

# Annual Council Meeting and Mayor Making Ceremony Agenda

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**Date:** Wednesday, 17th May, 2017  
**Time:** 11.00 am  
**Venue:** The Tenants' Hall, Tatton Park, Knutsford WA16 6QN

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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 for the morning session of the meeting.

4. **Election of Mayor 2017/18**

To elect a Mayor for 2017/18, who will also act as Chairman of the Council.

5. **Appointment of Deputy Mayor for 2017/18**

To appoint a Deputy Mayor for 2017/18, who will also act as Vice-chairman of the Council.

6. **Appointment of Mayor's Chaplain**
7. **Vote of Thanks to Retiring Mayor**

8. **Mayor's Announcements**

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

**Adjournment for Lunch and Reconvening of Meeting at 1.45pm (Approximate timing)**

9. **Apologies for absence**

To receive any further apologies for absence.

10. **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 for the afternoon session of the meeting.

11. **Minutes of Previous meetings** (Pages 3 - 28)

To approve the minutes of the ordinary and special meetings of Council held on 23 February 2017 as a correct record.

12. **Leader's Announcements**

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

13. **Political Representation on the Council's Committees** (Pages 29 - 34)

To determine the political representation on the Council's Committees and to appoint those Committees.

14. **Allocations to the Office of Chairman and Vice Chairman** (Pages 35 - 36)

To allocate Chairmanships and Vice Chairmanships of the Council's decision making and other bodies.

15. **Appointments to Adoption Panel and Fostering Panel** (Pages 37 - 40)

To approve the appointments to Statutory panels which do not fall within the definition of "a Committee".

16. **Appointments to the Cheshire Fire Authority and the Cheshire Police and Crime Panel** (Pages 41 - 42)

To make appointments to the Cheshire Fire Authority and the Cheshire Police and Crime Panel.

17. **Recommendation from Constitution Committee - Health and Wellbeing Board Terms of Reference** (Pages 43 - 54)

To consider the recommendation from the Constitution Committee.

18. **Strategic Partnership for Children and Young People's Emotional Health and Wellbeing** (Pages 55 - 80)

To approve the recommendation as set out in the report.

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Council**  
held on Thursday, 23rd February, 2017 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, S Carter, 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, M Grant, P Groves, J Hammond, A Harewood, G Hayes, 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, H Murray, D Newton, Nicholas, 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, P Butterill, C Chapman, M Hardy and M Parsons

### **82 PRAYERS**

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

### **83 DECLARATIONS OF INTEREST**

The Mayor reported that Legal advice had been obtained to the effect that the Chief Executive, Monitoring Officer and Section 151 Officer should declare an interest in item 13 of the agenda relating to New JNC Handbook for Chief Executives and Consequential Amendments to the Constitution and that they would leave the meeting during consideration of this matter.

The Deputy Mayor, Cllr A Moran, declared a non pecuniary interest in item 12 of the agenda, relating to the election of the Mayor and Deputy Mayor for the 2017/18 Civic Year.

### **84 MINUTES OF PREVIOUS MEETINGS**

### **RESOLVED**

That the minutes of the Special Meeting of Council and the Ordinary Meeting of Council held on 15 December 2016 be approved as a correct record.

**85 MAYOR'S ANNOUNCEMENTS**

The Mayor:-

1. Welcomed Councillor James Nicholas, who had been elected to represent Bollington at the recent by-election, to his first meeting of Council.
2. Reported that, since the last Council meeting, she and the Deputy Mayor had attended over thirty events. She thanked all those who had attended her Civic Service and particularly thanked her Chaplain for conducting such a moving service.
3. Reported that the Cheshire East Holocaust Memorial Day Service had over recent years become an important part of the civic calendar and that, on 27 January, it had been her privilege to lead the Council's remembrance at the service and that she was delighted that BBC Radio had been able to broadcast the event.
4. Announced that her Deputy, Cllr Arthur Moran, had organised a charity dance at Nantwich Civic Hall, on Friday 10 March. This would raise money for her two charities. There were still tickets available and she encouraged all Members to attend.
5. Announced that her Charity Sunday lunch would be held at the Swettenham Arms, on Sunday 30 April and that she would be writing to all Members about this shortly.

**86 PUBLIC SPEAKING TIME/OPEN SESSION**

1. Mrs Sue Helliwell, representing Alsager Town Council, used public speaking time to ask a question concerning recent land clearance of open space on Cheshire East owned land in Alsager. She was aware that there was Japanese Knotweed on the site and asked whether Cheshire East guaranteed that this would be removed with a lifetime guarantee. She also asked that if the Council went ahead with the sale of this site, that all money raised would be regenerated back into the town of Alsager.

Cllr D Stockton, Regeneration Portfolio Holder, responded to say that the money could not be ring fenced for Alsager, as it was required for all of Cheshire East. He stated that any Japanese Knotweed would be cleared, but any guarantee would be for the contractor to give. He also undertook to provide a written response.

2. Mr A Wood used public speaking time to refer to the proposed closure of Chelford market and the development of the site. He asked the Council to consider the final decision in respect of this carefully.

The Leader of the Council, Cllr Rachel Bailey, responded to say that this was a private enterprise, but that the Council had engaged to look at alternative sites and would continue to do so with interested parties.

3. Cllr. Carolyn Lowe, representing Sandbach Town Council, used public speaking to address Council in respect of the budget and options for change regarding recycling centres, which included the closure of the Arclid site. She stated that the Town Council strongly objected to the proposal and would like to work with the Council to explore other options before any decision was made to close the site and remove it from the budget.
4. Mrs J Deans used public speaking time to support the comments made by Town Cllr Lowe and stated that the tip was well used and easy to get to.

The Leader of the Council responded to say that this would be fully considered as part of the budget debate and that the speakers' comments would be taken into account.

5. Mr J Parry used public speaking time to welcome the progress being made with the Middlewich Eastern Bypass. He thanked the Council for its work and for listening to the residents of Middlewich. He was glad that Chester Road has now been declared an Air Quality Management area, but felt there was also a need for this to be done on Lewin Street, having read in the local papers that the Council had said that the levels were just below the maximum. He asked the Council to go back to these figures and look at them again, especially over the past 12 months. He stated that the current pollution level was not going to decrease due to increased development in Middlewich and Sandbach, putting extra strain on Lewin Street. He also referred to the impending opening of a fully operational Waste Transfer depot, which he considered would increase traffic levels significantly.

The Communities and Health Portfolio Holder, Cllr P Bates, responded to say that pollution levels on Chester Road, Middlewich indicated that levels of nitrogen dioxide NO<sub>2</sub> were above the annual mean objective in 2013 and 2014 and only slightly below the objective in 2015. The Detailed Assessment completed as part of the Council's 2016 Annual Status Report had indicated that there would be an ongoing exceedance and as such the area would be declared an Air Quality Management

Area in the next few weeks. The levels on Lewin Street had showed a decreasing concentration of NO<sub>2</sub> from 2013, and in 2015 the levels had been below the objective by a small margin. The Council had undertaken a detailed assessment of the area in the same Annual Status Report and concluded that, at present, there was no likelihood of an exceedance. However, this situation would be kept under constant review and should the results in 2016 show the need to revisit the above then the Council would do so. Further, the Council had put an additional 3 monitoring sites along Lewin Street to further increase its knowledge of pollution in the area. The Council had committed to reviewing the Air Quality Action Plan for the Borough within 2017, and work had commenced on this. There would be an opportunity for public engagement with the process to ensure that proposed actions met the needs of the area.

### 87 LEADER'S ANNOUNCEMENTS

The Leader of the Council:-

1. Welcomed the new Bollington Councillor, James Nicholas, to his first meeting of Council and congratulated him on his election.
2. Welcomed Councillor David Newton to the Council meeting following his absence due to illness.
3. As the meeting was taking place in Sandbach, highlighted some of the many examples of how local groups are making a real difference. The Leader referred to the well-established Sandbach partnership, which had instigated many improvements to Sandbach Park, to name but one. She stated that the Council's recent participatory budgeting initiative had seen some great community programmes funded. These included opportunities for local gymnastic clubs to provide more sessions and activities in the park to improve people's physical and mental health.
4. Reported that, in November 2016 the Minister for Children, Edward Timpson, had written to the Council to confirm that he was satisfied with the good progress being made in relation to the OFSTED Children's services Inspection recommendations, that the support and supervision monitoring period was now complete; and the DfE's involvement with Cheshire East Council was ended. This was a reflection of the significant progress made. It has been agreed that oversight of progress against the remaining actions within the Improvement plan would be taken by the Health and Wellbeing Board, with regular reports to the Board to demonstrate progress being made and to highlight areas requiring further work.

5. Reported that there was to be a renewed focus on Member Training and Development, with the benefit of team e-learning, to equip all Members with the tools they needed to perform specialist and community roles. Further announcements would be made in respect of this.
6. Reported that Cheshire East Council continued to work with its partners, Cheshire West and Chester and Warrington Councils and the Cheshire and Warrington Local Enterprise Partnership, to develop proposals for a possible devolution deal. At present it was proposed that consultation would start on draft proposals in April and any final deal would be brought back to this Council for final approval in July.
7. Referred to the Special Meeting of Council, to take place later in the morning, where consideration would be given to motions submitted in respect of the Cabinet decisions regarding walking routes to schools from Bollington to Tytherington High School and from Willaston to Malbank School and Brine Leas School. She referred to additional information and a feasibility study which had been produced, in respect of highway matters. Cllr David Brown, Highways and Infrastructure Portfolio Holder, provided an update in respect of proposed highway improvements, including the installation of a Toucan crossing on the Silk Road, Macclesfield. He also referred to work which was ongoing with British Rail in respect of pedestrian lighting and the sequence of trains on London road, Nantwich.

**88 RECOMMENDATION FROM CABINET : THE COUNCIL'S CORPORATE PLAN AND MEDIUM TERM FINANCIAL STRATEGY 2017-20**

Cabinet, at its meeting on 7 February 2017, had considered the Council's Corporate Plan and Medium Term Financial Strategy 2017-20.

Cabinet had recommended that Council approve the items at Appendix A of the Cabinet report, as follows:-

1. The updated Corporate Plan 2017/20 as provided at **Appendix B**.
2. The Revenue estimates for the 2017/18 budget and the medium term Capital Programme estimates 2017/20, as detailed in the Medium Term Financial Strategy Report (MTFS) 2017/20 (**Appendix D**).
3. Band D Council Tax of £1,324.92 representing an increase of 4.99%. This is below the referendum limit and arises from the provisional finance settlement allowing up to a 3% additional

charge to fund Adult Social Care pressures (**Appendix D, Section 2**).

4. The 2017/18 non ring-fenced Specific Grants, and that any amendments to particular grants will be reported to Council if further information is received from Government Departments or other funding bodies (**Appendix D, Annex 8**).
5. The 2017/18 Capital Grants, and that any amendments to particular grants will be reported to Council if further information is received from Government Departments or other funding bodies (**Appendix D, Annex 9**).
6. The relevant Portfolio Holder to agree the use of additional Specific Grants received in conjunction with the Finance Portfolio Holder as further updates to the 2017/18 funding position are received.
7. The recommended Prudential Indicators for Capital Financing (**Appendix D, Annex 11**).
8. The Children and Families Portfolio Holder to agree any necessary amendment to the 2017/18 Dedicated Schools Grant (DSG) of £143m and the associated policy proposals, in the light of further information received from DfE, pupil number changes, further academy transfers and the actual balance brought forward from 2016/17 (**Appendix D, Annex 8**).
9. The recommended Reserves Strategy (**Appendix D, Annex 13**).

*That Council recognises that Cabinet has noted:*

10. The Budget Engagement exercise undertaken by the Council, as set out in the attached (**Appendix D, Annex 2**).
11. The results of the Budget Consultation (**Appendix C**).
12. The comments of the Council's Chief Operating Officer (Section 151 Officer), contained within the MTFS Report, regarding the robustness of estimates and level of reserves held by the Council based on these budget proposals (**Appendix D, Comment from the Chief Operating Officer**).
13. The risk assessment detailed in the MTFS Report (**Appendix D, Annex 5**).
14. That the estimates and profiling contained within the proposed Capital Programme 2017/18 to 2019/20 reflect the scale of ambition and future investment plans of the Council. The programme may vary to take advantage of external funding



opportunities, maximise private sector investment, prudential borrowing considerations, operational capacity and to ensure optimal delivery of the overall programme (**Appendix D, Annex 12**).

15. That projects will be robustly governed through the Executive Monitoring Board. The Council's Finance Procedure Rules will always apply should any changes in spending requirements be identified (**Appendix D, Annex 12**).

In moving the Cabinet recommendations, the Finance and Assets Portfolio Holder, Cllr P Groves, proposed the following additional matter, which was circulated around the Chamber:-

"In terms of the review of the Household Waste Recycling Centre Provision, described on page 174 in the agenda pack, it is proposed that the closure of the Arclid site is paused.

It is further proposed that:

- a. The savings impact, shown as £150,000.00 on page 174, remains intact.
- b. Operating costs [£50k] for the Arclid site are now to be included till September 2017, as an adjustment in the financial/economic element of the business case;
- c. Charging for rubble/construction waste is now to be brought forward and introduced in early 2018, rather than the 2018-19 financial year, as the compensatory factor, at £50K.
- d. During the paused period, Cheshire East works in partnership with Sandbach Town Council, and also local members, to establish and evaluate viable and workable alternatives to the closure of the Arclid site, along with an appropriate strategy".

Following the proposing and seconding of the above recommendation of Cabinet and the additional motion a number of amendments were proposed and seconded:-

### **AMENDMENT 1**

That this Council should write to the five local MPs expressing its support for the LGA call to give local government full flexibility over council tax setting.

The amendment was proposed and seconded and put to the vote. The amendment was declared lost.

