

Council Agenda

Date: Thursday, 22nd October, 2015
Time: 10.00 am
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 Previous meeting** (Pages 1 - 8)

To approve the minutes of the meeting held on 23 July 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. **Petition for Debate - Public Intermediate Care, Dementia Care and Day, Respite and Assessment Care and Ancillary Facilities** (Pages 9 - 12)

A report from the Portfolio Holder for Adults, Health and Leisure is enclosed.

Under the Council's Petition Scheme the petition organiser may address the meeting for up to 3 minutes and may be asked questions on the subject matter of the petition. The organiser may nominate another person to address the meeting and to answer any questions on the matter. Council is required to debate the Petition.

(A copy of the full petition is available on request and will be available at the meeting).

8. **Recommendation from Cabinet - First Quarter Review of Performance** (Pages 13 - 78)

To consider the recommendation from Cabinet.

9. **Recommendation from the Constitution Committee - Proposed changes to the Council's Constitution** (Pages 79 - 164)

To consider the recommendations from the Constitution Committee.

10. **Recommendation from the Audit and Governance Committee - Review of Standards Arrangements for Dealing with Code of Conduct Complaints** (Pages 165 - 202)

To consider the recommendations from the Audit and Governance Committee.

11. **Appointment to the Fire Authority** (Pages 203 - 204)

To consider a new appointment to the Fire Authority, following the death of Cllr Peter Mason.

12. **Leader's Announcements**

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

13. **Notices of Motion** (Pages 205 - 206)

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.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Thursday, 23rd July, 2015 at The Ballroom, Sandbach Town Hall,
High Street, Sandbach, CW11 1AX

PRESENT

Councillor H Gaddum (Mayor/Chairman)
Councillor O Hunter (Deputy Mayor/Vice-chairman)

Councillors C Andrew, A Arnold, D Bailey, Rachel Bailey, Rhoda Bailey, G Barton, P Bates, G Baxendale, M Beanland, S Brookfield, D Brown, C Browne, B Burkhill, P Butterill, S Carter, C Chapman, J Clowes, S Corcoran, H Davenport, W S Davies, M Deakin, T Dean, B Dooley, L Durham, S Edgar, I Faseyi, P Findlow, R Fletcher, T Fox, D Flude, S Gardiner, L Gilbert, M Grant, P Groves, J Hammond, M Hardy, A Harewood, S Hogben, D Hough, O Hunter, J Jackson, L Jeuda, M Jones, D Mahon, N Mannion, D Marren, A Martin, R Menlove, A Moran, B Moran, H Murray, D Newton, M Parsons, S Pochin, J Rhodes, B Roberts, J Saunders, M Simon, L Smetham, D Stockton, A Stott, 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 D Bebbington, E Brooks, S Gardner, G Hayes, A Kolker, J Macrae, P Mason, S McGrory, G Merry and M Sewart

18 PRAYERS

The Mayor referred to the recent tragedy that taken place on the previous Friday in Bosley. She called upon the Leader of the Council to provide an update on this terrible event.

Following his update the Leader asked Members of the Council to thank all the emergency and other services who had assisted throughout the tragedy for their efforts, by way of applause, following which he handed over to the Chief Fire Officer, Paul Hancock, to address Council. He, in turn, thanked all the services for their support.

The Mayor then called upon her Chaplain to say prayers and this was followed by a minutes silence, in memory of those who had lost their lives in the tragedy.

19 DECLARATIONS OF INTEREST

There were no declarations of interest.

20 MINUTES OF THE ANNUAL COUNCIL MEETING

RESOLVED

That subject to an amendment to the minutes to correct a typographical error at minute number 14 to state that Cllr C Browne was nominated as Vice-chairman of the Northern Planning Committee and not Chairman of the Committee, the minutes be approved as a correct record

21 MAYOR'S ANNOUNCEMENTS

The Mayor:-

1. Informed Members of the death, on 11 July, of Honorary Alderman Alan Barnes. Mr Barnes was a former Cheshire County Councillor and served the Cheshire community for many years. The Mayor asked Members to join her in sending condolences to his family. As Council had already observed a period of silence at the meeting, she asked Members to pause for a moment to reflect on the life of Alan Barnes.
2. Informed Members that, since the Mayor Making ceremony in May she and the Deputy Mayor had attended over 50 events. Details of these had been circulated around the Chamber.
3. Stated that one of the joys of being Mayor was that she got to meet a very wide range of individuals and organisations and that her first two months in post had not let her down. At the Cheshire Show, she had had the privilege of welcoming HRH, the Countess of Wessex to Cheshire East. Two days later she had welcomed HRH, the Princess Royal to a Home Farm Trust event, at Arley Hall. She had attended charity, artistic and social events across the Borough and further afield and had received a very warm welcome on all occasions.
4. Informed Members that she was delighted that the Tatton garden at the RHS Flower Show had won a Silver Gilt medal and the Connecting Cheshire garden a silver medal. These were tremendous achievements and those Members who had attended the Show would appreciate just how high the standard of the gardens were.
5. Reported that it had been a great pleasure for either she or the Deputy Mayor to attend civic services in Chester, Halton, Alderley Edge, Macclesfield and Poynton. Her own Civic Service would be held at 11.00am on Sunday, 20 September, at St Michael's Church, Macclesfield. She hoped that as many Members as possible would be able to attend and asked that Members make a note of the date. Formal invitations would be sent out very shortly.
6. Thanked those Members who had been able to join her at either of the two lunches that she had recently hosted. It had been good to

meet both newly elected colleagues and those she had known for some time.

22 PUBLIC SPEAKING TIME/OPEN SESSION

Mrs J Bennett used public speaking time to address Council concerning the closure of the Hollins View Care Home and the number of respite beds in Cheshire East.

Mrs P Newns, a past carer, used public speaking time to give her views on the closure of Hollins View and other respite care services and to talk about the care facilities she had used when caring for her husband.

Mrs S Dykes used public speaking time address Council regarding the approach to strategic planning. She referred to the Northern Powerhouse/ Liverpool Superport and stated that she would like to see a different approach to strategic planning, with a better balance of open space, jobs, housing and comparison shopping.

Mrs C Peters Rock used public speaking time to present a petition, containing over 4,000 signatures, set up by Cheshire Area For Cheshire Action, asking for the reopening for local public use of public intermediate care and dementia care, respite and assessment care and ancillary facilities.

Mrs S Helliwell used public speaking time to address Council regarding item 10 of the agenda, relating to proposed changes to the Council's Constitution.

Mr D Wood used public speaking time to request Cabinet and relevant Scrutiny Committee, when considering the issue of respite care, that they consider that this is not for only planned short stays, but also for unplanned short stays.

23 APPOINTMENT OF THE DIRECTOR OF CHILDREN'S SERVICES AND DEPUTY CHIEF EXECUTIVE

Consideration was given to a report regarding the appointment of he Director of Children's Services and Deputy Chief Executive.

The Staffing Committee had 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.

Subsequently Group Leaders had been consulted on the offer, and met with their Groups to consider the matter, and had been supportive.

RESOLVED

That the appointment of Ms Kath O'Dwyer, as the Director of Children's Services, on a salary of £135,000 per annum be endorsed and her position as Deputy Chief Executive be noted.

24 **REVIEW OF THE SENIOR MANAGEMENT STRUCTURE**

(The Mayor stated that there were a number of officers present at the meeting who were directly affected by this report and asked whether Members were content for the officers to remain in the meeting. This was agreed. The Mayor reported that the Head of Legal Services and Monitoring Officer would not advise the meeting on this issue. The Head of Legal Services and Monitoring Officer stood aside from the dais and took no part in the meeting.

Consideration was given to a report, setting 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.

It was reported that the Council had previously delivered over £5M of management savings and would continue to ensure that costs of supervision and management were 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 would be an ongoing requirement.

As referred to in the previous minute, the Staffing Committee had agreed to the appointment of Ms Kath O'Dwyer and had noted her appointment as Deputy Chief Executive.

RESOLVED

1. That the appointment of Ms Kath O'Dwyer, as the Director of Children's Services and to note her position as Deputy Chief Executive be noted.
2. That the following recommendations be approved, at a reduced net overall cost for senior leadership and management:-
 - Delete the role Executive Director, Strategic Commissioning.
 - Transfer the client and strategic commissioning and other functions and posts from the Executive Director, Strategic Commissioning role to the Chief Operating Officer.
 - 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.

- 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.
- 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.
- 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.
- 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.
- The mandating of 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.
- 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.

25 RECOMMENDATIONS FROM THE 2014/15 FINAL OUTTURN REVIEW OF PERFORMANCE TO CABINET

Cabinet, at its meeting on 21 July 2015, had considered a report setting out the Council's continuing improved performance for 2014/15, and highlighting 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 had been achieved from 2013/14 to 2014/15.

Cabinet had approved a number of recommendations, as set out in the Cabinet report and had requested that Council approve fully funded supplementary capital estimates and virements above £1,000,000 in accordance with Finance Procedure Rules, as set out in Appendix 7 of the Cabinet report; and the creation of earmarked reserves of £4.9m, as set out in Appendix 12 of the Cabinet report.

RESOLVED

1. That fully funded supplementary capital estimates and virements above £1,000,000, as set out in Appendix 7 of the Cabinet report be approved, in accordance with Finance Procedure Rules.
2. That the creation of earmarked reserves of £4.9m, as set out in Appendix 12 of the Cabinet report be approved.

26 RECOMMENDATIONS FROM THE CONSTITUTION COMMITTEE - PROPOSED CHANGES TO THE CONSTITUTION

The Leader of the Council stated that he considered that this matter required further cross party discussion and proposed that a cross party Task and Finish Group be established to give consideration to this issue.

RESOLVED

That this item be deferred and that a cross party Task and Finish Group be established to consider this issue and a further report be submitted to the next meeting of Council, to take place on 22 October 2015.

27 OVERVIEW AND SCRUTINY ANNUAL REPORT 2014/15

Consideration was given to the Overview and Scrutiny Annual Report 2014/15.

In proposing the report, Cllr Margaret Simon paid tribute to the work of the late Cllr Phil Hoyland, for the work that he had carried out as Chairman of the Children and Families Overview and Scrutiny Committee.

The Mayor thanked all the Overview and Scrutiny Committee Chairman for their work during the past year.

RESOLVED

That the Overview and Scrutiny Annual Report 2014/15 be received, noted and placed on the Council's website.

28 LEADER'S ANNOUNCEMENTS

The Leader of the Council announced the delivery of the second wave of companies to be attracted to the new science hub at Alderley Park, creating more jobs in the area. He also reported that more jobs would be created at the Astra Zeneca site in Hurdsfield, Macclesfield.

He also announced that a company had come forward, who were working with the Council to deliver jobs at Radway Green, Alsager.

He would have further detailed announcements to make at the October meeting of Council.

29 **NOTICES OF MOTION**

No Notices of Motion had been submitted.

30 **QUESTIONS**

Members asked the following questions:-

Cllr S Carter, in respect of Hurdsfield Library – The Leader of the Council, Cllr M Jones responded.

Cllr D Flude, in respect of ring fencing of the independent living fund – The Adults, Health and Leisure Portfolio Holder, Cllr J Clowes responded.

Cllr Corcoran, in respect of the Health and Wellbeing Board - The Leader of the Council, Cllr M Jones responded.

Cllr Rhoda Bailey, in respect of how MAELR highway improvements would be funded in the future – The Highways Portfolio Holder, Cllr D Brown, responded.

Cllr J Jackson in respect of the living wage - The Leader of the Council, Cllr M Jones responded.

Cllr S Gardiner in respect of the Graduates Award Ceremony - The Leader of the Council, Cllr M Jones responded.

Cllr H Davenport in respect of the cost of implementing a feasibility study to ascertain whether it would be possible to bring forward improvements to the A6 in Disley - The Highways Portfolio Holder, Cllr D Brown responded.

Cllr G Barton, in respect of recent improvements to highway safety in Wilmslow and asking what progress had been made in the process to introduce a 20mph speed limit near to schools - The Highways Portfolio Holder, Cllr D Brown responded.

Cllr M Deakin in respect of brownfield sites earmarked for development in Alsager - The Leader of the Council, Cllr M Jones responded.

Cllr A Moran, in respect of progress on the Local Plan – The Children and Families Portfolio Holder, Cllr Rachel Bailey responded.

Cllr Murray, in respect of the Transport Research Laboratory research into reducing average speed limits and also in respect of the Poynton relief road – The Highways Portfolio Holder, Cllr D Brown responded.

The meeting commenced at 2.00 pm and concluded at 4.00 pm

Councillor H Gaddum (Chairman)

CHAIRMAN

CHESHIRE EAST COUNCIL

REPORT TO: Council

Date of Meeting: 22 October 2015

Report of: Brenda Smith, Director of Adult Social Care and Independent Living

Subject/Title: Petition relating to public intermediate care, dementia care and day, respite and assessment care and ancillary facilities

Portfolio Holder: Cllr Janet Clowes, Portfolio Holder for Adults, Health and Leisure

1.0 Report Summary

- 1.1 This report asks Council to consider a Petition, which has in excess of 4,000 signatories, and which relates to public intermediate care, dementia care and day, respite and assessment care and ancillary facilities.

2.0 Decision Requested

- 2.1 That Council receives the petition presented by Cheshire Area for Cheshire Action and acknowledges its content.
- 2.2 That Council debates the petition.

3.0 Reasons for Recommendations

- 3.1 In order to comply with the Council's petition scheme.

4.0 Wards Affected

- 4.1 All affected as the requirement on Officers is to consider all services within social care and other relevant Council services.

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 Changes to the delivery of adult social care services by Cheshire East Council are compliant with the requirements of the Care Act 2014.
- 6.2 The Care Act 2014 replaced numerous previous laws, to provide a coherent approach to adult social care in England. Part one of the Act (and its Statutory Guidance) consolidates and modernises the framework of care and support law; it set out new duties for Local Authorities and partners, and new rights for

service users and carers. The new statutory principle of individual wellbeing underpins the Act and is the driving force behind care and support.

- 6.3 For the first time there is a specific requirement for diversity and quality in the market of care providers so that there are enough high-quality services for people to choose from.

7.0 Financial Implications

- 7.1 None directly related to this report.

8.0 Legal Implications

- 8.1 The process being proposed for dealing with this petition is in line with the Cheshire East Council's Constitution.
- 8.2 The changes that have been made to the delivery of adult social care services by Cheshire East Council are compliant with the requirements of the Care Act 2014.
- 8.3 The changes that have been made to the delivery of adult social care services have been subject to public consultation before being scrutinised and approved by Cabinet and Overview and Scrutiny Committee.

9.0 Risk Management

- 9.1 None directly related to this report.

10.0 Background and Options

- 10.1 The petition includes in excess of 4,000 signatures, of which the majority are from Cheshire East with a number being completed by people who work or have relatives within the Cheshire East boundaries.
- 10.2 The petition states:
- “Petition to Cheshire East Council, East Cheshire NHS Trust, Eastern Cheshire CCG.
Please reopen for local public use – and keep open – for all ages our public intermediate care – dementia care -
Also day, respite and assessment care – and ancillary facilities to support our public need
Legal Duty of Care lies with our public organisations – and that must remain.”
- 10.3 The petition references health services (intermediate care) as distinct from social care services. We understand petitions have been submitted separately to local health organisations.
- 10.4 Changes to the delivery of adult social care services by Cheshire East Council are compliant with the requirements of the Care Act 2014. The Care Act 2014 replaced numerous previous laws, to provide a coherent approach to adult

social care in England. Part One of the Act (and its Statutory Guidance) consolidates and modernises the framework of care and support law; it set out new duties for Local Authorities and partners and new rights for service users and carers.

- 10.5 The new statutory principle of individual wellbeing underpins the Act and is the driving force behind care and support. For the first time there is a specific requirement for diversity and quality in the market of care providers so that there are enough high-quality services for people to choose from. As we move to greater personalisation of social care packages, diversity in the market is essential. In addition Local Authorities are now required to emphasise early intervention and prevention and general wellbeing in the wider local population.
- 10.6 These elements move the focus from Local Authority provided services to signposting individuals to suitable providers. Whilst we retain a commissioning role under the Care Act, individuals retain their right to exercise their own choices as to the type of services, location and frequency within the allocated budget.
- 10.7 Our duty of care to those with assessed eligible need is to ensure they receive appropriate services. It remains our intention to ensure that any person in the Cheshire East area with social care needs is properly assessed and if their needs meet the statutory criteria, they are supported through a Direct Payment or commissioned service to address those needs.
- 10.8 Any changes to the delivery of adult social care services by Cheshire East Council have been subject to consultation and have been scrutinised and approved by Cabinet and Overview and Scrutiny Committee. Copies of these reports are publically available on the Council's website.

11.0 Access to Information

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

Name: Brenda Smith

Designation: Director of Adult Social Care and Independent Living

Tel No: 01625 374881

Email: Brenda.smith@cheshireeast.gov.uk

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COUNCIL MEETING – 22ND OCTOBER 2015**Extract from the Minutes of the Cabinet meeting on 29th September 2015****34 FIRST QUARTER REVIEW OF PERFORMANCE 2015/16**

Cabinet considered a report on the first quarter review of performance 2015/16, including supplementary capital estimates and virements.

The report set out the Council's financial and non-financial performance at the first quarter stage of 2015/16 and highlighted the latest progress towards achieving the Council's Residents First Outcomes as described in the Council's three year plan 2013 to 2016. The first quarter review showed how the Council was continuing to build on the positions achieved in the last two years, which demonstrated that the overall financial health, performance, resilience and value for money at Cheshire East Council was strong.

Annex 1 to the report set out further details and was structured into three sections:

- Section 1 - Summary of Council Performance
- Section 2 - Financial Stability
- Section 3 - Workforce Development

RESOLVED

That

3. Cabinet recommends that Council approve:

- **fully funded supplementary capital estimates and virements above £1,000,000 in accordance with Finance Procedure Rules (Appendix 7); and**
- **the establishment of a new earmarked reserve for Early Intervention Initiatives by a transfer of £0.5m from general balances (Section 2, paragraph 197)**

1. Cabinet notes the report on the 2015/16 first quarter review of performance in relation to the following issues:

- the summary of performance against the Council's 5 Residents First Outcomes (Section 1 of the report);
- the projected 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 170 to 179 and Appendix 4);

- fully funded supplementary capital estimates and virements up to £250,000 approved in accordance with Finance Procedure Rules (Appendix 5);
- changes to Capital Budgets made in accordance with the Finance Procedure Rules (Appendix 8);
- treasury management investments and performance (Appendix 9);
- management of invoiced debt (Appendix 11);
- use of earmarked reserves (Appendix 12); and
- update on workforce development and staffing (Section 3).

2. Cabinet approves:

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

Note - Recommendations 1 and 2 have already been decided by Cabinet and the issue before Council is, therefore, shown in bold.

CHESHIRE EAST COUNCIL

CABINET

Date of Meeting:	29 September 2015
Report of:	Chief Operating Officer (Section 151 Officer)
Subject/Title:	2015/16 First Quarter Review of Performance
Portfolio Holder:	Cllr Peter Groves, Cllr Paul Findlow

1. Report Summary

- 1.1. This report sets out the Council's financial and non financial performance at the first quarter stage of 2015/16 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 first quarter review shows how the Council is continuing to build on the positions achieved in the last two years, which demonstrate that the overall financial health, performance, resilience and value for money at Cheshire East Council is strong despite taking £70m out of its cost base since 2011, and freezing Council Tax for the fifth consecutive year. 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.
- 1.3. Following the first quarter review the Council's reserves strategy remains effective, with a modest overspend of £0.9m being forecast. This represents a variance of only 0.4% against the net budget of £246.6m. This is the nearest forecast position to budget ever reported for the Council at this stage in the financial year, and as in previous years work is underway to achieve a balanced position by the end of the financial year.
- 1.4. Cheshire East is the third largest Council in the Northwest of England, responsible for over 500 services, supporting over 370,000 local people. Gross annual spending is over £750m, with a balanced net budget for 2015/16 of £246.6m. 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. The Council's response to these issues has seen the development of Alternative Service Delivery Vehicles since 2013. In Quarter One, examples of good performance were:

- Managing the efficient delivery of local and national elections in May
 - Over 78,000 homes and businesses (96%) now covered by fibre broadband
 - Over 2,000 customers now signed up to Fairerpower energy scheme
- 1.5. The attached report, **Annex 1**, sets out further details of how the Council is performing in 2015/16. It is structured into three sections:

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

Section 2 Financial Stability - provides an update on the Council's overall financial position. It demonstrates how spending in 2015/16 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. Recommendation

- 2.1 Cabinet is asked to consider and comment on the first quarter review of 2015/16 performance, in relation to the following issues:

- the summary of performance against the Council's 5 Residents First Outcomes (**Section 1**);
- the projected 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 170 to 179 and Appendix 4**);
- fully funded supplementary capital estimates and virements up to £250,000 approved in accordance with Finance Procedure Rules (**Appendix 5**);
- changes to Capital Budgets made in accordance with the Finance Procedure Rules (**Appendix 8**);
- treasury management investments and performance (**Appendix 9**);
- management of invoiced debt (**Appendix 11**);
- use of earmarked reserves (**Appendix 12**);
- update on workforce development and staffing (**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 establishment of a new earmarked reserve for Early Intervention Initiatives by a transfer of £0.5m from general balances (**Section 2, paragraph 197**)

3. Other Options Considered

3.1. None.

4. Reasons for Recommendation

- 4.1. 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.

5. Background/Chronology

- 5.1. The Council's quarterly reporting structure provides forecasts of a potential year-end outturn. The forecasts in this report highlight achievements against outcomes and provide an indication of potential risks at this stage of the year.
- 5.2. At the first quarter stage, the Council's reserves strategy remains effective with a modest forecast overspend of £0.9m (0.4%) against a budget of £246.6m. Portfolio Holders and the Management Group Board continue to focus on managing this position to avoid any impact on the Council's general reserves at year end.

6. Wards Affected and Local Ward Members

6.1. All

7. Implications of Recommendation

7.1. Policy Implications

- 7.1.1. Performance management supports delivery of all Council policies. The projected 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.

7.2. Legal Implications

7.2.1. 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.

7.3. Financial Implications

7.3.1. 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.

7.4. Equality Implications

7.4.1. This report is a backward look at Council activities in Quarter 1 and predicts the year end position. Any equality implications of the issues and activities being reported on will be managed by the relevant service.

7.5. Rural Community Implications

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

7.6. Human Resources Implications

7.6.1. This report is a backward look at Council activities in Quarter 1 and predicts the year end position. Any HR implications of the issues and activities being reported on will be managed by the relevant service.

7.7. Public Health Implications

7.7.1. This report is a backward look at Council activities in Quarter 1 and predicts the year end position. Any public health implications of the

issues and activities being reported on will be managed by the relevant service in consultation with the Public Health Team.

7.8. Other Implications (Please Specify)

7.8.1. None

8. Risk Management

- 8.1. 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.
- 8.2. 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 2015/16 budget - and the level of general reserves – have been factored into the 2015/16 financial scenario, budget and reserves strategy.

9. Contact Information

Contact details for this report are as follows:-

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First Quarter Review of Performance 2015/16

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September 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 over £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.

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 first quarter, the Council's reserves strategy remains effective, with a modest forecast overspend of £0.9m (0.4%) against a budget of £246.6m. This is the nearest forecast position to budget ever reported for the Council at this stage in the financial year.

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 2015/16:

Section 1 provides a summary of Council performance and brings together service achievement highlights against the 5 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 2015/16 is being 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 changes to the Original Budget.
- **Appendix 3** shows the latest position for Corporate Grants.
- **Appendix 4** shows the revised Capital Programme expenditure.
- **Appendix 5** lists approved Supplementary Capital Estimates and Virements up to £250,000.
- **Appendix 6** lists requests for Supplementary Capital Estimates and Virements over £250,000 for Cabinet approval.
- **Appendix 7** lists requests for Supplementary Capital Estimates and Virements over £1,000,000 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.

