

Council Agenda

Date: Thursday, 15th December, 2016
Time: 1.30pm
Venue: Crewe Lifestyle Centre, Moss Square, Crewe. CW1 2BB

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 5 - 18)

To approve the minutes of the meeting held on 20 October 2016 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. **Recommendation from Cabinet - Council Tax Base 2017/18** (Pages 19 - 26)

To consider the recommendation from Cabinet.

8. **Leader's Announcements**

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

9. **Recommendation from the Constitution Committee - Nomination of Members to Committees** (Pages 27 - 32)

To consider the recommendation from the Constitution Committee.

10. **Recommendation from the Constitution Committee - Overview and Scrutiny Committees - Review of Structure** (Pages 33 - 46)

To consider the recommendation from the Constitution Committee.

11. **Political Representation on the Council's Committees** (Pages 47 - 52)

To approve the recommendations as set out in the report in respect of political representation on the Council's Committees.

12. **Recommendation from the Constitution Committee - Calendar of Meetings for 2017-18** (Pages 53 - 62)

To consider the recommendation from the Constitution Committee.

13. **Recommendation from the Audit and Governance Committee - Arrangements for the Appointment of External Auditors** (Pages 63 - 68)

To consider the recommendation from the Audit and Governance Committee.

14. **Devolution of the Sub-Region: Latest Position and Next Steps** (Pages 69 - 78)

To consider the recommendations in respect of Devolution of the Sub-Region.

15. **Cheshire East Local Plan Strategy - Main Modifications** (Pages 79 - 84)

To approve the recommendations as set out in the report in respect of the Cheshire East Local Plan Strategy main modifications.

16. **Staffing Committee Terms of Reference** (Pages 85 - 92)

To approve the amendments to the Terms of Reference of the Staffing Committee as detailed in the Appendix to the report.

17. **Notices of Motion** (Pages 93 - 94)

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

18. **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.

This page is intentionally left blank

CHESHIRE EAST COUNCIL**Minutes of a meeting of the Council**

held on Thursday, 20th October, 2016 at The Ballroom, Sandbach Town Hall,
High Street, Sandbach, CW11 1AX

PRESENT

Councillor O Hunter (Mayor/Chairman)

Councillor A Moran (Deputy Mayor/Vice-Chairman)

Councillors C Andrew, A Arnold, D Bailey, Rachel Bailey, Rhoda Bailey, Baggott, P Bates, G Baxendale, M Beanland, D Bebbington, S Brookfield, E Brooks, 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, H Gaddum, S Gardiner, S Gardner, L Gilbert, P Groves, J Hammond, M Hardy, A Harewood, S Hogben, D Hough, J Jackson, L Jeuda, M Jones, A Kolker, J Macrae, D Mahon, N Mannion, D Marren, A Martin, S McGrory, R Menlove, G Merry, B Moran, M Parsons, S Pochin, J Rhodes, B Roberts, J Saunders, M Sewart, 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, G Williams and J Wray

Apologies

Councillors G Barton, M Grant, G Hayes, H Murray, D Newton and J Weston

43 PRAYERS

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

45 DECLARATIONS OF INTEREST

Councillors S Gardiner and S McGrory declared an interest in item 15 – Notice of Motion relating to Fossil Fuel Investments, by virtue of being a member of the Local Government Pension Scheme, as former Local Government employees.

(This would be noted for all other affected Members).

46 MINUTES OF PREVIOUS MEETING**RESOLVED**

That the minutes be approved as a correct record.

47 MAYOR'S ANNOUNCEMENTS

The Mayor:-

1. Referred to the previous meeting of Council, where it had been her pleasure to present Gold Local Council Awards to two local Councils who had reached that very high standard. She was delighted to report that one more Council; Somerford Parish Council, had achieved this accolade. She called upon Cllr Geoff Bell and the Clerk to the Council, Julie Mason, to step forward to receive the award. They were accompanied by Stuart Hulse, Vice Chairman of the Cheshire Association of Local Councils.
2. Reported that, since the last meeting of the Council, she and the Deputy Mayor had attended almost 80 events, details of which had been circulated around the Chamber. She thanked all those who had attended the Mayor's Ball on the previous Saturday. This had been a very enjoyable evening and she was delighted to be able to inform Members that just over £8,000 had been raised for her two, well deserving charities. She would, of course, be continuing to raise money for her charities for the remainder of her term of office. By holding a Mayor's Grand Charity Ball, she hoped that she had started a tradition that future Mayors would follow. She thanked the Mayoral team, who had been exceptional in the work that they had carried out to make the event happen.
3. Stated that, during her year in office she was keen to visit as many schools as possible and since the start of the school year in September, she had visited almost 20 schools. She had thoroughly enjoyed each visit and had been made very welcome by both the staff and the children that she had met. She had written to Members previously, asking them to nominate volunteers from their wards to attend afternoon tea in either the Mayor's Parlour in Crewe or Macclesfield and she thanked those who had made nominations. The teas had been very enjoyable and provided an invaluable opportunity for those active in communities, to come together, learn about each other and, most importantly, communicate. She thanked all those involved for what they did. There were more teas scheduled to take place and she asked those Members who had not yet done so, to put forward names for their areas.

48 PUBLIC SPEAKING TIME/OPEN SESSION

Mrs J Griffiths used public speaking time to speak to and present a petition regarding a request to replace the current 40 MPH speed limit on the A49 at Spustow with a 30MPH limit.

Cllr D Brown, Deputy Leader of the Council and Highways and Infrastructure Portfolio Holder thanked Mrs Griffith and undertook to arrange for a full site inspection to take place and stated that he would feed back in due course.

Mrs S Helliwell used public speaking time to ask the following question:-

“Would Cheshire East Council consider changing the ward boundary of Alsager to include all the new builds around Close Lane and White Moss Quarry, so that the council tax comes to Alsager because of the total impact of new residents. This will include welfare services, school places and most definitely infrastructure will be placed heavily on Alsager”.

Cllr P Groves, Finance and Assets Portfolio Holder, thanked Mrs Helliwell for raising this question and suggested that a conversation take place outside the meeting with Mrs Helliwell in respect of this issue.

Mrs C Peter Rock used public speaking time to ask a detailed question in respect of the provision of Adult Social Care in the Borough.

Cllr J Clowes briefly responded to each element of the question and undertook to provide a written response.

49 **RECOMMENDATION FROM CABINET - 2016/17 FIRST QUARTER REVIEW OF PERFORMANCE**

Cabinet, at its meeting on 13 September, had considered a report and recommendations in respect of the 2016/17 First Quarter Review of Performance.

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

RESOLVED

That the 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.

50 **LEADER'S ANNOUNCEMENTS**

The Leader of the Council:-

1. Congratulated the Mayor on her fantastic achievement with her sponsored slim.
2. Welcomed two new officers to the Council; namely Frank Jordan, Executive Director-Place and Mark Palethorpe, Strategic Director of Adult Social Care and Health. She considered that these appointments would help towards the important cohesion work under the Caring Together programme and heralded an approach of working together.
3. Referred to mental wellbeing in Cheshire East. She believed that this should be key to everything that the Council did and particularly in working with local communities and groups and opportunities in taking on parks and open spaces. She referred to her recent visit to South Park, Macclesfield, where she had officially opened the

Action Zone sports and leisure facility, which had been established by volunteers on the tennis court site. She had also visited Queens Park in Crewe, which had been awarded the Green Flag Award. She also referred to her recent visit to Teggs Nose Country Park, where she had met an individual who obtained respite there. Cllr David Brown, Deputy Leader of the Council and Highways and Infrastructure Portfolio Holder, reported that Congleton Park had also received the Green Flag Award.

4. Referred to the success of local Olympians and Paralympians. She felt it appropriate to recognise their achievements and announced that it was proposed to arrange a special meeting of Council in December to honour them.
5. With regard to highways issues, reported that progress was being made with the Congleton Link Road and that the public consultation had commenced in respect of the proposed Middlewich bypass.
6. Reported that the final stage of the six week Local Plan hearing had now been reached. She thanked all those who had been involved in the process.
7. Announced that she proposed to set up a cross-party working group to explore what the aspirations were for Cheshire East in terms of devolution. She considered that large scale infrastructure projects would be key, together with public transport, skills and health services. There would also need to be discussion around a joined-up approach to higher and further education.
8. Stated that she was aware that the Council would need to decide how to appoint external auditors in the future. There was a national scheme to be operated by the Public Sector Audit Appointments Ltd (PSAA), who already administered the current audit contracts. The decision to opt into the national scheme required approval by full Council, but would be considered by the Audit and Governance Committee in the first instance.
9. Reported that the Finance and Assets Portfolio Holder had submitted the Council's financial forecasts to the Department of Communities and Local Government on the previous Friday.
10. Referred to the recent Tour of Britain Cycle race, where Cheshire East had been showcased via national television and through visitors to the area. She also referred to the positive feedback which had been received from local businesses. Cllr David Brown, Deputy Leader of the Council and Highways and Infrastructure Portfolio Holder added to this by speaking of the positive benefits in respect of residents getting out and taking part in such activities. He also referred to the Council's excellent proactive work in engaging with local communities. He thanked the volunteers who had been involved and gave special thanks to the team who had arranged the event at short notice. The Mayor also added her thanks.

**51 RECOMMENDATION FROM THE CONSTITUTION COMMITTEE -
SUBSTITUTE MEMBERS AT PLANNING COMMITTEE MEETINGS**

The Constitution Committee, at its meeting on 15 September 2016, had considered a report recommending that a pool of trained members be created to supplement existing arrangements for the provision of substitute committee members at planning committee meetings.

The current substitution arrangements provided that a substitute on a planning committee must have received appropriate training and must be a member of one of the other two planning committees. These requirements made it difficult on occasions for Group whips to find substitutes for planning meetings. It was therefore proposed that a limited pool of additional members with the required training be established and drawn from as required.

Council was, therefore, recommended to approve that a pool of 9 planning substitutes be established.

RESOLVED

1. That a pool of 9 planning substitutes be established (5 Conservative: 2 Labour: 2 Independent);
2. That the pool will supplement the existing Constitutional provisions which enable planning substitutes to be drawn from any of the Council's planning committees: Northern Planning, Southern Planning and Strategic Planning Board;
3. That, subject to the requirement that each member of the pool must have received appropriate and up-to-date planning training, the political groups may nominate their members to the pool as and when necessary.
4. That the Director of Legal Services, in consultation with the Chairman of the Constitution Committee, be given authority to make such changes to the Constitution as he considers are necessary to give effect to the wishes of Council.

52 RECOMMENDATION FROM THE CONSTITUTION COMMITTEE - AUDIO RECORDING OF MEETINGS

The Constitution Committee, at its meeting on 15 September 2016, had considered a report seeking clarification and guidance on the arrangements for the audio-recording of decision-making meetings. The Committee had taken the view that the requirement to record should apply to the meetings of all decision-making bodies, including Overview and Scrutiny committees.

The Committee had also considered whether the audio recordings should be published on the Council's website.

The Constitution Committee had made four recommendations to Council. Recommendations 1 and 2 comprised firm proposals which Council was

asked to agree. However, recommendations 3 and 4 required further consideration by Council. Recommendations 1 and 2 were, therefore, considered together as a package and recommendation 3 and recommendation 4 were considered separately.

Recommendations 1 and 2, as set out in the draft Constitution Committee minutes were proposed and seconded.

A requisition for a named vote was submitted and duly supported, with the following results:-

For - Cllrs C Andrew, A Arnold, D Bailey, Rachel Bailey, Rhoda Bailey, Baggott, P Bates, G Baxendale, M Beanland, D Bebbington, S Brookfield, E Brooks, 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, H Gaddum, S Gardiner, S Gardner, L Gilbert, P Groves, J Hammond, M Hardy, A Harewood, S Hogben, D Hough, J Jackson, L Jeuda, M Jones, A Kolker, J Macrae, D Mahon, N Mannion, D Marren, A Martin, S McGrory, R Menlove, G Merry, B Moran, M Parsons, S Pochin, J Rhodes, B Roberts, J Saunders, M Sewart, 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, G Williams and J Wray.

Against - Cllr C Browne.

The motion was declared **carried**, with votes 75 for and 1 against.

RESOLVED

That

1. That, subject to the following principles, the audio recording of meetings shall take place:
 - (a) All decision-making meetings of the Council be subject to audio-recording, including overview and scrutiny committees (but not informal non-decision-making bodies such as working groups) unless the press and public have, by resolution, been excluded from the meeting;
 - (b) Any member who was a member of a decision-making body at a meeting of that body, including anyone attending as a substitute, may request that the audio recording of that meeting be reviewed in order to clarify the wording of a draft minute;
 - (c) Such a request for review of the audio recording must be made on a working day before the day of the meeting at which the draft minutes are to be submitted for approval; and

- (d) The audio recordings be retained for a period of 6 months from the date of the meeting in question, unless a Freedom of Information request is made in respect of the recording, in which case the recording will be retained for such longer period as is required by law.
2. That delegated authority be given to the Director of Legal Services, in consultation with the Chairman and Vice-Chairman of the Constitution Committee, to make such changes to the Constitution as he considers necessary to give effect to the wishes of Council.

Consideration was given to recommendation 3 from the Constitution Committee, as set out in the draft Constitution Committee minutes. Following debate, the following motion was proposed and seconded:-

“That the audio recordings of meetings shall be published on the Council’s website”.

A requisition for a named vote was submitted and duly supported, with the following results:-

For - Cllrs C Andrew, A Arnold, D Bailey, Rachel Bailey, Rhoda Bailey, Baggott, P Bates, G Baxendale, M Beanland, D Bebbington, S Brookfield, E Brooks, 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, H Gaddum, S Gardiner, S Gardner, L Gilbert, P Groves, J Hammond, M Hardy, A Harewood, S Hogben, D Hough, J Jackson, L Jeuda, M Jones, A Kolker, J Macrae, D Mahon, N Mannion, D Marren, A Martin, S McGrory, R Menlove, G Merry, B Moran, M Parsons, S Pochin, J Rhodes, B Roberts, J Saunders, M Sewart, 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, G Williams and J Wray.

Against - Cllrs C Browne and S McGrory.

Not Voting – Cllr D Hough.

The motion was declared **carried**, with 73 votes for, 2 against and 1 not voting.

RESOLVED

3. That the audio recordings of meetings shall be published on the Council’s website.

Consideration was given to recommendation 4 from the Constitution Committee, as set out in the draft Constitution Committee minutes.

RESOLVED

4. That a report should be presented to the Constitution Committee which will explore the implications of the Openness and Local Government Bodies Regulations 2014.

53 RECOMMENDATION FROM THE CONSTITUTION COMMITTEE - URGENT DECISION PROCEDURES

The Constitution Committee, at its meeting on 15 September 2016, had considered a report on recommended changes to the procedures for taking urgent decisions. The current procedures, which had been introduced in 2011, were considered deficient in certain respects as outlined in the report.

With regard to the proposed changes to the urgency provisions relating to executive decisions, the Leader of the Council had been consulted.