### **AMENDMENT 2**

That a review should be carried out into ways to reduce Delayed Transfers of Care from hospitals (DTC) which should include the option of setting up a wholly owned company to provide services on a commercial basis.

The amendment was proposed and seconded.

Legislation required the recording in the minutes of how each Member voted on this matter, which related to the Budget. Accordingly, a recorded vote was carried out in respect of this amendment, with the following results:-

#### **For**

Cllr D Bailey, Cllr S Brookfield, Cllr S Carter, Cllr S Corcoran, Cllr D Flude,  
Cllr T Fox, Cllr M Grant, Cllr A Harewood, Cllr S Hogben, Cllr J Jackson,  
Cllr L Jeuda, Cllr N Mannion, Cllr J Rhodes, Cllr B Roberts, Cllr A Stott.

#### **Against**

Cllr C Andrew, Cllr A Arnold, Cllr G Baggott, Cllr Rachel Bailey, Cllr Rhoda Bailey, Cllr P Bates, Cllr G Baxendale, Cllr M Beanland, Cllr D Bebbington, Cllr E Brooks, Cllr D Brown, Cllr J Clowes, Cllr H Davenport, Cllr M Deakin, Cllr B Dooley, Cllr L Durham, Cllr S Edgar, Cllr JP Findlow, Cllr S Gardiner, Cllr L Gilbert, Cllr P Groves, Cllr G Hayes, Cllr A Kolker, Cllr J Macrae, Cllr A Martin, Cllr R Menlove, Cllr G Merry, Cllr B Moran, Cllr H Murray, Cllr J Saunders, Cllr M Sewart, Cllr M Simon, L Smetham, Cllr D Stockton, Cllr G Wait, Cllr G Walton, Cllr L Wardlaw, M Warren, Cllr J Weatherill, Cllr H Wells-Bradshaw, Cllr G Williams, Cllr J Wray.

#### **Not Voting**

Cllr C Browne, Cllr B Burkill, Cllr R Fletcher, Cllr D Hough, Cllr O Hunter, Cllr D Mahon, Cllr A Moran, Cllr J Nicholas, Cllr B Walmsley.

The amendment was declared lost with 15 for, 43 against and 9 not voting.

### **AMENDMENT 3**

Pilot programmes address residents' concerns about verge parking and the damage and nuisance it creates, with at least one in Crewe and one in Macclesfield, should be implemented to test the value and practicality in converting verges into parking bays or treating with grasscrete. The total cost of these pilots should be £50,000 and this will be funded out of a review of car parking charges to make them fairer across the borough. This will also provide a saving on the repair of verges currently costing highways money.

Following the proposing and seconding of the above amendment, the Highways and Infrastructure Portfolio Holder, Cllr D Brown, undertook to establish a pilot scheme for Council owned verges only and to take up to £50,000 from the Infrastructure and Highways line in the budget, as set out at page 311 of the agenda and, on this basis, the proposer and seconder agreed to withdraw the amendment.

### **AMENDMENT 4**

That during 2017/18 the Council consult on a compulsory residential landlord licensing scheme for all privately let residential accommodation situated within Cheshire East, including all houses in multiple occupation (HMOs). The administration of the scheme will be cost neutral, with its set-up and running costs to be covered by income from licence and inspection fees within the forthcoming three year budget cycle.

Following the proposing and seconding of the above amendment, the Finance and Assets Portfolio Holder, Cllr P Groves, undertook to submit a report to a future Cabinet meeting, to enable further consideration of this matter and the Leader of the Council undertook to provide a verbal update at the next meeting of Cabinet. On this basis, the proposer and seconder agreed to withdraw the amendment .

The vote on the substantive budget proposals, including the recommendations of Cabinet and the additional motion was taken.

Legislation required the recording in the minutes of how each Member voted on any decision relating to the Budget or Council Tax. Accordingly, a recorded vote was carried out in respect of this item, with the following results:-

#### **For**

Cllr C Andrew, Cllr A Arnold, Cllr G Baggott, Cllr Rachel Bailey, Cllr Rhoda Bailey, Cllr P Bates, Cllr G Baxendale, Cllr M Beanland, Cllr D

Bebbington, Cllr E Brooks, Cllr D Brown, B Burkhill, Cllr J Clowes, Cllr H Davenport, Cllr M Deakin, Cllr B Dooley, Cllr L Durham, Cllr S Edgar, Cllr JP Findlow, Cllr S Gardiner, Cllr L Gilbert, Cllr P Groves, Cllr J Hammond, Cllr G Hayes, Cllr A Kolker, Cllr J Macrae, Cllr D Mahon, Cllr A Martin, Cllr R Menlove, Cllr G Merry, Cllr A Moran, Cllr B Moran, Cllr H Murray, Cllr J Saunders, Cllr M Sewart, Cllr M Simon, Cllr L Smetham, Cllr D Stockton, Cllr G Wait, Cllr B Walmsley, Cllr G Walton, Cllr L Wardlaw, Cllr M Warren, Cllr J Weatherill, Cllr H Wells-Bradshaw, Cllr G Williams, Cllr J Wray

### **Against**

Cllr D Bailey, Cllr S Brookfield, Cllr S Carter, Cllr S Corcoran, Cllr R Fletcher, Cllr D Flude, Cllr T Fox, Cllr M Grant, Cllr A Harewood, Cllr S Hogben, Cllr D Hough, Cllr J Jackson, Cllr L Jeuda, Cllr N Mannion, Cllr J Rhodes, Cllr B Roberts, Cllr A Stott.

### **Not Voting**

Cllr O Hunter, Cllr J Nicholas.

The motion was carried by 47 votes for, 17 against with 2 not voting.

### **RESOLVED:**

**That the items at Appendix A of the report be approved, as follows:-**

1. The updated Corporate Plan 2017/20 as provided at **Appendix B**.
2. The Revenue estimates for the 2017/18 budget and the medium term Capital Programme estimates 2017/20, as detailed in the Medium Term Financial Strategy Report (MTFS) 2017/20 (**Appendix D**).
3. Band D Council Tax of £1,324.92 representing an increase of 4.99%. This is below the referendum limit and arises from the provisional finance settlement allowing up to a 3% additional charge to fund Adult Social Care pressures (**Appendix D, Section 2**).
4. The 2017/18 non ring-fenced Specific Grants, and that any amendments to particular grants will be reported to Council if further information is received from Government Departments or other funding bodies (**Appendix D, Annex 8**).
5. The 2017/18 Capital Grants, and that any amendments to particular grants will be reported to Council if further information is received from Government Departments or other funding bodies (**Appendix D, Annex 9**).

- 6 The relevant Portfolio Holder to agree the use of additional Specific Grants received in conjunction with the Finance Portfolio Holder as further updates to the 2017/18 funding position are received.
- 7 The recommended Prudential Indicators for Capital Financing (**Appendix D, Annex 11**).
- 8 The Children and Families Portfolio Holder to agree any necessary amendment to the 2017/18 Dedicated Schools Grant (DSG) of £143m and the associated policy proposals, in the light of further information received from DfE, pupil number changes, further academy transfers and the actual balance brought forward from 2016/17 (**Appendix D, Annex 8**).
- 9 The recommended Reserves Strategy (**Appendix D, Annex 13**).
10. That, in terms of the review of the Household Waste Recycling Centre Provision, described on page 174 in the agenda pack, that the closure of the Arclid site be paused and :-
  - a. The savings impact, shown as £150,000.00 on page 42, remains intact.
  - b. Operating costs [£50k] for the Arclid site are now to be included till September 2017, as an adjustment in the financial/economic element of the business case;
  - c. Charging for rubble/construction waste is now to be brought forward and introduced in early 2018, rather than the 2018-19 financial year, as the compensatory factor, at £50K.
  - d. During the paused period, Cheshire East works in partnership with Sandbach Town Council, and also local members, to establish and evaluate viable and workable alternatives to the closure of the Arclid site, along with an appropriate strategy”.

**That Council recognises that Cabinet has noted:-**

- (a) the summary results of the Budget Consultation, attached at Appendix C and the Budget Engagement exercise undertaken by the Council, as set out in the attached (Appendix D, Annex 2);
- (b) the comments of the Council's Chief Operating Officer (Section 151 Officer), contained within the MTFS Report, regarding the robustness of estimates and level of reserves held by the Council based on these budget proposals (Appendix D, Comment from the Chief Operating Officer);

- (c) the risk assessment detailed in the MTFS Report (Appendix D, Annex 5);
- (d) that the estimates and profiling contained within the proposed Capital Programme 2017/18 to 2019/20 reflect the scale of ambition and future investment plans of the Council. The programme may vary to take advantage of external funding opportunities, maximise private sector investment, prudential borrowing considerations, operational capacity and to ensure optimal delivery of the overall programme (Appendix D, Annex 12); and
- (e) that projects will be robustly governed through the Executive Monitoring Board. The Council's Finance Procedure Rules will always apply should any changes in spending requirements be identified (Appendix D, Annex 12).

**89 RECOMMENDATION FROM CABINET: TREASURY MANAGEMENT STRATEGY AND MINIMUM REVENUE PROVISION POLICY STATEMENT 2017/18**

Cabinet, at its meeting on 7 February 2017, had considered a report in respect of the Treasury Management Strategy and Minimum Revenue Provision Policy Statement 2017/18.

Cabinet had recommended to Council the approval of the Treasury Management Strategy and the MRP Statement for 2017/18, as set out at Appendix A to the Cabinet report.

**RESOLVED:**

That the Treasury Management Strategy and the Minimum Revenue Provision Policy Statement for 2017/18, as set out at Appendix A to the Cabinet report, be approved.

**90 COUNCIL TAX 2017/18 - STATUTORY RESOLUTION**

Consideration was given to a report relating to the setting of the Council tax for 2017/18.

Cheshire East Council, as a billing authority, was responsible for the billing and collection of Council Tax due from local taxpayers and must, therefore, make a resolution to set the overall Council Tax level. This meant that the Authority also collected Council Tax income to cover not only its own services but also precepts set by other authorities.

The Council Tax levied was, therefore, made up of four elements:

- Cheshire East Borough Council element (includes Social Care Precept)
- Town & Parish Council precepts
- Police & Crime Commissioner for Cheshire precept
- Cheshire Fire Authority precept

The motion in respect of the setting of the Council Tax was proposed and seconded.

Legislation required the recording in the minutes of how each Member voted on any decision relating to the Budget or Council Tax. Accordingly, a recorded vote was carried out in respect of this item, with the following results:-

### **For**

Cllr C Andrew, Cllr A Arnold, Cllr G Baggott, Cllr D Bailey, Cllr Rachel Bailey, Cllr Rhoda Bailey, Cllr P Bates, Cllr G Baxendale, Cllr M Beanland, Cllr D Bebbington, Cllr S Brookfield, Cllr E Brooks, Cllr D Brown, Cllr B Burkhill, S Carter, Cllr J Clowes, Cllr S Corcoran, Cllr H Davenport, Cllr M Deakin, Cllr B Dooley, Cllr L Durham, Cllr S Edgar, Cllr JP Findlow, Cllr R Fletcher, Cllr D Flude, Cllr T Fox, Cllr S Gardiner, Cllr L Gilbert, Cllr M Grant, Cllr P Groves, Cllr J Hammond, Cllr A Harewood, Cllr G Hayes, Cllr S Hogben, Cllr O Hunter, Cllr J Jackson, Cllr L Jeuda, Cllr A Kolker, Cllr J Macrae, Cllr D Mahon, Cllr N Mannion, Cllr A Martin, Cllr R Menlove, Cllr G Merry, Cllr A Moran, Cllr B Moran, Cllr H Murray, Cllr J Nicholas, Cllr J Rhodes, Cllr B Roberts, Cllr J Saunders, Cllr Sewart, Cllr M Simon, Cllr L Smetham, Cllr D Stockton, Cllr A Stott, Cllr G Wait, Cllr B Walmsley, Cllr G Walton, Cllr L Wardlaw, Cllr M Warren, Cllr J Weatherill, Cllr H Wells-Bradshaw, Cllr G Williams, Cllr J Wray.

**Against** - None

**Not Voting** - None

The motion was declared carried with 65 votes for, 0 against and 0 not voting.

### **RESOLVED:**

That the Council Tax for Cheshire East Council for the financial year 2017/18, be set at £1,324.92, in accordance with the formal resolutions as shown in section 13 of the report, as follows:-

### **Formal Resolution**

1. That it be noted that on 15th December 2016 the Council calculated the Council Tax base 2017/18:-

(a) for the whole Council area as 144,201.51 (item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the “Act”)).

(b) for individual parishes, as in **Appendix A**.

2. Calculated that the Council Tax requirement for the Council’s own purposes for 2017/18 (excluding Parish precepts) is £191,055,465.

3. That the following amounts be calculated for the year 2017/18 in accordance with Sections 31 to 36 of the Act:

a. £641,840,165 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.

b. £443,893,706 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.

c. £197,946,459 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year (Item R in the formula in Section 31B of the Act).

d. £1,372.71 being the amount at 3(c) above divided by the amount at 1(a) above, calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).

e. £6,890,994 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act

f. £1,324.92 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by the amount at 1(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.

g. **Appendix A** being the amounts calculated by the Council, in accordance with regulations 3 and 6 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992, as its total council tax base for the year and council tax base for dwellings in those parts of its area to which one or more special items relate.

h. **Appendix B** being the amounts given by adding to the amount at (f) above, the amounts of special items relating to dwellings in



those parts of the Council's area mentioned above divided by in each case the appropriate tax base from Annex A, calculated by the Council in accordance with Section 34(3) of the 1992 Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of the area to which one or more special items relate. (Band D charges for each Parish area).

i. **Appendix C** being the amounts given by multiplying the amount at (h) above by the number which, in the proportion set out in Section 5(1) of the 1992 Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the 1992 Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands (Local charges for all Bands).

j. **Appendix D** being the aggregate of the local charges in (i) above and the amounts levied by major precepting authorities, calculated in accordance with Section 30(2) of the 1992 Act (The total Council Tax charge for each band in each Parish area).