P.J Bates

Peter Bates CPFA CIPD MBA

Chief Operating Officer (Section 151 Officer)

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:
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2015/16 Outturn Forecast at First Quarter Review - Financial Position

2015/16 First Quarter Review (GROSS Revenue Budget £611.0m)	Revised Budget (NET) £m	Emerging Pressures £m	Remedial Actions Identified to Date £m	Current Forecast Over / (Underspend) £m	For further information please see the following sections
Children & Families	43.3	1.8	-1.4	0.4	Section 1 - Paragraphs 82 - 84
Adult Social Care & Independent Living	95.1	7.3	-6.3	1.0	Section 1 - Paragraphs 134 - 137
Public Health	0.0	0.0		0.0	Section 1 - Paragraphs 115 - 116
Commissioning Services:				0.0	
Leisure	2.1	0.0		0.0	Section 1 - Paragraph 117
Environmental	28.8	0.2		0.2	Section 1 - Paragraphs 102 - 103
Bereavement	-1.3	0.0		0.0	Section 1 - Paragraph 104
Highways	11.1	0.0		0.0	Section 1 - Paragraph 57
Transport	14.7	0.5		0.5	Section 1 - Paragraphs 54 - 56
Building Control etc	1.7	0.0		0.0	
Communities	9.2	0.9	-0.6	0.3	Section 1 - Paragraphs 15 - 19
Economic Growth & Prosperity	6.4	-0.1		-0.1	Section 1 - Paragraphs 37,53,64-66,90
Chief Operating Officer	39.2	-1.4		-1.4	Section 1 - Paragraphs 138 - 139
Total Services Net Budget	250.3	9.2	-8.3	0.9	
CENTRAL BUDGETS					
Specific Grants	-18.9	0.0		0.0	Section 2 - Paragraphs 146 - 150
Capital Financing	14.0	0.0		0.0	Section 2 - Paragraphs 180 - 188
Transfer to Earmarked Reserve	0.2	0.0		0.0	Section 2 - Paragraph 200
Corporate Contributions	1.0	0.0		0.0	Section 2 - Paragraph 189
Total Central Budgets	-3.7	0.0	0.0	0.0	
TOTAL NET BUDGET	246.6	9.2	-8.3	0.9	
	Planned Contribution	Forecast Variance	Impact on reserves		
	2015/16	Quarter 1	Quarter 1 Forecast		
	£m	£m	£m		
Impact on Reserves	-2.2 *	-0.9	-3.1		
*Increased from £1.7m by in-year transfers to earmarked reserves					
General Reserves Balance	2015/16 Budget	Quarter 1 Forecast			
	(estimated) £m			£m	
Opening Balance April 2015	14.2	Actual		14.7	
2015/16 Impact on Reserves (see above)	-1.7	Forecast		-3.1	Section 2 - Paragraphs 194-199
Closing Balance March 2016	12.5	Forecast		11.6	

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 prosecutions of rogue traders and those selling fake goods
 - Tackling youth crime.
- Commemorating the First World War.
- Promoting volunteering.
- Managing the national and local elections in May 2015.
- Low school absence levels compared to the national average.

2 ~ Cheshire East has a strong and resilient economy

- Supporting the creation of 212 jobs, continuing to attract businesses to the area and promoting expansion of those already in the borough.
- Promoting tourism and continuing the success of Tatton Park.
- Taking forward change and improvement in Macclesfield Town Centre.
- Working on Crewe Town Centre Regeneration and asking for the views of residents. Pushing ahead with construction of Crewe Lifestyle Centre.
- Maintaining green space.
- Increasing apprenticeships and progressing the University Technical College scheme.
- Significant investment to develop the local economy including roads and broadband infrastructure. Supporting HS2.
- Reviewing rural transport provision.

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

- Continuing to have over 93% of primary and 90% of secondary schools classified as Good or Outstanding.
- Successful focus on reducing NEETs (best in the North West) including cared for children.
- Improving feedback methods for clients and making information available on mobile devices.
- Managing a month-long service-wide Ofsted inspection.

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 for minor applications. However, volumes remain an issue.
- Pushing forward the Waste Strategy, reducing landfill and exploring options around food waste to maintain strong recycling rates.
- Investing in renewable technologies to reduce carbon emissions.
- Introducing cheaper energy deals for every resident that takes part in the scheme. Investigating geothermal energy options.

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.
- Helping to increase the number of affordable homes and to reduce homelessness.
- Developing a joint service approach to vulnerable people.
- Managing an expected reduction in public health funding while continuing to establish new contracts and fund transformation projects.
- Organising local accommodation for cared for children.
- Promoting and improving leisure facilities.

FINANCIAL STABILITY

- **Investment income** is £112,000 higher than budget at Quarter 1. The average rate earned on investments (0.92%) is higher than the London

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 2015 to March 2016 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:

Spending Power per Head Comparisons 2015/16			
	Cheshire East	Rural East Riding of Yorkshire	Urban Liverpool
	£	£	£
Grants	335	391	838
Council Tax	453	387	252
Total	788	778	1,090

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 2015/16 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 2015 to June 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. The Regulatory Services and Health service supported a nomination for the Trading Standards Institute (TSI) Hero award after a local care worker stepped in to help an elderly resident who was targeted by a rogue trader. As a result of swift action and involvement by the Investigations team the trader was arrested and the case file passed for prosecution. The care worker won the 2015 Hero Award which was presented at the TSI conference in June.
5. The Environmental Health, Licensing and Investigations team supported police action to request a review of a premises licence in Alsager as a result of noise, anti-social behaviour and under age sales. Following a Licensing review hearing the premises' licence was revoked.
6. Operation Hebe was a joint venture with various enforcement agencies during June 2015 and included a police stop of traders travelling the Cheshire East area. The event afforded the opportunity to provide trader advice packs, check trader assurance claims, identify traffic offences and gather a wide range of intelligence to support national networks.
7. Cheshire East had a successful prosecution of a local businessman who had set up a side-line business from his tanning shop for the sale of fake goods. Officers removed 74 items from the shop including fake Barbour, Chanel and UGG products. The prosecution led to fines of £8,500 and 150 hours of unpaid work.

8. The Children's Survey to monitor attitudes and behaviour of young people in relation to alcohol and cigarettes has been completed for the North West region. The cut down version for Cheshire East is now awaited and will be used for programming work. The findings will also be shared with other relevant services within the authority who may have use of the data.
 9. Figures released during quarter one indicate a very slight increase (five young people) in the number of first time entrants to the youth justice system. However, this figure was at an all-time low in the previous quarter and remains a significant reduction against the baseline of 177 in June 2012. This is due to the excellent early intervention of the multi-agency Youth Engagement Team preventing youth crime.
 10. Targeted work has been undertaken in schools where there are high incidences of persistent absenteeism, and where there are pupils receiving alternative provision. Persistent absenteeism in Cheshire East primary schools has fallen significantly since 2011 from 4.3% to 2.8% in 2015 and is better than the national figure. In Secondary schools, persistent absenteeism is 5.7%, which is also better than the national figure.
- Communities**
11. The First World War commemorations continue through the Cheshire East Reflects (CER) programme, and prize-givings have been held at all winning schools for the CER schools writing competition.
 12. A wreath laying ceremony took place in Congleton to commemorate Gallipoli. The Battle of Waterloo was also marked by the Council by staging a walk / run up to White Nancy in Bollington, in addition to providing support to the Bollington Waterloo Festival. Victory in Europe was commemorated at three events taking place at Tatton, Macclesfield and Crewe.
 13. The Public Rights of Way (PROW) team are working with East Cheshire Ramblers to increase the number of countryside volunteer days with a long term project in the Kettleshulme area. 284 volunteer days have been worked with the Countryside Rangers. 133 volunteers are signed up with and carry out work with the PROW team. Up to and including mid July 2015 there have been 1,436 volunteers days worked across all sites at Tatton Park.
 14. There were 1,380 leisure services volunteer hours recorded during the first quarter. Although slightly down on last year, there was a significant contribution in volunteering during 2014/15 arising from the Commonwealth Games Baton visit to the Borough.
 15. There is an overall budget pressure forecast for Communities of £0.3m.
 16. £0.1m of the pressure relates to 2015/16 business planning proposals for Pest Control and Trading Standards Investigations. These may not be met fully in year due to potential restructuring costs and a delay in implementing the pest control options.
 17. There is a further pressure of £0.1m on the costs of vehicle testing for taxi licensing. There is ongoing work during 2015/16 to overhaul the policy surrounding taxi licensing and to review the budgets in this area.
 18. There continues to be pressures on car parking income this year of £0.1m mainly due to reduced levels of fines income from previous years and lower pay and display income resulting from issuing refunds to customers at Nantwich pool. There is also an anticipated cost pressure in car parking of £0.1m resulting from additional gritting costs.
 19. These pressures have been partially offset by a forecast underspend of £0.1m in Local Community Services. This arises mainly from additional court cost income from council tax and reduced spend within the Benefits fraud team.

Civic Pride

20. The Council supported efficient delivery of local and national elections in May 2015, with overall Cheshire East voter turnout for Parliamentary elections at 69.27%, an increase from 68.03% in 2010.
21. Social media presence continues to increase, engaging with over 11,400 Twitter followers by the end of the first quarter; more than twice the number who followed the @CheshireEast account at the start of the Council's 3-year plan.

2 ~ Cheshire East has a strong and resilient economy

Business and Visitor Economy

22. To date, the Investment service has supported the creation of 212 new jobs through the Business Engagement and Inward Investment programme with the potential to deliver a £18.4m up lift in Gross Value Added (GVA) output. The existing pipeline of prospects suggests that the service is on track to reach its job creation target for 2015/16 of 800 new high value jobs.
23. Latest figures for the value of the visitor economy have been released and these show a £70m increase from 2013 to 2014. The new figure stands at £807m and is an increase of 48.3% on 2009 figures. Tourist days also increased by 5.2% on 2013 figures with 16.2m visitors now enjoying their visit to Cheshire East. These figures are obtained from the STEAM model (Scarborough Tourism Economic Analysis Model).
24. Silk Heritage Trust transition programme is ongoing. Consultants have been appointed. Interim reports are due in September.
25. The Macclesfield Heritage and Culture Strategy group is progressing. A meeting was due to be held on the 4th August with

Heritage Lottery Fund to discuss a whole town approach to heritage projects in the town, in order for individual applications to be progressed.

26. The Tatton Vision programme of investment is ongoing and will result in a continued increase in a sustainable income base. In quarter one work has been ongoing in particular around the Stableyard area, completion of the Tenants Hall refurbishment work as well as preparing a strategy to deal with Phase 2 of the Tatton Vision through consultants due to deliver a report by November 2015. Green Flag awards achieved for Brereton Heath, Teggs Nose and Tatton Park. In addition Tatton Park has been awarded Green Heritage accreditation.
27. The bid to the Heritage Lottery Fund for second round funding of Tatton Dale farm's 'Field to Fork' project will be submitted by the end of August 2015. A decision is due at the end of November 2015. If successful this three year, £1.4m project will start early 2016, with the new proposition opening to the public in 2017.
28. Tatton Park has been awarded with the prestigious Sandford Award for the eighth consecutive time. This award is given as a reflection of the high standard of education provision at Tatton Park.
29. Cabinet approved the draft Crewe Town Centre Regeneration Delivery Framework as the basis for consultation at their meeting in April, which sets out plans for the regeneration of a number of key sites across the town centre.
30. Informed by the Regeneration Delivery Framework, the Council also completed on the acquisition of the Royal Arcade site and have invited Expressions of Interest from interested developers for the redevelopment of all or part of the Royal Arcade site to further support the regeneration of the town centre.
31. The Council embarked on a major consultation with local residents and businesses seeking views on the future of Crewe Town

Centre. Due to close on 31st July, 'Your Town, Your Choice – Crewe' is seeking input on a range of key issues vital to the future of the town centre.

32. Smarter shop fronts boost trade for dozens of Macclesfield businesses, and the Council is now planning to initiate Phase 2 of the successful Shop Front Improvement Scheme, to concentrate on Lower Mill Street and Park Green area properties.
33. Macclesfield Waters Green / Middlewood Way improvements are now underway (from £300,000 of capital funding) to improve this area of anti-social behaviour.
34. Macclesfield Sparrow Park improvements scheme to restore and enhance this town centre green space that has suffered from years of neglect (from £300,000 of capital funding) is underway.
35. Benchmarking studies are being undertaken on Macclesfield car parks, empty shop units in the town centre and Grosvenor Centre car park and market.
36. Work is currently underway to develop an iBrochure for Macclesfield town centre to publicise vacant shop units to businesses looking to locate in the area. Aimed at reducing vacancy rates in the town, this initiative is jointly funded by the Council, property agents and owners of town centre retail properties in Macclesfield town centre.
37. Visitor Economy service is predicting a £0.1m budget pressure due to the level of risk in delivering their savings target in 2015/16.

Workforce

38. Further work is being commissioned and expansion of our partnership approach is being implemented, to increase the number of apprenticeships on offer.
39. A review of how the skills and growth agenda is being delivered is currently underway. This will ensure the way these services are delivered moving forward will enable Cheshire East to have a better skilled and qualified workforce to meet the needs of our current and future employers.
40. Work continues with adult skills providers to increase the number of adults with NVQ Level 3 qualifications.
41. In collaboration with Manchester Metropolitan University (MMU) and Bentley, a Headteacher has now been successfully appointed for the University Technical College (UTC). Transfer of buildings is in process with an expected handover date of 4th December 2015.

Infrastructure

42. The 'Connecting Cheshire' Project has now passed over 78,000 homes and businesses with fibre broadband, taking overall coverage to 96%.
43. Fibre Guys campaign has continued to successfully drive take-up which has now risen to 21% by the end of June, one of the highest and fastest in the country. The campaign has been recognised by Broadband Delivery UK as an exemplar and the campaign assets have been offered to other programmes to adopt.
44. As part of the widening of the scope of the Fibre Guys engagement campaign, a Connecting Cheshire Garden was commissioned for the RHS Flower Show at Tatton Park in July and won a Silver medal and featured in the BBC coverage of the show.

45. The Connecting Cheshire Superfast Business programme completed delivery at the end of June, exceeding targets by 12.7%. The programme provided a minimum of 12 hours business support to 935 local companies to improve their digital knowledge; equating to over 13,800 hours of active business support.
46. The Connecting Cheshire project has been successful with a funding bid into the Women and Broadband Digital Challenge Fund of £87,000. The funding will enable a joint project, in partnership with the Greater Manchester Combined Authority, which will offer support to female entrepreneurs and business owners. The project will commence delivery before September 2015.
47. Strong progress has been made on the Council's major transport schemes. The Strategic Highways Infrastructure Team continues to plan, develop and deliver major highway and transport infrastructure improvements, in conjunction with partner organisations.
48. Current Delivery Schemes include:
 - Poynton Relief Road - Work is now progressing to work up a planning application with a public consultation and exhibition planned for October 2015 in preparation for the planning application to be submitted in February 2016.
 - Congleton Link Road – work is also progressing towards a planning application planned for the autumn.
 - Sydney Road Bridge – There is risk of slippage to the programme. The sign off of the Design Service Agreement (DSA) is still awaited and there are further queries to resolve with Network Rail.
 - Crewe Green Link Road - Final government funding approval has been granted and work has now commenced on site. Problems around the bridge structure are now coming to a conclusion and the contractor is still showing planned completion by December.
- A6 SEMMMS – Under construction. Discharge of Cheshire East Council planning conditions in Disley and Handforth, sketch designs are now complete. These will require public consultation in early 2016.
- A500 J16 Pinch Point Scheme - The alleviation of congestion on the A500 at J16 of the M6 through the addition of a lane to make the section a dual carriageway. Works are now complete at J16.
- Basford West Spine Road – Work is now complete on a new road to provide access to Basford East and West development areas. The new road was scheduled to open during summer 2015.
- M6 junction improvements (Highways England scheme) – Work is now complete on improvements at Junction 17 to ease access to and from the motorway.
- 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.
49. The Council is developing an ambitious pipeline of highway and transport infrastructure schemes for future delivery. The schemes under development including:
 - Middlewich Eastern Bypass
 - Crewe Bus Station – option appraisal underway
 - 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)
50. 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 one 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.

51. A series of transport strategy documents have been started for Cheshire East, including input to the Cheshire and 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.
52. The Council has received a £450,000 funding boost for rural transport in Cheshire East. This 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.
53. Strategic Infrastructure is predicting a favourable variance of £0.2m this year. Two new strategic roles in respect of the Crewe High Growth business case are now included in the staffing costs, which will be offset by the provision of some external funding and an increase in the level of Section 38 income expected in 2015/16.
54. The Transport commissioning service is currently reporting a potential pressure of £0.5m. This relates to a number of budget pressures and additional funding requested by Transport Services Solutions Limited, the Council's wholly owned company.
55. There is potential non-achievement of £0.2m of commissioner-led savings related to reduced demand from Special Education Needs (SEN) of £50,000 and Available Walking Routes of

£150,000. In addition, there are also pressures from increased demand in SEN of £238,000 and the outcome of the Arriva concessions appeal of £61,000.

56. There are ongoing discussions between the s151 Officer, Transport commissioner and the company to resolve the situation and formally agree the 2015/16 management fee. This resolution will be reported back at the next quarterly report.
57. The Highways service is reporting a balanced position against a £11.1m net budget. The Highways commissioning team continue to manage and monitor the Cheshire East Highways contract and no pressures are currently identified at this early stage of the year.

Inward Investment

58. The Business Engagement Service has identified growth opportunities with 22 of Cheshire East's top 100 accounts. Should all convert this would lead to the creation of over 600 new skilled jobs and a capital investment in plant, machinery and equipment of over £30m.
59. The Business Engagement Service also has an intensive programme of support with high growth SMEs and is dealing with 97 active opportunities to support increases in productivity and growth in job numbers.
60. The Inward Investment service is managing an active pipeline of interest from companies outside the area. This is expected to deliver 200 new skilled jobs for the area. To date the service has responded to 48 new investment enquiries.
61. Think+, an Australian technical textile manufacturer, is establishing an operation in Macclesfield. In addition, the service is working with a number of Bentley's suppliers considering relocation to the area. To promote the area Cheshire East has commissioned The

Times to coordinate a supplement positioning the area's key strengths.

62. The service is responsible for increasing income generated from Business Rates through enabling development. The service is working intensively with Cheshire Green Employment to secure finance to fund the infrastructure phase of the development which would generate additional income.
63. Estimated inward investment within Cheshire East for filming has increased from £0.6m and 61 filming days in 2012 to £2.3m and 140 filming days in 2014.
64. The Economic Growth and Prosperity Directorate is anticipating a small underspend of £0.1m for 2015/16.
65. The Growth and Regeneration Service is anticipating a balanced budget position in 2015/16. This includes the funding of strategic asset management and facilitating work associated with asset disposals.
66. The Investment Service is projecting a favourable outturn in the region of £0.2m, which is largely due to vacancy management. Funding for the Manchester Growth Fund is included in this service area for 2015/16 which is expected to be fully utilised by the year end.

Responsible Business

67. Business and Customer satisfaction with regulatory services remains high with 97% of respondents expressing satisfaction with the service they had received.
68. The Regulatory Services and Health service responded to 92% of its 1,800 service requests within five working days during the first quarter.
69. At the beginning of the year 94% of our food businesses that had been scored against the Food Hygiene Rating System scored 3

or above out of 5. Only 0.4% of business had a 0 score. 89% of all food businesses met the definition of 'Broadly Compliant' in relation to food hygiene.

70. Cheshire East now has ten Primary Authority relationships with business and two further businesses have expressed an interest in signing up. Primary Authority relationships nominate one local authority to be the Single Point of Contact for named regulatory aspects of a business irrespective of where they operate. This is a formal arrangement aimed to provide consistency of advice for regulators nationwide.
71. Cheshire East has entered into a Service Level Agreement with Stockport Metropolitan Borough Council for the third year running for the provision of animal health functions for Stockport.

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

Securing the Best Start in Life

72. The Council continued support to targeted schools and settings focussing on using and interpreting two year-old and Early Years Foundation Stage Profile (EYFSP) data.
73. The first quarter saw continued embedding of the Early Learning Development Programme and the Raising Early Achievement Literacy Programme. Pre-visit clusters were held prior to targeted (EYFSP) moderation visits.
74. Take up of the two-year-old offer continues to increase. 869 accessed the offer in the summer term. This equates to 70% of eligible two year olds compared with the national average of 63%. The higher than average take up in Cheshire East reflects the intensive support provided to parents and childcare providers.

Highest Achievements for All Learners

75. Cheshire East continues to maintain a high profile of Primary schools judged as Good or Outstanding, with over 93% falling into these categories. Recent inspections for Secondary schools has seen the percentage rise from 86% in last quarter to 90% with two further Inspections moving up from Requires Improvement (RI) to Good.
76. Work by the monitoring and intervention team has continued to focus on reducing the number of schools judged RI or Inadequate. This is now at a three year low, reducing from 15.4% of schools in October 2013, to 6.9% of schools in June 2015. Cheshire East is currently third in the national league table of schools with the highest proportion of schools that are Good or better.
77. Analysis of the pupils' achievement and progress given by Key Stage 2 tests and Key Stage 1 assessments taken in June is underway. Data for Key Stage 4 and Key Stage 5 will be available in August and will be compared with national data following its release in quarter three.

Achieve Aspirations

78. Cheshire East continues to be the best in the North West for the lowest number of young people not in education, employment and training (NEET), currently 2.8% or 315 young people. Intensive support is provided for young people through the Youth Support Service through one to one or targeted project based work. Cheshire East also has a very low number of young people whose destination is not known (currently 0.4% or 45 young people) - the best the North West. The Youth Service input around Education Health and Care has been a major development over the last 12 months, meaning increased partnership working, training, networking and statutory systems. It continues to be an area for development and challenge.
79. Cultural Economy have commissioned a programme of training and experience in Creative Industries for young people in Crewe

identified as being at risk of becoming NEET. This will be delivered through a partnership between Cheshire East Youth Theatre, Total People and HQ Theatres. Delivery will begin in September. Young people involved will gain an accredited qualification equivalent to a GCSE.

Inclusion

80. Increasing the number of cared for children in education, employment and training continues to be a priority. All destinations are currently known for cared for children; there are currently 36 cared for young people who are not in education, employment or training. New projects currently being developed include a new multi-agency NEET project and tailored career advice for the borough's cared for young people.
81. Further improvements have been made to the Cheshire East Local Offer, in order to improve residents' access to information on good quality local provision. The information Cheshire East (iCE) directory containing the Local Offer is now fully mobile responsive, meaning that residents can easily access information on local provision on the go. This also ensures that the site features highly on search engines such as Google. In addition, the iCE directory has undergone several version updates, which has increased the functionality of the site (e.g. separating service records and information pages) and improved the search function, thereby responding to feedback from local residents. Work is continuing with several other local authorities to further improve the search functionality via the introduction of a comprehensive thesaurus of search terms.
82. A £0.4m overspend is currently projected in Children and Families, which will be reduced by further ongoing remedial actions and new measures to be introduced following the end of the current service-wide, month-long Ofsted inspection. The budget is under pressure due to a number of factors, with the dominant issue being a growth in the Cared for Children population. The latest

number for this cohort is 379 which represents a 10% increase on the same point last year. The budget for 2015/16 anticipated a reduction in numbers. In addition, the issue is further exacerbated by the complexity being faced and the cost implications that this brings. This is best illustrated by the fact that one child alone cost almost £100,000 during the first quarter of 2015/16, the weekly cost being over £7,700, being the highest cost placement incurred during the lifetime of Cheshire East.

83. There remains pressure on the staffing budget with resources needed to meet the Ofsted Improvement Plan, and there also being ongoing recruitment and retention issues with the professional support cohort. As a result expenditure on Agency staff is leading to a predicted overspend on staffing budgets at this point. Further work is ongoing to increase the success of ongoing recruitment activity and, in turn, to reduce the reliance and budgetary impact of agency work. Initiatives such as Project Crewe should contribute in this area by helping social worker caseloads to reduce.
84. Whilst further remedial actions are developed ahead of Mid-Year Review to work downwards towards a balanced outturn, progress to date should be acknowledged with £2m of savings taken out, with numbers up by 10% and an overspend of only £0.4m (less than 1%) still to be resolved at this point.

4 ~ Cheshire East is a green and sustainable place

Development Management

85. The Local Plan Task Force has overseen the completion of the updated evidence for the local plan and the inspector's timetable of the end of July will be met for its submission. At its meeting on

21st July Cabinet endorsed the fresh evidence alongside suggested revisions to the Plan itself. The stage is now set for a resumption of the examination in the autumn.