RESOLVED

That the amended procedures for taking urgent decisions as set out below be approved and the Director of Legal Services be given delegated authority to amend the Constitution accordingly:

1. The procedure for taking urgent regulatory decisions under Committee Procedure Rule 25 be amended as follows:

“The Chief Executive or in his/her absence the Deputy Chief Executive (or in their absence their nominee) in consultation with the Chairman and/or Vice-Chairman of the relevant committee or sub-committee have delegated authority to take any non-executive decision subject to the following requirements being met:

- *The decision-maker is satisfied that the matter is urgent and cannot await the next meeting of the decision-making body, or an urgently convened meeting;*
- *The decision is reported for information to the next available meeting of the decision-making body;*
- *The provisions of legislation are complied with;*
- *Advice has been taken from the Council’s Director of Legal Services and Section 151 Officer;*
- *All Members of the Council are notified of the decision taken by electronic means.”*

2. The procedure for taking urgent Council decisions under Council Procedure Rule 18 be amended as follows:

“If a decision would normally be required to be made by full Council the decision may be made by the Chief Executive or in his/her absence the Deputy Chief Executive (or in their absence their nominee) in consultation with Group Leaders and the Mayor (or in

his/her absence the Deputy Mayor) subject to the following requirements being met:

- *The decision-maker is satisfied that the matter is urgent and cannot await the next meeting of the Council, or an urgently convened Council meeting ;*
- *The decision is reported for information to the next available meeting of the Council;*
- *The provisions of legislation are complied with;*
- *Advice has been taken from the Chief Executive, Council's Director of Legal Services and Section 151 Officer;*
- *All Members of the Council are notified of the decision taken by electronic means."*

3. The procedure for taking urgent executive decisions under Cabinet Procedure Rule 53 be amended as follows:

"The Leader of the Council, or in his/her absence the Deputy Leader of the Council, or in his/her absence the relevant portfolio holder has delegated authority to take any executive decision in consultation with the Chief Executive subject to the following requirements being met:

- *The decision-maker is satisfied that the matter is urgent and cannot await the next meeting of the Cabinet, or an urgently convened Cabinet meeting;*
- *The decision is reported for information to the next available meeting of the Cabinet;*
- *The provisions of legislation are complied with;*
- *The relevant overview and scrutiny committee Chairman has been notified of the matter and has been invited to make representations;*
- *The Leaders of all Opposition Groups have been notified of the matter and have been invited to make representations;*
- *Advice has been taken from the Council's Director of Legal Services and Section 151 Officer;*
- *All Members of the Council are notified of the decision taken by electronic means.*

In addition the following provisions shall apply:-

- *Rules 13, 14 and 15 of Access to Information Procedure Rules shall be adhered to, relating to the content of the Forward Plan, general exceptions to the requirement to list decisions on the Forward Plan, and circumstances of special urgency*

- *Rule 54 of the Executive Procedure Rules shall be adhered to, relating to the Forward Plan and Key Decisions*
- *Overview and Scrutiny Procedure Rules in relation to Call-in (Rule 12) shall not apply to urgent executive decisions taken under this procedure (see Rule 13).*
- *Rule 4 of the Budget and Policy Framework Procedure Rules shall be adhered to in relation to urgent executive decisions taken under this procedure.*
- *Overview and scrutiny committees can review the reasons for the urgency of a decision and the process adopted.*

For the purposes of this urgency provision, the limit placed on the decision-making powers of individual Portfolio Holders in relation to decisions involving expenditure or savings of £1M or more would not apply.”

54 AUDIT AND GOVERNANCE COMMITTEE ANNUAL REPORT 2015/16

The Chairman of the Audit and Governance Committee, Cllr Lesley Smetham, presented the Audit and Governance Committee Annual Report 2015/16 to Council.

It was agreed that the report be received and noted.

55 APPROVAL OF ABSENCE FROM COUNCIL MEETINGS

Consideration was given to a report seeking the approval of Council in respect of Cllr David Newton's absence from Council meetings for a period over six months, due to reasons of ill-health.

The Mayor, Leader of the Council and other Members of the Council expressed their good wishes to Cllr Newton and wished him a speedy recovery. The Mayor undertook to write to Cllr Newton, on behalf of the Council.

RESOLVED

That Councillor David Newton's absence from Council meetings for a period of over six months, due to reasons of ill-health be approved; such approval to apply until the day after the conclusion of the Annual General Meeting of Council in 2017.

56 CHANGES TO COMMITTEE PLACES

Consideration was given to a report relating to number of proposed changes to the membership of Committees and offices.

A list of the proposed changes were circulated at the meeting, as follows.

Corporate Overview and Scrutiny Committee

Delete Cllr J Weston - Add Cllr B Dooley

Communities Overview and Scrutiny Committee

Add Cllr L Smetham as Chairman

Health and Adult Social Care Overview and Scrutiny Committee

Delete Cllr S Pochin from Committee and as Vice-chairman – Vacancy

Add Cllr B Dooley as Vice-chairman

Jobs, Regeneration and Assets Overview and Scrutiny Committee

Delete Cllr J Weston from Committee and as Vice-chairman - Vacancy

Audit and Governance Committee

Delete Cllr L Smetham from Committee and as Chairman - Vacancy

Add Cllr G Baxendale as Chairman

Constitution Committee

Delete Cllrs G Wait and D Marren – Add Cllrs M Deakin and G Williams

Delete Cllr D Newton - Add Cllr L Jeuda

Add Cllr M Beanland as Vice-chairman

Strategic Planning Board

Delete Cllr D Brown – Add Cllr L Smetham

Delete Cllr S McGrory - Add Cllr T Fox

Delete Cllr D Newton - Add Cllr S Hogben

Northern Planning Committee

Delete Cllr T Fox - Add Cllr M Warren

Staffing Committee

Delete Cllr D Newton – Add Cllr D Flude and Cllr S Hogben(Sub)

Appeals Sub-Committee

Delete Cllr D Marren – Add Cllr M Beanland

Delete Cllr M Warren - Add Cllr A Stott

Corporate Parenting Committee

Delete Cllr M Simon – Add Cllr G Wait

The Leader of the Council expressed her thanks to Cllr Lesley Smetham for her work as Chairman of the Audit and Governance Committee and to Cllr David Marren for his work as Vice-chairman of the Constitution Committee.

RESOLVED

That the proposed changes, as circulated at the meeting and as set out above be approved.

57 **NOTICE OF MOTION**

Consideration was given to the following Notice of Motion, submitted to Council in Accordance with Procedure Rule 12

Fossil Fuel Investments

Proposed by Cllr Sam Corcoran

This Council should write to the Cheshire Pension Fund Trustees asking how they intend to meet their fiduciary duty by assessing climate risks and the threat of stranded fossil assets, and modify accordingly their investment strategy in the light of the speech by Mark Carney at the Annual Arthur Burns Memorial Lecture in Berlin on 22 September in which he highlighted the financial risks associated with climate change, referring to work that will reveal how the valuations of companies that produce and use fossil fuels might change over time and to the collapse in the value of major US coal producers.

It was noted that formal decision on the issues raised in the Notice of Motion would be taken by the administering authority's Section 151 Officer, which in this case was the Director of Finance at Cheshire West and Chester Council, as advised by the Pension Fund Committee.

RESOLVED

That a letter be sent to the Section 151 Officer of Cheshire West and Chester Council, referring the issues raised in the Motion to him for consideration.

58 QUESTIONS FROM MEMBERS

The following questions were submitted:-

1. Cllr C Browne, in respect of a petition handed in by an Alderley Edge Parish Councillor at the previous Council meeting. He stated that the petitioner had not received a response to date and asked for this to be investigated. - Cllr D Brown, Deputy Leader of the Council and Highways and Infrastructure Portfolio Holder, undertook to look into this.
2. Cllr M Hardy, in respect of the preparation and treatment of the Borough's roads for the winter and seeking reassurance that Cheshire East residents would be adequately served in this regard. - Cllr D Brown, Deputy Leader of the Council and Highways and Infrastructure Portfolio Holder, responded and provided this reassurance.
3. Cllr P Butterill in respect of free parking at Christmas. She requested that consideration be given to the extension of "Free after 3" car parking to all Cheshire East car parks during the Christmas shopping period, in order to help local businesses. - Cllr D Brown Deputy, Leader of the Council and Highways and Infrastructure Portfolio Holder, responded and undertook to look into this.
4. Cllr J Jackson, in respect of the evaluation work relating to Corefit. - Cllr R Bailey, Leader of the Council, undertook to provide a written response.
5. Cllr D Flude, in respect of access to Press Officers by Members. She asked when Members would have the opportunity to get advice from the Council's Press/Communications officers in respect of

press releases etc.. and asked that all Members be notified when press releases were issued. - Cllr R Bailey, Leader of the Council and Cllr P Groves, Finance and Assets Portfolio Holder, undertook to look into this matter.

6. Cllr N Mannion, in respect of the publication by Central Government of its proposals relating to the registration of houses in multiple occupation. He asked that a summary of the proposals be shared with Members, as soon as possible and that a cross party response to the consultation be submitted. – Cllr A Arnold, Housing and Planning Portfolio Holder, responded.
7. Cllr D Bailey, in respect of comments regarding the recent Cabinet decision concerning Safer Routes to Schools. – Cllr L Durham, Children and Families Portfolio Holder, responded.
8. Cllr B Burkhill in respect of the decision regarding the introduction of a non standard junction at Clay Lane with the junction of the A6 MARR. - Cllr Brown, Deputy Leader of the Council and Highways and Infrastructure Portfolio Holder, responded.
9. Cllr E Brookfield, in respect of the amount of public money paid over to private landlords in housing benefits for what she considered to be poor standard accommodation. She asked whether Cllr A Arnold, the Planning Portfolio Holder, would work with Ward Councillors to establish a Compulsory Landlord Register, in view of many of the streets in the lesser affluent areas in Crewe being within the private rented sector and she considered that this was impacting on the health, wellbeing and environmental budgets of the Local Authority . - Cllr R Bailey, Leader of the Council and Cllr Arnold responded briefly and undertook to provide a more detailed written response.
10. Cllr B Roberts, in respect of the disposal of Council assets and in particular Crewe baths and the resultant serious vandalism of the building. He asked what was going to happen to the building. – Cllr D Stockton, Regeneration Portfolio Holder, gave an initial response and undertook to provide a written response at a later date.
11. Cllr L Jeuda, in respect of the Council's decision, earlier in the meeting, to record the Council's decision making meetings. She sought reassurance that the audio recordings would be placed on the Council's website, unless they contained personal details. – Cllr P Groves, Finance and Assets Portfolio Holder, responded.
12. Cllr Corcoran in respect of Cllr S Gardner's business arrangements - Cllr R Bailey, Leader of the Council, responded.
13. Cllr M Deakin, in respect of the limited remaining supply of vacant plots in the Council's graveyards. He asked the Portfolio Holder to look into this issue. – Cllr P Bates, Communities and Health Portfolio Holder, responded.
14. Cllr Hough in respect of whether the Council had considered using the New Homes Bonus or Key Service Centres. - Cllr P Groves, Finance and Assets Portfolio Holder, undertook to provide a written response.

The meeting commenced at 11.00 am and concluded at 2.00 pm

Councillor O Hunter (Chairman)
CHAIRMAN

CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	6 th December 2016
Report of:	Chief Operating Officer
Subject/Title:	Council Tax Base 2017/18 – Domestic Rates
Portfolio Holder:	Councillor Peter Groves, Finance and Assets

1.0. Report Summary

- 1.1. Cheshire East Council is the third largest council in the Northwest of England, responsible for over 500 services, supporting over 370,000 local people. Annual spending around £730m, with a balanced net budget for 2016/17 of £266.7m. The complexity of customer demands and the size of the organisation make it very important to manage performance and control expenditure to ensure the best outcomes for residents and businesses.
- 1.2. In November 2016 the Council reported its mid-year review of performance demonstrating how the Council is continuing to manage demand pressures by reflecting a manageable forecast overspend of £1.2m or 0.5% of net budget. This is lower than at the first quarter review stage (£1.5m) confirming that the Council's reserves strategy remains effective.
- 1.3. The overall financial health, performance, resilience and value for money at Cheshire East Council is strong despite taking over £50m out of its cost base since 2011/12. The 2015/16 accounts were recently signed off by the Council's external auditors, without qualification, and savings are consistently achieved through efficiency, removing duplication of effort, making reductions in management costs, and planned programmes of asset disposals. The approach continues to protect funding provided to front line services.
- 1.4. The sustainability of the Council's financial position is enhanced as, unlike many local authorities, 67% of the Council's net revenue funding is raised locally through Council Tax. The Council has continued to protect local residents by keeping Council Tax levels low and ensuring that everyone who is eligible to pay does so. This report sets out the tax base calculation for recommendation from Cabinet to Council.
- 1.5. The calculation sets out the estimates of new homes less the expected level of discounts and the level of Council Tax Support (CTS). This results in a band D equivalent tax base position for each Town and Parish Council.

- 1.6. The tax base reflects growth of 1.4% on the 2015/16 position highlighting the positive changes locally. Additional new homes and more properties brought back into use over the last eight years, have increased the taxbase by almost 9%. Reductions in CTS payments have also contributed to recent additional growth in the taxbase.

2.0 Recommendation

- 1.7. That Cabinet, in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, recommends to Council, the amount to be calculated by Cheshire East Council as its Council Tax Base for the year 2017/18 as **144,201.51** for the whole area.
- 1.8. No changes are made to the Council Tax Support Scheme for 2017/18, other than the annual increase in the allowances used.

3.0 Other Options Considered

- 1.9. The Council published its [Pre-Budget Report 2017-20](#) for consultation at the beginning of November 2016. Within that document there is a proposal to vary the Council Tax Support budget (see page 93) and also to vary the non collection rate (see page 87). This proposal is reflected in the recommended taxbase in section 2 above.

4.0 Reason for Recommendation

- 1.10. In accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992 Cheshire East Council is required to agree its tax base before 31st January 2017.

5.0 Background/Chronology

- 1.11. Cheshire East Council is required to approve its tax base before 31st January 2017 so that the information can be provided to the Cheshire Police and Crime Commissioner and Cheshire Fire Authority for their budget processes. It also enables each Town and Parish Council to set their respective budgets. Details for each parish area are set out in **Appendix A**.
- 1.12. The tax base for the area is the estimated number of chargeable dwellings expressed as a number of band D equivalents, adjusted for an estimated number of discounts, exemptions and appeals plus an allowance for non-collection. A reduction of 1% is included in the tax base calculation to allow for anticipated levels of non-collection.
- 1.13. Processes to collect Council Tax locally continue to be effective and the Revenues and Customer Services Team recently won the Innovation Award for their collaborative work from the Institute of Revenues, Rating and Valuations. Collection rates of 99% continue to be achieved over two years.

Changes to Council Tax discounts, specifically the introduction and subsequent amendments to the CTS scheme are being managed and the forecast level of non-collection at Cheshire East has therefore been reduced from 1.25% to 1% for 2017/18.

- 1.14. The tax base has been calculated in accordance with the Council's policy to offer no reduction for empty properties. However discretionary reductions will continue to be allowed, for landlords, under Section 13A of the Local Government Finance Act 1992 for periods of up to eight weeks between tenancies. This is no change from 2016/17.
- 1.15. Analysis of recent trends in new homes, and homes being brought back into use, suggest an increase of around 3,000 homes is likely between the setting of the 2015/16 taxbase and the end of 2017/18. The impact of this growth, which is affected by when properties may be available for occupation and the appropriate council tax banding, is factored into the tax base calculation.
- 1.16. The tax base also reflects assumptions around CTS payments. The Cheshire East CTS scheme was introduced in 2013/14 and subsequently amended following consultation for 2016/17. The history of the scheme including budgets available compared to actual payments made is shown in **Table 1** below.