4. That it be noted that the Police & Crime Commissioner and the Fire Authority had issued precepts to Cheshire East Council in accordance with section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area as shown in sections 10 and 11 of the report.
5. It was accepted that Cheshire East Council's basic amount of Council Tax for 2017/18 was not excessive, in accordance with principles approved under Section 52ZB and 52ZC of the Local Government Finance Act 1992.

91 **RECOMMENDATION FROM STAFFING COMMITTEE: PAY POLICY STATEMENT 2017/18**

Consideration was given to a report in respect of the Council's Pay Policy Statement 2017/18.

Section 38 of the Localism Act 2011 required Local Authorities to produce a Pay Policy Statement by 31 March on an annual basis. Regard continued to be given to any guidance from the Secretary of State in producing this statement and the Local Government Transparency Code 2015.

The Pay Policy Statement for 2017/18, which reflected the expected position as at 1<sup>st</sup> April 2017, was attached at Appendix 1 of the report. Changes since last year's Statement are outlined in Section 12 of this summary report.

The Staffing Committee, at its meeting on 26 January 2017, had considered the Statement and recommended it to Council for approval and publishing.

**RESOLVED:**

1. That the changes since the 2016/17 Pay Policy Statement be noted, as outlined in Section 12.2 of the report.
2. That the Pay Policy Statement for 2017/18, as recommended by Staffing Committee, as set out at Appendix 1 of the report, be approved and published accordingly.

**92 ELECTION OF THE MAYOR AND DEPUTY MAYOR FOR THE 2017/18 CIVIC YEAR**

The Deputy Mayor, Councillor A Moran, had declared a non-pecuniary interest in respect of this item and left the Chamber during its consideration.

Consideration was given to a report relating the election of the Mayor and Deputy Mayor for the 2017/18 Civic Year. Council was requested to resolve that Councillor Arthur Moran be designated as the Mayor Elect and that a second Member be designated as the Deputy Mayor Elect, with a view to their formal election and appointment as Mayor and Deputy Mayor for Cheshire East for 2017-18, at the Mayor Making ceremony to be held on 17 May 2017.

It was proposed and seconded that Councillor Lesley Smetham be designated as the Deputy Mayor Elect.

Following her nomination, Councillor Smetham, declared a non-pecuniary interest and left the meeting during consideration of this matter.

**RESOLVED:**

That Councillor Arthur Moran be designated as the Mayor Elect and that Councillor Lesley Smetham be designated as the Deputy Mayor Elect, with a view to their formal election and appointment as Mayor and Deputy Mayor for Cheshire East for 2017-18, at the Mayor Making ceremony to be held on 17 May 2017.

**93 RECOMMENDATION FROM CONSTITUTION COMMITTEE: NEW JNC HANDBOOK FOR CHIEF EXECUTIVES AND CONSEQUENTIAL AMENDMENTS TO THE CONSTITUTION**

The Chief Executive, Monitoring Officer and Section 151 Officer had declared an interest in this item and left the meeting during consideration of this matter.

The Constitution Committee, at its meeting on 13 February 2017, had considered a report setting out the changes made in the new JNC handbook for Chief Executives, which reflected changes made to the statutory employment protections for the Head of Paid Service, Chief Finance Officer (the Section 151 Officer) and Monitoring Officer who, together, were referred to as the “Protected Officers”. The report also recommended changes to the Constitution to comply with the new requirements. The changes were required to comply with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 and followed the issuing of the revised JNC handbook in October 2016.

In addition to the report, the Committee had had regard to a supplementary paper which set out a number of points of clarification in respect of matters within the main report and its appendices. This had followed discussion with the Chairman of the Staffing Committee who had provided additional helpful perspectives and suggestions on the matter. The clarification paper had recommended a number of consequential amendments to the appendices to the report.

The Constitution Committee had made a number of recommendations to Council and Council:-

### **RESOLVED:**

1. That a single, uniform dismissal and disciplinary procedure, as set out in the report, be adopted in relation to the Head of Paid Service, the Section 151 Officer and the Monitoring Officer; and
2. That, subject to the additional recommendations set out in paragraphs 13, 14 and 15 of the clarification paper:
  - a) the Staff Employment Procedure Rules be amended as set out in Appendix 2;
  - b) the Terms of Reference of the Staffing Committee be amended as set out in Appendix 3;
  - c) an Investigation and Disciplinary Committee (comprising 7 elected Members) be established with the terms of reference set out in Appendix 4;
  - d) a Disciplinary Appeals Committee (comprising 7 elected Members) be established with terms of reference as set out in Appendix 5;
  - e) an Independent Persons Panel be established with the terms of reference set out in Appendix 6;

- f) the Committee may commission and have access to external legal and professional advice. If a protected officer chooses to retain professional advice and/or representation at or in respect of any meeting of or hearing before the Committee, then the protected officer in question shall be responsible for the cost of that advice or representation.
- g) the Director of Legal Services and Monitoring Officer be authorised to invite the Council's current Independent Persons (being those persons appointed to advise on member conduct complaints under the Localism Act 2011) and if necessary one or more of the Independent Persons of neighbouring authorities (following consultation with the Monitoring Officers of those authorities), to be considered for appointment to the Independent Persons Panel;
- h) the Constitution Committee be authorised to confirm appointments to the Independent Persons Panel;
- i) the Constitution Committee be authorised to approve the payment of a reasonable and proper allowance/expenses for the work undertaken by those Independent Persons appointed to the Independent Persons Panel; and
- j) the Director of Legal Services be authorised to make any further consequential amendments to the Constitution to ensure consistency with the above changes.

**94 POLITICAL REPRESENTATION ON THE COUNCIL'S COMMITTEES**

Following approval of the recommendations at minute 94, which had resulted in the creation of two new decision-making bodies, it was necessary for Council to determine any consequential changes to the political representation on the Council's Committees.

In addition, the result of the Cheshire East Council-Bollington Ward by-election had resulted in a change to the Council's political proportionalities and the Council similarly needed to determine the changed political representation on the Council's Committees, to ensure that political proportionality was achieved.

A revised proportionalities appendix was circulated at the meeting.

**RESOLVED:**

1. That the political group representation, as set out in the circulated and amended Appendix to the 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.

2. That the adjustments to Committee places indicated as being required in such Appendix, to achieve the correct political proportionality across all Committees, be agreed.
3. That the unchanged Committee Chairman and Vice Chairmen allocations be noted, as set out in the Appendix ; “(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.

95 **QUESTIONS**

The following Member questions were submitted:-

1. Cllr L Jeuda referred to the September 2016 Cabinet meeting, where a report had been considered relating to the net cost of accepting asylum seeking children. She asked what representations the Council had made to Government and if it could be confirmed that Cabinet would receive a further update on progress at the end of the financial year. -The Leader of the Council, Cllr Rachel Bailey and Communities and Health Portfolio Holder, Cllr P Bates, responded and undertook to provide an update at the next Cabinet meeting.
2. Cllr D Flude stated that she was Mental Health Champion for Cheshire East. She asked whether there were support systems in place for staff who found themselves in difficulty, for example when suspended from duty. – The Leader of the Council and the Corporate Policy and Legal Services Portfolio Holder, Cllr P Findlow, responded and also undertook to provide a written response.
3. Cllr S Corcoran asked whether the Council would start to provide Fair Trade coffee at its meetings. - The Leader of the Council, Cllr Rachel Bailey responded.
4. Cllr D Bailey asked whether the Leader of the Council had been in discussion with the MP for Crewe in respect of the Schools National Funding Formula. - The Leader of the Council, Cllr Rachel Bailey responded.
5. Cllr Janet Jackson asked whether Cabinet would consider the Council’s policy in respect of new developments, with regard to public open space, where there was an option to pay a commuted sum, or to set up a Residents’ Management Company to manage the open space. – The Housing and Planning Portfolio Holder, Cllr A Arnold responded.

6. Cllr N Mannion referred to the Air Quality Management Areas in the Borough. He considered that, had the correct figures been recorded, there could have had been contributions from developers and grounds for objecting to applications. He asked when the report relating to the internal investigation in respect of this would be made available to Members.- The Communities and Health Portfolio Holder, Cllr P Bates, responded that once results available they would be provided.

The meeting commenced at 3.15 pm and concluded at 6.30 pm

Councillor O Hunter (Chairman)  
CHAIRMAN

## **CHESHIRE EAST COUNCIL**

Minutes of a Special meeting of **Council**  
held on Thursday, 23rd February, 2017 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, S Carter, 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, M Grant, P Groves, J Hammond, A Harewood, G Hayes, 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, H Murray, D Newton, Nicholas, 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, P Butterill, C Chapman, M Hardy and M Parsons.

### **98 DECLARATIONS OF INTEREST**

Councillor G Wait declared a non-pecuniary interest in item 4 of the agenda, by virtue of being Chair of Transport Service Solutions Ltd and Councillors B Dooley, and D Hough declared an interest in the same item, by virtue of being Directors of Transport Service Solutions Ltd.

### **99 PUBLIC SPEAKING TIME/OPEN SESSION**

Mr Ted Wall used public speaking time to address Council regarding his views about the Cabinet decision relating to walking routes to schools from Bollington to Tytherington High School. He stated that, in the interest of equality, money should be found for the bus and that he considered it the Council's duty to defend children. He did not consider that the proposal for a toucan crossing would make a difference.

Mr Manny Botwe, Head Teacher of Tytherington High School, used public speaking time to address Council regarding his views about the Cabinet decision relating to walking routes to schools from Bollington to Tytherington High School. He referred to the strength of public feeling in respect of this issue and to the consultation with the emergency services. He also referred to the views of parents and stated that parts of Bollington

were rural. He noted that an amendment was to be proposed when this matter was considered and he questioned whether the Ambulance service had been consulted on this. He also referred to the Schools National Funding Formula, which he stated, would reduce funding for schools and asked that the Council keep the buses running.

Honorary Alderman, Ken Edwards used public speaking time to address Council on behalf of Bollington Town Council, regarding the Cabinet decision relating to walking routes to schools from Bollington to Tytherington High School. He referred to an amendment, which he believed, was to be proposed in respect of this issue. He stated that one of the fundamental issues was that there was a safe route to walk from Bollington. He noted that the Council had decided to abandon the bus service and asked whether there was now some new late process to try to turn the Silk Road into a safe route. He stated that Cheshire East Council was rightly proud of its provision of education and that children in Bollington had excellent access to education. He stated that safe routes had been provided previously and rightly so. He also stated that the Middlewood Way was isolated and that this had been recognised when this matter had been considered previously. The Town Council had also recognised that single parents were disadvantaged and considered that there was a threat to children's safety.

Mrs Miller, Strategic Business Manager, Malbank Sixth Form College, used public speaking time to address Council regarding her views about the Cabinet decision relating to walking routes to schools from Willaston to Malbank School. She expressed concern regarding the safety of the rail crossing and barrier and safety of students. She asked that the Council put safety first before monetary value. She also referred to the comments, proposals and considerations of Network Rail. She stated that the route would require over 100 students to walk to Willaston and she considered it necessary to consider whether this route was safe.

## 100 **WALKING ROUTES TO SCHOOLS**

On 18 October 2016, Cabinet gave consideration to the Available Walking Routes to Schools programme, in the light of recommendations of the Children and Families Overview and Scrutiny Committee and the officer response to the recommendations.

Cabinet had resolved as follows:-

That having reconsidered its decisions of 14<sup>th</sup> June 2016, and the minutes and recommendations of the Children and Families Overview and Scrutiny Committee meeting of 19<sup>th</sup> July 2016, Cabinet resolves as follows:

"That the decisions taken by Cabinet on 14<sup>th</sup> June 2016 be confirmed subject to the following:



1. Middlewood Way be confirmed as an available walking route;
2. the implementation of changes to the availability of routes be postponed until September 2017;
3. the Executive Director - People be given delegated authority (in consultation with the Portfolio Holder for Children and Families) to discuss with relevant schools and academies, and arrange such transitional grant funding as the Executive Director considers appropriate, so that where practicable any child who currently receives free school transport will continue to receive subsidised transport until they either conclude their education at their current school or move to another school, and the Executive Director report back on progress;
4. the highway improvements recommended by the Children and Families Overview and Scrutiny Committee, and identified as 'to be implemented' in Appendix A to the report, be approved and monitored by the relevant Portfolio Holders with a view to implementation by 2017;
5. for any future route assessments, where changes to the classification are being considered, local members to be invited to accompany officers on a route review;
6. the Executive Director - Place be requested to review the Council's Sustainable Modes of Travel Strategy and bring a revised strategy to Cabinet for consideration and approval; and
7. Cabinet note the Children and Families Overview and Scrutiny Committee's disappointment at a perceived lack of consultation in relation to the proposals and log the ongoing engagements with overview and scrutiny on this policy as a whole, but in particular with regard to the routes before Cabinet today".

Under powers set out in legislation, five Councillors had requisitioned a Special meeting of Council, and had provided information in support of this request, which was contained in a report to Council.

The submitted report enabled Council to consider issues raised on behalf of the Members who had called the Special Council meeting.

On behalf of those Members, Councillors Pochin and Stott had provided information in support of the request for the Special meeting, which was set out in Appendix 1 to the report. Appendix 1 also contained three motions for debate at the Special meeting, if moved and seconded; together with a map for the information of Council. Appendix 2 to the report, set out the minute of the Cabinet meeting on 18 October 2016. Appendix 3 set out the response to the motions put forward by the five

Members, prepared by Councillor Liz Durham, Children and Families Portfolio Holder. Appendix 4 set out the Portfolio Holder's "Update on Progress" and Appendix 5 contained clarification from the Network Rail Operations Risk Advisor (Level Crossings) on issues of concern. The legal implications which applied to the October 2016 Cabinet report were also set out in the report.

