address this has been developed.

Table 16: Average days lost to sickness (per FTE employee) per annum since 2012/13

	2012/13	2013/14	2014/15
Cheshire East (excluding Schools)	12.0	11.3	11.9
Whole Year Target	11.0	12.0	11.0

Voluntary Redundancies

243. The Council's voluntary redundancy scheme continues to support organisational change and the delivery of the planned programme of change in the Council Plan. The effective use of voluntary redundancy in this way enables the Council to achieve its planned savings and efficiencies and also helps to maintain good employee relations within the Authority and minimises the prospect of compulsory redundancy.
244. 30 people have left the Council under voluntary redundancy terms in 2014/15, 14 of whom held posts within the management grades (Grade 10 or above). The total severance cost for all 30 employees was £1.3m inclusive of redundancy and actuarial costs. Over the next five years, these reductions are estimated to save the Council over £6.7m (which is the combined accumulated costs of the deleted posts).

Appendices to Final Outturn Review of Performance 2014/15

July 2015

Appendix 1 – The Three Year Council Plan



To assist with reading this page a PDF version has been made available at: www.cheshireeast.gov.uk/budget

Appendix 2 – Changes to Revenue Budget 2014/15 since Third Quarter Review (TQR)

	TQR Net Budget £000	Restructuring & Realignments £000	Other Virements £000	Final Outturn Net Budget £000
Children & Families	46,101	-74	-27	46,000
Adult Social Care & Independent Living	94,455		6	94,461
Public Health & Wellbeing	2,229			2,229
Environment	28,289	74	1	28,364
Highways	10,673			10,673
Communities	10,076			10,076
Economic Growth & Prosperity	24,670	64		24,734
Chief Operating Officer	41,263	-64	147	41,346
TOTAL SERVICE BUDGET	257,756	0	127	257,883
Central Budgets				
Specific Grants	-18,608			-18,608
Capital Financing	12,511		-120	12,391
Contingencies & Corporate Contributions	2,130		-7	2,123
	-3,967	0	-127	-4,094
TOTAL BUDGET	253,789	0	0	253,789

Appendix 3 – Corporate Grants Register

Corporate Grants Register 2014/15		Original Budget	Revised Forecast	Final Outturn	Change from	SRE / Balances
Final Outturn			TQR		TQR	(Note 2)
	Note	2014/15 £000	2014/15 £000	2014/15 £000	2014/15 £000	
SPECIFIC USE (Held within Services)						
Schools						
Dedicated Schools Grant	1	171,759	159,041	158,454	-587	
Pupil Premium Grant	1	7,489	6,795	6,977	182	
Sixth Forms Grant	1	5,512	4,408	4,817	409	
Total Schools Grant		184,760	170,243	170,248	5	
Housing Benefit Subsidy		84,518	84,518	84,660	142	
Public Health Funding		14,274	14,274	14,274	0	
Restorative Justice Development Grant		8	8	4	-4	
Bus Services Operators Grant		0	348	261	-87	
TOTAL SPECIFIC USE		283,560	269,391	269,447	57	
GENERAL PURPOSE (Held Corporately)						
Central Funding						
Revenue Support Grant		48,601	48,601	48,601	0	
Business Rates Retention Scheme		37,883	37,883	37,883	0	
Total Central Funding		86,484	86,484	86,484	0	

Corporate Grants Register 2014/15		Original Budget	Revised Forecast	Final Outturn	Change from	SRE / Balances
Final Outturn		2014/15	2014/15	2014/15	TQR	(Note 2)
	Note	£000	£000	£000	2014/15	
					£000	
GENERAL PURPOSE (Held Corporately)						
Children & Families						
Troubled Families		130	130	130	0	
Troubled Families - Co-ordinator		100	100	100	0	
Extended Rights to Free Transport		153	153	153	0	
Adoption Reform Grant (unringfenced element)		275	275	275	0	
Special Educational Needs Reform Grant		384	384	384	0	
Youth Detention - Looked After Children		0	27	27	0	
Youth Justice Grant		0	353	353	0	
Staying Put Grant		0	36	36	0	
Special Educational Needs and Disabilities - New Burden		0	280	280	0	
Special Educational Needs and Disabilities - Additional Funding		0	0	31	31	SRE
Adult Social Care & Independent Living						
Local Reform and Community Voices Grant		262	262	262	0	
Care Bill Implementation Grant		0	125	125	0	
Environment						
Lead Local Flood Authorities		52	52	52	0	
Highways						
Sustainable Drainage Systems Capability and Capacity Building		0	123	49	-74	Balances
Communities						
Housing Benefit and Council Tax Administration		1,760	1,760	1,760	0	
NNDR Administration Grant		562	562	560	-2	Balances
Social Fund - Programme funding		612	612	612	0	
Social Fund - Administration funding		119	119	119	0	
Council Tax - New Burden		135	135	135	0	
Implementing Welfare Reform Changes		0	57	57	0	
Support Neighbourhood Service Transformation		0	0	90	90	SRE

Corporate Grants Register 2014/15		Original Budget	Revised Forecast	Final Outturn	Change from	SRE / Balances
Final Outturn		2014/15	TQR	2014/15	TQR	(Note 2)
	Note	£000	£000	£000	2014/15	
					£000	
GENERAL PURPOSE (Held Corporately)						
Economic Growth & Prosperity						
Skills Funding Agency		785	890	889	-0	
Neighbourhood Planning Grant		0	40	45	5 SRE	
Chief Operating Officer						
Education Services Grant	3	4,700	4,262	4,233	-29	Balances
New Homes Bonus 2011/12		870	870	870	0	
New Homes Bonus 2012/13		1,844	1,844	1,844	0	
New Homes Bonus 2013/14		1,037	1,037	1,037	0	
New Homes Bonus 2014/15		1,358	1,358	1,356	-2	Balances
Affordable Homes 2012/13		85	85	85	0	
Affordable Homes 2013/14		82	82	82	0	
New Homes Bonus 2014/15 - return of topslice		132	129	129	0	
Council Tax Freeze Grant 2014/15		1,816	1,807	1,807	0	
Funding Maximising Registration Activities Grant		0	0	27	27	SRE
Community Rights to Challenge		9	9	9	0	
Community Rights to Bid		8	8	8	0	
Individual Electoral Registration		108	117	117	0	
NNDR - New Burden Administrative Costs		0	8	23	15	SRE
Open Data and Transparency Programme		0	74	74	0	
Local Government Transparency Code 2014		0	0	8	8	Balances
Business Rates Retention Grants		0	0	3,194	3,194	Balances
Total Service Funding		17,379	18,165	21,428	3,264	
TOTAL GENERAL PURPOSE		103,863	104,648	107,912	3,264	
TOTAL GRANT FUNDING		387,422	374,039	377,359	3,320	

Notes

- 1 The Dedicated Schools Grant, Pupil Premium Grant and Sixth Form Grant from the Education Funding Agency (EFA) figures are based on actual anticipated allocations. Changes are for in-year increases/decreases to allocations by the DfE and conversions to academy status.
- 2 SRE - Supplementary Revenue Estimate requested by relevant service
- 3 Reflects the final allocation of Education Services Grant which resulted in a reduction of £0.4m.

Appendix 4 – Summary Capital Programme and Funding

Commissioning Service	In-Year Budget	SCE's Virements Reductions	SCE's Virements Reductions	Revised In-Year Budget	Actual Expenditure	Forecast Expenditure		
	TQR 2014/15 £000	Approved Since TQR £000	Outturn 2014/15 £000	Outturn 2014/15 £000	2014/15 £000	2015/16 £000	2016/17 and Future Years £000	
Early Help & Protection								
Committed Schemes - In Progress	1,278	-28	0	1,250	327	1,309	0	
Committed Schemes at Gate 1 Stage	0	0	0	0	0	100	0	
Medium Term and Rolling Programme	154	0	0	154	143	218	206	
Education Strategy								
Committed Schemes - In Progress	10,136	-155	0	9,981	8,512	2,354	267	
Committed Schemes at Gate 1 Stage	932	-128	0	804	285	5,057	0	
Medium Term and Rolling Programme	309	0	0	309	0	9,611	5,705	
Adult Social Care & Independent Living								
Committed Schemes - In Progress	832	986	0	1,818	1,634	185	0	
Medium Term and Rolling Programme	0	0	0	0	0	1,808	800	
Health & Wellbeing								
Committed Schemes - In Progress	8,524	0	15	8,539	4,713	10,411	0	
Longer Term Proposals	300	0	0	300	85	2,985	8,932	
Environment								
Committed Schemes - In Progress	2,682	-32	199	2,849	1,245	1,818	90	
Medium Term and Rolling Programme	8,165	-3,000	0	5,165	2,814	8,286	50	
Highways								
Committed Schemes - In Progress	31,376	443	98	31,917	29,883	4,215	3,062	

Commissioning Service	In-Year Budget	SCE's Virements Reductions	SCE's Virements Reductions	Revised In-Year Budget	Actual Expenditure	Forecast Expenditure	
	TQR	Approved Since TQR	Outturn	Outturn	2014/15	2015/16	2016/17 and Future Years
	2014/15 £000	£000	2014/15 £000	2014/15 £000	£000	£000	£000
Communities							
Committed Schemes - In Progress	1,171	-10	-34	1,127	365	1,415	39
Committed Schemes at Gate 1 Stage	0	0	0	0	0	0	0
Medium Term and Rolling Programme	0	300	0	300	0	0	995
Economic Growth & Prosperity							
Committed Schemes - In Progress	26,009	-402	187	25,794	20,481	13,532	4,104
Committed Schemes at Gate 1 Stage	995	0	89	1,084	1,107	1,643	6,260
Medium Term and Rolling Programme	2,660	197	-200	2,657	897	4,847	33,980
Longer Term Proposals	459	500	0	959	4	8,366	129,940
Chief Operating Officer							
Committed Schemes - In Progress	37,522	97	10	37,629	28,935	23,907	12,478
Committed Schemes at Gate 1 Stage	500	-400	0	100	76	2,535	2,488
Committed Schemes - In Progress	119,530	899	475	120,904	96,095	59,146	20,040
Committed Schemes at Gate 1 Stage	2,427	-528	89	1,988	1,468	9,335	8,748
Medium Term and Rolling Programme	11,288	-2,503	-200	8,585	3,854	24,770	41,736
Longer Term Proposals	759	500	0	1,259	89	11,351	138,872
Total Net Position	134,004	-1,632	364	132,736	101,506	104,602	209,396

Funding Sources	2014/15 £000	2015/16 £000	2016/17 and Future Years £000
Grants	55,708	30,731	100,031
External Contributions	9,510	15,825	33,192
Cheshire East Council Resources	36,288	58,046	76,173
Total	101,506	104,602	209,396

Appendix 5 – Approved Supplementary Capital Estimates and Virements up to £250,000

Capital Scheme	Amount Requested £	Reason and Funding Source
Summary of Supplementary Capital Estimates and Capital Virements that have been made up to £250,000		
Supplementary Capital Estimates		
Education Strategy		
Wheelock Primary School - Phase 2	7,729	Funds being provided by Wheelock Primary School towards additional works within the school hall.
Residential Development Programme	891	To reinstate an element of the budget due to residual expenditure being incurred.
Highways		
Local Area Programme	97,869	Funded by S106 Agreement
Red Bull Flood Alleviation	529	Funded by Environment Agency Grant
Local Sustainable Transport Fund	33,191	Additional expenditure covered by an increase in the LSTF grant claimed and S106 monies.
Section 278s		
Marsh Lane Holmes Chapel	217	} Funded by S278 Developer Contributions
Morrisons Middlewich	15	
S278 Nuneham, Macclesfield	52	
S278 Vernon Lodge Poynton	1,500	
S278 Basford West, Goodman	176	
S278 Co-op Lawton Rd	8	
S278 Tesco, Broken Cross	500	

Capital Scheme	Amount Reason and Funding Source Requested £
Summary of Supplementary Capital Estimates and Capital Virements that have been made up to £250,000	
Supplementary Capital Estimates	
Environment	
Household Bins Schemes	216,986 Approved in the Capital Programme - funded by Cheshire East Resources
Communities	
Customer Access	10,500 To fund additional work at Poynton Library - funded by a Revenue Contribution from Facilities Management
Leisure	
Lifestyle Centre Crewe	15,000 A Revenue Contribution to enhancement of the sensory facility at the New Lifestyle Centre from Adults Services.
Economic Growth & Development	
Tatton Vision	25,000 Revenue contribution in relation to maintenance items within the Tatton scheme, which has been completed before the end of March 2015.
A500 Widening at Junction 16	220,559 Budget increase funded by S106 development contribution.
Regeneration & Development Programme	88,943 Developer Contribution towards costs in the Macclesfield Town Centre Regeneration project.
Chief Operating Officer	
Asset Management Maintenance Programme	10,000 Contribution from Kingsgrove High School towards roofing work.
Total Supplementary Capital Estimates	729,665

Capital Scheme	Amount Requested	Reason and Funding Source
	£	
Summary of Supplementary Capital Estimates and Capital Virements that have been made up to £250,000		
Capital Budget Virements		
Education Strategy		
Stapeley Broad Lane Primary School	238	} Virements of Capital Maintenance grant to meet the cost of time spent of capital projects by Asset Management and Children and Families Organisation and Capital Strategy team
Residential Development Programme	810	
Lacey Green Primary School - Basic Need	1,305	
St Mary's Crewe Primary School - Basic Need	324	
Leighton Academy School - Basic Need	9,535	
	11,000	} Residual grant from the completed schemes at Sound, Wheelock, Dean Valley, Hollinhey and Pebblebrook Primary School, vired to the Capital Maintenance Block for re-allocation.
	60,000	
Capital Maintenance Central Allocation	4,000	
	125,000	
	13,024	
Basic Need Block	66,000	Residual grant from the completed Wilmslow Grange Scheme vired to the Basic Needs Block for re-allocation.
Offley Primary School - Basic Need	70,878	Virement from the Basic Need Block allocation to the Offley Primary School Basic Need scheme to fund additional expenditure to support the extension due to poor ground conditions.
Mablins Lane Primary School - Replacement of Mobile Classroom	3,000	Virement from the Mobile Replacement / Removal block allocation to fund additional expenditure to meet legislation for Mablins Lane Scheme.

Capital Scheme	Amount Reason and Funding Source Requested
	£
Summary of Supplementary Capital Estimates and Capital Virements that have been made up to £250,000	
Capital Budget Virements	
Disley Primary School – Replacement of Mobile Classroom	6,081 Residual works of a minor scheme at Disley Primary incorporated into larger scheme.
Highways & Transport	
Capital Condition Surveys	1,271 Funding shortfall taken from Strategic Programme Delivery LTP grant.
Shared Space (Disley / Knutsford)	16,671 Funding shortfall taken from Strategic Programme Delivery LTP grant.
Road Safety Schemes Minor Works	27,131 Funding shortfall taken from Macon Way Cycle Improvements Sustrans grant.
Crewe Bus Station Project	33,709 Funding shortfall taken from Strategic Programme Delivery LTP grant.
Road Safety Cycle Scheme	1,570 Funding from Sustrans grant used to cover shortfall.
Environment	
Countryside Capital Projects	2,361 Funding shortfall taken from PROW Capital Works & Cycle Facilities LTP grant and Sustrans grant.
Lea Avenue Play Area Macon Meadows	5,089 Funding Shortfall - funded by the Park Development Fund

Capital Scheme	Amount Reason and Funding Source Requested £
Summary of Supplementary Capital Estimates and Capital Virements that have been made up to £250,000	
Capital Budget Virements	
Economic Growth & Prosperity	
Poynton Revitalisation Scheme	124,106 Funding shortfall taken from Accessibility: Public Transport & Part 1 Claims LTP grant.
A556 Knutsford to Bowdon	41,259 Funding shortfall taken from Strategic Programme Delivery LTP grant.
Total Virements Approved	624,362
Total Supplementary Capital Estimates and Virements	1,354,027

Appendix 6 – Request for Supplementary Capital Estimates and Virements above £250,000 up to and including £1,000,000

Capital Scheme	Amount Reason and Funding Source Requested
	£
Cabinet are asked to approve the Capital Virements above £250,000 up to and including £1,000,000	
Capital Budget Virements	
Education Strategy	
Daven Primary School – Relocation of Kitchen and Removal of HORSAs Block.	434,000 This virement from the Capital Maintenance Block allocations relates to a scheme at Daven Primary School, Endorsed at Gateway 1 during February 2015, and will be funded by grants provided by the Department of Education.
Highways & Transport	
Local Area Programme	534,338 This virement relates to the transfer of funding from the Bridge Maintenance Minor Works project to fund this overspend. Fully funded by Department of Transport grant funding.
Total Capital Virements Requested	968,338

Appendix 7 – Request for Council to approve Supplementary Capital Estimates and Virements above £1,000,000

Capital Scheme	Amount Requested	Reason and Funding Source
	£	
Council are asked to approve the Capital Virements over £1,000,000		
Capital Budget Virements		
Highways & Transport		
Highway Investment Programme	1,360,520	Funding shortfall taken from several LTP sources (Strategic Programme Delivery, Bridge Maintenance Minor Works, Flag Lane Link Road, Highway Maintenance Minor Works, and Accessibility: Public Transport) totalling £1.297m, and £64,000 from the Cycle Facilities Sustrans grant.
Total Capital Virements Requested	1,360,520	

Appendix 8 – Capital Budget Reductions

Capital Scheme	Approved Budget	Revised Approval	Reduction Reason and Funding Source
	£	£	£
Cabinet are asked to note the reductions in Approved Budgets			
Education Strategy			
Offley PS - Basic Needs	923,146	527,927	-395,219 Reduction in funds being provided by the Department of Education towards the expansion of Offley Primary School
School Maintenance Projects - Alderley Edge and Gainsborough Primary Schools	3,539,651	3,518,363	-21,288 No further costs are anticipated for the work being undertaken at these schools
School Maintenance Projects - Hollinhey Primary School	3,518,363	3,382,363	-136,000 Reduction in funds being provided by the Department of Education towards the expansion of Hollinhey Primary School
School Maintenance Projects - Dean Valley	3,382,363	3,375,363	-7,000 Reduction in funds being provided by the Department of Education towards the expansion of Dean Valley Primary School
Highways			
Strategic Programme Delivery	430,000	364,179	-65,821 Reduction in funds being provided by S106 agreement
Bridges - Major - Gurnett Bridge Reconstruction	1,020,000	1,018,255	-1,745 Project complete
Wilmslow Grange Cycle Route	10,174	0	-10,174 Budget no longer required
Section 278s			
S278 Santune House, Shavington	3,000	2,233	-767
Marthall Lane, Ollerton	5,000	2,127	-2,873
Nova Court, Crewe	5,000	2,933	-2,067
S278 The ROK Development	50,000	22,500	-27,500
			} S278 schemes now complete - no further budget required.

Capital Scheme	Approved Budget	Revised Approval	Reduction Reason and Funding Source
	£	£	£
Cabinet are asked to note the reductions in Approved Budgets			
Environmental			
Lea Avenue Play Area Macon Meadows	57,841	45,219	-12,622 Reduction in grant anticipated - reduce budget requirement
Stallard Way Play Area	61,225	18,076	-43,149 Budget no longer required
Milton Park Project	45,678	41,931	-3,747 Reduction in grant anticipated - reduce budget requirement
Mortmer Drive Play area	105,000	48,194	-56,806 Budget no longer required
Cranage Bowling Pavilion	18,710	0	-18,710 Budget no longer required
The Carrs Multi User Route	207,614	207,407	-207 Capital project complete and fully funded
Congleton Park Improvements	123,061	117,270	-5,791 Reduction in grant anticipated - reduce budget requirement
Bollington Arts Centre S106	33,512	31,184	-2,328 Project now fully complete and funded by S106 monies.
Communities			
Electronic Vehicle Recharge Fast	100,000	55,426	-44,574 Project now complete and fully funded from grant.
Economic Growth and Prosperity			
Housing Development	184,699	182,732	-1,967 Budget no longer required
Handforth East	300,000	243,000	-57,000 Budget no longer required
Total Capital Budget Reductions	14,124,037	13,206,682	-917,355

Appendix 9 – Treasury Management

Counterparty Limits and Investment Strategy

1. The maximum amount that can be invested with any one organisation is set in the Treasury Management Strategy Report. For named UK banks and credit rated building societies this has been set at 10% of our total investments subject to a maximum value of £10m (now revised to £5m). These limits apply to the banking group that each bank belongs to. Limits for each Money Market fund have been set at a maximum value of £10m per fund with a limit of 25% of total investments per fund although operationally this is limited to 10% in line with updated guidance. There is also a maximum that can be invested in all Money Market Funds at any one time of 50% of the value of all investments. Due to their smaller size, unrated Building Societies have a limit of £1m each.
2. Our approved counterparties list also includes a number of foreign banks. As the limits applicable to all organisations have been reduced the Council is investing in selected highly rated foreign institutions. The Council currently holds Certificates of Deposits with Deutsche Bank (Germany) and has an investment account with Svenska Handelsbanken (Sweden) at its Crewe based branch.
3. In order to diversify investments over a broader range of counterparties, the Council is also investing with other Local Authorities and some unrated Building Societies on advice from our treasury advisors who are monitoring their financial standing in the absence of any normal credit rating.
4. Banks credit ratings are kept under continual review. There have not been any significant changes in 2014/15 although major changes are now being made in 2015 as Government support is removed following implementation of the Banking Act 2013 and

the UK adoption of further EU directives. These are intended to make it less likely that a bank gets into trouble but increases the risk of the Local Authority deposits being ‘bailed-in’ if the bank did get into trouble. To mitigate any potential issues there are 4 actions that the Council is taking:

- a. Reduce level of deposits in any one counterparty
 - b. Reduce credit limits referred to in the Treasury Management Strategy
 - c. Invest in more secure financial instruments such as Covered Bonds and Repurchase Agreements (REPO’s)
 - d. Invest in highly rated Corporate Bonds which will not be subject to any ‘bail-in risk’.
5. The Council amended its Treasury Management Strategy in February 2015 to take account of these changes. Lower limits now apply to unsecured investments. In addition, accounts are currently being opened to invest in REPO’s and since April 2015 investments are being made in highly rated corporate bonds.
 6. REPO’s are where the Council purchases assets from a counterparty with an agreement that the counterparty repurchases those assets on an agreed future date and at an agreed price. The future price will include interest on the investment. The assets purchased will vary in value over the term of the trade so a third party is used (at the cost of the other party, not the Council) to hold those assets on our behalf and obtain additional assets if the value falls below the level of the investment at any time. It is the quality of the purchased assets that governs the credit quality of the investment rather than the actual counterparty.

