

Council Agenda

Date: Thursday, 19th October, 2017

Time: 2.00 pm

Venue: The Assembly Room - Town Hall, Macclesfield SK10 1EA

The agenda is divided into two parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Prayers**

2. **Apologies for Absence**

3. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

4. **Minutes of Previous meeting** (Pages 5 - 18)

To approve the minutes of the meeting held on 27 July 2017 as a correct record.

5. **Mayor's Announcements**

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

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

In accordance with Council Procedure Rule 35 and Appendix 7 to the rules, a total period of 15 minutes is allocated for members of the public to speak at Council meetings.

Individual members of the public may speak for up to 5 minutes, but the Chairman will decide how the period of time allocated for public speaking will be apportioned, where there are a number of speakers.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given. It is not a requirement to give notice of the intention to make use of public speaking provision. However, as a matter of courtesy, a period of 24 hours notice is encouraged.

7. **Leader's Announcements**

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

8. **Strategic Partnership for the Cheshire East Community Equipment Service**
(Pages 19 - 24)

To approve the recommendations as set out in the report.

9. **Cheshire East Council - Review of Constitution** (Pages 25 - 32)

To note the progress made in respect of the review of the Constitution, and the timescale for the completion of the review.

10. **Overview and Scrutiny Annual Report 2016/17** (Pages 33 - 50)

To receive the Overview and Scrutiny Annual report 2016/17.

11. **Annual Report of the Audit and Governance Committee 2016/17** (Pages 51 - 72)

To receive the Annual Report of the Audit and Governance Committee 2016/17.

12. **Political Representation on the Council's Committees** (Pages 73 - 78)

To approve the recommendations as set out in the report.

13. **Notices of Motion** (Pages 79 - 82)

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

14. **Questions**

In accordance with Procedure Rule 11, opportunity is provided for Members of the Council to ask the Mayor, the appropriate Cabinet Member or the Chairman of a Committee any question about a matter which the Council, the Cabinet or the Committee has powers, duties or responsibilities.

At Council meetings, there will be a maximum question time period of 30 minutes. Questions will be selected by the Mayor, using the criteria agreed by Council. Any questions which are accepted, but which cannot be dealt with during the allotted period will be answered in writing. Questions must be brief, clear and focussed.

This page is intentionally left blank

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Thursday, 27th July, 2017 at The Ballroom, Sandbach Town Hall,
High Street, Sandbach, CW11 1AX

PRESENT

Councillor A Moran (Mayor/Chairman)
Councillor L Smetham (Deputy Mayor/Vice-Chairman)

Councillors A Arnold, D Bailey, Rachel Bailey, Rhoda Bailey, Baggott, G Barton, P Bates, G Baxendale, M Beanland, D Bebbington, S Brookfield, E Brooks, D Brown, C Browne, B Burkhill, P Butterill, S Carter, C Chapman, J Clowes, S Corcoran, H Davenport, W S Davies, M Deakin, T Dean, B Dooley, L Durham, S Edgar, P Findlow, R Fletcher, T Fox, D Flude, H Gaddum, S Gardiner, S Gardner, L Gilbert, P Groves, J Hammond, M Hardy, S Hogben, D Hough, O Hunter, J Jackson, L Jeuda, M Jones, A Kolker, J Macrae, D Mahon, N Mannion, D Marren, A Martin, R Menlove, G Merry, B Moran, Nicholas, M Parsons, S Pochin, J Rhodes, B Roberts, J Saunders, M Sewart, M Simon, D Stockton, A Stott, G Wait, B Walmsley, G M Walton, M J Weatherill, H Wells-Bradshaw, G Williams and J Wray

Apologies

Councillors C Andrew, I Faseyi, M Grant, A Harewood, G Hayes, H Murray, D Newton, L Wardlaw and M Warren

18 PRAYERS

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

19 DECLARATIONS OF INTEREST

With regard to item 8, Adoption of the Local Plan Strategy, the Acting Director of Legal Services/Acting Monitoring Officer advised that there were four matters that should be noted for the record.

Members had those interests in property within Cheshire East which were recorded on the Council's Register of Interests.

Members may:-

- a) be a Member of a Town or Parish Council
- b) be a School Governor
- c) be a member of an external organisation or amenity group such as the National Trust or The Ramblers Association.

- d) have previously been involved in or expressed a view on the preparation of the Local Plan
- e) be a Director of a Council owned company or have been appointed by the Council to a role in an external organisation
- f) be involved in decisions about land in their role as a Member of the Council or in any of the “wider public life” roles that Members routinely undertake.