### **Motion 1**

Motion 1 was proposed and seconded as follows:-

"This Council requests that Cabinet reverses the decision made on 18th October 2016 to withdraw free school transport from Bollington to Tytherington High School via the Middlewood Way, and the Council continues to fund the bus as this route cannot be made safe".

### **Amendment**

An amendment to the wording of the motion was proposed and seconded. During the debate on the amendment, the proposer and seconder of the amendment agreed to some additional wording. The resultant amendment was as follows:-

"The Council requests that Cabinet defers implementation of its decision made on 18<sup>th</sup> October 2016 to withdraw free school transport from Bollington to Tytherington High School via the Middlewood Way, until a toucan crossing for pedestrians and cyclists has been installed and is operational, and its operational safety has been assessed and evaluated, adjacent to the roundabout on the A523 Silk Road, at the junction with the B5090".

A requisition for a named vote was submitted and duly supported. The amendment was put to the meeting with the following results:-

Cllr C Andrew, Cllr A Arnold, Cllr G Baggott, Cllr Rachel Bailey, Cllr Rhoda Bailey, Cllr P Bates, Cllr G Baxendale, Cllr M Beanland, Cllr D Bebbington, Cllr E Brooks, Cllr D Brown, Cllr C Browne, Cllr J Clowes, Cllr H Davenport, Cllr M Deakin, Cllr T Dean, Cllr B Dooley, Cllr L Durham, Cllr S Edgar, Cllr JP Findlow, Cllr H Gaddum, Cllr S Gardiner, Cllr S Gardner, Cllr L Gilbert, Cllr P Groves, Cllr J Hammond, Cllr G Hayes, Cllr D Hough, Cllr A Kolker, Cllr J Macrae, Cllr D Marren, Cllr A Martin, S McGrory, Cllr R Menlove, Cllr G Merry, Cllr B Moran, Cllr H Murray, Cllr J Saunders, Cllr M Sewart, Cllr M Simon, Cllr L Smetham, Cllr D Stockton, Cllr G Wait, Cllr G Walton, Cllr L Wardlaw, Cllr J Weatherill, Cllr H Wells-Bradshaw, Cllr G Williams, Cllr J Wray

### **Against**

Cllr D Bailey, Cllr S Brookfield, Cllr B Burkhill, Cllr S Carter, Cllr S Corcoran, Cllr I Faseyi, Cllr R Fletcher, Cllr D Flude, Cllr T Fox, Cllr M Grant, Cllr A Harewood, Cllr S Hogben, Cllr J Jackson, Cllr L Jeuda, Cllr D

Mahon, Cllr N Mannion, Cllr J Nicholas, Cllr J Rhodes, Cllr B Roberts, Cllr A Stott, Cllr B Walmsley, Cllr M Warren.

### **Not Voting**

Cllr S Davis, Cllr O Hunter, Cllr M Jones, Cllr A Moran, Cllr S Pochin.

The amendment was declared carried with 49 votes for, 22 against and 5 not voting.

A vote was then taken on the substantive motion, which was carried.

### **Motion 2**

Motion 2 was proposed and seconded as follows:-

“This Council requests that Cabinet reverses the decision made on 18th October 2016 to withdraw free school transport from Willaston to Malbank School & Brine Leas School, and the Council continues to fund the bus until the London Road railway crossing is upgraded by Network Rail”.

An amendment to the wording of the motion was proposed and seconded. During the debate on the amendment, the proposer and seconder of the amendment agreed to some additional wording. The resultant amendment was as follows:-

“The Council requests that Cabinet defers implementation of its decision made on 18<sup>th</sup> October 2016 to withdraw free school transport from Willaston to Malbank School and Brine Leas School until such time as Network Rail have provided an assessment as to whether they consider the London Road level crossing to be safe for pedestrians to use, and this Council has accepted the assessment, in the light of the fact that there is potential for an additional 64 pupils to walk that route”.

A requisition for a named vote was submitted and duly supported. The amendment was put to the meeting with the following results:-

Cllr C Andrew, Cllr A Arnold, Cllr G Baggott, Cllr Rachel Bailey, Cllr Rhoda Bailey, Cllr P Bates, Cllr G Baxendale, Cllr M Beanland, Cllr D Bebbington, Cllr E Brooks, Cllr D Brown, Cllr C Browne, Cllr J Clowes, Cllr H Davenport, Cllr M Deakin, Cllr T Dean, Cllr B Dooley, Cllr L Durham, Cllr S Edgar, Cllr JP Findlow, Cllr H Gaddum, Cllr S Gardiner, Cllr S Gardner, Cllr L Gilbert, Cllr P Groves, Cllr G Hayes, Cllr G Hayes, Cllr A Kolker, Cllr J Macrae, Cllr A Martin, S McGrory, Cllr R Menlove, Cllr B Moran, Cllr H Murray, Cllr S Pochin, Cllr J Saunders, Cllr M Sewart, Cllr M Simon, Cllr D Stockton, Cllr G Wait, Cllr G Walton, Cllr L Wardlaw, Cllr J Weatherill, Cllr H Wells-Bradshaw, Cllr G Williams, Cllr J Wray

### **Against**

Cllr D Bailey, Cllr S Brookfield, Cllr B Burkhill, Cllr S Carter, Cllr S Corcoran, Cllr I Faseyi, Cllr R Fletcher, Cllr D Flude, Cllr T Fox, Cllr M

Grant, Cllr A Harewood, Cllr S Hogben, Cllr B Hough, Cllr J Jackson, Cllr L Jeuda, Cllr D Mahon, Cllr N Mannion, Cllr J Nicholas, Cllr J Rhodes, Cllr B Roberts, Cllr A Stott, Cllr B Walmsley, Cllr M Warren.

### **Not Voting**

Cllr J Hammond, Cllr O Hunter, Cllr D Marren, Cllr G Merry, Cllr A Moran, Cllr L Smetham.

The amendment was declared carried with 45 votes for, 23 against and 6 not voting.

A vote was then taken on the substantive motion, which was carried.

At this point the meeting was adjourned for lunch.

The meeting was reconvened.

Notice had been given of the intention to propose the following motion, which was withdrawn, on the reconvening of the meeting.

### **Motion 3**

In respect of the two other routes under consideration, namely the Elton Road to Wheelock Primary School route and the Higher Poynton to Poynton High School route, this Council requests that funding be made available to those children already in receipt of free school transport for continuation of this arrangement whilst they remain at their current school.

### **RESOLVED**

1. That the Council requests that Cabinet defers implementation of its decision made on 18<sup>th</sup> October 2016 to withdraw free school transport from Bollington to Tytherington High School via the Middlewood Way, until a toucan crossing for pedestrians and cyclists has been installed and is operational, and its operational safety has been assessed and evaluated, adjacent to the roundabout on the A523 Silk Road, at the junction with the B5090.
2. The Council requests that Cabinet defers implementation of its decision made on 18<sup>th</sup> October 2016 to withdraw free school transport from Willaston to Malbank School and Brine Leas School until such time as Network Rail have provided an assessment as to whether they consider the London Road level crossing to be safe for pedestrians to use, and this Council has accepted the assessment, in the light of the fact that there is potential for an additional 64 pupils to walk that route.

The meeting commenced at 11.30 am and concluded at 2.30 pm  
Councillor O Hunter (Chairman)

## CHESHIRE EAST COUNCIL

### Council

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<b>Date of Meeting:</b>	17 May 2017
<b>Report of:</b>	Head of Governance and Democratic Services
<b>Title:</b>	Political Representation on the Council's Committees

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#### 1.0 Purpose of Report

- 1.1 To determine the political representation on the Council's Committees and to appoint those Committees.

#### 2.0 Decision Required

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

#### 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. The Appendix to this report achieves this.

3.2.4 The number of seats on each ordinary committee allocated to each Political Group bears the same proportion to the proportion on full Council.

3.3 The proposals contained in this report meet the requirements of the legislation.

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

#### **4.0 Risk Assessment**

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

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

5.1 The Appendix 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:

Conservatives	51
Labour	16
Independent Group	12
Liberal Democrat	2
Non-grouped ind	1
TOTAL	82

5.2 The proportionalities in the Appendix 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 (e.g if one Group is entitled to 4.25 places and another Group is entitled to 1.48 places, the first Group will be 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.

5.4 The proportionality rules only apply to those bodies listed in the Appendix, which are subject to proportionality rules.

## **6.0 Access to Information**

There are no background papers.

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Designation: Head of Governance and Democratic Services

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## **MATHEMATICAL CALCULATION: AGREED POSITION FOR COUNCIL**

**CHESHIRE EAST COUNCIL - POLITICAL PROPORTIONALITIES ON ALL BODIES  
(other than those to be appointed on an ad-hoc basis)**

**Based upon the following:**

**Con:51; Lab:16; Ind:12; Lib Dem:2; Non Grouped ind:1**

<b>Committee</b>	<b>Con</b>	<b>Lab</b>	<b>Ind</b>	<b>Lib Dem</b>	<b>Total Allocated</b>
Corporate (Resources) Overview and Scrutiny	8 (C)	2 (VC)	2	0	12
Environment & Regeneration (places) Overview and Scrutiny	7 (C) (VC)	3	2	0	12
Children and Families (People) Overview and Scrutiny	7 (C) (VC)	3	2	0	12
Health and Adult Social Care (People) Overview and Scrutiny	9 (C) (VC)	4	2	0	15
Audit and Governance Committee	6 (C) (VC)	2	1	1	10
Constitution	9 (C) (VC)	3	2	0	14
Strategic Planning Board	7 (C) (VC)	2	2	1	12
Northern Planning Committee	8 (C)	2	2 (VC)	0	12
Southern Planning Committee	8 (C) (VC)	2	2	0	12

<b>Committee</b>	<b>Con</b>	<b>Lab</b>	<b>Ind</b>	<b>Lib Dem</b>	<b>Total</b>
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	0	1	6
Outside Organisations Sub Committee	4	1	1	0	6
Investigation Committee	4	1	1	1	7
Disciplinary Appeals Cttee	4	1	1	1	7
<b>Committee</b>	<b>Con</b>	<b>Lab</b>	<b>Ind</b>	<b>Lib Dem</b>	<b>Total</b>
Total Places allocated	116	37	27	5	185
Total places available					
Proportional Entitlement	<b>116</b> <b>(116.47)</b> <b>(62.96%)</b>	<b>37</b> <b>(36.53)</b> <b>(19.75%)</b>	<b>27</b> <b>(27.41)</b> <b>(14.82%)</b>	<b>5</b> <b>(4.56)</b> <b>(2.47%)</b>	<b>185</b> <b>(100%)</b>
Difference*	<b>(0)</b>	<b>(0)</b>	<b>(0)</b>	<b>(0)</b>	<b>(0)</b>

## CHESHIRE EAST COUNCIL

### COUNCIL

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<b>Date of Meeting:</b>	17 May 2017
<b>Report of:</b>	Head of Governance and Democratic Services
<b>Subject/Title:</b>	Allocations to the Office of Chairman and Vice Chairman

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#### **1.0 Report Summary**

- 1.1 To allocate Chairmanships and Vice Chairmanships of the Council's decision-making and other bodies.

#### **2.0 Recommendation**

- 2.1 That the office of Chairman and Vice Chairman be allocated to the political groups for each of the Council's decision-making and other bodies listed in the Appendix to the previous agenda item.

#### **3.0 Reason for Recommendation**

- 3.1 To appoint the Chairmen and Vice Chairmen of the Council's decision making and other bodies.

#### **4.0 Legal Implications**

- 4.1 The Annual Meeting of the Council appoints the Council's decision-making and other bodies. It also determines the Chairmanships and Vice-chairmanships of these bodies.

#### **5.0 Risk Assessment**

- 5.1 Failure to comply with the requirements of the Constitution would leave the Council open to legal challenge,

#### **6.0 Allocation of Chairmanships and Vice Chairmanships under the Council's Political Structure for the Municipal Year 2017/18**

- 6.1 Council, at its Annual Meeting, is required to appoint its decision making and other bodies and to allocate the Chairmanships and Vice Chairmanships for each of those bodies to the political groups.
- 6.2 The Appendix to the previous agenda item indicates the proposed allocation of Chairmanships and Vice-chairmanships to political Groups, for each listed body. The Appendix indicates "C" for Chairman and "VC" for Vice-chairman.

## **7.0 Access to Information**

There are no background papers.

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## CHESHIRE EAST COUNCIL

### COUNCIL

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<b>Date of Meeting:</b>	17 May 2017
<b>Report of:</b>	Head of Governance and Democratic Services
<b>Subject/Title:</b>	Appointments to Adoption Panel and Fostering Panel

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#### 1.0 Report Summary

- 1.1 The report invites Council to approve a number of appointments to Statutory Panels which do not fall within the definition of “Committee” for the purpose of legislation.

#### 2.0 Recommendations

- 2.1 Council is asked to appoint –
- (a) one Councillor to the Adoption Panel; and
  - (b) one Councillor to the Fostering Panel.

#### 3.0 Reasons for Recommendations

- 3.1 These bodies carry out statutory functions and appointments are needed to ensure that the Council meets its obligations.

#### 4.0 Background and Options

- 4.1 As there are some organisations which do not fall within the category of being “outside organisations”, the members of which being appointed by other means, the Council needs to make such appointments as part of the annual Committee appointment process. The organisations are Statutory Panels which do not fall within the definition of “Committee”. These are:-

- Adoption Panel
- Fostering Panel

#### 4.2 Adoption Panel

The Panel considers the suitability of anyone who applies to become an adopter, and whether or not to recommend that they are suitable to adopt; and also considers the placement of any child with a particular adopter. The elected Member is a full member of the Panel and is defined as an ‘independent panel member’ by the Independent Review of Determinations (amendments) 2011. Under the performance objectives of the Panel, each member is asked to attend 75% of the meetings, which are currently held monthly, and in addition is asked to attend any training

events and induction events that are held at least annually, and undergo an annual appraisal.