7. The Council is making arrangements with Clearstream who can provide the third party facilities and are internationally regarded. **Table 1** shows the current investments and limits with each counterparty. A full analysis of the types of investment and current interest rates achieved is given in **Table 2**.

Table 1 – Current Investments and Limits

Counterparties	Limits		Investments as at 31 st March 2015	
UK Banks				
Barclays Bank	10%	£10m	11%	£5.2m
Lloyds	10%	£10m	4%	£2.0m
Foreign Banks				
Deutsche Bank	10%	£10m	12%	£6.0m
Svenska Handelsbanken	10%	£10m	11%	£5.0m
Building Societies				
Coventry Building Society	10%	£1m	2%	£1.0m
Cumberland Building Society	10%	£1m	2%	£1.0m
Leeds Building Society	10%	£1m	2%	£1.0m
Nationwide Building Society	10%	£10m	11%	£5.0m
Yorkshire BS (Covered Bond)	10%	£10m	11%	£5.0m
Money Market Funds				
	50%		23%	
Aberdeen Asset	25%	£10m	3%	£1.6m
Federated Prime Rate	25%	£10m	8%	£3.9m
Ignis	25%	£10m	5%	£2.5m
Morgan Stanley	25%	£10m	7%	£3.5m
Externally Managed Funds				
Property Funds	50%		11%	£5.0m
				£47.7m

Table 2 – Types of Investments and Current Interest Rates

Instant Access Accounts	Avg rate %	£m
Instant Access Accounts	0.36%	7.2
Money Market Funds	0.47%	11.5

Fixed Term Deposits (Unsecured)	Start	Maturity	Rate %	£m
Deutsche Bank CD	05/06/2014	04/06/2015	0.82	2.0
Deutsche Bank CD	17/07/2014	17/07/2015	0.92	4.0
Nationwide Building Society	21/08/2014	20/08/2015	0.96	2.0
Barclays	29/08/2014	28/08/2015	0.98	3.0
Lloyds	03/11/2014	05/05/2015	0.70	2.0
Cumberland Building Society	06/01/2015	07/04/2015	0.50	1.0
Coventry Building Society	14/01/2015	17/04/2015	0.45	1.0
Leeds Building Society	27/01/2015	27/04/2015	0.49	1.0
Nationwide Building Society	31/03/2015	09/07/2015	0.52	3.0

Secured Deposits	Start	Maturity	Rate %	£m
Yorkshire Building Society	05/11/2014	16/03/2016	0.73	3.0
Yorkshire Building Society	16/12/2014	16/03/2016	0.73	2.0

Externally Managed Funds	£m
Property Fund	5.0

Maturity Profile	£m
Instant Access	18.7
Maturing < 1 month	3.0
Maturing within 1 - 6 months	16.0
Maturing within 6 - 12 months	5.0
Maturing within 1 – 2 years	0.0
Externally Managed Funds	5.0
Total	47.7

8. The end of March always represents our lowest cash balances position. Cash balances have since risen. At the time all investments were made it was not anticipated that the balance would fall below £50m which is why some counterparties were temporarily in excess of the normal 10% limit at 31st March. Additional funds were held in Barclays accounts at 31st March to cover payments which were delayed until April.

Appendix 10 – Requests for Allocation of Additional Grant Funding

Service	Type of Grant	£000	Details
Children & Families	Special Educational Needs (SEN) and Disabilities – New Burden (General Purpose)	31	The Children and Families Act introduces new duties on local authorities in order to improve outcomes for children and young people with SEN or who are disabled, increase choice and control for parents, and promote a less adversarial system. Local authorities are undertaking a range of activities to prepare for these changes, which are being implemented from September 2014. This is further funding in addition to the original £280,000 already received at Third Quarter Review.
Economic Growth & Prosperity	Neighbourhood Planning Grant (General Purpose)	5	A grant of £5,000 is provided to the Council by the Department for Communities and Local Government for each Neighbourhood Area that is designated. This is to support these local communities to prepare a neighbourhood plan. This is the last designation this financial year. The grant is not ring fenced to Neighbourhood Planning so can be used to support the wider Spatial Planning function.
Communities	Business Rates – New Burdens administrative costs associated with implementing Autumn Statement 2013 (General Purpose)	23	Grant funding provided to cover the cost of a necessary software update and additional administration costs associated with the measures introduced in the Government's Autumn statement for new reliefs to be granted.
Communities	Support Neighbourhood Service Transformation (General Purpose)	90	To deliver outcomes in Expression of Interest to DCLG for Delivering Differently in Neighbourhoods Project running March 2015 to March 2016. The project is based in Macclesfield and covers Transfer & Devolution and Community Hubs. The majority of spend will be on Community Hubs, evaluating impact, delivering new services, developing franchise model and academic research to inform national learning.
Chief Operating Officer	Funding Maximising Registration Activities (General Purpose)	27	The expectation is that this funding should be put towards activities which support the preparation of the most complete and accurate electoral register possible before the elections on 7 May 2015. Aim to maximise the number of registered electors.

Service	Type of Grant	£000	Details
Chief Operating Officer	Business Rates Retention Autumn Measures reimbursement grant (General Purpose)	3,194	Funding to compensate billing authorities for business rate discounts being awarded as part of the Autumn Statement 2013 announcements. This includes the doubling of Small Business rate relief and Retail property reliefs.
TOTAL		3,370	

Appendix 11 – Debt Management

1. Sundry debt includes all invoiced income due to the Council except for statutory taxes (Council Tax and Non-Domestic Rates) for which the performance related data is contained within Section 2 of this report.
2. Around a quarter of the Council's overall sundry debt portfolio relates to charges for Adult Social Care, the remainder being spread across a range of functions including highways, property services, licensing, markets and building control.
3. In 2014/15 the Council raised invoices with a total value of £67m. This includes around £18m in Adult Social Care relating to client contributions towards care packages and income from Health.

Table 1 - Volumes of Invoices raised in 2014/15

	Number	Value £000
Adult Finance	46,623	17,530
Other	8,845	49,057
Total	55,468	66,587

4. The amount of income collected in 2014/15 was £55.7m.
5. The Council's standard collection terms require payment within 28 days of the invoice date, services however receive immediate credit in their accounts for income due. The Council uses a combination of methods to ensure prompt payment of invoices. Recovery action against unpaid invoices may result in the use of debt collectors, court action or the securing of debts against property.

6. The Revenue Recovery team (using their experience gained in collecting Council Tax and Non-Domestic Rates) engage with services to offer advice and assistance in all aspects of debt management, including facilitating access to debt collection/enforcement agent services (currently provided by Bristow & Sutor).
7. In 2014/15 the team collected £1.7m on behalf of services and identified an additional £0.2m which had been received but not correctly identified to an outstanding debt. The Social Care Business Support team are responsible for the collection of debt for Adult Social Care, the total amount of debt recovered in 2014/15 was £2m.
8. During 2014/15 quarterly meetings have been held with the Portfolio Holder for Finance, the Chief Operating Officer and the Head of Legal Services to review and approve the write off of outstanding debt.

Table 2 - Amounts of sundry debt written off in year

	Adult Finance £000	Other £000	Total £000
Under £5,000	87	176	263
£5,000 - £10,000	15	69	84
£10,000 - £50,000	11	65	76
Over £50,000	-	273	273
Total	113	583	696

9. The amount of outstanding service debt at the end of March 2015 was £3.9m as shown in **Table 3**. This excludes debt still within the payment terms. The total amount of service debt over 6 months old is £2.2m; provision of £2.6m has been made to cover this debt in the event that it needs to be written off.

Table 3 – Outstanding Service Debt at the end of March 2015

	Outstanding Debt £000	Over 6 months old £000	Debt Provision £000
Children & Families	313	6	148
Adult Social Care & Independent Living	2,354	1,534	1,767
Public Health & Wellbeing	0	0	0
Environmental	239	200	200
Highways	432	288	265
Communities	28	18	18
Economic Growth & Prosperity	206	46	113
Chief Operating Officer	326	63	62
	3,898	2,155	2,573

Appendix 12 – Earmarked Reserves

Name of Reserve	Opening Balance 1 April 2014	Movement in 2014/15	Balance at 31 March 2015	Notes
	2014 £000	2014/15 £000	2015 £000	
Children & Families				
Long Term Sickness	213	137	350	Carried forward surplus of contributions paid by schools ~ operated as a trading account
Education All Risks (EARS)	261	82	343	Carried forward surplus of contributions paid by schools ~ operated as a trading account
Children's Social Care	650	-273	377	To support implementation of Children's social care bill
Adult Social Care & Independent Living				
Extra Care Housing PFI	1,466	215	1,681	Surplus grant set aside to meet future payments on existing PFI contract which commenced in January 2009
Individual Commissioning	580	-271	309	To provide capacity to perform Deprivation of Liberties and Best Interest reviews of care customers following recent case law
NHS Section 256	1,784	1,751	3,535	To support adult social care which also has a health benefit, as agreed with Eastern Cheshire and South Cheshire Clinical Commissioning Groups and governed by Cheshire East Health and Wellbeing Board.
Public Health & Wellbeing				
	1,620	352	1,972	Ring-fenced underspend to be invested in areas to improve performance against key targets. Including the creation of an innovation fund to support partners to deliver initiatives that tackle key health issues.
Environmental				
Crematoria	367	-207	160	Mercury abatement income set aside to fund potential replacement cremators as per the capital programme.
Highways				
Winter Weather	120	120	240	To provide for future adverse winter weather expenditure

Name of Reserve	Opening Balance 1 April 2014	Movement in 2014/15	Balance at 31 March 2015	Notes
	2014 £000	2014/15 £000	2015 £000	
Communities				
Communities Investment	2,768	-980	1,788	Amalgamation of Promoting local delivery; Grant support; New initiatives and additional funding from outturn to support community investment.
Emergency Assistance	400	204	604	Carry forward of underspend on previous years' schemes to provide for future hardship payments
Economic Growth & Prosperity				
Building Control	181	-13	168	Ring-fenced surplus (could be used to offset service deficit, if applicable)
Tatton Park	241	-19	222	Ring-fenced surplus on Tatton Park trading account
Economic Development	141	0	141	Support for town centres and economic development initiatives
Chief Operating Officer				
Elections	486	118	604	To provide funds for Election costs every 4 years
Climate Change	67	0	67	Renewable Energy project
Insurance & Risk	2,776	-331	2,445	To settle insurance claims and manage excess costs.
Investment (Sustainability)	2,050	6,181	8,231	To support investment that can increase longer term financial independence and stability of the Council
Pension Contributions	150	23	173	To meet impact of reduced workforce on fixed contribution to Past Service Pensions deficit
Business Rates Retention Scheme	5,071	-423	4,648	To manage cash flow implications as part of the Business Rates Retention Scheme
Financing	0	4,820	4,820	To provide for financing of capital schemes, feasibility studies, and other projects and initiatives

Note 2

Name of Reserve	Opening Balance	Movement in	Balance at	Notes
	1 April 2014	2014/15	31 March 2015	
	2014 £000	2014/15 £000	2015 £000	
Cross Service				
ASDV Surplus	Note 2 0	36	36	The Authority's share of ASDVs net surplus to be spent in furtherance of the ASDV's objectives
Service Manager carry forward	4,485	759	5,244	Allocations for Cost of Investment or grant funded expenditure
Revenue Grants - Dedicated Schools Grant		8,184	8,184	Unspent specific use grant carried forward into 2015/16
Revenue Grants - Other	467	2,266	2,733	Unspent specific use grant carried forward into 2015/16
TOTAL	Note 1 26,344	22,731	49,075	

Notes:

- Figures exclude Schools balances of £7.499m at 31st March 2015
- Proposed earmarked reserves to be created at March 2015 are highlighted
- Balances at 31st March 2015 exclude the following approved additions to earmarked reserves from 1st April :

	£'000
Planning costs and Investment Service structure	1,000
Insurance & Risk	250
Investment (Sustainability)	450
Communities Investment	241
	<hr/> 1,941

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Cheshire East Council

Constitution Committee

Date of Meeting: 15th July 2015

Report of: Head of Legal Services and Monitoring Officer

Subject: Proposed changes to the Council's Constitution

1. Report Summary

- 1.1 This report proposes a number of changes to the Constitution, which are intended to bring benefits to the Council's decision-making and other arrangements.

2. Recommendations

The Committee recommends to the Council that

- 2.1 The Constitution Committee be given the delegated authority to make all changes to the Council's Constitution which are not major, subject to the Head of Legal Services and Monitoring Officer and Chief Operating Officer (s151 Officer) agreeing that the proposed changes are not major and Council subsequently being informed of such changes. Provided that such changes as are considered by the Committee and agreed by the Head of Legal Services and Monitoring Officer and Chief Operating Officer (s151 Officer) to be major shall be referred to Full Council for approval.
- 2.2 The Committee recommends to Council that the Head of Legal Services and Monitoring Officer be given delegated authority, in consultation with the Chair and Vice-Chair of the Constitution Committee, to make such changes to the Council's Constitution which she deems to be necessary and which are:
- in the Council's interests;
 - not major in nature;
- including, but not limited to, changes:
- amounting to routine revisions;
 - to provide appropriate clarity;
 - to correct typographical and other drafting errors;

- to reflect new legislation;
- to correct inconsistencies in drafting;
- to reflect new officer structures and job titles, properly approved through Council processes.

2.3 In relation to the Planning Committees that:

- (a) the Strategic Planning Board, and the Northern and Southern Planning Committees be reduced in size to 10 with a composition of 7:2:1 (Conservative: Labour: Independent) for each Board/Committee;
- (b) the political group representation agreed at the Council's Annual Meeting, and the methods, calculations and conventions used in determining this be amended to reflect the reduced memberships; and
- (c) that any necessary and consequential adjustments be made to the total number of committee places allocated to each political group in order to meet legislative political proportionality requirements, in consultation with the political group leaders, together with any resultant changes in committee places.

2.4 Amendments are made to the Scheme of Delegation of Officers and Terms of Reference of Committees as set out in Appendix 1 and that consequential amendments are made to that Scheme of Delegation of Officers and Terms of Reference of Committees as set out in Appendix 1 such that Certificates of Lawfulness may only be signed off under delegated powers following Consultation with the Head of Legal Services and Monitoring Officer.

2.5 The Protocol on Public Speaking at Planning Committees be amended by increasing speaking time for the Local Parish Council from 3 minutes to 5 minutes to ensure that there is a stronger local voice in the process.

2.6 Amendments are made to the Scheme of Delegation of Officers and Terms of Reference of Committees to delegate decisions with regard to Neighbourhood Planning as set out in Appendix 1.

2.7 In relation to Notices of Motion that:

- (a) Notices of Motion will be moved and seconded at Council meetings, without any comment from the movers and seconders, and referred-on for determination by the relevant decision-making body, provided that the existing rules which allow certain Notices of Motion to be debated and disposed of at Council meetings will continue to have effect.

- (b) That the Head of Legal Services and Monitoring Officer be instructed to make the changes set out in Appendix 2.
- 2.8 The template agendas set out in Appendix 3 be adopted for use at Annual Council and Council meetings and incorporated into the Constitution.
- 2.9 In relation to Staffing issues that:
- (a) the terms of reference of the Staffing Committee and the powers of the Chief Executive and Scheme of Delegation to Officers be recommended to the Council for amendment in the Constitution as set out in Appendix 4;
 - (b) the Staff Employment Procedure Rules be amended as set out in Appendix 4; and
 - (c) the powers of the Head of Paid Service in relation to staffing and other matters be recommended to the Council for amendment in the Constitution as set out in Appendix 4.
- 2.10 The Head of Legal Services and Monitoring Officer be authorised to make such changes to the Constitution as she considers are necessary to give effect to the wishes of Council in respect of such staffing matters as are considered at the Council meeting of 23rd July 2015 in consultation with the Head of Paid Service.
- 2.11 The proposed changes set out in Appendix 5 (Health and Wellbeing Board Terms of Reference) are accepted.
- 2.12 That paragraph 11 (c) below (Constitution page 191), which permits topical questions, be deleted entirely from the Constitution:
- “(c) where time permits, questions which are of a topical nature be accepted.”.
- 2.13 That paragraph 11.11 (Constitution page 192), which deals with the frequency with which question can be re-submitted, be amended by replacing 3 months with 6 months as set out below:
- “11.11 No questions will be allowed which repeat, or are substantially the same as, questions submitted to a meeting of Council during the preceding 6 months.
- 2.14 That procedural rule 26.2 (Constitution page 197), which deals with changes to the approved calendar of meetings, be amended as below:
- “26.2 A meeting of a decision-making body scheduled in the Calendar of Meetings may be cancelled or changed by the Chairman following consultation with the whole membership of the body and with the agreement of a simple majority of the **those** members of that body **who respond within 48 hours of being notified of the proposed cancellation or change**, provided that such cancellation or change takes place at least five clear working days

before the scheduled date of the meeting to enable sufficient public notice to be given.

- 2.15 That the existing list of Category 1 organisations in the Constitution be replaced by Appendix 6.
- 2.16 That the Constitution be amended in accordance with the changes set out in Appendix 9 to effect the removal of the requirement to hold secret ballots from the Council Procedure Rules.
- 2.17 That the suggested definition of an urgent decision is inserted into the Constitution (Part 4 Procedure Rules General Provisions Appendix 4, page 225) as follows:

“A decision will be urgent if any delay likely to be caused by following the usual procedures would seriously prejudice the Council’s or the Public’s interests.”

- 2.18 That Paragraph 6 of the Mayoralty Code of Conduct (Constitution page 442) be amended as follows:

“The Mayor should not be appointed as Chairman or Vice-Chairman **or member** of any Committee or Sub-Committee of the Council **or Cabinet support member or act or be appointed to act as a Director of any of the Council’s Alternative Service Delivery Vehicles during his term of office.....”**

- 2.19 That the Audit and Governance terms of Reference be amended by the inclusion of the following wording as an introductory paragraph in the Constitution at the start of page 109:

Membership (11)

The Audit Committee, like all of the Council’s Committees, must be politically balanced. However the success of the Audit Committee depends upon its ability to remain apolitical. It must adopt a non-political approach to its meetings and discussions at all times. Remaining apolitical also places a duty on members not to make inappropriate use of information provided to the committee for other purposes.

The Committee is composed of 11 Members, comprising 10 members of Council and one independent voting member (a member who is not a Councillor) with the Chair and Vice Chair being appointed at full Council. The co-option of an independent member will help to bring additional knowledge and expertise to the committee and also reinforce its political neutrality and independence. To ensure the Committee remains focussed on its assurance role any designated substitute must be appropriately trained.

- 2.20 That the Constitution be amended to reflect the changes set out below.

(a) That the following wording be inserted as a new paragraph 2.2 at page 51 (Chapter 14 Management of the Constitution):

“2.2 Once the changes to the Constitution have been formally approved by or notified to Full Council the amended version will be published on the Council’s website within one (1) month.”

(b) That the wording of paragraph 5 (page 52) be amended as follows:

§ will **provide an electronic** copy of this Constitution to each Member of the authority upon delivery of that individual’s declaration of acceptance of office on the Member first being elected to the Council;

2.21 That the Constitution be amended to remove reference to members’ pensions from the responsibilities of Council and Constitution Committee as follows:

(a) Paragraph 12 of page 56 be amended by removing the wording in red as below:

“12. will approve the Members Allowance Scheme **including any pension provision** for elected Members following advice from the Independent Remuneration Panel;

(b) Paragraph 7 of page 107 be amended by removing the wording in red as below:

“7. overseeing and monitoring the Members’ Allowance budget, **including pensions**, and keeping under review the scheme for the payment of allowances to Members through the appointment of an Independent Remuneration Panel to advise the Council on the adoption of the scheme and on any proposed amendments;”

2.22 That paragraph 7 of the responsibilities of Cabinet (Constitution page 62) be amended to reflect that Human Resources Policies are approved by Staffing Committee:

“7. **developing**, monitoring and reviewing any Council Corporate personnel and human resources policies;”

2.23 That paragraph 1 (b) of the Strategic Planning Board terms of reference (Constitution page 88) be amended as follows:

(b) ~~to vary the number, size and working arrangements of the Planning Committees, to appoint their membership~~ to vary the division of functions and delegations between the Board, the Planning Committees and the Head of Planning & Policy

2.24 That the paragraph 2 (b) of the Strategic Planning Board terms of reference (Constitution page 88) be amended as follows:

(b) submitted by a councillor, senior Council officer (**Grade 12** or above) or a member of staff employed within the Development Management and Policy service area; or by an immediate family member or partner of these.

2.25 That the following consequential amendments be made to the figures quoted within the Finance Procedure Rules as follows:

B27 change £250,000 to £400,000

B28 change £250,000 to £400,000

B29 change £250,000 to £400,000 and then £100,000 to £250,000 and £250,000 to £400,000 later in paragraph

B32 change £250,000 to £400,000

B34 change £250,000 to £400,000

B47 change £250,000 to £400,000

and that the wording of the following be amended

Finance Procedure Rules B34 take out “the member led governance group”.
page 278 take out in consultation with Executive Monitoring Board from A32 third row of table.

page 279 take out via Executive Monitoring Board in third row and take out Executive Monitoring Board in 4th row of table at A 36

page 333 remove the word “members”.

2.26 That the Head of Legal Services and Monitoring officer be given delegated authority to make consequential changes to the Constitution to reflect the change in title from Corporate Leadership Board to Management Group Board.

