

Constitution Committee

Agenda

Date: Friday, 15th July, 2016
Time: 10.00 am
Venue: Committee Suite 1, 2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

The agenda is divided into 2 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. **Apologies for Absence**

2. **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.

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the body in question. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

4. **Minutes of Previous meeting** (Pages 1 - 6)

To approve the minutes of the meeting held on 18th February 2016.

Contact: Paul Mountford, Governance and Democratic Services
Tel: 01270 686472
E-Mail: paul.mountford@cheshireeast.gov.uk

5. **Scheme of Members' Allowances: Report of the Members Allowances Independent Remuneration Panel (IRP)** (Pages 7 - 26)

To consider a report on the Members' Allowances Independent Remuneration Panel's review of Cheshire East Council's Scheme of Members' Allowances.

6. **Parish Councils - Community Governance Reviews** (Pages 27 - 30)

To consider a report seeking to clarify the delegated authority of the Community Governance Review Sub-Committee in relation to a review of the governance arrangements of certain parishes.

7. **Vacancies in the Office of Parish Councillor - Twemlow Parish Council** (Pages 31 - 32)

To consider the appointment of two Borough Councillors to Twemlow Parish Council, and a related change to the Committee's terms of reference.

8. **Non-major Changes to the Constitution - Recommendations of the Audit and Governance Committee** (Pages 33 - 42)

To consider certain non-major changes to the Constitution as recommended by the Audit and Governance Committee.

9. **Council Constitution - Revisions to the Finance Procedure Rules** (Pages 43 - 118)

To consider proposed changes to the Finance Procedure Rules.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Constitution Committee**
held on Thursday, 18th February, 2016 at Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor A Martin (Chairman)
Councillor D Marren (Vice-Chairman)

Councillors G Baxendale, W S Davies (for Cllr Beanland), S Edgar,
S Gardner, S Hogben, D Mahon, N Mannion, R Menlove, A Moran (for Cllr
Burkhill), D Newton, L Smetham (for Cllr Pochin) and G Wait

Officers

Brian Reed, Head of Governance and Democratic Services
Bill Norman, Director of Legal Services
Rosie Ottewill, Organisational Development Manager
Paul Mountford, Democratic Services Officer

Apologies

Councillors M Beanland, B Burkhill and S Pochin

27 DECLARATIONS OF INTEREST

There were no declarations of interest.

28 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public wishing to speak.

29 MINUTES OF PREVIOUS MEETING**RESOLVED**

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

30 CODE OF CONDUCT FOR EMPLOYEES

The Committee considered a report on minor amendments to the Code of
Conduct for employees.

Following a recent Internal Audit inspection, minor amendments to the
Code were considered necessary to strengthen the requirement for
employees to declare any interests. The Director of Legal Services and the
Chief Operating Officer considered the change to the Constitution to be
non-major and therefore a matter for decision by the Committee. Council
would be informed of the change in due course.

RESOLVED

That the following minor changes be made to the Code of Conduct for Employees (as highlighted in the Appendix to the report):

1. all employees are required to complete an annual declaration of interest return, even if this is to confirm that they have nothing to declare, and to then report issues as and when they occur; and
2. in the Adults' and Children's Social Care Services no gift should be accepted in any circumstances.

31 CORPORATE PARENTING COMMITTEE

The Committee considered an amendment to the Constitution to include reference to the Corporate Parenting Committee.

The establishment of a Corporate Parenting Committee was considered by the Cabinet at its meeting on 19th January 2016. Cabinet resolved as follows:

"That

- 1. a Corporate Parenting Committee be appointed with cross party membership of 12 Elected Members and the terms of reference at Appendix 1 to the report;*
- 2. the Committee shall have the status of an advisory committee and include representative young people from the Children in Care Council to perform an advisory role to the Committee;*
- 3. the Committee shall, once its membership has been agreed, formally commence its role;*
- 4. the existence of the Committee be noted in the Council's constitution; and*
- 5. all Members of the Council receive a progress report on a quarterly basis."*

The Director of Legal Services and the Chief Operating Officer considered the change to the Constitution to be non-major and therefore a matter for decision by the Committee.

RESOLVED

That

1. the arrangements approved by Cabinet for the establishment of a Corporate Parenting Committee be incorporated into the Constitution; and
2. Council be informed of the change to the Constitution.

32 PARISH COUNCILS - COMMUNITY GOVERNANCE REVIEWS

The Committee considered a report recommending that the Community Governance Review Sub-Committee undertake a review of governance arrangements in respect of certain parishes.

The Council had received requests from Minshull Vernon and District Parish Council and Bulkeley and Ridley Parish Council to review their governance arrangements. In addition, Hassall and Betchton Parish Councils could be interested in creating a common parish council with a reduced number of seats (due to being inquorate at past meetings). The Council was aware of three more parishes which had insufficient councillors elected to be able to operate. Further details were set out in the report.

RESOLVED

That

1. the Community Governance Review Sub-Committee be reconvened to conduct a community governance review of the following Parish arrangements:
 - (a) the potential reduction of the number of Councillors for Minshull Vernon and District Parish Council;
 - (b) the potential merging of Bulkeley and Ridley Parishes into one Parish;
 - (c) the potential to create a common parish council for Hassall and Betchton Parish Councils with a reduced number of seats; and
 - (d) the potential alternative arrangements for Lyme Handley Parish Council, Doddington and District Parish Council and Burland Parish Council, all of which currently have insufficient Councillors elected to be able to operate;
2. the Community Governance Review Sub-Committee be given delegated authority to extend the remit of the review should other parish matters of importance arise.

33 PROPOSALS TO FURTHER THE COUNCIL'S EFFORTS TO BE MORE OPEN

The Committee considered a report outlining a number of proposals by the Constitution Member Working Group.

Councillor S Pochin, who had been unable to attend the meeting, had submitted comments in relation to a proposal on the recording of

committee meetings; the Chairman summarised her comments to the Committee.

Any non-major changes to the Constitution approved by the Committee in accordance with its new powers would be reported to Council in due course.

RESOLVED

1. Audio-recording of committee meetings: that with effect from the beginning of the new municipal year, subject to the availability of appropriate equipment, the proceedings of all decision-making meetings be audio-recorded; further that such recordings be retained for use by officers only in order to resolve any disagreement as to the accuracy of the draft minutes of the meeting, and that after formal agreement of the draft minutes, the audio recording be deleted. It is further resolved that the Director of Legal Services and Monitoring Officer make such amendments to the Access to Information Procedure Rules as he considers are necessary to give effect to the wishes of the Committee;
2. Publication of Member attendances: that the public recording of Member attendances at non-formal decision-making meetings of Cheshire East Council, joint bodies and outside organisations be agreed in principle and the matter be referred to the Member IT Panel with a view to devising a suitable mechanism for recording such attendances;
3. Contract Procedure Rules: that all notices of waiver, which are used when consent is sought to depart from the requirements of the Council's Contract Procedure Rules, and notices which are used to record any non-adherence to the Rules, be retrospectively published for information on the next appropriate Audit and Governance Committee agenda; and the Director of Legal Services be authorised to make such amendments to the Contract Procedure Rules as he considers necessary to give effect to the wishes of the Committee;
4. Member Job Descriptions: that the job description for committee chairmen attached at Appendix 1 to the report be recommended to Council for approval and adoption, and further consideration be given to the development of a job description for councillors, taking into consideration the model set out at Appendix 2 to the report;
5. Chairmanship of Overview and Scrutiny Committee meetings: that it is this Committee's view that the allocation of one or more overview and scrutiny committee chairmanships to the Council's opposition groups is a good idea in principle and consistent with best practice; and
6. Ombudsman findings: that subject to the requirements referred to in paragraph 5.2.4 of the report, the terms of reference of the Audit and

Governance Committee be expanded to include responsibility for considering all findings of the Local Government Ombudsman, and for making recommendations as to actions that may be necessary in connection with the Ombudsman's findings; this also to include reports resulting in a finding of maladministration against the Council; and the Director of Legal Services be authorised to make such amendments to the Constitution as he considers necessary to give effect to the wishes of the Committee.

The meeting commenced at 2.00 pm and concluded at 3.18 pm

Councillor A Martin (Chairman)

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CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 15th July 2016
Report of: Head of Governance and Democratic Services
Subject/Title: Scheme of Members' Allowances: Report of the Members Allowances Independent Remuneration Panel (IRP)

1.0 Report Summary

- 1.1 This report appends the Members Allowances Independent Remuneration Panel's review of Cheshire East Council's Scheme of Members Allowances (Appendices A and B).

2.0 Recommendation

- 2.1 That the Constitution Committee note the Independent Remuneration Panel's report and refer the report to full Council.
- 2.2 Specific consideration of the following matters is also requested:
- a) In respect of the annual index recommended to be applied to all allowances in the Scheme– if accepted, to recommend for how many years this index should apply (up to a maximum of 4 years).
 - b) In respect of the implementation date, to recommend whether any changes to the Scheme of Allowances once approved should be implemented from the date of the Council meeting, or be backdated to 11 May 2016.
 - c) In respect of the financial aspects of the report, to consider the analysis provided by Financial Services (Appendix C) and to make appropriate recommendations to Council.
 - d) In respect of the references in the IRP report to the fees paid to Councillors as Directors of ASDVs, to consider the legal advice provided by the Director of Legal Services (Appendix D).

3.0 Reasons for Recommendations

- 3.1 The reasons for the recommendations of the Members Allowances IRP are contained with the Panel's report.

4.0 Wards Affected

4.1 All

5.0 Local Ward Members

5.1 None

6.0 Policy Implications

6.1 None

7.0 Financial Implications

7.1 A financial analysis of the Report of the Members Allowances IRP Panel has been undertaken by Financial Services and is attached (Appendix C).

8.0 Legal Implications

8.1 The Council is empowered to pay a range of allowances to its elected Members in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 in respect of their roles and responsibilities.

8.2 In accordance with the Regulations, the Council is required to appoint an Independent Remuneration Panel to make recommendations in respect of the Members' Allowances Scheme to Council. The Council has to have regard to the recommendations of the Panel when determining or making changes to a scheme of Members Allowances.

8.3 Specific legal advice is appended in connection with the IRP report's recommendations relating to ASDV payments (Appendix D).

9.0 Risk Management

9.1 No risks have been identified.

10.0 Background and Options

10.1 The Members Allowances Regulations 2003 require that a Members Allowances Independent Remuneration Panel is established and maintained.

10.2 The scheme of Members Allowances covers the payment of basic allowance, special responsibility allowance, dependants' carers' allowance, travel and subsistence allowance and co-optees allowance.

10.3 The former Members Allowances Independent Remuneration Panel Members retired in February 2015. The Constitution Committee therefore appointed a new Panel on 26 November 2015 comprising of Professor Steve Leach (Chairman); Mr Patrick Grange; Mrs Mandy Ramsden and Mr Eric Shaw for a four year term of office expiring in 2020.

- 10.4 The Constitution Committee agreed that there was no necessity for a report of the Independent Remuneration Panel to be produced on an annual basis and that in order to achieve this, consideration could be given to making future provision for the Members Allowances Scheme to be adjusted on an annual basis, by reference to an index. Where the only change made to a scheme in any year is that affected by an annual adjustment, the scheme shall not be deemed to be amended and, therefore, in those cases does not need to be reviewed/agreed by Council.
- 10.5 An index can be applied for a period of up to four years. This option has been considered by the Independent Remuneration Panel and a recommendation has been included in their report. Council will need to determine for how long the index will apply which is recommended for all allowances.
- 10.6 Council will need to determine whether any changes to the Scheme of Allowances when approved should be implemented from the date of the Council meeting or be backdated to 11 May 2016. Officers recommend that the scheme be effective from the date of the Council decision, rather than backdating, to avoid potential complications with regard to the recovery of payments from some Members.

11.0 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

REPORT OF THE INDEPENDENT REVIEW PANEL ON MEMBERS ALLOWANCES.

Introduction

1.1 The Panel was appointed by Cheshire East Council in November 2015. Its membership comprises Professor Steve Leach (De Montfort University), who chairs the panel, Patrick Grange (South Cheshire Chamber of Commerce), Mandy Ramsden (resident and former local government officer) and Eric Shaw (ex- local government chief officer). It has met on four occasions (15th January, 25th January, 12th February and 2nd March). Invitations to make representations to the panel were sent to all Cheshire East's councillors. As it turned out, each party group chose to discuss the issues involved collectively, and then to ask their leader or a senior member to address the Panel and to discuss the groups' concerns with it. Three other councillors chose to address the panel with individual concerns. The Panel also received helpful briefings from Brian Reed, Paul Mountford and Diane Moulson. It is grateful for all these contributions, and to Lindsey Parton and Diane Moulson for responding to numerous requests for information, and for facilitating its meetings so efficiently. This report is the unanimous response of the Panel to its brief.

1.2 At an early stage in its deliberations, the Panel identified a series of principles which it felt should inform its thinking and its recommendations. These are set out in the Appendix to this report. One of the key principles identified was that the system of members' allowances should not restrict the possibility of any member of any group in society from becoming a councillor, and should also have the effect of encouraging groups currently under-represented to put themselves forward. This concern was expressed in several of the representations made to the Panel (especially in relation to younger adults and those in full-time work). The panel, unlike its predecessor, felt this to be an important consideration.

1.3 In addition to the evidence provided by interviewees, the Panel considered comparative information on allowances paid in the CIPFA family of authorities of which Cheshire East is part. It looked at the changes in members' allowances in the authority since 2009, in relation to changes in officer remuneration over the same period. It examined carefully the assumptions, arguments and recommendations set out in the Report of the previous panel (December 2013). It noted the recent developments in Cheshire East involving 'wholly-owned companies' (WOCs) and 'alternative service delivery vehicles' (ASDVs), and the payments made to councillors in positions of responsibility on these entities. The Panel was also well-aware of the climate of austerity in which the Council had operated since 2009, and its likely continuation over the next five years. However, its position is that it is its' job to recommend what it considers to be an appropriate level and distribution of members allowances, and the council's to decide the extent to which it wishes to implement these recommendations, in the light of the current economic circumstances.

The Basic Allowance

2.1 Cheshire East's basic allowance currently stands at £11,466. In 2009-10 it was 11,200. The increase over the six-year period involved is therefore £266, or 2.3%. Over the same period, officers pay awards have resulted in an overall increase of 3.2%.

2.2 However, the value of the basic allowance has decreased significantly during this time. Applying the Average Weekly Earnings index on a year-by-year basis indicates that to maintain its' 2010 value of £11,200, it would now have to be increased to £12,432 (a rise of 11%) i.e. the real value of the basic allowance has fallen by 11% over six years.

2.3 Compared with other authorities in its CIPFA family, Cheshire East's basic allowance of £11,466 is 19% above the family average of £9,635. In the most recent Census of Local Authority Councillors (2013) the average number of hours per week spent by the 49 councillors from Cheshire East who completed the survey was 34.4. This figure equates to an annual average time commitment of approximately 1,800 hours, which, related to the current basic allowance implies an hourly rate of £6.37p per hour, or if one makes the usual assumption that 50% of a councillor's time commitment should be on a voluntary (unpaid) basis, the implied hourly rate is £12.74. Both of these figures are low compared to the current minimum wage.

2.4 In these circumstances, the Panel was faced with some hard choices. Interviewees told us that the workload of all councillors had increased significantly since 2010, not least because of the increased pressure to cut council services, and the adverse public reaction that this invariably entailed. Evidence from other allowances reviews confirms the plausibility of this assertion. Taking into account also the fall in the real value of the basic allowance since 2010, and the case for seeking to attract a wider range of councillors, there is a strong case for recommending a significant increase, at the very least to restore its' real value to 2010 levels. But to do so would break the link between increases in member allowances and increases in officer remuneration, which many councils have been committed to maintaining, on grounds of fairness. And given the above average of the basic allowance in Cheshire East compared with other authorities in its' CIPFA family, and the continuation of public sector austerity, the Panel did not see that such a recommendation could really be justified?

2.5 Faced with this dilemma, the Panel considered that a helpful way forward would be to examine whether there was a case for making savings in the current budget for Special Responsibility Allowances (SRAs), which could be then be used to finance an increase in the basic allowance, without raising the overall level of expenditure on members' allowances to an extent which would cause understandable concern on the part of officers (or indeed the public). These possibilities are explored in the next section of this report.

Special Responsibility Allowances

3.1 The councillors presenting evidence to the Panel made surprisingly little reference to SRAs. Cases were presented for the retention of particular SRAs, in particular those allocated to group whips and deputy portfolio holders. In both of these categories the previous panel had recommended that SRAs were not appropriate, but the Council had overturned the panel's recommendations. However, no representations were made about the appropriateness of the levels of the SRAs in these two categories, nor indeed about the levels of any of the (many) other SRAs currently allocated. The panel could only conclude that there was a general level of satisfaction (or at least no significant dissatisfaction) with the levels of SRAs currently paid.

3.2 The Panel heard arguments from all three parties that the SRAs for group whips should be retained. It was acknowledged that the 'party political' element of this role should not be eligible for an SRA. Rather, the argument was that there was an important aspect of the role, that of 'oiling the wheels of council business', which did merit such an allowance. The Panel was told that in Cheshire East, group whips acted as a vital intermediary between the officer hierarchy and the three party

groups in ensuring that the business of the council (for example the timing and agenda-setting of meetings, dealing with unexpected challenges, and the handling of inter-party disputes) was dealt with efficiently and effectively. One of the councillors interviewed made a helpful distinction between three different councillor roles which in principle merited allowances: representative (covered by the basic allowance): governance (e.g. leadership/cabinet positions): and corporate. It is this final category in which administrative element of the group whips' work would fall.

3.3 At present, it is unusual for group whips to be allocated SRAs. Of the sixteen authorities in Cheshire East's CIPFA group, only two others (Cheshire West and Chester and the East Riding of Yorkshire) make such payments. However, on balance, the Panel was persuaded by the case made to it that the group whip role had a 'corporate' element to it which did merit an SRA. But the panel was clear that only one whip position per group should qualify for an SRA. It appears in the present schedule that there are two 'deputy administration' whip positions. These two SRAs should be discontinued, thereby reducing the number of whip positions which qualify for SRAs from six to four (although currently only two minority party groups are large enough to qualify for these SRAs). It should be made clear that the Panel's decision to recommend the continuation of the remaining SRAs is a response to the administrative (or corporate) element of the whips' role, and not the political element. The Panel would wish to re-examine the appropriateness of its recommendations regarding group whips in its next review.

3.4 With regard to the position of 'deputy portfolio holder', it is becoming increasingly common for panels to recommend that SRA payments should be made to such posts. Of the sixteen authorities in Cheshire East's CIPFA family, eight do so, and it is likely that most of the remaining authorities do not designate such positions. Although in Cheshire East, as elsewhere, deputy portfolio holders cannot formally take decisions, it is clear that they play a significant role in enabling cabinet members to make decisions, as well as taking over other of their responsibilities. Such positions also provide a valuable developmental function for councillors who may well become cabinet members in the future. In these circumstances, the Panel, unlike its' predecessor, was persuaded of the case to allocate SRAs to such positions, albeit at a relatively modest level.

3.5 Although the Panel received no representations regarding the level of SRAs paid to the chairs and vice-chairs of the various committees in Cheshire East, it did seek clarification from officers about the responsibilities and workload of some of the more unusual committees on the list. Whilst it was satisfied that the Audit and Governance and Constitution Committees had important (and different) functions which merited the level of SRA currently allocated, it was less convinced that those of the Staffing and Public Rights of Way Committees did so. Cheshire East is the only Council in the CIPFA family to operate a Public Rights of Way Committee. Presumably other authorities have the same responsibility, but do not see it as necessary to establish a committee to implement it, probably because the responsibility for the function is delegated to officers, or it is included in the brief of the planning committee. In relation to the Staffing Committee, only five other authorities in the CIPFA family pay SRAs to the chairs of such committees (if indeed they have them) and those that do, with one exception, all pitch the SRA involved at a significantly lower level. However, the Panel was informed that the role of the Staffing Committee in Cheshire East was an unusually high profile one, with an above average involvement in appointing senior staff. In these circumstances, the Panel felt that it was appropriate to retain the SRA involved at its current level. However, with regard to the Chair of the Public Rights of Way, the Panel did not feel it could justify recommending an SRA. The role should be regarded as one of the many minor positions of responsibility within the Council which do not qualify for an SRA.

3.6 Having dealt with these details, it is important to point out that there are two more fundamental issues relating to the SRAs in the current Cheshire East schedule. The first is that there are too many of them, compared with most other authorities. Currently there are forty-six positions in the authority which qualify for SRAs, which means that well over half (55%) of councillors in the authority receive one. The guidelines issued by the Office of the Deputy Prime Minister in 2001 recommended that no more than one third of the councillors in any one authority should receive SRAs. The second is that no account has yet been taken of the impact of switching a significant tranche of council decision-making to ASDVs and WOCs (see 1.3 above), where councillors, as directors, receive fees for carrying out these duties. The Panel does not regard such payments as inappropriate, and it is outside its' remit to comment on the level of the payments involved. But it is relevant for it to consider the implications of these changes for the responsibilities that remain within the ambit of the council's decision-making process.