As we move into the regional adoption agency arrangements as 'Adoption Counts' (from July 2017) the Adoption Panel will be held 6 weekly.

The role of the Adoption Panel and the appointment of elected Members are governed by the Adoption Agency Regulations 2005 and the Adoption Agencies and Independent Review of Determinations (amendments) 2011, Adoption and Children Act 2002.

The Adoption Panel is made up of a central list and comprises of the following:-

- Chair
- Medical Advisor
- Agency Members
- Social Workers (2)
- Elected Members (1)
- Independent Members (3)
- Additional Members (2)

Councillor L Jeuda served on the Adoption Panel during the 2016/17 municipal year.

### 4.3 Fostering Panel

The establishment of fostering panels is laid down by the Fostering service (England) Regulations 2011. Regulation 23(1) requires the fostering service to provide a central list of persons considered to be suitable members of the panel, similar to that of the Adoption Panel.

The fostering panel makes timely and appropriate recommendations in line with the overriding objective to promote the welfare of children in foster care. The Panel considers and advises on the suitability of persons who apply to be foster carers for children who are "cared for" by the local authority. It states what its recommendations are in respect of a particular child or children and clarifies whether the prospective carers matching considerations are to be for certain ages or categories of children.

It considers the continuing approval of foster carers following their annual carer's review or other significant changes in their circumstances and advises on any other matters relating to the fostering service.

The Panel holds fortnightly meetings which are held in private. One nomination is required.

Councillor G Merry served on the Fostering Panel during the 2016/17 year municipal year.

- 4.4 As with the Adoption Panel, the Fostering Panel is administered by Cheshire East Children's Services, and as such, is not an outside organisation.

## **5.0 Access to Information**

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

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## CHESHIRE EAST COUNCIL

### COUNCIL

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<b>Date of Meeting:</b>	17 May 2017
<b>Report of:</b>	Head of Governance and Democratic Services
<b>Subject/Title:</b>	Appointments to Cheshire Fire Authority and the Cheshire Police and Crime Panel

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#### **1.0 Report Summary**

- 1.1 The report invites Council to make Appointments to Cheshire Fire Authority and the Cheshire Police and Crime.

#### **2.0 Recommendations**

- 2.1 Council is asked to appoint: –

- (a) Three Councillors and a nominated substitute to the Cheshire Police and Crime Panel;
- (b) Eight Councillors to Cheshire Fire Authority;

#### **3.0 Reasons for Recommendations**

- 3.1 These bodies carry out statutory functions and appointments are needed to ensure that the Council meets its obligations.

#### **4.0 Background and Options**

##### **Cheshire Police and Crime Panel**

- 4.1 In accordance Section 28 of with the Police Reform and Social Responsibility Act 2011 each Police area must establish a Police and Crime Panel.
- 4.2 The Cheshire Police and Crime Panel comprises 10 Councillors appointed by the constituent Councils and the allocation of seats to Cheshire East Council is 3. The Council is also requested to nominate a substitute Member.
- 4.3 The members for the 2016/17 municipal year were Councillors S Edgar, JP Findlow, and H Murray, with Councillor G Walton as nominated substitute.

**Cheshire Fire Authority**

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

Halton - 3 Members

Warrington - 5 Members

Cheshire West and Chester - 7 Members

Cheshire East - 8 Members

- 4.5 The members for the 2016/17 municipal year were Councillors D Marren, G Merry, J Saunders, M Simon, J Weatherill, D Bailey, D Flude and D Mahon.

**5.0 Access to Information**

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

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**COUNCIL – 17 MAY 2017****EXTRACT FROM THE MINUTES OF THE CONSTITUTION COMMITTEE– 23 MARCH 2017****35 ANNUAL REVIEW OF THE HEALTH AND WELLBEING BOARD'S TERMS OF REFERENCE**

The Committee considered revised terms of reference for the Health and Wellbeing Board.

The Health and Wellbeing Board's Terms of Reference included the requirement for them to be reviewed on an annual basis to ensure that they remained fit for purpose. The Board had reviewed and agreed amendments to its terms of reference at its meeting on 31<sup>st</sup> January 2013 and the terms of reference as amended were attached as an Appendix to the report.

Members referred to the quorum arrangements for the Health and Wellbeing Board and sought assurances that these were adequate. Members also asked how the member organisations of the Board would hold one another to account and in this respect emphasised the role of the Council's overview and scrutiny committee in scrutinising the work of the Board. The officers were asked to convey Members' comments to the Board.

**RESOLVED**

That

- 1. the revised terms of reference of the Health and Wellbeing Board as set out in the Appendix to the report be recommended to Council for approval;**
2. subject to such approval, the Director of Legal Services be authorised to amend the Constitution accordingly; and
3. the Committee's comments on the revised terms of reference be conveyed to the Board.

**Note – Council is required to approve recommendation 1 above.**

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# CHESHIRE EAST COUNCIL

## Constitution Committee

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**Date of Meeting:** 23rd March 2017  
**Report of:** Guy Kilminster, Corporate Manager Health Improvement  
**Subject/Title:** Annual Review of the Health and Wellbeing Board's Terms of Reference

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### **1 Report Summary**

- 1.1 The Health and Wellbeing Board's Terms of Reference (ToR) include the requirement for them to be reviewed on an annual basis. This provides an opportunity to ensure that they remain fit for purpose and are appropriate for the smooth functioning of the Board. Proposed revisions were brought to the Board for initial consideration in September 2016. These have now been reviewed and agreed by the Board at its meeting in January 2017. The proposed Terms of Reference now have to be considered by the Constitution Committee prior to approval at Council on 17<sup>th</sup> May 2017. Appendix One incorporates the Board's approved changes.

### **2 Recommendation**

- 2.1 That the Constitution Committee consider the Terms of Reference and approve these for referral to the Council meeting in May 2017.

### **3 Reason for Recommendation**

- 3.1 To ensure that the Health and Wellbeing Board is operating with appropriate Terms of Reference to facilitate its effective functioning.

### **4 Impact on Health and Wellbeing Strategy Priorities**

- 4.1 Strong and effective Terms of Reference for the Board will support the delivery of the Health and Wellbeing Strategy priorities.

### **5 Background and Options**

- 5.1 The current version of the Health and Wellbeing Board's Terms of Reference was approved by Council on 22<sup>nd</sup> October 2015. This followed a review and proposed amendments to the membership of the Board, which were incorporated into the ToR.

- 5.2 Following consultation with colleagues internally within the Council and with the Eastern and South Cheshire CCGs, the Terms of Reference have been further amended in collaboration with Legal Services. The changes of significance are highlighted in the Appendix and specified below:

- Under Section two 'Purpose' an additional bullet point has been inserted:

*To be a forum that enables member organisations of the Board to hold each other to account for their responsibilities for improving the health of the population.*

- Under section five 'Membership' the job titles have been updated.

- Under section six the number of meetings has been reduced from six to four.

- Under section 7 the urgent business paragraph (7.2) has been reworded:

*Any voting member of the Board may approach the Chairman of the Board to deal with an item of business which the voting member believes is urgent and under the circumstances requires a decision of the Board. The Chairman's ruling of whether the requested item is considered / tabled or not at the meeting will be recorded in the minutes of the meeting.*

- 5.3 The revised ToR are attached as Appendix One. In line with the Constitution, the proposed amendments need to be agreed by the Constitution Committee prior to referral to Council.

## **6 Access to Information**

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

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## Cheshire East Statutory Health and Wellbeing Board

### Terms of Reference as approved [To be inserted]:

#### 1. Context

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

#### 2. Purpose

- To work in partnership to make a positive difference to the health and wellbeing of the residents of Cheshire East through an evidence based focus on improved outcomes and reducing health inequalities.
- To prepare and keep up to date the Joint Strategic Needs Assessments (JSNAs) and Joint Health and Wellbeing Strategies (JHWSs), which is a duty of local authorities and clinical commissioning groups (CCGs).
- To lead integrated working between health and social care commissioners, including providing advice, assistance or other support to encourage arrangements under section 75 of the National Health Service Act 2006 (ie lead commissioning, pooled budgets and/or integrated provision) in connection with the provision of health and social care services.
- To be a forum that enables member organisations of the Board to hold each other to account for their responsibilities for improving the health of the population
- To assist in fostering good working relationships between commissioners of health-related services and the CEHWB itself.
- To assist in fostering good working relationships between commissioners of health-related services (such as housing and many other local government services) and commissioners of health and social care services
- To undertake any other functions that may be delegated to it by the Council under section 196(2) of the Health and Social Care Act 2012.

Such delegated functions need not be confined to public health and social care.

- To provide advice assistance and support for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services.

### **3. Roles and Responsibilities**

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

### **4. Accountability**

- 4.1 The CEHWB carries no formal delegated authority from any of the individual statutory bodies.
- 4.2 Core Members of the CEHWB have responsibility and accountability for their individual duties and their role on the CEHWB.
- 4.3 The CEHWB will discharge its responsibilities by means of recommendations to the relevant partner organisations, which will act in accordance with their respective powers and duties.
- 4.4 The Council's Core Members will ensure that they keep Cabinet and wider Council advised of the work of the CEHWB.
- 4.5 The CEHWB may report and be accountable to Full Council and to both NHS Clinical Commissioning Groups (CCG's) Governing Bodies by ensuring access to meeting minutes and presenting papers as required.



Agreed by Board 31/01/2017  
Appendix One

- 4.6 The CEHWB will not exercise scrutiny duties around health or adult social care services directly. This will remain the role of the Cheshire East Health and Adult Social Care Overview and Scrutiny Committee and in respect of children's health, the Children and Families Overview and Scrutiny Committee. Decisions taken and work progressed by the CEHWB will be subject to scrutiny by the Health and Adult Social Care Overview and Scrutiny Committee.
- 4.7 The CEHWB will provide information to the public through publications, local media, and wider public activities by publishing the minutes of its meetings on the Council's website. The CEHWB is supported by an Engagement and Communications Network across HWB organisations to ensure this function can operate successfully.

## 5. Membership

- 5.1 The Core membership of the CEHWB will comprise the following:

Voting members:

- **Three** councillors from Cheshire East Council
- **The Strategic Director of Adult Social Care and Health**
- The Director of Children's Services
- A local Healthwatch representative
- Two representatives of NHS Eastern Cheshire CCG
- Two representatives of NHS South Cheshire CCG
- Independent NHS representative (nominated by the CCGs)

Non-voting members

- The Chief Executive of the Council
- The Director of Public Health
- A nominated representative of NHS England

The councillor membership of the CEHWB is nominated by the Leader of the Council. The Leader can be a member of the CEHWB as one of the three councillors who are voting members.

- 5.2 The Core Members will keep under review the Membership of the CEHWB and if appropriate will make recommendations to Council on any changes to the Core Membership.
- 5.3 The above Core Members <sup>1</sup> through a majority vote have the authority to appoint individuals as Non Voting Associate Members of the CEHWB. (Committee Procedure Rule 20.1 refers). The length of their membership will be for up to one year and will be subject to re-selection at the next Annual General Meeting "AGM" of the CEHWB. Associate Members will assist the CEHWB in achieving the priorities agreed within the Joint Health and

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<sup>1</sup> Regulation 5(1) removes this restriction in relation to health and wellbeing boards by disapplying section 104(1) of the 1972 Act to enable the local authority directors specified in the 2012 Act to become members of health and wellbeing boards

Agreed by Board 31/01/2017  
Appendix One

Wellbeing Strategy and may indeed be chairs of sub structure forums where they are not actual Core Members of the CEHWB.

- 5.4 The above Core Members <sup>2</sup> through a majority vote have the authority to recommend to Council that individuals be appointed as Voting Associate Members of the CEHWB. The length of their membership will be for up to one year and will be subject to re-selection at the next Annual General Meeting “AGM” of the CEHWB.
- 5.5 Each Core Member has the power to nominate a single named substitute. If a Substitute Member be required, advance notice of not less than 2 working days should be given to the Council whenever practicable. The Substitute Members shall have the same powers and responsibilities as the Core Members.

## **6. Frequency of Meetings**

- 6.1 There will be no fewer than four public meetings per year (including an AGM), usually once every three months as a formal CEHWB.
- 6.2 Additional meetings of the CEHWB may be convened with agreement of the CEHWB’s Chairman.

## **7. Agenda and Notice of Meetings**

- 7.1 Any agenda items or reports to be tabled at the meeting should be submitted to the Council’s Democratic Services no later than seven working days in advance of the next meeting. Generally, no business will be conducted that is not on the agenda.
- 7.2 Any voting member of the Board may approach the Chairman of the Board to deal with an item of business which the voting member believes is urgent and under the circumstances requires a decision of the Board. The Chairman’s ruling of whether the requested item is considered / tabled or not at the meeting will be recorded in the minutes of the meeting.
- 7.3 In accordance with the Access to Information legislation, Democratic Services will circulate and publish the agenda and reports prior to the next meeting. Exempt or Confidential Information shall only be circulated to Core Members.

## **8. Annual General Meeting**

- 8.1 The CEHWB shall elect the Chairman and Vice Chairman at each AGM, the appointment will be by majority vote of all Core Members present at the meeting.
- 8.2 The CEHWB will approve the representative nominations by the partner organisations as Core Members.

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<sup>2</sup> Regulation 5(1) removes this restriction in relation to health and wellbeing boards by disapplying section 104(1) of the 1972 Act to enable the local authority directors specified in the 2012 Act to become members of health and wellbeing boards

## **9. Quorum**

- 9.1 Any full meeting of the CEHWB shall be quorate if there is representation of any four of the following statutory members: – NHS Eastern Cheshire CCG, NHS South Cheshire CCG, Local Health Watch, a Councillor and an Officer of Cheshire East Council.
- 9.2 Failure to achieve a quorum within fifteen minutes of the scheduled start of the meeting, or should the meeting become inquorate after it has started, shall mean that the meeting will proceed as an informal meeting but that any decisions shall require appropriate ratification at the next quorate meeting.