86. The new building control and planning support company has successfully completed its first quarter of trading. Efforts are ongoing to improve market share for building control and overall performance for the planning support team.
87. Planning application performance for quarter one has continued with a strong and improved performance on 'Major' applications reflecting a clear focus on the high volume of large strategic schemes. 'Others' have seen a slight improvement while 'Minors' remain a priority for improvement over the coming quarters:
 - N157a (majors within time) - 68%
 - N157b (minors within time) - 55%
 - N157c (others within time) – 78%
88. Application volumes remain high and given resource pressures coupled with the continued high number of appeals, performance as a whole remains very strong.
89. Backlog of older applications may still impact on overall performance, as may further work for the Local Plan but improved resources over the coming quarters should provide a positive upward trend.
90. Strategic and Economic Planning Service has undertaken significant additional work with respect to the Local Plan and the need to respond to an increase in the number of planning appeals. Additional costs of £1.7m are expected to be incurred this year in respect of this activity. This is due to the need to engage the services of a number of external consultants, particularly legal advisors, coupled with the requirement to increase staffing levels within the service. These costs will be largely funded by the Planning Reserve and vacancy management overall within the directorate.

Waste Management

91. Quarter one shows a continuation of good results in recycling and residual waste levels following on from the Council's best ever year in 2014/15.
92. The re-use of waste through our partnership working with the charitable sector has shown an increase up from 280 tonnes in quarter one last year to 310 tonnes in quarter one of this year.
93. A key part of the Council's Waste Strategy is the ending of landfilling and the use of waste as a resource in the generation of energy. Last year saw a significant move away from landfilling black bin waste, with waste from the north of the Borough utilised for energy production resulting in an overall drop of 35% in waste sent to landfill. This continued through quarter one, with levels of landfill disposal and energy production likely to remain constant this year.
94. In the longer term the Council is investing in the infrastructure through the proposed Environmental Hub project to dramatically change levels of landfill diversion and energy production from 2016/17.
95. The Council is also currently undertaking feasibility work into dry anaerobic digestion, which has the potential to allow Cheshire East to collect food waste as part of our garden waste recycling scheme, creating energy, in addition to high quality recycled compost.

Carbon Management

96. The trend of reducing the Council's CO2 emissions through its programme of energy efficiency measures in its operational buildings has continued in 2015/16. The reduction of the Baseline emissions of 16,531 tCO2 has been reduced by 40% to

a current level of 9,918 tCO2 which is excess of the original 2016 target level of 12,401 tCO2.

97. The Council is progressing major investment in renewable technologies to complement heating plant upgrades in five of its top energy using buildings.
98. An extensive street lighting refurbishment programme has started to replace existing lamps with LED fittings that will reduce CO2 emissions by 30%.

Environmental Management

99. There have been 11 electric vehicle charge points successfully installed around the Borough using grant funding from the Office of Low Emission Vehicles; work is now underway to complete supporting administrative requirements for staff usage.
100. A random survey of rights of way indicates an ease of use statistic of 75%.
101. Satisfaction with Cheshire East Country Parks is currently at 93.4%. The Team are currently working with the Research and Consultation Team to improve the quantity and quality of collected data.
102. The Environmental Hub project is on track to be determined at the Strategic Planning Board meeting on 26th August and subject to approval will deliver a new facility opening in August 2016. The project is key in delivering the waste strategy and releases land to enable major expansion and investment in the motor industry in Crewe.
103. The construction of the Environmental Hub has led to a re-profiling of the savings associated with the re-letting of the waste disposal contract that was to be delivered in 2015/16 through the existing Crewe Depot. Overall, Environmental Operations is projecting a potential budget pressure of £0.2m against a net budget of £28.7m. This is a relatively small variance against budget and

there is potential for it to be mitigated by savings on the household waste recycling centre contract, re-letting of other contracts and positive income variances. At the next quarterly report it will be clearer if this pressure can be absorbed within the service.

104. Bereavement Services are currently projecting a balanced budget based on the first quarter income forecast against a net income budget of £1.2m.

Sustainable Energy

105. The Fairerpower energy scheme has now passed its 2,000th customer and numbers are rising month on month. The project continues to receive good media coverage and saving residents on average £229 per annum.
106. 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. This includes renewable technology application for Cheshire East's own stock assets and community energy schemes.
107. 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 autumn 2015, with a full feasibility report.
108. A planning application is currently being assessed for the single well geothermal project at the Manchester Metropolitan University campus in Crewe. A bidder information session for the deep geothermal district heating partner procurement was scheduled for July 2015. A procurement process will shortly be commenced to appoint a partner by December 2015.

109. Levels of landfill disposal and energy production are likely to remain constant this year. In the longer term the Council is investing in the infrastructure through the proposed Environmental Hub project to dramatically change levels of landfill diversion and energy production from 2016/17.

5 ~ People live well and for longer

Facilitating people to live independent, healthier and more fulfilled lives

110. During the first quarter, the Council successfully supported people to be independent by delivering 446 home adaptations (87 major adaptations; 359 minor adaptations), exceeding its quarterly target of 425.
111. At this early stage in the new Homes and Communities Agency 3-year affordable housing programme, 66 affordable homes were delivered during the first quarter, slightly under target, though starts / completions are always slower at the beginning of the programme, and it is anticipated to be back on target by year end.
112. The Council continued its proactive work to reduce levels of homelessness, achieving its target of 210 interventions during the first quarter.
113. Work has continued focusing on empowerment of individuals to manage a range of conditions and become more engaged in activities. The scoping meeting has been held with colleagues from Cheshire West. It has been agreed to commission the culture change training that has recently taken place in Wigan for those who attended the meeting, to test its validity for Cheshire. Work to determine the use of the Patient Activation Measure is also ongoing to establish whether or not to commission this locally.

114. The Council identified the needs of people who misuse substances (thus putting their accommodation at risk), in the Vulnerable People's Housing Strategy and the specification for Substance Misuse services recently recommissioned. In addition council members and elected politicians from Macclesfield particularly have expressed concern about the needs of this client group. As a result a specification for a pump-priming project has been jointly developed by public health and housing for a response from providers working in this specialist area. This is due to go to the market at the end of July and through a process of co-production with a number of providers it is hoped to have a service fully operational by January 2016. The specification covers provision of beds, housing support and access to specialist substance misuse services.

115. Public Health is expecting to have its ring fenced budget reduced in year from £14.3m to £13.3m, before the new responsibilities for 0-5 year olds are accounted for. This is the only specific in year reduction announced to date by the Chancellor, George Osborne. Public Health has developed and is implementing its agreed investment plan which targets resources on evidenced need. The financial plan remains to grow this investment whilst holding sufficient funds in its earmarked reserve. The investment in Public Health activities is fully funded using the existing ring fenced grant which has remained constant since the service transferred from the Health service to the Council (once the initial allocation was corrected).

116. New contracts have been successfully procured, for example, Drugs and Alcohol and Sexual Health where expenditure will decrease year on year, in turn, funding the targeted interventions now being implemented down to an individual ward level.

117. The Leisure commissioning service is currently forecasting a net nil variance against a net £2.1m budget, with the main element of the budget being the management fee paid to the Leisure Trust.

118. The number of early help assessments carried out in Cheshire East continues to increase, with an increasing number led by partner agencies.

119. A draft Alcohol Harm Reduction Strategy has been prepared and will be circulated for comment shortly. Updated data has been sought to include, but further work is required to interpret this and allow for prioritisation of interventions.

120. Work has progressed on the mental health commissioning review with the Public Health Teams in Cheshire East and Cheshire West and Chester jointly undertaking the needs assessment currently. There is also ongoing work in relation to workforce development and culture change. The Shared Care Record implementation project is also underway.

121. Thirteen Public Health Transformation Fund projects are now underway. These are:

- Catch 22 (MyChoice - Holistic Sexual Health Education, Advice and Guidance) - project proceeding to plan. Pebblebrook, Underwood West, Mons Coppenhall, Sir William Stanier, Kingsgrove schools identified for initial training sessions.
- Cheshire East CAB (Advice on Prescription) - Waters Green and Eagle Bridge selected as locations for project. Measures adopted to boost referrals as uptake initially slow.
- Cheshire East Council Public Rights of Way and Countryside Management Service (Walking to Wellbeing) - Two walking routes have been developed around Maw Green, Crewe. Ten week period of short ranger led walks running from July-Sept.
- Cheshire Without Abuse (Safer and Healthier Families) - working with 16 families in Crewe and Macclesfield (including two families where fostering would have been initiated without the intervention).
- End of Life Partnership (Cheshire Living Well, Dying Well) -

Early Intervention, Help and Prevention

currently asset mapping available resources for End of Life planning in the local community.

- Food Dudes (Food Dudes in our Schools) - project completed. Evaluation report being produced.
- NHS SCCCH (Diagnose Cancer Early – campaign) - preliminary work completed to agreed timescale included production of communications material for use in campaign.
- Peaks and Plains Housing Trust (Keeping Warm, Living Well) - Two Energy Champions have now been recruited, with referrals taken for the last two and a half months.
- Royal Voluntary Service (Staying Home Community Support) - project has made use of 680 volunteer hours already with 996 interactions completed with members of the public. Has been linking with Macclesfield Hospital over supporting discharge via befriending service.
- St. Luke's Hospice (Volunteer Befriending in Crewe and Nantwich) - volunteer coordinator now recruited, project proceeding to plan.
- The Reader Organisation (Reader in Residence Project) - project funding was delayed until beginning of April so still in its infancy. Project to focus resources particularly on Crewe but will also look to run reading based sessions in other parts of the Borough.
- CVS (social prescribing project) - project was funded in Round 4 so still in its infancy.
- YMCA (healthy conversation project) - project was funded in Round 4 so still in its infancy.

122. Public Health are developing a project which will introduce a single integrated assessment for lifestyle and wellness services. This will provide access to services that increase physical activity, improve diet, reduce alcohol usage and stop smoking etc thereby improving the health outcomes of local people in the Borough. This will also have the effect of increasing value for money and choice, with services focussed at a community level. A Market Engagement Event was successfully held on 16th July (which saw over 60 organisations attend) allowing us to gauge market

interest. A public consultation on the model has now also been launched (including continued engagement with stakeholders). The goal is to introduce the new support system (dependent on feedback and the view of Cabinet) by the end of March 2016.

123. The new Sexual Health service will commence on 1st October 2015 and provide a change of emphasis in the delivery of services, providing the majority of Sexual Health, genitourinary medicine (GUM) services and health promotion and prevention advice in local settings, whilst continuing to ensure access to specialist GUM care for those who need it.
124. These will complement other primary care commissioned services with GP practices and pharmacies. This approach is consistent with the direction of travel of both local integration programmes, and is what the public and other stakeholders asked for in the extensive pre-tender consultation work that was undertaken.
125. These plans have also been informed by research conducted for the Joint Strategic Needs Assessment. This identified that:
- The rate of sexually transmitted infections in Cheshire East is low compared to England, but attendances in our GUM commissioned services is high
 - There is a rising trend in the use of open access GUM services for sexual health screening in people without any symptoms of an STI (at both Leighton and East Cheshire Trust sites). In 2013 there were over 5,000 attendances that required no treatment. This is much higher than the regional norm across Cheshire and Merseyside
 - Our specialist hospital based GUM services are being used to meet the general sexual and reproductive health needs of residents that could be met more appropriately in other settings such as community sexual health clinics
 - There has been a significant rise in the number of patients attending GUM services for contraceptive advice (2,636 in 2013). Some of this activity could be delivered more cost-effectively and appropriately in family planning clinics or primary care in line with patient choice.

126. As a result of the contract change, expectations are to see:

- Continued low levels of sexually transmitted diseases in Cheshire East
- Reduced rate of teenage pregnancy
- Greater access to contraception and sexual health advice for priority groups (in particular young people and men)
- An increase in chlamydia screening and HIV testing for 15-24 year old age group
- Wider sexual health services that are commissioned by others working well with our new services (as explained within a Public Health England publication 'Making it Work – a guide for commissioners', September 2014).

127. Cheshire East Council and East Cheshire Trust will update stakeholders about the changes in services as the contract mobilisation phase progresses towards the launch of the service on the 1st October 2015. Current services remain the same until this point.

Accessible Services, Information and Advice

128. Our target to deliver 'Bikeability' Level 2 or 3 cycle training to young people in the Borough had another successful quarter, with 62 schools visited between April and June 2015, and training delivered to 1,949 young people (ahead of the quarter one target of 1,436).

129. Leisure facility attendances were recorded at 672,253 during quarter one. Whilst membership numbers are up considerably there has been a drop off in attendances in the under 16 category and those swimming. The Leisure Trust is currently reviewing a range of options to increase attendances in this area.

130. Quarter one audience figures for the Crewe Lyceum Theatre were 17,128, an increase on the same period in 2014/15.

Public Protection and Safeguarding

131. The number of cared for children who are in accommodation that is 20 miles beyond their original home address has reduced in the last two years and now stands at 59 (15.7% of the cared for children population). A stretching target of 10% has been set for 2015/16 within the Annual Sufficiency Statement for cared for children accommodation. The Sufficiency Statement includes an action plan to improve local accommodation, with the main steps being as follows:

- Improved recruitment and retention of our own fostering and adoptive carers
- Re-design of our three Children's Homes to ensure effective use which is also complementary to the external market
- Shaping and managing the external agency market
- Ensuring the school offer supports the ability to place our children locally.

132. The implementation of the 15 days assessment completion target is evidencing sustained improvement in the timeliness of completion of all assessments. This is ensuring that only the most complex cases take longer than 35 days to complete. The percentage completion rate for 45 days has steadily improved and for quarter one has increased from 77% in April to 96% in June. This continues to remain a focus of fortnightly challenge sessions with teams.

133. Cheshire East continues to monitor the attendance of 11+ year olds at their child protection conference and also sustained evidence of child participation in conference through either clear articulation of their wishes and feelings in collective reports and through discussions at visits. In quarter one there was evidence of child participation in 92% of cases. Training is currently being sourced for staff for the Strengthening Families model for child protection conferences, designed around better engagement with families.

134. Adult Services is projecting a £1m overspend. The budget continues to reflect financial pressure due to both the level and complexity of demand being faced. In addition, the funding of complex cases involving an element of health related support needs resolution with Clinical Commissioning Group colleagues. Investment in a number of initiatives alongside Health colleagues is being undertaken in pilot areas such as support for dementia sufferers and rapid response domiciliary care in order to improve the service for residents whilst also delivering financial efficiencies.

135. Work is currently underway to bring forward remedial actions to move the budget back into balance, including the fast tracking of Care Fund Calculator assessments and revised efficiency in-year targets across the directorate.

136. The Chancellor's recent announcement on the increase in the National Living Wage over the lifetime of this parliament will also bring financial pressure on all Social Service Departments nationally as providers will inevitably need assistance in terms of fee increases in order to meet these revised government requirements. Fee levels going forward are currently under consideration and detailed proposals will shortly be brought forward for member consideration.

137. The impact of the announcement with regard to the delay of the implementation of the Care Cap limits from 2016 to 2020 is being assessed both in terms of the financial impact and the operational considerations that the change brings.

6 ~ A Responsible, Effective and Efficient Organisation

138. At this early stage of the year, the overall budget for Chief Operating Officer Services is forecast to be underspent by £1.4m. Corporate Resources & Stewardship is forecasting an underspend of £1.3m, with the majority of the underspend (£1m) within the energy budget in Facilities Management. The

remaining underspend of £0.4m is due to predicted savings from staff vacancies across the service.

139. Small underspends against budget are being reported by Organisational Development (£51,000), Monitoring Officer & Head of Legal Services (£20,000), and Communications (£31,000). Balanced positions are being reported by Governance and Democratic, and Commissioning.

2. Financial Stability

Introduction

140. 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.
141. 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.
142. **Table 1** provides a service summary of financial performance at quarter one. For further details please see Section 1 and the notes below the table. Changes to service net budgets since Original Budget are analysed in **Appendix 2**.

Table 1 - Service Revenue Outturn Forecasts

	Revised Net Budget	Emerging Pressures	Remedial Actions	Current Forecast Over / (Underspend)	Outcome Number 1 - 5
	£000	£000	£000	£000	
Children & Families	43,366	1,829	-1,394	435	3, 5
Adult Social Care & Independent Living	95,080	7,435	-6,450	985	5
Public Health	0	0	0	0	5
Commissioning Services	57,113	685	0	685	2, 4, 5
Communities	9,187	899	-601	298	1, 2
Economic Growth & Prosperity	6,290	-130	0	-130	2
Chief Operating Officer	39,182	-1,414	0	-1,414	
TOTAL SERVICE OUTTURN	250,218	9,304	-8,445	859	

143. The impact of the projected service outturn position at this early stage of the financial year is to decrease balances by £0.9m. Further items impacting on the level of the Council's balances are detailed in the paragraphs below on centrally held budgets.
144. The Council has made considerable improvements in the way it manages its major change programmes. This has included extensive training, a refreshed methodology, the setting up of new monitoring and reporting arrangements and monthly reporting. In April 2013 the Council launched a corporate project and programme management framework to support achievement of the Three Year Plan. The framework focuses on capital or revenue projects or programmes where the total value exceeds £250,000, or poses significant risk to the Council. Progress is reviewed by a Member-led governance group, called the Executive Monitoring Board, which

is supported by a Technical Enabler Group and the Programme Management Office.

145. Monitoring of the current projects and programmes focuses on whether projects are expected to achieve the benefits set out in each business case within the timescales and budget initially agreed. Where progress on a specific project or programme is impacting on the outcomes contained in the Council's Three Year Plan details will be provided in Section 1 of this report. Where projects are not meeting time, quality or cost standards these will be considered by Cabinet as part of a monthly summary report.

Government Grant Funding of Local Expenditure

146. 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 2015/16 was £366.8m.
147. In 2015/16 Cheshire East Council's specific use grants held within the services was budgeted to be £270.6m based on Government announcements to February 2015. Further announcements have revised this figure down to £263.9m due to eight schools converting to academy status. 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 £96.2m, but further in-year grant announcements increased this figure to £96.7m at first quarter review.
148. Since the original budget was set, specific use grants have decreased by £6.7m. This is due to a reduction of c1,900 pupils due to eight academy conversions since the original budget was estimated.
149. Additional general purpose grants of £0.9m have been received during the first quarter of 2015/16. These include for example an additional £0.3m for Tackling Troubled Families, £0.1m for Individual Electoral Registration, and £0.1m for Extended Rights to

Free Transport. These increases have been partly offset by reductions in allocations for the Independent Living Fund (£0.2m) and Local Reform and Community Voices (£0.1m). Service spend will be in line with these reductions so no risk has been associated with these reduced allocations. Requests for the allocation of the additional grants received are detailed in **Appendix 10**.

150. **Table 2** provides a summary of the updated budget position for all grants in 2015/16. A full list is provided at **Appendix 3**.

Table 2 – Summary of Grants to date

	Original Budget	Revised Forecast FQR	Change
	2015/16 £m	2015/16 £m	2015/16 £m
SPECIFIC USE			
Held within Services	270.6	263.9	-6.7
GENERAL PURPOSE			
Central Funding	77.8	77.8	0.0
Service Funding			
Children & Families	0.5	0.9	0.4
Adult Social Care & Independent Living	3.5	3.3	-0.2
Environment	0.0	0.1	0.1
Communities	2.2	2.2	0.0
Economic Growth & Prosperity	0.6	0.8	0.2
Chief Operating Officer	11.5	11.6	0.1
Total Service Funding	18.4	18.9	0.6
TOTAL GENERAL PURPOSE	96.2	96.7	0.6
TOTAL GRANT FUNDING	366.8	360.6	-6.2

Collecting Local Taxes for Local Expenditure

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

Council Tax

152. Council Tax is set locally and retained for spending locally. Council Tax was frozen for 2015/16 at £1,216.34 for a Band D property. This is applied to the taxbase.
153. 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 2015/16 was agreed at 138,764.49 which, when multiplied by the Band D charge, means that the expected income for the year is £168.8m.
154. 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 £205.8m.

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

	£m
Cheshire East Council	168.8
Cheshire Police & Crime Commissioner	21.7
Cheshire Fire Authority	9.8
Town & Parish Councils	5.5
Total	205.8

155. 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.
156. 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 to date is £210.0m.

157. **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	98.1*
After 3 years	99.5	99.1*	**

* year to date

**data not yet available

158. The Council Tax in-year collection rate for 2015/16 shows a small increase at 30.2% compared to 30.1% for the same period in 2014/15.
159. Council Tax support payments (including Police and Fire) were budgeted at £18.6m for 2015/16 and at the end of the first quarter the total council tax support awarded was £15.8m. The Council Tax Support caseload has reduced since April 2014 and there have been more reductions in the Council Tax Support awards in the year than increased or new awards.
160. Consultation on proposed changes to the Council Tax Support Scheme for 2016/17 will be launched in August / September 2015, with the final scheme to be agreed by full Council later in the year when the results have been reviewed.
161. Council Tax discounts awarded are £18.7m which is broadly in line with the same period in 2014/15.

162. Council Tax exemptions currently awarded total £3.2m which is broadly in line with the same period in 2014/15.

Non-Domestic Rates (NDR)

163. 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 is the second year that the multiplier increase was capped by the Government at 2%.

164. The small business multiplier applied to businesses which qualify for the small business relief was set at 48.0p in 2015/16. The non-domestic multiplier was set at 49.3p in the pound for 2015/16.

165. Cheshire East Council has entered into a pooling arrangement with the Greater Manchester (GM) Authorities for the purposes of Business Rates Retention. The purpose of the pool is to maximise the retention of locally generated business rates to further support the economic regeneration of Greater Manchester and Cheshire East Councils. As a pool the members will be entitled to retain the levy charge on growth that would normally be paid over to Central Government. Cheshire East will retain 50% of this levy charge locally before paying the remainder over to the pool.

166. The Cheshire East and GM Pool are also taking part in a pilot scheme where the pool is now able to retain locally the 50% of “additional growth” in business rates which in the usual Business Rates Retention Scheme would be paid directly to DCLG.

167. Part of this arrangement means that the baseline for which growth in rates is set against has been reset to match the estimated rates to be collected as reported in January 2015. This level is £139.5m. Early estimates forecast that rates income should be in line with this baseline level.

168. **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	2012/13 %	CEC Cumulative	
		2013/14 %	2014/15 %
After 1 year	98.0	98.2	98.1
After 2 years	98.8	99.2	98.6*
After 3 years	99.4	99.4*	**

* year to date

**data not yet available

169. The business rates in-year collection rate for 2015/16 is currently 29.4% compared to 28.7% for the same period in 2014/15.

Capital Programme 2016/19

170. Since the reporting of the Capital Programme for the Budget Book in February 2015 the overall forecast expenditure for the next three years has increased by £15.5m as shown in **Table 6**.

Table 6 – Summary Capital Programme

	Original Total Forecast Budget 2015/19 £m	Amendments to Original Forecast Budget 2015/19 £m	Amended Original Forecast Budget 2015/19 £m	Budget Reductions £m	SCE's £m	Revised Total Forecast Budget 2015/19 £m
Children & Families	61.1	1.8	62.8	-0.7	0.3	62.4
Adult Social Care & Independent Living	3.4	0.0	3.4	0.0	0.1	3.5
Leisure	18.2	1.0	19.2	-0.1	0.0	19.1
Environment	16.5	3.4	20.0	0.0	0.0	20.0
Highways	62.2	0.8	63.0	0.0	3.8	66.8
Communities	1.8	0.6	2.4	0.0	0.0	2.4
Economic Growth & Prosperity	237.4	20.9	258.3	0.0	0.5	258.8
Chief Operating Officer	54.9	-17.2	37.7	0.0	0.2	37.9
	455.5	11.3	466.8	-0.8	4.9	471.0

Table 7 – Capital Funding Sources

	Original Budget £m	FQR Total Forecast Budget £m	Change £m
Grants	209.9	210.7	0.8
External Contributions	67.7	57.7	-10.0
Cheshire East Resources	177.9	202.6	24.7
Total	455.5	471.0	-15.5

Capital Budget 2015/16

174. At the First Quarter review stage the Council is forecasting expenditure of £153.3m in 2015/16. The in-year budget for 2015/16 has been revised from the budget book position of £146.3m to reflect the forecast expenditure for the financial year and any slippage reported at Outturn.