Table 1 – Council Tax Support Budget since the introduction of the Scheme

Taxbase Year	CTS Payments £m	Risk Allowance £m	Resulting CTS Budget £m
2013/14 (original scheme)	18.2	0.7	18.9
2014/15	17.7	1.4	19.1
2015/16	17.7	0.9	18.6
2016/17 (revised scheme)	15.7	1.9	16.7
2017/18	15.0	1.2	16.2

- 1.17. Low unemployment rates, compared to national averages, have contributed to a further reduction in the required CTS budget for 2017/18 of £0.5m.
- 1.18. This level of budget will still allow a risk factor of £1.2m to remain within the scheme. The ongoing level of risk reflects a number of possible influences on the scheme such as:
 - Challenges over the medium term economic position.
 - The risk of a major employer leaving the area.
 - The risk of delay in the significant development projects delaying employment opportunities.

- The prospect of a greater number of residents becoming of pensionable age and potentially becoming eligible for CTS.
- The risk of increased non-collection due to the increasing demand on non-protected residents.

1.19. No changes are proposed to the Council Tax Support Scheme for 2017/18 other than to amend the allowances used within the calculation to mirror those used within the calculation of Housing Benefit.

6.0 Wards Affected and Local Ward Members

1.20. All

7.0 Implications of Recommendations

1.21. Policy Implications

1.21.1. None.

1.22. Legal Implications

1.22.1. In accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended and Chapter 4 of the Council's Constitution, the calculation of the Council Tax Base is a matter for full Council following a recommendation by Cabinet.

1.23. Financial Implications

1.23.1. The calculation of the tax base provides an estimate that contributes to the calculation of overall funding for Cheshire East Council in each financial year.

1.24. Equality Implications

1.24.1. None.

1.25. Rural Community Implications

1.25.1. This report provides details of taxbase implications across the borough.

1.26. Human Resource Implications

1.26.1. None.

1.27. Public Health Implications

1.27.1. None.

1.28. Other Implications (please specify)

1.28.1. None.

8.0 Risk Management

1.29. Consideration and recommendation of the Tax Base for 2017/18 to Council ensures that the statutory requirement to set the taxbase is met.

1.30. Estimates contained within the Council Tax Base calculation, such as the loss on collection and caseload for Council Tax Support, will be monitored throughout the year. Any significant variation will be reflected in a surplus or deficit being declared in the Collection Fund which is then shared amongst the major precepting authorities.

9.0 Contact Information

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

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

This page is intentionally left blank

COUNCIL TAX - TAXBASE 2017/18

CHESHIRE EAST	BAND D EQUIVALENTS	TAX BASE 99.00%
Acton	124.79	123.54
Adlington	595.17	589.21
Agden	71.57	70.85
Alderley Edge	2,714.14	2,687.00
Alpraham	191.61	189.69
Alsager	4,460.20	4,415.60
Arclid	116.91	115.74
Ashley	160.78	159.17
Aston by Budworth	179.38	177.58
Aston-juxta-Mondrum	92.78	91.85
Audlem	907.50	898.43
Austerson	48.96	48.47
Baddiley	136.37	135.01
Baddington	65.53	64.88
Barthomley	99.71	98.72
Basford	93.64	92.70
Batherton	23.30	23.06
Betchton	275.30	272.55
Bickerton	123.78	122.54
Blakenhall	72.22	71.50
Bollington	3,054.23	3,023.69
Bosley	203.91	201.87
Bradwall	85.99	85.13
Brereton	617.23	611.06
Bridgemere	66.45	65.78
Brindley	69.52	68.82
Broomhall	94.12	93.18
Buerton	221.99	219.77
Bulkeley	128.04	126.76
Bunbury	639.93	633.54
Burland	296.14	293.17
Calveley	135.53	134.18
Checkley-cum-Wrinehill	45.86	45.40
Chelford	627.12	620.84
Cholmondeley	85.41	84.55
Cholmondeston	92.62	91.70
Chorley	266.34	263.68
Chorley (Crewe)	57.57	56.99
Chorlton	514.17	509.03
Church Lawton	858.66	850.07
Church Minshull	211.88	209.76
Congleton	9,841.11	9,742.70
Coole Pilate	35.95	35.59
Cranege	653.56	647.02
Crewe	13,685.08	13,548.23
Crewe Green	99.16	98.17
Disley	2,039.37	2,018.98
Dodcott-cum-Wilkesley	214.96	212.81
Doddington	17.24	17.07
Eaton	223.40	221.16
Edleston	146.43	144.97
Egerton	39.40	39.00
Faddiley	76.80	76.03
Gawsworth	826.44	818.17
Goostrey	1,061.91	1,051.29
Great Warford	457.02	452.45
Handforth	2,273.35	2,250.61
Hankelow	145.90	144.44
Haslington	2,431.34	2,407.02
Hassall	111.98	110.86
Hatherton	178.91	177.13
Haughton	101.61	100.59
Henbury	348.81	345.32
Enhull	26.48	26.21
High Legh	910.19	901.08
Higher Hurdsfield	327.26	323.99
Holmes Chapel	2,568.32	2,542.64
Hough	337.45	334.08
Hulme Walfield & Somerford Booths	163.45	161.81
Hunsterston	80.24	79.44
Hurleston	37.57	37.20

COUNCIL TAX - TAXBASE 2017/18

CHESHIRE EAST	BAND D EQUIVALENTS	TAX BASE 99.00%
Kettleshulme	167.22	165.55
Knutsford	5,796.75	5,738.78
Lea	23.28	23.05
Leighton	1,726.65	1,709.38
Little Bollington	87.67	86.80
Little Warford	38.51	38.13
Lower Peover	71.29	70.58
Lower Withington	308.39	305.31
Lyme Handley	74.10	73.36
Macclesfield	18,195.66	18,013.74
Macclesfield Forest/Wildboardclough	109.46	108.37
Marbury-cum-Quoisley	126.16	124.90
Marton	114.13	112.99
Mere	446.06	441.59
Middlewich	4,809.71	4,761.61
Millington	100.95	99.94
Minshull Vernon	117.42	116.25
Mobberley	1,452.84	1,438.32
Moston	237.57	235.19
Mottram St Andrew	402.02	398.00
Nantwich	5,343.83	5,290.39
Nether Alderley	376.61	372.84
Newbold Astbury-cum-Moreton	358.01	354.43
Newhall	412.38	408.25
Norbury	103.78	102.75
North Rode	122.33	121.10
Odd Rode	1,985.28	1,965.43
Ollerton with Marthall	311.58	308.46
Over Alderley	217.95	215.77
Peckforton	72.83	72.11
Peover Superior	411.05	406.94
Pickmere	379.38	375.58
Plumley with Toft and Bexton	402.45	398.42
Poole	73.94	73.20
Pott Shrigley	146.74	145.27
Poynton with Worth	5,848.72	5,790.24
Prestbury	2,164.72	2,143.07
Rainow	610.64	604.54
Ridley	64.93	64.28
Rope	833.85	825.51
Rostherne	80.60	79.79
Sandbach	7,264.41	7,191.77
Shavington-cum-Gresty	1,775.00	1,757.25
Siddington	185.88	184.02
Smallwood	325.00	321.75
Snelson	83.45	82.61
Somerford	302.26	299.24
Sound	105.19	104.14
Spurstow	193.16	191.23
Stapeley	1,553.27	1,537.74
Stoke	112.96	111.83
Styal	370.49	366.79
Sutton	1,146.69	1,135.23
Swettenham	177.76	175.98
Tabley	214.22	212.07
Tatton	10.08	9.98
Twemlow	111.60	110.48
Walgherton	74.38	73.64
Wardle	51.70	51.18
Warmingham	119.97	118.77
Weston	941.91	932.49
Wettenhall	118.19	117.01
Willaston	1,335.67	1,322.32
Wilmslow	11,383.99	11,270.15
Windle	94.02	93.08
Wirswall	43.60	43.16
Wistaston	3,021.68	2,991.46
Woolstanwood	246.19	243.72
Worleston	120.88	119.68
Wrenbury	454.03	449.49
Wybunbury	605.98	599.92
	145,658.09	144,201.51

This page is intentionally left blank

COUNCIL MEETING – 15TH DECEMBER 2016

**Extract from the Minutes of the Constitution Committee meeting on
24th November 2016**

23 NOMINATION OF MEMBERS TO COMMITTEES

The Committee considered proposals to simplify the process for the nomination of Members to the Council's committees.

Group Whips had indicated that the formalities and delays associated with the need to report to Council each time a change to a committee membership was required was unduly burdensome. The proposals in the report sought to simplify the process by requiring that the memberships of the Council's committees and sub-committees be established and changed, where required, by way of notification to the Head of Governance and Democratic Services by the Leader or Whip of the political group in question. This would include nominations to chairmanships and vice-chairmanships. The approach would provide more flexibility for the political groups, their Leaders and Whips, and for the officers involved in administering the Council's decision-making arrangements, but would not dilute the fundamental legal requirement that the composition and term of office of each committee and sub-committee be agreed by Council.

The Annual Council meeting would continue to agree the numerical composition and term of office of each committee and sub-committee.

RESOLVED

That it be recommended to Council that

1. except for the Council's Cabinet and Cabinet committees and sub-committees, nominations to the Council's committees, sub-committees and decision-making bodies, and changes to such nominations, shall be notified to the Council by the Council's political Group Leaders or Group Whips, in accordance with the relevant numerical allocations made by Full Council to the committee, sub-committee or decision-making body in question;
2. such nominations or changes to nominations shall be made to the Head of Governance and Democratic Services in writing or by email, and shall thereafter be published on the Council's website;
3. Council note that the legislative requirements set out in the Legal Implications section of the report will not be affected by the recommendations of the report, and that the existing arrangements shall continue, by which the Council's Annual General Meeting agrees the political group or groups which will hold the

chairmanships and vice-chairmanships of the Council's committees, sub-committees and decision-making bodies; and

4. the Director of Legal Services, in consultation with the Chairman and Vice-Chairman of the Constitution Committee, be authorised to make such changes to the Council's Constitution as he considers are necessary to give effect to the wishes of Council.

Cheshire East Council

Constitution Committee

Date of Meeting: 24th November 2016

Report of: Head of Governance and Democratic Services

Subject: Nomination of Members to Committees

1. Report Summary

This report seeks a recommendation of the Committee which, if agreed by Council, will simplify the process for the nomination of Members to the Council's committees.

2. Recommendation

The Committee is asked to recommend to Council that:

2.1 Except for the Council's Cabinet and Cabinet Sub-Committees, nominations to the Council's committees, sub-committees and decision-making bodies, and changes to such nominations, shall be notified to the Council by the Council's political Group Leaders or Group Whips, in accordance with the relevant numerical allocations made by Full Council to the committee, sub-committee or decision-making body in question.

2.2 Such nominations or changes to nominations shall be made to the Head of Governance and Democratic Services in writing or by email, and shall thereafter be published on the Council's website.

2.3 Council note that the legislative requirements set out in the Legal Implications section of this report will not be affected by the recommendations of this report, and that the existing arrangements shall continue, by which the Council's Annual General Meeting agrees the political group or groups which will hold the chairmanships and vice chairmanships of the Council's Committees, Sub-Committees and decision-making bodies.

2.3 The Council's Director of Legal Services be authorised to make such changes to the Council's Constitution as he considers are necessary to give effect to the wishes of Council.

3. Background

- 3.1 Since the Council was created in 2009, its Constitution has stipulated that appointments of Members to the Council's committees must be made by Full Council. This stipulation goes beyond the requirements of Section 102(2) of the Local Government Act 1972, which (in general terms) only requires the size and term of office of committees to be agreed by Full Council.
- 3.2 At the meeting of Full Council on 18th October 2016, comment was made during debate that the Council's processes should be simplified so that, as is the case in a number of other local authorities, nominations of Members to Committees should be made to an officer of the Council. Indeed, Group Whips have indicated that the formalities and delays associated with the need to report to Full Council each time a change is required to be made to the membership of a committee, is unduly burdensome.
- 3.3 This report therefore seeks a recommendation to Council which, if agreed, will simplify the process: requiring only that the memberships of the Council's committees and sub-committees be established and changed, where required, by way of notification to the Head of Governance and Democratic Services by the Leader or Whip of the political group in question. This report proposes also that this will also include nominations to Chairmanships and Vice Chairmanships.
- 3.4 This approach will provide more flexibility for the political groups, their Leaders and Whips, and for the officers involved in administering the Council's decision-making arrangements, but will not dilute the fundamental legal requirement that the composition and term of office of each committee and sub-committee be agreed by Full Council.
- 3.5 The Council's Annual General Meeting (AGM) will continue to agree the numerical composition and term of office of each committee and sub-committee, and it is proposed that the AGM will also agree which political group will nominate the chairman and vice chairman of each such body. This will then enable the groups to separately submit the names of their members who will take the places allocated to the groups on each body.

4. Wards Affected and Local Ward Members

- 4.1. All wards are indirectly affected by the recommendations of this report.

5. Implications of Recommendation

5.1. Policy Implications

The recommendations of this report do not impact upon or detract from any of the Council's policies. The report's proposals will, if agreed, become the policy of the Council.

5.2. Legal Implications

The current constitutional requirements of the Council go beyond the requirements of legislation, as set out in section 102(2) of the Local Government Act 1972:

102 Appointment of committees.

(2) Subject to the provisions of this section, the number of members of a committee appointed under subsection (1) or (1A) above, their term of office, and the area (if restricted) within which the committee are to exercise their authority shall be fixed by the appointing authority or authorities or, in the case of a sub-committee, by the appointing committee.

5.3. Financial Implications

The recommendations of this report do not have any financial implications.

5.4. Human Resources Implications

The recommendations of this report do not have any human resources implications.

5.5. Equality Implications

The recommendations of this report have no equality implications.

5.6. Rural Community Implications

The recommendations of this report have no implications for rural communities.

5.7. Public Health Implications

The recommendations of this report have no public health implications.

6. Risk Management

The recommendations of this report, if agreed, will reduce risk. There will be a reduction in risk associated with the current requirement to rapidly agree committee and sub-committee places in the short time available before the Council's AGM, as well as risk arising from vacant committee and sub-committee positions in the run-up to Council meetings which is currently the only way in which committee and sub-committee changes can be made.

7. Background Papers

Whilst reference has been made to legislation and the Council's Constitution, no background documents have been referred to.

8. Contact Information

Contact details for this report are as follows:-

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

COUNCIL MEETING – 15TH DECEMBER 2016

**Extract from the Minutes of the Constitution Committee meeting on
24th November 2016**

21 OVERVIEW AND SCRUTINY COMMITTEES - REVIEW OF STRUCTURE

The Committee considered proposals to reduce the number of overview and scrutiny committees to better align the committees to the corporate and Cabinet structures.

The current overview and scrutiny structure comprising six committees did not align well with the new Cabinet portfolios. The result was that most portfolio holders were required to report to more than one committee. A better alignment of the overview and scrutiny structure linked to the new portfolios would provide greater clarity for the organisation as a whole, and would give each portfolio holder a single point of contact as far as overview and scrutiny was concerned.