Except for any specific declarations, he gave a standing declaration on behalf of those Members present that:-

(a) they did not have a Disclosable Pecuniary or Non-Pecuniary Interest in the local plan strategy;

and

(b) they approached the debate and vote on the Local Plan Strategy with an open mind.

All of the above matters were regarded by the meeting as being formally declared.

If any Member did in fact consider themselves to have a disclosable pecuniary or non-pecuniary interest and/or if they felt that they were unable to approach the debate and vote on the Local Plan with an open mind, they should declare that to the meeting.

The following declarations were made:-

With regard to item 8, Adoption of the Local Plan Strategy, Cllr M Jones declared that he had fettered his discretion in respect of the Local Plan and that he would leave the meeting during consideration of this matter.

With regard to item 8, Cllr B Dooley declared a disclosable pecuniary interest in respect of the Local Plan and stated that she would leave the meeting during consideration of this matter.

With regard to item 9, 2016/17 Financial Outturn and Review of Performance, Cllr D Hough declared an interest in respect of the virement relating to the waste strategy implementation, as he was a Director of TSS, who would be sharing the related facility with ANSA and that he would leave the meeting during consideration of this matter.

With regard to item 9, 2016/17 Financial Outturn and Review of Performance, Cllr J Hammond declared an interest on behalf of himself and Cllrs G Baggot and S Hogben, in respect of the virement relating to the waste strategy implementation, as they were Directors of ANSA and would leave the meeting during consideration of this matter.

20 **MINUTES OF PREVIOUS MEETING**

RESOLVED

That the minutes be approved as a correct record.

21 **MAYOR'S ANNOUNCEMENTS**

The Mayor:-

Reported that in the previous eleven weeks since the Mayor Making ceremony, he and the Deputy Mayor had undertaken over 60 engagements.

Reported that, sadly one of his first responsibilities as Mayor had been to lead a short tribute and a minutes silence in Crewe in memory of the victims of the Manchester terrorist atrocity. The Deputy Mayor had led a comparable event in Macclesfield, and the Leader at Westfields. Such simple tributes had been repeated twice in the following weeks; once to mark the terrorist attack in London and once in response to the terrible fire and loss of life at Grenfell Tower. He considered it right and proper that Cheshire East joined in with these national commemorations, but it was sad that three such events in quick succession had had to be marked in this way. One of the victims of the Manchester atrocity had been Nell Jones, a 14 year old school girl who attended Holmes Chapel Comprehensive School and it had been his privilege to visit the school, with the Leader, to lay flowers and sign a book of remembrance.

Thanked the Highways Team for their very generous contribution to his charity fund. He had had the pleasure of visiting them in Congleton a few weeks before, where they had presented him with a cheque for the amazing sum of £1,590.55. The money had been raised in a variety of ways by staff and supply chain partners. Every pound raised would make a difference for his charities – Target Ovarian Cancer and Leighton Hospital Prostrate Cancer Support.

Announced that, at the Mayor Making ceremony, he had appointed Rev Cannon Dr Barry Wilson as his Chaplain. Barry had been appointed Vice Dean of Chester Cathedral and was due to take up that appointment in August and he was sure that Members would wish to join with him to wish him all the best in his new appointment. He was, therefore, appointing the Rev Stephen Snelling of St Mary's Nantwich as his Chaplin for the rest of his Mayoral year.

Announced two dates for Members' diaries. On Friday 15 September he would be holding a charity funding raising event at Nantwich Civic Hall and he asked Members to join him in having a good time and raising money. The second date was his Civic Service, which would be taking place on Sunday 1 October, at St Mary's Church, Nantwich. Whilst he appreciated that October seemed a long way away, it would be lovely to see as many

Members as possible at the service. He would be writing to Members nearer the time with more details.

The Mayor then handed over to Councillor Dorothy Flude, to make an announcement.

Cllr Flude announced that Cllr David Newton would be resigning from the Council at the beginning of August and she read out a letter on behalf of Cllr Newton. Cllr Flude then added her own comments and sentiments.

Following this, Cllrs Corcoran, Burkhill and Fletcher said a few words about Cllr Newton, on behalf of their groups, and the Leader of the Council, Cllr Rachel Bailey, added her own comments and commented on behalf of her group.

22 PUBLIC SPEAKING TIME/OPEN SESSION

Mr A Wood used public speaking time to address Council regarding the possibility of the Council taking part in a shared project for the introduction of a new market in Chelford.