3.7 The Panel felt it was important to deal with the excessive number of SRAs in Cheshire East. The best way of doing so was, it felt, to discontinue paying SRAs to all (or most) of the vice-chair posts which currently qualify. There is always an issue of whether such posts do in principle justify SRAs. Occasionally deputising for the chair does not, in the Panel's view in itself provide a justification. If a chair is absent for more than the odd meeting (e.g. through illness) then the appropriate response would be to transfer the appropriate portion of the chair's SRA to the vice-chair for the period of time involved. In addition, the vice-chair SRAs are pitched at the nominal level of £1,000, which is in itself unlikely to act as a motivation to take on the post. The panel accepts that there is a degree of responsibility involved in a vice-chair position. But there are many other minor responsibilities scattered throughout the council's governance structures, and the official guidelines to panels have always emphasised that there has to be a significant level of responsibility involved to justify an SRA.

3.8 For these reasons, the Panel recommends that SRAs should be discontinued for the positions of the vice-chairs of the Constitution, Licensing, Public Rights of Way, Audit and Governance, Strategic Planning and Northern and Southern Area Committees. The same should apply to the positions of the two deputy Administration Whips. In total this would mean a reduction of ten SRAs (including PROW), leaving a total of 36 positions which qualify for such payments. If these changes were to be made, it would mean that 44% of councillors in Cheshire East would receive an SRA, which is still some way above the percentage figure that the Panel would ideally like to see, but does represent a sizeable reduction from 55%. The Panel would wish to consider the case for further reductions in future reviews. It was encouraged to learn that a review is likely of the decision-making structure in the near future, which may result in a reduction in the number of positions of responsibility that would qualify for SRA payments (e.g. in relation to the scrutiny function)

3.9 The Panel was informed that most of the business of the Licensing Committee (i.e. the consideration of applications for licences) was carried out in smaller sub-committees which were normally chaired either by the chair or vice-chair of the parent Committee. In these circumstances, the Panel recommends that the Chairs SRA of £7,280 be split proportionately in a way which reflects the relative proportion of such meetings chaired (but with a figure to reflect the role of the Chair in relation to the full meetings of the committee built into the formula). A 2:1 proportionate split might be appropriate, but the Panel is happy to leave the details of the allocation to the Council.

3.10 One of the distinctive features of the way Cheshire East conducts its' business is the extent to which the council has devolved responsibility for the delivery of a range of services to alternative service delivery vehicles (ASDVs), and in particular, wholly-owned companies (WOCs). Other authorities have established such mechanisms, but none, so far as the Panel is aware, to the extent that Cheshire East has. The Panel was informed that the role of strategic commissioning for the

services involved remains with the council (and in particular with the relevant cabinet members) but that responsibility for managing service delivery and the allocated budget now rests with directors of the ASDVs and WOCs, positions largely filled by Cheshire East councillors.

3.11 Although the fees that are paid to councillors as chairs and directors of these bodies do not fall within the remit of a Members Allowances review, the panel felt that it was appropriate to consider whether these new arrangements had implications for any recommendations for SRAs that the panel might wish to consider. There were two reasons for doing so. First, there is an existing provision that the fees paid to directors of WOCs etc. should be subject to the rule that members can only claim one such payment, whether he or she is occupying two positions which qualify for an SRA, or one such position and that of a chair/director of a WOC. Secondly the Panel felt it relevant to explore whether the establishment of WOCs etc. had resulted in any reduction in the level of responsibility enjoyed by cabinet members.

3.12 The view from officers was that the responsibilities of cabinet members were unchanged. Their strategic commissioning role was unaffected by the introduction of WOCs, an argument which the Panel accepted. However, there is a good deal of evidence that cabinet members often find themselves involved in issues of service delivery, a finding confirmed by the personal experience of one of the Panel's members. Given that service delivery is now exclusively in the hands of WOCs, the clear implication would be that cabinet members who deal with WOCs would lose any scope for involvement in such issues, which would necessarily affect the scope of their responsibilities

3.13 The Panel was also aware that the total level of payments which could now be claimed by councillors (including directors' fees) had risen by around £100,000, which involves a significant overall increase, even if not all directors' fees are claimed. This is something which the public (as well as the Panel) would need to be convinced was justified in the circumstances.

3.14 However, the Panel recognised that, at present, it did not have enough evidence to justify a recommendation that cabinet members' SRAs should be reduced. It was also aware that the introduction of WOCs has impacted differentially on different cabinet members. Some have been totally unaffected, whilst in one case, four WOCs have been set up within the remit of a cabinet member. It would have made it difficult for the Panel to deal with these differentials without a great deal more work. But it would wish to reconsider the issue at their next review, by which time it is likely that responsibility for the delivery of a further tranche of councils services will have been transferred to WOCs, and more evidence will be available on the impact on cabinet members' responsibilities.

3.15. Included in the current allowances scheme is a clause which specifies that no councillor can claim more than one SRA. If a councillor holds more than one position which qualifies for an SRA, then he or she must forego the smaller of the two allowances. This limitation is widely, though by no means universally applied. In Cheshire East's CIPFA family, only three councils depart from this practice, two allowing a member to claim 50% of a second (lower) allowance, and one permitting two SRAs to be claimed (there are also authorities which exempt specific posts, e.g. deputy leader or group leader(s)).

3.16 When asked by one of our interviewees to justify the 'one SRA only' clause, the Panel found it difficult to do so, beyond the rather lame reason that it's 'common practice'. On discussing the matter further, it concluded that the limitation should be removed. If an SRA is seen as 'the rate for the job', and if one councillor has the time and energy to undertake two such positions of responsibility, then why should he or she not be remunerated for both? (assuming that the roles are

performed competently). The only exceptions should relate to the leader and deputy leader of the council, where it would not be appropriate for a second SRA to be claimed in relation to their roles as cabinet members (even if they hold a specific portfolio).

3.17 When WOCs and ASDVs were introduced, and a scheme of directors fees agreed by the council, it was also agreed that any such fees claimed by a councillor should be deducted, where applicable from an SRA payable in the members' allowances scheme. The Panel felt that this was an unnecessary complication. Directors fees should not be seen as a variant of an SRA, and should be unaffected by SRA eligibility for council responsibilities on the part of directors, unless there is a legal requirement to the contrary. They are a different kind of payment associated with the risks of running a company, and should be seen as separate from the business directly conducted through the council machinery.

3.18 The Panel did not consider that there was a strong case for more than a marginal increase in the overall members' allowances budget. To do otherwise would undermine the parity between increases in members' allowances and officers' salaries, which would be unfair at a time of continuing austerity. In addition, it is likely that the public and local media would find it hard to understand how such an increase could be justified, when local services are under threat.

3.19 What would however be possible, and arguably desirable would be to use the savings which accrue from the Panel's recommendations regarding the discontinuation of a range of existing SRAs (see 3.8) to fund a modest increase in the basic allowance. There was agreement amongst those presenting evidence that there was a strong case for a significant increase in the basic allowance, as an incentive to increasing the number and broadening the composition of those standing for council election, as a response to the increased workload of and expectations placed on councillors as ward members, and in recognition of the decrease in the value of the basic allowance since 2009. No evidence was presented which argued for increases in any of the SRAs, which are almost all above the CIPFA family average. The savings which would accrue from the discontinuation of the vice-chair and deputy whip SRAs would amount to £10,360. The savings which would accrue from the proposed discontinuation in the SRA of the chair of the Public Rights of Way Committees would amount to £5,600. The overall savings of £15,960 if used to increase the basic allowance, would result in an increase of £195 per councillor.

3.20 If the Cheshire East basic allowance had been raised in line with the officer pay awards since 2010, it would now be £11,559, which is £93 more than the current figure of £11,466. Adding these two figures would result in a per capita increase of £288, which the Panel recommends should be applied as a minimum. But this is a small increase of 3% which goes nowhere near to restoring the basic allowance to its 2010 value in real terms, based on the application of the Average Weekly Earnings index (see 2.2 above).

3.21 In these circumstances, the Panel considers that it would be appropriate to propose an option which would involve a greater increase in the Basic Allowance, which would need to be funded through a modest increase in the overall members' allowances budget. If the basic allowance were to be raised by a further £187, which would result in an overall increase of £500 to £11,966, this would require an additional allocation of £15,334, which is close to 1% of the existing members allowances budget. Given that this is probably the last opportunity to increase the Basic Allowance for the next four years, the Panel recommends that this higher level of increase be given serious consideration by the Council.

Other issues

4.1 The previous panel made no recommendation as to the annual indexing of members allowances. In the current circumstance where increases in officer salaries are closely regulated by central government, the Panel is of the view that the most appropriate index is parity between officer and member increases. More specifically, this implies the annual updating of members allowances in line with the average level of change in the NJC staff pay award for spinal columns 35-40, an index which is now widely used. This should be applied automatically, unless the council resolves to forego the increase.

4.2 The Panel was pleased to note the increased use made in Cheshire East of job descriptions for the various member roles which qualify for allowances (basic or SRA), although some of the descriptions would benefit from an increased degree of specificity. The Panel would encourage the Constitution Committee to continue with its work in extending the scope of job descriptions. Recommendations as to allowances are easier to make when detailed job descriptions are available.

4.3 There was little in the way of comment on the travel, subsistence and other allowances section of the Members Allowances Scheme. The Panel was aware of the confusion relating to the mileage allowance, whereby members were recommended to claim The HM Revenue and Customs-approved tax-free mileage rate of 45p per mile, but the approved rates in the scheme were 46.9p per mile and 52.2p per mile depending on engine size. The Panel recommends that a standard rate of 45p per mile should be specified in the scheme, applicable to both members and officers. This rate should be adjusted if the HMRC provisions change. The principle of an additional allowance of 5p per passenger per mile being paid if passengers are taken who would otherwise be claiming a travel allowance is recommended, as a contribution to energy-saving. The current level of the carers allowance was seen as appropriate by interviewees, and the Panel sees no reason to recommend changes in this nor any of the other elements of the scheme.

Summary of Recommendations

(1) The changes proposed in the Allowances Scheme should not result in more than a marginal (1%) overall increase in the 2015-16 Allowances budget.

(2) Of the current SRA entitlements, ten should be discontinued, including all vice-chairs. (as set out in 3.8)

(3) The SRAs for the leader and deputy leader of the Council, cabinet members and group leaders should remain at their current level

(4) The SRA of the Chair of the Public Rights of Way Committees should be discontinued (see 3.5).

(5) The SRA for the Chair of the Licensing Committee should be redistributed between the Chair and Vice-chair, on a proportionate basis, reflecting the involvement of both in decision-making sub-committees over the course of the year (see 3.9)

(6) The savings accruing from recommendation (2) should be reallocated to increase the Basic Allowance from £11,466 to £11,754 (option 1). A second option, increasing the basic allowance by a further £187 to £11,941 should also be considered by the Council (see 3.21).

(7) All allowances should be index-linked every year to the NJC officers pay award (see 4.1)

(8) The stipulation that only one SRA can be claimed by any one councillor should be discontinued (except for the leader and deputy leader of the council), and replaced by a maximum of two.

(9) The fees paid to councillors as directors of WOCs etc. should not (as is the present situation) be taken into account in relation to payment of SRAs, unless this is a legal requirement.

(10) The mileage allowance paid to members and officers should be the same, and should be pitched at the level stipulated as being tax-free by HMRC (currently 45p per mile). An additional 5p per passenger per mile should be payable, if to do so avoids additional claims for mileage allowance being made.

CHESHIRE EAST COUNCIL

REPORT OF IRP

Underlying Principles

*system of allowances should not discourage any social category from seeking to become a councillor, and ideally should act to encourage those groups currently under-represented to stand.

*it should bear comparison with those in other authorities which have similar characteristics and responsibilities.

*SRAs should reflect the level of responsibility associated with the role, rather than time spent carrying it out.

*a proportion of the time spent by councillors on their duties should be regarded as voluntary, and hence not eligible for remuneration (typically 50%)

* purely party political roles should not be eligible for SRAs. Some impact on the overall performance of the authority should always be demonstrable.

*the nature of the responsibilities which qualify for allowances can be representative, governance, or corporate.

*there will be a range of minor positions of responsibility in a local authority which should be regarded as part of normal duties, and hence not eligible for an SRA.

*the proportion of councillors eligible for an SRA should ideally not be more than one third.

*the job of an IRP is to make recommendations as to what allowances are merited in the light of the principles set out above. If the council wishes to take account of prevailing financial/budgetary circumstances, that is a matter for them, not the panel.

*all allowances should be adjusted every year in line with an agreed index (e.g. retail price index) unless the council specifically decides to forego such the implied increase.

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	Changes proposed by Independent Remuneration Panel	Implications for Cheshire East
1	The changes proposed should not result in more than a marginal (1%) overall increase to the 2015-2016 allowances budget.	The Council must decide upon the appropriateness of allowances for members. The Panel's views are noted.
2	Of the current SRA entitlements, ten* should be discontinued, including all vice-chairs (as set out in paragraph 3.8 of the IRP's report) *This figure includes proposal at (4) below	The nine committee posts which are proposed to be removed are: (SRA per annum) Constitution Vice Chairman (£1000) Licensing Vice Chairman (£1000) Public Rights of Way Vice Chairman (£1000) Audit and Governance Vice Chairman (£1000) Strategic Planning Vice Chairman (£1000) Southern Planning Vice Chairman (£1000) Northern Planning Vice Chairman (£1000) Deputy Administration Whip (£1680) Deputy Administration Whip (£1680) Potential savings which could be accrued: Minimum £1,000 (removal of 1 post), maximum £10,360 (removal of all the above posts)
3	The SRAs for the leader and deputy leader of the Council, cabinet members and group leaders should remain at their current level	No changes would be required to the current scheme from this proposal.
4	The SRA of the Chair of the Public Rights of Way Committees should be discontinued (paragraph 3.5 of the IRP's report)	SRA per annum is £5,600. Potential saving of £5,600
5	The SRA for the Chair of the Licensing Committee should be redistributed between the Chair and Vice-chair, on a proportionate basis, reflecting the involvement of both in decision-making sub-committees over the course of the year	If approved, a mechanism for allocating the allowance will need to be developed and formally approved.
6a	The savings accruing from recommendations (2) & (4) should be reallocated to increase the Basic Allowance from £11,466 to £11,754.	It is for Council to decide upon how, if available, any savings should be utilised.
6b	A second option, increasing the basic allowance by a further £187 from £11,754 to £11,941 should also be considered by the Council (see paragraph 3.21 of the IRP's report).	It is not possible to validate this proposal as the IRP's report does not include any calculations which show how the £187 figure was reached. Notwithstanding this, if this secondary increase was to be applied, the potential cost would be (£187 x 82) = £15,334 Potential increase to the base budget

Changes proposed by Independent Remuneration Panel		Implications for Cheshire East
7	All allowances should be index-linked every year to the NJC officers pay award (see paragraph 4.1 of the IRP's report)	An index can only be applied for a four year period before it needs to be reviewed. The NJC pay award for 2016/2017 is 1%. The first indexation would be applied in line with the following NJC officer award; projections for this and subsequent years would need to be made to ascertain the cost to the budget. Potential increase to the budget
8	The stipulation that only one SRA can be claimed by any one councillor should be discontinued (except for the leader and deputy leader of the council), and replaced by a maximum of two.	The removal of this rule is likely to result in an increase on the budget. However, the amount by which the budget would increase is difficult to quantify as it is dependent on which members are in post/appointed to an ASDV at any given time. The level of increase could also go up or down if appointments were to change during the course of a financial year. Potential increase to the budget
9	The fees paid to councillors as directors of WOCs etc. should not (as is the present situation) be taken into account in relation to payment of SRAs, unless this is a legal requirement.	The removal of this rule is likely to result in an increase on the budget. However, the amount by which the budget would increase is difficult to quantify as it is dependent on which members are in post/appointed to an ASDV at any given time. The level of increase could also go up or down if appointments were to change during the course of a financial year. Potentials increase to the budget
10	The mileage allowance paid to members and officers should be the same*, and should be pitched at the level stipulated as being tax-free by HMRC (currently 45p per mile). An additional 5p per passenger per mile should be payable, if to do so avoids additional claims for mileage allowance being made.	The 2015-2016 Members Allowances Scheme allows members to claim 45p, 46.9p or 52.2p per mile based on engine size and mileage of no more than 8,500 per year. However, members are recommended to claim the HMRC tax free rate of 45p, which some members currently adhere to. Potential savings to the budget

Summary of proposals - possible savings:

- a) If all the proposals were rejected, there would be no change to the allowances base budget
- b) If recommendations 2 and 4 were adopted, the maximum saving would be £15,960

Summary of proposals - possible increases:

- d) If basic was raised further from £11,754 to £11,941 (by £187), the increase to the budget would be £15,334.
- e) On a current budget of £1,392,386, a 1% increase would equate to £13,923.

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Advice from the Director of Legal Services in respect of IRP recommendation 9

Whilst the Panel felt unable to comment on the level of remuneration paid to directors of the Council's ASDVs, although those payments are NOT allowances, there IS a regulatory connection to the remuneration scheme.

The Local Authorities (Companies) Order 1995 makes it a legal requirement for 'regulated' companies (companies owned or controlled by local authorities) not to pay directors more than the 'maximum amount.' That is defined as 'the greatest amount which would for the time being be payable by [the Council] in respect of a comparable duty performed on behalf of [the Council], less any amount paid by that authority in respect of the relevant duty to the regulated director in question.'

In other words, payments to Directors of ASDVs should not exceed the amount paid in respect of the nearest equivalent role that commands a SRA. Moreover, if the Director is also paid for that equivalent role, that other payment should be deducted.

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CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 15th July 2016
Report of: Head of Governance and Democratic Services
Subject/Title: Parish Councils – Community Governance Reviews

1.0 Report Summary

- 1.1 The Constitution Committee at its meeting in February 2016 agreed that the Community Governance Review Sub-Committee be convened to undertake a review of governance arrangements in respect of a small number of parishes (Minshull Vernon and District; Bulkeley and Ridley; Hassall and Betchton; Lyme Handley; Doddington and District; and Burland Parish Council). The Committee also gave the Community Governance Review Sub-Committee delegated authority to extend the remit of the review, should other parish matters of importance arise.
- 1.2 This report seeks to clarify the extent of that delegated authority.

2.0 Recommendations

- 2.1 The Committee is asked to RESOLVE:
- That the remit of the Community Governance Review Sub-Committee be confined to matters concerning the governance arrangements of the parish councils (e.g. the number of Councillors and electoral arrangements) as set out in paragraph 1.1 of the report submitted, and not be extended to include boundary reviews in response to concerns over recent and planned housing developments.
- 2.2 That the review as instigated by the Committee in February 2016 be commenced by August 2016.

3.0 Reasons for Recommendations

- 3.1 The Parish Review had been proposed in response to requests from a small number of Parish Councils, mainly as a result of having insufficient Councillors elected to be able to operate, or where they feel their operating arrangements can be improved for the benefit of electors. This review would be undertaken in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007.
- 3.2 One or two informal enquiries have since been received to ascertain whether the parish review could be extended to consider revisions of Town

Council boundaries arising from recent and planned housing developments. A number of recent planning proposals which are on the edge of the main towns in the Borough actually fall into adjacent parishes. Once completed, these developments might look and feel as if they were part of the town – but would instead fall under the jurisdiction of the original parish.

- 3.3 Officers consider that this would be a matter outside of the scope of the current review. It would be inappropriate and inequitable to respond to individual requests on a piecemeal basis, given that many other requests could then come forward from other parish councils who felt themselves to be in similar circumstances.
- 3.4 The views of the Spatial Planning team have been sought and it has raised the issue of whether boundary reviews, responding to new development schemes, would be feasible. The matter is complex and decisions would have to be made as to the type, scale and extent of development carried out or proposed in a parish adjoining a town or village that would warrant a boundary review. There would also be the question of what event would potentially trigger such a review – a Local Plan allocation, the granting of planning permission, the implementation of an approved development scheme or the completion of a development?
- 3.5 Irrespective of new developments, existing boundaries frequently do not follow the built up edge of settlements. For example, the urban area of what many might perceive as being ‘Crewe’ actually covers a number of adjoining parishes such as Leighton or Shavington. A similar pattern is replicated in a number of other towns across the Borough, even before new developments are factored in.
- 3.6 There would be considerable demands that may arise from carrying out a boundary review based on development, as this approach would potentially prompt continual requests in response to the Local Plan Strategy, the Site Allocations and Development Policies Document and individual planning decisions. Staffing and budget allocation is currently unavailable to commence a review (or an ongoing series of such reviews) of this nature.
- 3.7 As a consequence, the Committee’s support is sought to deal only with governance-related issues at this time.