2.27 That the wording of paragraph 3.2 (Constitution page 30), which relates to Task and Finish Groups, be amended by the addition of the wording in red as follows:

“The Committees **which set up each Task and Finish Group** will appoint Chairmen (and Vice-Chairmen, if appropriate) of each **Task and Finish** group and agree the membership. This must be cross party.”

2.28 That paragraph 4.2 of the (Constitution page 49 Chapter 13 – Finance, Contracts and Legal Matters) be amended by adding the wording in red as follows:

“4.2 Any contract entered into on behalf of the Council shall be made in accordance with the Council's Finance Procedure Rules **and Contract Procedure Rules**. In the absence of any authority given to a specific officer **under the Council's Finance Procedure Rules and Contract Procedure Rules** all such contracts must either be signed by at least the Head of Legal Services or his/her authorised deputy, plus another of his/her authorised deputies or be made under the common seal of the Council.

2.29 That the terms of reference of the Macclesfield Local Service Delivery Committee are deleted from the Constitution as following the creation of Macclesfield Town Council, this committee and references to it in the Constitution are now obsolete.

2.30 That paragraph 22.1 (Constitution page 196) which relates to the term of office – committees and sub-committees, be amended as per the wording in red below:

“22.1 Committee and Sub-Committee Members will be appointed by the Council. The Council may, at any time, dissolve, alter or amend the membership of a Committee or Sub-Committee.”

2.31 That paragraph 28.6 of the Constitution (page 198) which related to the minutes of Committees and sub-committees, be amended by replacing 1 hour with 24 hours as shown in red below:

“28.6. Where a Member has a question or comment on an exempt, private or confidential Minute, the question or comment must be given in writing to the Monitoring Officer at least 24 hours before the start of the meeting

2.32 That the Constitution is amended in accordance with the changes set out in Appendix 7 (Local Choice Functions).

2.33 The Committee recommends to Council that the Constitution is amended in accordance with the changes set out in Appendix 8 (contract procedure Rules).

2.34 Following the deletion of the post of Executive Director Strategic Commissioning, the Head of Legal Services and Monitoring Officer be given the delegated authority to implement the necessary changes to the Constitution to reflect the re-allocation of delegations within the Officer Scheme of Delegation.

3. Background

3.1 The period following the Council elections is a timely opportunity to review and revise the Council’s decision-making and other arrangements.

3.2 The existing Constitution, whilst having been in place since the Council’s inception in 2009, and whilst having served the Council reasonably well, is now in need of revision. This report highlights a number of issues which now need to be addressed.

3.3 The following sub-headings highlight those matters upon which a recommendation of the Committee is sought in respect of Constitutional change. The Committee’s recommendations will be presented to the meeting of Full Council on 23rd July 2015.

Constitutional changes: delegation to the Head of Legal Services and Monitoring Officer

3.4 In May 2014, the Head of Legal Services and Monitoring Officer was authorised by Council resolution to undertake consequential drafting amendments to the remaining parts of the Council's Constitution to ensure consistency with the revised Scheme of Delegation. This, however, does not provide the flexibility needed by the Head of Legal Services and Monitoring Officer to make timely changes to the Constitution in a range of circumstances:

3.4.1 Where consequential drafting amendments are required in cases other than where consistency is needed with the Officer Scheme of Delegation.

3.4.2 Where other amendments need to be made to the Constitution, which are not major.

3.4.3 Where amendments are required which arise from changes in legislation.

3.4.4 **The Committee is therefore asked to recommend to Council:** that the Head of Legal Services and Monitoring Officer be given delegated authority, in consultation with the Chairman and Vice Chairman of the Constitution Committee, to make such changes to the Council's constitution, which she deems to be necessary, and which are:

- in the Council's interests;
- not major in nature;

including, but not limited to, changes:

- amounting to routine revisions;
- to provide appropriate clarity;
- to correct typographical and other drafting errors;
- to reflect new legislation;
- to correct inconsistencies in drafting;
- to reflect new officer structures and job titles, properly approved through Council processes.

Constitutional changes: approval by Members

3.5 Currently, subject to minimal delegation to the Head of Legal Services and Monitoring Officer, all constitutional changes must be reported to the

Constitution Committee, which must then make a recommendation for consideration by Council (Constitution page 55, Part 3 Responsibility for Functions, and Part 3 Responsibility of the Constitution Committee, page 106). A cross-party Constitution Working Group periodically assists in the development of proposed constitutional changes, prior to reports being made to the Committee.

- 3.6 The existing processes can lead to lengthy periods before consideration and formal determination by Council, resulting in the Constitution remaining out of date or in need of amendment for too long.
- 3.7 The delegation of power to the Constitution Committee to make changes to the Constitution which are not major would provide a more streamlined approach to implementing minor constitutional change. It would enable the Constitution to reflect operational changes whilst retaining Member input and control via approval of the members of the Constitution Committee who have been appointed by the Council to oversee and approve constitutional change.
- 3.8 **The Committee is therefore asked to recommend to Council:** that the Constitution Committee be given the delegated authority to make all changes to the Council's Constitution which are not major, subject to the Head of Legal Services and Monitoring Officer and Chief Operating Officer (s151 Officer) agreeing that the proposed changes are not major and Council subsequently being informed of such changes. Provided that such changes as are considered by the Committee and agreed by the Head of Legal Services and Monitoring Officer and Chief Operating Officer (s151 Officer) to be major shall be referred to Full Council for approval.

Size of Planning Committees

- 3.9 The Council has three planning committees: Strategic Planning Board, and the Northern and Southern Planning Committees; all of which comprise 15 members (Constitution page 87, Planning and Development Control Committee Structure and Delegations).
- 3.10 It is the view of officers that the size of the committees should now be reconsidered. The following are considerations:
- 3.10.1 The Royal Town Planning Institute has conducted a study of planning committees nationally, which concludes that smaller planning committees bring benefits in terms of impartiality, and that larger committees are more likely to suffer from poor attendance, and to be more inconsistent in terms of decision-making.
- 3.10.2 An analysis of planning committees in neighbouring authorities and sample unitary authorities shows that the average membership of planning committee is just over 11. This Council's planning committees are around 35% larger than the average.

3.10.3 Smaller sized committees are likely to be more efficient and effective than larger sized committees. For example, one recent meeting lasted for 9 hours, and there is a perception that larger sized committees can sometimes lead to unnecessary repetition of points made during the debate.

3.11 The Committee is therefore asked to recommend to Council: that

3.11.1 the Strategic Planning Board, and the Northern and Southern Planning Committees be reduced in size to 10 with a composition of 7:2:1 (Conservative: Labour: Independent) for each Board/Committee;

3.11.2 the political group representation agreed at the Council's Annual Meeting, and the methods, calculations and conventions used in determining this to be amended to reflect the reduced memberships; and

3.11.3 that any necessary and consequential adjustments be made to the total number of committee places allocated to each political group in order to meet legislative political proportionality requirements, in consultation with the political group leaders, together with any resultant changes in committee places.

Planning Scheme of Delegation to Committee and Officers

3.12 Cheshire East Council (CEC) deals with one of the highest workloads of planning applications in England. In 2014 only 10 authorities out of the 337 in England received a higher number of applications than CEC. However, in the same year, CEC received more major residential applications than any other council in England (109) and only 2 other councils received over 100 major residential applications in 2014.

3.13 CEC also deals with one of the highest number of planning appeals dealt with by English Councils. In 2013-14 CEC dealt with a total of 70 appeals whereas in 2014-15 the number of appeals has doubled, including 40 appeals by way of Public Inquiry or Hearing.

3.14 This increased workload has caused a strain on resources, including increased pressure on Planning Committees who are not only having to deal with an increased number of applications; they are also having to consider more complex proposals. This means that meetings are longer and there is pressure to deal with more items, thereby sometimes being able to spend less time on some issues.

3.15 In order to address the consequences of this increasing workload the Scheme of Delegation has been reviewed to ensure that Planning Committees are able to devote time to the most complex issues. The result will be that officers will be delegated to deal with a slightly increased level of complexity but members will still have the safety net of being able to call

applications in if there is a good planning reason to do so. The Director of Planning and Sustainable Development will also have the discretion of referring applications to committee that would otherwise be delegated but which have wider strategic implications.

3.16 The proposed changes are:

Strategic Planning Board:

1. The threshold for commercial development increased from 2ha to 4ha.
2. Replans or resubmissions on sites which already have a permission or removal/variation of conditions or details following outline permissions will be delegated as members have already decided the principle.
3. Just because an application is accompanied by an Environmental Statement or is for minerals or waste does not automatically mean it should go to committee

Northern and Southern Planning Committees:

1. The threshold to increase to 20-199 dwellings or between 1ha - 4ha for residential applications and 5,000 – 9,999 square metres or more, or 2ha - 4ha. or more of retail, commercial, industrial or other floorspace.
2. Replans or resubmissions on sites which already have a permission or removal/variation of conditions or details following outline permissions will be delegated as members have already decided the principle.
3. Applications by Members or staff will only be referred to committee where there have been objections received, although in such cases refusals can be delegated.

3.17 This increases delegation to officers to deal with applications up to the new thresholds where the decision will be in accordance with Council policy. The provision for call-ins will remain.

3.18 The changes proposed will ensure that we have the most effective and efficient system to meet our objectives. Increased levels of delegation will reduce the workload of Committees and allow officers to spend less time writing committee reports and more time dealing with applications, member & customer liaison.

3.19 There needs to be amendments made to the Scheme of Delegation to reflect the recent organisational changes as well as consideration given to increasing the level of delegation in order to reduce workload and improve efficiency and effectiveness.

3.20 Following consideration of the delegation of powers to the Director of Planning and Sustainable Development it has been noted that Certificates of

Lawfulness should now be signed off in consultation with the Monitoring Officer. Therefore consequential amendments will need to be made to the proposed Scheme of Delegation and Strategic Planning Board Terms of Reference to reflect this.

- 3.21 **The Committee is asked to recommend to the Council:** that amendments are made to the Scheme of Delegation of Officers and Terms of Reference of Committees as set out in Appendix 1 and that consequential amendments are made to that Scheme of Delegation of Officers and Terms of Reference of Committees as set out in Appendix 1 such that Certificates of Lawfulness may only be signed off under delegated powers following Consultation with the Head of Legal Services and Monitoring Officer.

The Protocol on Public Speaking to Planning Committees

- 3.22 The current system enables engagement by ward members in the pre-application process (which will be the subject of a separate review) and enables the public (either in support or against a scheme), and the applicant, the Ward Member, the Parish Council or local groups/societies to engage with the process by writing in with their views.
- 3.23 In addition, the current protocol does allow for all of the interested parties to address the Committee to explain their standpoint. All interested parties are allowed 3 minutes (apart from the local ward member who has extra time - 5 minutes as the local representative). Some wards are single member wards, some multi member but single party and some are multi member and multi party so there is a potential for multiple ward members to speak for 5 minutes each. The protocol also allows other members, who are not ward members the opportunity to speak.
- 3.24 Although there are specified time limits, the protocol does give the Chair the discretion to extend public speaking time where it is considered that additional time would be beneficial. Therefore, whilst the applicants, public and Parish Council are limited to 3 minutes, there is an opportunity for discretion. In addition, the committee members are also able to ask questions of the speakers where they want clarification so that issues can be properly explored.
- 3.25 The proposed changes to the system intend to strike a balance between a Residents First approach to our services that encourages and enables public engagement in the process and the efficiency and effectiveness of Committees.
- 3.26 **The Committee is asked to recommend to Council:** that The Protocol on Public Speaking at Planning Committees be amended by increasing speaking time for the Local Parish Council from 3 minutes to 5 minutes to ensure that there is a stronger local voice in the process.

The Neighbourhood Planning Scheme of Delegation to the Cabinet Member

- 3.27 The Authority currently has 24 neighbourhood plans in progress and expects to receive about 25 further applications in the remainder of this year, taking the total plans dealt with to around 50 during 2015.
- 3.28 The current decision making process for sign off of reports includes multiple steps and takes at least one month and significant officer time (across services) to bring such decisions before the portfolio holder. This includes issuing the report for comment to the Neighbourhood Plan task force, legal team, finance team, SMT, democratic services before going to informal cabinet and the Portfolio Holder to sign off.
- 3.29 Increased delegation will reduce officers' time engaged in the decision making process rather than supporting the delivery of plans. Given the existing and anticipated volume of decisions required on neighbourhood plans, delegation of technical decisions to officers can better support Neighbourhood Plan delivery by freeing up staff resource where appropriate to do so.
- 3.30 There are key stages at which the Council must issues decisions or respond to the Neighbourhood Plan (NP) proposals. These are:
1. Neighbourhood area application (where the boundary of the NP is defined)
 2. Regulation 14 consultation (Council response to draft NP)
 3. Proceed to regulation 16 consultation
 4. Proceed to examination
 5. Cheshire East Council adopt plan
- 3.31 These matters are all currently delegated by the Cabinet to the Portfolio Holder for Housing and Planning. Stages 1 and 2 occur during plan preparation by the community and predominantly involve technical assessments. Stages 3-5 are undertaken once the NP has been submitted to Cheshire East Council and require a wider response. Steps 3-5 therefore should not be delegated, however steps 1 & 2 can be delegated to the Director of Planning and Sustainable Development in consultation with the leader and portfolio holder.
- 3.32 Alterations to the delegations to the Portfolio Holder for Housing and Planning in relation to Neighbourhood Planning and to enable more straightforward decisions to be delegated to officers would streamline this process.
- 3.33 **The Committee is asked to recommend to the Council:** that amendments are made to the Scheme of Delegation of Officers and Terms of Reference of Committees as set out in Appendix 1.

Motions to Council

- 3.4 Consideration of Notices of Motion was deferred from the Constitution Committee meeting of the 26th March 2015 in order that this issue could be put into the work programme and brought back to the Committee at the earliest opportunity.
- 3.5 The Council's procedure rules (Constitution, pages 192 and 219 Council Procedure Rule 12 and Appendix 2) make provision for Notices of Motion to be placed upon the agenda at Council. Under the current arrangements, the proposer of a motion has up to 5 minutes to speak whilst proposing a Motion and the seconder has an equivalent opportunity to do so. Following this, the rules provide for no other speeches, and the Motion then stands referred to the relevant decision-making body for determination.
- 3.6 The view has been expressed that, under the current arrangements, Notices of Motion receive rather one-sided treatment; given that the proposer and seconder will be supporters of the proposition contained in the motion. They are able to speak for up to a total of 10 minutes on the subject in question, without any contrary views being expressed, and that those views are made in a forum which will not normally be the final decision-making body which determines how the motion should be responded to.
- 3.7 Knowles on Local Authority meetings states as follows:
- “Where a motion stands referred without discussion to a committee when proposed and seconded, the proposer has no right to a speech, introductory or otherwise. The term “without discussion” means precisely that. No one may speak and there can be no discussion unless the chairman allows the motion to be dealt with at the meeting at which it is brought forward i.e. it does not stand referred.”
- 3.8 It is proposed that Notices of Motion be referred without debate in the manner outlined above which will enable the business of the Council to be conducted in a more streamlined manner.
- 3.9 Currently the Council has no process set out in the constitution which prevents motions being put onto the Council agenda which are irrelevant to the business or functions of the Council even though such motions cannot be considered. In addition, there are no grounds or method for excluding such motions which are improper because, for example, they are vexatious, defamatory or offensive. This has caused consternation for members in the past as there is no clear procedure. It is proposed that such provision is introduced with the Head of Legal Services and Monitoring Officer carrying out a check and deciding if motions are inappropriate.
- 3.10 The suggested amendments to the Council's procedure rules set out at Appendix 2 will achieve the proposals set out above.

3.11 The Committee is therefore asked to recommend to Council that:

- (a) Notices of Motion will be moved and seconded at Council meetings, without any comment from the movers and seconders, and referred-on for determination by the relevant decision-making body, provided that the existing rules which allow certain Notices of Motion to be debated and disposed of at Council meetings will continue to have effect.
- (b) that the Council be recommended to instruct the Head of Legal Services and Monitoring Officer to make changes to the constitution as set out in Appendix 2 of this report.

Agendas for Council meetings

- 3.12 For the purposes of clarity and consistency it is proposed that Council meetings follow a formal template agenda. Following analysis of the agendas and order of business at Council meetings two template agendas have been produced (attached at Appendix 3) based on the current practice.
- 3.13 **The Committee is therefore asked to recommend to Council that:** the template agendas set out in Appendix 3 be adopted for use at Annual Council and Council meetings and incorporated in the Constitution.

Staffing issues

- 3.14 At the meeting of the 23rd March 2015 the Constitution Committee considered a report which included consideration of amendments to the terms of reference of the Staffing Committee and the powers of the Chief Executive and Scheme of Delegation to Officers.
- 3.15 Further consideration has been given to these matters with a view to enabling operational staffing functions to be delegated as far as possible to the Chief Executive/Head of Paid Service.
- 3.16 Further revised terms of reference of the Staffing Committee, powers of the Chief Executive and Scheme of Delegation to Officers are attached at Appendix 4. It is proposed that the Chief Executive be responsible for the appointment of all officers with the exception of Statutory Officers, namely the Head of Paid Service, the Monitoring Officer and the s151 Officer, Statutory Chief Officers and the post of Executive Director of Economic Growth and Prosperity.
- 3.17 This will not require any further amendment to the Functions of the Full Council to those proposed at the Constitution Committee on 18th June 2015.
- 3.18 As a consequence of the changes to the terms of reference of the Staffing Committee and the powers of the Chief Executive and Scheme of Delegation to Officers, the changes to the Staff Employment Procedure Rules proposed at the Constitution Committee on the 18th June 2015 do need to be changed. Those changes are also contained in Appendix 4.

3.19 The Committee therefore recommends to the Council that:

- (d) the terms of reference of the Staffing Committee and the powers of the Chief Executive and Scheme of Delegation to Officers be recommended to the Council for amendment in the Constitution as set out in Appendix 4;
- (e) the Staff Employment Procedure Rules be amended as set out in Appendix 4; and
- (f) the powers of the Head of Paid Service in relation to staffing and other matters be recommended to the Council for amendment in the constitution as set out in Appendix 4.

Officer Powers

3.20 The Committee is asked to note that the Council meeting, of the 23rd July 2015, will consider a report which relates to the appointment of a Director of Children's Services. It is therefore important to ensure that the officer delegated powers, as set out in the Constitution are properly realigned to take account of the Council's decisions.

3.21 **The Committee is therefore asked to recommend to Council that:** the Head of Legal Services and Monitoring Officer be authorised to make such changes to the Constitution as she considers are necessary to give effect to the wishes of Council in respect of such staffing matters, and in consultation with the Head of Paid Service.

Health and Wellbeing Board Terms of Reference

3.22 Improving the health and wellbeing of the residents of Cheshire East is a priority for the Council and its partners. The Health and Wellbeing Board was set up as a result of the requirements of the Health and Social Care Act 2012 and has a key role to play in setting the priorities for Cheshire East and providing system leadership for health and wellbeing, in particular in relation to integrated working between health and social care commissioners.

3.23 The Board has successfully overseen the creation of the Joint Strategic Needs Assessment and the Joint Health and Wellbeing Strategy, both statutory requirements. A Peer Review of Health and Wellbeing in November 2014 identified a number of strengths of the Board and areas for further development.

3.24 As part of this and in line with the review process outlined in the existing Terms of Reference, the Board has identified some amendments to the Terms of Reference that it wishes to have adopted by the Council to improve its ability to deliver its roles and responsibilities in a timely and effective manner. These have to be considered and agreed by the Constitution Committee and then recommended to Council.

- 3.25 The Terms of Reference of the Health and Wellbeing Board were approved by Council in May 2014 (Constitution page 115). However, their gestation had been a long process, which began back in 2011 - 2012 with the establishment of the Shadow Health and Wellbeing Board.
- 3.26 Following the November 2014 Peer Challenge process, a recommendation was to review the membership of the Board. The recent restructuring of Corporate Leadership Board (now Management Group Board) and changes to portfolio holders' responsibilities has also highlighted that the Terms of Reference as written, were too prescriptive.
- 3.27 Consequently a review of the membership section of the Terms of Reference has been undertaken with a view to ensure it can be used as flexibly as possible to accommodate changes to personnel/job titles and political portfolios. At the same time, some other proposed amendments to clarify points or correct errors have been made.
- 3.28 To ensure parity on the Board (emphasised in national guidance as being a prerequisite to effective Health and Wellbeing Boards) an additional independent NHS representative with a vote has been included.
- 3.29 The requirements regarding being quorate have also been re-worded to allow for more flexibility and provide clarity should a meeting not achieve a quorum.
- 3.30 The Health and Social Care Act 2012 requires the Local Authority to establish a Health and Wellbeing Board for its area. Core membership includes at least one local Councillor (nominated by the Council's Leader); the Directors of Adult Social Services, Children's Services and Public Health; a representative of the Local Healthwatch Organisation; and a representative of each Clinical Commissioning Group and the NHS Commissioning Board. The Local Authority may also nominate such other individuals as they consider appropriate.
- 3.31 The Board is a Committee of the Local Authority but regulations under the Health and Social Care Act 2012 modify some of the normal requirements of the Local Government Act 1972. The Board has a number of duties under the Act but specifically is tasked with a duty to encourage integrated working in the provision of health and social care services.
- 3.32 The proposed changes are highlighted as tracked changes in Appendix 5 'Proposed Revisions to Health and Wellbeing Board Terms of Reference June 2015'.
- 3.33 **The Committee is therefore asked to recommend to Council that:** the proposed changes set out in Appendix 5 are accepted.

Speaking and Questions at Council meetings.