175. The capital programme is to be reported by the stages in the approval process and schemes that are noted as committed and in progress will have slippage monitored against during the year as these schemes should have commenced prior to or during 2015/16 and a detailed forecast expenditure plan should be in place. This equates to £89.3m of forecast expenditure in 2015/16. Schemes will be monitored on their progress during the year and re-categorised quarterly. This includes the net impact in 2015/16 of supplementary capital estimates, virements and budget reductions listed in **Appendices 5 to 8**.

171. The amendments to the original budget set at Council on 26th February 2015 are due to slippage from the 2014/15 capital programme and budget changes that have been approved since setting the budget totalling £11.3m. The slippage has now been included in the forecasts for this financial year as well as slipping in to future years.
172. The programme has also been revised to reflect budget reductions of £0.8m and Supplementary Capital Estimates of £4.9m contained in **Appendices 5 to 8**.
173. 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**.

Table 8 – Changes to the 2015/16 Capital Budget

	Original Budget	Revised FQR Budget	Forecast Exp	Current Forecast Over / Under Spend
	£m	£m	£m	£m
Children & Families	9.8	10.1	9.8	-0.3
Adult Social Care & Independent Living Leisure	0.0	0.8	0.8	0.0
Environment	10.4	10.3	9.3	-1.0
Highways	3.1	3.1	3.1	0.0
Communities	24.4	27.7	27.7	0.0
Economic Growth & Prosperity	1.4	1.4	1.4	-0.1
Chief Operating Officer	22.6	22.6	22.0	-0.6
Total	86.7	91.3	89.3	-2.0

part of the Council's capital programme and can now be removed. These are for noting purposes only.

Central Adjustments

Capital Financing Costs and Treasury Management

180. 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 £14m accounts for 6% of the Council's net revenue budget.

181. Investment income to June 2015 is £162,000 which is higher than the budgeted income of £50,000 for the period. The level of cash balances has remained high although market interest rates have remained relatively flat. However, investments in the CCLA Investment Management Ltd property fund, longer dated covered bonds and increasing use of corporate bonds has contributed to higher rates of interest earned on investments.

- The average lend position (the 'cash balance') including managed funds up to the end of June 2015 is £70.8m.
- The average annualised interest rate received on in house investments up to the end of June 2015 is 0.62%.
- The average annualised interest rate received on the externally managed property fund up to the end of June 2015 is 4.85%.

182. The Council's total average interest rate for 2015/16 up to the end of June is 0.92%. The returns continue to exceed our benchmark, the London Inter-bank Bid Rate for 7 days at 0.48%. The Council

176. **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.
177. **Appendix 6** lists requests for supplementary capital estimates and virements above £250,000 up to £1,000,000 to be approved by Cabinet.
178. **Appendix 7** lists one request for a supplementary estimate of £3.3m in respect of the Salix Loan funding received in 2015/16 to help the Council replace the existing traffic signals with LED technologies. A Virement has also been requested for £2.0m in respect of a new Pupil Referral Unit to be built on an existing Cheshire East site and is fully funded by Government Grants.
179. **Appendix 8** lists details of reductions of £0.8m in Approved Budgets where schemes are completed, will not be monitored as

does have a target in 2015/16 of aiming to achieve a return of Base Rate + 0.50% on investments provided investment activity is carried out in accordance with the Treasury Management Strategy and security is prioritised over yield. The base rate remained at 0.50% for the quarter so the target for average investment rate is 1.00%. Actual returns are currently slightly below this although additional investment at the end of June in the property fund should help to achieve this target in future months.

Table 9 – Interest Rate Comparison

Comparator	Average Rate to 30/06/15
Cheshire East	0.92%
LIBID 7 Day Rate	0.48%
LIBID 3 Month Rate	0.49%
Base Rate	0.50%
Target Rate	1.00%

183. At the First Quarter Year Review, the capital financing budget for interest charges and debt repayment remained on target.
184. All investments are made in accordance with the parameters set out in the Treasury Management Strategy Statement approved by Council on 26th February 2015. Further details of counterparty limits and current investments are given in **Appendix 9**.
185. At the end of the quarter, a further investment of £2.5m was made in the CCLA managed property fund bringing our total investment to £7.5m. This property fund has demonstrated consistently high returns over the last few years and underlying capital growth has been maintained. However, this fund should be judged over a 5 to 6 year period as returns and the underlying capital value of the fund can be volatile.
186. In the last 6 months, regulations concerning the security of funds at banks and financial institutions have changed. The effect is that although Government support has been removed, the risk of failure has decreased due to increased capital requirements but the effects

of failure to Local Authority investments are more serious due to bail-in requirements. The Council is therefore actively seeking to place more investments which are outside of the bail-in requirements. This is being achieved through the use of Covered Bonds and Corporate Bonds with maturity dates no longer than two years to tie in with our cash flow forecasts.

187. Covered Bonds provide security as they are backed up by collateral and still provide a good level of return. The Council has three investments in covered bonds totalling £7.5m due to mature between March 2016 and November 2016.
188. Corporate Bonds are not protected by collateral but are generally exempt from any bail-in requirements. Investment in Corporate Bonds are only made on advice from our Treasury Management advisors who review the company, the market and country in which they operate, the ranking of the bond and the credit worthiness assigned to it. As at 30th June the Council had two investments in Corporate bonds totalling £5.8m and has since invested a further £5m in two more corporate bonds. Full details are shown in **Appendix 9**.

Central Contingencies and Contributions

189. A budget of £1.0m is held centrally to meet past service Employer Pension contributions relating to staff transferred to the new supplier companies. It is forecast that spending will be in line with the budget.

Allocation of Additional Grant Funding

190. 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. This report seeks approval to services' requests

to incur additional expenditure in 2015/16 fully funded by additional grant. Details of the allocations are contained in **Appendix 10**.

Debt Management

191. The balance of outstanding debt has increased by £4.3m since quarter 4 of 2014/15. Balances remain within forecast levels and adequate provisions have been made. A summary of outstanding invoiced debt by Service is contained in **Appendix 11**.

Outturn Impact

192. The impact of the projected service outturn position could reduce balances by up to £0.9m as reported above (**para 143**).
193. Taken into account with the central budget items detailed above and the approved / requested use of general reserves below (**paras 196-197**), the financial impact described in this report could decrease balances by £3.1m as summarised in **Table 10**.

Table 10 – Impact on Balances

	£m
Service Net Budget Outturn	0.9
Central Budgets Outturn	0.0
Use of Reserves approved by Council	1.7
Use of Reserves for Council approval	0.5
Total	3.1

Management of Council Reserves

194. The Council's Reserves Strategy 2015/18 states that the Council will maintain reserves to protect against risk and support investment. The Strategy forecasts that the risk assessed level of reserves is likely to remain at £12.5m throughout the medium term.

195. The opening balance at 1st April 2015 in the Council's General Reserves as reported in the draft Statement of Accounts for 2013/14 is £14.7m.

196. At the February 2015 meeting, Council approved the use of £1.7m of general reserves in 2015/16, to be transferred to earmarked reserves to meet additional planning costs, potential increased insurance claims, and to support investment in sustainability.

197. Following the positive outturn position for 2014/15, Cabinet are asked to recommend to Council that £0.5m be transferred from balances to an earmarked reserve for Early Intervention Initiatives. The reserve will support projects to promote children and young people's emotional health, reduce self-harm, improve physical wellbeing in primary schools, and provide support to young parent families and parents of looked after children, working with our partners where appropriate.

198. The overall impact of service budgets, central budgets and Council decisions is identified in **Table 10** above. **Table 11** shows how this impacts on the forecast closing balance of general reserves.

Table 11 – Change in Reserves Position

	£m
Opening Balance at 1 April 2015	14.7
Impact on Balances at Quarter 1	-3.1
Forecast Closing Balance at March 2016	11.6

199. The projected balance of £11.6m reflects the current forecast that risks associated with budget achievement in 2015/16 may not actually materialise and this is slightly below the level planned in the 2015/18 Reserves Strategy. Actions to continue managing current risk will continue to be explored in the remaining months of the financial year. Overall the Council remains in a strong financial position given the major challenges across the public sector.

200. The Council also maintains Earmarked Revenue reserves for specific purposes. At 31st March 2015 balances on these reserves stood at £49.1m, excluding balances held by Schools. A contribution of £0.2m to the Emergency Assistance earmarked reserve was approved as part of the 2015/16 budget. Council also approved the transfer of a further £1.7m from general reserves into earmarked reserves in 2015/16 to provide for additional costs in Planning, and on Insurances, and to support investment in sustainability. These items brought the earmarked reserves balance available in 2015/16 to £51.0m. This report contains a request to transfer a further £0.5m in 2015/16 to an earmarked reserve for Early Intervention Initiatives.
201. During 2015/16, an estimated £30m will be drawn down and applied to fund service expenditure specifically provided for. Service outturn forecasts take account of this expenditure and funding.
202. A full list of earmarked reserves at 1 April 2015, and estimated movement in 2015/16 is contained in **Appendix 12**.

3. Workforce Development

203. This section sets out the Council's activities and progress in relation to HR, Organisational Development, Health and Safety, Workforce Development plans and changes to staffing levels.
204. A series of Big Event colleague conferences took place in early June held at the Crewe Lyceum Theatre to update staff on the direction and priorities of the Council and provide the opportunity for colleagues to ask questions. The conferences were well received and plans are being developed for further engagement events later in the year.
205. The Council has continued to offer a range of staff benefits such as green car scheme, bike to work scheme, childcare vouchers and additional annual leave. These salary sacrifice schemes offer a saving to both the employee and Council by allowing a portion of an employee's salary to be exchanged to purchase an accredited scheme. These payments are exempt from tax and National Insurance (NI) contributions. A further benefit is a reduction in our carbon footprint. Work is underway to develop this offering further.
206. Work is continuing to implement the Living Wage for directly employed staff with effect from 1 November 2015. This involves amending the Council's pay structure to add a scale point which equates to the Living Wage (£7.85 per hour) . As this change could affect the benefits payable to some people, the Council's Benefits team have offered to run confidential surgeries around the time of implementation to help individual staff understand the potential impact on their household.
207. Towards Excellence, the learning, development and staff improvement corporate training programme continues 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.
208. The delivery of City and Guilds accredited vocational courses in Health and Social Care supporting Adult Services, Business Administration and ATE (Adult Teaching) continues 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.
209. An awards ceremony was recently held to recognise and celebrate the learning and qualifications achievements of colleagues across the Council. Colleagues were presented with awards including the A* Apprentice of the Year 2015.
210. The Wellbeing and Resilience Group continues to develop interventions to help the organisation and staff become more resilient. Training sessions have been run for managers and staff, and short lunch time and team resilience sessions have also been well received. Three clinics for male staff were run during men's health promotion week.
211. A new Health & Safety Audit programme has commenced which targets Service Managers supporting corporate services. Responses are monitored to identify where to target health and safety resources and support. The buy-back period for schools to purchase a Health and Safety Service for the forthcoming academic year is open and runs until September 2015. Currently buy-back stands at 85.5%.
212. The HR consultancy offer to schools and academies has been extended to include one and three year contracts from September 2015. The service still offers a Gold or Silver Package and the Gold package now includes Mediation Support and one place on the Headteacher Workshop. The Three Year Gold Package has been popular with sixty schools and academies signing up. There are a number of schools who have yet to confirm their intentions.

Staffing Changes

213. The employee headcount at the end of June 2015 was 3,810, a 1.68% reduction from March 2015, predominantly as a result of employees transferring to Civicance on 1st April 2015.

Table 12 - Corporate core CEC employee headcount and FTE figures for April, May and June 2015

Directorate/Service (excludes ASDVs and Schools)	Apr-15		May-15		Jun-15	
	Headcount	FTE	Headcount	FTE	Headcount	FTE
Public Health	23	20.3	26	21.3	24	21.3
Media (Communications and PR)	8	7.9	8	7.9	8	7.9
Strategic Commissioning	2,834	2,079.5	2,829	2,077.6	2,843	2,084.5
Adults Social Care & Independent Living	1,144	873.9	1,142	871.1	1,145	874.1
Children's Services	1,162	764.0	1,161	766.1	1,169	769.3
Commissioning and Client Support	25	23.8	25	23.8	24	23.2
Communities	500	414.8	498	413.7	502	414.9
Chief Operating Officer	589	482.1	588	477.1	592	479.3
Commissioning	51	46.3	50	45.9	50	45.9
Corporate Resources & Stewardship	309	249.1	314	249.9	317	253.1
Democratic Services & Governance	87	56.1	88	57.1	88	56.1
Legal Services	36	31.9	36	31.9	37	31.9
People and OD	61	54.7	60	53.3	60	53.4
Apprentices	44	43.0	39	38.0	39	38.0
Economic Growth & Prosperity	365	292.7	355	283.0	355	281.6
Assets	29	28.0	26	25.0	26	25.0
Crewe – High Growth City	1	1.0	2	2.0	2	2.0
Investment	92	83.8	86	78.3	85	77.1
Strategic and Economic Planning	65	63.3	65	63.3	63	61.2
Strategic Infrastructure	9	8.5	8	7.5	8	7.5
Visitor Economy, Culture & Tatton Park	164	103.4	163	102.2	166	104.1
Cheshire East Council Total	3,812*	2,883.5	3,794*	2867.8	3,810*	2,875.6

214. **Table 13** demonstrates that over the first quarter in 2015/16 the cumulative average days lost to sickness was initially higher than 2014/15, however by the end of the quarter absence levels overall had dropped below the cumulative absence days lost to sickness in

2014/15 (2.61 days compared to 2.91 days lost per FTE employee) during the first quarter of the financial year.

Table 13 - Comparison of average days lost to sickness in the first Quarter of 2015/16 to the same period in 2014/15 (whole Council excluding Schools – year to date cumulative effect)

	Apr	May	Jun
Q1 2015/16	1.04	1.71	2.61
Q1 2014/15	1.02	1.62	2.91

Voluntary Redundancies

215. 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.

216. Seven people have left the Council under voluntary redundancy terms in quarter 1, two of whom held posts within the management grades (Grade 10 or above). The total severance cost, for all seven employees was £200,000, inclusive of redundancy and actuarial costs. Over the next five years, these reductions are estimated to save the Council over £1.26m (which is the combined accumulated costs of the deleted posts).

Appendices to First Quarter Review of Performance 2015/16

September 2015

Appendix 1 – The Three Year Council Plan



Appendix 2 – Changes to Revenue Budget 2015/16 since Original Budget

	Original Net Budget £000	Additional Grant Funding £000	Restructuring & Realignments £000	Other Virements £000	Quarter 1 Net Budget £000
Children & Families	42,923	443			43,366
Adult Social Care & Independent Living	95,331	-251			95,080
Public Health	0				0
Commissioning Services:					
Leisure	2,301		-171		2,130
Environmental	28,807	82	-120		28,769
Bereavement	-1,292				-1,292
Highways	11,046		62		11,108
Transport * see note			14,683		14,683
Building Control, Land Charges and Planning Support * see note			1,715		1,715
	40,862		16,169	0	57,113
Communities	9,187				9,187
Economic Growth & Prosperity * see note	22,205	156	-15,975	-96	6,290
Chief Operating Officer	39,275	101	-194		39,182
TOTAL SERVICE BUDGET	249,783	531	0	-96	250,218
Central Budgets					
Specific Grants	-18,363	-531			-18,894
Capital Financing	14,000				14,000
Corporate Contributions	912			96	1,008
Contribution to / from Reserves	241				241
	-3,210	-531	0	96	-3,645
TOTAL BUDGET	246,573	0	0	0	246,573

* Since February Council, the budgets for Transport, and for Building Control, Land Charges & Planning Support have been moved from Economic Growth and Prosperity to Commissioning Services.

Appendix 3 – Corporate Grants Register

Corporate Grants Register 2015/16 First Quarter Review		Original Budget	Revised Forecast	Change	SRE / Balances
		2015/16	FQR 2015/16	2015/16	(Note 2)
	Note	£000	£000	£000	
SPECIFIC USE (Held within Services)					
Schools					
Dedicated Schools Grant	1	160,635	154,136	-6,499	
Pupil Premium Grant	1	6,795	6,795	0	
Sixth Forms Grant	1	4,408	4,164	-244	
Total Schools Grant		171,838	165,095	-6,743	
Housing Benefit Subsidy		84,518	84,518	0	
Public Health Funding		14,274	14,274	0	
Restorative Justice Development Grant		8	8	0	
TOTAL SPECIFIC USE		270,638	263,894	-6,743	
GENERAL PURPOSE (Held Corporately)					
Central Funding					
Revenue Support Grant		39,182	39,182	0	
Business Rates Retention Scheme		38,607	38,607	0	
Total Central Funding		77,789	77,789	0	

Corporate Grants Register 2015/16 First Quarter Review		Original Budget	Revised Forecast FQR	Change	SRE / Balances (Note 2)
	Note	2015/16 £000	2015/16 £000	2015/16 £000	
GENERAL PURPOSE (Held Corporately)					
Children & Families					
Troubled Families		110	332	222	SRE
Troubled Families - Co-ordinator		85	200	115	SRE
Adoption Reform Grant (unringfenced element)		0	0	0	
Special Educational Needs Reform Grant		0	0	0	
Youth Detention - Looked After Children		0	0	0	
Youth Justice Grant		326	326	0	
Youth Rehabilitation Order - Junior Attendance Centre		0	33	33	SRE
Staying Put Grant		0	73	73	SRE
Special Educational Needs and Disabilities - New Burden		0	0	0	
Adult Social Care & Independent Living					
Local Reform and Community Voices Grant		265	195	-70	SRE (neg)
Independent Living Fund		1,000	749	-251	SRE (neg)
Adult Social Care New Burdens		2,272	2,272	0	
Care Bill Implementation Grant		0	0	0	
Social Care in Prison Grant		0	70	70	SRE
Environment					
Lead Local Flood Authorities		35	35	0	
Lead Local Flood Authorities - technical advice on surface water proposals		0	82	82	SRE
Communities					
Housing Benefit and Council Tax Administration		1,549	1,549	0	
NNDR Administration Grant		559	559	0	
Social Fund - Programme funding		0	0	0	
Social Fund - Administration funding		0	0	0	
Council Tax - New Burden		0	0	0	
Implementing Welfare Reform Changes		53	53	0	

Corporate Grants Register 2015/16 First Quarter Review		Original Budget	Revised Forecast	Change	SRE / Balances
			FQR		(Note 2)
	Note	2015/16 £000	2015/16 £000	2015/16 £000	
GENERAL PURPOSE (Held Corporately)					
Economic Growth & Prosperity					
Skills Funding Agency		628	628	0	
Extended Rights to Free Transport		0	128	128	SRE
Neighbourhood Planning Grant		0	20	20	SRE
Right to Move		0	3	3	SRE
Property Searches New Burdens - Tinklers		0	5	5	SRE
Chief Operating Officer					
Education Services Grant		3,000	3,000	0	
Council Tax Freeze Grant 2015/16		1,816	1,840	23	Balances
New Homes Bonus 2011/12		870	870	0	
New Homes Bonus 2012/13		1,844	1,844	0	
New Homes Bonus 2013/14		1,037	1,037	0	
New Homes Bonus 2014/15		1,356	1,356	0	
New Homes Bonus 2015/16		1,200	1,200	0	
Affordable Homes 2012/13		85	85	0	
Affordable Homes 2013/14		82	82	0	
Affordable Homes 2015/16		63	63	0	
New Homes Bonus 2015/16 - return of topslice		128	126	-1	Balances
Individual Electoral Registration		0	101	101	SRE
Total Service Funding		18,363	18,915	553	
TOTAL GENERAL PURPOSE		96,151	96,704	553	
TOTAL GRANT FUNDING		366,789	360,598	-6,190	

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

2 SRE - Supplementary Revenue Estimate requested by relevant service

Appendix 4 – Summary Capital Programme and Funding

Service	In-Year Budget	SCE's Virements Reductions	SCE's Virements Reductions	Revised In-Year Budget	Forecast Expenditure		
	FQR	During Quarter	FQR	FQR	2015/16	2016/17	2017/18 and Future Years
	2015/16 £000	2015/16 £000	2015/16 £000	2015/16 £000	2015/16 £000	2016/17 £000	2017/18 and Future Years £000
Children & Families							
Committed Schemes - In Progress	9,756	0	309	10,065	9,765	1,319	948
Committed Schemes at Gate 1 Stage	1,635	0	1,028	2,663	2,663	1,028	0
Medium Term and Rolling Programme	7,494	0	-2,340	5,154	5,154	5,481	5,944
Longer Term Proposals	100	0	0	100	100	0	30,000
Adult Social Care and Independent Living							
Committed Schemes - In Progress	0	0	764	764	764	0	0
Medium Term and Rolling Programme	1,808	0	-680	1,128	1,128	800	800
Commissioning Services:							
Leisure							
Committed Schemes - In Progress	10,410	0	-78	10,332	9,331	1,000	0
Committed Schemes at Gate 1 Stage	500	0	0	500	500	3,500	4,565
Longer Term Proposals	0	0	0	0	0	250	0
Environment							
Committed Schemes - In Progress	3,101	0	-2	3,099	3,099	0	0
Medium Term and Rolling Programme	9,077	0	0	9,077	16,093	140	0
Longer Term Proposals	470	0	0	470	470	183	0
Highways							
Committed Schemes - In Progress	24,376	0	3,305	27,681	27,681	3,062	0
Committed Schemes at Gate 1 Stage	0	0	500	500	500	0	0
Medium Term and Rolling Programme	0	0	0	0	0	17,927	17,637

Service	In-Year Budget	SCE's Virements Reductions	SCE's Virements Reductions	Revised In-Year Budget	Forecast Expenditure		
	FQR	During Quarter	FQR	FQR	2015/16	2016/17	2017/18 and
	2015/16 £000	2015/16 £000	2015/16 £000	2015/16 £000	2015/16 £000	2016/17 £000	Future Years £000
Communities							
Committed Schemes - In Progress	1,415	0	0	1,415	1,365	89	0
Longer Term Proposals	0	0	0	0	0	975	0
Economic Growth and Prosperity							
Committed Schemes - In Progress	22,557	63	6	22,626	21,986	2,776	2,127
Medium Term and Rolling Programme	10,180	0	500	10,680	6,290	6,753	2,300
Longer Term Proposals	33,293	0	0	33,293	25,021	59,631	131,921
Chief Operating Officer							
Committed Schemes - In Progress	15,103	0	208	15,311	15,311	0	0
Medium Term and Rolling Programme	608	0	0	608	608	9,425	6,997
Longer Term Proposals	5,550	0	0	5,550	5,550	0	0
Committed Schemes - In Progress	86,718	63	4,512	91,293	89,302	8,246	3,075
Committed Schemes at Gate 1 Stage	2,135	0	1,528	3,663	3,663	4,528	4,565
Medium Term and Rolling Programme	29,167	0	-2,520	26,647	29,273	40,526	33,678
Longer Term Proposals	39,413	0	0	39,413	31,141	61,039	161,921
Total Net Position	157,433	63	3,520	161,016	153,379	114,339	203,239

Funding Sources	2015/16 £000	2016/17 £000	2017/18 and Future Years £000
Grants	42,031	50,844	117,843
External Contributions	15,831	19,371	22,533
Cheshire East Council Resources	95,517	44,124	62,863
Total	153,379	114,339	203,239

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		
Children & Families		
Suitability/Minor Works/Accessibility Block Provision	208,806	Contributions from schools delegated budgets towards works being undertaken to improve sites.
Kitchens block (Gas interlock)	100,000	Contribution from School Catering surplus towards works of improving and expanding catering facilities in schools.
Adult Social Care & Independent Living		
Integrated Digital Care Record	84,051	Funding from the Department of Health towards the implementation of a system to integrate care records digitally across the north west.
Environment		
Adlington Road Section 106 Agreement	2,572	S106 funding identified to carry out enhancement works at Adlington Road Park.
Chief Operating Officer		
Asset Management Programme	141,021	Additional funding identified due to insurance settlement in relation to storm damage reinstatement works at Kingsgrove High School.
Asset Management Programme	67,000	To fund Carbon Reduction work on the Council's assets funded by the Climate Change Earmarked Revenue Reserve.
Total Supplementary Capital Estimates	603,450	