4.0 Wards Affected

- 4.1 All.

5.0 Local Ward Members

- 5.1 Not applicable.

6.0 Policy Implications

- 6.1 No policy implications have been identified.

7.0 Financial Implications

- 7.1 The Council has a statutory duty to conduct and meet the costs associated with undertaking a Community Governance Review. The main cost will be in relation to consultation carried out with electors, and others with an interest in the review. The existing small budget provision would be insufficient for a review of this extended scope, and would therefore create a budgetary pressure.

8.0 Legal Implications

- 8.1 The review would be conducted under the provisions of the Local Government and Public Involvement in Health Act 2007 and the Government's guidance on conducting community governance reviews.

9.0 Risk Management

- 9.1 No risks have been identified.

10.0 Background and Options

- 10.1 The small scale Parish Review, as defined above, is planned to commence in late July 2016. It has not been possible to programme this work earlier in the year due to the scheduling of two major elections in May and June 2016.

10.2 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

Constitution Committee

Date of Meeting:	15 th July 2016
Report of:	Head of Governance and Democratic Services
Subject/Title:	Vacancies in the Office of Parish Councillor - Twemlow Parish Council

1.0 Report Summary

- 1.1 This report invites the Committee to recommend to Council that two appointments be made to Twemlow Parish Council and that the terms of reference of the Committee be amended.

2.0 Recommendations

- 2.1 That Council be recommended that:

1. the Director of Legal Services be authorised to:
 - (a) draw up and execute an Order (to be known as 'The Cheshire East Council (Temporary Appointments to Twemlow Parish Council) Order 2016') pursuant to section 91 of the Local Government Act 1972 to appoint Councillors Les Gilbert and Andrew Kolker to Twemlow Parish Council until such time as two or more other councillors have been elected to or co-opted by the Parish Council; and
 - (b) send two copies of that Order to the Secretary of State; and
2. the Council's powers under section 91 of the Local Government Act 1972 in relation to the appointment of persons to fill vacancies on parish councils where such councils are otherwise unable to act be delegated to the Constitution Committee and the terms of reference of the Committee, and hence the Constitution, be amended accordingly.

3.0 Reasons for Recommendations

- 3.1 The appointments to Twemlow Parish Council are necessary for the parish council to be quorate and therefore able to take decisions.
- 3.2 The delegation to the Committee of the Council's powers under section 91 of the Local Government Act 1972 will enable such matters to be determined by the Committee in future without reference to full Council.

4.0 Background and Options

- 4.1 Twemlow Parish Council has 7 seats, but currently has 5 vacancies. The quorum for the Council is 4. Therefore, the Parish Council cannot make decisions at this time.
- 4.2 Section 91 of the Local Government Act 1972 provides that where there are so many vacancies on a parish council that it is unable to act, the Borough Council may by order appoint persons to fill all or any of the vacancies until other councillors can be elected or co-opted to the parish council. It is the normal practice for such appointments to be made from among the local Borough ward councillors for the area covered by the parish. Twemlow parish is situated wholly within the Borough ward of Dane Valley. The Borough Councillors for that ward are Councillors Les Gilbert and Andrew Kolker. Both Councillors have been consulted and have confirmed that they are willing to be appointed to the Parish Council until such time as two or more other councillors have been elected to or co-opted by the Parish Council.
- 4.3 The 1972 Act requires the making of such temporary appointments to be made 'by order.' Accordingly, it is recommended that the Director of Legal Services be authorised to draw up and execute the requisite order; the order to be known as 'The Cheshire East Council (Temporary Appointments to Twemlow Parish Council) Order 2016.' Two copies of this order are required to be sent to the Secretary of State.
- 4.4 Given that the Council may be required to make similar temporary appointments to parish councils in the future, it is recommended that Council delegate this function to the Constitution Committee and amend the Committee's terms of reference accordingly.

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

Constitution Committee

Date of Meeting: 15th July 2016
Report of: Director of Legal Services
Subject/Title: Non-major Changes to the Constitution – Recommendations of the Audit and Governance Committee

1.0 Report Summary

- 1.1 This report sets out two proposed changes to the Constitution as recommended by the Audit and Governance Committee. The changes relate to the Whistleblowing Policy and the Audit and Governance Committee's terms of reference. Both sets of changes are considered to be non-major and therefore matters for decision by this Committee.

2.1 Recommendation

2.1 That

1. the list contained in the Whistleblowing Policy of those people to whom a referral can be made be amended to include Members of the Audit and Governance Committee;
2. the following amendments be made to the Terms of Reference of the Audit and Governance Committee:

(a) the following be added:

'The Committee may establish standing and time-bound working groups (which may but need not be politically balanced) to consider any matters within these terms of reference of the Committee.'

(b) paragraph 22 (Internal Audit) be amended as follows:

'To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.'

3. the Constitution be amended accordingly.

3.0 Background

Whistleblowing Policy

- 3.1 The Audit and Governance Committee at its meeting on 30th June 2016 considered an update on the effectiveness of the Council's Whistleblowing Policy.
- 3.2 In response to a suggestion that a useful addition to the Policy would be to enable referrals to be made directly to Members of the Committee, the Director of Legal Services advised that guidance would need to be put in place to support Members who were approached under the Policy. In addition, the matter would need to be referred to the Constitution Committee for consideration.
- 3.3 The Committee resolved to recommend to the Constitution Committee that the list contained in the Whistleblowing Policy of those people to whom a referral can be made be amended to include Members of the Audit and Governance Committee, and the Constitution be amended accordingly.

Audit and Governance Committee Terms of Reference

- 3.4 The Audit and Governance Committee also reviewed its terms of reference to determine whether any changes were required. An informal training session for Members had been held prior to the meeting at which the Terms of Reference had been discussed and compared with best practice and those of neighbouring authorities.
- 3.5 Following discussion it was agreed that explicit reference should be made in the terms of reference to the fact that the Committee could appoint working groups. It was also acknowledged that the wording of paragraph 22 of the terms of reference was currently incomplete and required an appropriate amendment. Both amendments to the terms of reference, which require the approval of the Constitution Committee, are set out fully in recommendation 2 of this report. The Audit and Governance Committee's terms of reference are attached as an Appendix with the amendments highlighted.

The Committee's authority to approve changes to the Constitution

- 3.6 The Constitution Committee may make any changes to the Constitution which are not major, subject to the Director of Legal Services and the Chief Operating Officer (s151 Officer) agreeing that the proposed changes are not major and to Council subsequently being informed of such changes. The Director of Legal Services and the Deputy Section 151 Officer (acting in the absence on leave of the Chief Operating Officer) are satisfied that the changes proposed in this report are non-major and therefore are matters for decision by the Committee.

4.0 Reasons for Recommendations

- 4.1 As stated in section 3 of this report.

5.0 Wards Affected

5.1 N/A

6.0 Local Ward Members

6.1 N/A

7.0 Policy Implications

7.1 There is a proposed amendment to the Council's Whistleblowing Policy to provide that referrals may be made to members of the Audit and Governance Committee.

8.0 Financial Implications

8.1 There are no financial implications.

9.0 Legal Implications

9.1 The proposed changes to the Constitution may be approved by the Constitution Committee in accordance with its delegated powers.

10.0 Risk Management

10.1 There are no risk management implications.

11.0 Access to Information

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

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TERMS OF REFERENCE

AUDIT AND GOVERNANCE COMMITTEE

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

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

Statement of Purpose

1 The Audit Committee is a key component of the Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

2 It provides an independent assurance to the Council of the adequacy of the risk management framework and the internal control environment.

3 It provides independent review of the Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes.

4 It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

5 It promotes high standards of ethical behaviour by developing, maintaining and monitoring Codes of Conduct for Members of the Council (including co-opted Members and other persons acting in a similar capacity).

Functions

Governance, Risk and Control

6 To review the Council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.

7 To review and approve the Annual Governance Statement and consider whether it properly reflects the risk environment and supporting assurances, taking into

account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control.

8 To consider the Council's arrangements to secure value for money and to review and scrutinise assurances and assessments on the effectiveness of these arrangements.

9 To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.

10 To monitor the effective development and operation of risk management in the council.

11 To monitor progress in addressing risk related issues reported to the committee.

12 To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions, including calling managers to explain lack of progress.

13 To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.

14 To make recommendations to the Executive on the Council's arrangements for deterring, preventing, detecting and investigating fraud.

15 To monitor the counter fraud strategy, actions and resources.

16 To advise the Executive on responses to audit management letters, reports and investigations and reviewing whether agreed external audit or inspection recommendations have been implemented as timetabled.

17 To review and monitor the Council's treasury management arrangements in accordance with the CIPFA Treasury Management Code of Practice.

Internal audit

18 To approve the internal audit charter.

19 To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.

20 To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.

21 To approve significant interim changes to the risk-based internal audit plan and resource requirements.

22 To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.

23 To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:

- a) Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work.
- b) Regular reports on the results of the Quality Assurance and Improvement Programme.
- c) Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the Annual Governance Statement.

24 To consider the head of internal audit's annual report:

- a) The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the Quality Assurance and Improvement Programme that supports the statement – these will indicate the reliability of the conclusions of internal audit.
- b) The opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the committee in reviewing the Annual Governance Statement.

25 To consider summaries of specific internal audit reports as requested.

26 To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.

27 To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.

28 To consider a report on the effectiveness of internal audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit Regulations.

29 To support the development of effective communication with the head of internal audit.

30 To review and make recommendations to the Executive regarding the effectiveness of internal audit to include ensuring the internal audit function is adequately resourced, to review its strategy, receive, challenge and approve its annual plan and monitor its delivery and to review significant audit findings and monitor progress by managers in implementing agreed recommendations.

External Audit

31 To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.

32 To consider specific reports as agreed with the external auditor.

33 To comment on the scope and depth of external audit work and to ensure it gives value for money.

34 To commission work from internal and external audit.

35 To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

Financial Reporting

36 To review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.

37 To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Accountability Arrangements

38 To report to those charged with governance on the committee's findings conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangements, and internal and external audit functions.

Related functions

39 To report to full Council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.

40 To approve and monitor Council policies relating to "whistleblowing" and anti fraud and corruption.

41 To seek assurance that customer complaint arrangements are robust.

Working Groups

42 The Committee may establish standing and time-bound working groups (which may but need not be politically balanced) to consider any matters within these terms of reference of the Committee

Standards Arrangements

43 The Committee is responsible for the Council's standards arrangements which seek to:

1. promote high standards of ethical behaviour by developing, maintaining and monitoring Codes of Conduct for Members of the Council (including co-opted Members and other persons acting in a similar capacity);
2. ensure that Members receive advice and as appropriate on the Members Code of Conduct; and
3. grant dispensations under the provisions of the Localism Act 2011 to enable a member or co-opted Member to participate in a meeting of the Authority.

44 Council on 22nd October 2015 approved a procedure to be followed when considering a complaint that an elected member of the Council or of a town or parish council within its area has failed to comply with the Council's Code of Conduct. The full procedure is available from the Monitoring Officer.

Hearing Sub-Committee

45 The Hearing Sub-committee is a Sub-Committee of the Council's Audit and Governance Committee appointed to consider complaints under the procedure referred to in paragraph 43. It has 3 members drawn from a cross party panel of 15 members of the Council. An Independent Person is invited to attend all meetings of the Hearing Sub-committee and his/her views are sought and taken into consideration before the Hearing Sub-committee takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

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

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CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting:	15 th July 2016
Report of:	Dominic Oakeshott Corporate Manager Professional and Commercial Services
Subject/Title:	Council Constitution – Revisions to the Finance Procedure Rules

1.0 Report Summary

- 1.1. This report requests Members' consideration of updated sections of the Constitution which sets out the Council's Finance Procedure Rules (FPRs) which govern the Council's financial policies and procedures. However there are also some minor consequential changes to the Constitution and the Council's Contract Procedure Rules necessitated by the changes to the FPRs.
- 1.2. The amendments are required to ensure that the Council's FPRs are up to date and remain fit for purpose.
- 1.3. The changes to the FPRs are not considered to be major and are therefore a matter for Committee to decide.

2.0 Recommendations

- 2.1 To recommend that
 1. the revisions to the Finance Procedure Rules be approved for adoption from 1 August 2016;
 2. the Constitution be amended accordingly; and
 3. Council be informed of the changes in accordance with the Constitution.

3.0 Reasons for Recommendations

- 3.1 This report is brought to the Committee following an officer review of the FPRs, to ensure they continued to be fit for purpose. The FPRs were last reviewed in 2009.
- 3.2 The revised FPRs form an important and vital part of the framework of governance arrangements for the Council, which are currently being considered and reviewed as part of an over arching assessment of the management and control landscape and those elements that help the Council to provide effective stewardship of its resources.

In the assessment of the landscape of governance, which is ultimately reported annually as part of the Annual Governance Statement, the elements that make up the framework have been considered. These include as examples, the recently reviewed and updated Contract Procedure Rules, the updated Constitution, reviewed and updated Schemes of Delegation. Updating the Finance Procedure Rules contributes to improving overall governance and drives improved use of resources.

- 3.3 The Constitution Committee may make any changes to the Constitution which are not major, subject to the Director of Legal Services and the Chief Operating Officer (s151 Officer) agreeing that the proposed changes are not major and to Council subsequently being informed of such changes. The Director of Legal Services and the Deputy s151 Officer (acting in the absence on leave of the Chief Operating Officer) are satisfied that the changes proposed in this report are non-major and therefore are matters for decision by the Committee.

4.0 Wards Affected and Local Ward Members

- 4.1 All.

5.0 Local Ward Members

- 5.1 None.

6.0 Policy Implications

- 6.1 None.

7.0 Financial Implications (Authorised by the Chief Operating Officer)

- 7.1 In order to conduct its business efficiently, the Council needs to ensure that it has sound financial management policies in place and that they are strictly adhered to. Part of this process is the establishment of financial regulations that set out the financial policies for the Council.
- 7.2 The financial regulations provide clarity about the financial accountability of individuals, Cabinet members, the Head of Paid Service, the Monitoring Officer, the Chief Operating Officer and other Chief Officers. Each of the financial regulations sets out the overarching financial responsibilities.
- 7.3 The revisions to the financial procedural rules identified in this report have been made with reference to the CIPFA Financial Regulations – Good Practice Guide for an English Modern Council and also best practice from other neighbouring Councils.

8.0 Legal Implications

- 8.1 Section 37 of the Local Government Act 2000 and guidance issued thereunder requires the Council to keep its Constitution up to date and regularly review it. Under the Act, the Secretary of State could direct what information a local

authority should include within its constitution. Under section 37 the Secretary of State directed that local authorities financial rules or regulations or such equivalent provisions as the local authority may have in place and rules, regulations and procedures in respect of contracts and procurement whether specified in the local authority's standing orders or not, should be included in the constitution.

- 8.2 In accordance with the Accounts and Audit Regulations (England) 2015 there is a requirement for an authority to have a sound system of internal control which facilitates the effective exercise of its functions and the achievement of its aims and objectives; ensures that the financial and operational management of the authority is effective and includes effective arrangements for the management of risk. The FPRs assist in ensuring that the Council adheres to these requirements.
- 8.3 The Committee may make any changes which are not major, subject to the Director of Legal Services and Chief Operating Officer agreeing that the proposed changes are not major and to Council subsequently being informed of such changes.

9.0 Risk Management

- 9.1 Legal and financial implications are recorded above. The proposals in this report would if implemented, appear not to result in any risks for the Council rather they would create a more robust framework for the Council's financial procedures and rules with greater clarity for officers and Members through detailed guidance on the Council's procedures.

10.0 Background and Options

- 10.1 The starting point has been the current Constitution as revised and published on 5th February 2016. A working group of officers was formed with representation from Finance, Legal and Audit to review the current FPRs with the aim of ensuring that the FPRs were up to date, achieving a balance between the FPRs and supporting guidance to give Officers sufficient clarity as to the Council's rules and procedures. The working group also considered best practice guidance and examples from other local authorities. Discussions have also been undertaken with the Constitution Committee Working Group.
- 10.2 A full summary of the changes is attached and the changes not considered to be minor are shown as tracked changes to the current FPRs. This is also attached.
- 10.3 The Constitution shall be changed in accordance with the changes that are agreed by this Committee. Full Council will need to be informed of such changes, in accordance with the Constitution. Further minor work may need to be completed elsewhere in the Constitution to ensure consistency.

11.0 Access to Information

Access to more information can be made by contacting the report writer.
Contact details for this report are as follows:-

Name: Dominic Oakeshott

Designation: Corporate Manager - Professional and Commercial Services

Tel No: 01270 686232 or 07920 283473

Email: dominic.oakeshott@cheshireeast.gov.uk

Appendix 1
Summary of proposed Changes to the Finance Procedure Rules
for Constitution Committee 15/07/2016

Minor changes are referred to below, but have already been accepted as changes on the version of the FPRs circulated to Committee, as have any changes to the numbering of the Rules for ease of reference.

Proposed Area of Change (whole section or specific area)	Commentary/Benefit of Change	Approval
A. Financial Management	<ul style="list-style-type: none"> Corporate Management Team changed to Management Group Board. Head of Human Resources changed to Head of Strategic Human Resources Amend Resources Portfolio Holder to Finance and Assets Portfolio Holder 	Minor changes to be approved under Monitoring Officer's delegated authority (Minor Changes)
A. Financial Management	<p>References to Executive Monitoring Board in relation to specific approval levels have been removed although these remain within the overall scope of the Executive Monitoring Board's remit.</p> <p>In addition improvements to the specific controls in relation to expenditure (not limited to that over £250,000) have also been put in place within the Contract Procedure Rules.</p>	Committee approval required
A.9	Inclusion of definition of "Chief Officers"	Committee approval required
A.31	Removed reference to 'ring fenced' budget purposes, as this is no longer current practice.	Committee approval required
A.32 & A.36	Reference to Executive Monitoring Board removed.	Committee approval required
A.34	Change to requirement for approving fully funded supplementary estimates	Committee approval required
A.41	Updated to reflect current practice; business cases for carry- forwards are not required.	Committee approval required
A.50	Amendment to title – Code of Practice remove <i>SORP</i>	Minor Changes
B. Financial Planning	Refer to Capital Programme – no longer complete Strategy document.	Minor Changes
B.28 and B.29	References to EMB removed and reference to Project Gateway process inserted	Committee approval required
B.32 to B.35	Remove threshold detail for EMB, detail around project delivery and oversight by EMB inserted	Committee approval required
B.36, B.37 & B.40	Updates to current processes relating to the capital programme.	Committee approval required
B.46	Amendment to title – Code of Practice remove <i>SORP</i>	Minor Changes
B.50	Updated to reflect current CEC procedures for quarterly reporting rather than ex County Council.	Committee approval required

C. Risk Management and Control of Resources	Updated titles; Head of Policy and Performance or Internal Audit Manager becomes Corporate Manager Governance and Audit.	Minor Changes
C.17	New section on Business Continuity – high level re organisation's expectation's for services to have arrangements in place for business critical services and sign posting to further guidance.	Committee approval required
C.21	Updated legislation and enhanced definition: Accounts and Audit Regulations (England) 2011 to Accounts and Audit Regulations (England) 2015	Committee approval required
C.22	Updated legislation: CIPFA Internal Audit Code of Practice 2006 has been superseded by the Public Sector Internal Audit Standards and the CIPFA Local Government Application Note (Adopted from 1 st April 2013). These give a different definition for Internal Auditing, quoted from the PSIAS, and that has been repeated here.	Committee approval required
C.27	Access rights of Internal Audit refreshed and referenced to relevant legislation.	Committee approval required
C.28	Updated legislation; arrangements for appointing External Auditors.	Committee approval required
C.30-C.32	Small changes to reflect and enhance description of the current Anti-Fraud Policy wording and content.	Minor change
C.34	Inclusion of the guidance relating to Information Assets and Information Asset Register.	Committee approval required
C.46	Updated to reflect that Council has moved toward 'cash less' approach and does not insure for cash.	Committee approval required
C.57& C.58	Remove reference to HR and Finance Shared Services – now referred to as ESC.	Minor change
C.59,C.60,C.61 & C.62	Updated to reflect current titles.	Minor change
C.64, C.66, C.75	Reference to Centranet guidance added (further details to assist Officers).	Minor change
D. Financial Systems and Procedures		
D.4	Refer to Treasury Management Practice Statements.	Committee approval required
D.6 – D.7	Updated to reflect current position with the Income and Charging Strategy and current processes.	Committee approval required
D.8- D.9	Updated to reflect Sundry Debt collection policy	Committee approval required
D.13	Inclusion of expectation of payment prior to goods and services being provided, as per	Committee approval required