- 3.34 The Council's existing rules enable questions to be asked at Council meetings (Constitution pages 191/2, Council Procedure Rule 11 and 11.16). No notice needs to be given of such questions, which may be asked of the Mayor, a Cabinet Member, or Committee Chairman. 30 minutes of Council time is allocated to "question time" and, often, many Members make use of the facility.
- 3.35 Current practice is to seek to ensure that as many Members as wish to do so, have the opportunity to participate in question time at Council meetings. On occasion, the Mayor has had to limit the time available for each question and answer in order to ensure that all questions can be dealt with within the time available.
- 3.36 As a consequence questions may not necessarily deal with the business being considered by council at that particular meeting which can result in insufficient time for questions on the business at hand.
- 3.37 In order to keep questions relevant to the specific business being considered by Council at a particular meeting and to allow sufficient time for questions of a nature relevant to that business to be answered, it is proposed that paragraph 11 (c) (Constitution page 191) which permits questions of a topical nature, be deleted.
- 3.38 **The Committee is therefore asked to recommend to Council that:** paragraph 11 (c) below be deleted entirely from the Constitution:
- "(c) Where time permits, questions which are of a topical nature may be accepted."
- 3.39 The Council's current procedure rules (Constitution page 192, Rule 11.11) provide that no questions are allowed which repeat, or are substantially the same as, questions submitted to a meeting of Council during the preceding 3 months.
- 3.40 In view of the frequency at which Council meetings are held this can mean that questions could be re-submitted to the next meeting of the Council where there is no fresh information upon which to provide an answer. This is not the intention of this particular rule. It is proposed that the period in which questions can be resubmitted is extended to 6 months to overcome this issue.
- 3.41 **The Committee is therefore asked to recommend to Council that:** paragraph 11.11 be amended by replacing 3 months with 6 months as per below:
- "11.11 No questions will be allowed which repeat, or are substantially the same as, questions submitted to a meeting of Council during the preceding 6 months.

Changes to approved calendar of meetings

- 3.42 The Council's procedure rules (Constitution page 197, Council Procedure Rule 26.2) make provision for changes to the approved calendar of meetings, but presume against alterations to the time, date and venue for meetings.
- 3.43 This presumption is quite appropriate, given that Council approves the calendar following consultation, and the published calendar creates an expectation that meetings will take place in line with the published information.
- 3.44 However, experience shows that times, dates, and venues for meetings do need to be changed occasionally for good reasons. Up until relatively recently, the Constitution enabled officers to consult with the Chairman of the meeting in question and to agree to change meeting arrangements where there was good reason to do so. Reasonable steps would be taken to consult committee members etc.
- 3.45 New Rules, adopted within the last two years, now require consultation with all Members and further require a majority of Members to agree to the proposal. This is felt by officers to be unwieldy, given that they are required to secure a majority of the whole membership of the body in question, not all of whom may be contactable. As is often the case with changes in meeting arrangements, changes need to be agreed within a limited timescale, and more flexible arrangements are therefore felt to be appropriate.
- 3.46 It is proposed that this requirement be changed such that the rule refers to a majority of members who respond within 48 hours of notification.
- 3.47 **The Committee is therefore asked to recommend to Council that:** the existing procedural rule be amended as below:

“26.2 A meeting of a decision-making body scheduled in the Calendar of Meetings may be cancelled or changed by the Chairman following consultation with the whole membership of the body and with the agreement of a simple majority of ~~the~~ **those** members of that body **who respond within 48 hours of being notified of the proposed change**, provided that such cancellation or change takes place at least five clear working days before the scheduled date of the meeting to enable sufficient public notice to be given.

Outside organisations

- 3.48 The Council makes appointments to many outside organisations. These are categorised into “Category 1” organisations, and “Category 2” organisations. Appointments to Category 1 organisations are made by Cabinet, whilst those to Category 2 organisations are made by the Constitution Committee (Constitution page 60, Responsibilities of Council).

- 3.49 The list of Category 1 organisations, contained in the constitution, is out of date. For example, at least 5 outside organisations listed no longer exist; others have changed their name and two organisations need to be added to the list.
- 3.50 Appendix 6 to this report contains the revised list of Category 1 organisations.
- 3.51 **The Committee is asked to recommend to Council:** that the existing list of Category 1 organisations in the constitution be replaced by Appendix 6.

The appointment of Members to offices or positions

- 3.52 The Constitution's Council Procedure Rules Constitution page 193 Council Procedure Rule 16, pages 198/9 Council Procedure Rule 32, and page 209 Executive Arrangements and Cabinet Procedure Rules Rule 47) currently contain provisions which require that a secret ballot be conducted when electing Members to certain offices and appointments or when the election for any office or appointment is contested.
- 3.53 Secret ballots enable the voter to remain anonymous or free from outside influence and could be considered to enable individual Members to vote according to their conscience. However, it is the case that Members are democratically elected by the residents of Cheshire East and those residents have a legitimate interest in all aspects of the governance of the Council and the decision making processes in which Members participate.
- 3.54 The conduct of secret ballots is contrary to the Council's commitment to openness and transparency in all aspects of its decision making process. The removal of the existing secret ballot processes from the Council's Procedure Rules will mean that all voting will be by a show of hands or a recorded vote which will reinforce that the Council is committed carrying out its business through an open and transparent democratic process and is accountable to Cheshire East Residents
- 3.55 **The Committee is therefore asked to recommend to Council that:** Constitution be amended in accordance with the changes set out in Appendix 9 to effect the removal of the requirement to hold secret ballots from the Council Procedure Rules.

Urgent Decisions Taken Outside of Meetings

- 3.56 The Council's Procedure Rules contain provisions by which urgent decisions can be taken outside of the usual procedures. Currently the Constitution does not contain a definition of an urgent decision to assist Members and Officers.
- 3.57 It is suggested that the following definition be adopted:

3.58 'A decision will be urgent if any delay likely to be caused by following the usual procedures would seriously prejudice the Council's or the public's interests.'

3.59 **The Committee is therefore asked to recommend to Council that:** the suggested definition of an urgent decision is inserted into the Constitution (Part 4 Procedure Rules General Provisions Appendix 4, page 225).

Mayoralty Code of Conduct

3.60 The Constitution (Mayoralty Code of Conduct page 442 paragraph 6) sets out those appointments which the Mayor may or may not carry out or accept during his term of office.

3.61 It is proposed that the exclusions be extended.

3.62 **The Committee is therefore asked to recommend to Council that:** Paragraph 6 of the Mayoralty Code of Conduct be amended as follows:

"The Mayor should not be appointed as Chairman or Vice-Chairman **or member** of any Committee or Sub-Committee of the Council **or Cabinet support member or act or be appointed to act as a Director of any of the Council's Alternative Service Delivery Vehicles during his term of office....."**

Appointment of Independent Person to Audit Committee

3.63 The Constitution (page 109, Audit and Governance Committee) contains the requirements that the Committee be made up of 10 members.

3.64 It is proposed that the Audit and Governance Committee be expanded to include an Independent Person.

3.65 **The Committee is therefore asked to recommend to Council that:** the Audit and Governance terms of Reference be amended by the inclusion of the following wording as an introductory paragraph at the start of page 109:

Membership (11)

The Audit Committee, like all of the Council's Committees, must be politically balanced. However the success of the Audit Committee depends upon its ability to remain apolitical. It must adopt a non-political approach to its meetings and discussions at all times. Remaining apolitical also places a duty on members not to make inappropriate use of information provided to the committee for other purposes.

The Committee is composed of 11 Members, comprising 10 members of Council and one independent voting member (a member who is not a Councillor) with the Chair and Vice Chair being appointed at full Council. The co-option of an independent member will help to bring additional knowledge and expertise to the committee and also reinforce its political neutrality and independence. To ensure

the Committee remains focussed on its assurance role any designated substitute must be appropriately trained.

Management of the Constitution

3.66 It is proposed that the following wording be inserted as a new paragraph 2.2 at page 51 (Chapter 14 Management of the Constitution):

“2.2 Once the changes to the Constitution have been formally approved by or notified to Full Council the amended version will be published on the Council’s website within one (1) month.”

3.67 It is proposed that the wording of paragraph 5 (page 52) be amended as follows:

§ will **provide an electronic** copy of this Constitution to each Member of the authority upon delivery of that individual’s declaration of acceptance of office on the Member first being elected to the Council;

3.68 **The Committee is therefore asked to recommend to Council that:** the constitution be amended to reflect the changes set out above.

Changes to the Responsibilities of Council and the Constitution Committee Terms of Reference

3.69 It is proposed that the wording of Paragraph 12 on page 56 (Responsibilities of Council) and Paragraph 7 on page 107 (Constitution Committee) be amended to remove the reference to pension provision for members.

3.70 **The Committee is therefore asked to recommend to Council that:**

(c) Paragraph 12 of page 56 be amended by removing the wording in red as below:

“12. will approve the Members Allowance Scheme **including any pension provision** for elected Members following advice from the Independent Remuneration Panel;

(d) Paragraph 7 of page 107 be amended by removing the wording red as below:

“7. overseeing and monitoring the Members’ Allowance budget, **including pensions**, and keeping under review the scheme for the payment of allowances to Members through the appointment of an Independent Remuneration Panel to advise the Council on the adoption or the scheme and on any proposed amendments;”

Responsibilities of Cabinet

3.71 It is proposed that paragraph 7 is amended as the function of approving Human Resources policies sits with the Staffing Committee.

- 3.72 **The Committee is therefore asked to recommend to Council that:** the paragraph 7 (page 62 Constitution) below be amended:

“7. **developing**, monitoring and reviewing any Council Corporate personnel and human resources policies;”

Strategic Planning Board

- 3.73 It is proposed that the first sentence of paragraph 1 (b) of the terms of Reference of the Strategic Planning Board be removed as this function is undertaken by Full Council;

- 3.74 **The Committee is therefore asked to recommend to Council that:** the paragraph 1 (b) be amended as follows:

~~(b) to vary the number, size and working arrangements of the Planning Committees, to appoint their membership~~ vary the division of functions and delegations between the Board, the Planning Committees and the Head of Planning & Policy

- 3.75 It is proposed that the wording of paragraph 2 (b) be amended to refer to Grade 12 or above as opposed to Tier 2 which wording is obsolete.

- 3.76 **The Committee is therefore asked to recommend to Council that:** the paragraph 2 (b) be amended as follows:

(b) submitted by a councillor, senior Council officer (**Grade 12** or above) or a member of staff employed within the Development Management and Policy service area; or by an immediate family member or partner of these.

Executive Monitoring Board

- 3.77 It is recommended that the financial threshold for referral to the Executive Monitoring Board be increased from £250,000 to £400,000 and that the Board comprise officers only.

- 3.78 **The Committee is therefore asked to recommend to Council that:** the following consequential amendments be made to the figures quoted within the Finance Procedure Rules as follows:

B27 change £250,000 to £400,000
B28 change £250,000 to £400,000
B29 change £250,000 to £400,000 and then £100,000 to £250,000 and £250,000 to £400,000 later in paragraph
B32 change £250,000 to £400,000
B34 change £250,000 to £400,000
B47 change £250,000 to £400,000

and that the wording of the following be amended

Finance Procedure Rules B34 take out “the member led governance group”.

page 278 take out in consultation with Executive Monitoring Board from A32 third row of table.

page 279 take out via Executive Monitoring Board in third row and take out Executive Monitoring Board in 4th row of table at A 36

page 333 remove the word “members”.

Change of name of Corporate Leadership Board to Management Group Board

- 3.79 The Corporate Leadership Board has been re-named the Management Group Board and consequential changes will be required to be made throughout the Constitution to reflect this new title.
- 3.80 **The Committee is therefore asked to recommend to Council:** that the Head of Legal Services and Monitoring officer be given delegated authority to make consequential changes to the Constitution to reflect the change in title from Corporate Leadership Board to Management Group Board.

Task and Finish Groups

- 3.81 It is intended that each Task and Finish Groups set up by a particular Overview and Scrutiny Committee is appointed by the Chair of each relevant committee. The wording of the Constitution page 30 paragraph 3.2 is not sufficiently clear that this is the intention.
- 3.82 **The Committee is therefore asked to recommend to Council:** that the wording of paragraph 3.2 be amended by the

The Committees **which set up each Task and Finish Group** will appoint Chairmen (and Vice-Chairmen, if appropriate) of each **Task and Finish** group and agree the membership. This must be cross party.

Signing etc. of documents

- 3.83 The Constitution’s Contract Procedure Rules provide that Contracts (with a value not exceeding £1,000,000) shall be signed on behalf of the Authority by a duly authorised officer in accordance with the local Scheme of Delegation (Part 5 paragraph 5.2.1 page 347). Also, that in certain circumstances (as set out in Part 5 paragraph 5.2.2 page 347) including where a contract is of a value exceeding £1,000,000 a contract must be executed under seal by Legal Services.
- 3.84 The Constitution Chapter 13 – Finance, Contracts and Legal Matters page 49 paragraph 4.2 does not specifically refer to the procedures for signature of contracts by officers other than the Head of Legal Services. It is proposed that this sub-paragraph be amended to refer to the Contract Procedure Rules and to provide for any circumstances where an officer cannot be identified to

sign a contract by reference to those rules (by enabling the Head of Legal Services to sign in such circumstances).

- 3.85 **The Committee is therefore asked to recommend to Council:** that paragraph 4.2 of page 49 be amended by adding the wording in red as follows:

“4.2 Any contract entered into on behalf of the Council shall be made in accordance with the Council's Finance Procedure Rules **and Contract Procedure Rules**. In the absence of any authority given to a specific officer **under the Council's Finance Procedure Rules and Contract Procedure Rules** all such contracts must either be signed by at least the Head of Legal Services or his/her authorised deputy, plus another of his/her authorised deputies or be made under the common seal of the Council.”

Macclesfield Local Service Delivery Committee

- 3.86 Following the creation of Macclesfield Town Council, the Macclesfield Local Service Delivery Committee's work in complete and references to it in the Constitution are obsolete.

- 3.87 **The Committee is therefore asked to recommend to Council:** that the terms of reference of the Macclesfield Local Service Delivery Committee are deleted from the Constitution as following the creation of Macclesfield Town Council, this committee and references to it in the Constitution are now obsolete.

Term of Office – Committees and sub-committees

- 3.88 The reference in the Constitution (page 196, paragraph 22.1) to members of Committees and sub-committees remaining on office until their day of until their day of retirement as set out in the Cheshire (Structural Changes) Order 2008 is obsolete (as it relates to the creation of the shadow authority and elections prior to 2011) and is in conflict with the power of Annual Council (Council procedure Rule 17.1) to elect the Chair and Vice-Chair of every Committee.

- 3.89 **The Committee is therefore asked to recommend to Council:** that paragraph 22.1 be amended as per the wording in red below:

“22.1 Committee and Sub-Committee Members will **be appointed by the Council**. The Council may, at any time, dissolve, alter or amend the membership of a Committee or Sub-Committee.

Minutes of Committees and sub-committees

- 3.90 The Constitution (page 198, paragraph 28.6) allows a member to submit a question or comment on an exempt, private or confidential Minute within one hour of the start of the meeting.

3.91 In order to allow such time to meaningfully consider questions and for the practical arrangements to be made upon receipt of a question, it is proposed that this time limit be increased to 24 hours.

3.92 **The Committee is therefore asked to recommend to Council:** that paragraph 28.6 be amended by replacing 1 hour with 24 hours as shown in red below:

“28.6 Where a Member has a question or comment on an exempt, private or confidential Minute, the question or comment must be given in writing to the Monitoring Officer at least **24 hours** before the start of the meeting.”

Local Choice Functions

3.93 Changes are required to be made to the Local Choice Functions set out in the Constitution at page 59 following the recent management re-structure and as a consequence of the repeal of the duty to prepare Local Area Agreements.

3.94 The necessary changes are set out in Appendix 7.

3.95 **The Committee is therefore asked to recommend to Council:** that the Constitution is amended in accordance with the changes set out in Appendix 7.

Contract Procedure Rules

3.96 The Local Government Transparency Code 2015 requires Local Authorities to publish details of every invitation to tender/ quote for contracts to provide goods and/or services with a value that exceeds £5,000. For each invitation the following are required

- reference number
- title
- description of the goods and/or services sought
- start, end and review dates, and
- local authority department responsible.

Local authorities must also publish details of any contract, commissioned activity, purchase order, framework agreement and any other legally enforceable agreement with a value that exceeds £5,000. For each contract, the following details must be published

- reference number
- title of agreement
- local authority department responsible

- description of the goods and/or services being provided
- supplier name and details
- sum to be paid over the length of the contract or the estimated annual spending or budget for the contract
- Value Added Tax that cannot be recovered
- start, end and review dates
- whether or not the contract was the result of an invitation to quote or a published invitation to tender, and
- whether or not the supplier is a small or medium sized enterprise and/or a voluntary or community sector organisation and where it is, provide the relevant registration number.

[Local Government Transparency Code 2015](#)

At the moment the Council can only publish information for invitations to tender/quote where Procurement has been involved (above £50k). The proposed changes will ensure the Council fully complies with the Local Government Transparency Code 2015.

- 3.97 The Public Procurement Regulations 2015 (which were introduced in February 2015), require all procurements above £25,000 to be advertised on Contracts Finder and a contract awarded notice to be published. At present Procurement are working with Services and undertaking the majority of procurement from £25,000.
- 3.98 The changes also have advantages as they will help to drive savings by taking advantage of the ability to used best and final offer on lower value contracts. Procurement will have greater control over the contracts register which helps to drives commissioning and forward planning
- 3.99 It will be simpler for SME's to bid for Council work and supports the local agenda through more contracts being advertised and published.
- 3.100 **The Committee is therefore asked to recommend to Council:** that the Constitution is amended in accordance with Appendix 8.

Changes to the officer scheme of delegation

- 3.101 Following the deletion of the post of Executive Director Strategic Commissioning the delegation of functions will be split out between the following posts:
- Chief Executive
 - Chief Operating Officer
 - Executive Director of Economic Growth and Prosperity
 - Head of Communities

There is no intention to change the wording or nature of any of the delegations but simply to re-allocate them to the above posts.

3.102 It is recommended that the Head of Legal Services and Monitoring Officer is given the delegated authority to implement the necessary changes to the Constitution to reflect the re-allocation of delegations within the Officer Scheme of Delegation.

4 Wards Affected and Local Ward Members

No direct impacts for wards or local ward members arise as a consequence of the proposals contained in this report.

5 Implication of Recommendation

5.1 Policy Implications

5.1.1 The proposals contained within this report seek to bring clarity and efficiency to the Council's decision-making and related arrangements.

5.2 Legal Implications

5.2.1 In making its decision the Constitution Committee and then the Council will be required to have regard to the New Council Constitution Guidance 2000 and amendments, the Local Government Act 1972, the Local Authorities (Standing Orders) Regulations 1993 and 2001, the Localism Act 2011 and the Public Contracts Regulations 2015.

5.3 Financial Implications

5.3.1 No direct financial implications arise as a consequence of the proposals contained in this report.

5.4 Equality Implications

5.4.1 No equality or diversity implications would appear to arise as a consequence of the proposals contained in this report.

5.5 Rural Community Implications

5.5.1 This report has no direct implications for rural communities.

5.6 Public Health Implications

This report has no direct implications for public health.

6 Risk Management

6.1 No risks would appear to arise from the report's recommendations. Indeed, the proposals contained in the report are intended to bring greater clarity to

the Council's decision-making and other arrangements; thereby potentially reducing risks.

7 Background Papers

None

Contact Information

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Part 1**SCHEME OF DELEGATION**

(additions are in red type and deletions are struck through)

STRATEGIC PLANNING BOARD**Terms of Reference**

1. To oversee the division of the Council's Development Management functions and workload in order to ensure timely and consistent decision-making at the most appropriate level, and to that end

(a) to monitor the volume and type of applications determined; assessing the performance of the Development Management service, and, if appropriate

(b) ~~to vary the number, size and working arrangements of the Planning Committees, to appoint their membership,~~ to vary the division of functions and delegations between the Board, the Planning Committees and the **Director of Planning and Sustainable Development**.

(c) to adopt working protocols and procedures: eg: protocols governing the direction of applications between the Planning Committees, public speaking rights, call-in procedure and others.

2. To exercise the Council's functions relating to town & country planning & development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges set out in the Local Authorities (Functions & Responsibilities)(England) Regulations 2000. Most of these functions are delegated to the Planning Committees and then onwards to the **Director of Planning and Sustainable Development**, but the following are reserved to the Board

(a) applications for Large Scale Major Development: ~~defined from time to time by DCLG. Currently this includes~~

- residential developments of 200 dwellings or more, or 4 ha or more;
- 10,000 square metres or more, or **24ha.** or more of retail, commercial or industrial or other floor space.

This does not include re-applications for extant schemes or detailed applications where an outline consent has been given or removal/variation of conditions.

(b) applications for major minerals or waste development **other than small scale works which are ancillary to an existing mineral working or waste disposal facility**

(c) applications involving a significant departure from **policy** which a Planning Committee **are recommended** to approve.

~~(e) applications requiring Environmental Impact Assessments~~

(d) any other matters which have strategic implications by reason of their scale, nature or location.

(f) any other matters referred up to it at the discretion of the **Director of Planning and Sustainable Development**, including major development of less than the thresholds set out in (a) above which have wider strategic implications.

(g) Applications for advertisements, tree work, prior approvals, Certificates of Lawfulness and notifications will not be eligible for call-in and will be dealt with under delegated powers.

3. To exercise a consultation and advisory role, commenting upon the content of proposed planning policy and upon the effectiveness of existing policies employed in development control decisions.

4. To exercise on behalf of the Council the function of final approval of the Area Action Plans, and any other document including a Site Allocation Policy, which form part of the Local Plan.

NORTHERN AND SOUTHERN PLANNING COMMITTEES

Terms of Reference

1. To exercise the Council's functions relating to town & country planning & development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges, set out in the Local Authorities (Functions & Responsibilities)(England) Regulations 2000. Some applications have been reserved to the Strategic Planning Board: others are delegated on to the **Director of Planning and Sustainable Development**: the following are retained for the Planning Committees:

(a) Applications for Small Scale Major Development ~~for: defined from time to time by DCLG. Currently this includes~~

- residential developments of ~~10-20~~ -199 dwellings or between ~~0.5~~ 1 and 4ha

- retail or commercial/industrial or other floorspace of ~~between 5,000 – 9,999 square metres, or 2 - 4ha between 1,000 – 9,999 square metres. or between 1ha – 2 ha.~~

~~This does not include re-applications for extant schemes or detailed applications where an outline consent has been given or removal/variation of conditions.~~

2. To determine any other planning & development control matters

(a) advertised as a departure from policy, which the **Director of Planning and Sustainable Development** is minded to approve.