Mr K Evans, Mr M Golding, Mr A Weinberg, Mrs N Brown, Sandbach Town Councillor M Benson, Middlewich Town Councillor J Parry and Cheshire East Councillor M Jones used public speaking time to address Council in respect of the Local Plan.

Ms J Smith used public speaking time to speak in support of Cllr Corcoran's Notice of Motion relating to badger culling.

Mr T Wall used public speaking time to address Council concerning a recent article in the Crewe Chronicle concerning the Council's Staffing Committee.

23 LEADER'S ANNOUNCEMENTS

The Leader of the Council, in summary:-

1. Echoed the Mayor's words regarding the recent horrific events nationally, which had reached all corners of the country, including Cheshire East and asked Members to join her in sending condolences to all those impacted or who had sadly lost loved ones.
2. Referred the Council's Critical Incident Response Team, which offered advice and psychological support to schools, settings and services at the time of an incident, when staff, pupils and parents may have experienced acute, even prolonged distress. The team had been and were key to the cross service response

that Cheshire East delivered whenever required. She stated that, following a recent incident at a Sandbach school, she had received formal appreciation and thanks from the Headteacher and governors for the work of officers in providing sensitive help and support to both staff and students. The team had also been involved in the support to schools following the aftermath of the Manchester bombing, and when she and the Mayor and Mayoress had visited Holmes Chapel High School, had been there, working in partnership with the school and the faith sector.

3. Stated that Councillors rightly referenced the importance of their role as corporate parents to cared for children, which currently numbered well over 400 in Cheshire East. She stated that she had been delighted to learn of the success of two care leavers at the recent South and West Cheshire College Awards Evening. Equally, Cheshire East Primary Pupils had achieved an impressive set of Key Stage 2 results across core subjects. She stated that provisional figures showed that 64% of pupils had achieved the expected standard or higher for combined reading, writing and maths. The overall performance across Cheshire East was above the national average for all curriculum test indicators. She noted that these achievements had taken place during a time of major uncertainty as to Cheshire East schools future funding under the Governments fair funding for schools policy. She and Jacky Forster, DoE, had accompanied Headteachers from Cheshire East to a meeting with the Schools Minister, Nick Gibb, in January. The meeting had been convened by Fiona Bruce MP and fellow Cheshire East MP's had either been in attendance or represented. The outcome had been that Headteachers and Cheshire East officers would provide an evidence base of the annual cost of educating a pupil in Cheshire East. She was, therefore, delighted to report that this piece of partnership working had been recognised with: -

- A minimum of £4800 per pupil provided for every secondary school.
- An increase in the basic amount that every pupil attracted through the formula
- Continued protection for funding for additional needs.
- For the next two years gains of up to 3% a year for underfunded schools and 0.5% a year per pupil cash increase.

She reported that the Council would shortly be publishing the operational guidance for 2018 to 2019 and the baselines for local authorities spending in the current year. She stated that this may have taken six months to deliver, but she believed that the timeframe proved the sustainability of this vital funding. The government was also bringing forward additional funding of £1.3 billion nationally, on top of existing spending plans in 2018 to 2019 and 2019 to 2020. As a result, core funding for schools and high needs would rise to £43.5 billion by 2019/2020. She considered that this was a key area for Cheshire East to watch, in view of the formula previously supporting schools basic need via high needs.

4. Reported that:-

The area of Children & Families continued to innovate and succeed with:-

- The SEND sufficiency statement had been published – a comprehensive statement outlining the supply and demand for education to support children and young people with special educational needs and disabilities.
- Borough wide roll out of “Project Crewe”.
- The launch of the Regional Adoption Agency And Launch of the Neglect Strategy – key to CE’s demographic in terms of intervention.

In the area of Adults:-

- Local Area Coordinators continued to work effectively on community asset mapping, supporting people to remain as independent as possible.
- Six newly qualified social workers had completed their assessed and supported year of employment programme, having consistently demonstrated practice in a wider range of tasks and roles and one social worker had successfully progressed to a grade 9 experienced worker and 2 workers had completed their practice educator stage 1 award.
- A vital piece of work had been received from the Health, Adult Social Care and Communities Scrutiny Committee on Delayed Transfer of Care and the Health and Wellbeing Board had received an update on performance. The Mid Cheshire Health Trust had maintained target levels quite consistently, however, The East Cheshire Health Trust were seeing a much improved situation moving closer towards national targets, with the lowest number of acute delays ever recorded in NHS England in June 2017. The work of the scrutiny committee was vital in this area.
- Technology was ever is key to innovation and Liquid Logic had been introduced in Adults in July 2016 and was improving case

management workflows and The Live Well website provided residents with detailed information on a range of services and care provision.