## **10. Procedure at Meetings**

- 10.1 General meetings of the CEHWB are open to the public and in accordance with the Council's Committee Procedure Rules will include a Public Question Time Session. Papers, agendas and minutes will be published on the Cheshire East Health and Wellbeing website.
- 10.2 The Council's Committee Procedure Rules will apply in respect of formal meetings subject to the following:-
- 10.3 The CEHWB will also hold development/informal sessions throughout the year where all members are expected to attend and partake as the agenda suggests.
- 10.4 Core Members are entitled to speak through the Chairman. Associate Members are entitled to speak at the invitation of the Chairman.
- 10.5 With the agreement of the CEHWB, subgroups can be set up to consider distinct areas of work. The subgroup will be responsible for arranging the frequency and venue of their meetings. The CEHWB will approve the membership of the subgroups.
- 10.6 Any subgroup recommendations will be made to the CEHWB who will consider them in accordance with these terms of reference and their relevance to the priorities within the Joint Health and Wellbeing Strategy and its delivery plan.
- 10.7 Whenever possible decisions will be reached by consensus or failing that a simple majority vote by those members entitled to vote.

## **11. Expenses**

- 11.1 The partnership organisations are responsible for meeting the expenses of their own representatives.
- 11.2 A modest CEHWB budget will be agreed annually to support engagement and communication and the business of the CEHWB.

Agreed by Board 31/01/2017  
Appendix One

### **12. Conflict of Interest**

- 12.1 In accordance with the Council's Committee Procedure Rules, at the commencement of all meetings all CEHWB Members shall declare disclosable pecuniary or non-pecuniary interests and any conflicts of interest.
- 12.2 In the case of non pecuniary matters Members may remain for all or part of the meeting, participate and vote at the meeting on the item in question.
- 12.3 In the case of pecuniary matters Members must leave the meeting during consideration of that item.

### **13. Conduct of Core Members at Meetings**

- 13.1 CEHWB members will agree to adhere to the seven principles outlined in the CEHWB Code of Conduct when carrying out their duties as a CEHWB member [Appendix 1].

### **14. Review**

- 14.1 The above terms of reference will be reviewed every two years at the CEHWB AGM.
- 14.2 Any amendments shall only be included by consensus or a simple majority vote, prior to referral to the Constitution Committee and Council.

*January 2017*

**Definition**

**Exempt Information**

*Which is information falling within any of the descriptions set out in Part I of Schedule 12A to the Local Government Act 1972 subject to the qualifications set out in Part II and the interpretation provisions set out in Part III of the said Schedule in each case read as if references therein to “the authority” were references to “CEHWB” or any of the partner organisations.*

**Confidential Information**

*Information furnished to, partner organisations or the CEHWB by a government department upon terms (however expressed) which forbid the disclosure of the information to the public; and information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court are to be discussed.*

**Conflict of Interest**

*You have a Conflict of interest if the issue being discussed in the meeting affects you, your family or your close associates in the following ways;*

- *The issue affects their well being more than most other people who live in the area.*
- *The issue affect their finances or any regulatory functions and*
- *A reasonable member of the public with knowledge of the facts would believe it likely to harm or impair your ability to judge the public interest.*

**Associate Members**

*Associate Member status is appropriate for those who are requested to chair sub groups of the CEHWB.*

**Health Services**

*Means services that are provided as part of the health service.*

**Health-Related Services** *means services that may have an effect on the health of individuals but are not health services or social care services.*

**Social Care Services**

*Means services that are provided in pursuance of the social services functions of local authorities (within the meaning of the Local Authority Social Services Act 1970*

**Appendix 1**

## **CEHWB Member Code of Conduct**

### **1. Selflessness**

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Members of the Cheshire East Health and Wellbeing CEHWB should act solely in terms of the interest of and benefit to the public/patients of Cheshire East. They should not do so in order to gain financial or other benefits for themselves, their family or their friends

### **2. Integrity**

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Members of the Cheshire East Health and Wellbeing CEHWB should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their duties and responsibilities as a CEHWB member

### **3. Objectivity**

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In carrying out their duties and responsibilities members of the Cheshire East Health and Wellbeing CEHWB should make choices based on merit and informed by a sound evidence base

### **4. Accountability**

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Members of the Cheshire East Health and Wellbeing CEHWB are accountable for their decisions and actions to the public/patients of Cheshire East and must submit themselves to whatever scrutiny is appropriate

### **5. Openness**

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Members of the Cheshire East Health and Wellbeing CEHWB should be as transparent as possible about all the decisions and actions that they take as part of or on behalf of the CEHWB. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands

### **6. Honesty**

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Members of the Cheshire East Health and Wellbeing CEHWB have a duty to declare any private interests relating to their responsibilities and duties as CEHWB members and to take steps to resolve any conflicts arising in a way that protects the public interest and integrity of the Cheshire East Health and Wellbeing CEHWB

### **7. Leadership**

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Members of the Cheshire East Health and Wellbeing CEHWB should promote and support these principles by leadership and example

## Cheshire East Council

**Date of Meeting:** 17<sup>th</sup> May 2017

**Report of:** Executive Director People – Mark Palethorpe,  
**Subject/Title:** Strategic Partnership for Children and Young Peoples Emotional Health and Wellbeing

**Portfolio Holder:** Cllr Paul Bates (Communities and Health)  
 Cllr Liz Durham (Children and Families)

### 1. Report Summary

- 1.1. This paper describes our commissioning approach to Children and Young Peoples emotional health and wellbeing. **Investment will be allocated within this area to facilitate an emphasis on prevention and early intervention.** Emotional Health and Wellbeing is everybody's business and while this describes public health investment it is proposed that developing the detail of the programmes is delegated to a number of specified partnership groups. This will provide the opportunity for other commissioners to pool resources and for a greater impact to be achieved.
- 1.2. Together with the other elements of our commissioning plan, this programme supports:
  - 1.2.1. The Children's and Young People's Plan Priority 3: Children and young people experience good emotional and mental health and wellbeing. Priority 3 plan also serves as our local Children and Young People's Mental Health Transformation Plan which is required by the Department of Health in order to release resources to the CCGs to improve Children and Young People's Mental Health Services.
  - 1.2.2. Developing plans on a pioneer footprint around mental health commissioning.
  - 1.2.3. Council's Outcome 5 – 'People live well and for longer' described as local people have healthy lifestyles and access to good culture, leisure and recreational facilities including the Authorities duty to take steps to improve the health of the people in its area.
  - 1.2.4. Council's Outcome 3 - People have the Life Skills and Education the need to Thrive. The projects within this plan disproportionately focus on children and young people. Self-efficacy, self-esteem and self-confidence are known to contribute to future employability. The projects in this plan will focus on improving mental wellbeing in all children and young people with a focus on those who are most vulnerable to mental health problems and poor emotional wellbeing.
  - 1.2.5. It also aligns with the work of the Communities Team and the development of vibrant and sustainable 'Connected Communities', providing the right services in the right place at the right time and co-produced by residents.
  - 1.2.6. The total pooled funding will be held by Cheshire East Council as the accountable body.

## 2. Recommendation

- 2.1. Council approves entering into a Memorandum of Understanding (MOU) with East Cheshire CCG and South Cheshire CCG for the delivery of the Emotionally Healthy Schools jointly funded project on terms to be approved by the Executive Director People in consultation with the Portfolio Holders for Communities and Health, and Children and Families.

## 3. Other Options Considered

- 3.1 For Cheshire East Council and CCGs to commission services separately and not via a pooled funding and MOU approach.

## 4. Reasons for Recommendation

### 4.1 Promoting children and young people's emotional health and wellbeing - A whole school approach (Emotionally Healthy Schools)

This project will target the 63,000 5-19 year olds living in Cheshire East, particularly 6,300 with a mental disorder, 14,700 who have been bullied and 2,000 who self-harm

This project (Emotionally Healthy Schools – Phase 1) has been successfully delivered as a pilot that worked in partnership with six secondary schools to all 24 secondary schools in Cheshire East. Multidisciplinary teams (including CAMHS lead, third sector emotional health support and school pastoral staff) supported by a multiagency emotional healthy schools steering group are working together to understand their maturity in relation to the following eight evidenced based areas:

- **Leadership and management** that supports and champions efforts to promote emotional health and wellbeing
- **Curriculum, teaching and learning** to promote resilience and support social and emotional learning
- Enabling **student voice** to influence decisions
- **Staff development** to support their own wellbeing and that of students
- **Identifying need and monitoring impact** of interventions
- **Working with parents/carers**
- **Targeted support** and appropriate referral
- An **ethos and environment** that promotes respect and values diversity

Phase 2 of Emotionally Healthy Schools is now being rolled out to all schools across Cheshire East, based on learning from the pilot.

### 4.2 What outcomes will it deliver?

Promoting children and young people's emotional health and wellbeing - A whole school approach	Outcomes
Emotionally Health	Reduction in pupil absence Increase in school attainment Reduction in NEETs Reduction in first time entrants into YJS Reduction in under 18 conceptions Increase in self-reported wellbeing Reduction in self-harm



<b>Schools</b>	Reduction in suicide Reduction in sickness absence Increase in schools rated outstanding by OFSTED Increase in future employability
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#### 4.3 What funding will we be investing?

Funding will be pooled in partnership with East Cheshire CCG and South Cheshire CCG, with a total combined budget of £1,456,000, of which £1,170,000 is from Public Health Funding and the balance being funding held by the two CCG's. The parties will cooperate and collaborate to deliver the project, as set out and agreed in a Memorandum of Understanding (MOU) to be entered into by the parties. The pooled funding will be held by Cheshire East Council as a joint commissioning budget for mental health and wellbeing prevention and early intervention activities.

<b>Emotionally Healthy Schools Programme Income</b>	
Children's Public Health Allocation	£770,000
South Cheshire CCG, NHSE Grant	£100,000
East Cheshire CCG	£85,000
South Cheshire CCG	£76,000
South Cheshire CCG, DfE Grant	£25,000
Public Health Allocation	£400,000
<b>Total Income</b>	<b>£1,456,000</b>

A strategic partnership group (Children and Young Peoples Mental Health and Wellbeing Strategy Group) has been established to report on progress and to be accountable to the Health and Wellbeing Board.

## 5. Background/Chronology

5.1 A key driver for this the developments of the Emotionally Health Schools programme was the launch of the DoH "Future in Mind" report (2015) which gave the following recommendations:

- promoting resilience, prevention and early intervention
- improving access to effective support – a system without tiers
- care for the most vulnerable
- accountability and transparency
- developing the workforce

The full report is available from:

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/414024/Childrens\\_Mental\\_Health.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/414024/Childrens_Mental_Health.pdf)

5.2 The Annual Report of the Director of Public Health (2015) focused on the mental health and wellbeing of young people in Cheshire East. A key recommendation of the report was the development of Children and Young Peoples Mental Health Joint Strategic Needs Assessment (JSNA).

A copy of the Annual Report of the Director of Public Health (2015) is available from [www.cheshireeast.gov.uk/council\\_and\\_democracy/your\\_council/health\\_and\\_wellbeing\\_board/health\\_and\\_wellbeing\\_board.aspx](http://www.cheshireeast.gov.uk/council_and_democracy/your_council/health_and_wellbeing_board/health_and_wellbeing_board.aspx)

A copy of the Joint Children & Young People's Mental Health JSNA: Cheshire East and Cheshire West is available from:

[www.cheshireeast.gov.uk/social\\_care\\_and\\_health/jsna/jsna.aspx](http://www.cheshireeast.gov.uk/social_care_and_health/jsna/jsna.aspx)

5.3 The JSNA has been used as part of the development for the Children and Young People Local Transformation Plan (LTP). The LTP has been developed in partnership across the newly formed Children and Young People's Mental Health Strategy Group (CYP MH SG). The CYP MH SG will lead the developments of the LTP which includes the Emotionally Healthy Schools Programme.

## 6. Wards Affected and Local Ward Members

6.1 The Emotional Health and Wellbeing Programme will affect all wards and as a result all local ward members.

## 7. Risk Management & Implications of Recommendation

### 7.1 Legal Implications

The intention of the MOU is to establish the obligation of the parties in relation to the Emotionally Healthy Schools (Jointly Funded) Project. It confirms the funding contributions and responsibilities of each of the parties in delivering that joint project. The MOU is intended to facilitate the operations of the parties' agreement to work collaboratively and does not imply an enforceable legal commitment between the parties.

Section E of the Council's Financial Procedure Rules set out requirements and approval routes for Partnerships and Jointly Funded Projects, such as this. The Council's gross contribution to this Project is £1,170,000, and therefore in accordance with Rule E.18, Full Council approval is required to enter any agreement for the jointly funded project, in this case the MOU.

The overall value of the MOU is in excess of £1 million, and therefore (in accordance with Rule 5.1.3) to be entered into by the Council it must be executed under seal by Legal Services.

## 8. Contact Information

Contact details for this report are as follows:-

**Name:** Jonathan Potter - Head of Service - Preventative Services

**Email:** [jonathan.potter@cheshireeast.gov.uk](mailto:jonathan.potter@cheshireeast.gov.uk)

DATED

2016

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**MEMORANDUM OF UNDERSTANDING**

between

**CHESHIRE EAST BOROUGH COUNCIL**

and

**NHS SOUTH CHESHIRE CLINICAL COMMISSIONING GROUP**

and

**NHS EASTERN CHESHIRE CLINICAL COMMISSIONING GROUP**

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**THIS AGREEMENT** is dated the                      day of                      2016

**PARTIES**

- (1) CHESHIRE EAST BOROUGH COUNCIL of Westfields, Middlewich Road, Sandbach, Cheshire CW11 1HZ (**Authority One**).
- (2) NHS SOUTH CHESHIRE CLINICAL COMMISSIONING GROUP of Bevan House, Barony Court, Nantwich, Cheshire CW5 5RD (**Authority Two**).
- (3) NHS EASTERN CHESHIRE CLINICAL COMMISSIONING GROUP of 1st Floor, West Wing New Alderley House, Victoria Road, Macclesfield, Cheshire, SK10 3BL (**Authority Three**).