(b) submitted by a Councillor, senior Council officer (tier 2 or above) or a member of staff employed within the Development Management and Policy service area; or by an immediate family member or partner of these ~~where representations objecting to the application have been received. Where objections have been received, applications recommended for refusal can be dealt with by officers under delegated powers.~~

(c) ~~significant applications by involving~~ the Council either as applicant or land owner. ~~Unless the Head of Planning & Policy identifies some significant factor, this~~ This category will not normally include minor developments which accord with planning policy and to which no objection has been made.

(d) referred up to them by a councillor in accordance with the Committees' call-in procedure. ~~However: -~~

- ~~i. Any request must be received within 10 working days of the issue of the electronic notification of the application, and set out the material planning consideration(s) which warrant the application going before committee.~~
- ~~ii. Applications for householder development, listed building consents to alter/extend and conservation area consents will normally be dealt with under delegated powers.~~
- ~~iii. Applications for advertisements, tree work, prior approvals, Certificates of Lawfulness and notifications will not be eligible for call-in and will be dealt with under delegated powers.~~

~~(e) All applications for advertisements, tree work, prior approvals, Certificates of Lawfulness and notifications.~~

~~(f) referred up to them at the discretion of the Director of Planning and Sustainable Development.~~

The Committees will refer up to the Strategic Planning Board matters involving a significant departure from policy which they are minded to approve ~~contrary to recommendation by the Director of Planning and Sustainable Development..~~

PLANNING FUNCTIONS – DELEGATION TO OFFICERS

1. Apart from matters reserved to the Strategic Planning Board and Planning Committees, all those Council functions set out in the Local Authorities (Functions & Responsibilities)(England) Regulations 2000 which relate to town & country planning & development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges are delegated to the ~~Director of Planning and Sustainable Development.~~

Development control functions include decisions regarding planning applications, permitted development, certificates of lawful use & development, enforcement, listed buildings and conservation areas. The planning functions are to be construed purposively and broadly, to include anything which facilitates or is incidental to them. For example, the power to determine planning applications under s70 Town & Country Planning Act 1990 will include powers governing environmental impact assessments under the various TCP (Environmental Impact Assessment) Regulations. It will also include power to impose conditions, limitations or other restrictions or to determine terms to which approvals are subject, and to modify, vary or revoke approvals.

Where legislation is amended or replaced by new provisions or where new development control provisions are enacted, then the relevant authority delegated in this Scheme applies to those new provisions.

2. The **Director of Planning and Sustainable Development** will refer up to a Planning Committee or to the Strategic Planning Board any particular matter which they consider suitable for determination at that level.

Part 2

(additions are in red type and deletions are struck through)

(Constitution, page 57)

LOCAL CHOICE FUNCTIONS

Local Choice Functions ¹	Decision Making Body	Delegation of functions to Committees or officers (to the extent set out below or Section 2C for Council (non-executive) functions and section 3D for executive functions)
Any function relating to contaminated land ¹¹	Cabinet	Head of Communities
The control of pollution or the management of air quality ¹²	Cabinet	Head of Communities
To serve an abatement notice in respect of a statutory nuisance ¹³	Cabinet	Head of Communities
To pass a resolution that Schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the authority's area ¹⁴	Full Council	
To inspect the authority's area to detect any statutory nuisance ¹⁵	Full Council	Head of Communities
To investigate any complaint about the existence of a statutory nuisance ¹⁶	Full Council	Head of Communities
To obtain information about interests in land ¹⁷	Full Council	Planning Committee Executive Director of Economic Growth and Prosperity Director of Planning and Sustainable Development
To obtain particulars of persons interested in land ¹⁸	Full Council	Executive Director of Economic Growth and Prosperity

(Constitution, page 87)

PLANNING AND DEVELOPMENT CONTROL
COMMITTEE STRUCTURE AND DELEGATIONS

Development control functions will be discharged by a Strategic Planning Board, supported by two

Planning Committees and a scheme of delegation as detailed below:

Strategic Planning Board (10)

*including the two Portfolio Holders responsible for Development Management and the Local Development Framework

- with the Terms of Reference set out at Appendix A
- with a quorum of ~~5~~ 3 (as an exception to in accordance with Standing Order 27)

Northern Planning Committee (10)

Southern Planning Committee (10)

- with the Terms of Reference set out at Appendix B
- with a quorum of ~~5~~ 3 (as an exception to in accordance with Standing Order 27)
- comprising councillors to be nominated at the first meeting of the Strategic Planning Board
- meeting on a ~~3~~ 4 -weekly cycle
- there are to be no substitutes at Planning Committee save for named substitutes who have received planning training

The scheme of delegation is set out in that section of the Constitution.

(Constitution, page 88)

STRATEGIC PLANNING BOARD

Terms of Reference

1. To oversee the division of the Council's Development Management functions and workload in order to ensure timely and consistent decision-making at the most appropriate level, and to that end

(a) to monitor the volume and type of applications determined; assessing the performance of the Development Management service, and, if appropriate

(b) ~~to vary the number, size and working arrangements of the Planning Committees, to appoint their membership,~~ to vary the division of functions and delegations between the Board, the Planning Committees and the **Director of Planning and Sustainable Development**.

(c) to adopt working protocols and procedures: eg: protocols governing the direction of applications between the Planning Committees, public speaking rights, call-in procedure and others.

2. To exercise the Council's functions relating to town & country planning & development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges set out in the Local Authorities (Functions &

Responsibilities)(England) Regulations 2000. Most of these functions are delegated to the Planning Committees and then onwards to the **Director of Planning and Sustainable Development** & Policy but the following are reserved to the Board

(a) applications for Large Scale Major Development: ~~;- defined from time to time by DCLG. Currently this includes~~

- residential developments of 200 dwellings or more, or 4 ha or more;
- 10,000 square metres or more, or 24ha. or more of retail, commercial or industrial or other floor space.

~~This does not include re-applications for extant schemes or detailed applications where an outline consent has been given or removal/variation of conditions.~~

(b) applications for major minerals or waste development ~~other than small scale works which are ancillary to an existing mineral working or waste disposal facility~~

~~(c) applications requiring Environmental Impact Assessments~~

(c) applications involving a significant departure from **policy** which a Planning Committee **are recommended** to approve.

(d) any other matters which have strategic implications by reason of their scale, nature or location.

(e) any other matters referred to it at the discretion of the **Director of Planning and Sustainable Development**.

3. To exercise a consultation and advisory role, commenting upon the content of proposed planning policy and upon the effectiveness of existing policies employed in development control decisions.

4. To exercise on behalf of the Council the function of final approval of the Area Action Plans, and any other document including a Site Allocation Policy, which form part of the Local Plan.

NORTHERN AND SOUTHERN PLANNING COMMITTEES

Terms of Reference

1. To exercise the Council's functions relating to town and country planning and development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges, set out in the Local Authorities (Functions and Responsibilities)(England) Regulations 2000. Some applications have been reserved to the Strategic Planning Board: others are delegated on to the **Director of Planning and Sustainable Development**: the following are retained for the Planning Committees:

applications for Small Scale Major Development ~~for: ;- defined from time to time by DCLG. Currently this includes~~

- residential developments of ~~40~~20 -199 dwellings or between ~~0.5~~ 1 and 4ha

- retail or commercial/industrial or other floorspace of **between 5,000 – 9,999 square metres, or 2 - 4ha** ~~between 1,000 – 9,999 square metres. or between 1ha – 2 ha.~~

This does not include re-applications for extant schemes or detailed applications where an outline consent has been given or removal/variation of conditions.

2. To determine any other planning & development control matters:

(a) advertised as a departure from policy, which the **Director of Planning and Sustainable Development** is minded to approve.

(b) submitted by a councillor, senior Council officer (**Grade 12** or above) or a member of staff employed within the Development Management and Policy service area; or by an immediate family member or partner of these **where representations objecting to the application have been received. Where objections have been received, applications recommended for refusal can be dealt with by officers under delegated powers.**

(c) **significant applications by** the Council either as applicant or land owner. ~~Unless the Head of Planning & Policy identifies some significant factor, this~~ **This** category will not normally include minor developments which accord with planning policy and to which no objection has been made.

(d) referred up to them by a councillor in accordance with the Committees' call-in procedure.

However: -

- iv. Any request must be received within 10 working days of the issue of the electronic notification of the application, and set out the material planning consideration(s) which warrant the application going before committee.
- v. Applications for householder development, listed building consents to alter/extend and conservation area demolitions will normally be dealt with under delegated powers.
- vi. Applications for advertisements, tree work, prior approvals, Certificates of Lawfulness and notifications will not be eligible for call-in and will be dealt with under delegated powers.

(e) referred up to them at the discretion of the **Director of Planning and Sustainable Development**.

The Committees will refer up to the Strategic Planning Board matters involving a significant departure from policy which they are minded to approve **contrary to recommendation by the Director of Planning and Sustainable Development.**

(Constitution, page 127)

SCHEME OF DELEGATION TO OFFICERS

1.0 INTRODUCTION

1.1 Elected Members set policy, priorities and strategies to reflect local interests and needs and are responsible for allocating funding between individual priority areas and for approval of the methodology of implementation of policies and strategies.

1.2 Officers of the Authority are responsible for implementing these strategies and policies by delivering services and major initiatives. It is Officers who have responsibility for managing the Authority's day to day operations, within a policy and budgetary framework laid down by Members.

1.3 The Authority's Chief Officers (statutory and non-statutory) are listed under Part 2, Chapter 12 . The following Chief Officers comprise the Authority's Corporate Leadership Board (CLB). The Chief Executive, Executive Director of Strategic Commissioning, Chief Operating Officer, **Executive** Director of Economic Growth and Prosperity, Director of Public Health, Director of Adult Services, Director of Children's Services, **Director of Planning and Sustainable Development**, Head of Legal Services and Monitoring Officer and Head of HR and Organisational Development. Other Officers will attend CLB as necessary.

(Constitution, page 133)

1.32 The Chief Executive, Executive Director of Strategic Commissioning, Chief Operating Officer, **Executive** Director of Economic Growth and Prosperity, Director of Adult Social Care and Independent Living, Director of Children's Services, **Director of Planning and Sustainable Development** and Director of Public Health are authorised to exercise the role of authorising officer and designated person under the Regulation of Investigatory Powers Act 2000.

(Constitution, page 142)

4.0 EXECUTIVE DIRECTOR OF ECONOMIC GROWTH AND PROSPERITY

4.1 **To have overall management responsibility for Director of Planning and Sustainable Development.** The Director of Economic Growth and Prosperity has overall responsibility for the operational management and implementing all decisions, including the allocation of resources within approved estimates, as are necessary to exercise the functions for which the Service is responsible. It comprises the following main functions:-

- Economic Intelligence and investment planning
- Skills for Work
- 14+Education, Apprenticeships and NEETS
- Adult Education and Lifelong Learning
- Learner Information, Advice and Guidance Services
- Tourism, Visitor Economy, Culture, Arts and Heritage (including Tatton Vision)
- Business Engagement and Support
- Land and Property Acquisition, Disposal and Management
- Strategic infrastructure projects
- Employment Sites

- Housing Strategy and Development
- Strategic/Spatial planning
- Rural Economy/Access
- Sustainable Towns
- Inward Investment and Funding
- Local Enterprise Partnership
- Enterprise
- Development Control (major applications)
- Corporate landlord
- Development Management and Building Control
- Commons

~~4.2 Within the following areas, the Director of Economic Growth and Prosperity is empowered to operate the Service and, except where powers, duties and functions are delegated elsewhere by the Council, to exercise all powers, duties and functions, including, but not limited to the following:~~

Director of Planning and Sustainable Development:

The Director of Planning and Sustainable Development will provide a professional focus and lead for Strategic/Spatial Planning, Development Management, Building Control, Land Charges, Street Naming & Numbering and Neighbourhood Planning.

:

- To be professionally accountable for the effectiveness, availability and value for money of the service;
- To perform a leadership role
- Manage cultural change
- Act as relationship manager with Civicance
- To improve working practices and customer services; and
- To build and lead effective partnerships.

4.3 To act as Proper Officer in respect of the Ordnance Survey under Section 191 of the Local Government Act 1972

4.4 To act as Proper Officer under Section 1 of the Countryside and Rights of Way Act 2000 relating to the Access

Development Management and Building Control

4.5 Apart from matters reserved to the Strategic Planning Board and Planning Committees, to exercise and make decisions in respect of all those Council functions set out in the Local Authorities (Functions & Responsibilities (England) Regulations 2000 which relate to town & country planning and development control under the Town and County Planning Act 1990, including planning applications, permitted development, the protection of important hedgerows, the preservation of trees and the regulation of high hedges.

Note: Development control functions include decisions regarding planning applications, permitted development, certificates of lawful use and development, enforcement, listed buildings and conservation areas. These planning functions are to be construed purposively and broadly, to include anything which facilitates or is incidental to them and will also include power to impose conditions, limitations or other restrictions or to determine terms to which approvals are subject, and to modify, vary or revoke approvals

4.6 To exercise all the powers and duties in relation to Building Control under the Building Act 1984 and related legislation and under Building Regulations, including but not limited to the determination of plans and applications, dealing with dangerous structures and all enforcement under the Act and Regulations

4.7 To vary the Standard Fee Scales of the Local Government Association Model Scheme by up to plus or minus 10%

4.8 To exercise all powers and duties relating to Local Land Charges

4.9 To take all action to ensure dangerous trees are removed or made safe or to ensure that they are made safe or removed and to reclaim the costs under the Local Government (Miscellaneous Provisions) Act 1976

Part 3

NEIGHBOURHOOD PLANNING – DELEGATION TO OFFICERS

There are key stages at which the Council must issues decisions or respond to the Neighborhood Plan proposals. These are:

1. Neighbourhood area application
2. Regulation 14 consultation (Council response to draft Neighbourhood Plan)
3. Proceed to regulation 16 consultation
4. Proceed to examination
5. Cheshire East Council adopt plan

These matters are all delegated by the Cabinet to the Cabinet Member for Jobs and Houses. Stages 1 and 2 are during plan preparation by the community and predominantly involve technical assessments and are delegated to the Director of Planning and Sustainable Development.

Appendix 2

(additions are in red type and deletions are struck through)
(Constitution pages 219/220)

Notices of Motion

APPENDIX 2

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

1 Procedure before the Meeting

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 Head of Legal Services or the Democratic and Registration Services Manager by whom it shall be dated, in the order in which it is received.

Members are permitted to submit Notices of Motion in email and electronic form.

The Head of Legal Services shall, if need be, give a ruling as to whether the Motion is relevant.

If the Head of Legal Services considers the motion, amendment or question to be vexatious, irrelevant, defamatory, frivolous, offensive or otherwise improper the Head of Legal Services will return it to the Member who submitted it along with an explanation in writing to the Member about why it will not be included on the agenda circulated for the meeting.

2 Motions to be set out in Summons

The agenda papers for every ordinary meeting of the Council will set out the full text of 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 papers according to the order in which they have been received.

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, shall be included on the Council agenda.

3 Withdrawal of Motion which is before the Council

A Notice of Motion will be regarded as withdrawn if :

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

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

4 Procedure at the Meeting

When a Motion has been moved and seconded **the mover and seconder shall not be entitled to make a speech if the Mayor decides that** it shall stand referred without discussion to such of those bodies as the Mayor may determine, for determination. 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 initially considered.

5 Procedure after the Meeting

Each motion will 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.

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.

Appendix 3

AGENDA FOR ANNUAL COUNCIL MEETING

Standard Item
Prayers
Apologies for Absence
Declarations of Interest
Election of Mayor and Appointment of Deputy Mayor
Mayor's Announcements
Approval of Minutes of previous meeting
Receive notification of Leader's Appointments to the Cabinet
Leader's Announcements
Political Representation on the Council's Committees
Appointment of Members to Committees
Appointment of Chairmen and Vice Chairmen of the Committees of the Council
Appointments to non executive Organisations and Panels

Standard Item	
Prayers	
Apologies for Absence	
Declarations of Interest	
Approval of Minutes of previous meeting	
Mayor's Announcements	
Public Speaking Time/Open Session	
Recommendations from Cabinet	
Leader's Announcements	
Recommendation from Committees	
Notices of Motion	
Questions from Members to Mayor	

Appendix 4

Staffing Committee – documents attached.

Part 3 – Responsibility for Functions – Staffing Committee

(Amendments taken to Committee shown as tracked changes in green.
Additions made by Committee shown highlighted yellow.
Amendments proposed by this report shown as track changes in purple.
Deletion made by this report shown highlighted in green.)

(Constitution pages 105-106)

Staff Employment Procedure Rules

(Amendments made by Committee shown in red. New deletions shown ruled through in black and additions in blue)

(Constitution pages 351-357)

Appendix 5

Health and Wellbeing Board – terms of reference – document attached.

Appendix 6

(additions are in red type and deletions are struck through)
(Constitution page 60)

Appointments to all Category 1 organisations (ie those which are statutory or top level strategic organisations) are made by the Cabinet or by individual Portfolio Holders. The current list is as follows:

- ~~Beth Johnson Housing~~
- ~~Bridgewater Canal Trust~~
- Cheshire Local Access Forum
- Cheshire and Wirral Partnership NHS Foundation Trust (Mental Health Services)
- ~~Cheshire Peaks and Plains Housing Trust~~
- County Councils Network
- Environment Agency (NW) Regional Flood Defence Committee (North West)
- Environment Agency Liaison Group
- EU Structural Funds Governance Group
- European Chemicals Regions Network
- FBCA **Federation of Burial and Cremation Authorities**
- Local Government Association General Assembly
- ~~Local Government Association Rural Commission~~
- ~~Local Government Association Urban Commission~~
- **Local Government Association People and Places Board**
- Marketing Cheshire
- Manchester Airport Consultative Committee
- North West Employers Organisation
- North-West Rail Campaign
- PATROL
- Peak District National Park Authority
- Peaks and Plains of Cheshire Tourism
- Plus Dane Housing
- ~~Supporting People Strategic Partnership~~
- The Silk Heritage Trust
- West Coast Rail 250
- Wulvern Housing
- **Joint Cheshire Pensions Investment Panel**
- **Mid Cheshire Hospitals NHS Foundation Trust**

Appendix 7

(additions are in red type and deletions are struck through)
(Constitution page 59)

Local Choice Functions¹	Decision Making Body	Delegation of functions to Committees or officers (to the extent set out below or Section 2C for Council (non-executive) functions and section 3D for executive functions)
To make arrangements for the execution of highways works ¹⁹	Cabinet	Executive Director of Strategic Commissioning Head of Communities Corporate Manager Commissioning – Highways ¹
To appoint any individual (a) to any office other than an office in which he is employed by the authority (b) to any body other than – (i) the authority; (ii) a joint Committee of two or more authorities; or (c) to any Committee or sub Committee of such a body and to revoke any such appointment	Cabinet or individual Portfolio Holders in respect of Category 1 organisations as listed below and the Full Council in respect of other organisations.	In respect of appointments by Full Council delegated to the Constitution Committee.
To make agreements with other local authorities for the placing of staff at the disposal of those other authorities	Cabinet	Corporate Leadership Board Management Group Board.
Functions relating to local area agreements²	Cabinet	

¹⁹ s278 Highways Act 1980

¹ Upon terms acceptable to the ~~Borough Solicitor~~ **Head of Legal Services and Monitoring Officer.**

² Sections 106, 110, 111 and 113 of the ~~Local Government and Public Involvement in Health Act 2007~~

Appendix 8

(additions are in red type and deletions are struck through)
(Constitution page 341)

Procurement Thresholds**Thresholds****Contract Procedure Rules – Changed January 2015**

a)	Less than £1,000 Between 0 up to £5,000	3 quotes are advisable but not mandatory (local firms being preferable)
b)	Between £1,000 and up to £10,000	A minimum of three quotations shall be sought and evidence retained for audit purposes
e)	Between £10,000 £5,000 - £50,000 £25,000	A minimum of three quotations shall be sought, subject to a procurement risk assessment being carried via a Procurement Engagement Form / Process out by the CPU , which will determine the route to market using an appropriate Request for Quotation (RFQ) and contract type (see below for the risk table). It is recommended that service departments use an e-tendering portal. All quotations should be sent to Procurement to ensure compliance with these Rules and the Local Government Transparency Code 2015. (It is not mandatory to use an e-tendering portal but it is preferable).
d)	Between £2550,000 and up to the applicable 'EU Threshold'	A minimum of three quotations shall be sought via an e-tendering portal, subject to a procurement risk assessment being carried out by Procurement the CPU , which will determine the route to market using an appropriate Request for Quotation (RFQ)

Appendix 9

Deletions to each page of the Constitution which refers to a secret ballot.

(additions are in red type and deletions are struck through)

(Constitution page 193)

14 Rescission of Earlier Resolution

14.1 Subject to Rule 14.2, at a meeting of the Council, no motion or amendment shall be moved to rescind any resolution of the Council which was passed within the preceding six months or which is to the same effect as one which has been rejected within that period.

14.2 Such a motion may be moved if:

1. it is recommended by the Cabinet or a Committee; or
2. notice of such motion has been given under Procedure Rule 12 and signed by at least 8 elected Members of the Council.

15 Voting

15.1 Voting will be by a show of hands.

15.2 When a Member asks for a recorded vote to be taken, and 8 other Members stand in their places to support the request, the vote will be recorded to show whether each Member voted for or against the motion or abstained.

15.3 A recorded vote will not be taken if the vote has already begun to be taken by a show of hands.

15.4 Members must be in their designated seats for their vote to be counted. The Mayor may agree to waive this requirement before the vote is taken.

15.5 A Member may require, after a vote is completed, that the Minutes of the meeting record how he/she voted or abstained.