5. Reported that the hybrid bill for phase 2a of HS2, from Birmingham to Crewe, was being put before Parliament and she stated that this was a key milestone for this “once in a generation” rail project, which would see a Crewe hub station opening in 2027. She also welcomed further recognition of the overwhelming case for an HS2 hub station in Crewe and stated that was pleasing to see that the Department for Transport had launched a consultation on the Crewe HS2 hub station and related components. The Council would consider the consultation proposals in detail to ensure that consultation responses reflected the best possible outcomes for residents. She referred to the enormous benefits to the economy, with an enhanced HS2 hub station at Crewe, with unrivalled 360 degree connectivity and up to seven high speed trains an hour serving Manchester, Birmingham and London, which would deliver not only to the sub region but also to the Midlands, North West, Wales and beyond. The Leader stressed that there would be the highest standards of mitigation and compensation for those people affected by the route.

6. Referred to the Local Plan Strategy, which was to be considered later in the meeting. She stated that the Council had heard from residents, who had worked tirelessly in relation the Local Plan and had taken every opportunity to respond to the many consultations that had taken place. She stated that the choice before the Council was a stark one and to adopt it would ensure that there would be the full legal effect and, not least, would provide those tools when it came to development management and planning applications, to provide mitigation, implement design guides, ensure neighbourhood plans were heard and would enable officers and committees to use the tools they had. The Local Plan was also about the infrastructure, for example roads, schools, health and open space. She felt that Members and those residents who had responded to the consultations recognised the massive challenge that this was and she looked forward to debating it later in the meeting.

24 **ADOPTION OF THE LOCAL PLAN STRATEGY**

(Having declared an interest and fettering of discretion respectively, Cllrs B Dooley and M Jones left the meeting during consideration of this matter).

A report was submitted requesting that Council approve the adoption of the Cheshire East Local Plan Strategy as part of the Council's Statutory Development Plan. This followed previous approvals by Council for the Submission version of the Local Plan Strategy (28 February 2014), the Proposed Changes version of the Local Plan Strategy (26 February 2016) and the approval to consult on proposed Main Modifications (15 Dec 2016).

The Strategic Planning Board, at its meeting on of 24 July 2017 and Cabinet, at its meeting on 26 July 2017, had considered this matter and the relevant minute from both meetings had been circulated around the Chamber in advance of the meeting.

The Mayor reminded Members that the decision today was whether or not to adopt the local plan strategy in the form presented. Government Advice within the Planning Practice Guidance advised that a local plan, following examination, would have been through a significant process locally to engage communities and other interests in discussions about the future of the area, and it was to be expected that the authority would proceed quickly with adopting a plan that had been found, through examination by a planning inspector, to be sound. Timely adoption would enable the document to become part of the development plan, and its policies to benefit from the statutory weight in planning decisions. Council could only adopt a development plan document in accordance with the recommendations of the Inspector, save for minor modifications which did not materially affect the substance of the policies. There was, therefore, no scope to make material changes to this document at this stage. He, therefore, encouraged Councillors to concentrate on the substantive issue of whether or not to adopt the Plan.

A motion to approve the recommendation, as set out in paragraph 2.3 and 2.4 of the report, was proposed and seconded.

AMENDMENT

An amendment to include the following additional recommendation (2.5) was proposed and seconded:-

“That this Council recommends to Cabinet that work should immediately start on a new Local plan that takes into account the implementation of HS2 and the correct air quality information”.

The amendment was put to the meeting and was declared lost.

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

For

Cllr A Arnold, Cllr G Baggot, Cllr Rachel Bailey, Cllr Rhoda Bailey, Cllr G Barton, Cllr P Bates, Cllr G Baxendale, D Bebbington, E Brooks, Cllr D Brown, C Browne, Cllr P Butterill, Cllr J Clowes, Cllr H Davenport, Cllr S Davies, Cllr M Deakin, Cllr T Dean, Cllr L Durham, Cllr S Edgar, Cllr JP Findlow, Cllr R Fletcher, Cllr H Gaddum, Cllr S Gardiner, Cllr S Gardner, Cllr L Gilbert, Cllr P Groves, Cllr J Hammond, Cllr D Hough, Cllr O Hunter, Cllr A Kolker, Cllr J Macrae, Cllr D Marren, Cllr A Martin, Cllr R Menlove, Cllr G Merry, Cllr B Moran, Cllr J Nicholas, Cllr M Parsons, Cllr S Pochin, Cllr M Simon, Cllr M Simon, Cllr L Smetham, Cllr D Stockton, Cllr G Walton, Cllr G Wait, Cllr B Walmsley, Cllr G Walton, Cllr J Weatherill, Cllr H Wells-Bradshaw, Cllr G Williams, Cllr J Wray.