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		
Adult Social Care & Independent Living		
Health Integration Equipment	100,000	To be vired from the Community Capacity Grant to ensure that social care professionals and those who support them have the right technology and tools to do their jobs in community integrated teams.
NHS Number - Patient Demographic Service Integration	20,000	To be vired from the Community Capacity Grant to enable integration between electronic case management systems in Cheshire East and the NHS Patient Demographic Service.
Care Act Information Solutions	200,000	To be vired from the Community Capacity Grant to procure and implement the necessary solutions to meet the requirements of the Care Act 2016.
Sensory Room - Crewe Lifestyle Centre	50,000	To be vired from the Community Capacity Grant for equipment for the Crewe Lifestyle Centre sensory room.
Information in Your Hands	30,000	To be vired from the Community Capacity Grant for piloting putting information in the hands of our residents.
Children & Families		
Suitability/Minor Works/Accessibility Block Provision	215,079	Contributions from schools Devolved Formula Capital Allocations towards works being undertaken to improve sites.
Leisure		
Sandbach United Football Club	12,000	A virement from the completed Nantwich Pool Scheme to fund the retention monies owed to the contractor on the Sandbach United Project. Funded by Prudential Borrowing

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		
Environment		
Odd Rode Footpath No. 22 S106	10,195	Target costs now identified for Odd Rode Footpath, and the additional funding needed to be covered. LTP 2015-16 grant allocation moved from ROWIP Cycle/Walking Schemes.
Highways & Transport		
Bridge Maintenance Minor Works	12,923	LTP grant funding to be moved from Air Quality where the maximum budget including roll forward is to be £30,000. Vire £12,923 to Bridge Maintenance for works.
A556 Knutsford to Bowdon	20,000	LTP grant funding to be moved from Strategic Programme Delivery vired to A556 Knutsford to Bowdon where land transfer needs to get resolved as soon as possible.
Road Safety Cycle Scheme	3,762	LTP grant 2015/16 grant allocation moved from ROWIP Cycle/Walking Schemes to cover residual expenditure.
Total Capital Budget Virements Approved	673,959	
Total Supplementary Capital Estimates and Virements	1,277,409	

Appendix 6 – Request for Supplementary Capital Estimates and Virements above £250,000

Capital Scheme	Amount Requested £	Reason and Funding Source
Cabinet are asked to approve the Supplementary Capital Estimates and Virements above £250,000 up to and including £1,000,000		
Supplementary Capital Estimates		
Economic Growth & Prosperity		
Housing Innovation Fund	500,000	To enable affordable housing in Cheshire East funded by Right to Buy Capital Receipts.
Highways & Transport		
A500 Dualling scheme	500,000	To fund Initial development work on the A500 Widening scheme funded by Section 106 funds.
Total Supplementary Capital Estimates Requested	1,000,000	
Capital Budget Virements		
Adults Social Care & Independent Living		
Adults Case Management	280,000	To be vired from the Community Capacity Grant to continue to implement the case management solution in Adults Social Care.
Total Capital Budget Virements Requested	280,000	
Total Supplementary Capital Estimates and Virements	1,280,000	

Appendix 7 – Request for Supplementary Capital Estimates and Virements above £1m

Capital Scheme	Amount Requested £000	Reason and Funding Source
Cabinet are asked to request Council to approve the Capital Virements and SCEs over £1,000,000		
Supplementary Capital Estimates		
Highways		
Lanterns - Salix Investment	3,321,000	Salix loan funding to be used to replace the existing traffic signals with LED technologies.
Total Supplementary Capital Estimates Requested	3,321,000	
Capital Budget Virements		
Children's and Families		
Pupil Referral Unit - New Site	2,056,000	This virement, from the capital maintenance block budget, relates to a scheme to create a new Pupil Referral Unit. Endorsed at Gateway 1 during June 2015, and will be funded by grants provided by the Department of Education.
Total Capital Budget Virements Requested	2,056,000	
Total Supplementary Capital Estimates and Virements	5,377,000	

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				
Adults				
Anticipated Condition Grant	6,959,337	6,287,970	-671,367	Reduction in the anticipated funding from the Department of Education.
Basic Need Block	9,168,000	9,108,000	-60,000	Anticipated Section 106 contribution not received.
Environmental				
Odd Rode Footpath No. 22 S106	15,000	8,561	-6,439	Budget reduced to match Section 106 funding available.
Bollington Cross Playing Fields	10,678	2,200	-8,478	Budget reduced to match Section 106 funding available.
Leisure				
Nantwich Pool Enhancements	1,629,250	1,605,250	-24,000	Project Complete.
Leisure Centre ICT Member System	200,000	153,000	-47,000	Project Complete.
Pool Hoists and Strobe Lighting - Access for Disabled Users	27,044	21,153	-5,891	Project Complete.
Squash Court Refurbishments	110,000	108,705	-1,295	Project Complete.
Total Capital Budget Reductions	18,119,309	17,294,839	-824,470	

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. The maximum amount and duration of investments with any institution depends on the organisations credit rating, the type of investment and for banks and building societies, the security of the investment. Generally credit rated banks and building societies have been set at a maximum value of £5m for unsecured investments and £10m for secured investments. Any 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 50% 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. The limits in the Treasury Management strategy also apply to investments in foreign banks subject to an overall limit of 40% of our total investments in foreign countries and a limit of £10m per country. Foreign investments held at 30th June 2015 total £11m over four countries.
3. To maintain diversification of 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 been some changes in 2015/16 following the regulatory changes and withdrawal of Government support although these changes have not been as severe as expected. Government support has

generally been replaced by greater loss absorbency capability. However, as the impact of any bank failure on Council investments is now greater, the following measures are being taken to reduce the risk of being bailed in:

- a. Invest in more secure financial instruments such as Covered Bonds and Repurchase Agreements (REPO's)
 - b. Invest in highly rated Corporate Bonds which will not be subject to any 'bail-in risk'
5. Covered Bonds are fixed period investments (typically three to ten years) which are tradeable and where the investment is backed by collateral. These bonds are exempt from any 'Bail-in' requirements and gives the Council protection in the event the Counterparty gets into difficulties. Bonds are rated depending on their collateral so it is possible that a bond is acceptable to the Council where an unsecured deposit would not be.
 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. The Council is making arrangements with Clearstream who can provide the third party facilities and are internationally regarded.
 7. **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	Secured Limits		Investments as at 30 th June 2015	
UK Banks				
Lloyds	10%	£5m	7%	£5.0m
Standard Chartered	10%	£5m	7%	£5.0m
Barclays Bank	10%	£5m	6%	£4.4m
Santander	10%	£5m	6%	£4.3m
Foreign Banks				
Credit Suisse	10%	£5m	4%	£3.0m
Deutsche Bank	10%	£5m	6%	£4.0m
Svenska Handelsbanken	10%	£5m	1%	£1.0m
Building Societies	10%		15%	
Coventry Building Society	10%	£1m	2%	£1.0m
Cumberland Building Society	10%	£1m	2%	£1.0m
Leeds Building Society	10%	£1m	1%	£1.0m
Mansfield Building Society	10%	£1m	1%	£1.0m
National Counties Bldg Soc	10%	£1m	1%	£1.0m
Nationwide Building Society	10%	£5m	7%	£5.0m
Vernon Building Society	10%	£1m	1%	£1.0m
Other				
Lancashire County Council	10%		4%	£3.0m
Money Market Funds	50%		15%	
Aberdeen	25%	£10m	1%	£0.6m
CCLA	25%	£10m	1%	£0.5m
Federated Prime Rate	25%	£10m	6%	£4.1m
Ignis	25%	£10m	3%	£1.9m
JP Morgan	25%	£10m	1%	£1.0m
Morgan Stanley	25%	£10m	3%	£2.1m

Counterparties	Secured Limits		Investments as at 30 th June 2015	
Secured Investments				
Bank of Scotland (Cov'd Bond)	10%	£10m	3%	£2.5m
Yorkshire BS (Covered Bonds)	10%	£10m	7%	£5.0m
Corporate Bonds				
Heathrow Funding Ltd	10%	£5m	4%	£2.8m
Volkswagen Finance Ltd	10%	£5m	4%	£3.0m
Externally Managed Funds		50%		
Property Funds	50%		11%	£7.5m
				£71.7m

8. As at 30th June there was more cash invested in Building Societies than permitted under the Treasury Management Strategy. This is partly due to investments made before the start of the current strategy and partly as a result of cash balances falling further than expected in May. These investments matured in July bringing the Council back within its limits.

Table 2 – Types of Investments and Current Interest Rates

Instant Access Accounts	Avg rate %	£m
Instant Access Accounts	0.34	1.4
Money Market Funds	0.53	10.2

Fixed Term Deposits (Unsecured)	Start	Maturity	Rate %	£m
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
Nationwide Building Society	31/03/2015	09/07/2015	0.52	3.0
Standard Chartered CD	01/04/2015	01/10/2015	0.82	5.0
National Counties Building Society	01/04/2015	09/07/2015	0.55	1.0
Vernon Building Society	01/04/2015	09/07/2015	0.55	1.0
Lloyds Bank	01/04/2015	01/07/2015	0.57	3.0
Barclays Bank	02/04/2015	02/07/2015	0.52	1.0
Cumberland Building Society	07/04/2015	16/07/2015	0.54	1.0
Coventry Building Society	17/04/2015	24/07/2015	0.46	1.0
Credit Suisse	23/04/2015	31/07/2015	0.56	3.0
Leeds Building Society	27/04/2015	05/08/2015	0.49	1.0
Santander	27/04/2015	05/08/2015	0.58	3.0
Lloyds Bank	15/05/2015	17/08/2015	0.57	2.0
Santander	03/06/2015	29/09/2015	0.54	1.3
Lancashire County Council	25/06/2015	18/12/2015	0.47	3.0
Mansfield Building Society	29/06/2015	25/09/2015	0.53	1.0

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
Bank of Scotland	17/06/2015	08/11/2016	0.84	2.5

Corporate Bonds	Start	Maturity	Rate %	£m
Volkswagen Financial Services	27/04/2015	23/05/2016	0.90	3.0
Heathrow Funding Ltd	08/05/2016	31/03/2016	0.90	2.8
Externally Managed Funds				£m
Property Fund				7.5

Maturity Profile	£m
Instant Access	11.6
Maturing < 1 month	18.0
Maturing within 1 - 6 months	21.3
Maturing within 6 - 12 months	10.8
Maturing within 1 – 2 years	2.5
Externally Managed Funds	7.5
Total	71.7

Appendix 10 – Requests for Allocation of Additional Grant Funding

Children and Families	Tackling Troubled Families (General Purpose)	337	<p>In April 2012, the Government launched the Troubled Families Programme: a £448m scheme to incentivise local authorities and their partners to turn around the lives of 120,000 troubled families by May 2015. The first programme worked with families where children were not attending school, young people were committing crime, families were involved in anti-social behaviour and adults were out of work.</p> <p>The expanded Troubled Families Programme will retain the current programme's focus on families with multiple high cost problems. However, it will also reach out to families with a broader range of problems, including those affected by domestic violence and abuse, with younger children who need help, where crime and anti-social behaviour problems may become intergenerational and with a range of physical and mental health problems.</p>
Children and Families	Youth Rehabilitation Order (YRO) - Junior Attendance Centre (JAC) (General Purpose)	33	The purpose of this Grant for JACs is to enable the local authority to provide one or more JAC(s) in order to meet the demand for attendance centre requirements from the courts they serve. JACs are expected to address offending and reoffending behaviour by children and young people and any intervention provided must have this principle as its core aim.
Children and Families	Staying Put (General Purpose)	73	<p>The Children & Families Act 2014 introduced a new duty on local authorities to support young people to continue to live with their former foster carers once they turn 18. This duty came into force on 13th May 2014.</p> <p>The purpose of the grant is to provide support to local authorities in England towards expenditure lawfully incurred or to be incurred by them in respect of a young person aged 18 and their former foster carer to continue to live together in a 'Staying Put' arrangement. For the purposes of this grant, 'young person' means a former relevant child who was looked after immediately prior to their 18th birthday. This supported arrangement can continue until the young person's 21st birthday.</p>
Adult Social Care and Independent Living	Independent Living Fund (General Purpose)	(251)	Originally budgeted in 2015/16 at £1m. Final allocations have come in at £748,654 to reflect the reduced expenditure requirements. Matches with estimated service spend so no risk identified.

Adult Social Care and Independent Living	Local Reform and Community Voices Grant (General Purpose)	(70)	Originally budgeted in 2015/16 at £270,000. Final allocations have come in at £200,000. Matches with estimated service spend so no risk identified.
Adult Social Care and Independent Living	Social Care in Prison Grant (General Purpose)	70	<p>The provision of social care in prisons is a new burden for local authorities introduced as part of the Care Act.</p> <p>The Act establishes that the local authority in which a prison, approved premises or bail accommodation is based will be responsible for assessing and meeting the care and support needs of the offenders residing there.</p> <p>The provision of care and support for those in custodial settings is based on the principle of equivalence to provision in the community. The Act clarifies the application of Part 1 for people in custodial settings, including aspects which do not apply.</p> <p>The service are already in discussions with Styal prison about the provision of care assessments and eligible social care needs. A high cost individual care package of £237,000 has already been identified.</p>
Environment	Lead Local Flood Authorities - technical advice on surface water proposals (General Purpose)	82	Cheshire East Council as Lead Local Flood Authority (LLFA) will receive this support grant as Statutory Consulter for the planning process. The funding is to cover preparation costs such as staffing, training ,standing advice, setting up of new IT systems and processes, dedicated drainage design software (microdrainage or similar approved), to undertake new duties and for purposes of capacity building within the authority.
Economic Growth and Prosperity	Extended Rights to Free Transport (General Purpose)	128	The Department for Education provides additional transport funding to local authorities to support children from low-income families to be able to attend schools further from home than the statutory walking distances.
Economic Growth and Prosperity	Neighbourhood Planning Grant (General Purpose)	20	A grant of £20,000 is to be provided to the Council by the Department for Communities and Local Government for four designated Neighbourhood Areas. This is to support these local communities to prepare a neighbourhood plan. This is the first designation this financial year. The grant is not ring fenced to Neighbourhood Planning so can be used to support the wider Spatial Planning function.

Economic Growth and Prosperity	Right to Move (General Purpose)	3	Some of the local authorities that responded during the consultation process, on the Right to Move, identified an additional cost from the proposal to implement statutory guidance to encourage local authorities to set aside a proportion of lets for cross-boundary moves (the 'Right to Move quota'). A new burdens assessment was carried out to quantify the additional work required to implement the guidance on the Right to Move quota. The £3,044 grant funding in 2015/16 will cover these costs.
Economic Growth and Prosperity	Property Searches New Burdens – Tinklers (General Purpose)	5	Authorities who were defendants to the Tinkler Claimants' claims received an interim new burdens payment from Central Government on 1 July 2015 in respect of claims for fees for personal searches of the local land charges register, interest and legal costs.
Chief Operating Officer	Individual Electoral Registration (General Purpose)	101	The Cabinet Office has provided an original grant of £101,000 for the implementation of Individual Electoral Registration.
TOTAL		531	

Appendix 11 – Debt Management

1. In addition to the collection of Council Tax and National Non-Domestic Rates the Council also issues invoices to organisations or individuals for certain key services. Performance related to Council Tax and Non-Domestic Rates is contained in Section 2 of this report.
2. Annually, the Council raises invoices with a total value of around £50m. This includes around £25m in Adult Social Care relating to client contributions towards care packages and income from Health on pooled budget and partnership arrangements.
3. Total Invoiced Debt at the end of June 2015 was £12.1m. After allowing for £3.9m of debt still within the payment terms, outstanding debt stood at £8.2m. This is £4.3m higher than at the end of 2014/15, largely due to invoices for Adult Care raised against Health.
4. The total amount of service debt over 6 months old is £2.5m which is £0.3m higher than older debt reported at the end of 2014/15.
5. Services have created debt provisions of £2.4m to cover this debt in the event that it needs to be written off.
6. 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.

	Outstanding Debt £000	Over 6 months old £000	Debt Provision £000
Children & Families	234	9	9
Adult Social Care & Independent Living	6,645	1,687	1,767
Public Health & Wellbeing	4	0	0
Leisure	9	9	9
Environmental	189	153	153
Highways	453	336	314
Communities	17	17	18
Economic Growth & Prosperity	468	194	113
Chief Operating Officer	143	72	62
	8,162	2,477	2,445

Appendix 12 – Earmarked Reserves

Name of Reserve	Opening Balance 1 April 2015 £000	Movement in 2015/16 £000	Balance at 31 March 2016 £000	Notes
Children & Families				
Long Term Sickness	350	0	350	Carried forward surplus of contributions paid by schools ~ operated as a trading account.
Education All Risks (EARS)	343	0	343	Carried forward surplus of contributions paid by schools ~ operated as a trading account.
Children's Social Care	377	-277	100	To support implementation of Children's Social Care bill.
Adult Social Care & Independent Living				
Extra Care Housing PFI	1,681	198	1,879	Surplus grant set aside to meet future payments on existing PFI contract which commenced in January 2009.
Individual Commissioning	309	-309	0	To provide capacity to perform Deprivation of Liberties and Best Interest reviews of care customers following recent case law.
NHS Section 256	3,535	-3,535	0	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	1,972	-1,172	800	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	160	-160	0	Mercury abatement income set aside to fund potential replacement cremators as per the capital programme.
Highways				
Winter Weather	240	120	360	To provide for future adverse winter weather expenditure.

Name of Reserve	Opening Balance 1 April 2015 £000	Movement in 2015/16 £000	Balance at 31 March 2016 £000	Notes
Communities				
Communities Investment	1,788	-1,473	315	Amalgamation of promoting local delivery; grant support; new initiatives and additional funding from outturn to support community investment.
Emergency Assistance	845	-400	445	Carry forward of underspend on previous years' schemes to provide for future hardship payments.
Economic Growth & Prosperity				
Building Control	168	0	168	Ring-fenced surplus (could be used to offset service deficit, if applicable)
Tatton Park	222	0	222	Ring-fenced surplus on Tatton Park trading account.
Economic Development	141	0	141	Support for town centres and economic development initiatives.
Planning Costs and Investment Service Structure	1,000	-1,000	0	To meet potential costs within the Planning Service and Investment Service Structure.
Chief Operating Officer				
Elections	604	-604	0	To provide funds for Election costs every 4 years.
Climate Change	67	-67	0	Renewable Energy project.
Insurance & Risk	2,695	305	3,000	To settle insurance claims and manage excess costs.
Investment (Sustainability)	8,681	-7,622	1,059	To support investment that can increase longer term financial independence and stability of the Council.
Pension Contributions	173	-173	0	To meet impact of reduced workforce on fixed contribution to Past Service Pensions deficit.
Business Rates Retention Scheme	4,648	152	4,800	To manage cash flow implications as part of the Business Rates Retention Scheme.
Financing	4,820	0	4,820	To provide for financing of capital schemes, feasibility studies, and other projects and initiatives.

Name of Reserve	Opening Balance 1 April 2015 £000	Movement in 2015/16 £000	Balance at 31 March 2016 £000	Notes
Cross Service				
Trading Reserve	36	0	36	The Authority's share of ASDVs net surplus to be spent in furtherance of the ASDV's objectives.
Service Manager carry forward	5,244	-3,753	1,491	Allocations for Cost of Investment or grant funded expenditure.
Revenue Grants - Dedicated Schools Grant	8,184	-8,184	0	Unspent specific use grant carried forward into 2015/16.
Revenue Grants - Other	2,733	-2,401	332	Unspent specific use grant carried forward into 2015/16.
TOTAL	51,016	-30,355	20,661	

Notes:

1. Figures exclude Schools balances of £7.499m at 1st April 2015

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Cheshire East Council

Council

Date of Meeting: 22 October 2015

Report of: Head of Legal Services and Monitoring Officer

Subject: Proposed changes to the Council's Constitution

1. Report Summary

- 1.1 On 17th September 2015 a report was brought to the Constitution Committee which proposed a number of changes to the Constitution intended to bring benefits to the Council's decision-making and other arrangements.
- 1.2 The Constitution Committee decided to recommend the changes contained within that report, subject to a number of amendments, to Council.
- 1.3 This report sets out the Constitution Committee's recommendations to Council.

2. Recommendations

The Committee recommends to 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 to 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 Council for approval.
- 2.2 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 as he/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 (including amendments and revisions to the Proper Officer Functions).

2.3 In relation to the Planning Committees that:

- (a) From the start of the next Municipal Year the Strategic Planning Board, and the Northern and Southern Planning Committees be reduced in size to 12 with a composition of 8:2:2 (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;
- (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; and
- (d) the operational effectiveness be kept under review.
- (e) That the Constitution be amended as set out in Appendix 1 to reflect that there are to be no substitutes at Planning Committee other than named substitutes

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, that lobby groups be included within the time allowed for objectors/supporters to speak.

- 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 ordinary 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, in consultation with the Head of Paid Service, to make such changes to the Constitution as he/she considers are necessary to give effect to the wishes of Council in respect of such staffing matters as were considered at the Council meeting of 23rd July 2015 and to incorporate the changes that were put before the Committee on the 26th March 2015 that have not been superseded by the subsequent changes in the staffing structure.
- 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 amended as follows:
- “(c) where time permits, questions which are of a topical nature be accepted **where the Mayor deems it to be appropriate.**”.
- 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 those members of that body who respond within 2 working days 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. If a decision is deemed an urgent decision caused by a failure to plan appropriately or work without due regard to timeliness, the circumstances giving rise to the need for an urgent decision should be reported to the Audit and Governance Committee on a quarterly basis.”

- 2.18 That Paragraph 6 of the Mayoralty Code of Practice (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 Committee’s 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 and Governance Committee, like all of the Council’s Committees, must be politically balanced. However the success of the Audit and Governance 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 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 Member’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 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;”

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 Director of Planning & Sustainable Development.

- 2.24 That the paragraph 2 (b) of the Strategic Planning Board terms of reference (Constitution page 89) 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 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.

- 2.26 That the wording of paragraph 3.2 (Constitution page 30), which relates to Task and Finish Groups, be amended to read as follows:

“Any Committee which sets up a Task and Finish Group will appoint its Chairman (and Vice-Chairman, if appropriate) and agree the membership. This must be cross party.”

- 2.27 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.

- 2.28 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.

- 2.29 That paragraph 22.1 (Constitution page 196) which relates to the term of office of Members of 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.”

- 2.30 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

- 2.31 That the Constitution is amended in accordance with the changes set out in Appendix 7 (Local Choice Functions).
- 2.32 The Committee recommends to Council that the Constitution is amended in accordance with the changes set out in Appendix 8 (Contract Procedure Rules) and the Chair and Vice-Chair of the Constitution Committee agree the content and format of the Procurement Engagement Form.
- 2.33 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 Council on 22 October 2015.
- 3.4 On 26th June 2014 a report was brought to Audit and Governance Committee for the approval of an amended Whistleblowing Policy and its adoption in accordance with the Committee’s terms of reference. Accordingly the Audit and Governance Committee resolved that approval be given to the proposed amendments to the Whistleblowing Policy and that the Head of Legal Services and Monitoring Officer report back to the Committee as necessary. Council is asked to note that the amended copy of the Whistleblowing Policy has duly been inserted into the Constitution.

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

3.5 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:

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

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

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

The Head of Legal Services and Monitoring Officer will periodically report back to Members of the Constitution Committee in a "mop up" report to record the amendments that have been made in accordance with this delegation.

3.5.4 **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, as he/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

Including amendments and revisions to the Proper Officer Functions).

Constitutional changes: approval by Members

- 3.6 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.
- 3.7 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.
- 3.8 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.
- 3.9 **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 to 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

- 3.10 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).
- 3.11 It is the view of officers that the size of the committees should now be reconsidered. The following are considerations:
- 3.11.1 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.

- 3.11.2 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.
- 3.11.3 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.
- 3.12 Following discussions the Constitution Working Group have recommended that there are to be no substitutes at Planning Committee save for named substitutes who have received planning training and are also members of another planning committee.
- 3.13 **The Committee is therefore asked to recommend to Council:** that
 - 3.13.1 From the start of the next Municipal Year the Strategic Planning Board, and the Northern and Southern Planning Committees be reduced in size to 12 with a composition of 8:2:2 (Conservative: Labour: Independent) for each Board/ Committee;
 - 3.13.2 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;
 - 3.13.3 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, and
 - 3.13.4 the operational effectiveness be kept under review.
 - 3.13.5 That the Constitution be amended as set out in Appendix 1 to reflect that there are to be no substitutes at Planning Committee other than named substitutes.