15.6 A Member may, immediately after the item of business is voted upon, request that a lost motion or amendment be recorded in the minutes.

15.7 Where there are equal votes cast for a motion or amendment the Mayor or the person presiding will have a second or casting vote.

16 Offices and Appointments

16.1 A ~~secret ballot~~ **vote** will be held to elect or appoint the Mayor and Deputy Mayor of the Council, the Leader of the Council or Members to any office or position where more than one person is nominated.

- 16.2 ~~If a secret ballot is held and no person receives more than half of the votes cast, the name of the person with the least number of votes will be withdrawn. Further ballots will be held until one person receives a clear majority.~~
If more than one person is nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

(additions are in red type and deletions are struck through)
(Constitution pages 198/199)

28.5 Members may ask a question or comment on any Minute. The Chairman of the Sub-Committee will then reply. There will be no debate on any question or comment raised under this procedure and no further motions can be moved.

28.6 Where a Member has a question or comment on an exempt, private or confidential Minute, the question or comment must be given in writing to the Monitoring Officer at least one hour before the start of the meeting.

29 Motions moved without Notice at Committees and Sub-Committees

29.1 Appendix 1 lists those motions and amendments which can be moved without notice.

30 Rules of Debate at Committees and Sub-Committees

30.1 Appendix 3 sets out the rules of debate.

31 Voting

31.1 Voting at Committee and Sub-Committee meetings will be by a show of hands.

31.2 When a Member asks for a recorded vote to be taken, and one other Member supports the request, the vote will be recorded to show whether each Member present voted for or against the motion or abstained.

31.3 A recorded vote will not be taken if the vote has already begun to be taken by a show of hands.

31.4 A Member may require, after a vote is completed, that the Minutes of the meeting record how he/she voted or that he/she abstained.

31.5 A Member may request that a lost motion or amendment be recorded in the minutes by requesting this immediately after the vote is taken.

31.6 Where there are equal votes cast for a motion or amendment, the person presiding at the meeting will be entitled to, and may exercise, a second or

casting vote. However, where there is an equality of votes in respect of a motion, the motion will be lost.

32 Offices and Appointments

32.1 An ~~secret ballot~~ will be held to elect or appoint Members to any office or position where more than one person is nominated.

32.2 ~~If a secret ballot is held where more than two nominations are made and no person receives more than half the votes cast, the name of the person with the least number of votes will be withdrawn. Further ballots will be held until one person receives a clear majority.~~

If more than one person is nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

32.3 Procedure Rule 31.6 will apply in cases where the votes are equal.

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.

34 Requests by Members for items of business to be included on agendas of a Committee or Sub-Committee

Appendix 6 to these Procedure Rules sets out details of the process by which a Member of the Council can ask for an item of business to be included on the agenda of Committee or Sub-Committee meeting.

35 Questions Submitted by Members of the Public

35.1 The Council has a procedure to enable members of the public to submit questions at ordinary meetings of its Committees and Sub-Committees. This is set out in Appendix 7. The procedure does not apply to meetings of the Council's Planning, Licensing and Scrutiny committees and sub-committees which have separate arrangements in place for public involvement.

36 Reference of a Decision to the Parent Committee or Council

- 36.1 Where a decision is made by a Committee or Sub-Committee, the resolution may be referred, by notice, to the Council or parent Committee, as appropriate, for reconsideration.
- 36.2 The notice must be in writing and be signed by 8 Members of the Council. The notice must be given to the Monitoring Officer, in writing, not later than 5.00 pm on the fifth full working day after the meeting.
- 36.3 No action must be taken on the decision prior to its determination by the Council or Committee. Where action is necessary before the relevant meeting, the Chief Executive will consider whether a special meeting of the Committee or the Council, as appropriate, should be convened.

(additions are in red type and deletions are struck through)

(Constitution pages 209)

- 46.15 A written record of all Cabinet decisions will be kept by the Monitoring Officer and these will be made available publicly as soon as practicable after the decision has been taken (excluding the disclosure of confidential and exempt information and in accordance with the Overview and Scrutiny Procedure Rules). In recording decisions of the Cabinet, the Monitoring Officer will set out the decision, the reasons for the decision and alternative options considered as required under the Access to Information Procedure Rules in the Constitution.

47 Voting at Cabinet Meetings

- 47.1 Voting at Cabinet meetings will be by a show of hands and any Member may require, immediately after the vote is taken, that the Minutes of the meeting record how he/she voted or that he/she abstained. Where there are equal votes cast and the Leader or person presiding has voted, the Leader or person presiding will have a second or casting vote. Voting for any office or appointment, including any paid appointment, where more than one person is nominated shall be by ~~secret ballot~~ a vote conducted in accordance with Council Procedure Rules.

48 Cabinet Committees/Sub-Committees and Task Groups

- 48.1 The Leader or the Cabinet may appoint such Committees or Sub-Committees as are considered necessary and appropriate to assist in the discharge of executive functions. In making such appointments, the name of the Committee/Sub-Committee must be specified, along with its membership (including its Chairman and, if appropriate, Vice-Chairman) and its powers.
- 48.2 The Cabinet may also appoint whatever task or advisory groups it deems necessary, comprising some or all of its own membership, any other member or non-member of the Council.

49 Decision Making By Individual Portfolio Holders

- 49.1 Where the Leader has delegated decision making powers to individual Portfolio Holder they will exercise their powers and duties in accordance with these rules and Part 3 of this Constitution.

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.

APPENDIX 4

(Constitution pages 105/106)

(Original recommendations to Committee track changes in green, additions made by Committee highlighted yellow, new changes track changed purple, deletion made by this report highlighted in green).

PART 3

RESPONSIBILITY FOR FUNCTIONS

STAFFING COMMITTEE

8 Members

Statement of Purpose

- 1 The Staffing Committee is a key component of Cheshire East's corporate governance. It provides an independent and high level focus on ~~the~~ Human Resources, Organisational Development and Health & Safety matters affecting ~~the~~ Council.
- 2 The purpose of the Staffing Committee is
(a) to provide independent assurance to the members of the adequacy of the HR service and staffing related matters;
(b) ~~to appoint Chief Officers~~with regard to the Head of Paid Service, Monitoring Officer and s151 Officer (Statutory Officers):
 - To undertake the recruitment and selection process in accordance with the Staff Employment Procedure Rules; and
 - Make a recommendation to the Council to approve the proposed appointment before an offer of appointment is made to that person.
(c) appoint/dismiss the Statutory Chief Officers, namely:
 - The Director of Children's Services (Chief Education Officer),
 - Director of Adult Social Services; and
 - Director of Public Health.

including undertaking the recruitment and selection process.

(d) to appoint/dismiss the Executive Director of Economic Growth and Prosperity including undertaking the recruitment and selection process.

~~(c)~~ (e) to approve "in year" salary or other benefit increases to the Head of Paid Service.

~~(d)~~ (f) following any process leading to the receipt of additional benefits by senior officers, to review how the process was carried out.

~~(e)~~ to consider any restructuring arrangements affecting statutory posts recommended to the Committee by the Head of Paid Service.

Functions of the Committee

Recruitment and Selection

- 3 With regard to Statutory Officers:
 - To undertake ~~the~~ recruitment and selection process in accordance with the Staff Employment Procedure Rules ~~for the appointment of all permanent members of the Corporate Leadership Board~~; and
 - make a ~~formulating~~ recommendations to the Council to approve the proposed appointment before an offer of ~~regarding the~~ appointment is made to that person. ~~and dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer.~~
- 4 ~~To approve the designation of an officer to act as Monitoring Officer and Chief Finance Officer, in accordance with legislation and the appropriate procedures to make a recommendation to the Council to approve the dismissal of any of the Statutory Officers prior to notice being given to that person, and provided that the procedure set out in the Staff Employment Procedure Rules has been complied with.~~
5. appoint/dismiss Statutory Chief Officers and the Executive Director of Economic Growth and Prosperity.

HR Policies

- 65.1 To approve all human resources policies including pay and grading structures (except those that must be approved in law by the council and the implementation of national terms and conditions which will be undertaken by the Chief Executive/Head of Paid Service), employees' terms and conditions of employment, including changes to those terms and conditions and to approve policies on how the Council exercises its functions under the Local Government Pension Scheme and any other relevant pension scheme.

- ~~65.2. To have the opportunity to review the Council's HR Policies and Procedures as required and to make recommendations to the Portfolio Holder. It is noted that the authority to approve HR Policies remains with the Executive~~
To make recommendations to Council in relation to the annual Pay Policy Statement and any amendments to such statement.
- 65.3 To make recommendations to Council in relation to decisions affecting the remuneration of any new post whose remuneration is or is proposed to be or would become £100,000 p.a. or more.
- 65.4 To make decisions in relation to proposed severance packages with a value of £100,000 or more.

Appeals

- 76 For a Staffing Appeals Sub Committee;
- -to consider appeals against dismissal from Statutory Chief Officers and Non-Statutory Chief Officers.
 - at the discretion of the Head of Paid Service in consultation with the Chair of the Staffing Committee, to consider appeals on the grounds of grievance or dismissal from Staff. ~~in the following circumstances:~~
 - ~~Appeals against dismissal~~
 - ~~Appeals against grievance~~
 - ~~Appeals against policy (but only the first appeal where the appeals are based on the same issues/circumstances)~~
 - ~~Group appeals covering more than one Department~~
 - ~~Appeals which have initially been heard by the Chief Executive, e.g. appeals raised by members of the Senior Management Team~~
 - Exceptionally where both sides agree referral to Members is appropriate

~~Corporate Leadership Board Appraisal Board~~

- ~~7 To establish and oversee an Appraisal Board for all members of the Corporate Leadership Board.~~

Organisational HR Performance

- 8 To receive regular updates on HR and Health & Safety performance information measures, as detailed below, on a quarterly basis in order to assess the effectiveness of current Human Resources, Organisational Development and Health & Safety policies and practices arrangements. These will include as a minimum:
- Headcount Data
 - Sickness Absence

- Turnover
- HR Casework (including disciplinary, grievance and capability)
- Health and Safety Accidents Records
- Health and Safety Training

(Constitution pages 129/131/134-136)

(Original recommendations to Committee track changes in orange, additions made by Committee highlighted yellow, new additions shown track changed purple and deletions shown highlighted in green).

SCHEME OF DELEGATION TO SENIOR OFFICERS

1.0 INTRODUCTION

1.10 Any power delegated or cascaded under this Scheme can be exercised by the Chief Officer and in all cases by the Chief Executive personally. The Chief Executive may take the powers of any -Chief Officer and delegate it elsewhere for a temporary period.

STAFFING

1.22 The Chief Executive in consultation with the Leader and the Chair of Staffing Committee is authorised to consider and implement major staffing pay and organisational reviews and to report the outcome to Staffing Committee.

122A Subject to the exceptions below, the Head of Paid Service is authorised:

- to appoint and dismiss the Chief Officers subject to and in accordance with the Staff Employment Procedure Rules,
- to deal with the full range of employment and staff management issues as set out above in relation to Chief Officers.

Exceptions:

Recruitment and dismissal of Statutory Officers, Statutory Chief Officers and the Executive Director of Growth and Prosperity shall be undertaken only via Staffing Committee, including the approval of job descriptions and person specifications.

1.22BA Chief Officers are authorised to deal with the full range of employment and staff management issues, below Chief Officer Corporate Leadership Board level including but not limited to appointments, terms and conditions (other than those negotiated nationally) training, discipline, dismissal, performance, progression, promotion, shifts and working hours, grievance, grading, emoluments, expenses, allowances, sick pay, leave, equal opportunities and health and safety in accordance with approved policies and the Staff Employment Procedure Rules. ~~This delegation shall not include:~~

- ~~• making a post redundant,~~
- ~~• conducting appeals against dismissal~~
- conducting appeals on the outcome of grievance hearings

~~Note: Recruitment of Chief Officers shall be undertaken only via Staffing Committee, including the approval of job descriptions and person specifications~~

~~1.23 Chief Officers are authorised, subject to prior notification of the Head of HR and Organisational Development and prior consultation with all appropriate parties affected by the decision, including any Trade Union, to implement changes to staffing structures except where the restructure:~~

- ~~▪ Involves the loss of one or more posts not currently vacant~~
- ~~▪ Involves the regrading of posts or the grading of new posts~~
- ~~▪ Involves the changes to existing National or Local Agreements and policies~~
- ~~▪ Cannot be achieved within delegated powers in respect of budgets~~

~~This delegation will be exercised in accordance with paragraph 1.8 of the scheme of delegation to officers approved by Council on the 14th May 2014 which reads as:~~

~~*“Before taking delegated decisions, all officers are under a duty to satisfy themselves that they have the duly delegated power to do so and that they have undertaken appropriate consultation, including consultation with Portfolio Holders. Appropriate advice must be taken where the matter involves professional or technical considerations that are not within the officer’s sphere of competence.”*~~

~~Decisions in respect of matters identified as exceptions above are delegated to the Chief Operating Officer in consultation with the Head of Human Resources and Organisational Development for determination.~~

1.23 The Chief Executive and Chief Officers are authorised, subject to ~~the~~ **advice prior notification** of the Head of Human Resources and Organisational Development and prior consultation with all appropriate parties affected by the decision, including any Trade Union, to implement changes to staffing structures.

Except where the restructure:

- Involves the loss of one or more posts not currently vacant
- Involves the re-grading of posts or the grading of new posts
- Involves changes to existing National or Local Agreements and policies
- Cannot be achieved within delegated powers in respect of budgets

Decisions in respect of matters identified as exceptions above are delegated to the Chief Operating Officer in consultation with the Head of Human Resources and Organisational Development for determination.

The delegations in paragraph 1.23 will be exercised in accordance with paragraph 1.8 of the scheme of delegation to senior officers.

- 1.24 The Chief Executive and Chief Officers are authorised to enter into reciprocal arrangements for the authorisation and appointment of Officers to facilitate cross-border co-operation in the discharge of delegated functions with any other local authority and to transfer enforcement functions to another enforcement authority, subject to approval by Cabinet.
- 1.33 Whenever legislation is amended or replaced by new provisions, then the relevant delegated authority in this scheme applies to those new provisions. Whenever new legislation relevant or related to the functions exercised by the Chief Officer is introduced that Officer will have the delegated authority to exercise powers or otherwise take action under that legislation until such time as the Council, Cabinet, a committee or the Chief Executive decides who to allocate responsibility for the new legislation to.

NOTE: It is expected that formal delegation will be approved within 6 months.

2.0 CHIEF EXECUTIVE

- 2.1 The Council's Chief Executive is the Council's Head of Paid Service appointed by Council. Under Section 4 of the Local Government and Housing Act 1989 the responsibility of the Head of Paid Service is to make proposals to the Authority about the manner in which the discharge of the Authority's functions are co-ordinated and the numbers, grades and organisation of staff required and the proper management of those staff. In respect of the Chief Executive role the responsibility is to develop for Member approval a strategic vision and to provide strategic leadership for the Council.
- 2.2 ~~Within the following areas -~~ The Chief Executive is empowered to operate all the services of the council Authority and except where powers, duties and functions are delegated to a member decision-making body or Cabinet member elsewhere by the Council, to exercise all powers, duties and functions of the council, including those delegated to other officers but not limited to the following:
- 2.3 To act as the Authority's Proper Officer in respect of the following under the Local Government Act 1972 unless stated:
- Declaration of acceptance of office by chairman, vice-chairman or Councillor (Section 83)
 - Receipt of resignation of office by person elected (Section 84)
 - Keeping the role of Freeman (Section 248 (2))

- Convening Council meeting to fill casual vacancy in office of chairman (Section 88(2))
- Signature of summons to Council meetings and receipt of notices to which summons to meeting is to be sent (Schedule 12 para 4)
- Receipt of notice of casual vacancy of Councillor (Section 80 (1) (b) of the Local Government Act
- The Electoral Registration Officer for the registration of electors under Section 8 of the Representation of the People Act 1983
- The Returning Officer for the election of Councillors for the District and Parishes within the District under Section 35 of the Representation of the People 1983 Act
- The Acting Returning Officer at UK Parliamentary elections; the Local Returning Officer at European Parliamentary Elections and for the Police and Crime Commissioner Elections
- Compile list of Politically Restricted Posts under Section 2 of the Local Government and Housing Act 1989
- Receipt of Notices relating to political groups (Section 15 – 17 of the Local Government and Housing Act 1989)

- 2.4 To be the Authority's principal officer representative and to promote its good image and reputation
- 2.5 To undertake the communications, marketing and media functions of the authority and promote good public relations
- 2.6 To exercise the powers and responsibilities of any Chief Officer in his or her absence.
- 2.7 To lead and direct the strategic management of the Authority
- 2.8 To ensure the effective pursuit and achievement of the Authority's objectives
- 2.9 To ensure the Authority's activities are carried out with maximum effectiveness and efficiency
- 2.10 To discharge emergency planning and civil protection functions
- 2.11 To take such steps (including the incurring of expenditure where necessary) as may be required in the event of any national or local emergency requiring immediate action by the Authority
- 2.12 To sign settlement agreements for employees/ex-employees, in consultation with the Leader of the Council and Chairman of the Staffing Committee

- 2.13 Subject to 1.23 above, ~~To~~ to approve the pay, terms and conditions of service and training of any employee except where an approval would be contrary to the provisions of the annual Senior Officer Pay Policy Statement which is reserved to the full Council or where an approval falls within the responsibilities of the Staffing Committee or would be contrary to the employment policies of the Council.
- 2.14 ~~To determine the number, grade, title and nature of temporary staff, including Chief Officers, appointed by the Council.~~
- 2.15 To make decisions affecting the remuneration of any existing post whose remuneration is or is proposed to be or would become £100,000 p.a. or more In consultation with the Leader and Chairman of the Staffing Committee..

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(Constitution pages 351 - 357)

(Original recommendations to Committee in red, new deletions shown ruled through in black and additions in blue).

STAFF EMPLOYMENT PROCEDURE RULES

1 General

- 1.1 Staff within the organisation are employed, appointed, designated or engaged on behalf of the whole Council and not by parts of the organisation or individuals.
- 1.2 The employment, appointment, designation or engagement of all staff will be in compliance with the law and any policies and practices of the Council.
- 1.3 Persons employed, appointed, designated or engaged by contractors under specific agreements or contracts are not staff of the Council, but are employees engaged by the contractor.
- 1.4 The Council will provide the necessary resources to support the appointed officer structure.
- 1.5 Generally (except for certain senior staff appointments) the function of appointment and dismissal of, and taking disciplinary action against a member of staff of the Council must be discharged on behalf of the authority by the Head of the Paid Service or by an officer nominated by him/her.

2 Recruitment and Appointment of Staff

- 2.1 Subject to the provisions of these Procedures, the recruitment, designation and appointment of staff will be conducted in accordance with the law and the Council's policies and procedures.
- 2.2 Any candidate for any designation or appointment with the Council who knows that he/she is related to a Member or employee of the Council shall, when making application, disclose, in writing, that relationship to the Head of Human Resources. A person who deliberately fails to disclose such a relationship shall be disqualified from designation or appointment and, if designated or appointed, shall be liable to dismissal.
- 2.3 Every Member and employee of the Council shall disclose to the Head of Human Resources any relationship known to him/her to exist between him/herself and any person he/she knows is a candidate for a designation or appointment by the Council.
- 2.4 Any candidate for designation or appointment who directly or indirectly seeks the support of a Councillor or officer of the Council in any designation or appointment shall be disqualified and, if designated or appointed, shall be liable to dismissal. A Councillor shall not solicit for any person in respect of

any designation or appointment with the Council, but may give a written testimonial of a candidate's ability, experience or character.

- 2.5 Persons shall be deemed to be related to a candidate or officer if they are a spouse, partner (i.e. member of a couple living together) parent, parent-in-law, grandparent, child, stepchild, adopted child, grandchild, child of partner, brother, sister, uncle, aunt, nephew or niece or the spouse or partner of any of the preceding persons.
- 2.6 In the case of a dispute under paragraph 2.5 above about the status of a relationship in relation to an appointment, the Head of Human Resources will rule and such ruling will be applied.
- 2.7 The Head of Human Resources will ensure that the provisions of these Rules are reflected, as appropriate, in application forms or in any accompanying detailed procedures for each post, following advertisement.

~~3~~ ~~Responsibilities for Human Resources Matters~~

- ~~3.1~~ ~~Subject to any matters reserved to the Council, the Cabinet is responsible for the development of corporate personnel policies and for determining and monitoring such policies and for the operational implementation of those policies, including the development of practices and procedures to support those policies.~~

3 Responsibility of the Staffing Committee

- 3.1 The responsibilities of the Staffing Committee are set out in this Constitution within "Responsibility for Functions" and these Rules.
- 3.2 Subject to the provisions of these Rules, the Committee is also responsible for hearing and determining appeals [as set out in the Staffing Committee Terms of Reference](#) under the Council's employment-related policies., ~~the suspension of sick pay and the review and determination of matters relating to any fixed term contracts.~~ In determining these matters the Committee will have regard to the appropriate provisions of this procedure. The Committee may agree to discharge some of these functions through a Sub-Committee.
- 3.3 [Subject to any matters reserved to the Council, the Staffing Committee is responsible for the approval of corporate personnel policies and for determining and monitoring such policies and for the operational implementation of those policies.](#)
- 3.4 The Cabinet Member with responsibilities for individual Departments or Services and the associated resources is required to ensure that corporate personnel policies and procedures are applied by the Council, including training, matters relating to discipline, workforce performance management, and grievance. ~~(other than determining appeals).~~

4 Appointment of Head of the Paid Service

- 4.1 The appointment of Head of the Paid Service is subject to specific requirements as set out below.
- 4.2 Where the Council proposes to appoint to the Head of the Paid Service, the Staffing Committee will oversee the arrangements for filling the vacancy. For this purpose the Committee shall include at least one Member of the Cabinet in its membership.
- 4.3 The Staffing Committee shall:
- draw up a statement specifying the duties of the officer concerned and any qualifications or guidelines to be sought in the person to be appointed;
 - make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;
 - make arrangements for a copy of the statement mentioned above to be sent to any person on request;
 - where a post has been advertised as required above, the Committee will select from the applications a short list of qualified candidates and will then interview those included in the short list.
- 4.4 Following the interview of candidates, the Committee will come to a view as to the most suitable person for the position.
- 4.5 The Committee must advise the Head of Human Resources of:
- the name of the person in question;
 - any other particulars which the Committee consider are relevant to the appointment.
- 4.6 Within two clear working days of receiving the notification in 5.5 above, the Head of Human Resources will notify each Member of the Cabinet of:
- the information notified under paragraph 5.5 above;
 - the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet to the Head of Human Resources; such period shall not exceed five clear working days.
- 4.7 An offer of appointment must wait until:
- the Leader has, within the period of the notice under paragraph 5.6 above, notified the Committee through the Head of Human Resources that neither he/she nor any Member of the Cabinet has any objection to the making of the offer; or

- the Head of Human Resources has notified the Committee that no objections have been received by **him or** her within the period of the notice under 5.6 above; or
- the Committee is satisfied that any objection received from the Leader within the notice period is not material or is not well founded. In this regard, where necessary, the advice of the Head of Legal Services and Monitoring Officer should be sought.