	Income and Charging Strategy	
D.19	Bad debts write off approval– updated in May 2014 Scheme of Delegation to Officers report.	Committee approval required
D.21 & D.51	Old job title – refer to Transactional Services instead	Minor change
D.22	Remove reference to Purchase Cards	Committee approval required
D.24&D.45	Updated to reflect latest Contract Procedure Rules	Committee approval required
D.28 & D.36	Refer to Contract Procedure Rules	
D.29	Chief Operating Officer reference amended to Procurement Manager	Committee approval required
D.40	Reference to Centranet guidance added (further details to assist Officers).	Minor change
D.42	Updated for Purchase Cards guidance	Committee approval required
D.53	Section on ASDV's to be included	Committee approval required
E. External Arrangements		
E.3	Reference to ASDV Framework and Project Gateway Process and approval of business case for companies or joint ventures included	Committee approval required
E.6	Reference to guidance to be developed via a Partnership Protocol	Committee approval required
E.7	Included reference to the Public Contracts Regulations 2015 and the Contract Procedure Rules and consideration of whether the partnership opportunity needs to be procured in accordance with the legislation	Committee approval required
E.11	Deleted reference to “non-accredited” partnerships	Committee approval required
Former E.12 & E.13	Deleted as Council does not have accredited/non-accredited partners list	Committee approval required
New E.12	Inclusion of requirement for business case and reference to Project Gateway process	Committee approval required
New E.13	Requirement for annual audited accounts to be provided has been removed	Committee approval required
Now E.15	Included requirement to list partnership arrangements on Contracts Register for transparency of arrangements	Committee approval required
Former E.20 (Now E.18)	Reference to accredited body deleted and insertion of requirement to seek authority for new accountable body role included.	Committee approval required
Former E.21 (removed)	Deleted references to accredited/non-accredited partnerships.	Committee approval required
New E.21	Inserted requirement to ensure external funding conditions are adhered to.	Committee approval required
New E.23	Reference to regular reporting similar to other projects	Committee approval required
Former E.27 – E.30	Deleted reference to Accredited Partner list	Committee approval required

Former E.31, now E.24	Deleted reference to criteria and process for allocation of grants as it is intended this will be covered by a Grant Funding Protocol	Committee approval required
Former E.32, now E.25	Included details of approval process for grant funding in accordance with the Constitution	Committee approval required
Former E.33, now E.26	Deleted details around grant funding agreements as there will be a template agreement in the Grant Funding Protocol	Committee approval required
Formers E.35, now E.28	Included exclusion for grants applied for on behalf of schools for Capital Funding for School Places as this does not fall within the remit of usual grant funding arrangements	Committee approval required
Glossary	Updated to reflect changes made throughout Finance Procedure Rules	
Consequential Amendments and changes to CPRs	See separate sheet	

| Appendix 2

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Foreword

- 1 Finance and Contract Procedure Rules provide the framework for managing the Authority's financial affairs. They apply to every Member and Officer of the Authority and anyone acting on its behalf, including School Governors operating under local delegation arrangements
- 2 The Rules identify the financial responsibilities of the full Council, Cabinet, Overview and Scrutiny Members, statutory officers and the Management Group Board. Cabinet Members and the Management Group Board must maintain a written record where decision making has been delegated to Members of their staff, including seconded staff.
- 3 All Members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.
- 4 The Chief Operating Officer is responsible for maintaining a continuous review of the Finance and Contract Procedure Rules and submitting any additions or changes necessary to the full Council for approval. The Chief Operating Officer is also responsible for reporting, where appropriate, breaches of the Finance and Contract Procedure Rules to the Council and/or to the Cabinet Members.
- 5 Management Group Board are responsible for ensuring that all staff in their Services are aware of the existence and content of the Authority's Finance and Contract Procedure Rules and other internal regulatory documents and that they comply with them, as required by the Authority's Code of Conduct for Employees. Failure to comply with the Code of Conduct will be dealt with in accordance with the Authority's Disciplinary Policy and Procedure.. They must also ensure that an adequate number of copies are available for reference within their Services.
- 6 The Chief Operating Officer , as Section 151 Officer, is responsible for issuing advice and guidance to underpin the Finance and Contract Procedure Rules that Members, officers and others acting on behalf of the Authority are required to follow. Internal Audit provides assurance to the Section 151 Officer with regard to the effectiveness of the Authority's internal control environment. The Corporate Manager Governance and Audit reports to the Chief Operating Officer
- 7 The Rules set out the framework for managing the Authority's financial affairs and although they can not cover every eventuality, the spirit of the Rules must always be followed. Where there is any uncertainty in matters of interpretation, you are advised to consult the Chief Operating Officer , the Corporate Manager Governance and Audit and/or the Monitoring Officer. You are also advised to consult the Employee Code of Conduct or Members Code of Conduct .

A Financial Management

Why is this important?

Financial Management covers all financial accountabilities in relation to the running of the Authority, including the policy framework and budget.

What's covered in this Section?

The roles and responsibilities of:

- The full Council
- The Cabinet
- The committees of the Cabinet
- The statutory officers
- The Management Group Board

Other financial accountabilities:

- Virement
- Supplementary estimates
- Treatment of year end balances
- Accounting policies
- Accounting records and returns
- The Annual Statement of Accounts

The Full Council

A.1

The responsibilities of the full Council are set out in Chapter 4 and Part 3 of the Constitution. In respect of financial matters, this includes approving the Policy Framework and Budget within which the Cabinet operates. **The Authority has established an Executive Monitoring Board which provides oversight and assurance for the Council on all project based activity with a strong focus on areas of major change the most significant risk and/or high financial values (including those of any strategic partners the Authority is working with).**

A.2

The Budget comprises the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base and Council Tax rate, and decisions relating to the control of the Authority's borrowing requirement, the control of capital expenditure and the setting of virement limits.

The Cabinet

A.3 The Cabinet's responsibilities, in respect of financial matters include :-

- Developing and reviewing the Authority's plans and policies.
- Advising on budget setting.
- Ensuring proper arrangements exist for the effective and efficient management of the Authority's executive affairs.
- Monitoring and auditing the lawful, proper and efficient conduct of the Authority's financial affairs, including the extent to which budgets and financial policies are being met and any appropriate remedial action.
- Ensuring officers exercising delegated powers on behalf of the Cabinet discharge their responsibilities efficiently and effectively.

Cabinet Members

A.4 Individual Cabinet Members or Portfolio Holders have specific decision making powers which are set out in Part 3 of the Authority's Constitution. Cabinet Members responsibilities in respect of financial matters include:

- The proper administration of the Authority's services.
- Ensuring adequate staffing, premises and other resources to secure agreed standard and target outcomes within the scope of their portfolio.
- The efficient use and day to day maintenance of Authority premises.
- Ensuring budget control and financial monitoring within the scope of their portfolio.
- Submitting to the Cabinet, annual estimates of expenditure and income in respect of services within their portfolio.
- Making recommendations to the Cabinet in respect of strategic policy concerning matters within their portfolio.

A.5 Cabinet Members must consult with relevant officers before exercising their delegated decision making powers. In doing so, the individual Member must take account of legal and financial liabilities and risk management issues that may arise from the decision.

Committees

Overview and Scrutiny Committees

A.6 Overview and Scrutiny Committees are responsible for discharging the Authority's functions under Section 21 of the Local Government Act 2000, including:

- scrutinising Cabinet decisions before or after they have been implemented;
- establishing task and finish reviews as they see fit.

Audit and Governance Committee

A.7 The Audit and Governance Committee has right of access to all the information it considers necessary and can consult directly with internal and external auditors.

A.8

The committee is responsible for :

- Overseeing the Authority's role and responsibilities in respect of Corporate Governance and Audit.
- Supporting the Authority's audit function, both internal and external.
- Supporting the Chief Financial Officer in relation to the performance of their duties.
- Approving any Authority Statement of Accounts as may be required by the relevant Account and Audit Regulations.
- Reviewing and approving the Annual Governance Statement.
- Ensuring the Authority's Risk Management arrangements are operating effectively.
- Ensuring the Authority has in place appropriate policies and mechanisms to safeguard resources.
- Promoting and maintaining high standards of ethical behaviour by developing, maintaining and monitoring Codes of Conduct for Members of the Council

Statutory Officers

A.9

Chief Officers

Chief Officers are the Chief Executive or any Director of the Authority to whom there has been specific delegation in writing by the Council or the Chief Executive.

In accordance with the management structure of the Authority, Chief Officers will be referred to as follows:

Tier 1: Chief Executive (Head of Paid Service)

Tier 2: Direct reports to Tier 1

Tier 3: Direct reports to Tier 2

A.10

Head of Paid Service (Chief Executive)

The Chief Executive is the Head of the Authority's Paid Service. The responsibilities of the Chief Executive are set out in full in Part 3 of the Authority's Constitution, they include:-

- Leading and directing the strategic management of the Authority.
- Ensuring the effective pursuit and achievement of the Authority's objectives.
- Ensuring the Authority's activities are carried out with maximum effectiveness and efficiency.

A.11

The Chief Executive must report to and provide information for the Cabinet, the full Council, the Overview and Scrutiny Committees and other committees.

Monitoring Officer (Director of Legal Services)——

A.12

The Director of Legal Services —is the Council's Monitoring Officer pursuant to Section 5 and 5A of the Local Government and Housing Act 1989 (as amended) and is responsible for exercising the functions of that role. This

- includes reporting, in consultation with the Chief Executive and Chief Operating Officer to the full Council (or to the Executive in relation to an Executive function), if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to a finding of maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered by Cabinet.
- A.13** The Director of Legal Services must ensure that Cabinet decisions and the reasons for them are made public. He or she must also ensure that Council Members are aware of decisions made by the Cabinet and of those made by officers who have delegated responsibility.
- A.14** The Director of Legal Services is responsible for advising all Members and officers about who has authority to take a particular decision.
- A.15** The Director of Legal Services is responsible for advising the Cabinet or full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the Policy Framework.
- A.16** The Director of Legal Services (together with the Chief Operating Officer) is responsible for advising the Cabinet or full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include:
- initiating a new policy which may have financial implications;
 - committing expenditure in future years to above the budget level;
 - agreeing budget transfers above virement limits;
 - causing the total expenditure financed from Council tax, grants and corporately held reserves to increase, or to increase by more than a significant amount ("Significant" to be defined by the Chief Operating Officer or their representative).
- A.17** The Director of Legal Services is responsible for maintaining an up-to-date Constitution.
- Responsible Financial Officer (Section 151 Officer)**
- A.18** The Chief Operating Officer is the financial adviser to the Authority, the Cabinet and officers and is the Authority's 'responsible financial officer' under the Accounts and Audit Regulations. He or she is responsible for the proper administration of the Authority's affairs as specified in, and undertaking the duties required by, Section 151 of the Local Government Act 1972, Section 114 of the Local Government Finance Act 1988, the Local Government and Housing Act 1989, the Local Government Act 2003 and all other relevant legislation.
- A.19** The Chief Operating Officer is responsible generally, for discharging, on behalf of Cheshire East Council, the responsibilities set out in the CIPFA Statement on the Role of the Chief Financial Officer in Local Government , including:
- in conjunction with the other Management Group Board , the proper administration of the Authority's financial affairs;

- setting and monitoring compliance with financial management standards.
- advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
- providing financial information
- preparing the revenue budget and capital programme
- treasury management.

A.20

Section 114 of the Local Government Finance Act 1988 includes a requirement for the Chief Operating Officer to report to the full Council, Cabinet and external auditor if the Council or one of its officers:

- has made, or is about to make, a decision which involves incurring unlawful expenditure
- has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the Authority
- is about to make an unlawful entry in the Authority's accounts.

Section 114 of the 1988 Act also requires:

- the Chief Operating Officer to nominate a properly qualified Member of staff to deputise should he or she be unable to perform the duties under section 114 personally. The designated deputy for this purpose is the Finance Manager.
- the Authority to provide the Chief Operating Officer with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under section 114.

Money Laundering Reporting Officer

A.21

The Chief Operating Officer is appointed as the Authority's Money Laundering Reporting Officer and will maintain and advise on Anti-Money Laundering procedures.

A.22

They will be responsible for notifying the Serious Organised Crime Agency (SOCA) of any suspected cases of money laundering committed within the accounts of the Authority as soon as possible and fulfil other duties as defined by legislation or regulation related to the post. Simultaneously, the Portfolio Holder for Finance and Assets will be kept informed of any notifications to SOCA and of any issues arising from them.

Management Group Board

A.23

The officer management arrangements for the Authority are overseen by a Management Group Board comprising the Chief Executive, Chief Operating Officer, Director of Public Health, Executive Director of People, Director of Adult Services and Independent Living, Executive Director of Place, and Director of Legal Services. Each member of the Management Group Board is accountable to the Chief Executive for leading the Services within his or

her area of responsibility and ensuring that the Services are managed in accordance with the objectives, plans, policies programmes, budgets and processes of the Authority.

- A.24** Within these arrangements, powers are delegated to Management Group Board members, who will establish, operate and keep under review Local Schemes of Delegation, to cascade powers and responsibilities to Heads of Service and other subordinate officers. Every such sub-delegation will be recorded in writing within a Local Scheme of Delegation. The sub-delegation of functions shall not in any way diminish the overall responsibility and accountability of the delegator.
- A.25** Management Group Board members are responsible for financial management within their directorates. They shall manage the development of budget policy options with a detailed assessment of financial implications within the budget process and resource framework agreed by the Authority.

Schemes of Financial Delegation

- A.26** Management Group Board members will establish, operate and keep under review Local Schemes of Delegation, in consultation with the Chief Operating Officer , to ensure that:-
- The day to day financial management of services within their directorate is carried out in a secure, efficient and effective manner, and in accordance with the Finance Procedure Rules and associated relevant guidance.
 - Budgetary problems are contained wherever possible, within the directorate, and if necessary, specific in year approval for the transfer of resources between budgets is sought.
 - Reports are made to the appropriate bodies on the management of resources and performance against targets set out in the business plan.
 - Risks are appropriately assessed, reviewed and managed.
 - All members of staff are fully trained, aware of and comply with the requirements of Financial Procedure Rules, including the Contract Procedure Rules.
 - All allegations of suspected fraud, corruption and financial irregularity are promptly reported to the Chief Operating Officer and Director of Legal Services , and that any local investigations are undertaken thoroughly, consistently and impartially.

A27

Schemes of Financial Delegation will set out all financial responsibilities and approval limits as delegated by the Management Group Board to Heads of Service, and any sub-delegations within services. Authorised Officers are those officers given specific delegated authority by their Head of Service as documented in that service's Scheme of Financial Delegation. The financial limits specified in the Scheme of Financial Delegation will be used to control access to financial systems and on-line transaction approvals.

Managing Expenditure

Scheme of Virement

- A.28** A virement constitutes the movement of existing approved budgets from one area to another and is not an increase in overall budgets through the addition of new monies.
- A.29** The Scheme of Virement is intended to enable the Cabinet, Management Group Board and their staff to manage budgets with a degree of flexibility within the overall policy framework determined by the full Council, and therefore to optimise the use of resources.
- A.30** The full Council is responsible for agreeing procedures for virement of expenditure between budget headings.
- A.31** Management Group Board are responsible for agreeing in-year virements within delegated limits, in consultation with the Chief Operating Officer where required.

Key controls for the scheme of virement are:

(a) It is administered by the Chief Operating Officer within guidelines set by the full Council. Any variation from this scheme requires the approval of the full Council

(b) The overall budget is agreed by the Cabinet and approved by the full Council. Management Group Board and budget managers are therefore authorised to incur expenditure in accordance with the estimates that make up the budget. Income received cannot be used to defray expenditure. The rules below cover virement; that is, switching resources between approved estimates or heads of expenditure. For the purposes of this scheme, a budget head is considered to be a division of service as identified in the approved Budget Report, or, as a minimum, at an equivalent level to the standard service subdivision as defined by CIPFA's Service Expenditure Analysis.

(c) Virement does not create additional overall budget liability. Management Group Board are expected to exercise their discretion in managing their budgets responsibly and prudently. For example, they should aim to avoid supporting recurring expenditure from one-off sources of savings or additional income, or creating future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources. Management Group Board must plan to fund such commitments from within their own budgets.

~~(d) The Chief Operating Officer may determine that specific budgets are 'ringfenced' for budget management purposes. This means that they may only be used for the approved purpose and are exempt from the normal scheme of virement. Resources may not be vired into or out of ringfenced budgets and any year-end under or overspends are not available for carry forward.~~

- A.32** No virements are permitted from ring fenced budgets. Approval limits for virements are as follows:

Approval Level	Virement Amount/Percentage
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Head of Service	Up to £100,000 or 10% of their net Service budget, whichever is the lowest. (Revenue)
Management Group Board	Greater than 10% of a net Service budget but less than £100,000 (Revenue) Up to £100,000 between net Service budgets (Revenue) within their area of responsibility. Up to £100,000 funded from underspends within the approved Service budget (Capital)
Management Group Board in consultation with Finance & Assets Portfolio Holder	£100,000 and up to £250,000 (Revenue/Capital)
Portfolio Holders and Management Group Board in consultation with Performance Portfolio Holder for Corporate Policy and Legal, Finance Portfolio Holder for Finance and Assets via Executive Monitoring Board	£250,000 and up to £500,000 (Revenue/Capital)
Cabinet Members	£500,000 and up to £1,000,000 (Revenue/Capital)
Council	£1,000,000 or more; and/or significant ongoing financial implications; and/or significant policy change. (Revenue/Capital) “Significant” to be defined by the Chief Operating Officer or their representative.

~~No virements are permitted from ring fenced budgets.~~

Supplementary Estimates

A.33

Where services wish to undertake an activity not originally identified in the budget or extend an existing capital scheme where additional income or ring fenced funding becomes available in year, approval must be sought for a fully funded supplementary capital or revenue estimate in accordance with ~~A34~~ - A36 below. The ~~Chief Operating Officer~~ must be consulted to establish that the funding identified can be legitimately linked to the expenditure in question.

A.34

~~Any request for a supplementary capital or revenue estimate for £1,000,000 or more, whether or not it is fully funded, must be approved by Council.~~ Supplementary estimates which are fully funded from external resources (i.e., specific grant; developer's contributions) must be approved by the Chief Operating Officer and relevant member of Management Group

Board.

A.35

Supplementary estimates which are not fully funded and are to be met from reserves or balances or general purpose funding (i.e., Council tax or non-ring fenced grant) ~~regardless of value~~, must be approved ~~by Council.~~ ~~Council approval is also required where there are significant implications (as determined by the Chief Operating Officer) for future year's budgets in accordance with A.36.~~

A.36

Approval limits for ~~fully funded~~ supplementary capital and revenue estimates, as defined in A33 above, are as follows:

Approval Level	Supplementary Estimate Amount
Management Group Board	Up to £100,000
Management Group Board in consultation with Finance the Portfolio Holder for Finance and Assets	£100,000 and up to £250,000
Portfolio Holders and Management Group Board in consultation with Performance Portfolio Holder for Corporate Policy and Legal, Finance Portfolio Holder for Finance and Assets via Executive Monitoring Board	Between £250,000 and up to £500,000
Cabinet Members with recommendation from Executive Monitoring Board	Between £500,000 and up to £1,000,000
Council with recommendation from Executive Monitoring Board and Cabinet	£1,000,000 and over

Treatment of Year End Balances

A.37

The full Council is responsible for agreeing procedures for carrying forward under- and overspendings on budget headings.

A.38

A budget head is considered to be a division of service as identified in the approved Budget Report, or, as a minimum, at an equivalent level to the standard service subdivision as defined by CIPFA's Service Expenditure Analysis.

A.39

Any residual overspending on a Service budget will be carried forward as the first call on the following year's budget.

A.40

Any revenue underspending at the year end may be carried forward, subject to the agreement of the Cabinet, and on the advice of the Portfolio Holder for Finance and Assets. All carryforward proposals must be supported by an appropriate business case demonstrating that the

underspend was planned and that the resources carried forward will be earmarked for a specific purpose or issue. Management Group Board should include provisional indications of likely carry forward requests in their reports on the mid-year and three-quarter review of performance.

- A.41** Capital block provisions are allocations within which the full starts value of approved schemes must be contained. Any uncommitted sum at the year end may, ~~exceptionally~~, be carried forward subject to consideration by the Portfolio Holder for Finance and Assets ~~of the business case supporting the proposal~~. Any uncommitted sum which is not justified on this basis will be returned to Authority balances. Equally, any overspending will be carried forward as the first call on the following year's provision.

Accounting Policies

- A.42** The Chief Operating Officer is responsible for selecting accounting policies and ensuring that they are applied consistently.