Planning Scheme of Delegation to Committee and Officers

- 3.14 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.
- 3.15 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.

- 3.16 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.
- 3.17 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.
- 3.18 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. However, there will be a presumption that a call in request by a local ward member will be agreed where the application is for the renewal (or extension of time) of extant unimplemented permissions.
3. Where the application is to vary or remove a condition that was imposed by the Planning Committee it will not be delegated.
4. 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. However, there will be a presumption that a call in request by a local

ward member will be agreed where the application is for the renewal (or extension of time) of extant unimplemented permissions.

3. Where the application is to vary or remove a condition that was imposed by the Planning Committee it will not be delegated.
 4. 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.
- 3.19 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 but will be amended to extend the period for call ins from 10 to 15 days in order to give members greater flexibility.
 - 3.20 There will be a presumption that a call in request by a local ward member will be agreed where applications are for the renewal (or extension of time) of extant unimplemented permissions.
 - 3.21 Where the planning application is to vary or remove a condition that was imposed by the Planning Committee it will not be delegated.
 - 3.22 A report will be presented to the Constitution Committee after 6 months to review how these changes are operating in practice. There will also be regular quarterly reports to Strategic Planning Board regarding the call in process, setting out the number of call ins during that quarter.
 - 3.23 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.
 - 3.24 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.
 - 3.25 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.
 - 3.26 **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

- 3.27 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.
- 3.28 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). The Constitution Working Group consider that Lobby Groups should be classified as either objectors or supporters of the application for the purpose of their participation in planning meetings and share the available speaking time with the other respective interested parties. 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.
- 3.29 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.
- 3.30 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.
- 3.31 **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, that lobby groups be included within the time allowed for objectors/supporters to speak.

The Neighbourhood Planning Scheme of Delegation to the Cabinet Member

- 3.32 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.
- 3.33 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.

- 3.34 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.
- 3.35 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
- 3.36 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.
- 3.37 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.
- 3.38 **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

- 3.39 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.
- 3.40 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.

- 3.41 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.
- 3.42 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.”
- 3.43 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.
- 3.44 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.
- 3.45 The suggested amendments to the Council’s procedure rules set out at Appendix 2 will achieve the proposals set out above.
- 3.46 **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 Head of Legal Services and Monitoring Officer be instructed to make changes to the constitution as set out in Appendix 2 of this report.

Agendas for Council meetings

- 3.47 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.

- 3.48 **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 ordinary Council meetings and incorporated in the Constitution.

Staffing issues

- 3.49 At the meeting of the 26th 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.
- 3.50 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.
- 3.51 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.
- 3.52 At the meeting of the 18th June 2015 the Constitution Committee considered a report which recommended changes to the Staff Employment Procedure Rules and consequential changes to the Constitution which were necessary in order reflect the requirements of the Local Authorities (Standing Orders)(England)(Amendment) Regulations 2014 and 2015. Appendix 4 reflects the amendments made to the Staff Employment Procedure Rules recommended on the 18th June 2015 and under this report.
- 3.53 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.
- 3.54 **The Committee therefore recommends to the Council 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.

Officer Powers

- 3.55 The Committee is asked to note that the Council meeting, of the 23rd July 2015, considered a report relating to the appointment of a Director of Children's Services. The Committee has also considered changes to the officer delegations at its meeting of the 26th March 2015 relating to officer roles. 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.
- 3.56 **The Committee is therefore asked to recommend to Council that:** the Head of Legal Services and Monitoring Officer be authorised, in consultation with the Head of Paid Service, to make such changes to the Constitution as he/she considers are necessary to give effect to the wishes of Council in respect of such staffing matters and to incorporate the changes that were put before the Committee on the 26th March 2015 that have not been superseded by the subsequent changes in the staffing structure.

Health and Wellbeing Board Terms of Reference

- 3.57 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.
- 3.58 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.
- 3.59 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.
- 3.60 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.
- 3.61 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.

- 3.62 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.
- 3.63 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.
- 3.64 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.
- 3.65 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.
- 3.66 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.
- 3.67 The proposed changes are highlighted as tracked changes in Appendix 5 'Proposed Revisions to Health and Wellbeing Board Terms of Reference June 2015'.
- 3.68 **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.

- 3.69 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.
- 3.70 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.

3.71 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.

3.72 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 amended to provide the Mayor with a discretion to allow questions of a topical nature if they deem it to be appropriate.

3.73 **The Committee is therefore asked to recommend to Council that:** paragraph 11 (c) below (Constitution page 191), which permits topical questions, be amended as follows:

“(c) Where time permits, questions which are of a topical nature may be accepted **where the Mayor deems it to be appropriate.**”

3.74 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.

3.75 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.

3.76 **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

3.77 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.

3.78 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.

- 3.79 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.
- 3.80 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.
- 3.81 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.
- 3.82 **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 **those** members of that body **who respond within 2 working days 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

- 3.83 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).
- 3.84 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.
- 3.85 Appendix 6 to this report contains the revised list of Category 1 organisations.
- 3.86 **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

- 3.87 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.
- 3.88 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.
- 3.89 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
- 3.90 **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

- 3.91 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.
- 3.92 It is suggested that the following definition be adopted:
- 3.93 '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. If a decision is deemed an urgent decision caused by a failure to plan appropriately or work without due regard to timeliness, the circumstances giving rise to the need for an urgent decision should be reported to the Audit and Governance Committee on a quarterly basis'
- 3.94 **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 Practice

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

3.96 It is proposed that the exclusions be extended.

3.97 **The Committee is therefore asked to recommend to Council that:** Paragraph 6 of the Mayoralty Code of Practice 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

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

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

3.100 **The Committee is therefore asked to recommend to Council that:** the Audit and Governance Committee's 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 and Governance Committee, like all of the Council's Committees, must be politically balanced. However the success of the Audit and Governance 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

3.101 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 Council the amended version will be published on the Council’s website within one (1) month.”

3.102 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 Members’s declaration of acceptance of office on the Member first being elected to the Council;

3.103 **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

3.104 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.

3.105 **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

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

3.107 **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

3.108 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;

3.109 **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 Director of Planning and Sustainable Development.

3.110 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.

3.111 **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.

Change of name of Corporate Leadership Board to Management Group Board

3.112 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.

3.113 **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

3.114 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.

3.115 **The Committee is therefore asked to recommend to Council:** that the wording of paragraph 3.2 be amended to read as follows:

Any Committee which sets up a Task and Finish Group will appoint its Chairman (and Vice-Chairman, if appropriate) and agree the membership. This must be cross party.

Signing etc. of documents

- 3.116 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.
- 3.117 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).
- 3.118 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

- 3.119 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.
- 3.120 **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 of Members of Committees and sub-committees

- 3.121 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.

- 3.122 **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

- 3.123 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.
- 3.124 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.
- 3.125 **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

- 3.126 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.
- 3.127 The necessary changes are set out in Appendix 7.
- 3.128 **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

- 3.129 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.

- 3.130 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.
- 3.131 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
- 3.132 It will be simpler for SME's to bid for Council work and supports the local agenda through more contracts being advertised and published.

- 3.134 **The Committee is therefore asked to recommend to Council:** that the Constitution is amended in accordance with Appendix 8 and the Chair and Vice-Chair of the Constitution Committee agree the content and format of the Procurement Engagement Form.

Changes to the officer scheme of delegation

- 3.135 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.

- 3.136 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

Contact details for this report are as follows:-

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Appendix 1

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.

Where the application is to vary or remove a condition that was imposed by the Planning Committee it will not be delegated.

However, there will be a presumption that a call in request by a local ward member will be agreed where applications are for the renewal (or extension of time) of extant unimplemented permissions.

(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.

~~(c) 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.**

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.

Where the application is to vary or remove a condition that was imposed by the Planning Committee it will not be delegated.

However, there will be a presumption that a call in request by a local ward member will be agreed where applications are for the renewal (or extension of time) of extant, unimplemented permissions.

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 15 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.**
- iv. **There will be a presumption that a call in request by a local ward member will be agreed where applications are for the renewal (or extension of time) of extant, unimplemented permissions.**

(e) any other matters 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 (12)

~~*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 (12)

Southern Planning Committee (12)

- 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 and are members of another planning committee.~~

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.

However, there will be a presumption that a call in request by a local member will be agreed where applications are for the renewal (or extension of time) of extant, unimplemented permissions.

Where the application is to vary or remove a condition that was imposed by the Planning Committee it will not be delegated.

(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 ~~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.

However, there will be a presumption that a call in request by a local ward member will be agreed where applications are for the renewal (or extension of time) of extant, unimplemented permissions.

Where the application is to vary or remove a conditions that was imposed by the Planning Committee it will not be delegated.

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: -

- i. Any request must be received within 15 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 demolitions 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.
- iv. There will be a presumption that a call in request by a local ward member will be agreed where applications are for the renewal (or extension of time) of extant, unimplemented permissions.

(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.

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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

AGENDA COUNCIL MEETING

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	

APPENDIX 4

(Constitution pages 105/106)

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) 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.
 - (e) to approve "in year" salary or other benefit increased to 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 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

7.16 For a Staffing Appeals Sub Committee:

- -to consider appeals 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~~

7.2 With effect from 1st January 2016, Members appointed to the Staff Appeals Sub Committee may only hear appeals if they have received the mandatory training on appeals procedures offered by the Council (tailored in accordance with the individual Member's existing knowledge and experience).

~~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 ~~HR~~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)

SCHEME OF DELEGATION TO SENIOR OFFICERS

1.0 INTRODUCTION

1.11 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 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 in 122B below 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.

1.22B Chief Officers are authorised to deal with the full range of employment and staff management issues, below Chief Officer GLB 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 of appropriate officers 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 regrading of posts or the grading of new posts.
- Involves changes to existing National or Local Agreements and policies.
- Cannot be achieved within the 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~~ appropriate officers 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.

1.0 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 in~~ 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 T~~the Chief Executive is empowered to operate all the ~~s~~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 rolle 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 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 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 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.

(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.~~

43 Responsibility of the Staffing Committee

- ~~43.1~~ The responsibilities of the Staffing Committee are set out in this Constitution within "Responsibility for Functions" and these Rules.
- ~~43.2~~ 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).~~

5 Appointment of Head of the Paid Service

- 5.1 The appointment of Head of the Paid Service is subject to specific requirements as set out below.
- 5.2 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.
- 5.3 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.
- 5.4 Following the interview of candidates, the Committee will come to a view as to the most suitable person for the position.
- 5.5 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.
- 5.6 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.
- 5.7 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.
- 5.8 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.
- 5.9 Where following the interviews the Committee are of the view that there is no suitable candidate, it will re-advertise the post.
- 5.10 Where the Council do not approve the recommendation of the Committee, it shall indicate how it wishes to proceed.

65 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 Ppaid 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.

~~7. Less senior appointments/dismissals~~

~~Where any appointments are made to less senior positions than those referred to in paragraph 6 above, 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.~~

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.”

Consequential changes to Constitution as a result of the Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015

(Constitution page 26)

Under “Functions of the Full Council”:

4.4.13 appointing the Council’s Monitoring Officer and Section 151 Officer and, ~~if appropriate,~~ approving their dismissal:

(Constitution page 56)

Under “Responsibilities of Council”:

13. will appoint/dismiss the Head of Paid Service, appoint/dismiss the Monitoring Officer and Chief Finance Officer, designate an officer to act as Monitoring Officer and an officer to act as Chief Finance Officer.

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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 theis Health and Adult Social Care Overview and Scrutiny eCommittee.
- 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 of the Board is nominated by the Executive Leader. The Executive Leader can be a member of the board as one of the three nominated councillors.

- ~~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.

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

- 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

- 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
August 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

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 (Joint Committee of England and Wales for the Joint Control of Traffic Regulations Outside London)
- 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

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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 1980¹ 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

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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
c)	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) . 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 £50,000 and up £25,000 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)

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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.

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COUNCIL MEETING 22 OCTOBER 2015**EXTRACT FROM THE MINUTES OF THE AUDIT AND GOVERNANCE COMMITTEE HELD ON 24 SEPTEMBER 2015****25 REVIEW OF STANDARDS ARRANGEMENTS FOR DEALING WITH CODE OF CONDUCT COMPLAINTS**

At its meeting on 17 July 2014 the Council approved procedures to be followed when considering a complaint that an elected member of the Council, or of a town or parish council within its area, had failed to comply with the Council's Member Code of Conduct. Following twelve months of operation a review of the process had been carried out which showed there had been a significant increase in the speed with which complaints had been considered; the backlog of cases which existed in the previous year had been cleared and current complaints were being dealt with more efficiently and effectively.

The report set out proposals to further improve the efficiency of the process and add clarification where it was needed, the aim of which was to help people who make complaints and to encourage openness and transparency.

The report considered the two main documents used in the standards process, these being "How to make a complaint", which had not been part of the decision made in 2014, and "Overview for considering complaints that members have breached the code of conduct" which had been adopted at that time.

RESOLVED

1. That the proposed revised arrangements for dealing with complaints about members who are alleged to have breached their Council's code of conduct for members be approved..
2. That the plain English version of the guidance "How to make a complaint" at Appendix 3 of this report replace the current version of that guidance on the council website.
3. That the amended complaint form set out at Appendix 2 of the report be adopted.
4. That the amended overview document and the amended hearing procedure, set out at Appendices 4 and 5 respectively, be adopted.

Informative note: Appendix 1 is deliberately omitted as this was a working paper submitted to Audit and Governance Committee only for information purposes.

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CHESHIRE EAST COUNCIL

REPORT TO: AUDIT & GOVERNANCE COMMITTEE

Date of Meeting: 24 September 2015
Report of: Head of Legal Services and Monitoring Officer
Subject/Title: Review of standards arrangements for dealing with Code of Conduct complaints
Portfolio Holder: Councillor Paul Findlow

1.0 Report Summary

- 1.1 The Council on 17 July 2014 approved procedures to be followed when considering a complaint that an elected member of the Council or of a town or parish council within its area has failed to comply with the Council's Member Code of Conduct. This report reviews those arrangements and recommends improvements to them.

2.0 Decision Requested

- 2.1 That the following recommendations be made to **Council**

(a) That the proposed revised arrangements for dealing with complaints about members who are alleged to have breached their Council's code of conduct for members are recommended to the Council.

(b) That the plain English version of the guidance "How to make a complaint" at **Appendix 3** of this report replaces the current version of that guidance on the council website.

(c) That the amended complaint form set out at **Appendix 2** be adopted.

(d) That the amended overview document set out at **Appendix 4** and the amended hearing procedure set out at **Appendix 5** be adopted.

3.0 Wards Affected

- 3.1 All wards.

4.0 Local Ward Members

- 4.1 Not applicable.

5.0 Policy Implications

- 5.1 One of the purposes of this committee is to promote high standards of ethical behaviour by developing, maintaining and monitoring Codes of Conduct for Members of the Council (including co-opted members and other persons acting in a similar capacity). Strong ethical governance, including clear policies and protocols supporting and underpinning the Member Code of Conduct, are critical for the ethical governance of the Council and for public confidence in the Council's decision making processes.

6.0 Financial Implications

- 6.1 There should be no financial implications associated with the recommendations contained in this report.

7.0 Legal Implications

- 7.1 The legislation covered by this report is set out in the Localism Act 2011. The proposed changes to the standards processes and procedures set out in this report are accommodated within the legal framework set out in the Act.

8. Risk Management

- 8.1 The integrity of the standards regime within the councils operating in Cheshire East is important to ensure that the public maintains confidence in the way in which those councils operate and the provision of public services. The Council must have robust processes in place both if it is to safeguard its reputation and the integrity of the Council's corporate governance and decision making processes as a whole.

9.0 Background

- 9.1 At its meeting on 19 July 2012, Council approved the adoption of a new Code of Conduct for elected members of Cheshire East Council together with a procedure relating to the investigation of complaints under the, then, new Code. The Council on 17 July 2014 approved a revised set of documents to be followed when considering a complaint that an elected member of the Council or of a town or parish council within its area has failed to comply with the Council's Member Code of Conduct. The revised procedures were less complex than the previous ones and allowed for complaints that did not warrant investigation to be dealt with more quickly.

- 9.2 In recommending approval of the new procedures to Council in 2014, Audit and Governance Committee decided that the revised arrangements should be reviewed 12 months after implementation. After operating the new procedures there has been a significant increase in the speed with which complaints have been considered. The backlog of cases which existed last year has been cleared and current complaints are being dealt with more efficiently and effectively. The initial assessment of cases, in particular, takes place more quickly and few complaints get beyond the initial assessment phase to be investigated. Dealing with this phase efficiently significantly reduces the overall time taken to deal with a complaint.
- 9.3 This report sets out proposals to further improve the efficiency of the process and add clarification where it is needed. The report considers the two main documents used in the standards process and the complaints form. These are the *“How to make a complaint”* guidance¹ for those wishing to make a complaint which is currently on the council’s website but was not reviewed as part of the decisions made in 2014 and the *“Overview for considering complaints that members have breached the code of conduct”* which was adopted in 2014.

How to make a complaint – Appendix 1

The changes to this document are in tracked changes and additions are in differently coloured text.

- 9.4 Section 3 - It is proposed that the complaint process stipulates that the Monitoring Officer will not consider a complaint unless a complaint form has been received.

The procedure states that complaints must be in writing but it does not specify that a form has to be completed before it can be treated as a code of conduct complaint. Although this approach may appear overly bureaucratic, the advantage of compelling complainants to fill in a form is that, in so doing, they are required to address what the code of conduct actually says and how the member has acted in breach of it. As not all complainants send in a form in the first instance and have to be contacted requesting that they do so, it is suggested that this wording be included in the procedure. This will allow the Monitoring Officer (MO) to insist that only complaints returned on a form are assessed and will help to speed up the initial assessment process. Help would be given to anyone who has a disability or who otherwise needs help to fill in the form.

- 9.5 Section 3 - Where a complaint is about more than one member the complainant will be asked to explain what each individual has done that they believe breaches the code. The addition of this text (which is present on the complaint form) would assist the Monitoring Officer and Independent Person when considering the complaint and applying the assessment criteria. It is also suggested that a new section be added to the complaint form (**appendix 2, section 4**) to help identify which paragraphs have allegedly been breached.

¹ aka arrangements for dealing with standards allegations under the Localism Act 2011

- 9.6 Section 3 – On occasion, a complaint will be received which names more than one complainant. Corresponding with multiple complainants can be time consuming. It is therefore proposed that a single point of contact be sought and that wording to this effect should be included in the procedure.

It is proposed that the sanctions available as part of the standards procedures are set out at this point in the guide to manage expectations about what the process can achieve.

- 9.7 Section 4 - Complaints have been received which concerned both the behaviour of a councillor (code of conduct) and their actions when carrying out council business. The second element may not engage the code of conduct but might still need dealing with under the corporate complaints procedure. For example if a councillor fails to respond to emails, letters or phone messages about a particular issue this does not engage the code of conduct but may lead to poor service from the council. As the outcome of any corporate review could have a bearing on the matter under consideration by the MO, it has proved useful for the corporate element to be resolved first, the outcome of which has then been considered by the MO and Independent Person during their deliberations. It is suggested that this approach be formally adopted as part of the procedure.
- 9.8 Section 4 - When a form is received, preparatory work often has to be undertaken before the member receives notification of the complaint to ensure that the MO has sufficient information before her to be able to effectively carry out her assessment. As the subject member has the right of response but will not be told about the complaint until they receive formal notification by way of a letter; any delay in issuing this letter shortens the 20 day deadline within which the assessment must take place and has, on occasion, led to either an assessment meeting having to be held before the member's response deadline has expired or the deadline being missed. By changing the calculation of the deadline to the despatch date of the notification letter rather than the date the complaint is received, this would provide the flexibility needed and would enable the deadline to be met more readily.
- 9.9 Section 4 - Where the MO requires additional information in order to complete her initial assessment, she may ask the complainant or subject member for more information; which may extend the assessment period by a maximum of 15 working days. It is suggested that the procedure should formally recognise that the parties are informed as a matter of course when this happens.
- 9.10 Section 4 - The MO does not, as a matter of course, notify a town or parish clerk of a complaint at the initial assessment stage of the process unless information is specifically requested from them, or when deciding what action to take. It is suggested that the wording "whether the complaint merits formal investigation" should be changed to "what action to take" to give the MO more flexibility.

It is also suggested that the outcomes of an initial assessment are included at this point since these do not currently appear anywhere in the document.

- 9.11 Section 5 – The proposed additional wording in this section would clarify the fact that the MO might seek to informally resolve a complaint that she might otherwise be minded to send for investigation but that if an informal resolution is not possible the matter might still be investigated. Also the timescale for an investigation has been added to clarify that it is aimed to complete them within 8 weeks of the decision being made to refer a complaint for investigation. Likewise the timescale for responding to a draft investigation report has been added and the fact that each report will include a finding about whether or not the investigator believes there has been a breach of the code of conduct.
- 9.12 Section 6 – The involvement of the Independent Person has been added for clarity along with the timescale of 15 working days for being notified of a “no breach” finding and the fact that the clerk of a parish council will only be informed if they have previously been involved in the case.
- 9.13 Section 7 – The guidance at paragraph 7.1 refers to an informal resolution step which as currently drafted can be instigated without the need for a hearing. It is recommended that the Independent Person should be consulted about each option available at this point in the process.
- 9.14 Section 7 – It is suggested that the wording in paragraph 7.2 is changed to make it clear that any pre-hearing meeting will normally be held in private without any parties present. This should enable the meetings to take place more quickly and prevent the possibility of the subject member seeking to present their case prematurely.
- 9.15 Section 7 – It is also suggested that this section should include the ability to bring the case to an end where it is in the public interest to do so. If at any point during the investigation or hearing process, the subject member has resigned or lost their seat, is seriously ill or has died, it is suggested that the MO or Hearing Sub-Committee ought to be able to bring the case to an end. Also paragraph 7.2 should explicitly state that the investigation and hearing process are confidential up to the point at which the papers for the hearing become public as part of the hearing process.
- 9.16 Section 8 – At present the range of sanctions appears to include the ability to remove a subject member from outside bodies that the council has appointed him/her to. This power is not included within the terms of reference of the Hearing Sub-Committee by the council’s constitution and is inconsistent with the other sanctioning powers it has which largely consist of the power to make recommendations. Therefore, it is proposed that this power is altered to one of making recommendations to the council which would bring it into line with the other sanctioning powers available.
- 9.17 Section 9 – There has been some uncertainty about how the decisions of the Hearing Sub-Committee should be publicised. The council currently has no area on its website which specifically hosts past decisions. It is suggested that the decision should be made available for public inspection by way of the published minutes since the council is obliged to make these public in any event.

- 9.18 Between paragraphs 9 and 10, a heading has been inserted entitled “Informative Notes” to differentiate the information in paragraph 10 onwards from the actual process outlined in paragraphs 1-9 of the document. This has meant that the information in Paragraph 12 containing details about procedural issues has been moved to paragraphs 3 and 8 and the reference in paragraph 12 to the selection of a chairman for the Hearing Sub-committee has been moved to paragraph 10 which deals with information about that sub-committee.
- 9.19 The current guidance is worded in fairly administrative language. Therefore a plain English version of the guidance is attached as **Appendix 3** and it is recommended that it replace the current version.

Overview for considering complaints that members have breached the code of conduct – Appendix 4

- 9.20 This overview document was approved by the Council on 17 July 2014. The document has been amended to take account of the changes set out and proposed above. The content of paragraph 7.1 of Appendix 1 is not reflected in the current version of the overview document. Appendix 4 has been amended to ensure that it now is (paragraph 9). This paragraph allows the MO to informally resolve a case even where an investigation has found that the subject member is in breach of the code. This allows the MO to deal with appropriate cases quickly and efficiently.
- 9.21 The MO has delegated power, in consultation with the Independent Person and the Chair of the Audit and Governance Committee or in his/her absence the Vice Chair of Audit and Governance, to approve a departure from the standards arrangements when she considers it is expedient to do so to secure the effective and fair consideration of any matter. An addition is recommended to the start of the document to allow the MO to depart from the procedure in consultation with the Chairman of the Hearing Sub-Committee rather than the Chairman or Vice Chairman of the Audit and Governance Committee once a hearing is contemplated. The Chairman of the sub-committee is the person with responsibility for running the hearing effectively, therefore it makes sense for that person to be consulted rather than the Chairman of the main committee.
- 9.22 At present there is no retention period specified for documents relating to a case. The recommendation is that the period for both no breach cases and for cases where a breach of the code was found should be the same as the document retention process for committee papers which is 6 years. The minutes of the Hearing Sub-Committee would be kept in the same way as the minutes of other council decision-making bodies.