4.8 Where following the above procedure there are no objections to the proposed appointment or any objections are not up-held, the Committee will recommend that person for appointment at the next meeting of the full Council or at a specially convened meeting of the Council. If the Council approve the recommendation, then a formal offer of appointment can be made.

4.9 Where following the interviews the Committee are of the view that there is no suitable candidate, it will re-advertise the post.

4.10 Where the Council do not approve the recommendation of the Committee, it shall indicate how it wishes to proceed.

6. ~~Less senior appointments/dismissals~~

~~Where any appointments are made to less senior positions than those referred to in paragraph 7 below, or where such persons are dismissed, these shall be the responsibility of the Head of the Paid Service, or another officer to whom he/she has delegated that responsibility.~~

5 **Appointment/dismissal of Head of Paid Service, Statutory Chief Officers, Non-Statutory Chief Officers and Deputy Chief Officers**

The requirements of the Local Authorities (Standing Orders)(England) Regulations 2001 **as amended by the Local Authorities (Standing Orders)(England)(Amendment) Regulations 2014 and 2015** ("the Regulations") will be adhered to in respect of those posts which fall within the definitions of Head of **P**aid Service, Statutory Chief Officer, Non-Statutory Chief Officer and Deputy Chief Officer. The requirements of the Regulations include the following, which is an extract from those Regulations:

Part II

Authority with Leader and Cabinet Executive

1

In this Part--

"the 1989 Act" means the Local Government and Housing Act 1989;

"the 2000 Act" means the Local Government Act 2000;

"disciplinary action" has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001;

"executive" and "executive leader" have the same meaning as in Part II of the 2000 Act;

"member of staff" means a person appointed to or holding a paid office or employment under the authority; and

"proper officer" means an officer appointed by the authority for the purposes of the provisions in this Part.

2

Subject to paragraphs 3 and 7, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the officer designated under section 4(1) of the 1989 Act (designation and reports of head of paid service) as the head of the authority's paid service or by an officer nominated by him.

3

Paragraph 2 shall not apply to the appointment or dismissal of, or disciplinary action against--

- (a) the officer designated as the head of the authority's paid service;*
- (b) a statutory chief officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts);*
- (c) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;*
- (d) a deputy chief officer within the meaning of section 2(8) of the 1989 Act; or*
- (e) a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).*

4

(1) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment of an officer designated as the head of the authority's paid service, the authority must approve that appointment before an offer of appointment is made to that person.

(1A) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the dismissal of an officer designated as the head of the authority's paid service, as the authority's chief finance officer, or as the authority's monitoring officer, the authority must approve that dismissal before notice is given to that person. (1) —Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment or dismissal of an officer designated as the head of the authority's paid service, the authority must approve

~~that appointment before an offer of appointment is made to him or, as the case may be, must approve that dismissal before notice of dismissal is given to him.~~

(2) Where a committee or a sub-committee of the authority is discharging, on behalf of the authority, the function of the appointment or dismissal of any officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3, at least one member of the executive must be a member of that committee or sub-committee.

5

(1) In this paragraph, "appointor" means, in relation to the appointment of a person as an officer of the authority, the authority or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the authority, that committee, sub-committee or officer, as the case may be.

(2) An offer of an appointment as an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be made by the appointor until--

(a) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;

(b) the proper officer has notified every member of the executive of the authority of--

(i) the name of the person to whom the appointor wishes to make the offer;

(ii) any other particulars relevant to the appointment which the appointor has notified to the proper officer; and

(iii) the period within which any objection to the making of the offer is to be made by the executive leader on behalf of the executive to the proper officer; and

(c) either--

(i) the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointor that neither he nor any other member of the executive has any objection to the making of the offer;

(ii) the proper officer has notified the appointor that no objection was received by him within that period from the executive leader; or

(iii) the appointor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.

6

(1) In this paragraph, "dismissor" means, in relation to the dismissal of an officer of the authority, the authority or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the authority, that committee, sub-committee or other officer, as the case may be.

(2) Notice of the dismissal of an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be given by the dismissor until--

- (a) *the dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;*
- (b) *the proper officer has notified every member of the executive of the authority of--*
 - (i) *the name of the person who the dismissor wishes to dismiss;*
 - (ii) *any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and*
 - (iii) *the period within which any objection to the dismissal is to be made by the executive leader on behalf of the executive to the proper officer; and*
- (c) *either--*
 - (i) *the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither he nor any other member of the executive has any objection to the dismissal;*
 - (ii) *the proper officer has notified the dismissor that no objection was received by him within that period from the executive leader; or*
 - (iii) *the dismissor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.*

7

Nothing in paragraph 2 shall prevent a person from serving as a member of any committee or sub-committee established by the authority to consider an appeal by-

- (a) *another person against any decision relating to the appointment of that other person as a member of staff of the authority; or*
- (b) *a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.*

Schedule

1.

In the following paragraphs—

- (a) *“the 2011 Act” means the Localism Act 2011;*
- (b) *“chief finance officer”, “disciplinary action”, “head of the authority's paid service” and “monitoring officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;*
- (c) *“independent person” means a person appointed under section 28(7) of the 2011 Act;*
- (d) *“local government elector” means a person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts;*

(e) “*the Panel*” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;

(f) “*relevant meeting*” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and

(g) “*relevant officer*” means the chief finance officer, head of the authority's paid service or monitoring officer, as the case may be.

2.

A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.

3.

The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.

4.

In paragraph 3 “*relevant independent person*” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.

5.

Subject to paragraph 6, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 3 in accordance with the following priority order—

(a) a relevant independent person who has been appointed by the authority and who is a local government elector;

(b) any other relevant independent person who has been appointed by the authority;

(c) a relevant independent person who has been appointed by another authority or authorities.

6.

An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 5 but may do so.

7.

The authority must appoint any Panel at least 20 working days before the relevant meeting.

8.

Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular—

(a) any advice, views or recommendations of the Panel;

(b) the conclusions of any investigation into the proposed dismissal; and

(c) any representations from the relevant officer.

9.

Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.”

Appendix 5

Cheshire East Statutory Health and Wellbeing Board

Terms of Reference:

1. Context

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

2. Purpose

- To work in partnership to make a positive difference to the health and wellbeing of the residents of Cheshire East through an evidence based focus on improved outcomes and reducing health inequalities.
- To prepare and keep up to date the Joint Strategic Needs Assessments (JSNAs) and Joint Health and Wellbeing Strategies (JHWSs), which is a duty of local authorities and clinical commissioning groups (CCGs).
- To lead integrated working between health and social care commissioners, including providing advice, assistance or other support to encourage arrangements under section 75 of the National Health Service Act 2006 (ie lead commissioning, pooled budgets and/or integrated provision) in connection with the provision of health and social care services.
- To lead close working between commissioners of health-related services and the board itself.
- To lead close working between commissioners of health-related services (such as housing and many other local government services) and commissioners of health and social care services
- Any other functions that may be delegated by the council under section 196(2) of the Health and Social Care Act 2012. Such delegated functions need not be confined to public health and social care.
- To provide advice assistance and support for the purpose of encouraging the making of arrangements under section 75 of the

National Health Service Act 2006 in connection with the provision of such services.

3. Roles and Responsibilities

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

4. Accountability

- 4.1 The Board carries no formal delegated authority from any of the individual statutory bodies.
- 4.2 Core Members of the board have responsibility and accountability to their individual duties and to their role on the Board.
- 4.3 The Board will discharge its responsibilities by means of recommendations to the relevant partner organisations, which will act in accordance with their respective powers and duties.
- 4.4 The Council's Core Members will ensure that they keep Cabinet and wider Council advised of the work of the Board.
- 4.5 The Board will report to Full Council and to both NHS Clinical Commissioning Groups (CCG's) Governing Bodies by ensuring access to meeting minutes and presenting papers as required.
- 4.6 The Board will not exercise scrutiny duties around health or adult social care services directly. This will remain the role of the Cheshire East Health and **Adult Social Care Wellbeing Overview and Scrutiny Committee and in respect of children's health, the Children and Families Overview and Scrutiny Committee**. Decisions taken and work progressed by the Board will be subject

to scrutiny by the Health and Adult Social Care Overview and Scrutiny Committee.

- 4.7 The Board will provide information to the public through publications, local media, and wider public activities by publishing the minutes of its meetings on the Council's website. The Board is supported by an Engagement and Communications Network across Board organisations to ensure this function can operate successfully.

5. Membership

- 5.1 The Core membership of the Board will comprise the following:

Voting members:

- **Three** councillors from the local authority
- The Director of Adult Services
- The Director of Children's Services
- A local Healthwatch representative
- Two representatives of NHS Eastern Cheshire CCG
- Two representatives of NHS South Cheshire CCG
- Independent NHS representative (nominated by the CCGs)

Non-voting members

- The Chief Executive of the Council
- The Director of Public Health
- A nominated representative of NHS England

The councillor membership is nominated by the executive Leader with powers for the Leader to be a member of the board in addition to other councillors.

- ~~Portfolio Holder – Health & Adult Social Care [Board Chairman],~~
- ~~Portfolio Holder – Children & Families,~~
- ~~Major Opposition Group Member~~
- ~~The Director of Public Health,~~
- ~~The Director of Children's Services,~~
- ~~The Director of Adult Social Care and Independent Living~~
- ~~The Chief Executive of the Council (Associate Non-Voting Member)~~
- ~~The Executive Director of Strategic Commissioning (Associate Non-Voting Member)~~
- ~~Accountable Officer of the South Cheshire Clinical Commissioning Group~~
- ~~Chair. GP Lead of the South Cheshire Clinical Commissioning Group~~
- ~~Accountable Officer of the Eastern Cheshire Clinical Commissioning Group~~
- ~~Chair. GP Lead of the Eastern Cheshire Clinical Commissioning Group~~
- ~~A designated representative from Local HealthWatch~~
- ~~Member of NHS England Local Area Team (Associate Non-Voting Member)~~

- 5.2 The Core Members will keep under review the Membership of the Board and if appropriate will make recommendations to Council on any changes to the Core Membership.
- 5.3 The above Core Members ¹ through a majority vote have the authority to appoint individuals as Non Voting Associate Members of the Board. (Committee Procedure Rule 20.1 refers). The length of their membership will be for up to one year and will be subject to re-selection at the next Annual General Meeting “AGM”. Associate Members will assist the board in achieving the priorities agreed within the Joint Health and Wellbeing Strategy and may indeed be chairs of sub structure forums where they are not actual Core Members of the Board.
- 5.4 The above Core Members ² through a majority vote have the authority to recommend to Council that individuals be appointed as Voting Associate Members of the Board. The length of their membership will be for up to one year and will be subject to re-selection at the next Annual General Meeting “AGM”.
- 5.5 Each Core Member has the power to nominate a single named substitute. If a Substitute Member be required, advance notice of not less than 2 working days should be given to the Council whenever practicable. The Substitute Members shall have the same powers and responsibilities as the Core Members.

6. Frequency of Meetings

- 6.1 There will be no fewer than six public meetings per year (including an AGM), usually once every two months as a formal Board.
- 6.2 Additional meetings of the Board may be convened with agreement of the Board’s Chairman.

7. Agenda and Notice of Meetings

- 7.1 Any agenda items or reports to be tabled at the meeting should be submitted to the Council’s Democratic Services no later than seven working days in advance of the next meeting. No business will be conducted that is not on the agenda.
- 7.2 In accordance with the Access to Information legislation, Democratic Services will circulate and publish the agenda and reports prior to the next meeting. Exempt or Confidential Information shall only be circulated to Core Members.

8. Annual General Meeting

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

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

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- 8.1 The Board shall elect the Chairman and Vice Chairman at each AGM, the appointment will be by majority vote of all Core Members present at the meeting.
- 8.2 The Board will approve the representative nominations by the partner organisations as Core Members.

9. Quorum

- 9.1 Any full meeting of the Board shall be quorate if ~~there is representation of any four of the following statutory members: following are represented~~ – NHS Eastern Cheshire CCG, NHS South Cheshire CCG, Local Health Watch, a Councillor ~~Portfolio Holder~~, and an Officer of Cheshire East Council.
- 9.2 Failure to achieve a quorum within ~~thirty fifteen~~ minutes of the scheduled start of the meeting, or should the meeting become inquorate after it has started, shall ~~mean that the meeting will proceed as an informal meeting but that any decisions shall require appropriate ratification at the next quorate meeting. render the meeting adjourned until the next scheduled meeting of the Board. This will also be the case when attending development or informal Board meetings.~~

10. Procedure at Meetings

- 10.1 General meetings of the Board are open to the public and in accordance with the Council's Committee Procedure Rules will include a Public Question Time Session. Papers, agendas and minutes will be published on the Cheshire East Health and Wellbeing website.
- 10.2 The Council's Committee Procedure Rules will apply in respect of formal meetings subject to the following:-
- 10.3 The Board will also hold development/informal sessions throughout the year where all members are expected to attend and partake as the agenda suggests.
- 10.4 Core Members are entitled to speak through the Chairman. Associate Members are entitled to speak at the invitation of the Chairman.
- 10.5 With the agreement of the Board, subgroups can be set up to consider distinct areas of work. The subgroup will be responsible for arranging the frequency and venue of their meetings. The Board will approve the membership of the subgroups.
- 10.6 Any recommendations of the subgroup will be made to the Board who will consider them in accordance with these terms of reference and their relevance to the priorities within the Joint Health and Wellbeing Strategy and its delivery plan.
- 10.7 Whenever possible decisions will be reached by consensus or failing that a simple majority vote ~~by those members entitled to vote.~~

11. Expenses

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

11.2 A modest Board Budget will be agreed annually to support Engagement and Communication and the Business of the Board.

12. Conflict of Interest

12.1 In accordance with the Council's Committee Procedure Rules, at the commencement of all meetings all Board Members shall declare disclosable pecuniary or non-pecuniary interests and any conflicts of interest.

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

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

13. Conduct of Core Members at Meetings

13.1 Board members will agree to adhere to the seven principles outlined in the Board Code of Conduct when carrying out their duties as a Board member [Appendix 1].

14. Review

14.1 The above terms of reference will be reviewed annually at the Health and Wellbeing Board AGM.

14.2 Any amendments shall only be included by consensus or a simple majority vote, prior to referral to the Constitution Committee and Council.

~~March 2014~~
~~June 2015~~

Definition

Exempt Information

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

Confidential Information

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

Conflict of Interest

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

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

Associate Members

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

Health Services

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

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

Social Care Services

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

Appendix 1

Cheshire East Shadow Health and Wellbeing Board Member Code of Conduct

1. Selflessness

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

2. Integrity

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

3. Objectivity

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

4. Accountability

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

5. Openness

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

6. Honesty

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

7. Leadership

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

CHESHIRE EAST COUNCIL

Council

Date of Meeting:	23 July 2015
Report of:	Head of Corporate Governance and Stewardship
Subject/Title:	Overview and Scrutiny Annual Report 2014/15

1.0 Purpose of Report

1.1 The annual Overview Scrutiny report 2014/15 is attached.

2.0 Recommendation

(1) That the annual report be received;

(2) That the report be posted on the Council's website

3.0 Wards Affected

3.1 Not applicable

4.0 Local Ward Members

4.1 Not applicable

5.0 Policy Implications

5.1 Not applicable

6.0 Financial Implications

6.1 No financial implications would appear to arise from the recommendations of this report.

7.0 Legal Implications

7.1 Not applicable

8.0 Risk Assessment

8.1 There are no identifiable risks.

9.0 Background and Options

9.1 The text version of the 2014/2015 Overview and Scrutiny Annual report attached summarises the activities of the Council's 6 Overview and Scrutiny Committees during the period of the 2014/15 Municipal Year.

10.2 The report explains how Scrutiny plays its part in the governance of Cheshire East. The report also sets out in section 3 some of the lessons learned during the past twelve months and in section 4 the report addresses the future challenges for Overview and Scrutiny.

10.0 Access to Information

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

Name: Mark Nedderman
Designation: Scrutiny Manager
Tel No: 01270 686459
Email: mark.nedderman@cheshireeast.gov.uk

1 Introduction

- 1.1 Welcome to this Council's Annual Overview and Scrutiny Report. Overview and Scrutiny plays a large part in the governance of Cheshire East and involves a significant proportion of the Council's 82 elected Members. It is our job to ensure that the Council's decision makers and our partner organisations are held to account for their decisions. By doing so, we strive to ensure that we achieve the best value possible from those who provide services to the residents of Cheshire East.
- 1.2 This is the first annual report since the Council reintroduced a formal Overview and Scrutiny Committee structure comprising 6 committees in May 2014. The new structure was implemented following a review of the Council's arrangements by Professors Steve Leach and Colin Copus of De Montfort University.
- 1.3 Local Authorities are facing unprecedented reductions in central funding which means that the way in which Council's now carry out their business has changed dramatically since the introduction of Overview and Scrutiny in 2000. In addition to the dramatic changes to the national landscape, Cheshire East's transition to a commissioning Council has led us to re-think how Overview and Scrutiny operates in Cheshire East. We are focussed on improving performance and achieving value for money, but we are equally concerned to ensure that what we do as a scrutiny function adds value to the work of the Council. For this reason, there has been a deliberate shift from retrospective 'scrutiny' activity to more forward thinking overview work. This is not to say that we ignore our responsibility to challenge the work of the Cabinet. Where it is necessary we still do that, but we are consciously moving to a more collaborative approach in order to engage with partner organisations whether they be one of the Council's own Alternative Service Delivery Vehicles (ASDV's) or our many external partners. With co-operation of our partners, we are able to bring a very important democratic dimension to the work of these organisations and thereby become the eyes and ears of the residents of Cheshire East.
- 1.4 Corporate Overview and Scrutiny Committee together with the five themed Committees have undertaken a number of in- depth reviews on a wide range of topics such as High Growth City, Assistive Technology and Carers. Further details of these reviews and others can be found in section 2 of this report.
- 1.5 Children and Families Overview and Scrutiny Committee had started an in- depth investigation into the Council's arrangements to protect

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young people from sexual exploitation. This work had been led with great enthusiasm by the late Councillor Phil Hoyland and this report cannot pass without paying tribute to Councillor Hoyland whose untimely death was a shock to us all.

- 1.6 Our thanks is extended to all those who have taken part in the work of Overview and Scrutiny over the past year. The process would not be possible without the co-operation and support of Cabinet Members, co-opted members, officers, public and partners.

I hope you find this report informative and wish the Council every success in the future.

Councillor Steve Wilkinson

2. The work of Overview and Scrutiny Committees

2.1 Corporate

Councillors:Chairman: Cllr Steve Wilkinson
Vice Chairman: Cllr Brendan Murphy

Committee Membership: G Baxendale, K Edwards, M Grant P Groves, P Hoyland, F Keegan, W Livesley, A Moran, D Neilson, J Saunders and M Simon.

2.2 Committee work

2.3 Corporate Overview and Scrutiny Committee, which comprises the Chairmen and Vice Chairman of all six Overview and Scrutiny Committees, now has two distinct roles. As an Overview and Scrutiny Committee it is responsible for reviewing the Council's corporate activity delivered by its central support services. The Committee now has an additional role to co-ordinate and oversee the activities of all committees. This is to ensure that there is consistency and to promote a clear understanding of areas of common interest across all Overview and Scrutiny Committees especially in relation to new legislation and best practice.

2.4 The Committee is mainly concerned with the internal operation of the Council, its budget setting, risk management, governance and human resources functions/arrangements.

2.5 The Committee has spent most of its efforts monitoring the progress of the budget and overall performance of the Council, both of which are vital to check the health of a complex organisation.

2.6 In particular, the Committee was formally consulted on the draft budget throughout 2014/15 having first considered a draft outline of the proposals in July 2014. The process culminated in final comments being submitted to Cabinet in February 2015.

2.7 The Committee considered quarterly performance reports. This process has been well supported by Cabinet Members and Heads of Service which has enabled the committee to appropriately challenge Cabinet and Corporate Leadership Board on the financial and overall performance of activities of the Council.

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2.8 The Committee recently agreed to take the lead to review the Council's arrangements regarding the local plan following the recent suspension of the examination in public.

2.9 A recent decision by Cabinet to improve and enhance the Council's digital offer to enable customer contact across all services to be primarily delivered through digital channels, gave the Committee an opportunity to be involved. Firstly in reviewing the business case and subsequently in testing some of the new innovations that will result from this piece of work.

2.10 Looking Ahead to 2015/2016

The Committee will continue to take the lead on budget consultation, and performance monitoring in 2015/16. Clearly, the Local Plan, a vitally important strategy for the Council as it will determine how decisions will be made in future on the number of new homes that are needed and where they should be located; the amount and location of new employment land; protection and improvement of important open areas and provision of new ones; provision of new infrastructure and improvement of town centres and community facilities in the Borough and the Committee will oversee its progress. The project to redesign the Council's digital offer to customers will provide the Committee with opportunities to trail new developments and may lead to some opportunities to undertake some 'mystery shopping' Finally, the Committee will be tackling a long standing matter in the work programme to review the Council's financial management system ORACLE .