- A.43** The key controls for accounting policies are:
- Systems of internal control are in place to ensure that financial transactions are lawful.
 - Suitable accounting policies are selected and applied consistently.
 - Accurate and complete accounting records are maintained.
 - Financial statements are prepared which present fairly the financial position of the Authority and its expenditure and income.

- A.44** The Chief Operating Officer is responsible for:
- selecting suitable accounting policies and ensuring that they are applied consistently.
 - exercising supervision over financial and accounting records and systems.
 - preparing and publishing reports containing the statements on the overall finances of the Authority including the Authority's Annual Report and Accounts.

- A.45** Management Group Board are responsible for adhering to the accounting policies and guidelines set by the Chief Operating Officer .

Accounting Records and Returns

- A.46** The Chief Operating Officer is responsible for determining the accounting procedures and records for the Authority.
- A.47** All accounting procedures will be approved by the Chief Operating Officer
- A.48** All accounts and accounting records will be compiled by the Chief Operating Officer or under his/her direction. The form and content of records maintained in other directorates will be approved by the Chief Operating Officer .
- A.49** The key controls for accounting policies are:

- calculation, checking and recording of sums due to or from the Authority will be separated as completely as possible from their collection or payment.
- officers responsible for examining and checking cash transaction accounts will not process any of these transactions themselves.
- reconciliation procedures are carried out to ensure transactions are correctly recorded.
- procedures are in place to enable accounting records to be reconstituted in the event of systems failure.
- prime documents are retained in accordance with legislative and other requirements.

The Annual Statement of Accounts

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A.50

The Chief Operating Officer is responsible for ensuring that the annual statement of accounts is prepared in accordance with the *Code of Practice on Local Council Accounting in the United Kingdom* (CIPFA/LASAAC). Approval of the statutory accounts has been delegated by Council to the Audit and Governance Committee.

B	Financial Planning
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Why is this important?

The full Council is responsible for agreeing the authority's Policy Framework and Budget, which will be proposed by the Cabinet. In terms of financial planning, the key elements are:

The Business Plan – this sets out:-

- What the Authority wants to achieve in the short and medium term
- How services will change in the light of priorities, performance, resources, workforce planning needs and consideration of risks.
- Investment required to deliver change
- How much services will cost in overall terms and to service users
- How much Council Tax will be levied

The Budget - this is the financial expression of the Authority's Business Plan. It sets out the allocation of resources to services and projects, the level of contingency funding, the Council Tax base and Council Tax rate, borrowing limits and capital financing requirements.

The Capital Programme - Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the Authority, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.

The Treasury Management Strategy – which sets out the arrangements for the management of the Authority's borrowing, lending, cash flows and investments.

Specific Service Plans and Strategies which have a financial implications.

What's covered in this Section?

- Policy Framework
- Strategic Planning Framework
- Budgeting
 - Format of the Budget
 - Revenue Budget Preparation, Monitoring and Control
 - Determination, Monitoring and Control of Affordable Borrowing
 - Resource Allocation
 - Capital Programmes

- Leasing and Rental Agreements
- Maintenance of Reserves
- Reporting

Policy Framework

- B.1** The full Council is required by law, to agree a Policy Framework. The Policy Framework is defined in Chapter 4 of the Authority's Constitution.
- B.2** The full Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the Policy Framework.
- B.3** The full Council is responsible for setting the level at which the Cabinet may reallocate budget funds from one service to another. The Cabinet is responsible for taking in-year decisions on resources and priorities in order to deliver the Policy Framework within the financial limits set by the Council.

Strategic Planning Framework

- B.4** Each year the Authority produces a Business Plan, including an approved budget, capital programme, treasury management strategy asset management strategy and reserves strategy detailing the financial and service scenario over a three year planning horizon and the policy and expenditure changes required to respond to this scenario.
- B.5** The Chief Operating Officer will advise the Council on the financial environment, financial policies (including the appropriate levels of reserves and contingencies, prudential borrowing and treasury management) and the policy and expenditure options to assist in the determination of its Budget. The Management Group Board and Heads of Service will support this process by assessing and advising on the service scenario and policy and expenditure options for revenue and capital, in their area of responsibility, in a form determined by the Chief Operating Officer.
- B.6** The Cabinet, advised by the Chief Operating Officer, Management Group Board and Heads of Service, will develop a budget package including financing options, policy and expenditure options and capital programme. This will be subject to scrutiny by the Overview and Scrutiny Committee before the Cabinet finalises its recommendations to Council. The final Budget policy and Council Tax precept will be determined by Council.

Budgeting

Format of the Budget

- B.7** The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around virement operate, the operation of cash limits and sets the level at which funds may be reallocated within budgets.
- B.8** The general format of the budget will be approved by the full Council and proposed by the Cabinet on the advice of the Chief Operating Officer. The draft budget should include allocation to different services and projects, proposed taxation levels and contingency funds.

Revenue Budget Preparation, Monitoring and Control

Revenue expenditure

- B.9** Revenue expenditure is broadly defined as any expenditure incurred on the day to day running of the Authority. Examples of revenue expenditure include salaries, energy costs, and consumable supplies and materials.

Preparation

- B.10** The Chief Operating Officer is responsible for ensuring that a revenue budget is prepared on an annual basis and a general revenue plan on a three-yearly basis for consideration by the Cabinet, before submission to the full Council. The full Council may amend the budget or ask the Cabinet to reconsider it before approving it in accordance with the Constitution.
- B.11** The Cabinet is responsible for issuing guidance on the general content of the budget in consultation with the Chief Operating Officer as soon as possible following approval by the full Council.
- B.12** It is the responsibility of Management Group Board to ensure that budget estimates reflecting agreed service plans are submitted to the Cabinet and that these estimates are prepared in line with guidance issued by the Cabinet.
- B.13** The Cabinet will then submit a 'final budget' to the full Council for approval.
- B.14** The Chief Operating Officer is responsible for reporting to the full Council on the robustness of estimates contained within the budget proposed by the Cabinet and the adequacy of reserves allowed for in the budget proposals.
- B.15** The Council shall not approve additional net expenditure to either revenue or capital budgets without first having considered the advice of the Cabinet and the Chief Operating Officer on the financial implications arising.

Monitoring and Control

- B.16** The Chief Operating Officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He or she must monitor and control expenditure against budget allocations at a corporate level and report to the Cabinet on the overall position on a regular basis.
- B.17** It is the responsibility of Management Group Board to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Chief Operating Officer. They must report on variances within their own areas. They must also take any action necessary to avoid exceeding their budget allocation and alert the Chief Operating Officer to any problems.
- B.18** The Chief Operating Officer is responsible for the following:
- (a) Establishing an appropriate framework of budgetary management and control which ensures that:
- budget management is exercised within annual cash limits unless

the full Council agrees otherwise

- timely information on receipts and payments is made available, which is sufficiently detailed to enable officers to fulfil their budgetary responsibilities
- expenditure is committed only against an approved budget head
- all officers responsible for committing expenditure comply with relevant guidance, and Finance and Contract Procedure Rules
- each cost centre has a single named manager, determined by the relevant Head of Service. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure
- significant variances from approved budgets are investigated and reported by budget managers regularly.

(b) Administering the Authority's scheme of virement.

(c) Submitting reports to the Cabinet and to the full Council, in consultation with the relevant Director or Head of Service, where they are unable to balance expenditure and resources within existing approved budgets under their control.

(d) Preparing and submitting reports on the Authority's projected income and expenditure compared with the budget on a regular basis.

B.19 Management Group Board are responsible for the following:

(a) Maintaining budgetary control within their Services, in adherence to the principles in B.17, and ensuring that all income and expenditure is properly recorded and accounted for.

(b) Ensuring that an accountable budget manager is identified for each item of income and expenditure under their control. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.

(c) Ensuring that spending remains within the service's overall cash limit, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.

(d) Ensuring that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and is operating effectively.

(e) Preparing and submitting to the Cabinet reports on the service's projected expenditure compared with its budget, in consultation with the Chief Operating Officer .

(f) Ensuring prior approval by the full Council or Cabinet (as appropriate) for new proposals, of whatever amount, that:

- create financial commitments in future years
- change existing policies, initiate new policies or cease existing policies or materially extend or reduce the Authority's services.

(g) Ensuring compliance with the scheme of virement.

(h) Agreeing with the appropriate Director or Management Group Board member any budget proposal, (including a virement proposal) which impacts across their respective service areas, after having consulted with the Chief Operating Officer and the Finance & Assets Portfolio Holder.

(i) Ensuring Schemes of Financial Delegation are maintained for all Services within their area of responsibility.

(j) Ensuring best value is obtained.

Determination, Monitoring and Control of Affordable Borrowing

B.20 Under the Local Government Act 2003 the Authority is required by regulation to have regard to the Chartered Institute of Public Finance and Accountancy's (CIPFA) Prudential Code for Capital Finance in Local Authorities. The key objectives of the Prudential Code are to ensure that within a clear framework, the capital investment plans of local authorities are affordable, prudent and sustainable. A further objective is to ensure that treasury management supports prudence, affordability and sustainability.

B.21 The Authority is responsible for approving prior to the commencement of the financial year the prudential indicators for the forthcoming financial year and at least the two subsequent financial years required by the Code. The indicators required as a minimum are:

For the three year period:

- Estimates of the ratio of financing costs to net revenue stream
- Estimates of capital expenditure
- Estimates of the Council Tax that would result from the totality of the estimated capital expenditure
- Estimate of capital financing requirement (underlying need to borrow for a capital purpose)
- Authorised limit for external debt
- Operational boundary for external debt

After the year end actual values are to be calculated for:

- Ratio of financing costs to net revenue stream
- Capital expenditure
- Capital financing requirement
- External debt

B.22 The Chief Operating Officer is responsible for:

- establishing procedures to both monitor performance against all forward looking prudential indicators and for ensuring that net external borrowing does not exceed the capital financing requirement.
- reporting to Council any significant deviations from expectations.

- ensuring that regular monitoring is undertaken in year against the key measures of affordability and sustainability, by reviewing estimates of financing costs to revenue and the capital financing requirement.
- reporting to Council, setting out management action, where there is significant variation in the estimates used to calculate these prudential indicators, for example caused by major overruns of expenditure on projects or not achieving in-year capital receipts.

Resource Allocation

B.23 The Chief Operating Officer is responsible for developing and maintaining a resource allocation process that ensures due consideration of the Authority's Policy Framework.

B.24 The Chief Operating Officer is responsible for:

- Advising on methods available for the funding of resources, such as grants from central government and borrowing requirements.
- Assisting in the allocation of resources to budget managers.

B.25 Management Group Board are responsible for:

- Working within budget limits and to utilise resources allocated, and further allocate resources, in the most efficient, effective and economic way.
- Identifying opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery.

Capital Approvals

Capital ~~Receipts~~Expenditure

B.26 Capital expenditure is broadly defined as expenditure of £10,000 and above, on the acquisition of a tangible asset, or expenditure which adds to (rather than merely maintains), the value of an existing asset and/or extends the useful life of an asset and increasing usability, provided that the asset yields benefits to the Authority and the services it provides is for a period of more than one year.

Capital Approvals

B.27 Capital approvals referred to in these Finance Procedure Rules relate to the total cost or "starts value" of each provision or scheme rather than the anticipated expenditure in each year. Individual items estimated to cost £250,000 and above will be treated as separate schemes or provisions. The Authority has established a Project Gateway process to provide a strong quality assurance model for major Projects and Programmes which underpins these rules.

B.28 ~~An Option Appraisal in the form of a~~ **A detailed** Business Case ~~Template~~, in a format agreed by the ~~-Chief Operating Officer-~~, must be prepared for all capital proposals ~~with a gross estimated cost of £250,000, and above, or where there is a significant risk~~, including the replacement of individual vehicles or items of equipment, before being submitted for inclusion in the Capital Programme or

before approval is sought from Members in year. The Business Case format will be scaleable and proportionate to the value and level of risk. ~~In accordance with the Project Gateway process all such Business Cases will be considered by the Executive Monitoring Board. A Business Case Template will also be required for all proposals of £100,000 and less than £250,000. Where there is a greater risk further detail in the Business Case may also be required, in a format agreed by the Chief Operating Officer. Officers must comply with the Project Gateway Process as determined by the Chief Operating Officer, which is subject to review by the Executive Monitoring Board. These will be used as the basis for assessing the affordability and deliverability of the scheme, as well as for monitoring, reporting and post-implementation review. Such Business Cases will not be considered by the Executive Monitoring Board but should be brought up to the appropriate overview and scrutiny committee for consideration and/or noting.~~

- B.29** ~~Option Appraisals, in the form of a detailed A Business Case Template,~~ must also be prepared for all revenue proposals with a significant financial impact, risk profile or policy change, as specified by the Chief Operating Officer-. The template, in a form agreed by the Chief Operating Officer-, must include an assessment of the Service consequences, risk and impact on users, and include any differential impact on particular groups or localities. ~~The Project Gateway process applies to these proposals in the same way as set out in B28 above. In accordance with the Project Gateway process all Business Cases of £250,000 and above, or where there is a significant risk, will be considered by the Executive Monitoring Board.~~

Capital Block Provisions

- B.30** As part of the annual policy and planning process, schemes in the capital programme which have not reached an advanced state will be reconsidered.
- B.31** Services are expected to develop reserve capital schemes which can be brought forward in the event of changes in the approved programme, subject to approval via the normal routes.
- B.32** Block provisions will be approved within the Capital Programme for individual schemes costing less than £250,000. A detailed breakdown of the expenditure proposed must be submitted ~~for approval by the Executive Monitoring Board~~ as part of the policy and planning process. ~~This requirement will also apply to block provisions included in the vehicle and equipment replacement programme.~~

~~Capital Monitoring and Amendments to the Capital Programme~~

- B.33** Where possible, all capital schemes contained within the block provision should be approved through the annual capital programme setting process, within the timetable set out by the Chief Operating Officer and approved by Council in February. Any subsequent further breakdown of block approvals must follow the appropriate approval route, with completion of a delegated decision template where necessary.

~~Capital Monitoring and Amendments to the Capital Programme-~~

- B.34** Any 'in year' approval sought for capital schemes ~~of £250,000 and above, and/or there is significant risk~~, must be supported by a completed, detailed Business Case template, in the format prescribed by the Chief Operating Officer, which has been ~~considered by the Technical Enabler Group endorsed by the Member led governance group called the Executive Monitoring Board~~ prior to submission through the appropriate decision making route.
- B.35** Once the Capital Programme has been approved, Project ~~and Programme~~ managers must produce a ~~more detailed Business Case and appropriate Project Initiation Document (PID) as required~~ outlining in more detail how the Project or Programme will be delivered which must be approved by the ~~relevant SRO at a Project Board~~~~the Executive Monitoring Board.. Project and Programme managers must ensure that the project specification remains consistent with the approved capital appraisal and continues to represent value for money for the Council.~~ Where project outcomes or costs alter significantly from those set out in the original ~~appraisal Business Case~~ a revised ~~and updated detailed Business Case Template~~ must be completed and submitted to the ~~relevant Project Board~~~~Executive Monitoring Board~~. This process is subject to Executive Monitoring Board oversight and assurance.~~Where the Executive Monitoring Board have identified particular Projects and Programmes which they wish to monitor the Board will be empowered to control, if they deem it appropriate, delivery of the Project or Programme through a requirement at each critical stage for its consent before releasing the funding needed.~~ In the event that the Executive Monitoring Board reviews a particular Project and consider that it is not being managed effectively or ~~a Project or Programme~~ has become unviable the Portfolio Holder for Finance ~~and Assets~~ is authorised in consultation with the Leader of the Council, the Portfolio Holder for ~~Performance Corporate Policy and Legal Services~~ and the relevant Portfolio holder ~~for the Project~~ to recommend remedial action or, in exceptional circumstances, the abandonment of the Project or Programme through the appropriate decision making route.
- B.36** The capital programme will distinguish between committed expenditure from schemes already approved, recurring programmes and new proposals both medium and longer term.
- B.37** Where budget provision is included for feasibility work and option development in the capital programme and subsequently the scheme does not progress the expenditure incurred will be charged to revenue.
- B.38** Wherever possible, expenditure in respect of Highways improvements funded by developers and Rechargeable works should be included in the Capital Programme. Where this is not possible Heads of Service may approve capital expenditure in respect of:
- Highway improvements fully funded by developers under Section 278 of the Highways Act 1980, provided that a formal agreement has been completed with the developer
 - Other rechargeable reinstatement work costing £10,000 and above
 - Urgent work to repair, replace or reinstate vehicles, buildings or equipment, where the work is to be fully funded from insurance monies

following consultation with the Finance Manager.

B.39 In addition, Heads of Service may authorise essential design work required in advance of the start of the financial year on capital schemes which are in the programme approved by Council in February.

B.40 Council will approve the reprofiling of spend on approved capital schemes across financial years. Council will approve the carry forward of slippage/accelerated spend into future financial years.

Capital Receipts

B.41 The Chief Operating Officer- must be informed of all proposed sales of land and buildings so that the effect on financial and property management can be assessed.

B.42 Council will determine the amount of receipts to be set aside for the repayment of debt and how the balance of such receipts is to be used.

Leasing and Rental Agreements

B.43 Leasing or renting agreements must not be entered into unless the service has established that they do not constitute a charge against the Authority's prudential borrowing limits. Advice can be obtained from the Chief Operating Officer on general leasing arrangements and on whether the lease is a finance or operating lease. Chief Operating Officer approval must be obtained for all agreements which may involve a leasing charge.

B.44 Leases relating to land or property also require the approval of the Chief Operating Officer. Only the Director of Legal Services or his/her authorised deputies, or persons specifically authorised by the Service Scheme of Financial Delegation, may sign such agreements.

Maintenance of Reserves

B.45 It is the responsibility of the Chief Operating Officer to advise the Cabinet and/or the full Council on prudent levels of reserves for the Authority.

B.46 The key controls are:

- Professional standards as set out in the *Code of Practice on Local Authority Accounting in the United Kingdom*: and agreed accounting policies.
- Clear agreement of the purpose for which reserves are held and the type of expenditure which they may be used to fund.
- Clear processes for the authorisation of Appropriations to and from reserves.

B.47 The Chief Operating Officer is responsible for:

- Advising the Cabinet and/or the full Council on prudent levels of

reserves for the Authority, and to take account of the advice of the external auditor in this matter.

B.48 Management Group Board are responsible for:

- Ensuring that resources are used only for the purposes for which they were intended.

Reporting

B.49 Heads of Service are responsible for preparing regular reports on overall financial and non-financial performance and progress against service plan targets, and for submitting these to the Cabinet, and the Overview and Scrutiny Committee after consulting the Chief Operating Officer in accordance with procedures agreed from time to time. These reports must include specific reference to the implementation of policy changes and new developments agreed as part of the budget setting process and other specific requirements as notified in the reporting guidance. Capital Project Managers will report periodically to their relevant Cabinet Member on the progress and forecast of all capital expenditure and income against the approved programme.

B.50 These regular reports are also to include specific reference to Service performance against the expected non-financial outcomes in the form of key performance targets. Heads of Service are expected to achieve value for money in the delivery of services and the reports should demonstrate how this has been achieved together with an analysis of how key policy and expenditure proposals have been implemented.

The key reporting stages are:

- Approval of the service plan, including budget statement and performance targets.
- Approval of the Business Case, which will be in a form prescribed by the Chief Operating Officer ~~for any scheme estimated to cost in excess of £250,000,~~ before it can be included in the Capital Programme.
- Quarterly reviews of revenue and capital expenditure ~~with the first quarter report concentrating on the emerging budget issues resulting from a budget risk analysis, together with details of the action plans in place to mitigate budget risk.~~
- Final outturn reports for both revenue and capital expenditure, including full post-implementation review, on all major capital schemes completed during the year. This will also include a report on the use of block provisions.
- Summary quarterly reviews and outturn position statements of both capital and revenue expenditure will also be reported to Council through its relevant subordinate bodies.

B.51 In addition, the reports will be specifically required to give details in respect of the following:-

- Potential overspends and proposed remedial action, including any impact on balances and future year's budgets which may need to be factored in to future financial scenario planning
- Amendments to approved budgets (virements, SCE's etc) where

Member approval is required.

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C

Risk Management and Control of Resources

Why is this important?

It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the Authority. This should include the proactive participation of all those associated with planning and delivering services.

What's covered in this Section?