Hearing Procedure – Appendix 5

- 9.23 The hearing procedure approved by the Council on 17 July 2014 has been amended. It is recommended that it include a pre-hearing process section which will enable issues in dispute to be identified and clarified before the hearing; relevant witnesses and documents to be identified and directions issued about how the hearing should be conducted. The apparently absolute requirement to hold a hearing within 3 months of the Investigator's report being issued has been amended to reflect the reality of the situation which is that the timescale is a target timescale.
- 9.24 A provision has been added so that if at any point during the hearing process, the subject member has resigned or lost their seat, is seriously ill or has died; the sub-committee will only refer the matter for a hearing, or continue with a hearing which is already underway, if it considers it is in the public interest to do so. This provision is already applicable in any event as part of the overall standards process but it makes sense to refer to it in the hearing process too.
- 9.25 The proposed hearing process document showing substantive amendments to the current document in red is attached as **Appendix 5**.

10.0 Access to Information

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

Name: Mark Jones
Designation: Legal Team Manager
Tel No: 01270 686421
E-mail: mark.jones@cheshireeast.gov.uk

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COMPLAINT FORM

Code of Conduct – Council, Town & Parish Councillors and Co-opted Member(s).

Your details-

1. Please provide us with your name and contact details.

Title:	
First name:	
Last name:	
Address:	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	

Please indicate if you would prefer us to use your email address instead of your postal address for correspondence purposes _____

2. Please tell us which complainant type best describes you:

- ☐ Member of the public
- ☐ An elected or co-opted Member(s) of an Authority or a Town and Parish Council
- ☐ Local Authority Monitoring Officer
- ☐ Other Council Officer or employee of the Council
- ☐ Other - please specify _____

3. Please provide us with the name of the Member(s) you believe have breached the Code of Conduct and the name of their Authority:

Title	First name	Last name	Council or Authority name

4. Please identify which paragraphs of the Code of Conduct you believe have been breached:

1 Selflessness		6 Honesty sub paragraph b	
2 Integrity		7 Respect for others sub paragraph a	
3 Objectivity		7 Respect for others sub paragraph b	
4 Accountability		7 Respect for others sub paragraph c	
5 Openness sub paragraph a		7 Respect for others sub paragraph d	
5 Openness sub paragraph b		8 Leadership	
6 Honesty sub paragraph a		9 Gifts and Hospitality	

5. Please explain in this section (or on separate sheets) what the Member(s) has/have done that you believe breaches the Code of Conduct. If you are complaining about more than one Member you should explain clearly what each individual person has done which you believe breaches the Code of Conduct.

Please provide us with details of your complaint. Continue on a separate sheet if there is not enough space on this form.

6. Only complete this section if you are requesting that your identity is kept confidential

In the interests of fairness and natural justice, the Council believes that Member(s) who are complained about have a right to know who has made the complaint. ~~The Council also believes they have a right to be provided with a copy of the complaint.~~ We are unlikely to withhold your identity or the details of your complaint unless you have good reason. **Please refer to page 2 of the 'How to make a complaint' guide.**

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

7. Signature:

I understand that by signing this form I am giving Cheshire East Borough Council permission to pass a copy of this complaint and any evidence supplied in support, to the individual ('the Subject Member') against whom the complaint has been made.

Signed: _____

Date: _____

8. Additional Help

Complaints must be submitted in writing. You may post, fax or email your signed, completed form to the Monitoring Officer. However, in line with the requirements of the Equality Act 2010, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint ~~in writing~~ **this way**.

We can also help if English is not your first language.

If you need any support in completing this form, please contact
xxxxxxxxxxxxxxxxxxxxxx

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CHESHIRE EAST COUNCIL: ARRANGEMENTS FOR DEALING WITH STANDARDS ALLEGATIONS ABOUT COUNCILLORS AND CO-OPTED MEMBERS UNDER THE LOCALISM ACT 2011

1 How to make a complaint Context

These arrangements set out:

- (1) how you ~~can~~ **may** make a complaint that an elected or co-opted member of this ~~council~~ **authority** or of a town or parish council within its area has failed to comply with his or her council's ~~the authority's~~ code of conduct; **and**
- (2) ~~They also set out how the Council authority will deal with allegations of a failure to comply with the Authority's Code of Conduct.~~

In this document the term "member" means an elected or co-opted member of Cheshire East Council or of a town or parish council within its area.

~~Under Section 28(6) and (7) of the Localism Act 2011 the~~ **Cheshire East** Council must have ~~in place arrangements under which~~ **for dealing with** allegations that a member or co-opted member of the council ~~authority~~ or of a town or parish council within the council's ~~authority's~~ area, or of a committee or sub-committee of the council ~~authority~~, has failed to comply with that council's ~~authority's~~ code of conduct. **The arrangements must include how those allegations** will ~~can~~ be investigated and **how** decisions **about them will be** made. ~~on such allegations~~

~~Such arrangements must provide for the authority to~~ **The Council must** appoint at least one Independent Person and seek their ~~whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be to investigate.~~ **The Independent Person's** and ~~whose views can~~ **also** be sought by the **council on any other issue** ~~authority at any other stage~~, or by a member or a member or co-opted member of a ~~Town or Parish Council against whom an allegation has been made.~~

2 The Code of Conduct

The Council has adopted ~~its~~ a code of conduct for members, which is available for inspection on the council's ~~authority's~~ website and on request from the Monitoring Officer at Cheshire East Borough Council.

Each town or parish council ~~must also~~ **is also required to** adopt a code of conduct. If you wish to inspect a town or parish council's code of conduct, you should look on their website in the first instance. You may also ask the town or parish clerk to allow you to inspect ~~it.~~ **the Code of Conduct.**

3 Making a complaint

Complaints must be submitted to **Cheshire East Borough Council's Monitoring Officer using the** ~~If you wish to make a complaint, please complete~~ standard complaint form.

When completed, please send your complaint form to:

The Monitoring Officer
Cheshire East Borough Council
Westfields
Middlewich Road
Sandbach, CW11 1HZ

Or email: MonitoringOfficerCEC@cheshireeast.gov.uk

The Monitoring Officer will not consider a complaint unless a complaint form has been received. If you have a disability which prevents you from filling in the form please contact XXXXXX and you will be given help to fill it in.

~~The Monitoring Officer is a senior officer of the authority with statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of member misconduct and is the Council's Proper Officer for all such matters.~~

In order to ensure that we have all the information which we need to be able to process your complaint you need to provide us with:

- the name of the member(s) you believe have breached the code of conduct
- the name of their council authority
- what the member has done that you believe breaches the code of conduct. **If you are complaining about more than one member you should clearly explain what each individual person has done that you believe breaches the code**
- **which paragraphs of the code you believe are engaged they have breached**

It is important that you provide all the information you **want** wish to have taken into account about regarding your complaint. For example:

- **Wherever possible**, you should be specific, ~~wherever possible~~ about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was that they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give **as accurate a timeframe as you can** ~~a general timeframe~~.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

~~Whilst not acknowledging that your complaint is justified and without prejudice,~~ It would help in dealing with your complaint to know what your desired outcome of this complaint might be. If you feel able to provide this information please do so. See paragraph 8 which sets out all the sanctions available to the council.

~~The sanctions that can be imposed are:~~

- ~~(a) Censure or reprimand the member;~~
- ~~(b) Publish its findings in respect of the members' conduct;~~
- ~~(c) Report any findings to Council or to the town or parish council for information and make any recommendations;~~
- ~~(d) Recommending to the member's group leader (or in the case of ungrouped members, to Council or to committees) that he/she be removed from any or all committees or sub-committees of the council~~
- ~~(e) Recommend to the leader of the council that the member be removed from the Cabinet, or removed from particular portfolio responsibilities;~~
- ~~(f) Instruct the Monitoring Officer to, or recommend that the town or parish council arrange training for the member;~~

- (g) ~~Remove or recommend to the authority or town or parish council that the member be removed from all outside appointments to which he/she has been appointed or nominated by the authority or by the town or parish council;~~
- (h) ~~Withdraw, or recommend to the council or town or parish council that it withdraws facilities provided to the member by the council, such as a computer, website and/or email and internet access; and~~
- (i) ~~Exclude the member from the council's offices or other premises, with the exception of meeting rooms as necessary for attending council, committee and sub-committee meetings.~~

There is no power to suspend or disqualify a member, withdraw a member's allowance or change a decision that a member has made or has been involved in making, as part of this process.

Please ~~do~~ provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. ~~If you are making a complaint on behalf of a number of individuals, please nominate one person as the single point of contact to whom all correspondence will be addressed.~~

If you want to keep your name and address confidential, please ensure that you complete section 5 ~~of the complaint form~~. You must ~~have also provide~~ good reasons ~~for asking us to~~ why you believe we should withhold your details. It is ~~expected that~~ it is only in exceptional circumstances that ~~we will withhold your details from the member complaint about the right for confidentiality will be granted~~ (who we refer to as the subject member), as this may prejudice the right of that ~~the subject member~~ to respond to the complaint.

Please note that requests for confidentiality will not automatically be granted. The Monitoring Officer in consultation with an Independent Person will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the complaint is about a very serious matter, we ~~will can~~ proceed with an investigation or other action and ~~may have to~~ disclose your name even if you have expressly asked us not to.

~~Each request~~ Requests for confidentiality will be considered ~~on its merits and we will normally use~~ using the following criteria -

- ~~You have~~ The complainant has reasonable grounds for believing that you ~~they~~ will be at risk of physical harm if ~~your~~ their identity is disclosed;
- ~~You are~~ The complainant is an officer who works closely with the subject member(s) and ~~you~~ they are afraid of the consequences to ~~your~~ their employment or of losing ~~your~~ their job if ~~your~~ their identity is disclosed;
- You ~~The complainant~~ suffers from a serious health condition and there are medical risks associated with ~~your~~ their identity being disclosed. Medical evidence may be requested in support of this criterion;
- Whether the complaint can be investigated without revealing ~~your~~ the complainant's identity.

4. Will your complaint be investigated?

The Monitoring Officer has ~~the delegated~~ power, in consultation with the Independent Person and the Chairperson of the Audit and Governance Committee or in his/her absence the Vice Chairperson of ~~Audit and Governance~~, to approve a departure from the following arrangements when he/she thinks ~~considers~~ it is sensible ~~expedient~~ to do so to ~~make sure the case is dealt with fairly and effectively.~~ ~~secure the effective and fair consideration of any matter.~~ If a hearing is likely to be held, the Monitoring Officer will consult the Independent Person and the Chairperson of the Hearing Sub-Committee.

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will keep you informed of progress. A ~~full-copy~~ of your complaint will then, ~~subject to any ruling on disclosure,~~ ordinarily be sent to the member concerned inviting their written comments within 5 working days ~~from the date of the letter unless we have agreed to your request for anonymity in which case your identity will be withheld.~~ Where your identity is disclosed, the subject member will be asked not to talk to you about the complaint.

~~If your complaint also the matter complained about also concerns a council service, it may first need to be dealt with under the corporate complaints procedure before it is considered as a code of conduct case. matter This is so that the outcome and any proposed action can be considered by the Monitoring Officer, in consultation with the Independent Person, when assessing the code of conduct complaint.~~

4.1 Initial assessment

The Monitoring Officer will review every complaint received against the assessment criteria. These are:

- It is a complaint against one or more named members of Cheshire East Borough Council or a town or parish council within Cheshire East borough;
- The named member was in office at the time of the alleged conduct and the code of conduct was in force at the time;
- The complaint, if proven, would be a breach of the code under which the member was operating at the time of the alleged misconduct.

If the complaint fails one or more of these tests it will not be investigated.

If the above tests are met the Monitoring Officer will consider the following criteria when deciding whether or not to investigate:

1. Adequate information – The Monitoring Officer will want to be satisfied that he/she has sufficient information to decide whether the complaint should be referred for investigation or other action;
2. Official capacity – was the member acting in an official capacity
3. Timescale – The Monitoring Officer will take into account when the events took place and will not normally investigate if the events occurred more than 6 months prior to the complaint being submitted;
4. Seriousness of the complaint – The Monitoring Officer will not normally refer a complaint for investigation or other action if it is considered trivial, malicious, politically motivated or tit for tat;
5. Public interest – if the complaint relates to an ex-member of Cheshire East Council or one of its town or parish councils, who is now a member of another council the Monitoring Officer may ask that council to consider it.

If the member has resigned, is seriously ill or has died the Monitoring Officer will only refer the case for investigation or other action if he/she considers that it is in the public interest to do so.

and, After consultation with the Independent Person, the Monitoring Officer will take a decision about as to whether your complaint it merits formal investigation. This decision will normally be taken within 20 working days from the date you are sent your notification letter, or 5 working days later thereafter if the subject member has responded to the complaint. receipt of your complaint. Where the Monitoring Officer has taken a decision, he/she will inform you of that his/her decision and his/her the reasons for it. that decision.

Where the Monitoring Officer he/she needs more requires additional information in order to come to a decision, he/she may come back to you or the subject member for that such information; which may extend the assessment period by up to a maximum of 15 working days. We will write to you if this occurs. He/she may also request information from the member against whom your complaint is directed. Where your complaint relates to a town or parish councillor, the Monitoring Officer may also inform the clerk of that the town or parish council of your complaint and may seek the views of the town or parish council before deciding what action to take. whether the complaint merits formal investigation.

The decisions that can be made are:

- (a) That no further action be taken – This might be because the complaint does not come within the remit of the code of conduct, it is not sufficiently serious to warrant an investigation, it is obsessive/vexatious/malicious or frivolous, it is broadly similar to a complaint against the same member about the same alleged incident, the complaint should not be investigated because there is a clear ulterior/political motive for it or it is just a tit for tat complaint, or that it is not in the public interest to investigate the complaint.
- (b) That the Monitoring Officer will seek to resolve the complaint informally without the need for an investigation by informal resolution (e.g. by an apology, mediation or training of the subject member).
- (c) That the complaint is should be referred to the group leader of the political party the member belongs to for informal action (N.B. this is for complaints against Cheshire East Borough Councillors only and is not generally an appropriate opinion if the complaint is from a member of the public).
- (d) An investigation should take place.
- (e) Refer the matter to the Police or other regulatory agency.

In appropriate cases, the Monitoring Officer may try seek to resolve the complaint informally, without the need for a formal investigation for example, through mediation. Such Informal resolution may involve the subject member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action suggested by the Monitoring Officer Authority. Where the member or the Monitoring Officer Authority makes a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

5 How is the investigation conducted?

If the Monitoring Officer decides that ~~his or her attempts to resolve your complaint the matter informally have failed or that it~~ a complaint merits formal investigation, he/she will appoint an Investigating Officer. This may be another senior officer of the ~~council Authority~~, an officer of another ~~council~~ authority or an external investigator. The Investigating Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint and so that you can:

- explain your understanding of events
- suggest what ~~additional~~ documents the Investigating Officer needs to see
- suggest who the Investigating Officer needs to interview

The Investigating Officer will normally write to the member against whom you have complained and provide him/her with a copy of your complaint. He/she will also ask the member to provide his/her explanation of events, and to identify what documents ~~the member thinks~~ he/she needs to see and who ~~the member thinks~~ he/she needs to interview. In exceptional cases, where it is appropriate ~~the Monitoring Officer will~~ to keep your identity confidential ~~and may decide not to disclose~~ ~~ure of details of the complaint to the member if this might prejudice the investigation., the Monitoring Officer can delete your name and address from the papers given to the member or.~~ In exceptional circumstances only, the Monitoring Officer, may decide to delay notifying the member initially.

At the end of his/her investigation, ~~usually within 8 weeks of being asked the date of referral,~~ the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the member concerned. This provides you both with the opportunity ~~within 5 working days of the report being sent to you,~~ to identify any matter in that draft report, which you disagree with or that you consider requires more consideration.

Having received and taken account of any comments which you ~~or the member concerned may have made~~ make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer. ~~The report will include the Investigator's findings about whether or not the code of conduct has been breached.~~

6 What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report ~~in consultation with the Independent Person~~ and, if he/she is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you ~~and to the member concerned within 15 working days of receiving the report~~ and to the member concerned notifying you that he/she is satisfied that no further action is required. He/she will also give you both a copy of the Investigating Officer's final report. Where your complaint relates to a town or parish councillor ~~and the clerk has been informed about the complaint by Cheshire East council,~~ the Monitoring Officer will also write to the clerk of that ~~council Authority.~~

If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the Investigating Officer to reconsider his/her report. ~~This may involve the Investigating Officer carrying out further investigations and producing an amended report.~~

~~In any event the Monitoring Officer, in consultation with the Independent Person, may decide to refer the report to the Audit and Governance Hearing Sub-Committee.~~

7 What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and ~~after consulting the Independent Person, either try and informally resolve the case or will then send the matter for informal resolution or after consulting the Independent Person seek a local hearing before the Hearing Sub-Committee.~~

7.1 Informal Resolution

The Monitoring Officer ~~might think that the case~~ may consider that the matter can reasonably be resolved without the need for a hearing. In ~~that~~ such a case, he/she will consult with the Independent Person and with you ~~as complainant~~ to seek to agree what you consider to be a fair resolution and which also helps to ensure higher standards of conduct for the future. ~~Any~~ Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or agreeing to other remedial action. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Audit and Governance Committee and the town or parish council (where relevant) for information, but will take no further action. However, if you tell the Monitoring Officer that any suggested resolution would not be adequate, the Monitoring Officer may (but is not required to) refer the matter for a local hearing.

~~The emphasis, wherever possible, will be placed on~~ The Monitoring Officer ~~will aim to deal dealing with complaints quickly in a timely manner.~~ Where ~~they~~ complaints do not raise serious issues the Monitoring Officer will try and resolve them informally ~~seek informal resolution rather than refer them for investigation.~~

Consistent with his/her duty to uphold standards of conduct, the Monitoring Officer will seek the simplest and most cost-effective way of resolving the ~~case~~ issue. This informal resolution process will not include a public hearing.

7.2 Local Hearing

~~If the Monitoring Officer considers that local resolution is not appropriate, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then~~ The Monitoring Officer will ~~arrange for the investigation report the Investigating Officer's report to~~ ~~be considered by~~ the Hearing Sub-Committee. That sub-committee will then conduct a local hearing before deciding whether the member has failed to comply with the code of conduct.

The Monitoring Officer will ~~normally~~ conduct a pre-hearing process ~~within 3 months of receiving the Investigating Officer's report,~~ requiring the member ~~concerned~~ to give his/her response to the ~~Investigating Officer's report.~~ This is done to establish what is likely to be agreed and what is likely to be in dispute ~~contention~~ at the hearing. The Chairperson of the Hearing Sub-Committee may also issue directions ~~about the way as to the manner~~ in which the hearing will be conducted, for example agreeing the number of witnesses. Directions may be given either before or at the hearing taking account of the advice of the Monitoring Officer. ~~Any meeting to deal with pre-hearing process issues will be held in private without you or the subject member present.~~

If at any point during the investigation or hearing process, the subject member has resigned or lost their seat, is seriously ill or has died, the Monitoring Officer may terminate the investigation and the Hearing Sub-Committee will only refer the matter for a hearing if it considers it is in the public interest to do so. ~~that the public interest will be served by so doing.~~

Prior to a hearing, any documentation sent out during the process must be treated by all recipients as confidential information until ~~such time (if any)~~ as the Investigator's report is made available to the press and public or the sub-committee agrees that the press and public should not be excluded from the meeting at which the allegations are going to be heard. This is because meetings of the Hearing Sub-Committee are subject to the normal rules for publication of council agendas and access to information.

At the hearing, the Investigating Officer will present his/her report, call ~~such~~ witnesses ~~as he/she considers necessary~~ and make representations to substantiate his/her conclusion that the member has failed to comply with the code of conduct. For this purpose, the Investigating Officer may ask you, as the complainant, to attend and give evidence to the Hearing Sub-Committee. The subject member will then have an opportunity to give his/her evidence, to call witnesses and to make representations ~~to the Hearing Sub-committee about as to why he/she considers that he/she did not fail to comply with the code of conduct.~~

If the subject member is not present, then the sub-committee will ~~shall~~ consider whether or not to proceed and make a decision about the case anyway, ~~or may either continue to consider the matter and make a determination in the absence of the Subject Member, or whether to adjourn the hearing to another time or date. Unless~~ If the subject member has indicated that the hearing should carry on without him/her this will normally happen. ~~proceed in his or her absence.~~

If the ~~Should the~~ subject member ~~representative not be present,~~ has a representative but they do not turn up, then the sub-committee can decide to go head ~~may proceed or adjourn as it considers appropriate in the particular circumstances~~ the hearing.

The Hearing Sub-Committee will decide, with the benefit of any advice from the Independent Person, whether it agrees with the Investigating Officer that there has ~~was~~ been a breach of the code of conduct. If it concludes that the subject member did not ~~fail to comply with~~ breach the code of conduct it will dismiss the complaint. However if the sub-committee still has some concerns it will issue a finding of no breach of the Code of Conduct, ~~but may then proceed to consider whether it should make any~~ but might then make general recommendations to ~~bring to the attention of~~ this council, or any town or parish council or its members.

Where the Hearing Sub-Committee concludes that the member did fail to comply with the code of conduct, the Chairperson will inform the member of this finding. The Hearing Sub-Committee will explain the reasons why any advice from the Independent Person has or has not been followed in giving its decision. The Hearing Sub-Committee will then consider what action, if any, it should take as a result. The Hearing Sub-Committee will give the member an opportunity to make his/her representations **about that** and will consult the Independent Person, but will then decide what action, if any, to take. ~~in respect of the matter.~~

8. What action can the Hearing Sub-Committee take where a member has failed to comply with the Code of Conduct?

The Council has delegated to the Hearing Sub-Committee ~~such of its powers to take action~~ in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Hearing Sub-Committee may –

- Censure or reprimand the member;
- Publish its findings in respect of the member's conduct;
- Report its findings to Cheshire East Borough Council or to the town or parish council for information and make any recommendations;
- Recommend to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to committees) that he/she be removed from any or all committees or sub-committees of the Council;
- Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular portfolio responsibilities;
- Instruct the Monitoring Officer to, or recommend that the town or parish council, arrange training for the member;
- ~~Remove,~~ or recommend to the **Council** authority, or town or parish council to remove the member from all outside appointments to which he/she has been appointed or nominated by the **Council** authority or by the town or parish council;
- Withdraw or recommend to the **Council** authority, or town or parish council that it withdraws facilities provided to the member by the Council, such as a computer, website and/or email and Internet access if relevant to the subject matter of the complaint;
- Exclude, or recommend that the **Council** authority, or town or parish council exclude the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Cabinet, committee and sub-committee meetings if relevant to the subject matter of the complaint.

The Hearing Sub-Committee has no power to suspend or disqualify the member or to withdraw a member's ~~special responsibility~~ allowances.

The Chairperson of the Hearing Sub-Committee has the right to depart from the Hearing Sub-Committee procedure, in consultation with the Monitoring Officer, at any hearing where he/she considers that it is sensible ~~expedient to do so in order to secure the effective and fair consideration of any matter~~ **to deal with the case fairly and effectively**.

9 What happens at the end of the hearing?

At the end of the hearing, **having consulted with and considered the views of the Independent Person**, the Chairperson ~~will state the decision of the Hearing Sub-Committee~~ will announce the decision of the sub-committee on the day. ~~and any actions which the Sub-Committee resolves to take.~~

As soon as ~~reasonably practicable thereafter,~~ **or possible but in any event within 10 working days** the Monitoring Officer will prepare a formal decision notice in consultation with the Chairperson of the ~~Hearing Sub-Committee~~ and **will** send a copy to you, to the member **concerned**, and to the town or parish council, **if relevant**. He/she will also make that decision notice available for public inspection **by publishing the minutes of the meeting** and **will** report the outcome decision to the ~~next convenient meeting of the~~ Audit and Governance Committee.

Informative Notes:

Who is the Monitoring Officer?