Against

Cllr D Bailey, Cllr M Beanland, Cllr S Brookfield, Cllr B Burkhill, Cllr S Carter, Cllr C Chapman, Cllr S Corcoran, Cllr D Flude, Cllr T Fox, Cllr M Hardy, Cllr S Hogben, Cllr J Jackson, Cllr L Jeuda, Cllr D Mahon, Cllr N Mannion, Cllr J Rhodes, Cllr B Roberts, Cllr J Saunders, Cllr M Sewart, Cllr A Stott.

Not Voting

Cllr A Moran.

The motion was declared **carried**, with 49 votes for, 20 against and 1 not voting.

RESOLVED

That Council, having taken into account the recommendations of the Strategic Planning Board and Cabinet, adopts the Local Plan Strategy, as submitted to the Secretary of State on 20th May 2014, subject to the inclusion of:

- (i) the Main Modifications recommended by the Inspector necessary to make the Plan sound (Appendix 1c of the report);
- (ii) the schedule of Additional Modifications (Appendix 2 of the report).

25 RECOMMENDATION FROM CABINET - 2016/17 FINANCIAL OUTFURN AND REVIEW OF PERFORMANCE

(Cllrs D Hough, J Hammond, G Baggot and S Hogben had declared an interest in the following item and left the meeting during consideration of this matter).

Cabinet, at its meeting on 13 June 2017, had considered the 2016/17 financial outturn and review of performance.

Cabinet had approved recommendations 1 and 2 of the report and recommended that Council approve fully funded supplementary capital estimates and virements above £1,000,000 in accordance with Financial Procedure Rules, as detailed in Appendix 4, Table 7 of the report.

RESOLVED

That the supplementary capital estimate for the Crewe Green Roundabout scheme and the Waste Strategy Implementation virement, as set out in Appendix 4, Table 7 of the report, be approved.

26 **NOTICES OF MOTION**

The Following Notices of Motion had been submitted in accordance with Procedure Rule 12:-

1 Schools Education Funding

Proposed by Councillor L Durham and seconded by Councillor D Flude

This Council notes:

- that in March 2016 the Government announced a review and consultation(s) on school funding reform;
- that the average per-pupil school funding received from the Government varies considerably;
- the Institute for Fiscal Studies report of December 2016 indicated that schools were predicted to see cost increases of around 8% by 2019/20;
- schools in England are facing the first real-terms cuts to their funding in a generation;
- that schools in England are already facing significant additional costs which the Government does not intend to pay for, including the removal of the Education Support Grant later this year;
- that there is subsequently the need to move toward a more transparent system of Schools funding allocation.

This Council believes that:

- investment in education is investment in the future of our nation;
- investment in education is essential to provide all our young people with the chance to succeed;
- the formula proposals presented in the National Fairer Funding Formula (NFFF) Stage 2 Consultation fall short of what was expected, lock in historical inequalities and will not deliver fairness as promised;
- the national Government should make funds available for national Government policy initiatives in schools;

- the basic level of funding allocated to all schools must be adequate for the school for both operational costs and the sufficient provision of staffing;
- additional needs funding should be, as the name suggests, additional- and therefore should be targeted at Additional Education Needs (AEN) factors, and not come at the expense of the basic entitlement funding which is imperative to achieving a fair, balanced and equitable funding formula;
- schools funding should follow a formula which combines need-based assessment with lump sum funding per pupil, to ensure all schools can function with appropriate pupil-teacher ratios and meet a defined set of costs- this should be provided in accordance with 75% pupil funding and additional needs factors of 14% (deprivation 8%, prior attainment 5% and EAL 1%);
- pupils of similar characteristics should attract similar levels of funding wherever they are in the country (allowing for the area cost adjustment);
- while the Stage 2 consultation is about finding a fair funding methodology and not about the quantum of funding available, Cheshire East schools have been making cuts for many years now and have reached the limit of where further cuts can be identified;
- the outcome of the fair funding for school's consultation should be fair.