- Risk Management
- Insurance
- Internal Controls
- Audit Requirements
 - Internal Audit
 - External Audit
- Preventing Fraud and Corruption
- Financial Irregularities
- Assets
 - Property
 - Security
 - Inventories
 - Stocks and Stores
 - Cash
 - Intellectual Property
 - Asset Disposal
 - Write offs
- Treasury Management
 - Treasury Management and Banking
 - Investments and Borrowings
 - Trust Funds and Funds held for Third Parties
- Staffing
 - Salaries and Wages
 - Early Retirement/Severance
 - Travelling and Subsistence
 - Code of Conduct
- Third Party Funds
- Retention of Records

Risk Management and Insurance

- C.1** The Cabinet is responsible for advising Council on an appropriate risk management policy statement and strategy, including risk appetite/tolerance levels, and for reviewing the effectiveness of risk management. The Cabinet is also responsible for ensuring that proper insurance exists where appropriate.
- C.2** The Corporate Manager Governance and Audit is responsible for preparing the Authority's risk management policy statement and for promoting it throughout the Authority.

Insurance

- C.3** The Chief Operating Officer will maintain and administer the Authority's insurances. The Chief Operating Officer is responsible for authorising the settlement or repudiation of insurance claims and associated costs. Advice will be sought from the Authority's solicitors, insurers, and claim handlers.
- C.4** Management Group Board and Heads of Service are responsible for informing the Chief Operating Officer immediately of:
- Any insurance claims received
 - Any events which may result in an insurance claim against the Authority
 - The terms of any indemnity which the Authority is required to give prior to entering into any contracts etc.
 - Any new risks which might require to be insured, together with any changed circumstances affecting existing risks. Consideration should be given to new projects, new ways of working, changes in legislation requiring new ways of delivery etc where the insurance impact is often overlooked.
- C.5** No new insurances may be taken out without prior consultation with the Chief Operating Officer.
- C.6** Management Group Board must ensure that there is co-operation with the Insurance Team in providing the correct documentation and that the correct retention of documents is observed.
- C.7** Service budgets will be charged with the cost of legal penalties or losses incurred by the Council as a result of any failure to comply with the requirements of the Civil Procedure Rules and these Finance and Contract Procedure Rules relating to claims.

Risk Management

- C.8** The Authority's approach to Risk Management is that it should be embedded throughout the organisation at both a strategic and an operational level, through integration into existing systems and processes.
- C.9** The Corporate Manager Governance and Audit develops the strategy and

supporting framework on behalf of the Management Group Board. The Audit and Governance Committee scrutinise the risk management process ensuring the Authority's risks are managed effectively and that strategic decisions are informed by, and influence the **Corporate** Risk Register.

- C.10** Management Group Board are responsible for ensuring the Risk Management Strategy is implemented and that the full risk management cycle operates within their Service.

The full cycle consists of:

- Identification of risks, both negative and positive, in relation to the objectives of the Authority.
- Evaluation of risks scored for likelihood and impact, both gross (before any controls) and net (with existing controls)
- Treatment of the risk either by: avoidance, mitigation, transfer or to consciously accept the risk.
- Actions and risks monitored and reviewed on a regular basis.
- The Authority's Risk Register will be maintained and co-ordinated by the Corporate Manager Governance and Audit.

- C.11** There are two levels to the Risk Register:

Corporate - those risks that impact on the organisation's overall objectives either because of their frequency of occurrence or the significance of the impact.

Service - those risks that impact on the service objectives. There should be a movement of risks both upwards and downwards throughout the levels and treatment addressed at the most appropriate level of the organisation.

- C.12** Heads of Service are responsible for ensuring risk management is carried out at both an operational and strategic level in accordance with the agreed guidance and procedures.

- C.13** Service strategic risk assessments will be carried out annually to inform the service plan. These risk assessments will form the basis of the Service element of the Authority's risk register.

- C.14** Heads of Service will take account of, and address, corporate risks where appropriate and inform the Corporate Manager Governance and Audit of any service risks that should be considered significant enough to raise to the corporate level.

- C.15** Service **risk** registers, and associated actions, will be monitored and reviewed on a regular basis (at least quarterly) as part of the performance management process.

- C.16** The Corporate Risk Register will be reported to the Management Group Board and to the Audit and Governance Committee in accordance with the budget reporting cycle.

C.17 Business Continuity

The Civil Contingencies Act 2004 places a statutory requirement for Local Authorities to maintain plans for the continuation of services in the event of an emergency, so far as is reasonably practicable. Services are expected to have arrangements in place to ensure the effective identification, evaluation and management of business critical services. Further guidance is available on Centranet and from the Corporate Manager Governance and Audit.

Internal Controls

- C.18** Internal Control refers to the systems of control devised by management to help ensure the Authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Authority's assets and interests are safeguarded.
- C.19** The Chief Operating Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.
- C.20** It is the responsibility of Management Group Board to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

Audit Requirements

Internal Audit

- C.21** The requirement for an internal audit function for local authorities is implied by section 151 of the Local Government Act 1972, which requires that authorities "make arrangements for the proper administration of their financial affairs". ~~The Accounts and Audit Regulations 2011 more specifically require that a "relevant body must undertake an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with the proper practices in relation to internal control".~~ The Accounts and Audit Regulations (England) 2015 more specifically require that a "relevant authority must ensure that it has a sound system of internal control which facilitates the effective exercise of its functions and the achievement of its aims and objectives; ensures that the financial and operational management of the authority is effective; and includes effective arrangements for the management of risk.
- C.22** ~~The CIPFA Internal Audit Code of Practice defines internal audit as "an assurance function that primarily provides an independent and objective opinion to the organisation on the control environment comprising risk management, control and governance by evaluating its effectiveness in achieving the organisation's objectives."~~
The Public Sector Internal Audit Standards define internal auditing as "an

independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes."

- C.23** The Authority's Internal Audit function provides assurance to the Section 151 officer and the Audit and Governance Committee, with regard to the effectiveness of the Authority's internal control environment.
- C.24** The Authority must, on an annual basis, produce an Annual Governance Statement. This statement must provide a description of the system of internal control within the Authority, a description of any work undertaken to assess the effectiveness of the internal control framework, and any significant internal control weaknesses.
- C.25** To contribute to the production of the Annual Governance Statement, the Corporate Manager Governance and Audit, is responsible for planning and delivering a programme of independent review of the Authority's activities, the scope of the programme being based on the Authority's objectives and an assessment of the risk which may affect the achievement of these objectives.
- C.26** The Corporate Manager Governance and Audit is also responsible for reporting to those charged with Governance and currently satisfies this requirement by presenting an annual report to the Audit and Governance Committee, summarising the audit plans for the coming year and a commentary on audit activity which is completed or in progress. A mid-year report setting out progress against the annual audit plan is taken to the Audit and Governance Committee. In addition any matters of material importance in relation to audit matters are also reported to the Cabinet and Audit and Governance Committee.
- C.27** Audit staff will have, in accordance with the Accounts and Audit Regulations, and with strict accountability for confidentiality, and safeguarding records and information, full, free and unrestricted ~~full~~ access to any and ~~all of Cheshire-East~~ the Authority's premises, personnel, assets, records and third party fund transactions pertinent to carrying out any engagement. —

—With regards to organisations participating in partnering arrangements, Internal Audit staff shall have such access to the premises, personnel assets and records of the partner as is necessary for the purposes of the partnering arrangement, as detailed in Procedure Rule ~~EE~~.17. Partners will be required to grant reasonable access when requested and details of such access should be agreed with the partner and set down in the Partnering Agreement. Where the right of access has not been specified in existing arrangements then appropriate discussions with partners should take place. 16

External Audit

- C.28** The Audit Commission ~~is~~was responsible for appointing external auditors to each local Council up until 31 March 2015. For the period up to 31 March 2017 there are transitional arrangements and the Public Sector Audit Appointments Limited (PSAA) an independent company established by the LGA

will manage the existing appointments. The arrangements post 2016/17 are subject to consultation. ~~being consulted on by the LGA. The basic duties of the external auditor are governed by section 15 of the Local Government Finance Act 1982, as amended by section 5 of the Audit Commission Act 1998.~~

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- C.29** The Authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs, who have statutory rights of access.

Preventing Fraud and Corruption

- C.30** The Chief Operating Officer is responsible for the development and maintenance of an anti-fraud and anti-corruption policy.
- C.31** The Authority has an approved Anti Fraud and Corruption Policy which places responsibility for ~~maintaining an anti-fraud culture~~ **preventing fraudulent activity** with all Members, Managers and individual Members of staff. Any matters which involve, or are thought to involve, any fraud or other significant irregularity involving Authority assets or those of a third party fund, must be notified immediately to the Corporate Manager Governance and Audit Manager, in conjunction with other officers detailed in the Authority's Anti Fraud and Corruption Strategy, **who** will decide what steps are necessary.
- C.32** In line with the Anti Fraud and Corruption Strategy the Monitoring Officer will, in consultation with the appropriate Management Group Board member and Corporate Manager Governance and Audit, decide whether any matter under investigation should be recommended for referral to the Police or the appropriate enforcement agency. **The Authority's External Auditor also has powers to independently investigate fraud and corruption.**

Assets

- C.33** In the context of these Rules, assets are defined as the resources, other than people, that the Authority uses to deliver its service functions. Assets include buildings, land and infrastructure; furniture; equipment; plant; stores and "intellectual property" such as computer software, data and information of all kinds.
- C.34** Management Group Board and Heads of Service are responsible for the care, control and proper and economical use of all assets used in connection with the operation and delivery of their Services. Proper records should be maintained for these assets, together with appropriate arrangements for their management and security. **Information Assets should be recognised in line with the Authority's guidance and recorded in the Information Asset Register.**
- C.35** Heads of Service are responsible for ensuring that assets are used only for official purposes and that all appropriate rights, licenses and insurances are obtained.
- C.36** Heads of Service are responsible for ensuring that all computer software used is properly licensed.

C.37 Management Group Board are expected to have policies in place for:

- the effective disposal of surplus assets
- asset replacement programme
- compilation of and regular review of Asset inventories.

Property

C.38 The Authority's Asset Management Strategy sets out the vision, core values and objectives that form the context for the preparation of the Corporate Asset Management Plan and Service Asset Management Plans.

The Authority has adopted a Corporate Landlord approach to the ownership and management of its property assets. The Corporate Landlord approach means that the ownership of property assets and the responsibility for their management and maintenance is transferred from service directorates to the Corporate Landlord, which is a centralised corporate function.

In this way the Corporate Landlord approach :

- C.39**
- Enables the Authority to utilise its assets to deliver better, more efficient services to our communities.
 - Unlocks the value of assets, seeks efficiencies through joint arrangements with our public sector partners and maximises private sector investment.
 - Ensures the provision of a consistent, corporate and strategic approach to the management of the Authority's property portfolio, consolidating resources, eliminating duplication, improving efficiency, procurement and the establishment of corporate property standards
 - Supports the delivery of the Authority's Corporate Plan

C.40 Individual services are occupiers of land and property for the purposes of delivering their functions.. There are specific responsibilities that fall to both Corporate Landlord and occupiers depending on the nature of the asset and service. The occupiers priority is to plan and deliver their operational service. The Corporate Landlord's priority is to ensure the service is adequately accommodated and to maintain and manage the property asset.

C.41 The Corporate Landlord's responsibility extends to the acquisition, development and disposal of land and property. This means that the Corporate Landlord would be responsible for asset review, feasibility and options appraisal across all services.

C.42 All property acquisitions, lettings and disposals must first be discussed with the Executive Director of Economic Growth and Prosperity. Separate rules apply to specific processes, such as the use of capital receipts from property sales to pay for new schemes, and guidance should be sought from the Chief Operating Officer and the Executive Director of Economic Growth and Prosperity where this arises.

Inventories

- C.43** Heads of Service must ensure that proper arrangements are made to maintain inventories of all valuable and transportable items, including vehicles, furniture, computer and other equipment (including software), visual aids, expensive tools and sports equipment.
- C.44** The inventory must be updated for all acquisitions and disposals and checked at least annually. Items acquired under leasing arrangements must be separately identified for disclosure in the published final accounts.

Stocks

- C.45** Stock is defined as consumable items constantly required and held by a Service in order to fulfil its functions. Heads of Service are responsible for the control of stocks. They must ensure that stocks are appropriately secured and recorded, do not exceed reasonable requirements and that all significant stock is accounted for in the year end accounts. Stocks should be checked at least once a year, more frequently in the case of expensive items.

Cash

- C.46** Cash held on any Authority premises should be held securely and should ~~not exceed any sums for which the Council is insured. (Detailed guidance be banked as quickly as possible. If retention of cash on limits is available from the Council's Insurance Team). If this site~~ is unavoidable, in exceptional circumstances, the Head of Service is responsible for making appropriate security arrangements.

Asset disposal/Write off

- C.47** Management Group Board and Heads of Service or their authorised officers, as specified in the appropriate Scheme of Financial Delegation, may authorise the write off of losses up to £5,000, or disposals, of obsolete or surplus equipment, materials, vehicles or stores up to a disposal value of £5,000. Where the sum exceeds £5,000 approval must be sought from the Finance Portfolio Holder. Any write off which arises as a result of theft or fraud must be notified to the Corporate Manager Governance and Audit immediately.

Treasury Management

- C.48** The Authority has adopted CIPFA's *Code of Practice for Treasury Management in Local Authorities*.
- C.49** The full Council is responsible for approving the treasury management policy statement setting out the matters detailed in paragraph 15 of CIPFA's *Code of Practice for Treasury Management in Local Authorities*. The policy statement is proposed to the full Council by the Cabinet. The Chief Operating Officer has delegated responsibility for implementing and monitoring the statement.
- C.50** All money in the hands of the Authority is controlled by the Chief Operating Officer as designated for the purposes of section 151 of the Local Government Act 1972, referred to in the code as the finance director.

- C.51** The Chief Operating Officer is responsible for reporting to the Cabinet a proposed treasury management strategy for the coming financial year at or before the start of each financial year.
- C.52** All Cabinet decisions on borrowing, investment or financing shall be delegated to the Chief Operating Officer, who is required to act in accordance with CIPFA's *Code of Practice for Treasury Management in Local Authorities*.
- C.53** The Chief Operating Officer is responsible for reporting to the Cabinet not less than four times in each financial year on the activities of the treasury management operation and on the exercise of his or her delegated treasury management powers. One such report will comprise an annual report on treasury management for presentation by 30 September of the succeeding financial year.

Banking

- C.54** It is the responsibility of the Chief Operating Officer to operate bank accounts as are considered necessary. Opening or closing any bank account shall require the approval of the Chief Operating Officer .

Investments and Borrowings

- C.55** It is the responsibility of the Chief Operating Officer to:
- To ensure that all investments of money are made in the name of the Authority or in the name of approved nominees.
 - To ensure that all securities that are the property of the Authority or its nominees and the title deeds of all property in the Authority's ownership are held in safe custody
 - To effect all borrowings in the name of the Authority.
 - To act as the Authority's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the Authority.

Trust Funds and Funds Held for Third Parties

- C.56** It is the responsibility of the Chief Operating Officer to:
- To arrange for all trust funds to be held, wherever possible, in the name of the Authority (e.g. 'Cheshire East Borough Council on behalf of.....'). All officers acting as trustees by virtue of their official position shall deposit securities, etc relating to the trust with the Chief Operating Officer , unless the deed otherwise provides.
 - To arrange, where funds are held on behalf of third parties, for their secure administration, approved by the Chief Operating Officer , and to maintain written records of all transactions.
 - To ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.

Staffing

Salaries and Wages

- C.57** Management Group Board and Heads of Service are responsible, in consultation with the Head of Strategic Human Resources, for providing accurate and appropriate information and instructions to the Employee Service Centre to enable the calculation and prompt payment of salaries, expenses and pensions, including details of appointments, promotions, regradings, resignations, dismissals, retirements and absences from duty. Human Resources will advise the Employee Service Centre of relevant changes in respect of employee's pensions. The Employee Service Centre manager will make arrangements for payment to the appropriate bodies, of all statutory, including taxation, and other payroll deductions.
- C.58** Time sheets and other pay documents which are used to generate payment of salaries, wages or other employee-related expenses must be on official forms or via authorised electronic inputs. Heads of Service are responsible for ensuring that they are certified by an authorised officer and that they are submitted to the Employee Service Centre in accordance with the specified timetable. This includes on-line input entered locally. The names and specimen signatures of authorised officers must be secured by Management Group Board and Heads of Service and included in the service Scheme of Financial Delegation notified to the Chief Operating Officer .
- C.59** The Head of Strategic Human Resources will implement national and local pay agreements as soon as possible after their notification from the appropriate body. Arrangements for funding such awards will be determined each year as part of the budgetary process.

Early Retirement/Severance

- C.60** Where Heads of Service wish to bring forward proposals under the Authority's policies on severance and early retirement, they must be accompanied by a full cost and affordability assessment, in a form agreed by the Chief Executive, the Chief Operating Officer and the Head of Strategic Human Resources. The approval of the relevant Portfolio Holder and Portfolio Holder for Finance and Assets is required for proposals relating to SM1 and above.
- C.61** Heads of Service will generally be required to meet the costs of severance and early retirement from within their approved budget, subject to phasing over an agreed period. A corporate budget may also be established for this purpose and access to this budget will be subject to the agreement of the Chief Operating Officer and the Head of Strategic Human Resources.

Travelling and Subsistence

- C.62** Heads of Service are responsible for instructing the Head of Strategic Human Resources and for providing appropriate and accurate information to enable the prompt and accurate payment of travelling, subsistence and other expenses to authorised employees in accordance with the terms of employment agreed by the Authority.
- C.63** Heads of Service are responsible for ensuring that Authority employees who use their cars for official business are properly insured to indemnify the

Authority against any loss and for ensuring that payments are only made in respect of journeys which are necessary and actually undertaken. Heads of Service should ensure that the most economical available means of transport is used, including pool cars, hire cars and car sharing.

- C.64** All claims for reimbursement must be made using appropriate official claim forms, always using electronic processing where available.

Further guidance is available via the following link: [Insert LinkCentranet>Working for us>Pay and Expenses](#)

Code of Conduct

- C.65** The Code of Conduct for Employees applies to, and will be followed by all officers. It covers standards, disclosure of information, political neutrality, relationships, appointments and other employment matters, outside commitments, personal interests, equality issues, separation of roles during tendering, gifts and hospitality, use of financial resources and sponsorship.

- C.66** Where an outside organisation wishes to sponsor or is asked to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts and hospitality applies, as detailed in the Code of Conduct for Employees.

Further guidance is available via the following link: [Insert LinkCentranet>Working for us>Performance and Conduct](#)

Third Party Funds

- C.67** A third party fund is defined as any fund financed other than by the Authority, controlled wholly or partly by a member of the Authority's staff in connection with the clients, establishments or activities of the Authority such as School Funds, Amenity Funds or Criminal Injuries Compensation Payments for children in care.

- C.68** Officers maintaining ~~Third~~ ~~Party~~ ~~Funds~~ are responsible for informing the Corporate Manager Governance and Audit of their nature and purpose.

- C.69** Money or goods belonging to the ~~Third~~ ~~Party~~ ~~Fund~~ must be kept completely separate from other money or goods belonging to the Authority. Similarly, completely separate records must be kept of the money or goods involved.

- C.70** An independent auditor must be appointed who has suitable qualities though not necessarily professionally qualified, to audit the ~~Third~~ ~~Party~~ ~~Fund~~ on an annual basis. The Corporate Manager Governance and Audit will advise on such appointments. Annual Statements of Account and Audit Certificates must be formally presented to a Management Committee or other appropriate governing body.

- C.71** Management Group Board are responsible for ensuring that any ~~Third~~ ~~Party~~ ~~Funds~~ controlled by Authority staff are:-

- formally declared to the Corporate Manager Governance and Audit as

- part of a register kept by the Service/Service
- maintained separately and correctly in accordance with these Finance Procedure Rules, and
- subject to the same standards of stewardship and probity as Authority funds.

C.72 The Returning Officer will be responsible for maintaining complete and accurate records and for reconciliation with regard to elections accounts.

Retention of Records

C.73 The Authority, in common with other public and private organisations, has certain statutory obligations it has to meet for the retention of its records. It also has to fulfil the requirements of HM Revenue and Customs, other legislative requirements and the external auditors in respect of its financial records.

C.74 All records held should have an appropriate retention period assigned to them, which meet the statutory obligations to retain financial records, but also takes into account legislative requirements such as the Limitation Act and Data Protection Act; Freedom of Information requirements; and the business needs of the Service.

C.75 The majority of financial records must be kept for 6 years from the end of the tax year to which they relate. Some records however, may need to be kept for longer periods e.g. if required to defend future insurance claims. It is possible others can be destroyed within shorter periods. **Guidance on the appropriate retention period is given in the Authority's Retention Policy and its Information Asset Register.**

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D	Financial Systems and Procedures
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Why is this important?

Sound systems and procedures are essential to an effective framework of accountability and control.

What's covered in this Section?