**1. BACKGROUND**

- 1.1 Authority One, Authority Two and Authority Three have agreed to work together on the project detailed in Annex A (**Project**).
- 1.2 The parties wish to record the basis on which they will collaborate with each other on the Project. This Memorandum of Understanding (**MoU**) sets out:
  - (a) the key objectives of the Project;
  - (b) the principles of collaboration;
  - (c) the governance structures the parties will put in place; and
  - (d) the respective roles and responsibilities the parties will have during the Project.

**2. KEY OBJECTIVES FOR THE PROJECT**

- 2.1 The parties shall undertake the Project to achieve the key objectives set out in Annex A to this MoU (**Key Objectives**).
- 2.2 The parties acknowledge that the current position with regard to the Project and the contributions already made (financial and otherwise) are as detailed in the Annex A and Annex D to this MoU.

**3. PRINCIPLES OF COLLABORATION**

The parties agree to adopt the following principles when carrying out the Project (**Principles**):

- (a) collaborate and co-operate. Establish and adhere to the governance structure set out in this MoU to ensure that activities are delivered and actions taken as required;
- (b) be accountable. Take on, manage and account to each other for performance of the respective roles and responsibilities set out in this MoU;

- (c) be open. Communicate openly about major concerns, issues or opportunities relating to the Project;
- (d) learn, develop and seek to achieve full potential. Share information, experience, materials and skills to learn from each other and develop effective working practices, work collaboratively to identify solutions, eliminate duplication of effort, mitigate risk and reduce cost;
- (e) adopt a positive outlook. Behave in a positive, proactive manner;
- (f) adhere to statutory requirements and best practice. Comply with applicable laws and standards including EU procurement rules, data protection and freedom of information legislation.
- (g) act in a timely manner. Recognise the time-critical nature of the Project and respond accordingly to requests for support;
- (h) manage stakeholders effectively;
- (i) deploy appropriate resources. Ensure sufficient and appropriately qualified resources are available and authorised to fulfil the responsibilities set out in this MoU. In particular the parties agree to make the contributions detailed in Annex D to this MoU; and
- (j) act in good faith to support achievement of the Key Objectives and compliance with these Principles.

## **4. PROJECT GOVERNANCE**

### **4.1 Overview**

The governance structure defined below provides a structure for the development and delivery of the Project.

### **4.2 Guiding principles**

The following guiding principles are agreed. The Project's governance will:

- (a) provide strategic oversight and direction;
- (b) be based on clearly defined roles and responsibilities at organisation, group and, where necessary, individual level;
- (c) align decision-making authority with the criticality of the decisions required;
- (d) be aligned with Project scope (and may therefore require changes over time);
- (e) leverage existing organisational, group and user interfaces;
- (f) provide coherent, timely and efficient decision-making; and
- (g) correspond with the key features of the Project governance arrangements set out in this MoU.

#### 4.3 Sponsors' board

The **Sponsors' Board** provides overall financial and strategic oversight and direction to the Project. This group will consist of:

- (a) **Authority One:** Jonathan Potter (Head of Preventative Services – Cheshire East Council) and Shelley Brough (Commissioning Manger, Public Health Cheshire East Council)

**Authority Two:** Lesley Cleworth (Service Delivery Manager Mental Health – NHS South Cheshire Clinical Commissioning Group).

**Authority Three:** Emma Leigh (Clinical Projects Manager - NHS Eastern Cheshire Clinical Commissioning Group)

- (b) The Sponsors' Board shall meet at least once in every two months with the Project Board, and shall be managed in accordance with the terms of reference set out in Annex B to this MoU.

#### 4.4 Project board

- (a) The Project Board will provide strategic management at Project and workstream level. It will provide assurance to the Sponsors' Board that the Key Objectives are being met and that the Project is performing within the boundaries set by the Sponsors' Board.
- (b) The Project Board consists of representatives from each of the parties. The Project Board shall have responsibility for the creation and execution of the project plan and deliverables, and therefore it can draw technical, commercial, legal and communications resources as appropriate into the Project Board. The core Project Board members are:
- Jonathan Potter (Head of Preventative Services – Cheshire East Council)
  - Shelley Brough (Commissioning Manger, Public Health Cheshire East Council)
  - Lesley Cleworth (Service Delivery Manager Mental Health– NHS South Cheshire Clinical Commissioning Group)
  - Emma Leigh (Clinical Projects Manager - NHS Eastern Cheshire Clinical Commissioning Group)
  - Keith Simpson (Headteacher – Middlewich High School)
  - Tania Stanway (Clinical Director for East Cheshire CAMHS – Cheshire and Wirral Partnership Trust)
  - Gervase McGrath (Chief Executive Officer – Visyon)
  - Amanda Greenwood (Participation Services Coordinator – The Children's Society)

- Ann Wright (Chief Executive Officer – Just Drop In)
- (c) The Project Board and the Sponsors' Board shall meet jointly on a monthly basis.
- (d) The Project Board shall be managed in accordance with the Terms of Reference set out in Annex C to this MoU.

#### 4.5 Reporting

Project reporting shall be undertaken as follows:

- (a) **Meetings:** the Project Board and the Sponsors' Board shall meet jointly on a monthly basis. Reporting shall be monthly, based on the minutes from the Project Board and Sponsors' Board Joint Meeting highlighting: progress this period; issues being managed; issues requiring help (that is, escalations to the Sponsors' Board) and progress planned next period and/or aligned with the frequency of the Sponsors' Board meetings.
- (b) **Organisational:** the Project Board members shall be responsible for drafting reports into their respective sponsoring organisation as required for review by the Project Board before being issued.

### 5. ROLES AND RESPONSIBILITIES

5.1 The parties shall undertake the following roles and responsibilities to deliver the Project:

Activity	Authority One	Authority Two	Authority Three
Overall Project Lead	Lead	Assure	Assure
Managing all finances associated with the Project including payment of suppliers	Lead	Assure	Assure
Monitoring information associated with the Project and sharing as appropriate with the Steering Group	Lead	Assure	Assure
Contracting with any supplier(s) in relation to the Project and performance managing of the contract(s)	Lead	Assure	Assure
Providing support for content development and	Lead	Assure	Assure



structure of the Project			
Lead on communications plan and marketing for the Project	Lead	Assure	Assure
Agreeing all marketing campaign(s) for the Project	Lead	Assure	Assure
Devising evaluation criteria to assess effectiveness of the Project	Lead	Assure	Assure
Providing all relevant information on expenditure for the Project	Lead	Assure	Assure

5.2 For the purpose of the table above:

**Lead:** the party that has principal responsibility for undertaking the particular task, and that will be authorised to determine how to undertake the task. The Lead must act in compliance with the Objectives and Principles at all times, and consult with the other party in advance if they are identified as having a role to Assure the relevant activity;

**Assure:** the party that will defer to the Lead on a particular task, but will have the opportunity to review and provide input to the Lead before they take a final decision on any activity. All assurance must be provided in a timely manner. Any derogation raised must be limited to raising issues that relate to specific needs that have not been adequately addressed by the Lead and/or concerns regarding compliance with the Key Objectives and Principles.

5.3 Within 3 months of the date of this MoU the party with the lead role for any aspect of the Project shall develop a delivery plan for that part of the Project which shall identify the following:

- (a) the key milestones for the delivery of the Key Objectives;
- (b) what employees (other than employees identified in this MoU) will be required to work on the Project;
- (c) whether any staff will need to be seconded from one party to the other;
- (d) what staff will require access to the premises of the other party;
- (e) any further procurement requirements arising in connection with the delivery of the Project.

Each delivery plan must be approved by the Project Board prior to being implemented.

- 5.4 A monthly financial schedule detailing expenditure, both in month and forecast for the duration of the project, will be taken to meetings of the Project Board and Sponsors Board. This will support decision making and ensure all organisations are goal congruent. The schedule will be split by party for the purposes of financial reporting. Each party will have sign off for investment decisions.

**6. ESCALATION**

- 6.1 If either party has any issues, concerns or complaints about the Project, or any matter in this MoU, that party shall notify the other party and the parties shall then seek to resolve the issue by a process of consultation. If the issue cannot be resolved within a reasonable period of time, the matter shall be escalated to the Project Board, which shall decide on the appropriate course of action to take. If the matter cannot be resolved by the Project Board within 5 Working Days, the matter may be escalated to the Sponsors' Board for resolution.
- 6.2 If either party receives any formal inquiry, complaint, claim or threat of action from a third party (including, but not limited to, claims made by a supplier or requests for information made under the Freedom of Information Act 2000) in relation to the Project, the matter shall be promptly referred to the Project Board (or its nominated representatives). No action shall be taken in response to any such inquiry, complaint, claim or action, to the extent that such response would adversely affect the Project, without the prior approval of the Project Board (or its nominated representatives).

**7. INTELLECTUAL PROPERTY**

- 7.1 The parties intend that notwithstanding any secondment any intellectual property rights created in the course of the Project shall vest in the party whose employee created them (or in the case of any intellectual property rights created jointly by employees of both parties in the party that is lead party noted in clause 5 above for the part of the project that the intellectual property right relates to).
- 7.2 Where any intellectual property right vests in any party in accordance with the intention set out in clause 7.1 above, that party shall grant an irrevocable licence to the other party to use that intellectual property for the purposes of the Project.

**8. TERM AND TERMINATION**

- 8.1 This MoU shall commence on the date of signature by both parties, and shall expire on completion of the Project.

- 8.2 Any party may terminate this MoU by giving at least three months' notice in writing to the other parties at any time. For the avoidance of doubt, where this MoU is terminated pursuant to this clause 8.2, the terminating party shall not be entitled to a refund of its Annex D Contributions.

**9. VARIATION**

This MoU, including the Annexes, may only be varied by written agreement of the Sponsors' Board.

**10. CHARGES AND LIABILITIES**

- 10.1 Except as otherwise provided, the parties shall each bear their own costs and expenses incurred in complying with their obligations under this MoU.
- 10.2 The parties agree to share the costs and expenses arising in respect of the Project between them in accordance with the Contributions Schedule set out in Annex D to this MoU.
- 10.3 The parties shall remain liable for any losses or liabilities incurred due to their own or their employee's actions and neither party intends that the other party shall be liable for any loss it suffers as a result of this MoU.

**11. STATUS**

- 11.1 This MoU is not intended to be legally binding, and no legal obligations or legal rights shall arise between the parties from this MoU. The parties enter into the MoU intending to honour all their obligations.
- 11.2 Nothing in this MoU is intended to, or shall be deemed to, establish any partnership or joint venture between the parties, constitute either party as the agent of the other party, nor authorise either of the parties to make or enter into any commitments for or on behalf of the other party.

**12. GOVERNING LAW AND JURISDICTION**

This MoU shall be governed by and construed in accordance with English law and, without affecting the escalation procedure set out in clause 6, each party agrees to submit to the exclusive jurisdiction of the courts of England and Wales.

SIGNATURE

Signed for and on behalf of  
CHESHIRE EAST BOROUGH  
COUNCIL

Signature: .....  
Name: .....  
Position: .....  
Date: .....

Signed for and on behalf of NHS  
SOUTH CHESHIRE CLINICAL  
COMMISSIONING GROUP

Signature: .....  
Name: .....  
Position: .....  
Date: .....

Signed for and on behalf of NHS  
EASTERN CHESHIRE CLINICAL  
COMMISSIONING GROUP

Signature: .....  
Name: .....  
Position: .....  
Date: .....

CONTACT POINTS

**Authority One**

Name: Shelley Brough  
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## Annex A. The Project

### Project overview

The overall aim of the project is to deliver an agreed one year pilot of the Emotionally Healthy Schools Programme (the Programme) in six secondary schools in Cheshire East, and to subsequently develop and roll out the Programme across the area of Cheshire East Borough Council.

### The Key Objectives

The Key Objectives are for the parties to work in partnership as follows:

- (a) to deliver a one year pilot of the Emotionally Healthy Schools Programme:
  - (i) Six secondary schools were nominated by all secondary heads to pilot the Emotionally Healthy Schools Programme in June 2016;
  - (ii) Cheshire East Council commissioned CWP to provide CAMHS leadership and Visyon to provide project management and project worker support. These contracts started between July and September 2015;
  - (iii) Project workers started support of the six secondary schools in January 2016. This support will continue until December 2016. Support consists of supporting schools and partners to test out different ways of supporting children and young people's emotional health and rolling out those activities that are successful.
- (b) to develop the Emotionally Healthy Schools Programme in accordance with the aims and provisions of the Programme Development – as described below.

### Programme Development

- The ambition is to develop a sustainable programme that runs in every primary school and every secondary school in Cheshire East.
- The income that has been identified to date will allow considerable progress toward this ambition.
- The development of the programme and the prioritisation of opportunities shall be lead by the Emotionally Healthy Schools Project Board. This group shall commission activity under the remit of the programme up to the available budget.

### Key Milestones

The initial Key Milestones for the Project are:

- Six secondary schools nominated to coproduce the pilot programme – June 2015
- CWP commissioned to provide CAMHS leadership - July 2015

- Visyon commissioned to provide project management and project worker capacity – September 2015
- Project workers start provide support in six secondary schools – January 2016
- Project workers stop providing support in six secondary schools – December 2016
- Primary school model developed – July 2016
- Roll out to other secondary schools planned – July 2016

Precise/further dates for Key Milestones shall be agreed pursuant to Clause 5.3 of the MoU.