A draft structure had been created comprising four committees. The Corporate Overview and Scrutiny Committee would retain its overarching responsibilities for the whole of the scrutiny function. With the exception of the Health Adult Social Care and Communities Overview and Scrutiny Committee, which would meet on a monthly basis, committees would meet formally on a bi-monthly basis, six times a year as they did now.

Councillor M Simon, the Chairman of the Corporate Overview and Scrutiny Committee, attended the meeting and spoke on this matter.

The Chairman thanked Councillor Simon and the scrutiny officers for their work on the restructuring of the overview and scrutiny committees.

RESOLVED

That it be recommended to Council that

(1) the overview and scrutiny committee structure be reduced from six to four committees as follows:

- Corporate (12 Members) (to include the chairmen and vice-chairmen of the other three overview and scrutiny committees)
- Environment and Regeneration (12 Members)
- Children and Families (12 Members)
- Health and Adult Social Care and Communities (15 Members)

- (2) the terms of reference for each overview and scrutiny committee as set out in Appendix 1 to the report be approved;
- (3) with the exception of the Health and Adult Social Care and Communities Overview and Scrutiny Committee, which will meet on a monthly basis, the meetings of the overview and scrutiny committees be held on an eight weekly cycle, subject to each Chairman being given flexibility to convene additional meetings as and when required depending on workload;
- (4) regular mid-point meetings be disbanded; and
- (5) the proposed overview and scrutiny arrangements be implemented with effect from 1st January 2017 and reviewed in due course.

(Note - The Constitution Committee report has been amended at para 11.7 with regard to the statutory responsibility for the scrutiny of community safety. The amendment clarifies that the new Health and Adult Social Care and Communities Committee will fulfil the Council's statutory responsibility to scrutinise community safety).

CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 24 November 2016
Report of: Director of Legal Services
Subject/Title: Overview and Scrutiny Committees – Review of Structure

1.0 Report Summary

- 1.1 The report makes recommendations to reduce the number of Overview and Scrutiny Committees to better align committees to the Corporate and Cabinet structures.

2.0 Recommendations

That it be recommended to Council that:-

- (1) Overview and Scrutiny Committee structure be reduced from six to four committees as follows:
 - Corporate (12 Members) – (To include the Chairs and Vice -Chairs of the other three Overview and Scrutiny committees);
 - Environment and Regeneration (12 Members)
 - Children and Families (12 Members)
 - Health and Adult Social Care and Communities (15 Members)
- (2) The terms of reference for each committee as set out in appendix 1 be approved;
- (3) That meetings of Health Adult Social Care and Communities Committee be held on a monthly basis
- (4) That meetings of the remaining three committees be held on an eight weekly cycle, subject to each Chair being given flexibility to convene additional meetings as and when required depending on workload;
- (5) Regular mid point meetings be disbanded;
- (6) That the new structure be implemented with effect from 1 January 2016.

3.0 Reasons for Recommendations

- 3.1 The current Overview and Scrutiny Structure of six committees does not align with the new Corporate Structure of three directorates of Corporate, People and Places, nor does it align well with the existing Cabinet structure of 9 Portfolios. The new proposed structure provides clear links to the new corporate structure and ensures that each portfolio holder will report to only one Overview and Scrutiny Committee each.

4.0 Wards Affected

- 4.1 All.

5.0 Local Ward Members

- 5.1 Not applicable.

6.0 Policy Implications

- 6.1 No policy implications have been identified.

7.0 Financial Implications

- 7.1 There will be a reduction in the Members allowances scheme resulting from a reduction in the payment of two Special responsibility allowances.

8.0 Legal Implications

- 8.1 The review ensures that the Council's Overview and Scrutiny arrangements are in compliance with the Local Government Act 2000.

9.0 Risk Management

- 9.1 No risks have been identified.

10.0 Background and Options

- 10.1 Since the inception of Cheshire East in 2009, the Council's ambition for Overview and Scrutiny has been to ensure that it provides constructive challenge to Cabinet and partner organisations by focusing on the delivery of the Council's vision, strategic aims and objectives. In order to achieve this, Overview and Scrutiny has to be an integral part of the Council's decision making process, provide real opportunities for non-executive members to influence decision makers in a non-partisan environment; and ensure that the work of Overview and Scrutiny Committees always adds value to the work of the Council. This is accomplished by forging stronger links between Cabinet, Officers and Overview and Scrutiny.

10.2 All of the above sits comfortably with the well-established 'principles of good scrutiny', as set out in the Centre for Public Scrutiny's 'Good Scrutiny Guide' (CfPR 2004):

- to provide 'critical friend' challenge to executives, as well as external authorities and agencies (holding to account)
- to reflect the voice and concerns of the public and its communities (engaging the public as active citizens)
- to take the lead and own the scrutiny process on behalf of the public (facilitation of community leadership and effective representation)
- to make an impact on the delivery of public services (performance/quality assurance)

10.3 Overview and Scrutiny can steer portfolio holders in their policy work. Overview and Scrutiny committees exist to assist and challenge Cabinet in the process to achieve the Council's corporate objectives.

11.0 **Alignment of the Structure**

11.1 The Leader of the Council re-structured Cabinet in May 2016 reducing the number of portfolios to nine.

11.2 The current Overview and Scrutiny structure comprising six committees does not align with the new Cabinet well. The result is that most portfolio holders are required to report to more than one committee, and one portfolio holder has functions that are spread across four committees. This is not really sustainable.

11.3 A better alignment of the Overview and Scrutiny structure linked to the new portfolios will provide greater clarity for the organisation as a whole, and will give each portfolio holder a single point of contact as far as Overview and Scrutiny is concerned. This inevitably leads to a question about the number of committees that will be required to fulfil the Council's Overview and Scrutiny responsibilities.

11.4 Adopting that principle that the structure should recognise new the Corporate Structure involving three Directorates of Corporate, People and Places a draft structure has been created involving four committees. (See the chart below).

11.5 Each Portfolio holder in the new structure will report to one committee each. Where, portfolios have dual responsibility for a function it is implied that the Lead Portfolio holder will dictate which committee fulfils the scrutiny function. However, some officers may have to report to more than one Overview and Scrutiny committee.

11.6 The assumption is that Corporate Overview and Scrutiny Committee will retain its overarching responsibilities for the whole of the scrutiny function.

Although not covered in the diagram, there is also an assumption that the Scrutiny Chairmen's Group will be resurrected, but this will meet informally, and has no direct impact on the structure.

- 11.7 There is a dedicated Health and Adult Social Care and Communities Committee. This is in recognition of the fact that Health and Adult Social Care is a particularly challenging area which requires a dedicated group of well-trained Members to carry out the Council's statutory scrutiny duties in relation to health and community safety.
- 11.8 Likewise, there is also a committee dedicated to Children and Families. The case for this committee is very similar to that for Health and Adult Social care. Although there is no specific statutory requirement to scrutinise this area of work, the work-load is already significant and getting bigger. This committee will continue to appoint co-opted faith representatives in accordance with the Local Government Act 2000.
- 11.9 The fourth committee brings together all of the ASDVs and technical areas such as Environment, Planning, and those that currently rest with the Communities Committee. This committee will fulfil the Council's statutory responsibilities in relation to flood risk management.

12.0 Future method of Working

- 12.1 Overview and Scrutiny has made the biggest impact through task and finish work. This is the policy development role outlined above. Task and Finish groups are time consuming for members and support officers. Reviews normally take between 6-9 months to reach completion. For this reason, the number of reviews that each committee can undertake is limited. In order to retain this discrete policy development role, Work programmes need to be succinct and manageable.
- 12.2 Committees will still need to fulfil their responsibility to hold Cabinet to account. This can be achieved by taking more opportunities to undertake intensive spotlight reviews along the lines of the recent health review of North West Ambulance Service (NWAS). Again, this requires a disciplined approach to work planning. However, flexibility is the key and Committees should make full use of the range of modes of operation available to them such as 'select committee' style meetings, task-and finish groups: spotlight reviews; public hearings etc. Formal committee settings should be used only when appropriate to the task, and 'items for information' should only be included when there is a demonstrable case for doing so.

13.0 Frequency of Meetings

- 13.1 The number of meetings in the current calendar requires a lot of support from service departments. Better work planning will remove the need for as many meetings and will free officers to provide dedicated intensive support to a small number of reviews. As Scrutiny should always add value, fewer, more intensive reviews, should ensure that is always the case. With the

exception of Health Adult Social Care and Communities which will meet on a monthly basis, committees will meet formally on a bi-monthly basis, six times per year as they do now.

- 13.2 The use of mid-point meetings should be discontinued in favour of all Member briefings where this is considered appropriate. This will enable information on important matters to be disseminated to a wider group of Members. It is suggested above that each committee should meet formally six times per year on an eight weekly cycle. If additional meetings are needed for specific briefings, these can be arranged on an ad hoc basis.

14.0 The Way Forward

- 14.1 As outlined above, many believe that Overview and Scrutiny is most effective when undertaking task and finish reviews. Since the inception of the Council in 2009, there have been twenty two task and finish reviews, covering such diverse topics as Home to School Transport, Fostering Services, Car Park Management, Assistive technology, Domestic Violence and Apprenticeships.

- 14.2 This body of work has been well received and illustrates that Overview and Scrutiny Members have the necessary skills to deal with complex policy issues. The policy development role will become even more important as the Council strives to make efficiency savings over the coming years. Overview and Scrutiny can play an integral role in transforming service provision.

15.0 Allocation of Places and Political Representation

- 15.1 Currently, there are 55 places available across 6 committees. The new structure below produces 51 places across 4 committees. Three committees have 12 members each. The exception is Health and Adult Social Care and Communities which is proposed to have 15 Members. This is in recognition of the heavy workload of the committee and should provide greater opportunities for that committee to undertake more detailed work by drawing from a bigger pool of members.
- 15.2 As Members are aware, Overview and Scrutiny Committees are subject to proportionality rules. Therefore any change to the number of places available on Overview and Scrutiny Committees will inevitably lead to some adjustments having to be made Council's committee structure. The details of these changes will be covered by a separate report to Council.

15.3

Proposed Overview and Scrutiny Structure

<p style="text-align: center;">CORPORATE (RESOURCES) 12 Members</p> <p><i>Portfolios:</i> <i>Leader</i> <i>Corporate Policy and Legal Services</i> <i>Finance and Assets</i></p>		
<p style="text-align: center;">ENVIRONMENT AND REGENERATION (PLACES) 12 Members</p> <p><i>Portfolios:</i> <i>Housing and Planning</i> <i>Regeneration</i> <i>Highways and</i> <i>Infrastructure</i></p>	<p style="text-align: center;">CHILDREN AND FAMILIES (PEOPLE) 12 members</p> <p><i>Portfolio:</i> <i>Children and Families</i></p>	<p style="text-align: center;">HEALTH AND ADULT SOCIAL CARE AND COMMUNITIES (PEOPLE) 15 Members</p> <p><i>Portfolios:</i> <i>Communities and</i> <i>Health</i> <i>Adult Care and</i> <i>Integration</i></p>

16.0 Access to Information

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

Name: Mark Nedderman
 Designation: Scrutiny Manager Business Manager
 Tel No: 01270 686459 Email: mark.nedderman@cheshireeast.gov.uk

APPENDIX 1

OVERVIEW AND SCRUTINY COMMITTEE REMITS

Each Overview and Scrutiny Committee is responsible for the monitoring and review of each of the Cabinet responsibilities allocated to it in the lists below as well as the ASDVs assigned to it. Overview and Scrutiny Committees will liaise with those Portfolio Holders and Lead Officers assigned to them as indicated. Where there is uncertainty or a dispute over which Committee will consider a particular item, the Corporate Overview and Scrutiny Committee will determine which Committee should be responsible.

Corporate Overview and Scrutiny Committee (12 members)

Cabinet Portfolios: Leader, Finance and Assets, Corporate Policy and Legal Services

ASDVs: Lead for Governance of all ASDVs

Portfolio responsibilities:

- HS2, TfN and Northern Rail
- AGMA/Northern Gateway
- CCN/LGA
- Rural Affairs
- Internal Audit
- Corporate Risk Management /Performance
- Civil Protection and Emergency Planning
- Strategic Partnerships
- Sub-regional activity
- Government liaison
- Human Resources, Workforce and Organisational Development
- Corporate Health and Safety and Occupational Health
- Shared Services
- Business Improvement Programme
- Customer Complaints and Resources
- All matters relating to procurement, corporate contracts, contract monitoring
- EMB
- Governance of Alternative Service Delivery Vehicles
- Legal Services
- Monitoring compliance with the Council's decision-making processes
- Information governance and assurance (eg Senior Information Risk Owner and Caldicott Guardian)
- Equality and diversity

- The Financing of the Council and its Budget, and Corporate Business Planning
- Capital Programme and Strategy
- Reserves, Income and Funding Strategy
- Treasury and Business Management
- Insurance
- External Audit
- Pensions
- Revenues and Exchequer Functions, Including Benefits
- Democratic Services:
 - Electoral Functions
 - Civic Functions
 - Member Training and Development
- Births, Marriages and Deaths
- ICT
- Digital/Customer Access Service
- Comms & Media Relations

Health, Adult Social Care and Communities Overview and Scrutiny Committee (15 member)

Cabinet Portfolios: Communities and Health, Adult Care and Integration

ASDV: ESAR

Portfolio Responsibilities:

- Community and Health Strategy
- Voluntary, Community and Faith Sector, including Citizens' Advice Bureaux
- All aspects of safer communities: Wardens, ASB and CCTV.
- Regulatory Services: Trading Standards, Licensing, Environment Health including Air Quality matters, contaminated land and pest and vermin control.
- Gypsies and Travellers
- Libraries
- Car Parking
- Markets
- Public Conveniences
- Health (i) Health and Wellbeing Board (ii) Health & Social Care Integration (Better Care Fund/Sustainability & Transformation, Caring together/Connecting Care
- Joint Strategic Needs Assessment.
- NHS England/Acute Trusts
- Domestic Violence Services

- Equality and Diversity (Service Users)
- Everybody Sports and Recreation (ESAR)
- Playing Pitch Strategy
- Care Act 2014
- Adult Safeguarding: Board/CQC/CEC Quality Assurance Team
- Care and Carer Assessment (i) personalisation.
- Carer Services including: (ii) Respite Care and Short Breaks.
- Care Service Commissioning, including: (iii) Residential & Domicillary Care (iv) Disability & Sensory Impairment services (v) Mental Health & Substance (vi) Re-ablement Services (vii) Occupational Therapy and Community Equipment (viii) Assistive Technology.
- Equality in Service Access & Delivery
- Extra Care Housing
- Adult (19 plus) Mental Health Services and Health Promotion
- Health and Wellbeing Board

Environment and Regeneration Overview and Scrutiny Committee (12 members)

Cabinet Portfolios: Housing and Planning, Regeneration, Highways and Infrastructure.