The Monitoring Officer is a senior officer of the council who is responsible for keeping the register of members' interests and dealing with complaints about member misconduct.

What is a Hearing Sub-Committee?

*The Hearing Sub-Committee is a sub-committee **drawn from** the Council's Audit and Governance Committee. The Council has decided that it will be made up of 3 **elected** members and be drawn from a panel of 15 members of the Council; **ten members of Audit and Governance Committee plus 5 Councillors**.*

*The Chairperson of the Hearing Sub-Committee is appointed by **and from** the three members who will sit at the particular hearing. ~~either in advance of the hearing or by vote at the start of the hearing.~~*

Who is the Independent Person?

The Independent Person is a person who has applied for the post following advertisement. He/she is appointed by Council.

A person cannot be "independent" if he/she –

- 11.1 Is, or has been within the past 5 years, a member, co-opted member or officer of the **Council** Authority;*
- 11.2 Is, or has been within the past 5 years, a member, co-opted member or officer of a town or parish council within the **council's** Authority's area, or*
- 11.3 Is a relative or close friend, of a person within paragraph 11.1 or 11.2 above. For this purpose, "relative" means –*
 - 11.3.1 Spouse or civil partner;*
 - 11.3.2 Living with the other person as husband and wife or as if they were civil partners;*
 - 11.3.3 Grandparent of the other person;*
 - 11.3.4 A lineal descendent of a grandparent of the other person;*
 - 11.3.5 A parent, sibling or child of a person within paragraphs 11.3.1 or 11.3.2;*
 - 11.3.6 A spouse or civil partner of a person within paragraphs 11.3.3, 11.3.4 or 11.3.5; or*

11.3.7 *Living with a person within paragraphs 11.3.3, 11.3.4 or 11.3.5 as husband and wife or as if they were civil partners.*

The Independent Person is invited to attend all **hearings** meetings of the Hearing Sub-Committee and his/her views are sought and taken into consideration before the Hearing Sub-Committee takes any decision **about** on whether the member's conduct **has failed** constitutes a failure to comply with the code of conduct and **about** as to any action to be taken following a finding of failure to comply with that code. ~~the Code of Conduct.~~

~~12 Revision of these arrangements~~

~~The Monitoring Officer has delegated power, in consultation with the Independent Person and the Chair of the Audit and Governance Committee or in his/her absence the Vice Chair of Audit and Governance, to approve a departure from these arrangements when he/she considers it is expedient to do so to secure the effective and fair consideration of any matter.~~ **Moved to section 3**

~~The Chair of the Hearing Sub-committee has the right to depart from the Hearing Sub-committee procedure, in consultation with the Monitoring Officer, at any hearing where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.~~ **Moved to end of section 8**

~~The Chair of the Hearing Sub-committee is appointed by the three members who will sit at the particular hearing either in advance of the hearing or by vote at the start of the hearing.~~ **Moved to section 10**

Is there an Appeals process?

*There is no right of appeal for you as complainant or for the member **concerned** against a decision of the Monitoring Officer or of the Hearing Sub-Committee. If you feel that the Council Authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.*

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OVERVIEW FOR CONSIDERING COMPLAINTS THAT MEMBERS HAVE BREACHED THE CODE OF CONDUCT

Note: The Monitoring Officer has delegated power, in consultation with the Independent Person and the Chair of the Audit and Governance Committee or in his/her absence the Vice Chair of Audit and Governance, to approve a departure from these arrangements when he/she considers it is expedient to do so to secure the effective and fair consideration of any matter. Where a hearing is anticipated the Monitoring Officer will consult with the Independent Person and the Chairman of the Hearing Sub-Committee.

1. Complaints must be submitted to Cheshire East Borough Council's Monitoring Officer (MO) using the Council's Standard Complaint Form setting out in sufficient detail why the complainant considers there has been a failure to comply with the relevant Code of Conduct.

MO acknowledges receipt of the complaint within 5 working days

2. MO informs the Subject Member of:

- (a) the complaint, and provides the Subject Member with a copy of **part 4 of** the Complaint Form and the name of the Complainant, unless in exceptional circumstances where the Monitoring Officer, in consultation with the Independent Person has granted the Complainant's request for confidentiality. Under no circumstances must the Subject Member contact the Complainant direct regarding any of the issues raised.
- (b) his/her right to consult the Independent Person (IP) appointed by the Council, through the MO.
- (c) his/her right to provide the MO with his/her written response to the complaint. Any such response to be received by the MO within 5 working days after **dispatch of the formal notification letter to** ~~receipt of the complaint by~~ the subject member.

Should the complaint concern matters relating to Council services, it may be necessary to deal with this part of the complaint first in accordance with the Council's corporate complaints procedure.

3. Initial Assessment

MO, in consultation with IP, will make his/her initial assessment based on the adopted criteria, within 20 working days of **dispatch of the formal notification letters** ~~receipt of the complaint~~ and if applicable, an additional 5 working days from receipt of the written response, if one is **received** ~~required~~, from the subject member. That initial assessment will determine one or more of the following outcomes:

- (a) The complaint does not come within the remit of the Code of Conduct.
- (b) The complaint is not sufficiently serious to warrant an investigation.
- (c) That it is not in the public interest to investigate the complaint.
- (d) He/she should seek to resolve the complaint without the need for an investigation by informal resolution (e.g. by an apology, mediation, or training by the subject member).
- (e) The complaint should be referred to the Group Leader for informal action (NB for complaints against Cheshire East Borough Councillors only and not generally an appropriate action if the complaint is from a member of the public).
- (f) The Complaint should not be investigated because it is obsessive, vexatious, malicious or frivolous.
- (g) The Complaint should not be investigated because it is broadly similar to a complaint against the same Member about the same alleged incident.

- (h) The Complaint should not be investigated because there is a clear ulterior/political motive for it or it is just a tit for tat complaint.
 - (i) An investigation should take place.
 - (j) Refer the matter to the Police or other Regulatory Agency.
4. Before coming to his/her decision under para 3 the MO may request further information and/or clarification from the complainant and/or the subject member. Where this is the case time period may be extended up to a maximum of a further 15 working days, **notification of which will be sent to both parties.**
5. If the MO decides that the complaint should be investigated, or his/her attempts to resolve the complaint without an investigation do not succeed, then he/she will carry out an investigation or appoint an investigator to carry out an investigation on his/her behalf.
6. Investigation:
The Investigator appointed under para 5 by the MO may be;
- (a) A senior officer of the Town or Parish Council.
 - (b) A senior officer of Cheshire East Borough Council.
 - (c) An external investigator with relevant experience and appropriately trained.
7. Before finalising his/her report the investigator shall send a copy of it to both the complainant and subject member and give them at least 5 working days to comment on it.
8. A report into an investigation shall include the investigator's findings on whether the Code has been breached. If the investigator's final report finds there has not been a breach of the Code the MO can **within 15 working days of receipt of the report and, following** consultation with IP, decide to
- (a) Take no action.
 - (b) Refer the report to the Audit and Governance Hearing Sub-Committee (Hearing Sub-Committee).
9. If the liinvestigator's report finds there has been a breach of the Code then the MO must refer the matter to the Hearing Sub-Committee **unless satisfied that an informal resolution of the case is possible.** ~~That committee will meet in public~~
10. A "pre-hearing process" will take place **within 3 months of receipt of the Investigating Officer's report to** establish what is likely to be agreed or contended at the hearing. The Chair of the Hearing Sub-~~C~~committee will also issue directions as to the manner in which the hearing will be conducted. **The meeting will be held in private in the absence of the Complainant and the Subject Member.**
11. **If during the investigation, the Subject Member has resigned/lost their seat, was seriously ill or had died, the Hearing Sub-committee would only refer the matter for a hearing if it considers that the public interest will be served by so doing.**
12. **The documentation sent out must be treated by all recipients as confidential information until such time (if any) as the Investigating Officer's report is made available to the press and public or the Sub Committee agrees that the press and public should not be excluded from the meeting at which the allegations are heard.**
- 13 Hearing Sub Committee:

When the matter has been referred to the Hearing Sub Committee by the MO, it will:

- (a) Allow the investigator to present his/her report and call witnesses, including the complainant.
 - (b) Allow the subject member to make representations and call witnesses.
 - (c) Decide if the subject member has or has not breached the Code of Conduct.
 - (d) Decide what sanction should be imposed if they decide the Code has been breached.
14. The sanctions the Hearing Sub Committee can impose, if they find a breach of the Code are;
- (a) Censure or reprimand the member;
 - (b) Publish its findings in respect of the member's conduct.
 - (c) Report its findings to the Council or the town or parish council for information and make any recommendations ;
 - (d) Recommending to the member's Group Leader (or in the case of ungrouped members, recommending to the Council or to committees) that he/she be removed from any or all committees or sub-committees of the Council;
 - (e) Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular portfolio responsibilities.
 - (f) Instruct the Monitoring Officer to, or recommend that the town or parish council arrange training for the member;
 - (g) Remove or recommend to the Council or to the town or parish council that the member be removed from all outside appointments to which he/she has been appointed or nominated by the Council or by the town or parish council;
 - (h) Withdraw, or recommend to the Council or town or parish council that it withdraws facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
 - (i) Exclude the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Cabinet, committee and sub-committee meetings.

The Hearing Sub Committee has no power to suspend or disqualify a member or to withdraw a member's allowance.

15. In reaching a decision as to whether there has been a breach of the Code and if so what sanction should be imposed the Hearing Sub Committee will consult and consider the views of IP and that decision will be announced on the day.
16. Following any final decision by the MO or the Hearing Sub Committee (at whatever stage) the MO shall inform the complainant and the subject member of the decision and the reasons for it within 10 working days.
17. Wherever there has been a decision that the subject member has breached the Code of Conduct that decision and the reasons for it shall, by way of published minutes, be put on the Council's website in a prominent position. Wherever there is a decision that the subject member has not breached the Code of Conduct that decision shall be put on the Council's website, in a prominent position if the subject member wishes it to be.
18. Any decision of the MO or Hearing Sub-Committee shall be final and binding.

19. The MO will present a report to the Audit and Governance Committee twice a year giving;
 - (a) the number of complaints received and brief details.
 - (b) how they are progressing.
 - (c) what decisions have been made.
 - (d) what action has, where appropriate, been taken.
19. ~~The MO has delegated power, in consultation with the IP and the Chair of the Audit and Governance Committee or, in his/her absence, the Vice Chair of Audit and Governance Committee, to approve a departure from these arrangements when he/she considers it is expedient to do so to secure the effective and fair consideration of any matter.~~
(moved to beginning of the procedure)
20. In all cases where the MO is unable to perform his/her role his/her deputy will do so.
21. The documentation relating to a case will be retained for 6 years, irrespective of whether the finding is no breach or one of breach, in line with the document retention procedure for committee papers. For the avoidance of doubt, minutes of the Hearings Sub-Committee will be retained in the same way as the minutes of other council decision-making bodies.

MEMBERS' CODE OF CONDUCT HEARING SUB-COMMITTEE – HEARING PROCEDURE

1. Pre-hearing procedure

- 1.1 Any pre-hearing process must aim to begin within 3 months of the date of the Investigator's report. The purpose of the process is to:
 - a. Identify the agreed facts and any factual disputes the subject member has with the findings in the report.
 - b. Identify the witnesses and documents relevant to the hearing.
 - c. Give directions about the way in which the hearing will be conducted.
- 1.2 The subject member will be asked by the Monitoring Officer to identify, within 21 days of the request, any factual disputes that member has with the content of the Investigator's report using the form appended to this document – form A. The subject member will also be asked by the Monitoring Officer within the same timescale to identify any witnesses he/she proposes to call at the hearing and give a brief summary of the evidence each witness would give.
- 1.3 The Investigator will be invited to comment on that information within 14 days of receiving it from the Monitoring Officer.
- 1.4 The Chairman of the sub-committee will issue such directions as appear necessary or expedient about the way in which the hearing will be conducted. Such directions may relate to any aspect of the hearing including the documentation to be produced in evidence, the witnesses the sub-committee would wish to hear from and the timescale within which specified actions are to be taken.

2. Date of Hearing

- 2.1 The Monitoring Officer will arrange a convenient time and date for the sub-committee to meet and determine the matter. It is anticipated that a hearing will be dealt with on a single day. In any event, the hearing must **aim to** take place within three months of receipt of the Investigating Officer's report by the Monitoring Officer.
- 2.2 At least five clear working days before the hearing, the subject member and Investigator shall be notified of the date, time and place of meeting.
- 2.3 At least five clear working days before the hearing, the Monitoring Officer will send to each member of the sub-committee, the subject member and the Investigator:
 - The agenda for the meeting; and
 - A copy of the investigation report.

2.4 The documentation sent out must be treated by all recipients as confidential information until such time (if any) as the report is made available to the press and public or the sub-committee agrees that the press and public should not be excluded from the meeting at which the allegations are heard.

2.5 The date of the meeting and the outline agenda ~~will be~~ is published on the Council's website.

3. Representation

3.1 The subject member may be represented or accompanied during the hearing by another person as long as the sub-committee or its intended Chairman has given prior consent.

3.2 The subject member may make representations (orally or in writing) or present evidence in accordance with this procedure either personally or through his or her representative. The sub-committee will not normally permit the subject member and his or her representative to both make representations, although the subject member may present evidence him or herself whether or not represented.

4. Legal Advice

4.1 The sub-committee may take legal or procedural advice at any time during the hearing or its deliberations. The substance of any such advice should generally be shared with the subject member and/or his representative and the Investigator if they are present.

5. Introductions at the Hearing

5.1 The Chairman will introduce each of the members of the sub-committee, and shall also introduce any of the officers present. The subject member, his or her representative, the Independent Person, and the Investigator shall introduce themselves.

6. Procedural Issues

6.1 Disclosure of Interests

The Chairman shall ask members of the sub-committee to disclose the existence and nature of any interests which they have in relation to any items on the agenda. Members are required to disclose any such items under the terms of the Council's Code of Conduct.

6.2 The Chairman will then explain the procedure which the sub-committee intends to follow and resolve any issues or disagreements over how the hearing will be run, calling upon the Monitoring Officer to assist if appropriate.

6.3 Quorum

At least three members of the sub-committee together with an Independent Person must be present for the duration of the hearing.

The members of the sub-committee are all elected members of Cheshire East Borough Council, (drawn from a pool of 15 members constituted on a politically proportionate basis, which includes the 10 members of the Audit and Governance Committee).

- 6.4 The Chairman will satisfy him/herself that the sub-committee is quorate before proceeding.

6.5 Absences

If the subject member is not present, then the sub-committee shall consider whether or not to proceed. If the sub-committee is not satisfied that there is sufficient reason for the subject member's absence, it may either proceed to consider the matter and make a determination in the absence of the subject member, or adjourn the hearing to another time or date. If the sub-committee is satisfied there is sufficient reason, it shall adjourn the hearing to another date unless the subject member has indicated that the hearing should proceed in his or her absence.

- 6.6 Should the subject member's representative not be present, then the sub-committee may proceed or adjourn as it considers appropriate in the particular circumstances.

- 6.7 The sub-committee and the Monitoring Officer must in any event ensure that the hearing is held within three months from the date when the Monitoring Officer received the investigation report from the Investigator.

6.8 Exclusion of Press and Public

Hearings should normally be held in public unless there are proper reasons to exclude the press and public from all or any part of the hearing in accordance with the Council's Access to Information Rules. The Chairman will ask the parties present for their views and take any appropriate advice from the Monitoring Officer and/or Independent Person. The sub-committee will then decide whether to exclude the press and public from all or any part of the hearing. The sub-committee may reconsider this issue at any point in the hearing.

7. **Hearing the Matter**

- 7.1 The sub-committee will consider whether the member failed to comply with the Code of Conduct as set out in the Investigator's report. The sub-committee will adopt as far as reasonably practicable an inquisitorial approach to the hearing rather than permit an adversarial or hostile approach to develop.

8. Presenting the Investigator's Report

- 8.1 The Investigator, if present, will be asked to present his or her investigation report, paying particular regard to any points in dispute identified by the subject member and why the Investigator considers that the subject member had failed to comply with the Code of Conduct.
- 8.2 Should the Investigator not be present, the sub-committee will consider whether it is appropriate in all circumstances to proceed with the hearing. The Investigator may, with the consent of the Chairman, call such witnesses as he/she considers necessary.
- 8.3 No cross-examination of the Investigator or any witness shall be permitted, but at the conclusion of the Investigator's presentation of his or her report and at the conclusion of the evidence of any witness, the Chairman may permit the Independent Person, subject member or his or her representative to ask appropriate questions through the Chairman in order to clarify evidence or conclusions.

9. The Subject Member's Reply

- 9.1 The subject member (or his or her representative) will then be invited to make representations on the matter. The subject member may, with the consent of the Chairman, call such witnesses as he/she considers necessary.
- 9.2 No cross-examination of the subject member or witness shall be permitted, but at the conclusion of the subject member's presentation of his or her representations and at the conclusion of the evidence of any witness, the Chairman may permit the Investigator and Independent Person to ask appropriate questions through the Chairman in order to clarify evidence or conclusions.

10. Evidence

- 10.1 The sub-committee may decide not to hear any evidence if it is not satisfied that the evidence will assist its decision making.
- 10.2 The sub-committee may at any time seek or accept additional evidence or comment from the Investigator, the subject member, or any other person. The sub-committee may at any time arrange for the attendance of such witnesses as it considers appropriate and if necessary may adjourn the hearing to allow this to happen.
- 10.3 Members of the sub-committee may ask questions of any persons present at any point in the proceedings. The sub-committee is entitled to rely upon hearsay evidence but will give such weight to it as it deems appropriate.

11. Determination of the Matter

- 11.1 At the conclusion of the subject member's reply and any questions, the Chairman may ask the Investigator and/or subject member if they wish to make any brief concluding remarks. The Chairman will check that Members of the sub-committee are satisfied that they have sufficient information to enable them to determine whether or not there has been a failure to comply with the Code of Conduct as set out in the Investigator's report. If not, then each member of the sub-committee may ask further questions to gather sufficient information.
- 11.2 Unless the subject member has accepted there was a failure to comply with the Code of Conduct as set out in the Investigator's report, the sub-committee shall retire with the Monitoring Officer to determine in private whether or not there was such a failure on the balance of probabilities. The sub-committee will seek the views of the Independent Person before making its determination.

12. Decision

- 12.1 Having made its determination, the sub-committee shall return and the Chairman will state the sub-committee's principal findings on matters in dispute and its decision on whether there has been a failure to comply with the Code of Conduct.

12.2 No Failure to Comply with the Code of Conduct

If the sub-committee decides that the subject member has not failed to comply with the Code of Conduct as set out in the investigation report, the hearing is concluded - on the basis of no breach of the Code of Conduct and no case to answer. However if the sub-committee considers that there has been no breach of the Code of Conduct but still has some concerns it will issue a finding of no breach of the Code of Conduct, but may then proceed to consider whether it should make any general recommendations. This would include bringing to the attention of the Council, town or parish council or its members any learning points and recommendations for training to the Council, town or parish council, or its Members, with a view to promoting high standards of conduct in the light of concerns raised.

12.3 Failure to Comply with the Code of Conduct

If the sub-committee decides that the member has failed to comply with the Code of Conduct, the sub-committee has to decide either that:

12.3.1 No action needs to be taken in respect of the matter; or

12.3.2 A sanction be imposed

- 12.4 Before deciding whether to impose a sanction, the sub-committee will consider any representations from firstly the Investigator and then the subject member. They will also consider any officer advice and the views of the Independent Person as to:

12.4.1 Whether or not the sub-committee should impose any sanction; and

12.4.2 What form any sanction should take from those available;

- (a) Censure or reprimand the member;
- (b) Publish its findings in respect of the member's conduct.
- (c) Report its findings to Council or the town or parish council for information and make any recommendations ;
- (d) Recommending to the member's Group Leader (or in the case of ungrouped members, recommending to Council or to committees) that he/she be removed from any or all committees or sub-committees of the Council;
- (e) Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular portfolio responsibilities.
- (f) Instruct the Monitoring Officer to, or recommend that the town or parish Council arrange training for the member;
- (g) ~~Remove or~~ Recommend to Council, or the town or parish council that the member be removed from all outside appointments to which he/she has been appointed or nominated by the Council or by the town or parish council;
- (h) Withdraw, or recommend to the Council or town or parish council that it withdraws facilities provided to the member by the Council, such as a computer, website and/or email and Internet access if relevant to the subject matter of the complaint; or
- (i) Exclude the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, committee and sub-committee meetings if relevant to the subject matter of the complaint.

12.5 Members of the sub-committee may ask questions of the Investigator and subject member or any other relevant person and take any necessary advice to make sure they have sufficient information in order to make an informed decision.

12.6 The sub-committee shall then retire with the Monitoring Officer to determine in private whether to impose one or more sanctions and, if so, what and when it will take effect. It may also consider whether it should make any recommendations to the Council or members with a view to promoting high standards of conduct and highlight any learning points for the future.

12.7 The sub-committee will then return, and as far as is practicable, the Chairman will announce the sub-committee's decision to the parties on the day and provide a short written confirmation. The sub-committee will issue a formal written decision together with supporting reasons as soon as practicable after the end of the hearing and in any event within ten working days.

13. Public interest test

- 13.1 If at any point during the hearing process, the subject member resigns, loses their seat, is seriously ill or has died, the sub-committee will only refer the matter for a hearing, or continue with a hearing which is already underway, if it considers it is in the public interest to do so.

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CHESHIRE EAST COUNCIL

COUNCIL

Date of Meeting:	22 October 2015
Report of:	Head of Governance and Democratic Services
Subject/Title:	Appointment to Cheshire Fire Authority

1.0 Report Summary

- 1.1 The report invites Council to make an appointment to the Cheshire Fire Authority, to fill the vacancy following the death of Councillor Peter Mason.

2.0 Recommendations

- 2.1 Council is asked to appoint Councillor Steven Edgar to the Cheshire Fire Authority.

3.0 Reasons for Recommendation

- 3.1 This body carries out statutory functions and appointments are needed to ensure that the Council meets its obligations.

4.0 Background and Options

- 4.5 The Cheshire Fire Authority is the Combined Fire Authority of Cheshire West and Chester, Cheshire East, Halton and Warrington Councils and it has a membership of 23:-

Halton - 3 Members

Warrington - 5 Members

Cheshire West and Chester - 7 Members

Cheshire East - 8 Members

- 4.6 Councillors D Marren, G Merry, M Simon, J Weatherill, P Mason, D Bailey, D Flude and D Mahon were appointed as Cheshire East Council's representatives at the Annual meeting of the Council in May.

Following the sad death of Councillor Peter Mason, it is necessary to make a new appointment and Councillor Steven Edgar has been nominated to fill the vacancy.

5.0 Access to Information

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

Name: Brian Reed
Designation: Head of Governance and Democratic Services
Tel No: 01270 686670
E-mail: brian.reed@cheshireeast.gov.uk.

COUNCIL – 22 OCTOBER 2015**NOTICES OF MOTION****Submitted to Council in Accordance with Procedure Rule 12****1 Syrian Refuges**

Proposed by Councillor Sam Corcoran and Seconded by Councillor Irene Faseyi

“This Council would welcome an appropriate number of Syrian refugees to Cheshire East.”

2 Trade Union Membership

Proposed by Councillor Damian Bailey and Seconded by Councillor Nick Mannion

"That this Council recognises the positive contribution that trade union members make in our workplaces. This Council values the constructive relationship that we have with our trade unions and we recognise their commitment, and the commitment of all of our staff, to the delivery of good quality public services.

This Council notes with concern the Trade Union Bill which is currently being proposed by the Government which would affect this Council's relationship with our trade unions and workforce as a whole. This Council rejects this Bill's attack on local democracy and the attack on the right to manage our own affairs.

This Council is clear that facility time, negotiated and agreed by us and our trade unions to suit our own specific needs has a valuable role to play in the creation of good quality, responsive local services that truly puts our residents first. Facility time should not be determined or controlled by the Government in London.

This Council is happy with the arrangements we currently have in place for deducting trade union membership subscriptions through the payroll. We see this as an important part of our positive industrial relations and a cheap and easy way to administer a system that supports our staff. This system is an administrative matter for this Council and it should not be interfered with.

This Council further resolves to seek to continue its own locally agreed industrial relations strategy and will take every measure possible to maintain its autonomy with regard to facility time and the continuing use of check-off."

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