- Income and Expenditure
 - Income
 - Banking Arrangements
 - Generating Income
 - Charging for Income
 - Collection of Income
 - Bad Debts
 - Ordering and paying for work, goods and services
 - General Principles
 - Payment of Invoices
 - Non-invoice payments
 - Purchase Cards/Credit Cards
 - Imprest Accounts
 - Payments to Members
- Taxation
- Trading Accounts and Business Units

Income and Expenditure

Banking Arrangements

- D.1 The Council will approve the terms under which banking services, including overdraft facilities, are provided.
- D.2 All bank accounts must be titled impersonally in the name of Cheshire East Borough Council.
- D.3 Subject to any directions given by the Council, all arrangements with the Authority's bankers must be made solely through the Chief Operating Officer . No bank accounts may be opened or arrangements made with any other bank except by agreement with the Chief Operating Officer .
- D.4 Bank transfers from the General Fund and subsidiary accounts must be ~~signed~~ **authorised** by the Chief Operating Officer , or those officers authorised to sign through the agreed Scheme of Financial Delegation **or in accordance with the Treasury Management Practice Statements..**
- D.5 Cheques drawn must bear the mechanically impressed ~~or facsimile~~ signature of the Chief Operating Officer or be signed by the Chief Operating Officer or other officer authorised to sign through the agreed Scheme of Financial Delegation.

Income

Generating Income

- D.6 ~~Local Authorities do not have general powers to trade with, or levy charges upon, other organisations or private individuals. The use of flexibilities in the Local Government Act 2003, its interpretation and application needs to be agreed in consultation with the Director of Legal Services . Management Group Board~~

~~The Chief Operating Officer is responsible for developing and maintaining standards, procedures, systems and reports to facilitate the effective and efficient identification, collection, receipting, banking and recovery of income due to the Authority in accordance with current relevant UK legislation.~~

~~Management Group Board~~ are responsible for ensuring that the appropriate legal authority for all income generating activities has been identified and for maintaining an Income and Charging Strategy in a format specified by the Chief Operating Officer-.

D.7 Charging for Income

Management Group Board, in consultation with the relevant Portfolio Holder, shall determine the level of fees or charges payable in respect of any chargeable goods or services supplied, work undertaken or the loan or use of plant, equipment or machinery.

D.8 Charges must be reviewed annually in the light of all relevant information, including consideration of appropriate inflation factors.

~~Where changes have significant financial consequences, approval is required in accordance with the limits set out below:-~~

Approval Level	Financial Impact of Change in Charges
Management Group Board	Up to and including £100,000
Chief Operating Officer in consultation with Resources Portfolio Holder	More than £100,000 and up to and including £500,000
Cabinet Members	Over £500,000 and up to and including £1,000,000
Council	£1,000,000 or more

D.9 Collection of Income

The Authority operates a Sundry Debt Collection policy to secure invoiced sundry debt income for the provision of services. The Authority will look to collect all debt owing to it promptly, effectively, efficiently and economically, while ensuring fair treatment of those that owe money.

D.10 Authority officers must comply with guidelines issued by the Chief Operating Officer for the safe and efficient collection and recording of all money due to the Authority.**D.11** Management Group Board are responsible for ensuring that accounts for income due to the Authority, including grant claims, reimbursements and third party contributions, are raised immediately and accurately in a form approved by the Chief Operating Officer. These must include VAT where appropriate.**D.12** The cost of collection should be taken into account when raising accounts. Management Group Board must ensure that the method of collection is the most cost effective relative to the value of the transaction.**D.13** It is expected that payment is collected before the service or goods are

provided unless explicitly agreed or stated otherwise in the fees and charges register.

- D.14** Management Group Board are responsible for ensuring that all income received is receipted, where required, recorded correctly against the appropriate budgets, and in the case of cash and cheques, banked with the minimum of delay. The frequency of banking should follow guidelines provided by the Chief Operating Officer. Services ~~to~~ **should** avoid incurring disproportionate banking charges on relatively low value transactions, taking into account local security arrangements.
- D.15** Management Group Board are responsible for monitoring income collection and ensuring appropriate recovery action is taken. A summary of the position on the level of outstanding debt and collection issues should be included in quarterly financial updates and the final outturn report. Full provision for income still outstanding six months after the due date should be made in Service accounts. This should not however preclude pursuit of the debt.
- D.16** The Chief Operating Officer will monitor compliance with Finance Procedure Rules D.14 and D15 and may, in circumstances where avoidable adverse cash flow has resulted, determine an appropriate interest charge against Service budgets.
- D.17** Credit notes must be authorised by appropriate officers nominated in the local Scheme of Financial Delegation.
- D.18** Any receipts, tickets or other documents used as receipts should be in a format agreed by the Chief Operating Officer. All controlled stationery issued to a Head of Service must be recorded in a register, which is held by a single officer within each Service.

Bad Debts

- D.19** Bad debts may be written off ~~as follows:~~ by Authorised Officers as contained in the Scheme of Financial delegation in consultation with the Chief Operating Officer, Director of Legal Services, the Portfolio Holder for Finance and Assets and the relevant Portfolio Holder.

Approval Level	Bad Debt Amount
Management Group Board and Heads of Service, or Authorised Officer as contained in the Scheme of Financial Delegation, in consultation with the Chief Operating Officer.	Up to and including £2,500
Management Group Board and Heads of Service, in consultation with the Chief Operating Officer and Director of Legal Services.	Over £2,500 and up to and including £5,000.
Management Group Board and Heads of Service, in consultation with the Chief Operating Officer and Director of Legal Services and appropriate Portfolio Holder.	Over £5,000 and up to and including £10,000.
Management Group Board and Heads of	Over Debts to be categorised in the

Service, in consultation with the Chief Operating Officer, Director of Legal Services, appropriate Portfolio Holder and Resources Portfolio Holder for Finance and Assets	following bandings: Under £5,000 £5,000 – £10,000 and up to and including £10,000 – £50,000
Cabinet Members	Over £50,000

- D.20** Management Group Board- are responsible for ensuring that an adequate provision for bad debt is made in the Authority's accounts at year end and that contributions to this provision are included in budgetary projections and outturn reports.

Ordering and paying for work, goods and services

General Principles

- D.21** Management Group Board- and Heads of Service are responsible for providing all appropriate information and instructions to Transactional Services to allow for prompt and accurate payment for goods and services provided and for the analysis of expenditure.
- D.22** Except for purchases by visa purchase card, all purchases must be supported by an official requisition and purchase order unless previously agreed with the ~~Chief Operating Officer-Procurement Manager-.~~ All purchases, ~~including by visa purchase card,~~ must have regard to these Finance Procedure Rules.
- D.23** All requisition and purchase orders must be authorised in accordance with the relevant service Scheme of Financial Delegation to ensure that funds are available to pay for the purchase.
- D.24** Where a requisition for the purchase of goods or services exceeds ~~£405,000~~ in value ~~Finance and Contract Procedure rules E.33 – E.36~~Part 2.1 apply. ^[WN1]
- D.25** All official purchase orders must include, as a minimum, the order number, the price agreed with the supplier, description of the goods or services to be provided, the delivery address, the address where invoices must be received and ~~a link to the standard~~ terms and conditions for the goods and services to be provided.
- D.26** Heads of Service must ensure that there is adequate separation of duties in the raising and authorisation of requisitions, authorising of purchase orders, receipt of goods and authorisation of payments to creditors.
- D.27** Heads of Service must ensure robust processes to continually maintain computer records and accesses, and Schemes of Financial Delegation so that electronic workflows associated with core financial systems are not compromised.
- D.28** All purchasing activity must be carried out in accordance with the Authority's Procurement Strategy & ~~Contract Procedure Rules~~ and advice issued about

efficient and effective use of the Authority's core financial and e-procurement systems and processes. Such processes will include the deployment of VISA purchase cards.

D.29 Approval of the ~~Chief Operating Procurement Officer~~ **Manager** must be sought in advance of entering into any supply agreement with a commercial creditor who has not been set up on the Authority's core financial system.

D.30 Heads of Service must consult ~~the~~ the Chief Operating Officer on appropriate arrangements for purchases of goods and services which can not be accommodated within standard ordering and payment processes.

Payment of Invoices

D.31 All invoices must be sent directly by the creditor to the address stated on the official purchase order to enable prompt payment.

D.32 All invoices, as a minimum, must include the official purchase order number, the description of the goods or services provided, the quantity delivered, the delivery address, the date of the invoices and/ or date of delivery of the goods or services, the address and VAT registration number of the supplier and the price and VAT at the prevailing rate.

D.33 Invoices received without a valid purchase order number will be returned to the creditor as unauthorised for payment.

D.34 The Authority's standard payment terms are 30 days from receipt of a correct invoice by BACS (Bankers Automated Clearing System). Alternative terms may not be negotiated or agreed with suppliers without the explicit approval of the **Procurement Manager**-. Heads of Service are responsible for notifying suppliers of these terms and for ensuring that they are observed by all those involved in the purchasing and payment processing.

D.35 Payment will only be made for goods and services which have been formally receipted in accordance with receipting procedures set out by the Chief Operating Officer -.

D.36 All purchasing activity must be carried out in accordance with the Authority's Procurement Strategy & **Contract Procedure Rules** and advice issued about efficient and effective use of the Authority's core financial and e-procurement systems and processes. Invoices received for payment must comply with the Authority's best practice processes.

Non-invoice payments

D.37 Where Heads of Service wish to initiate a payment to a third party without a supporting invoice, an official request for payment must be submitted in a form approved by the ~~Chief Operating Officer~~ **Procurement Manager**.-

D.38 Any such requests must be authorised by an officer designated with an appropriate approval limit in the relevant service Scheme of Financial Delegation. They are responsible for ensuring that all payment details provided are accurate and that supporting records and documentation are available to substantiate the payment, including an official VAT receipt to allow for the reclaim of any VAT element.

D.39 Appropriately authorised requests for payment will be processed ~~by the Chief Operating Officer~~ and paid by BACS. Cheques will only be used in exceptional cases and by prior agreement.

D.40 Non-invoice payments should be requested on an exceptional basis only. Where payments of this type need to be made on regular basis Heads of Service must consider, in conjunction with the ~~Chief Operating Officer~~ **Procurement Manager**, other alternative options which may be more appropriate. For the full list of exceptional payment types check the guidance available via the following link. **Insert link here**
Centranet>Tasks and Tools>Buying Products and Services>Procurement>Payment Methods

D.41 Payments or reimbursements in respect of salaries and wages, travelling expenses or other employment allowances must be processed through the Payroll system and not treated as a non-invoice payment.

Purchase Cards

D.42 Purchase Cards are an effective method of payment for goods and services of low value and for one off purchases. Heads of Service are responsible for the appropriate deployment and management of VISA purchase cards within their service in accordance with the financial scheme of delegation.

Further guidance is available via the following link: **Insert Link** Centranet>Tasks and Tools>Buying Products and Services>Procurement>Purchase Cards

~~Local Bank and Imprest~~ **Imprest Accounts**

D.40 ~~Local bank and imprest~~ **Imprest** accounts may only be used as alternatives to purchase orders and VISA purchase cards by prior consent and in accordance with specific guidance and instructions issued by the ~~Chief Operating Officer~~ **Procurement Manager**.

D.41 Heads of Service are responsible for ensuring that where local arrangements are in place:

- Local Schemes of Financial Delegation set out clearly the responsibilities and approval limits of individual officers in respect of these arrangements; and that these are reviewed and updated regularly.
- They are operated in accordance with guidance issued and that appropriate management supervision and compliance monitoring is undertaken.
- Adequate records are maintained to allow for the verification and reconciliation of all payments made to the Authority's general ledger and bank accounts, and to allow for the proper treatment of VAT.
- Arrangements are being operated for legitimate Authority business only.

D.45 Local arrangements may not be used in any circumstances to circumvent either the Authority's Corporate Procurement Strategy & **Contract Procedure Rules** agreed approval and authorisation procedures, nor must they be used for any payments in respect of salaries and wages, travelling or other employment expenses, or payments for work carried out under the Construction Industry Tax Deduction Scheme.

Payment to Members

- D.46** The Chief Operating Officer is responsible for paying all allowances to Members.
- D.47** The Chief Operating Officer will make payments to any Members entitled to claim allowances on receipt of the proper form, completed and certified in accordance with the Authority's scheme for allowances.

Taxation

- D.48** It is the responsibility of the Chief Operating Officer-, in conjunction with ~~the Head of the Human Resources the Employee Services Centre manager and Finance Shared Service the Payments and Income Manager Transactional Services~~, to:
- To complete all Inland Revenue returns regarding PAYE.
 - To complete a monthly return of VAT inputs and outputs to HM Revenue and Customs.
 - To provide details to HM Revenue and Customs regarding the construction industry tax deduction scheme.
 - To maintain up-to-date guidance for Authority employees on taxation issues.
- D.49** It is the responsibility of Management Group Board to:
- To ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Revenue and Customs regulations.
 - To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.
 - To ensure that all persons employed by the Authority are added to the Authority's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.
 - To follow the guidance on taxation issued by the Chief Operating Officer.

Trading Accounts and Business Units

- D.50** Separate Trading Accounts are required when services are provided to either internal or external clients, on a basis other than a straightforward recharge of full cost. These accounts are also required where there is a minimum turnover of £1,000,000.
- D.51** It is the responsibility of the Chief Operating Officer to advise on the establishment and operation of trading accounts and business units.
- D.52** It is the responsibility of Management Group Board to:
- To consult with the Chief Operating Officer and Director of Legal Services where a business unit wishes to enter into a contract with a third party where the contract expiry date exceeds the remaining life of their main contract with the Authority. In general, such contracts should

not be entered into unless they can be terminated within the main contract period without penalty.

- To observe all statutory requirements in relation to business units, including the maintenance of a separate revenue account to which all relevant income is credited and all relevant expenditure, including overhead costs, is charged, and to produce an annual report in support of the final accounts.
- To ensure that the same accounting principles are applied in relation to trading accounts as for other services or business units.
- To ensure that each business unit prepares an annual business plan.

Alternative Service Delivery Vehicles

- D. 53 The Authority has moved to a commissioning model and the creation of a series of alternative service delivery vehicles (ASDV's) forms an essential part of this strategy.

A framework has been developed to enable the Authority to set up a series of new delivery vehicles in a way which enables the risks to be managed thoroughly and effectively. The aim of the framework is to ensure that all vehicles are given the best chance of succeeding, whilst safeguarding the interests of local tax payers.

The framework covers the approach to the key issues including:

Strategic

- The formation of new vehicles will drive the Authority's Plan. The strategic direction and agreed priorities of new vehicles and the Authority will align with each other.

—Financial

- The creation of several new vehicles will ensure that the overall financial position of the Authority is improved. Where ever possible, new vehicles will offer more for less and reduce their call on funding from the Authority.

Innovation

- New vehicles will contribute to the economic growth and prosperity of Cheshire East. They will promote a culture of enterprise and help create local jobs.

Governance and Control

- The decision making process undertaken by new vehicles will be accountable to the Council and protect the public of Cheshire East.

Performance

- New vehicles will deliver or improve on the standards of service specified by the Authority. Where ever possible vehicles will promote self reliance and focus on meeting need over want.

Staff

- Staff employed by new vehicles will be motivated and encouraged to be entrepreneurial.

Competition and Procurement

- New vehicles will be competitive and offer improved Value for Money for the public.

The complete framework document is available ~~via the following link~~ on the Cheshire East website.

The wholly owned companies currently operate within the Financial Procedure Rules of Cheshire East Council, ~~it is within the responsibility of the companies to determine if this approach is to be continued.~~

E External Arrangements

Why is this important?

The Authority provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. ~~It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area.~~

What's covered in this Section?

- Partnerships and Jointly Funded Projects
- Support to Other Organisations

Partnerships and Jointly Funded Projects

- E.1** The -Authority is involved in a wide range of different 'Partnership' arrangements involving joint/external funding. The main reasons for this are:
- The ability to provide new and better ways of delivering services.
 - The ability to access new resources
 - The desire to find new ways to share risk
 - The ability to forge new relationships
- E.2** The Cabinet will agree periodically a policy in respect of joint/external funding, which will establish the general framework within which proposals and bids should be developed. Any financial impact falling on the Authority through such an arrangement should be met through existing budgetary resources without any overspending resulting from the Authority's involvement.
- E.3** Any partnership arrangement which involves the creation of, or participation in, separate legal entities such as joint ventures, trusts or limited companies requires the prior agreement of the Chief Operating Officer and the Director of Legal Services. ~~Officers should also consider the need for a business case and compliance with the Project Gateway Process. This Cabinet~~ approval will also be required where any agreement requires the Authority to act as guarantor for a third party or accountable body. ~~The creation of any new ASDVs will be in accordance with the ASDV Framework.~~

Definitions

- E.4** Legally a partnership is an arrangement entered into under the Partnership Act, and is heavily regulated as to the liabilities of partners. However, the majority of the partnerships entered into by the Authority are more correctly called partnership arrangements and are, at their simplest, where the Authority agrees to work with one or more external agencies to deliver common aims and objectives. These partner agencies could potentially be from a government department, any public, private, community or voluntary sector body or related party.
- E.5** The nature and scope of Partnership arrangements can be very different. To define their roles in terms of these Rules the definitions listed below have been

used. These definitions apply to all partnerships, whether the Authority is contributing financially or not, including the use of fully funded grants or grants that have been earmarked for a specific purpose or are time limited.

- E.6** The Rules set out in this section deal with the approach to Partnerships. Detailed guidance can be obtained within the “Partnerships Protocol” [WN2] ~~Issues relating to the financial administration of such schemes are described in the detailed guidance. Detailed partnership guidance is available in the separate documents ‘Partnering Guidance’ and ‘European Transnational Project Handbook’.~~

Public/Public Partnerships

- E.7** ~~Officers should consider whether the partnership is such that it establishes or implements a co-operation between the parties with the aim of ensuring that the public services they have to perform are provided with a view to achieving objectives they have in common as otherwise it may be that the Public Contracts Regulations 2015 apply and a call for partners should be advertised in accordance with the Contract Procedure Rules. Certain arrangements set out under E11 below are subject to public procurement legislation. Further advice should be sought from the CPU or Legal Services.~~

Defined as **above as** involvement with another public sector body or bodies or with the voluntary/not for profit sector. Within this category it is important to recognise that the Authority can have a different role, outlined below, depending on the exact nature of the Partnership.

Contributing Partner

- E.8** ~~Where the Authority is contributing funding or other resources, to a wider partnership involving a partner or group of partners and where the ‘Accountable Body’ role is undertaken by another partner.~~

Lead Authority or Lead Partner

- E.9** ~~Where the Authority leads on behalf of the Partnership or consortium and is responsible for the wider management of the Partnership.~~

Accountable Body

- E.10** ~~The Authority may, in certain circumstances, need to act as the ‘Accountable Body’; even when the Authority will not directly incur expenditure on behalf of the Partnership. The role assumes the responsibility for ‘looking after another parties monies’ and will require the putting in place of appropriate and robust financial accounting and monitoring systems with the aim of safeguarding resources and minimising any risks and potential liabilities falling to the Authority.~~

Public/Private Partnerships

- E.11** ~~Defined as involvement with a private sector organisation or commercial enterprise, excluding those where a formal contract has been agreed when Section E on the Contract Procedure Rules of these Rules will apply. Any such involvement would be considered a non-accredited partnership and Rule E.12 would apply..~~ Those contracts known as ‘Partnering Contracts’ and those

funded by Private Finance Initiatives (PFIs) are not covered by this rule and fall under ~~Section E of the Rules~~ the Contract Procedure Rules.

Accredited Partners

~~E.12 All public sector bodies that have a proven track record of successful working in collaboration with the Council in various partnership arrangements have been identified as 'Accredited Partners', a list of which is held by the Borough Treasurer and Head of Assets. It is the responsibility of the Borough Treasurer and Head of Assets, in conjunction with the External Funding and European Unit, to maintain this list and review it on an annual basis. Any subsequent changes, including additions and deletions will need approval from the Cabinet.~~

Non-Accredited Partners

~~E.13 Non-Accredited partners include public bodies not specifically identified on the accredited list or private sector organisations. Where the Head of Service wishes to enter into a partnership or jointly funded project with another body not on the accredited list then he/she is required to consult with the Borough Treasurer and Head of Assets, Director of Legal Services and Head of HR and Organisational Development before following the approval route identified in F.19.~~

Key Controls

E.12 The key controls to be considered before the funding of partnerships or other joint projects is agreed consist of:

- ensure that the key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood.
- ensure that funds are acquired only to meet the priorities, aims and objectives approved by the Authority, and to add value to the services provided to the local community.
- ensure any finance (including any match funding), staffing, legal and audit requirements are given due consideration prior to entering into long term arrangements and that revenue budgets reflect these requirements.
- ~~These arrangements should be documented in the form of a Business Case in the format prescribed by the Chief Operating Officer and be subject to the same Project Gateway process as all other Authority proposals.~~

Further guidance can be found in the Partnerships Protocol

Responsibilities of Officers

Chief Officers

E.13 Chief Officers are responsible for ensuring that all funding notified by external bodies is received and properly recorded in the **Authority's** accounts and that appropriate standards of probity, stewardship and best value are secured. This will include ensuring that ~~audited accounts are prepared and presented on an annual basis and that~~ all appropriate claims and returns are promptly and accurately submitted.