ASDVs: Engine of the North, Ansa, Orbitas, Civicance, Tatton Park Enterprises, TSS

Portfolio Responsibilities:

- Economic Development
- Regeneration
- Employment and Skills
- Engine of the North
- Economic Twinning
- Assets: maintenance, purchase and sale
- Farms
- Energy Issues
- Carbon Reduction
- Waste and Recycling (ANSA)
- Environmental and Cleansing Services (ANSA)
- Street Scene (ANSA)
- Crematoriums and Burial Services (Orbitas)
- Planning Policy
- S106 & Community Infrastructure Levy
- Street naming & numbering

- Land charges
- Housing, Housing Associations, and Homelessness
- Development Management and Building Control
- Neighbourhood Planning
- Heritage
- Macclesfield Town Centre Scheme
- Planning Support Company (Civicanace)
- Highways and Transport strategy and operations, including public rights of way
- Local Transport Plan
- Transport Service Solutions (TSS)
- Improvement and Efficiency Social Enterprise (IEASE)
- Operational delivery of all cultural services, including: tourism and visitor economy, Tatton Park, Parks and Park Rangers and Arts and Culture.
- Leisure Strategy
- Leisure Services
- Tour of Britain

Children, Families Overview and Scrutiny Committee (12 members)

Cabinet Portfolio: Children and Families

Portfolio Responsibilities:

- Children's Act 2004
- All aspects of Education and Schools
- Youth Support and Offending
- Lifelong learning/Skills
- Prevention and Early Intervention Strategies
- Corporate Parenting Lead
- All aspects of Children's work, including:
 - Cared for children and care leavers
 - Fostering, Adoption and Residential Services
 - Children's Trust and Children's Board
 - Children's Safeguarding (including Children's Safeguarding Board)
 - Children and Young People up to 25 years old
- 0-19 Health and Health Promotion
- 0-19 Mental Health

Scrutiny of ASDVs

Each Overview and Scrutiny Committee will be responsible for monitoring the ASDVs which relate to their area of work. The Service Commissioning Portfolio Holder and the Commissioning Manager will report to each Overview and Scrutiny Committee on the following aspects of ASDVs:

- Budget and service delivery of ASDVs
- To report to Cabinet on all ASDV matters
- To review functions and departments of the Council which are seen as potential areas for ASDV operation;
- ASDV Communication and Marketing;
- ASDV Performance.

This page is intentionally left blank

CHESHIRE EAST COUNCIL

Council

Date of Meeting:	15 December 2016
Report of:	Head of Governance and Democratic Services
Title:	Political Representation on the Council's Committees

1.0 Purpose of Report

- 1.1 In the event that the earlier report on the Council agenda (item 10) in relation to a proposed review of structure of the Overview and Scrutiny Committees is agreed, the Council must determine the changed political representation on the Council's Committees to ensure that political proportionality is achieved.
- 1.2 In summary, each relevant decision making body must be politically balanced, as far as is reasonably practicable, and the total of Committee seats allocated to the Council's political groups must balance perfectly.

2.0 Decision Required in the event that Council agrees the recommended changes to the structure of the Council's Overview and Scrutiny Committees

(a) That the political group representation, as set out in Appendix 1 to this report and the methods, calculations and conventions used in determining this, as outlined in the report be adopted, and the revised allocations of places to Committees be approved;

(b) That the adjustments to Committee places indicated as being required in Appendix 1 and paragraph 5.4 of the report, to achieve the correct political proportionality across all Committees be agreed; and

(c) That the Committee Chairman and Vice Chairmen allocations be confirmed as set out in Appendix 1; "(C)" denoting the allocation of the office of Chairman to political groups and "(VC)" denoting the allocation of the office of Vice Chairman to political groups.

3.0 Legal Implications

- 3.1 The Local Government (Committees and Political Groups) Regulations 1990, made pursuant to the Local Government and Housing Act 1989, makes provisions in respect of the political group representation on a local authority's committees in relation to the overall political composition of the Council. The legislation applies to overview and scrutiny committees and the decision-making committees and sub committees of the Council.
- 3.2 The legislation requires that, where proportionality applies, and seats are allocated to different political groups, the authority must abide by the following principles, so far as is reasonably practicable:

- 3.2.1 Not all of the seats can be allocated to the same political group. (i.e. there are no single group committees.)
- 3.2.2 The majority of seats on a body are to be allocated to a political Group with a majority membership of the authority.
- 3.2.3 The total number of seats on all ordinary committees and sub committees allocated to each Political Group bears the same proportion to the proportion on the full Council. Appendix 1 indicates the adjustments needed to achieve this.
- 3.2.4 The number of seats on each ordinary committee allocated to each Political Group bears the same proportion to the proportion on full Council.

- 3.3 At the time of publication of this report, discussions were taking place between the political groups in respect of the allocation of committee places in order to achieve the required proportional balance. An agreed amended Appendix will be circulated at the Council meeting.
- 3.4 The proposals contained in this report meet the requirements of the legislation.
- 3.5 The 1990 Regulations require Political Group Leaders to notify the Proper Officer of the Group's nominations to the bodies in question; which accords with an earlier recommendation on the Council agenda.

4.0 Risk Assessment

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

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

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

Conservatives	53	64.63%
Labour	16	19.51%
Independent Group	11	13.42%
Liberal Democrat	2	2.44%
TOTAL	82	100%

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

- applying the relevant percentage to each body;
- rounding up from 0.5 and above and rounding down below 0.5
- where the required numbers of members for a decision-making body cannot be achieved using the above methods and calculations, the political group having the largest residual percentage for that body will be entitled to be awarded the additional place (eg, if one group is entitled to 4.25 places, and another group is entitled to 1.48 places, the first group will awarded 4 places on the body in question, and the second group will be awarded 2 places).

5.3 The Act provides that where this results in a Group having a total of more or fewer actual seats than its proportional entitlement, any surplus seats are re-allocated to ensure that the final actual allocation to each Group equals the proportional entitlement. Appendix 1 shows the proposed allocation of seats taking into account the actual allocation and the adjustments required. The proportionality rules only apply to those bodies listed in Appendix 1.

5.4 In order to achieve political proportionality, and considering the “Total Places Allocated” column in the appendix, the Conservative Group need to lose two seats; the Labour Group need to increase their number of seats by one, the Independent Group need to reduce their number of seats by three and the Liberal Democrat Group need to increase their seats by four.

6. Reasons for Recommendations

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

7.0 Access to Information

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

Name: Lindsey Parton
Designation: Registration Service and Business Manager
Tel No: 01270 686477
E-mail: lindsey.parton@cheshireeast.gov.uk

This page is intentionally left blank

APPENDIX 1**CHESHIRE EAST COUNCIL - POLITICAL PROPORTIONALITIES ON ALL BODIES
(other than those to be appointed on an ad-hoc basis)****Based upon the following:****Con:53; Lab:16; Ind:11; Lib Dem:2**

Committee	Con	Lab	Ind	Lib Dem	Total Allocated
Corporate (Resources) Overview and Scrutiny	8 (C)	2 (VC)	2	0	12
Environment & Regeneration (places) Overview and Scrutiny	8 (C) (VC)	2	2	0	12
Children and Families (People) Overview and Scrutiny	8 (C) (VC)	2	2	0	12
Health and Adult Social Care (People) Overview and Scrutiny	10 (C) (VC)	3	2	0	15
Audit and Governance Committee	7 (C) (VC)	2	1	0	10
Constitution	9 (C) (VC)	3	2	0	14
Strategic Planning Board	8 (C) (VC)	2	2	0	12
Northern Planning Committee	8 (C)	2	2 (VC)	0	12
Southern Planning Committee	8 (C) (VC)	2	2	0	12

Committee	Con	Lab	Ind	Lib Dem	Total
Public Rights of Way	5 (C)	1 (VC)	1	0	7
Licensing Committee	10 (C) (VC)	3	2	0	15
Staffing	5 (C) (VC)	2	1	0	8
Lay Members Appointments	3	1	1	0	5
Local Authority School Governor Appointments Panel	3 (C) (VC)	1	1	0	5
Civic Sub Committee	5	2	1	0	8
Community Governance Review Sub Committee	4	1	1	0	6
Outside Organisations Sub Committee	4	1	1	0	6
Committee	Con	Lab	Ind	Lib Dem	Total
Total Places allocated	113	32	26	0	171
Total places available					
Proportional Entitlement	111 (110.52) (64.63%)	33 (33.36) (19.51%)	23 (22.95) (13.42%)	4 (4.17) (2.44%)	171 (100%)
Difference*	(+2)	(-1)	(+3)	(-4)	(0)

COUNCIL MEETING – 15TH DECEMBER 2016

**Extract from the Minutes of the Constitution Committee meeting on
24th November 2016**

22 CALENDAR OF MEETINGS FOR 2017-18

The Committee considered the draft Calendar of Meetings for 2017/18.

The Committee had regard to the revised overview and scrutiny committee arrangements to be recommended to Council. A revised draft calendar reflecting those arrangements was circulated at the meeting.

The officers reported a request by Finance officers to include two additional meetings of the Audit and Governance Committee to reflect and accommodate changes in the reporting deadlines for certifying the statement of accounts and the approval and publication of the audited accounts. The proposed dates for the additional meetings were 1st June and 3rd August 2017 and could be accommodated within the revised calendar.

The officers circulated a summary of the comments received regarding the draft calendar.

RESOLVED

That it be recommended to Council that the draft Calendar of Meetings for 2017-18, as amended to reflect the proposed overview and scrutiny structure, and with the inclusion of two additional Audit and Governance Committee meetings on the dates indicated, be approved.

NOTE:

An updated version of the draft Calendar of Meetings reflecting the proposed overview and scrutiny structure and including the additional meetings of the Audit and Governance Committee is appended to this minute.

This page is intentionally left blank

Calendar of Meetings 2017-2018

COMMITTEE	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APRIL	MAY
Council (Wed Annual Council/ Thursday)	17 (11 am)		27 (2 pm)			19 (2 pm)		14 (11 am)		22 (11 am)			16 (11 am)
Cabinet Bodies													
Cabinet (Tuesday 2 pm)		13	11		12	10	7	5	16	6	13	10	8
Portfolio Holders (Monday am)	Monday mornings have been identified as an option for Portfolio Holder meetings but notice will be given as and when these meetings are arranged												
Shared Services Joint (Friday, Winsford)	19		14		22		24		26		23		18
Corporate Bodies													
Constitution Committee (Thursday 2 pm)		22			21		23				22		
Audit and Governance Committee (Thursday 2 pm)		1, 29		3	28			7			15		
Staffing Committee (Tue/Thu 2 pm)			13			26			25			26	
Appeals Sub Committee (Tue 2 pm)		6, 27		1	5	3, 31	21		9	13	6	3	1
Regulatory Bodies													
Licensing Committee (Monday 2 pm)		5			4		6		8		5		
General Licensing Sub Committee		30	18	24	19	24	16	12	23	27	20	19	
Public Rights of Way Committee (Monday 2 pm)		12			11			4			12		
Strategic Planning Board (Wednesday 10.30 am)	24	28		2, 30	27	25	22	20	31	28	28	25	

COMMITTEE	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APRIL	MAY
Southern Planning (Wednesday 10 am)	31		5	9	6	4	1, 29		10	7	7	4	2
Northern Planning (Wednesday 10 am)		7	12	16	13	11	8	6	17	14	14	11	9

Overview and Scrutiny Bodies													
Corporate (Thu 2.00 pm)		8			7		2		11	1		5	
Health and Adults Social Care (Thursday 10 am)		15	6		14	5	9	7	18	8	8	12	3
Environment and Regeneration (Thu 10.30 am)		22			21		23		25		22		Page 56
Children and Families (Mon 2 pm)		26			25		27		29		26		
Scrutiny Member Briefings			14			13		8		16		13	

Others													
Health and Wellbeing Board (Tuesday 2 pm)	30		25		26		28		30		27		
Local Authority School Governor Appointments Panel (Monday 2 pm)			3			16				5			

CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 24th November 2016
Report of: Head of Governance and Democratic Services
Subject/Title: Calendar of Meetings for 2017-18

1.0 Report Summary

- 1.1 This report includes a draft Calendar of Meetings for Cheshire East Council for 2017-18.
- 1.2 The Committee is invited to recommend the draft calendar to Council for approval.

2.0 Recommendation

- 2.1 That the draft Calendar of Public Meetings for Cheshire East Council 2017 - 2018 be recommended to Council for approval.

3.0 Reasons for Recommendations

- 3.1 The Council is required to give public notice of its meetings in order to fulfil its legal obligations under the Access to Information Rules set out in the Constitution and to meet its obligations under the Local Government Act 1972. The Calendar will assist the Council in meeting these requirements.

4.0 Wards Affected

- 4.1 All Wards

5.0 Local Ward Members

- 5.1 All Ward Members

6.0 Policy Implications

- 6.1 None identified.

7.0 Financial Implications

- 7.1 None identified.

8.0 Legal Implications

- 8.1 There are no specific legal implications other than those identified in the main body of the report.

9.0 Risk Management

- 9.1 A published calendar of meetings enables effective business planning and decision making procedures.

10.0 Background and Options

- 10.1 As set out in its Constitution (Part 4 – Council Procedure Rule 1) the Borough Council is required to decide when its meetings will take place and these will be contained in a calendar of meetings.

It is for full Council to approve the calendar.

- 10.2 Under Part 3 of the Constitution, the Constitution Committee is responsible for:

“overseeing, monitoring, co-ordinating and implementing the Council’s administrative and political business, including....administrative arrangements forthe Council and other meetings.”

10.3 Calendar

Attached at Appendix 1 is a timetable of meetings for 2017-18.

10.4 Scheduling of Meetings

The proposed scheduling of meetings for 2017-18 follows the pattern adopted in previous years. As far as possible only one Committee has been scheduled per day and meetings of each Committee have been scheduled on the same weekday were possible.

Scheduling of meetings has taken into account the business planning/performance reporting cycles.

Certain categories of meetings which do not form part of the formal decision-making process will be omitted from the public calendar but will be added to the Members’ diary for convenience. These include Member development sessions and meetings of the Cheshire Fire Authority and Cheshire Police and Crime Panel.

August has been retained for recess except for Planning Meetings.

No meetings have been scheduled on the dates of Cheshire Show (20-21 June 2017), RHS Tatton Flower Park Show (19-23 July 2017) and Nantwich Show (26 July 2017).

10.5 Consultation

The calendar of meetings has been circulated to the following:

- Corporate Leadership Team
- Cabinet
- Committee Chairmen
- Group Leaders
- Group Whips

Responses received from the consultees will be reported at the Constitution Committee meeting.

10.6 Council

Meetings of full Council have been scheduled to be held on 17 May 2017 (Annual Council), 27 July 2017, 19 October 2017, 14 December 2017 and 22 February 2018 (Budget Council), with start times of 11 am for Annual Council, December 2017 and February 2018 meetings and 2.00 pm in July and October 2017.

10.7 Overview and Scrutiny Committees

Meetings of Overview and Scrutiny Committees have been scheduled to meet on a bi-monthly basis. If there is a specific need for additional meetings, these can be dealt with under existing arrangements.

10.8 Cabinet Meetings:

Cabinet meetings have been scheduled monthly on a Tuesday at 2.00 pm and, unless there are exceptional circumstances, will take place in the Committee Suite at Westfields to enable the meetings to be webcast. Other venues often do not have the requisite ICT connectivity. No other meetings have been scheduled on the same day.

10.9 Portfolio Holder Meetings

Portfolio Holder meetings have not been scheduled into specific dates, but it has been the practice to hold them on Monday mornings, and rooms have been reserved at Westfields to allow them to take place. However, meetings will be arranged at the most appropriate venue, following consultation with Portfolio Holders.