This Council further resolves to ask the Leader of the Council to write to the Secretary of State for Education asking them to:

- ensure the budget for Schools is kept in line with inflation from the year 2015;
- ensure the Government's policy commitments to the apprenticeship levy, national living wage and pension contributions in schools are fully funded by national Government;
- commission a comprehensive review of education funding covering ages 0-19;
- publish the methodology used to calculate the costs of running a school.

RESOLVED

That the motion stand referred to Cabinet.

2 Badger Culling

Proposed by Councillor S Corcoran and Seconded by Councillor L Jeuda

This Council notes the failure of government policy to deal with bovine TB, notes the RSPB's position in opposing badger culling and promoting

vaccination of badgers and resolves to oppose any culling of badgers on its land.

RESOLVED

That the motion stand referred to Cabinet.

3 Alcohol Advertising

Proposed by Councillor S Corcoran and Seconded by Councillor D Flude

This Council notes that:

- alcohol can be enjoyed in a responsible way by adults;
- alcohol can cause serious and fatal diseases, including several types of cancers;
- the UK Chief Medical Officers' Alcohol Guidelines advise both men and women that it is safest not to drink regularly more than 14 units per week;
- alcohol can only be legally purchased by adults over 18 years old;
- advertising of alcohol is designed to make products more appealing and in turn can appeal to children and young people;
- there is strong evidence of public support for a 9pm watershed for alcohol advertising on TV (the recent Healthier Futures/Alcohol Health Alliance public opinion survey found 73% support in Greater Manchester for a 9pm watershed for alcohol adverts on TV and the recent public engagement campaign 'See What Sam Sees' by Healthier Futures, talked with over 200 people across Greater Manchester and received overwhelming support for a 9pm watershed from the Greater Manchester public);
- in January 2012 the Health & Wellbeing Scrutiny Committee considered a report on alcohol and noted that Cheshire East Council had recently signed up to the NHS North West "Pledge to young people" to reduce the harm caused to children and young people by alcohol.

This Council acknowledges its share of responsibility to try to ensure good public health in the population and resolves to

Request the Leader of the Council to write the Secretary of State for Digital, Culture, Media and Sport expressing these views and asking her to bring forward legislation to introduce a 9pm watershed for the advertising of alcohol products on TV to protect children and young people from the influence of alcohol advertising.

RESOLVED

That the motion stand referred to Cabinet.

27 **QUESTIONS**

The following questions were asked by Members :-

1. Cllr Rhoda Bailey asked for assurance that notification of planning applications would be submitted to the press on a weekly basis so that they appeared in each edition of the relevant newspapers. - Cllr A Arnold, Housing and Planning Portfolio Holder, responded.
2. Cllr L Gilbert referred to the bus service review and the withdrawal of services in rural areas and asked what measures would be put in place to ensure mobility of residents. - Cllr D Brown, Highways and Infrastructure Portfolio Holder, responded.
3. Cllr D Flude asked why it was deemed to be political for Members to ask questions at the Staffing Committee about staff care and bullying and referred to a letter from the Leader of the Council recently published in the Crewe Chronicle. - The Leader of the Council responded.
4. Cllr L Jeuda referred to the Government decision not to accept unaccompanied child refugees under the Dubs Amendment and asked what pressure the Council was going to apply to ask the Government to change this policy. - Cllr P Bates, Finance and Communities Portfolio Holder, responded.
5. Cllr M Deakin referred to the recent report considered by the Health and Wellbeing Overview and Scrutiny Committee concerning the proposed Branch Surgery Closure at Rhode Heath, Scholar Green and stated that the Alsager surgery was also close to capacity. With the inevitable population expansions, he asked whether the Council could begin working on the introduction of a new surgery in the near future. - The Leader of the Council responded.
6. Cllr S Carter referred to ongoing roof problems at Hurdsfield Primary School and the need for repairs to the roof. He asked the Leader if she could expedite action in respect of this issue. - The Leader of the Council responded.
7. Cllr Corcoran referred to Notices of Motion being routinely referred to Cabinet and made reference to a Notice of Motion that he had

submitted in respect of fossil fuels, which he had not heard anything further about. He asked the Leader if she would give consideration to how Notices of Motion should be dealt with in the future. - The Leader of the Council responded and undertook to consider this.

8. Cllr N Mannion referred to the ongoing discussions concerning air pollution caused by congestion and the Government's announcement, on the previous day, regarding a ban on petrol and diesel by 2040. He asked whether the Leader would consider the establishment of a cross party working group to look at reducing pollution and congestion on roads, to report to Cabinet. - The Leader of the Council responded to say that this would probably be more appropriate to deal with by a Scrutiny Task and Finish group, but that she would consider the matter and report back.