- E.14** Chief Officers are responsible for developing a policy framework for partnership working and joint funding, identifying key principles to ensure probity and value for money and obtaining the appropriate Member approval. The annual policy submission should identify any potential future partnerships and a risk assessment of the potential impact on services and budgets that may arise.

Heads of Service

- E.15** Before entering into any Partnership agreement involving joint funding, Heads of Service must consult the Director of Legal Services and the Chief Operating Officer, who will advise on the appropriate form of agreement or contract taking into account the nature and scale of the proposed arrangement and the extent of the legal and financial commitment involved. As a measure of good practice and as a minimum requirement, Heads of Service need to consider and apply all the following points, which are not exhaustive, to the agreement:

- the overall purpose and objectives of the arrangement, including appropriate performance standards and output measures;
- the constitutional and representational arrangements including procedures for decision making and the extent to which Cabinet powers and financial authority are to be delegated to individual officers;
- the period of the agreement, exit strategies, notice and termination arrangements including redundancy costs and other potential liabilities on termination;
- roles and responsibilities of the various parties including arrangements for banking, taxation and VAT matters, employment contracts, insurances and ownership of assets;
- auditing and reporting requirements and the applicability of these Finance Procedure Rules, other Authority Regulations and Codes of Conduct;
- financial and non-financial contributions to be made by the respective parties and, where the arrangement is to extend beyond one year, the method for calculating and collecting payments in future years;
- the named contact officer or project manager who will be responsible (within specified limits) for the Authority's rights and obligations under the terms of the agreement and accountable for overall outcomes;
- A clear exit strategy, for example, in terms of any residual ongoing costs;
- Default procedures to be applied where the terms of the agreement are broken;
- Arrangements for Internal Audit staff to have sufficient access to partner's premises, assets and records as is necessary for the purposes of the partnership;
- As a measure of best practice, all partnership agreements should be subject to a complete review at least every four years.
- **Add to partnership section of contracts register held by the CPU**

Approval Routes

- E.16** The Authority's gross contributions to Partnerships may include capital and revenue expenditure, cash flow costs, support in kind (including staff time) and the cost of preparing and submitting bids. It is particularly important to identify support in kind, both to ensure that all such costs are recovered, where grant conditions allow, and to enable service and corporate managers to plan

effectively. Capital funding must also meet the specific capital appraisal requirements as set out in Section B of these Rules.

- E.17** Following the officer consultation process and prior to entering into any agreement, appropriate Member approval, based on the Authority's gross contribution over the life of the partnership,* should be sought by the Head of Service as listed below.

** For the purpose of this Rule the assumption is that a lifespan of no more than 4 years should be the norm, consistent with the Authority's financial planning cycle.*

Accredited Body

- E.18** The following can approve partnership proposals:

Approval level	Amount
Chief Officers	Up to and including £100,000
Chief Officer In consultation with Cabinet Member	Over £100,000 and up to £500,000
Cabinet	Over £500,000 and up to and including £1,000,000 or if the Authority is undertaking an accountable body role;
Council	£1,000,000 or more.

Non-Accredited Body

- F.21** ~~The following can approve partnership proposals:~~

Approval level	Amount
Chief Officer in consultation with Cabinet Member for Finance	Up to £250,000
Cabinet	Over £250,000 and up to and including £500,000
Council	£500,000 or more

Additional Funding Allocations or Policy Variations

- E.19** Partnerships often attract additional funding over and above their original levels of funding. If additional funding is made available which will result in the aggregate value remaining within the original approval limit then no further approval is required. Conversely if the additional funding increases the aggregate value to more than the original approval limit, then further approval is required in line with the routes identified in E.18 above. Where the additional funding constitutes a variation from the policy originally agreed by the Cabinet, then further approval from the Cabinet is required.
- E.20** If the contribution is to come from Authority sources it will constitute a virement and Section B applies. Where the additional funding comes from an external source then approval for a fully funded supplementary estimate is required and Section B applies.

Bidding for grant funding

- E.21** In some circumstances there may be specific grant funds available, where these are aligned with the Authority's priorities, accessed through some form

of bidding process. Officers must seek the appropriate Member approval prior to any bid being submitted. Approval for 'in principle' Supplementary Revenue or Capital Estimates should be sought at the same time. **Officers must ensure that they understand and are aware of the grant conditions attaching to any funding and consider whether -the Authority's processes and procedures are sufficient to comply with these conditions or whether more detailed processes need to be followed.**

Reporting requirements

- E.22** Where the Authority participates in any partnership or external funding arrangement either as a contributor or as an Accountable Body, an annual report must be presented to the appropriate Cabinet Member, outlining how sums have been used and the key outcomes and achievements. The report should also review the affordability and continued relevance of the arrangement to Service policies and objectives and seek appropriate Business Plan approval.
- E.23** Notwithstanding any statutory reporting requirement, the Head of Service will be required to provide, regular reports on progress and outcomes, financial and non-financial, for each **major-significant** partnership to the relevant Cabinet Member. **Partnership projects should comply with the same regular reporting processes as other Authority projects.**

Accredited Partner List

- ~~E.27 This is a list that has been developed to support the approval process for partnership arrangements within the Council. It contains organisations with whom the Council has shared objectives and who have strong financial standing either individually, or through recognised established guarantors.~~
- ~~E.28 A detailed list is held (and maintained) by the Borough Treasurer and Head of Assets and as a guide includes:~~
- ~~▪ All Local Authorities~~
 - ~~▪ All Government Departments~~
 - ~~▪ National Government Agencies~~
 - ~~▪ Fire and Police Authorities~~
 - ~~▪ Primary Care Trusts~~
 - ~~▪ A number of Colleges and Universities~~
 - ~~▪ Major National Voluntary Associations/Charities~~
- ~~E.29 Additions to or deletions from the list require the express prior consent of the Cabinet. Approval will be subject to the completion of the relevant justification from the sponsoring Department.~~
- ~~E.30 Please check with the Borough Treasurer and Head of Assets, or his/her nominated representative, prior to any partnership agreement, whether the organisation you are considering going into partnership with is on this list.~~

Support to Other Organisations

- E.24** The Cabinet Member will on a periodical basis, **agree a policy setting [WN3]** down the approach to be taken to the allocation of grants, donations and

other contributions to outside bodies. ~~This should specify the scale, nature and terms of such support, criteria for prioritisation and the process for allocation.~~

- E.25** Grants, donations and contributions will be paid by the Authority in accordance with the policies determined under Finance Procedure Rule E.24 above, subject to there being adequate provision in service budgets ~~and the appropriate approvals being sought.~~

Approval level	Amount
Cabinet Member	Up to and including £50,000
Cabinet	Over £50,000

- E.26** The Grant Funding Protocol sets out further guidance on grant funding, consideration of state aid implications, the process for allocation and the limited conditions that should apply to any grant funding. ~~All financial support to other organisations should be supported by the appropriate written agreement template contained in the detailed guidance. This should be approved by the Director of Legal Services and signed by the relevant Head of Service (subject to any limits specified in local Schemes of Delegation) and the recipient body and include:~~

- ~~▪ terms of the agreement (i.e. service to be provided or delivered, management arrangements, performance standards, etc);~~
- ~~▪ date of payment, and frequency of instalments where appropriate;~~
- ~~▪ where the agreement extends beyond one year, arrangements for payments in future years;~~
- ~~▪ fallback position where the terms of the agreement are broken;~~
- ~~▪ arrangements for a report to be made to the Authority as to how the sums paid have been used in accordance with the principles set out in S137A of the Local Government Act 1972.~~

- E.27** Heads of Service will report on the outcomes achieved through the provision of support to outside bodies on an annual basis to the appropriate Member Group and Cabinet Member, with interim reporting on an exception basis or where the sums involved are significant.

- E.28** The rules in this section (E24- E28) and the Grant Funding Protocol shall not apply to grant funding arrangements relating to Capital Funding for School Places applied for by the Authority on behalf of Academies, Foundation, Voluntary Aided and Free schools as these arrangements are delegated in the Constitution to the Director of Children's Services in accordance with the Authority's educational functions under the Education Acts.

Annexe 1

Glossary of Terms/Definitions

~~Alcatel – A ruling of the European Court of Justice which means there must be a period of time between the contract award decision and the formal award of the contract to let unsuccessful tenderers, if justified, try and set aside the contract award decision. There is now a requirement to give a minimum of ten calendar days standstill period between advising tenderers of the contract award decision and entering into a contractually binding agreement. Further information is available from the Procurement Unit.~~

Appropriation – Amounts transferred between the Revenue account and revenue or capital reserves.

Bad Debt - A debt becomes bad if it has not been collected within 6 months. Full provision for all bad debts has to be made within the revenue account, but the debt is still pursued until it is either recovered or written off as unrecoverable.

Balances (Revenue Account) - The accumulated surplus of income over expenditure. Members may agree that Balances be used to reduce future Council Tax precepts although a minimum level, consistent with prudence and best practice will be maintained. Amounts in excess of that required for day-to-day cash management and to finance working capital can be invested to generate interest income to the Authority.

~~**Blight** – An individual's property may be blighted if there is a proposal to build nearby and this will adversely affect the property. The Authority may be required to purchase the property under a Blight Notice.~~

Block Provisions - Annual capital allocations made to cover minor schemes with starts values of less than £250,000.

Business Case Template – This is a proforma to be completed for all Capital schemes ~~over £250,000~~ and all significant Revenue proposals. It will provide details on the expected outcomes falling from the proposed investment and identify how the proposal will meet corporate objectives. ~~Each proposal will also be required to detail the risks involved, the impact on service users and how it feeds the Gershon efficiency targets.~~

Capital Approval - The capital programme provision as amended by any supplementary estimates or virements.

Capital Expenditure - Expenditure over £10,000 on the purchase, construction or replacement of capital (fixed) assets or expenditure which adds to the life or value of an existing fixed asset.

Capital Programme - The Authority's plan of capital projects and spending over future years. Included in this category are the purchase of land and buildings, the erection of new buildings and works, Highway Improvement schemes and design fees, and the acquisition of vehicles and major items of equipment.

Capital Project / Scheme - These terms mean the same thing and are used interchangeably within these Rules. A project/scheme may be separately identified in the capital programme or be an item within a block provision.

Capital Receipts - Income received from the sale of capital assets and available, subject to rules laid down by the Government, to finance new capital expenditure or to repay debt.

Carry-forward - An increase or reduction in a Service's new financial year budget, stemming from either an under or overspend in the previous year. All carry-forwards (except for Schools) need the approval of the Cabinet upon the presentation of a business case.

Chief officers - Chief officers are the Chief Executive or any Director of the Authority to whom there has been specific delegation in writing by the Council or the Chief Executive. Chief officers must operate efficient systems of financial control.

~~**Commitment** - The value of any order or contract placed, prior to payment for goods / services having been made.~~

Contingencies - Sums set aside to meet either:

- the potential costs of activities expected to occur during the year over and above those costs included in Service budgets (pay and price contingency); or
- items which are difficult to predict in terms of financial impact or timing (contingency for uncertain items).

Contract - An agreement to supply goods, services or works for a price. A contract is normally in writing however a contractual arrangement may, inadvertently be entered into orally.

Contractor - Any person or organisation awarded a Contract. This includes any consultant appointed by the ~~Council~~ Authority to advise on any project.

~~Corporate Procurement Unit (CPU) /Procurement – The corporate procurement unit is the department responsible for procurement activity within the Authority.~~

Council Fund - The Authority's main revenue fund to which all revenue receipts are credited, and from which revenue liabilities are discharged. The movement on the fund in the year represents the excess of income over expenditure within the Consolidated Revenue Account. The level of balances held is based on the Authority's assessment of the level of risk and uncertainty and the potential call on such reserves.

Debt Write-Off - Realising the cost of debt which is considered to be "bad" (unrecoverable) by writing it off against the revenue account or bad debt provision.

Earmarked Reserves – these reserves represent monies set aside that can only be used for a specific use or purpose.

Financial Schemes of Delegation – Financial Schemes of Delegation are the documents that set out, for each Service, all specific financial authorisations and

approval limits as delegated by the Heads of Service to Authorised Officers within their Service. Heads of Service are responsible for maintaining up to date and accurate Financial Schemes of Delegation.

Financial Year - The Authority's accounting period covers the 12 months from April 1 to March 31.

Forward Plan – as defined in the Constitution.

Internal Control - A procedural system designed to manage risk to an acceptable level whereby different staff members perform different parts of a task, so that no one person is entirely responsible for processing a transaction from start to finish.

Key Decision - as defined in the Constitution.

Leases – Agreements covering the hire/rental of equipment or buildings, generally for a specified period of time and at a specified rate. There are two types of leases:
Operating Leases – where the risks and rewards of ownership remain with the lessor.
Finance Leases – most of the risks and rewards associated with ownership are transferred to the lessee (responsibility for maintenance, insurance etc will fall to the Authority)

~~**Official Journal of the European Union** – The daily publication of tender the European notices issued by the European Union~~

Option Appraisal/Business Case – This is required for all Capital schemes ~~over~~ ~~£250,000~~ and all significant revenue proposals and takes the form of a Business Case Template. This will be used to assess whether the scheme is affordable and deliverable. Consequences to the Service are considered and evaluated and it will also provide a basis for monitoring and reporting progress. In the case of revenue proposals it will also take into account the risk and impact on users.

Policy and Expenditure Planning -- The Authority's annual cycle of planning for the medium and short-term future, aimed at achieving optimal allocation of available resources.

Policy and Expenditure Proposals - Proposals, including new policies, which have resource implications and will be subject to appraisal by Members, Management Board and consultees before inclusion in annual budget preparation.

~~**Procurement** – The process of acquiring goods and services, which includes the choice of supplier, the specification of goods / services required and the initiation of a purchase order or contract agreement.~~

~~**Project Board** – A group of senior officers, led by the Senior Responsible Owner (SRO) who are accountable for the success of a Project and represent specific business, user and supplier interests. More information on the make up and operation of a Project Board can be found in the Project Management Handbook which is published and maintained by the Authority's Programme Management Office.~~

~~**Project Gateway process** – A series of control measures put in place to ensure that all projects are instigated, approved, managed and delivered effectively. The Project Gateway process is overseen by the Executive Monitoring Board and described in detail in the Project Management Handbook.~~

Provision - An amount set aside by the Authority for any liabilities of uncertain

amount or timing that have been incurred.

The main category is estimates of liabilities or losses already incurred but whose exact amount will be determined in the future (e.g. bad debts, obsolete stock). See also Capital Provision and Provision for Doubtful Debt.

Provision for Doubtful Debt - An allocation of funds set aside from Service revenue budgets to cover amounts which may not be recoverable from debtors.

Prudential Borrowing Limits – is the maximum amount of borrowing that the Authority can enter into at any one point in time during the year. This limit is set by Council prior to the start of the year to which it relates and cannot be breached under any circumstances.

~~**Quotation** – Informal priced offer where the value is less than £50,000~~

Revenue Account - The Account which sets out the Authority's income and expenditure for the year for non-capital spending.

Revenue Expenditure - Spending on the day-to-day running expenses of the Authority. It includes expenditure on employees, premises, transport and supplies and services.

Ring Fencing - Certain budgets agreed by the Borough Treasurer and Head of Assets are "ring-fenced". This means that under-spends on these budgets will return to balances and overspends will be met centrally. This is to reflect the fact that certain items of expenditure are either demand-led or so significantly influenced by extraneous factors that they are beyond the direct control of managers. Ring-fenced budgets include planning levies, external audit fees and election expenses.

Schemes of Delegation - Schemes of Delegation are the documents that set out, for each Service, all authorisations and approval limits as delegated by the Heads of Service to Authorised Officers within their Service. Heads of Service are responsible for maintaining up to date and accurate Schemes of Delegation. (See also: Financial Schemes of Delegation)

~~**Select List of Tenderers** – A list of persons or organisations selected to receive an Invitation to Tender (ITT) in respect of a specific contract.~~

Service Plan - A plan which outlines measurable Service aims for the year ahead, encompassing both core purpose and specific key objectives for any given year. The Plan will consider both inputs and outputs.

~~**Standing Offer Contract** – A contract entered into with the Council whereby the Contractor(s) guarantees offering a service or supplying goods at a Contract Price against an undetermined service level or quantity.~~

~~**Starred Items** – being those items of policy or general provision identified within the policy and planning process, that need to be considered in further detail by Members before their implementation.~~

"Starts value" - represents the full value of the Authority's contribution to a Capital Scheme irrespective of the timing of the payments.

Supplementary Capital Estimate (SCE) - Additional resources approved by Members with funds either provided by a third-party (e.g. developer contributions, receipts, government grant), by the use of Authority reserves or from the Revenue budget.

Supplementary Revenue Estimate (SRE) - An approved increase to a Service revenue budget during the financial year, funded centrally from reserves, contingencies or external funding sources such as grants or partner contributions.

~~**Tender** - A formal priced offer where the value is greater than £50,000.~~

~~**Tenderer** - Any person or organisation invited to submit a Tender.~~

Third Party Fund(s) - Funds provided by outside bodies or individuals in support of Authority activities, establishments or clients. Can sometimes be known as trust funds.

~~**Threshold** - The financial level at which award of contract regimes under prevailing European Union Procurement Directives are applicable.~~

Underspend - An underspend results when the net costs of a budget holder are lower than the net budget for the year.

Virement - A Revenue virement is a transfer of amounts from one budget heading to another within, or between, Heads of Service. Capital virements cover any changes to Capital budgets funded from within the existing Capital programme.

APPENDIX 3

CONSEQUENTIAL AMENDMENTS AND CHANGES TO THE CONTRACT PROCEDURE RULES (CPRS)

CONSTITUTION

P.11 Insert “*Executive Monitoring Board*” in the box with Tatton Board/Shared Services Committee

p.45 Chapter 12 Decision Making para 1 Responsibility for decision-making

Insert the following as 1.4

“The Council has established an Executive Monitoring Board which provides a key advisory role in relation to the ongoing monitoring of key project delivery and project management arrangements, as set out in Sections 3 and 4.”

p.62 Part 3 Responsibility for Functions – Responsibilities of the Cabinet

Insert the following at the end on p.63

“The Council has established an Executive Monitoring Board (known as EMB) which provides a key advisory role to the Cabinet in relation to ongoing monitoring of key project delivery and project management arrangements, as detailed further in Section 4. EMB maintains its own Terms of Reference and these are subject to formal Cabinet approval.”

p. 69 Responsibilities of Performance Portfolio Holder (now Portfolio Holder for Corporate Policy and Legal)- insert text in red

The Portfolio Holder is responsible for all matters relating to the Council’s affairs in respect of the Performance Portfolio and is responsible for liaising with other Members of the Cabinet, particularly where those matters affect other aspects of Council business or the Borough. **This includes chairing the Executive Monitoring Board (although this function can be delegated as required).**

p.71 Responsibilities of Finance and Assets Portfolio Holder- insert text in red

The Portfolio Holder is responsible for all matters relating to the Council’s affairs in respect of the Finance and Assets Portfolio and is responsible for liaising with other Members of the Cabinet, particularly where those matters affect other aspects of Council business or the Borough. **This includes sitting on the Executive Monitoring Board in the capacity of Vice Chair (although this function can be delegated as required).**

CONTRACT PROCEDURE RULES

Deletion of text struck through as set out below.

Page 331 – Glossary

EMB – Executive Monitoring Board. A group of members/officers, who endorse, by way of review and challenge, all major Projects and Programmes (Capital and Revenue) either managed solely by Cheshire East or in partnership with other organisations. ~~Major Projects and Programmes’ are generally those where there is Authority investment above £250k and/or where there is significant risk.~~

Page 332 – Glossary

TEG – Technical Enabler Group. A Group of Officers from various professional disciplines who provide specialist guidance and review proposals in the form of High-Level Business Cases and Project Initiation Documentation (PID’s) ~~before they are considered by EMB.~~

Page 334 – 1.1.1 of CPRs

Additional work outside of the scope of any existing contractual arrangements with the Authority's companies should be subject to a business case and demonstrate value for money. ~~Where the value is above £250k, they will need to be submitted to TEG / EMB.~~ However in the interest of best practice and demonstrating value for money, the Commissioning and / or Procuring Officer may wish to subject such contracts to competition.

Page 338 – 1.6.1 of CPRs

- ~~• If the value of the contract is above £250k or involves significant change/risk then the project should be approved by TEG and EMB.~~