10.10 Planning Committees

Strategic Planning Board, Northern Planning Committee and Southern Planning Committee are scheduled on a four weekly cycle of meetings on Wednesday where possible; with any site visits taking place the Friday before the meeting.

The Strategic Planning Board will commence at 10.30 am, with the Northern Planning Committee and Southern Planning Committee commencing at 10.00 am.

10.11 Committees

Audit and Governance Committee, Constitution Committee, Staffing Committee and Public Rights of Way Committee have been scheduled to take place quarterly, with the Licensing Committee to meet five times a year. Provision exists for additional meetings to be called if needed.

- 10.12 Subject to additional recommendations which Members may wish to make, the Committee is asked to refer the calendar to Council at its meeting to be held on 15 December 2016.

11.0 Access to Information

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

Name: Rachel Graves

Designation: Democratic Services Officer

Tel No: 01270 686473

Email: rachel.graves@cheshireeast.gov.uk

Calendar of Meetings 2017-2018

COMMITTEE	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APRIL	MAY
Council (Wed Annual Council/ Thursday)	17 (11 am)		27 (2 pm)			19 (2 pm)		14 (11 am)		22 (11 am)			16 (11 am)
Cabinet Bodies													
Cabinet (Tuesday 2 pm)		13	11		12	10	7	5	16	6	13	10	8
Portfolio Holders (Monday am)	Monday mornings have been identified as an option for Portfolio Holder meetings but notice will be given as and when these meetings are arranged												
Shared Services Joint (Friday, Winsford)	19		14		22		24		26		23		18
Corporate Bodies													
Constitution Committee (Thursday 2 pm)		22			21		23				22		
Audit and Governance Committee (Thursday 2 pm)		29			28			7			15		
Staffing Committee (Tue/Thu 2 pm)			4			26			25			26	
Appeals Sub Committee (Tue 2 pm)		6, 27		1	5	3, 31	21		9	13	6	3	1
Regulatory Bodies													
Licensing Committee (Monday 2 pm)		5			4		6		8		5		
General Licensing Sub Committee		30	18	24	19	24	9	12	23	27	20	12	
Public Rights of Way Committee (Monday 2 pm)		12			11			4			12		
Strategic Planning Board (Wednesday 10.30 am)	24	28		2, 30	27	25	22	20	31	28	28	25	

COMMITTEE	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APRIL	MAY
Southern Planning (Wednesday 10 am)	31		5	9	6	4	1, 29		10	7	7	4	2
Northern Planning (Wednesday 10 am)		7	12	16	13	11	8	6	17	14	14	11	9

Overview and Scrutiny Bodies													
Corporate (Thu 2.00 pm)			6		7		2			1		5	
Health and Adults Social Care (Thursday 10 am)		8	6		7	5	2, 30		11	1	8	5	
Communities (Thursday 10 am)			13		14		16		18		15	19	
Environment (Thu 10.30 am/2 pm)			13 (2 pm)		21		23		25		22	26	
Children and Families (Mon 2 pm)			24		25		27		29		26	23	
Jobs, Regeneration and Assets (Mon 2 pm)			17		18		20		22		19	16	

Others													
Health and Wellbeing Board (Tuesday 2 pm)	30		25		26		28		30		27		
Local Authority School Governor Appointments Panel (Monday 2 pm)			3			16				5			

CHESHIRE EAST COUNCIL

AUDIT AND GOVERNANCE COMMITTEE

Date of Meeting:	8 th December 2016
Report of:	Chief Operating Officer
Subject/Title:	Arrangements for the Appointment of External Auditors
Portfolio Holder:	Councillor Peter Groves

1.0 Report Summary

- 1.1 The report summarises the arrangements for appointing External Auditors following the closure of the Audit Commission and the end of the transitional arrangements at the conclusion of the 2017/18 audits.
- 1.2 The Council will need to consider the options available and put in place new arrangements. The deadline for appointments is 31 December 2017.
- 1.3 The available options are:
 - A. Establish a stand alone Auditor Panel to make the appointment on behalf of the Council;
 - B. Explore the establishment of local joint procurement arrangements with neighbouring authorities; or
 - C. Opt-in to the national Sector Led Body, Public Sector Audit Appointments Ltd (PSAA).
- 1.4 The report recommends Option C.
- 1.5 In order to opt into the national Sector Led body, a decision will be required at a meeting of the full Council in time to submit a formal acceptance to PSAA by the required date of 9 March 2017.

2.0 Recommendation

- 2.2 That the Audit and Governance Committee recommend to Council to accept the invitation from Public Sector Audit Appointments Ltd to 'opt in' to the sector led option for the appointment of external auditors for five financial years commencing 1 April 2018.

3.0 Reasons for Recommendations

- 3.1 The Local Government Association (LGA) and the Department of Communities and Local Government (DCLG) have approved the PSAA to become the sector led body. The PSAA is a not-for-profit company which already administers the current audit contracts.

- 3.2 A sector-wide procurement conducted by PSAA will produce better outcomes and will be less burdensome for the Council than any procurement undertaken locally. Without the national appointment, the Council would need to establish a separate independent audit panel, which could be costly and time consuming.
- 3.3 PSAA can ensure the appointed auditor meets and maintains the required quality standards and can manage any potential conflicts of interest much more easily than the Council.
- 3.4 Supporting the sector-led body will help to ensure there is a vibrant public audit market for the benefit of the whole sector and this Council going forward into the medium and long term.

4.0 Wards Affected

- 4.1 All.

5.0 Local Ward Members

- 5.1 Not applicable.

6.0 Policy Implications

- 6.1 None.

7.0 Implications for Rural Communities

- 7.1 None

8.0 Financial Implications

- 8.1 Current external audit fees levels are likely to increase when the current contracts end in 2018, regardless of the procurement option.
- 8.2 Opting-in to a national scheme provides maximum opportunity to ensure fees are as low as possible, whilst ensuring the quality of audit is maintained by entering in to a large scale collective procurement arrangement.

9.0 Legal Implications

- 9.1 The arrangements for local auditor appointment set out in the Local Audit and Accountability Act 2014 will apply for audit of the accounts of principal local authority bodies from 2018/19 onwards. Auditor appointments must be made for 2018/19 audits by 31 December 2017, as required by Section 7 of the Act. Appointments may be made by the audited body itself, by groups of audited bodies, or by a specified appointing person.

- 9.2 The Secretary of State for Communities and Local Government delegated statutory functions (from the Audit Commission Act 1998) on a transitional basis to PSAA by way of a letter of delegation issued under powers contained in the Local Audit and Accountability Act 2014.
- 9.3 Under these transitional arrangements, the company is currently responsible for appointing auditors to local government, police and local NHS bodies, for setting audit fees and for making arrangements for the certification of housing benefit subsidy claims.
- 9.4 In July 2016, the Secretary of State for Communities and Local Government specified PSAA as an appointing person under regulation 3 of the Local Audit (Appointing Person) Regulations 2015. This means that PSAA can make auditor appointments for audits of the accounts from 2018/19 of principal authorities that choose to opt into its arrangements.

10.0 Risk Management

- 10.1 The principal risks are that the Council fails to appoint an auditor in accordance with the new frameworks or does not achieve value for money in the appointment process. These risks are considered best mitigated by opting into the sector led approach through PSAA.

11.0 Background and Options

- 11.1 The Local Audit and Accountability Act 2014 brought to a close the Audit Commission and established transitional arrangements for the appointment of external auditors and the setting of audit fees for all local government and NHS bodies in England. On 5 October 2015 the Secretary of State Communities and Local Government (CLG) determined that the transitional arrangements for local government bodies would be extended by one year to also include the audit of the accounts for 2017/18.
- 11.2 The Act also set out the arrangements for the appointment of auditors for subsequent years, with the opportunity for authorities to make their own decisions about how and by whom their auditors are appointed. Regulations made under the Act allow authorities to 'opt in' for their auditor to be appointed by an 'appointing person'.
- 11.3 The 'appointing person', PSAA is inviting the Council to opt in, along with all other authorities, so that PSAA can enter into a number of contracts with appropriately qualified audit firms and appoint a suitable firm to be the Council's auditor.

The principal benefits from such an approach are as follows:

- PSAA will ensure the appointment of a suitably qualified and registered auditor and expects to be able to manage the appointments to allow for appropriate groupings and clusters of audits where bodies work together;

- PSAA will monitor contract delivery and ensure compliance with contractual, audit quality and independence requirements;
- Any auditor conflicts at individual authorities would be managed by PSAA who would have a number of contracted firms to call upon;
- It is expected that the large-scale contracts procured through PSAA will bring economies of scale and attract keener prices from the market than a smaller scale competition;
- The overall procurement costs would be lower than an individual smaller scale local procurement;
- The overhead costs for managing the contracts will be minimised through a smaller number of large contracts across the sector;
- There will be no need for the Council to establish alternative appointment processes locally, including the need to set up and manage an 'auditor panel';
- A sustainable market for audit provision in the sector will be easier to ensure for the future.

11.4 The scope of the audit will be specified nationally, the National Audit Office (NAO) is responsible for writing the Code of Audit Practice which all firms appointed to carry out the Council's audit must follow.

Other Options

11.5 If the Council did not opt in there would be a need to establish an independent auditor panel. In order to make a stand-alone appointment the auditor panel would need to be set up by the Council itself. The members of the panel must be wholly or a majority of independent members as defined by the Act. Independent members for this purpose are independent appointees; this excludes current and former elected members or officers and their close families and friends. This means that elected members will not have a majority input to assessing bids choosing which audit firm to award a contract for the Council's external audit.

11.6 Alternatively the Act enables the Council to join with other authorities to establish a joint auditor panel. Again this will need to be constituted of wholly or a majority of independent appointees. Further legal advice would be required on the exact constitution of such a panel having regard to the obligations of each Council under the Act and the Council would need to liaise with other local authorities to assess the appetite for such an arrangement.

11.7 Neither of these options is recommended as both these options would be more resource intensive processes to implement and without the bulk buying power of the sector led procurement, would be likely to result in a more costly service. It would also be more difficult to manage quality and independence requirements through a local appointment process.

12.0 Access to Information

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

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

This page is intentionally left blank

Cheshire East Council

Council

Date Of Meeting:	15th December 2016
Report Of:	Chief Executive
Subject/Title:	Devolution To The Sub – Region: Latest Position And Next Steps

1. Report Summary

- 1.1. The Council is committed to placing 'Quality of Place' at the heart of its Corporate Plan. This recognises that this overall objective can provide a significant driver in achieving our outcomes and help to shape the prosperity and wellbeing that our residents, visitors and investors require. Cheshire East is therefore committed to ensuring that we protect and enhance our places throughout any further initiatives or growth bids that follow thereafter.
- 1.2. Securing more funding and powers from Government through a devolution deal would support our overall aims of protecting and enhancing the Quality of Place in the Borough.
- 1.3. This report provides an update and overview of the latest position regarding devolution. It reaffirms Cheshire East commitment to devolution and also sets out the next steps to enable this process to progress to its next stage of formal consultation.

2. Recommendation

It is recommended that the Council:

- Supports the Leader and Cabinet in pursuing a devolution deal that meets the needs and ambitions of the Borough; and its sub-regional partners.
- Agrees to the principles to inform a devolution agreement as outlined in section 4.12.
- Notes that Devolution Members Working Group will help shape the development of the deal.

- Approves further work on developing devolution proposals relating to a workable sub-regional geography
- Notes the timetable and next steps in the process as outlined in section 4.19

3. Reasons for the recommendation

- 3.1. The recommendations will signal Cheshire East commitment to devolution and inform the next stages in this process.

4. Background

- 4.1. Since 2014, the Government has been working with various English cities and sub-regions to achieve the devolution of powers and funding from central government to local areas.
- 4.2. Recently devolution deals have been agreed with Greater Manchester, Liverpool City Region, Sheffield City Region, Tees Valley, West Midlands, West Of England, Cornwall, and East Anglia. Some 40% of England (incl. London) is now covered by devolution agreement areas and other areas are in negotiation for such devolution. These are subject to local ratification which in many cases has proved a challenging process. Those agreements that are ratified involve the transfer of powers from central government to local areas from May 2017. Further information on deals announced to date can be found through the following link: www.local.gov.uk/devolution-deals
- 4.3. The Government remain committed to devolution with a greater focus being given to a national industrial strategy that is sensitive to the needs of localities, a significant investment programme in housing, and a wider ambition to ensure the economy supports inclusive growth that benefits all communities.
- 4.4. It appears that the Government also continue to favour a governance model which includes a directly-elected Mayor who would hold new powers transferred from Westminster and would be expected to work alongside existing Councils in the area through a Combined Authority.
- 4.5. A proposed devolution deal is a significant opportunity to support our overall drive to protect and enhance the Quality of Place in Cheshire East. In particular it would provide funding and powers to increase growth and prosperity for our businesses and residents and will support our drive to continuously improve public services.
- 4.6. All the deals agreed to date have been slightly different in their content – However, all the major deals except Cornwall have a similar basic governance model i.e. a Combined Authority with a directly elected Mayor.

- 4.7. All deals focus initially on economic growth, transport and skills. However, some have evolved to encompass other areas of devolution (e.g. Manchester – where devolution has now incorporated NHS health spending). Where this ‘evolution’ happens it is under the control of the ‘Constituent Councils’ that make up the Combined Authority and requires their unanimous agreement. Such devolution agreements are about sub-regions and metropolitan City areas only. They are not open to individual Councils.
- 4.8. A Combined Authority is a formal legal arrangement, which supports and enables collaboration and co-ordination between two or more local government areas on transport, regeneration, economic growth, skills, housing, and employment. The Cities and Local Government Devolution Bill provides legislation to broaden the scope of functions and powers that is possible to confer on a combined authority. It supports increased democratic accountability and transparency complementary to that provided by the Local Enterprise Partnerships to a major area of local government policy making. It is worth noting that each of the councils who’s are members of a combined authority remain separate authorities and that the local government functions and powers of the combined authority run con-currently with those of the constituent authorities.
- 4.9. It is important to note that devolution is about securing additional powers, control and resource from central government to enable Cheshire East and Local Members to be better able to discharge their existing functions. It is not about transferring powers from constituent local authorities to a proposed combined authority. This is at the heart of the proposals which are being negotiated with Government.

Members Working Group

- 4.10. A Members Working Group looking at Devolution has been established to ensure elected Members can be fully engaged with the devolution process. The Working Group is chaired by the Leader with representatives from all parties. It will consider a broad range of views from internal and external stakeholders and will advise the Cabinet and Council on a future deal to ensure it meets the needs and ambitions of the Borough. It will also consider the implications for future partnership working in the sub-region

Proposed Scope of a Devolution Deal

4.11. The current proposed scope for the devolution deal is to focus on four key areas:

Housing and Land

- Ensuring that housing growth figures for the Borough articulated in a future devolution deal are deliverable based on the Local Plan.
- Exploring the funding and powers required to deliver the right homes in the right places. E.g. transfer of central government held land, allocation of funding to unlock sites etc.
- Examining delivering models that could help us deliver the right mix of housing types on the Borough e.g. through the establishment of a housing company

Transport and Regeneration

- Developing the business case for funding to connect and regenerate our town centres as well enabling the development of key housing and employment sites.
- Reviewing the Growth Strategy for HS2 to ensure that we make the best case possible to our partners and Government for a full Hub at Crewe,
- Reviewing what powers and funding we should be exploring for public transport to make sure we have the best integrated public transport system possible.
- Access in rural area to ensure employment levels are maintained and where possible expanded.