2.11 Children and Families

Chairman: Cllr P Hoyland
Vice Chairman: Cllr A Moran

Committee Membership:

Councillors: C Andrew, R M Domleo, I Faseyi, D Flude, G Merry, J Saunders

Statutory Co-opted Members: John McCann, Jill Kelly,

Youth Council representative: Zoe Van Cauter

2.12 Committee work

The Children and Families Overview and Scrutiny Committee deals with the scrutiny of Education, Children's Social Care, Early Years Provision, Looked after Children and Youth Services. These services

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are often complex, resulting in a large budget allocation and are responsible for the most vulnerable residents in Cheshire East.

- 2.13 The Committee embraced the Council's ambition to involve the public in the work of Overview and Scrutiny by inviting two members of the Youth Council to take an active part in meetings. This is in addition to the two statutory faith representatives on the Committee.
- 2.14 Following the Ofsted inspection of 2013, Corporate Scrutiny, the body then responsible for scrutinising children's services gave a strong commitment to overseeing safeguarding arrangements by ensuring that there was a standing item on agendas. This commitment was taken up by the new Children and Families Committee when it took over the responsibility in May 2014. The Committee has received regular updates on the improvement plan, met with the Independent Chair of the Local Safeguarding Children Board (LSCB) Ian Rush and has reviewed and made recommendations to improve the terms and conditions of children's social workers.
- 2.15 The Committee is committed to improving and strengthening its relationship with the LSCB. The Committee invited Ian Rush to one of its meetings early in 2015 to gain an understanding of the role of the LSCB, its relationship with the Council, its responsibilities and lines of accountability. Following that meeting, it was agreed that the annual report of the LSCB would in future be considered by the Committee.
- 2.16 Elsewhere, the Committee is supporting the Head of Children's Services in the production of a Special Education Needs (SEN) policy, which has significant implications for the Council in respect of the provision of special education needs. In March 2015, the Committee enthusiastically took up an offer to be involved with the Centre for Public Scrutiny (CfPS) on a pilot project to increase member involvement in school attainment. This project will form a significant part of the Committee's work programme in 2015/16.

2.17 Task and Finish Group Child Sexual Exploitation (CSE)

Met between December 2014 and January 2015

Membership:

Phil Hoyland, Arthur Moran, Gill Merry *Jos Saunders

- 2.18 In light of a number of high profile cases nationally, and in line with the Committee's long term commitment to seeking assurances about the Council's safeguarding arrangements, the Committee created a Task and Finish Group to review the Council's safeguarding arrangements in relation to CSE.

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- 2.19 Between December 2014 and January 2015, the task group undertook an intense piece of work and met 10 key individuals who are involved in CSE at a strategic level within the Council and partner organisations, and questioned them about their respective roles to safeguard young people. This was in the context of a number of high profile reports published in the wake of the Rotherham and Rochdale sex grooming cases and in regard to the latest national guidance.
- 2.20 Members of the task group were confident that the procedures and policies in place in Cheshire East were good and that there was no evidence of large scale systematic CSE taking place in Cheshire East. However, although there was evidence of isolated cases of CSE in the borough, the group was satisfied that when cases came to light, all agencies acted swiftly. The training programmes in place for schools and partner agencies in health etc. were considered vital to ensure that not only staff within these fields understand and recognise the signs of CSE, but are encouraged to take action when they have suspicions, or when matters are brought to their attention.
- 2.21 The work of the task group is ongoing and will continue in the summer of 2015. An interim report was produced by the task group and received by the parent committee in February 2015. A formal report is expected to be submitted to Cabinet when the review is fully completed.

*** assisted with part of the review**

2.22 Looking Ahead to 2015/2016

- 2.23 As mentioned above, school attainment will feature prominently in the work programme next year. The work on the CSE investigation will be picked up again in early summer and it is expected that a draft SEN policy will also be considered by the Committee in the summer.
- 2.24 The annual LSCB report is pencilled in for July 2015 and there are outstanding pieces of work to complete in relation to early years and the terms and conditions of children's social workers. There will be progress reports on Care Leavers and the Council's responsibilities in relation to the health of 5-19 year olds.
- 2.25 Finally, during its review of safeguarding arrangements, the Committee felt that there was a gap in its knowledge in relation to those parents who elect to educate their children at home. The Committee has therefore earmarked an item in its work programme to examine how the Council identifies children who are educated at home and who may be at risk.

2.26 New Delivery Vehicles and Environment

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Chairman Councillor B Livesley
Vice Chairman Councillor K Edwards
Committee Members G Barton, H Davenport, R Fletcher, M Hardy, A Martin and B Murphy

The New Delivery Vehicles and Environment Overview and Scrutiny Committee deals with environmental matters including flood risk management and the following Alternative Service Delivery Vehicles (ASDVs):

- ANSA – waste and recycling, grounds maintenance, fleet and street cleansing.
- Orbitas – cemeteries and crematoria, handyman service.
- Transport Services Solutions – home to school transport, specialised transport, public transport, demand responsive transport and transport associated activities
- Civicance – planning support
- Fairerpower – energy supply

Committee Work

2.27 In connection with ANSA and Orbitas, the Committee has developed good working relations with the companies and the Council's Commissioning Managers which has enabled it to monitor quarterly performance reports on a regular basis. To assist the Committee in its role, Members undertook site visits of the various depots and premises operated by ANSA and Orbitas. This provided Members with an opportunity to gain an understanding of how the companies operate, the working conditions and what improvements they wish to make in the future. The Committee has been satisfied with the progress made by both companies, found the site visits very informative and therefore agreed that they would like to repeat the visits annually to monitor the progress made. The site visits will be particularly useful after the May elections for any new Members of the Committee.

2.28 The Committee is also monitoring the development of Transport Service Solutions, Civicance and Fairerpower.

2.29 Committee work

2.30 Waste

2.31 The Committee assisted in the development of the Waste Management strategy to 2030, which was subsequently approved by Cabinet. Members considered an Assessment of Waste Collection of compliance in accordance with new legislation. Under the revised Waste Framework Directive in respect to the Waste (England and Wales) regulations 2011, the collection of recyclable glass, metal,

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paper and plastic now has to be separated from January 2015. The Council collects dry recyclables in one silver bin. It wanted to demonstrate that it would be unnecessary and uneconomical to switch to a separate collection and by demonstrating that the processed recycling streams being produced through the contract with UPM was of the same as if it had been kerbside sorted.

2.32 Members concluded that the report demonstrated that there was no necessity to collect the materials separately and that it was not technically, environmentally and economically practicable (TEEP) to do so and recommended to Cabinet that the TEEP Assessment be accepted.

2.33 The Committee has also been monitoring the development of a proposed single Environmental Services Hub which will enable the delivery of modern facilities, improve business efficiency and rationalise sites across the Borough.

2.34 Flood Risk Management

2.35 In accordance with the Localism Act 2011, this Committee is responsible for the scrutiny of flood risk management within Cheshire East. Members received an annual report outlining the progress made in 2014/2015; joint working arrangements, enforcement activity and future challenges for 2015/2016 and was pleased to note that arrangements in Cheshire East are satisfactory.

2.36 Call In

2.37 In March 2015, a Portfolio Holder decision relating to a Car Parking Consolidation Order for 2015 was called in. The Committee considered the report, questioned the Portfolio Holder and Head of Service on the formal response to the call-in, and considered evidence it had received. In conclusion, the Committee decided it did not wish to make a recommendation to alter the original decision of the Portfolio Holder which meant that the decision to progress the consolidation order could be implemented immediately.

2.38 Looking Ahead to 2015/2016

2.39 As well as continuing to monitor the work of the ASDVs and Flood Risk Management, a Task and Finish Group will be established to implement a Borough Wide Speed Limit Review through the preparation of a Speed Management Policy.

2.40 Communities

Chairman – Councillor G Baxendale

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Vice Chairman – Councillor M Grant
Committee Members – A Barratt, S Davies, P Edwards (from October 2014), H Gaddum, P Hayes, K Hickson and P Whiteley

2.41 Committee work

2.42 The Communities Overview and Scrutiny Committee is responsible for Community Strategies, localism, communities and regulatory services, visitor economy, Tatton Park Enterprises and crime and disorder matters as provided by Sections 19 and 20 of the Police and Justice Act 2006. This year the Committee has concentrated on fact finding and gaining an understanding of the work of the services covered within the remit of the Committee.

2.43 Crime and Disorder Matters

Prior to holding its first formal meeting in 2014/15 a session was held to train Members on community safety and the role of the Committee in relation to the Safer Cheshire East Partnership and the Police and Crime Panel. The training covered:

- Community safety in a national context
- The purpose, priorities, activities, funding and achievements of the safer Cheshire East Partnership
- A review of the Safer Cheshire East Partnership strategic needs assessment
- The changing landscape of community safety
- The Role and Membership of the Police and Crime Panel (PCP)
- Role of the Overview and Scrutiny Committee
- Cheshire and Warrington Community Safety
- Improved processes to ensure information flow between the Committee, Police and Crime Panel and Safer Cheshire East Partnership

2.45 The Committee also received training on the content and implications of the Anti Social Behaviour, Crime and Policing Act 2014 and in future will be monitoring how and to what effect the new powers are being used.

2.46 The Safer Cheshire East Partnership is currently updating its plan as the priorities are out of date as the types of crime now committed have changed dramatically. Following a recommendation from the Committee, rural crime will now feature in the plan and the Committee will be reviewing the final plan in June 2015.

2.47 Domestic Homicide Review

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2.48 The Committee received a preliminary briefing on a domestic homicide review which took place following a murder case in Cheshire East in June 2014. During the case it transpired that the offender had alcohol related behavioural issues and was known by various agencies, having had interactions with several services prior to the incident. An action plan is being developed in order to address some of the issues which have been raised by the review. The Committee will be reviewing the actions of the partners of the Safer Cheshire East Partnership.

2.49 Enforcement Policy

2.50 The Committee decided that the Council's Enforcement Policy needed refreshing to reflect the Council's ambition to be an 'Enforcing Council'. It was agreed that the policy should become an overarching corporate policy which set out what businesses and residents can expect from the Council's regulatory functions and enforcement practice. This would also set out with strong procedures and clear policies, which services it should cover, and to include:

1. An explanation of what the policy covers and what is meant by enforcement, links to the Council's outcomes, legislation relevant to enforcement and equalities and general principles on the approach to enforcement and proposed action.
2. What tools can be used for enforcement from no action-prosecution.
3. How alleged offenders, witnesses and victims would be kept informed.
4. Who would take the decisions on the action
5. Primary Authority relationships and liaison with other agencies
6. When it would be reviewed.

2.51 The policy will be subject to consultation with local businesses and residents and submitted to the Cabinet Member for Localism and Enforcement for approval in due course.

2.52 Alternative Service Delivery Vehicle (ASDV)

2.53 The Committee is responsible for reviewing Tatton Park Enterprises which deals with the catering at Tatton Park. Members have received a presentation on the work of the ASDV and reviewed its performance.

2.54 Looking Ahead to 2015/2016

2.55 A Task and Finish Group will be established to investigate domestic violence, rape and internet safety. The Committee will also be concentrating on the Safer Cheshire East Partnership Plan and its performance.

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2.56 Health and Adult Social Care

Chairman: Councillor M Simon
Vice Chairman: Councillor J Saunders

Members: Councillors C Andrew, RM Domleo, L Jeuda, S Jones, G Merry, A Moran

- 2.57 The Health and Adult Social Care Overview and Scrutiny Committee deals with the scrutiny of health and social care services by holding the Council and the many healthcare service commissioners and providers to account to ensure that health and wellbeing objectives are achieved. In its statutory health scrutiny role, the Committee has commented on substantial developments and variations proposed by the NHS, and commented on changes to adult social care services. The committee responded to a call in regarding respite care services in Congleton. In terms of policy review, the committee has set up Task and Finish Groups to look in depth at specific service areas. The Committee has also kept up to date with proposed changes in the NHS outlined by the Coalition Government

2.58 Carers - Task and Finish Group

Met between November 2013 – February 2015

Membership
M Simon (chair), L Jeuda and J Saunders

- 2.59 The task group was originally set up by the Adult Social Care Policy Development Group, following an event jointly held by the Council and Clinical Commissioning Groups (CCGs) for carers to provide their views on what services should do to support them in their caring role. The task group continued under the Committee and met several times to review current services and changes to legislation introduced by the Care Act 2014. In March 2015 the task group presented its final report to Cabinet. This included recommendations for the Council and its partners to support carers more and how they could raise the profile of caring and reach more hidden carers who could benefit from support.

2.60 Assistive Technology – Task and Finish Group

March 2014 – February 2015

Membership
J Saunders (chair), C Andrew and L Jeuda

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2.61 This task group was also set up during the Adult Social Care Policy Development Group and continued with new membership under the direction of Committee. The task group conducted several site visits to learn more about assistive technology (AT) and the types of equipment and services that could be used to help keep people independent and safe in their own homes for longer. The task group submitted a report to Cabinet in March 2015 with recommendations for how AT services could be developed and provided to more people in a financially sustainable way.

2.62 Committee Work

2.63 During the year the Committee has considered a wide range of health and adult social care issues. The Committee followed up the review of the 2013/14 quality accounts of East Cheshire NHS Trust and Mid Cheshire Hospitals NHS Foundation Trust by the former Health and Wellbeing Scrutiny Committee. This was achieved by reviewing the quality accounts of Cheshire and Wirral Partnership NHS Foundation Trust and North West Ambulance Service NHS Trust to ensure that the Borough's key health providers were performing effectively and delivering positive outcomes.

2.64 The Committee was consulted on the development of services at Clatterbridge Cancer Centre and the redesign of specialised cancer services commissioned by NHS England in the North West. The Committee was also consulted on the Adult Social Care Commissioning Strategy, the Joint Strategy for Carers 2015-18, and changes to stroke services in Eastern Cheshire CCG.

2.65 In January 2015 the Committee hosted a workshop about developing the role of social and private landlords in health and wellbeing. Council officers from housing, adult social care and communities were joined by representatives from Clinical Commissioning Groups, housing associations and private landlords to discuss how they could all work together to improve services and health outcomes for residents. Feedback from the event was positive. The Committee produced a report with recommendations to further build relationships and develop integrated services.

2.66 Throughout the year the Committee has been developing its relationships with its health and care partners. The Committee has reviewed Healthwatch Cheshire East's Annual Report for 2013/14 and considered how the two parties can work together to hold providers and commissioners to account more effectively. The Committee has also worked with members of the Health and Wellbeing Board throughout the year to coordinate work loads and discuss important issues affecting Cheshire East.

2.67 In relation to leisure services, the Committee has been developing its relationship with Everybody Sports and Recreation Trust (ESAR) and

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will be reviewing the Trust's first ever annual report in the new municipal year.

2.68 Representatives of the Committee have also conducted a piece of work with colleagues from Cheshire West and Chester Council to work on a Joint Committee to review the performance of Mid Cheshire Hospitals NHS Foundation Trust including how other parts of the health and care system support and impact on the Trust.

2.69 Looking Ahead to 2015/2016

2.70 In the new municipal year the Committee will continue to build on the relationships within health and care that it has already developed to assist in joint working and the integration of health and care services. The Committee will also consider hosting further workshops on important issues thanks to the positive feedback on the health and housing workshop; and hold its meetings around the Borough to increase engagement with the public. Key issues that the Committee will give consideration to include: access to GP services, respite care, adult safeguarding and maternity services.

2.71 Jobs, Regeneration and Assets

Chairman: Councillor P Groves
Vice Chairman: F Keegan

Councillors G Barton, S Corcoran, S Hogben, B Murphy, J Weatherill, J Wray

The Jobs Regeneration and Assets Overview and Scrutiny Committee is responsible for monitoring performance and policy development relating to economic growth and employment, regeneration of the Borough's towns and villages, housing and development management, and asset management: including facilities management, use of assets, disposals of land and buildings. The Committee is also responsible for monitoring the Cheshire East Engine of the North ASDV.

2.72 Task and Finish Groups

2.73 High Growth City

Met between October 2014-December 2015

Membership
P Groves (chair), S Hogben, F Keegan and J Weatherill

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2.74 The task group was set up to consider how a potential decision by Government to locate a hub station for High Speed 2 (HS2) rail network in Crewe would impact on the town and surrounding area and whether the Council was equipped to maximise the benefits of the opportunities HS2 would bring. The task group held several meetings with officers in a short space of time to consider the implications of a hub station for the sub region in relation to planning, infrastructure, business and jobs, and skills. The task group submitted its report with recommendations to Cabinet in February 2015. Recommendations included the need to ensure appropriate resources and structures are in place, the development of a growth strategy followed by a review of the Local Plan, the need to develop an effective communication strategy with the public.

2.75 Committee Work

2.76 This year the Committee has considered a variety of areas within its remit. The Committee has been consulted on Business Engagement in the Borough, All Change for Crewe, and the use of WebGIS to monitor planning information.

2.77 The Committee has contributed to the development of the Housing Delivery Framework 2015-20 which will help to ensure that the Borough has the right housing in the right places. The Committee also advised on updating several aspects of the Common Allocations Policy following a consultation with members of the public and housing providers.

2.78 The Committee has built a positive relationship with Cheshire Neighbours Credit Union. This has helped it to develop initiatives to increase membership and activity as part of the Union's strategy to become financially sustainable and secure its long term future as a valuable source of financial advice and support for many of Cheshire East's residents. The Committee will continue to monitor the progress of the credit union and provide support where needed.

2.79 Over the course of several meetings the Committee has given consideration to the development of the Strategic Asset Management Plan (SAMP). Several Members of the Committee held additional meetings with officers to consider the Plan in detail and reported back to the full Committee. The SAMP will contribute to bringing efficiencies to the Council's land and property assets and influence the strategic direction of the Council between 2015 and 2018. The Committee will continue to monitor the implementation of the plan and whether it is effective in helping the Council to achieve its strategic objectives.

2.77 Looking Ahead to 2015/2016

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- 2.78 Examining the economic development of the Borough will continue to be a key area of work for the Committee as well as regeneration of towns and housing deliver. The Committee will look to develop a relationship with the Local Enterprise Partnership (LEP) as this is a key stakeholder in the development of infrastructure and business opportunities in Cheshire and Warrington. The Committee will continue to monitor the progress of Government plans for HS2 and whether the Council can be in a position to maximise potential benefits.

3. Lessons Learned

3.1 Meetings of Overview and Scrutiny Committees

3.2 Meetings of Overview and Scrutiny Committees have taken place in the following forms:

1. **Formal meetings** – in accordance with the statutory deadlines either monthly or bi - monthly
2. **Mid point meetings** – mainly to deal with agenda setting and review of actions from previous meetings
3. **Informal meetings** – to deal with matters not yet in the public domain - awareness sessions

3.3 The Council has decided that in 2015/16 there will be fewer formal meetings with most Committees meeting on a bi-monthly basis. This is subject to a proviso that each Chairman has discretion to vary the schedule of meetings depending on workload. Bi-monthly meetings will enable the Committees to fulfil their formal requirements to meet and to consider matters in public. This will also free up time for the Committees to undertake additional work such as task and finish groups, member briefings and site visits etc.

3.4 Scrutiny/Portfolio Holder informal liaison meetings

3.5 Each Committee chairman has held meetings informally with their relevant portfolio holders and heads of service. Some have met more frequently than others, but this is to be expected as the level of input required from the executive varies from Committee to Committee. Whilst it is acknowledged that all Committees should continue to use these meetings for work programming purposes, it should be left to individual Chairmen to decide upon their frequency but that continuous dialogue between Cabinet Members/CLB and Overview and Scrutiny Chairmen is essential to achieve the best from Overview and Scrutiny.

3.6 Task and Finish Groups

3.7 It is accepted that certain tasks are best dealt with by Task and Finish Groups. The work of these groups becoming increasingly valued. However, a continuing concern is that only a small cohort of Members has been actively involved in Task and Finish Groups. It would be helpful if those Members who have been involved in task and finish work could 'champion' this kind of activity with fellow members in an attempt to increase the numbers involved. Without exception, those members who have taken part find the experience interesting and rewarding.

4 Future Developments

- 4.1 The landscape for Overview and Scrutiny continues to change. Successful scrutiny relies less upon its formal powers and requires the use of much softer skills to build good relationships within the council and with partner organisations. It needs to have an appreciation of the strategic direction of the Council and partners, to sell its worth to all to ensure that it always adds value.
- 4.2 Partnership work now constitutes a large amount of business transacted in Cheshire East. Overview and Scrutiny Members can play a pivotal role in addressing cross-cutting issues across organisational boundaries.
- 4.3 Although Scrutiny of partnerships by local authorities is enshrined in law, the specific powers are limited. Therefore, softer means of influence such as relationship-building, negotiation, liaison and dialogue are where the opportunities lie for Overview and Scrutiny.
- 4.4 Consequently, scrutiny of partners tends to be less about inquisition and more about collaborative co-operation. Overview and Scrutiny can therefore forge a link between the Council and external agencies.
- 4.5 Overview and Scrutiny must be proactive in selling the benefits of its activity. Partners will better understand that by engaging in the scrutiny process, the partner will be seen to have become more locally accountable, to locally-elected councillors and, to local people. For the partner, engaging with scrutiny will also help them to understand more effectively the local context in which they are making decisions, and will provide them with valuable external assurance in their decision-making systems.
- 4.6 Overview and Scrutiny is in a unique position to bring, a democratic dimension that would otherwise be absent. Therefore Overview and Scrutiny Members can be the eyes and ears of the public.
- 4.7 All of the above applies equally to the Council's own arms length companies. Engine of the North, Orbitas and ANSA have been in existence for some time. Others including Transport Solutions and Civicance are still relatively new. Overview and Scrutiny has a vital role in monitoring the performance of these companies and where appropriate holding the Council's own commissioning managers to account thereby giving the residents of Cheshire East assurance that these matters are being examined in public on their behalf

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