9. Cllr T Fox referred to the lack of a confirmed date for improvements to the link Road on to the A34 at the Summerfields development and asked when these mitigation measures would be implemented. - Cllr D Brown, Highways and Infrastructure Portfolio Holder, responded.

10. Cllr S Pochin asked whether there was a facility in Cheshire East to provide children who received free school meals with meals during school holidays and asked for assurance that the Leader would look in to this. - The Leader of the Council undertook to provide a written response.

11. Cllr J Nicholas referred to enquiries that he had received from residents regarding the cost of the recent investigations concerning senior officers of the Council and asked how much this had cost so far. - The Leader of the Council responded.

The meeting commenced at 2.00 pm and concluded at 5.35 pm

Councillor A Moran (Chairman)
CHAIRMAN

Cheshire East Council

Date of Meeting:	19th October 2017
Report of:	Linda Couchman, Strategic Director of Adult Social Care and Health
Subject/Title:	Strategic Partnership for the Cheshire East Community Equipment Service
Portfolio Holder:	Cllr Janet Clowes – Adult Social Care and Integration

1. Report Summary

- 1.1. Council approved the Community Equipment Service (CES) Framework for adult equipment and the Council's budget for up to four years on 3rd March 2015; subject to annual confirmation of budget. Since that approval, advice has been received from Legal that the current Constitution now requires additional Council approvals. This report therefore seeks Council's endorsement, under the current Constitution, for the continued s75 of the National Health Service Act 2006 partnership arrangement which delivers the CES.
- 1.2. This Section 75 of the National Health Service Act 2006 Memorandum of Understanding (MOU) is between four partners; Cheshire East Borough Council, Eastern Cheshire Clinical Commissioning Group (CCG), South Cheshire CCG and Vale Royal CCG. This is the commissioning partnership for the Cheshire East Community Equipment Service (CES), which is hosted by Cheshire East Borough Council.
- 1.3. The CES Commissioning partnership has proved very successful in delivering a quality community equipment service over many years. This is due to the benefits of partnership working as a principle, but also because of the nature of this particular joint commissioning arrangement. The arrangement provides an efficient and cost effective centralised service for the four partners. The CES partnership is based on a common statutory requirement to ensure that the adults and children of Cheshire East receive the equipment they need, in a timely way, in order to live more independently and safely. This effective partnership has proven over the years that this integrated approach to delivering health and social care services works well. Its characteristics are:
 - the partnership comprises people with the right knowledge and experience
 - communication is efficient

- there are competent change management skills
 - there is an understanding of the barriers to successful partnership working
 - effective conflict resolution is in place
 - people work together using respectful behaviours
- 1.4. The CES partnership has been in existence for many years, and hosted by CEC since 2009. It has been renewed every three years. There is now a need to renew the MOU under which it operates so that it is co-terminous with the funding approval granted through to 31 March 2021. The MOU contains an annual review facility. This will be used to ensure the correct arrangements remain in place as further integration between Social Care and Health becomes a reality.
- 1.5. Community Equipment Services are statutory services. The Cheshire East CES provides essential equipment to children, adults and older people in order to promote independence, facilitate hospital discharge, prevent admission to hospital and long term residential and nursing care. It also offers support to carers and provides comfort and support at end of life. The service facilitates and contributes to prevention and early help.
- 1.6. The CES supports Council outcomes 5 and 6 :-
- Outcome 5 – ‘People live well and for longer’
- Outcome 6 – A responsible, effective and efficient organisation
- 1.7. The section 75 of the National Health Service Act 2006 arrangement provides for the total budget for all partners for this service to be held by CEC, as the host organisation. That total budget for 2017-18 is £1.2m. Over four years the estimated pooled budget total is over £5m. The contribution for CEC over four years is estimated just over £1.6m, and forms part of the service base budget. There are no plans currently in the Medium Term Financial Strategy for any change to this.

2. Recommendation

That Council:

- 2.1. Endorses the renewal of the Memorandum of Understanding (MOU) through to 31 March 2021 under Section 75 of the National Health Service Act 2006 between Cheshire East Council, Eastern Cheshire CCG, South Cheshire CCG and Vale Royal CCG, for the delivery of the Community Equipment Service.
- 2.2 Delegates authority to:
- (a) the Strategic Director of Adult Social Care and Health (in consultation with the Portfolio Holder for Adult Social Care and Integration and the Director of Legal Services), to approve the final form of the MOU (and any subsequent amendments thereto); and

(b) to the Director of Legal Services to execute on behalf of the Council the approved final form of the MOU.