## The Existing Position and Contributions already made

### 1. EXPENDITURE

<b>Emotionally Healthy Schools Programme Expenditure</b>	
CWP contract (CAMHS Lead)	£80,000
Visyon contract (Programme Manager, 3x Project Workers, Administration Support)	£314,500
Schools allocation (£3,000 for each school)	£18,000
Evaluation	£40,000
<b>Total Expenditure</b>	<b>£358,000</b>

- 1.1. CWP has been commissioned to provide clinical support to pilot the emotionally healthy schools programme in 6 secondary schools. This contract runs from July 2015 to December 2016 and costs £80,000.
- 1.2. Visyon has been commissioned to provide resource to pilot the emotionally health schools programme in 6 secondary schools. This provides a project manager, 3 project workers and administration support. Visyon has sub-contracted some of this work to Just Drop in and Children's Society. This contract runs from August 2015 to December 2016 and costs £222,000 per year. Phase 2 of Emotionally Healthy Schools will be commissioned to commence from January 2017.
- 1.3. A budget of £3,000 has been allocated to each of the six pilot secondary schools to facilitate transformational change.
- 1.4. Salford University has been commissioned to evaluate the Emotionally Healthy Schools Programme in 6 secondary schools. This contract runs from November 2015 to December 2016 and costs £40,000.

### 2. FINANCIAL

See also Annex D Financial Contributions and Notes.

## **Annex B. Sponsors' Board terms of reference**

- **Remit:**
  - Actions of Project Board requiring approval
  - Agree all financial spend in respect of the Project
  - Sign off communication and marketing strategy and plan
- **Decision-making:**
  - Jonathan Potter/Shelley Brough; Lesley Cleworth; Emma Leigh
  - Consensus should be tried to be achieved by all parties
- **Meetings:**
  - Minimum of bi-monthly
  - One representative present from each of the three organisations
  - To be held at an agreeable venue
  - Next meeting to be agreed at the meeting and all relevant papers to be circulated a minimum of 48 hours prior



**Annex C. Project Board Terms of Reference**

**Cheshire East**

**Children and Young Peoples Mental Health Strategy Group**

**Terms of reference**

**1. Background**

**1.1 Transformation Plan**

The Government's wide-ranging report on children and adolescent mental health, Future in Mind, March 2015, stipulates that each CCG area is required to produce a Transformation Plan. These Plans should cover the whole spectrum of services for children and young people's mental health and wellbeing from health promotion and prevention work, to support interventions for children and young people who have existing or emerging mental health problems, as well as transitions between services. The Cheshire East Transformation Plan Priorities include:

- Promoting resilience, prevention and early intervention
- Improving access to effective support – a system without tiers
- Care for the most vulnerable (Including Emotionally Health Schools)
- Developing the workforce

**1.2 Emotionally Health Schools**

The initial Cheshire East Emotionally Healthy Schools (EHS) pilot was developed in late 2014. The ambition of the programme was to encourage:

- Leadership and management that supports and champions efforts to promote emotional health and wellbeing
- An ethos and environment that promotes respect and values diversity
- Curriculum, teaching and learning to promote resilience and support social and emotional learning
- Enabling student voice to influence decisions
- Staff development to support their own wellbeing and that of students
- Identifying need and monitoring impact of interventions
- Working with parents/ carers

- Targeted support and appropriate referral through all schools in Cheshire East.

Phase 2 of Emotionally Healthy Schools Programme started in January 2017 and has a number of components:

- 1) Access to specialist mental health advice (single point of access) and a brokerage model to support professionals working with Children and Young people (CYPMH Link Programme)
- 2) Access to tools 'Tools for Schools' piloted through phase 1 and support to professionals to implement
- 3) Education specialist Leadership
- 4) Systems and processes to identify and support children and young people in the different Thrive groups
- 5) Development of 'Getting Advice' quadrant including on-line platform

## **2. Our Vision: LTP ambitions 2016-2020**

By 2020 we will have built on existing practice to ensure:-

- Every young person in Cheshire East has access to a graduated and timely response to emotional health issues, ranging from maintaining a healthy mind to acute crisis
- That Cheshire East has a joined up system that operates across the THRIVE Model and harnesses the capacity of the third sector.
- All Cheshire East educational settings are better equipped to support the Emotional Health of their populations working within the getting advice and getting help quadrants of the Thrive model
- Coordinated robust risk support for the most vulnerable between partners including youth justice.
- Everyone in contact with children and young people feels equipped to actively support their mental health and wellbeing
- That access to getting more help and risk support is available through local settings including primary, acute and specialist care, is timely, and based on clear pathways of care linked to different types of need.
- Well informed commissioners with comprehensive intelligence about needs and provision who strive to co-produce with children, young people and their families leading to innovative, creative and responsive support across a range of services from primary to inpatient and secure settings.

## **3. Project Board Responsibilities**

- To review and monitor the Transformation Plan Priorities
- To receive progress reports on cross cutting priorities within the TP including:
  - DfE Vulnerable Children's Project
  - The Children and Young People Mental Health Link Programme (The Link)
  - Tools for Schools
  - Education specialist Leadership Programme
  - The 'Getting Advice' quadrant of EHS Phase 2 including on-line platform
- To monitor and assess the progress of the LTP – Impact / Outcomes
- To take any appropriate action to ensure that phase 2 of EHS achieves maximum potential
- To identify and support opportunities to resource the sustainability of the priorities LTP
- To ensure engagement with relevant stakeholders including children and young people throughout is robust
- To assess project risks as they arise and allocate responsibility for implementing mitigation or contingency arrangements
- To develop a joined up system that operates across the THRIVE Model via an integrated commissioning work stream, with all components working to the same agenda/priorities

#### 4. Project Board Membership

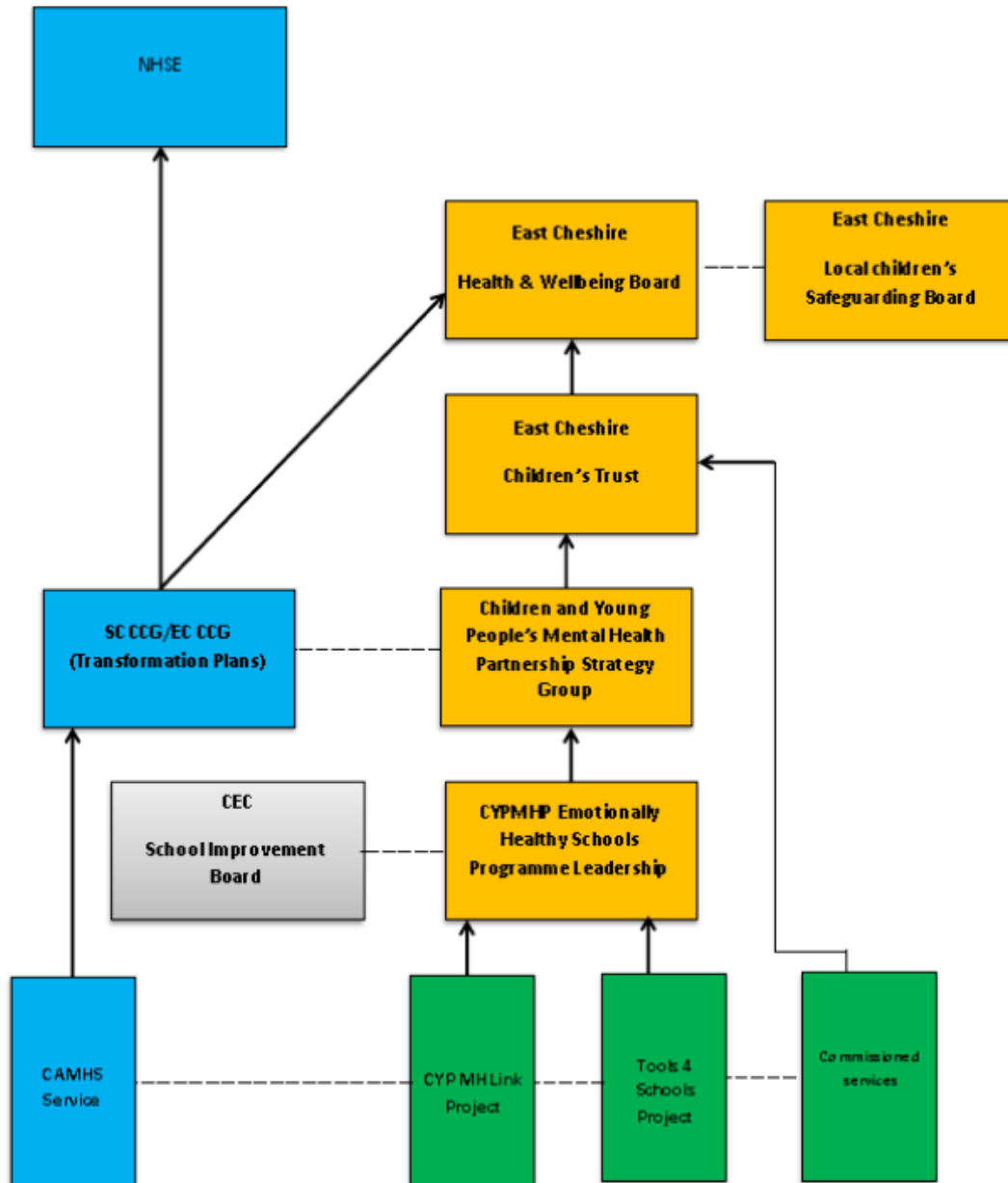
Name	Job Title	Organisation
Jonathan Potter (Chair)	Head of Preventative Services	Cheshire East Council
Shelley Brough	Commissioning Manager: Public Health	Cheshire East Council
Andy Mills	EHS Vulnerable Children Project Facilitator	Cheshire East Council
Lesley Cleworth	Service Delivery Manager:– Mental Health	NHS South Cheshire CCG
Melanie Brown	Clinical Project Manager:	NHS South Cheshire

	Mental Health	CCG
Emma Leigh	Clinical Projects Manager	NHS Eastern Cheshire CCG
Keith Simpson	Head Teacher	Middlewich High School
Robert Lupton	Senior Mental Health Practitioner Emotionally Healthy Schools Project East Cheshire	Cheshire and Wirral Partnership Trust
Gervase McGrath	Chief Executive Officer	Visyon
Sara Torr	Project Manager (EHS)	Visyon
Nicola Dye	EHS	Visyon
Amanda Greenwood	Participation Services Coordinator	The Children's Society
Ann Wright	Chief Executive Officer	Just Drop In
Mathew Howard	Consultant Child & Adolescent Psychiatrist	CAMHS
Kirsteen Langton-Flint	Team Manager East Cheshire CAMHS	CAMHS

## 5. Frequency and structure of meetings

- The Strategy Group will meet quarterly
- The Programme Manager will update the board if any issues emerge between
- It is the responsibility of each named organisation to ensure that a named representative or deputy is available

## 6. Governance and Reporting Structure



## 7. Administrative details

Administrative support will be provided by Visyon

Agenda and papers will be circulated within 5 working days of the project.

## Annex D. Contributions

## Financial

Each of the parties' financial contributions to the Project is as specified in the table below:

1. Emotionally Healthy Schools Programme Income	
Children's Public Health Allocation 2014-18 (CEC)	£770,000
<b>NHS South Cheshire CCG</b> (NHSE CAMHS School Link Pilot via SC CCGs)	£100,000
<b>NHS East Cheshire CCG</b> 2015-16 LTP	£85,000
<b>NHS South Cheshire CCG</b> 2015-16 LTP	£76,000
Public Health Allocation 2015-16 (CEC)	£400,000
<b>NHS South Cheshire CCG</b> Department for Education Vulnerable Children and Mental Health Project	£25,000
Total Income	£1,456,000

## Notes to financial contributions:

NHS South Cheshire CCG has transferred £176,000 to Cheshire East Council have transferred £25,000 to Cheshire East Council during 2016/17.

NHS East Cheshire CCG has transferred £85,000 to Cheshire East Council during 17/18.

£1 million of the public health ring fenced budget in 2014-15 was transferred to Children's commissioning to support transformational projects that achieved public health outcomes in children. £570k of this £1 million was allocated to the Emotionally Healthy Schools Programme.

The Emotionally Healthy Schools Steering Group supported both CCGs (East Cheshire and Southern Cheshire) in successful bids to be part of a national CAMHS school links pilot. This attracted £50k for each successful CCG, i.e. an additional £100k. Both allocations were paid to South Cheshire CCG. South Cheshire CCG have transferred this to the council to support the Emotionally Healthy Schools Programme.

The CCGs have submitted our Cheshire East Children and Young People's Mental Health Transformation Plan. This has been developed under the governance of the Children's Trust Board as it describes how we will achieve priority 3 of the Children and Young People's Plan 2015-2018: Happiness and Mental Health. This plan was submitted to NHS England on 16<sup>th</sup> October and has been successfully assured. EC CCG received £382,720 in 2015-16 and SC CCG received £342,712 in 2015-16 from NHS England for Children & Young People's Mental Health and Wellbeing. EC CCG allocated £85,000 of this to the Emotionally Healthy Schools Programme and SC CCG allocated £76,000. The CCGs shall transfer these allocations to the Council to support the Emotionally Healthy Schools Programme. South Cheshire CCG have transferred £76,000 to the Council.

There is £400,000 available in the 2015-16 public health ring fenced grant. This is allocated to mental health prevention. It is recommended that this is invested in the Emotionally Healthy Schools Programme and as a result transferred to the Emotionally Healthy Schools Programme budget.

### **Staffing, premises and use of IT**

NHS Eastern Cheshire CCG will provide: a manager for the Sponsors' Board/ Project Board and communications and engagement support.

NHS South Cheshire CCG will provide: a manager for the Sponsors' Board/ Project Board, communications and engagement support and a project worker to lead on the vulnerable children's extension.

Cheshire East Borough Council will provide: Commissioning expertise and capacity to lead on the procurement and contract management of CWP and Visyon and any other future providers. Cheshire East Borough Council will provide premises for the project worker to use as a base and access to Cheshire East Council IT to facilitate the project worker's communication.

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