Skills

- Identifying the key areas of funding and powers should we have control of to enable improvement in skills in the Borough. For example should we have the ability to commission Further Education programmes? Do we want to have more of an influence in commissioning higher education provision in the Borough?

Health and Public Service Reform

- Reviewing the case of the Council through a combined authority to control the commissioning and design of all community health and social care services in the Borough. (However, it is worth noting that health devolution may not be included within the original devolution submission, it may be part of a second wave of devolution deals)
- Looking at the potential integration of public services to support the disadvantaged and to support people in to work.

Principles

4.12 Any proposed deal for the Borough will be based on the following principles:

- (i) Strengthened local democracy:** Any future deal needs to ensure transparent and robust governance arrangements are in place that strengthen local democratic accountability. The sovereignty of individual local authorities will be maintained and enhanced. Decision making should be at the most local practical level and any deal would not involve local government reorganisation.
- (ii) Supported by robust consultation and engagement:** An agreement should be informed by public consultation that engages a wide range of stakeholders. Furthermore this process of consultation and engagement should not be seen as a one off and should underpin the future of sub-regional working.
- (iii) Ambitious:** The Council and its partners should aim to secure a deal that has ambitious aims and objectives, reflecting the track record of driving significant growth and reform of public services.
- (iv) Deliverable:** While ambitious objectives are to be encouraged, any proposals need to be credible and deliverable.
- (v) Evidence based:** Proposals for further powers need to demonstrate how they address local needs and will unlock higher levels of growth and more effective services.
- (vi) Drives inclusive growth:** The deal needs to demonstrate how economic growth will benefit local residents. This involves considering how wider public services can be reformed to tackle the challenges that local people may have so they can minimise their dependence on traditional state support and take full advantage of local opportunities.
- (vii) Balances local needs with wider sub regional priorities:** A strong deal is likely to include local authority priorities that fully join-up with wider sub regional objectives. Any deal needs to have coherence at sub regional level and can't just be a disparate list of specific local authority priorities.
- (viii) Outward facing:** The nature of the local economic and social geography is outward facing and does not neatly fit into administrative boundaries. This will require any deal to fully engage with areas outside the sub region, particularly North Wales and the areas covered by the Northern Gateway Development Zone.
- (ix) Iterative:** Experience has shown that devolution deals are iterative and that once an initial agreement is reached further agreements are likely to follow. It's therefore important to see any initial agreement as a first step that will be built upon and further developed over time.
- (x) Cost neutral:** Any agreement should be either cost neutral, increase income or reduce costs to key partners. The purpose of devolution is to use existing resources more effectively at a local level, to support higher levels of growth, and to transform local services. It will not be acceptable for any agreement to incur further long term costs on the partners.

Work done to date

- 4.13. Details of the Government's approach to Devolution were set out on 21st July 2015 and Local authorities and their LEP partners were given until 4th September to submit draft proposals.
- 4.14. In recognition of this, sub-regional Leaders tasked Chief Executives and Executive Directors to work rapidly over the summer period to develop a growth deal and devolution proposition for the Cheshire and Warrington area. Following sign off at a special meeting of the Economic and Prosperity Board on 2nd September, a bid was submitted on behalf of the Cheshire and Warrington Partners.
- 4.15. An outline proposal for a devolution deal for Cheshire and Warrington was submitted to government in September 2015. This was reasonably well received and a challenge session was held in November 2015 between the Leaders of the three local authorities, the LEP Chair and Baroness Williams of Trafford, Parliamentary Under-Secretary for Communities and Local Government. This session focused on challenging key elements of the proposition and the proposed governance model and allowed Leaders, the LEP Chair and the Minister to explore key areas of the proposed deal in further detail.
- 4.16. The Ministerial Challenge session provided further clarity on the key areas of focus for the sub-regional proposals going forward with one of those being the Governance – via a Combined Authority: the clear message from Government is that strong local governance is critical to the successful negotiation of any devolution deal.
- 4.17. Since September 2015, devolution proposals were shaped through a negotiation process with central government with key meetings held with the Secretary of State: Communities and Local Government, the Commercial Secretary to the Treasury and the Parliamentary Under Secretary of State (DCLG). On the basis of these discussions, a range of proposals outlining devolved powers and governance arrangements were developed and a consultation process was planned over the Summer of 2016.
- 4.18. It has been well publicised that Warrington Borough Council did not feel in a position to consult on these proposals and sought the opportunity to have further engagement with elected Members around the proposed devolution agreement and its proposed geography. As well as considering a deal that covers the Cheshire and Warrington sub region, one option Warrington have been considering is joining the Liverpool City Region. A cross-party group was formed to consider these matters and Warrington Borough

Council will decide on their next steps at their Executive Board in January 2017.

- 4.19. Notwithstanding Warrington's deliberations, Cheshire East remain committed to the devolution agenda and will work with its sub-regional partners to secure the best possible agreement for the Borough. This paper therefore outlines the work that will continue to ensure that momentum is maintained.
- 4.20. The members working group will therefore examine possible alternative options for a revised geography for a devolution deal should Warrington decide not to proceed on the Cheshire and Warrington landscape
- 4.21. Further reports will be taken to Cabinet and Council to set out the position, geography and the next stages in the process.

Next Steps and Timescales

- 4.22. The timescales involved in securing a deal are difficult to confirm until the geography of a potential deal is agreed and formal negotiation with Government commences. Nevertheless the following, provides an indication of the process, taking into account national parliamentary processes. Dates may change but the stages below provide an overview of the likely critical stages.
- 4.23. In the event that the deal reflects the current sub regional geography of Cheshire and Warrington there would likely be a six stage process as follows:

Activity	Date
<ul style="list-style-type: none"> - Geography confirmed and timescales confirmed - Stakeholder engagement on the principles and key policy areas to be included in a possible deal. - Informal engagement with Ministers and Civil Servants on the parameters of a potential deal. 	January-March 2017
<ul style="list-style-type: none"> - Formal public consultation on the proposed deal and governance arrangements. 	Apr-June 2017
<ul style="list-style-type: none"> - Council decision to submit the final deal and governance arrangements to Government 	July 2017
<ul style="list-style-type: none"> - Civil Servants draft a Parliamentary Order setting out the powers to be transferred and governance arrangements. Order agreed by Secretary of State 	September 2017

- Order laid before Parliament	November 2017
- Deal becomes operational and powers transferred	May 2018

4.24. At critical stages, decisions will need to be taken by either Cabinet or Council, taking into account the findings of the members working group

4.25. In the event that Warrington decides to work on an alternative landscape, the process could be similar but would require a rapid options appraisal on the most credible geography. However it is highly likely that the May 2018 implementation date would not be achieved.

5. Wards Affected and Local Ward Members

5.1. It is envisaged that Devolution will impact on the sub region as a whole rather than specific wards

6. Implications of Recommendation

6.1. Policy Implications

The proposal in this report relates directly to all six key outcomes identified in the Council's Corporate Plan. As outlined in the introduction it will underpin the overall aim to protect and enhance the Quality of Place in the Borough.

6.2. Legal Implications

All recommendations are consistent with the legal requirements and have been agreed with government and are in line with the Cities and Devolution Act 2016.

6.3. Financial Implications

There are considerable potential financial benefits associated with the proposed devolution deal – as one of its key motivations is to bring both powers and resources presently under the control of central government to more local control.

However, at this stage it is difficult to quantify these benefits until further negotiation is concluded. Further detail will be reported to Members throughout the process.

6.4. Human Resources Implications

The request to authorise consultation does not currently have any human resource implications.

6.5. Equality Implications

There are no equality issues directly associated with moving this process to public consultation. The devolution deal itself seeks to enhance prosperity for all by the accelerated growth of the sub-region and Cheshire East. In particular the deal seeks to engage local people to be able to participate in and benefit growth in the region.

6.6. Rural Community Implications

Rural communities will benefit from the devolution deal being agreed.

6.7. Public Health Implications

The Deal seeks to create a Life Chances Investment Fund. The purpose of this fund is to focus resources on enhancing the lives of more disadvantaged individuals, families and communities

7. Risk Management

- 7.1. There is a risk that the actual provisional Devolution Agreement is substantially different to the draft submitted in January 2016. Should this be the case the process could not proceed.
- 7.2. There is risk at this stage that the benefits of a devolution deal are not secured as a result of failure to meet national timescales. For this reason a clear timetable with government has been agreed subject to the approval of Cabinet.
- 7.3. Statutory officers have been engaged throughout the process to understand the risks and opportunities resulting from a devolution deal. If a devolution deal is agreed, a focused approach to risk management will continue to ensure smooth implementation.
- 7.4. Should members decide not to progress with devolution then the risk is potential impact on the future profile, investment and economic growth in Cheshire East as resources and growth increasingly flow towards our City

neighbours and other sub-regions that have or are progressing to devolution based on Mayoral Combined Authorities.

8. Background Papers

None

9. Contact Information

Contact details for this report are as follows:-

Name:	Frank Jordan
Designation:	Executive Director of Place
Tel. No.:	01270
Email:	Frank.Jordan@chesireeast.gov.uk

Cheshire East Council

Council

Date of Meeting:	15 December 2016
Report of:	Director Planning & Sustainable Development
Subject/Title:	Cheshire East Local Plan Strategy – Main Modifications
Portfolio Holder:	Cllr Ainsley Arnold

1. Report Summary

- 1.1. A meeting of the Council on 26 February 2016 approved proposed changes to the Cheshire East Local Plan Strategy for consultation. Council also delegated consideration of the consultation responses to the Executive Director Place. The subsequent Examination Hearings into the Cheshire East Local Plan Strategy concluded on 20 October and now the Inspector's findings are awaited.
- 1.2. The Inspector is expected to recommend formal main modifications to the Plan and these will need to be the subject of a further round of consultation. This is an essential step before the Local Plan can be finally adopted.
- 1.3. The Local Plan Strategy will provide a strong planning framework to provide significant benefits for local communities, giving increased certainty over new development, enabling investment, guiding the provision of new infrastructure and safeguarding the best of our environment. There is an urgent need to have the plan in place as soon as is feasible. The recommendations in this report will minimise the time between receipt of Inspector's next report and the consultation on his draft Recommended Main Modifications. This will enable the Local Plan Strategy to progress to the point of adoption as quickly as practicable.
- 1.4. This report requests that Council notes and approves the requirement to consult on the Inspector's draft Recommended Main Modifications to the Local Plan Strategy. In order to minimise delay, it also requests that the previous delegation for making additional modifications to the Plan is extended through the next stages, prior to adoption of the Local Plan Strategy by the Council.
- 1.5. In addition to the substantive Main Modifications, delegated approval is also requested to approve other non-material changes to the Plan

2. Recommendation

- 2.1. That authority be delegated to the Director of Planning & Sustainable Development, in consultation with the Cabinet Portfolio Holder, the Party Group Leaders and the Chairman & Vice-Chairman of Strategic Planning Board, to approve the publication of any draft Recommended Main Modifications received from the Inspector for public consultation alongside any further Sustainability Appraisal and Habitats Regulations Assessments required.
- 2.2. That authority also be delegated to the Director of Planning & Sustainable Development, in consultation with the Cabinet Portfolio Holder, the Party Group Leaders and the Chairman & Vice-Chairman of Strategic Planning Board, to approve any proposed Additional Modifications to the Local Plan Strategy that do not constitute a Main Modification, but which he deems are necessary or appropriate

3. Other Options Considered

- 3.1. The identified alternative option is to wait for the receipt of the Inspector's draft Recommended Main Modifications and bring a report to a future Council Meeting detailing the draft Recommended Main Modifications and seeking approval for public consultation. Given the timing of Council meetings, this option is likely to delay the receipt of the Inspector's Final Report on the legal compliance and soundness of the Local Plan Strategy by at least two months, with consequent delays in the timetable leading to adoption.

4. Reasons for Recommendation

- 4.1. As set out in the National Planning Practice Guidance, where an Inspector considers that modifications are required to make a submitted Local Plan sound, the Inspector can recommend such Main Modifications to the local planning authority. A Main Modification is defined as a change that materially affects a policy in the plan and is required to make the Revised Local Plan Strategy sound and legally compliant.
- 4.2. At the close of the hearing sessions in October 2016, the Inspector indicated that he envisages preparing a short report outlining any further work the Council may need to undertake along with any further amendments (Main Modifications) that are needed to ensure the plan is sound and can be adopted. As part of the formal Examination process, there will need to be a formal six week period of public consultation on the Inspector's draft Recommended Main Modifications and this consultation will be carried out under the direction of the Inspector.
- 4.3. As the Council has no discretion to amend the Inspector's Recommended Main Modifications for consultation, prior approval for consultation on these

Recommended Main Modifications is sought at this stage so that the consultation can be concluded in the shortest possible timeframe to avoid further delays leading to the adoption of the plan. Subject to the recommendation in this report, the timely receipt of the Inspector's report and the scale of additional work, Sustainability Appraisal and Habitats Regulations Assessment, it is hoped that consultation would begin in January 2017.

- 4.4. Representations received on the draft Recommended Main Modifications will be taken into account by the Inspector prior to the issue of his final report to the Council, including conclusions on the legal compliance and soundness of the Local Plan Strategy and the reasons for any Main Modifications. It is at this point that the Council will consider the Inspector's final report and decide whether to formally adopt the Plan with the Recommended Main Modifications.
- 4.5. In addition to Main Modifications, the Council can also put forward 'additional modifications' that do not materially affect a policy in the plan to deal with more minor matters. These additional modifications are not subject to any further public consultation. The Examination of the Local Plan Strategy has been complicated and lengthy. As a result, there may be a number of minor additional changes that should be made to the plan before the Council considers it for adoption. Examples include the correction of typographical errors, alteration of references to other documents that have been updated since submission in 2014, updates to terminology since 2014 and the inclusion of a Foreword for the final adopted plan.
- 4.6. On 26 February 2016, Council resolved: *"That authority be delegated to the Executive Director of Growth & Prosperity in consultation with the Cabinet Portfolio Holder, Party Group Leaders and the Chairman & Vice-Chairman of Strategic Planning Board to approve any further proposed changes to the Local Plan Strategy that may be necessary or appropriate following consultation"*.
- 4.7. The second recommendation in this report seeks to extend that authority in the period leading up to the adoption of plan to allow 'additional modifications' to be made that are necessary or appropriate but which do not materially alter a policy in the plan. This will enable the complete plan to be presented to a future Council meeting, alongside the Inspector's Recommended Main Modifications.

5. Background/Chronology

- 5.1. The Local Plan Strategy was originally submitted in 2014, but its examination was suspended for 7 months during 2015. The Revised Local Plan Strategy approved by Council on 26 February 2016 was subject to 6 weeks of public consultation in March and April 2016. Following this consultation, the Council prepared detailed responses to the consultation, which was submitted to the Inspector in 8 July 2016.

- 5.2. Further Examination hearings were held over six weeks in September and October 2016 to consider new issues arising from the public consultation as well as the Strategic Sites and Strategic Locations in the plan. At the close of these hearings, the Inspector indicated that he envisages preparing a short report outlining any further work the Council may need to undertake along with any further amendments (Main Modifications) that are needed to ensure the plan is sound and can be adopted. Once the Inspector has considered the representations to the Main Modifications, he will submit his final report to the Council, including his conclusions on the legal compliance and soundness of the Plan and the reasons for any Main Modifications. It is at this point that the Council will consider the Inspector's final report and decide whether to formally adopt the Plan with the recommended Main Modifications.

6. Wards Affected and Local Ward Members

- 6.1. All wards

7. Implications of Recommendation

7.1. Policy Implications

- 7.1.1. The Local Plan is a key component of the Council's policy Framework. Whilst it will form the benchmark for considering planning applications it will also feed into numerous other agendas such as infrastructure, transport, economic development, recreation, public health, education and adult social care.

7.2. Legal Implications

- 7.2.1. The process of Examination is governed by Section 20 of the 2004 Planning Act – but does not make express provision for the extended Examination experienced by the Council. The Inspector must carry out the examination of the submitted document, to which the power to recommend modifications in section 20(7C) applies.

- 7.2.2. Section 20(7C) provides:

"(7C) If asked to do so by the local planning authority, the person appointed to carry out the examination must recommend modifications of the document that would make it one that—

- (a) satisfies the requirements mentioned in subsection (5)(a), and*
(b) is sound."

- 7.2.3. As such, the Inspector must recommend modifications, which he will call Main Modifications, to the submission version of the Local Plan Strategy. Section 20(7C) does not specify how the Inspector should

recommend those modifications nor how they are considered by the Council.

7.3. Financial Implications

7.3.1. The cost of the Local Authority officers' time involved in the Local Plan is covered by the existing revenue budget for Planning & Sustainable Development. The Examination process prompts exceptional costs for which particular provision is made within the Planning Reserve budget.

7.4. Equality Implications

7.4.1. No new implications arising from this report.

7.5. Rural Community Implications

7.5.1. The Local Plan Strategy provides a planning framework for all areas of the Borough outside the Peak District National Park. Consequently, it covers much of the rural area of the Borough in a geographic sense – but also it addresses numerous matters of importance to rural areas within its policies and provisions. Importantly, the Local Plan Strategy will facilitate the drawing up of more detailed policies for rural areas, via either Site allocations or Neighbourhood Plans.

7.6. Human Resources Implications

7.6.1. No new Implications arising from this report

7.7. Public Health Implications

7.7.1. The adoption of the local plan creates benefits for public health through the creation of healthier new communities which incorporate good standards of open space, recreation, housing and green infrastructure.

7.8. Implications for Children and Young People

7.8.1. The Adoption of the Local Plan will provide a more secure and certain framework for investment in new school infrastructure. It will also ensure that the children and young people of Cheshire East will be provided with sufficient homes and employment opportunities in future years.

7.9. Other Implications (Please Specify)

7.9.1. None arising from this report.

8. Risk Management

- 8.1. An adopted Local Plan has many benefits for the Council, local communities and business. It provides certainty over future growth, infrastructure and a secure framework for investment. Accordingly delay in the planning process poses risks for the Council with potential uncertainty over the decision making framework continuing in the short term. To mitigate this, the Council has implemented rigorous project management to the preparation of the Local Plan – to ensure completion of the process within an open yet timely manner.

9. Access to Information/Bibliography

- 9.1. The Local Plan Strategy examination library contains all published material relating to the Examination process. This can be accessed online at <http://cheshireeast-consult.limehouse.co.uk/portal/planning/cs/library>

10. Contact Information

Contact details for this report are as follows:

Name:	Adrian Fisher
Designation:	Head of Planning Strategy
Tel. No.:	01270 685893
Email:	localplan@cheshireeast.gov.uk

Cheshire East Council

Council

Date of Meeting: 15 December 2016

Report of: Director of Legal Services

Subject/Title: Staffing Committee – Terms of Reference

1. Report Summary

- 1.1. This report recommends that Council amends the Terms of Reference of the Staffing Committee in relation to the approval of Human Resources Policies and Procedures and other matters.

2. Recommendation

- 2.1. That the terms of Reference of the Staffing Committee be amended as detailed in the Appendix to this report, with immediate effect.

3. Other Option Considered

- 3.1. To retain the existing Terms of Reference. This is not recommended as the existing Terms of Reference do not comply with the Local Government Act 2000 (including the various Functions Regulations made under that Act) in relation to the approval of Human Resources Policies and Procedures; and do not comply with the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) in relation to other matters.

4. Reasons for Recommendation

- 4.1. To ensure that the Council's Constitution complies with: the Local Government Act 2000 (and the Functions Regulations made under that Act) in relation to the approval of Human Resources Policies and Procedures; and, in relation to other matters, with the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).
- 4.2. Following consultation with the Chairman of the Constitution Committee, the Chairman of the Staffing Committee, and the Portfolio Holder with responsibility for Human Resources, this report has been brought direct to Council, without the normal step of referring it to the Constitution Committee.

5. Background/Chronology

- 5.1. This report recommends Council to change the Terms of Reference of the Staffing Committee in relation to the approval of Human Resources Policies and Procedures to ensure that the Council's Constitution complies with the Local Government Act 2000 (including the various Functions Regulations made under that Act); and the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended), in relation to other matters.
- 5.2. Since October 2015 the Council's Constitution has allocated responsibility for the approval of Human Resources Policies and Procedures to the Staffing Committee. Previously, the responsibility was allocated to the Portfolio Holder with responsibility for Human Resources. For the reasons set out in the following paragraphs, the October 2015 change in responsibility for the approval of Human Resources Policies and Procedures was legally unsound and it is recommended that it is reversed by Council.
- 5.3. The Local Government Act 2000 ('the 2000 Act') required larger local authorities to change their form of governance from the committee system to 'Executive Arrangements.' For most such authorities, including Cheshire East Council, this has meant adopting the Leader and Cabinet model of governance. The 2000 Act (and Statutory Instruments made under it) allocate responsibility for discharging an authority's 'functions' when operating Executive Arrangements.
- 5.4. Some functions are defined as 'Council functions' (or 'Council-side functions'). Council functions include the overwhelming majority of Town and Country Planning and Licensing matters. These are generally delegated to the authority's Planning and Licensing Committees (which are politically proportionate), or to officers under the Officer Scheme of Delegation.
- 5.5. Some functions are defined as 'Local Choice functions.' As the label implies, authorities may choose whether or not these functions are the responsibility of the Executive (Leader and Cabinet). That decision itself is a decision for the full Council. Under the Cheshire East Constitution, for example, functions relating to contaminated land (a Local Choice function) have been allocated to the Executive.
- 5.6. Council side and Local Choice functions are listed in a series of over a dozen Statutory Instruments made under the 2000 Act. These Statutory Instruments are referred to collectively as 'the Functions Regulations.'

- 5.7. Functions which are neither defined as Council functions nor as Local Choice functions in the Functions Regulations are, by default, the responsibility of the Executive (in Cheshire East, the Leader and Cabinet). Section 13 of the 2000 Act gives effect to this position by providing that:

‘... any function of a local authority which is not specified in ... [the Functions Regulations] ... is to be the responsibility of an executive of the authority under executive arrangements.’

- 5.8. The authority’s Staffing Committee is a committee established by Full Council and, as such, it is politically balanced. As a Council committee, Staffing Committee can only determine matters which are Council-side functions (as opposed to Executive (Cabinet) functions).
- 5.9. The power for local authorities to appoint staff is contained in section 112 of the Local Government Act 1972 (‘the 1972 Act’). Officers appointed under this section ‘shall hold office on such reasonable terms and conditions, including as to remuneration’ as the appointing authority ‘think fit’ (section 112(2)).
- 5.10. The Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 and 2015) (together, ‘The Standing Orders Regulations’) require that the function of appointing, dismissing, or taking disciplinary action against an officer below deputy Chief Officer level must be discharged on behalf of the Council by the Head of Paid Service (the Chief Executive), or by an officer nominated by him. The Council’s Staff Employment Procedure Rules are compliant with The Standing Orders Regulations.
- 5.11. Schedule 1 of the The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (‘the 2000 Regulations’) makes the power to appoint staff under section 112 of the 1972 Act a Council-side function. However, the 2000 Regulations contain no reference to the approval of Human Resources Policies and Procedures; nor do any of the other Functions Regulations.
- 5.12. The power to make Human Resources Policies and Procedures derives from section 111 of the 1972 Act - the power for local authorities to do:

‘... any thing ... which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.’

None of the Functions Regulations refer to section 111 of the 1972 Act. Accordingly, the default position set out in section 13(2) of the 2000 Act (see paragraph 5.7) applies and the power to approve Human Resources Policies and Procedures must rest with the Executive.

- 5.13. Until October 2015 the Council's Constitution reflected this legal position and the relevant provision in the Terms of Reference of the Staffing Committee read as follows:

'5 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.' (Underlining added)

- 5.14. In October 2015, as part of a wide-ranging review of the Constitution, the Terms of Reference of the Staffing Committee were revised. Most of the revisions reflected changes in legislation. For example, under section 38 of the Localism Act 2011, the Council must approve annually a Pay Policy Statement; and it was logical that the Committee's remit was expanded to allow it to make recommendations to Council regarding that Statement.

- 5.15. However, for reasons that are not clear, the Term of Reference relating to Human Resources Policies and Procedures was replaced with the following wording:

'6.1 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.'

- 5.16. This Term of Reference needs to be changed for two reasons. First, it seeks to make an Executive function (the approval of Human Resources Policies and Procedures) a Council-side function and allocate it to the Staffing Committee. Second, it seeks to make the terms and conditions of all employees (and any changes to the same) the responsibility of the Committee, contrary to The Standing Orders Regulations.

- 5.17. The reference to functions under the Local Government Pension Scheme is unobjectionable. This is because functions relating to local government pensions are expressly made a Council-side function in Schedule 1 to the 2000 Regulations, so far as they relate to Regulations made under sections 7, 12, or 24 of the Superannuation Act 1972.

- 5.18. It is therefore recommended that the Terms of Reference of the Staffing Committee are revised as set out (as Track Changes) in the Appendix to this report. The recommended revisions include several other minor and typographical changes. The recommended revisions may be summarised as follows:

- 5.18.1. The current paragraph 6.1 is deleted in its entirety.

- 5.18.2. In relation to the approval of Human Resources Policies and Procedures, the wording previously adopted prior to October 2015 is reinstated, with the addition of the words 'and procedures' in the second sentence.
- 5.18.3. A new paragraph 6.5 is added to empower the Committee to exercise functions relating to local government pensions, so far as they relate to Regulations made under sections 7, 12, or 24 of the Superannuation Act 1972.
- 5.18.4. References to specific posts are updated to reflect the relevant current job titles.
- 5.18.5. Reference to 'Chief Education Officer' in section 2 is deleted. (This role ceased in England with the coming into force of the Children Act 2004 and the requirement within that legislation for all top tier authorities in England to appoint a Director of Children's Services.)

6. Wards Affected and Local Ward Members

- 6.1. None.

7. Implications of Recommendation

7.1. Policy Implications

- 7.1.1. The recommendations are intended to ensure that Human Resources Policies and Procedures are approved in an appropriate manner.

7.2. Legal Implications

- 7.2.1. These are set out in the body of this report.

7.3. Financial Implications

- 7.3.1. None.

7.4. Equality Implications

- 7.4.1. None.

7.5. Rural Community Implications

- 7.5.1. None.

7.6. Human Resources Implications

- 7.6.1. The recommendations are intended to ensure that Human Resources Policies and Procedures are approved in an appropriate manner.

7.7. Public Health Implications

7.7.1. None.

7.8. Implications for Children and Young People

7.8.1. None.

7.9. Other Implications (Please Specify)

7.9.1. None.

8. Risk Management

8.1. A legal argument could be constructed to suggest that all Human Resources Policies and Procedures 'approved' by the Staffing Committee since October 2015 are invalid. Whilst such an argument might be unlikely to appeal to an Employment Tribunal, if Council approves the recommendation set out in this report, the risk can be eliminated by referring all such policies and procedures to the Portfolio Holder for formal approval.

9. Access to Information/Bibliography

9.1. All Acts of Parliament and Regulations referred to in this report are in the public domain and available at: <http://www.legislation.gov.uk/>

9.2. The Council's Constitution, including earlier iterations of the document are available on the authority's website at:
http://www.cheshireeast.gov.uk/council_and_democracy/your_council/constitution.aspx

10. Contact Information

Contact details for this report are as follows:

Name: Bill Norman
Designation: Director of Legal Services
Tel. No.: 01270 685850
Email: Bill.Norman@cheshireeast.gov.uk

APPENDIX

STAFFING COMMITTEE (Terms of Reference)

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 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 Section 151 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 Executive Director of People and Deputy Chief Executive (Director of Children's Services);

☐ Strategic Director of Adult Social Care and Health (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 Place 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; and

☐ make a recommendation to the Council to approve the proposed appointment before an offer of appointment is made to that person.

4 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 Place

HR Policies

6.1 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 and Procedures remains with the Executive

6.2 To make recommendations to Council in relation to the annual Pay Policy Statement and any amendments to such statement.

6.3 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.

6.4 To make decisions in relation to proposed severance packages with a value of £100,000 or more.

6.5 to exercise the functions relating to local government pensions, so far as they relate to Regulations made under sections 7, 12, or 24 of the Superannuation Act 1972.

Appeals

7.1 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)

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).

Organisational Performance

8 To receive regular updates on performance information in order to assess the effectiveness of current Human Resources Organisational Development and Health & Safety policies and practices .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

COUNCIL – 15 DECEMBER 2016**NOTICES OF MOTION****Submitted to Council in Accordance with Procedure Rule 12****1 Membership of Freemasons****Proposed by Councillor Sam Corcoran**

Council agrees that all Cheshire East Elected Members should be required to declare membership of the Freemasons.

2 Space for Cycling**Proposed by Councillor Sam Corcoran and Seconded by Councillor Howard Murray**

This Council supports the Space for Cycling process promoted by Cycling UK and commits to providing the funding to implement its cycling policy effectively.

3 A&E at Macclesfield Hospital**Proposed by Councillor Sam Corcoran**

That Cheshire East Council supports the continued provision of an accident and emergency service at Macclesfield General Hospital, and instructs the Chief Executive to write to such health and Government agencies, as he considers appropriate, to convey to them the resolution of this Council.

4 Millbrook Unit**Proposed by Councillor Liz Wardlaw**

This Council strongly opposes the proposal to close the Millbrook Unit at Macclesfield and urges the decision makers to make alternative arrangements in order to ensure continuation of the existing service from that Unit. Council agrees that Millbrook provides a specialised service within the borough to some of our most vulnerable residents, housing skilled nurses and health care professionals who deliver expert care in the field of mental health for our residents, in our locality and to the benefit of our community. Council further agrees that this is an asset which benefits those who are in need of care and keeps them close to those who love them.

5 Funding of Adult Social Care

Proposed by Councillor Jill Rhodes

This Council supports the Unison proposal and campaign to encourage the Chancellor to commit to spending the increase in the Government's share of business rates on Adult Social Care and to end the 2% council tax precept for social care from 2017/18.

Social Care is in crisis, as recent reports show and new funding is needed. The Government will have up to £2.4bn through the increase in its share of business rates. This should be given as a social care grant to allow Councils to tackle this crisis and lessen the local tax burden.