- 2.3 Delegates authority to the Strategic Director of Adult Social Care and Health (in consultation with the Portfolio Holder for Adult Social Care and Integration and the Director of Legal Services), to renew the MOU arrangements beyond 2021 in accordance with any provision made for that purpose by Council through setting the budget and policy framework.

3. Other Options Considered

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

This option would not provide the economies of scale and efficiencies the service has benefitted from over the last eight years. The partnership approach also allows the organisations to jointly establish prescribing approaches, monitor prescribing trends, spend, and appropriate and timely provision. This contributes substantially to integration objectives, supporting operational integration across Health and Social Care practice.

4. Reasons for Recommendation

- 4.1 The CES MOU has now existed for around 20 years with changing partner organisations over the years. It is a successful partnership, contributing to the efficiencies achieved over the years, and to the current timely and appropriate provision of equipment.
- 4.2 The Care Act 2014 places a duty on Local Authorities to:
- Promote individual wellbeing
 - Prevent people's care and support needs from becoming more serious
 - Promote integration of care and support with Health
 - Provide information and advice
 - Co-operate generally with its relevant partners such as the NHS
 - Co-operate with other Local Authorities and their partners
- 4.3 The CES partnership arrangement encourages and facilitates integrated assessment and prescribing across Health and Social Care. It contributes towards better outcomes for people and their carers, and greater efficiencies within the services. This is an example of integration that can be highlighted to NHS England and the DH as progress on the journey to 2020.

5. Background/Chronology

- 5.1 The current CES MOU arrangements have been operating successfully for 20 years. However, there is a need to align current MOU arrangements with the funding approvals given by Council on 3 March 2015.. All CCG partners have agreed to continue this partnership and seek agreement to the continuation from CEC Council, as the host. The further delegation sought at 2.3 of the recommendation will obviate the need for similar approvals to be sought in future to continuing the MOU arrangement. That will follow from continuing provision being made in the budget setting process.
- 5.2 There are no significant changes between the current MOU and the new one. All contracts with suppliers have and will continue to be competitively procured in line with the relevant regulations. There are opportunities to expand the partnership in the future, and these will continue to be explored.

6. Wards Affected and Local Ward Members

- 6.1. The MOU will affect all wards and, as a result, all local ward members.

7. Risk Management & Implications of Recommendation

7.1. Policy Implications

The MOU delivers the Council's ambitions in relation to integrated working with Health and joint commissioning.

7.2 Legal Implications

The MOU will establish the obligation of the parties in relation to the provision of community equipment (jointly funded) service. It confirms the funding contributions and responsibilities of each of the parties in delivering that service. The MOU is intended to facilitate the operations of the parties' agreement to work collaboratively and jointly contribute to sufficient funding of the service.

Section E of the Council's Financial Procedure Rules set out requirements and approval routes for Partnerships and Jointly Funded Projects, such as this. The Council's current contribution to the budget for this service is up to £1,629,000 for the four years from 1st April 2017, and therefore in accordance with Rule E.18, Council approval is required to enter any agreement for the jointly funded project, in this case the MOU.

The overall value of the MOU is in excess of £5 million, and therefore (in accordance with Rule 5.1.3) to be entered into by the Council it must be executed under seal by Legal Services.

7.3 Financial Implications

The Council's current Medium Term Financial Strategy anticipates the following funding being available....

Cheshire East Council (CEC) contributions to Community Equipment Service (CES) over 4 years							
Year		2017/18	2018/19	2019/20	2020/21		Total
Contribution (£)		407,318	407,318	407,318	407,318		1,629,272

Assumptions:

Adult Social Care will seek to contain the CEC contributions to £407,318 p.a. over the next four years. However, as demand and activity is increasing year on year, this will need to be annually reviewed.

7.4 Equality Implications

An Equality Impact Assessment (EIA) has been completed for this services which establishes there are no adverse impacts on protected characteristics group; available if required.

8. Access to Information/Bibliography

- 8.1.1. a) The draft new CES MOU. Author Nichola Glover-Edge
- b) CES EIA. Author Nichola Glover-Edge

9. Contact Information

Contact details for this report are as follows:

Name: Nichola Glover-Edge
Designation: Director of Commissioning
Tel No: 01270 371404
Email: Nichola.glover-edge@cheshireeast.gov.uk

This page is intentionally left blank

Cheshire East Council

Date of Meeting: 19th October 2017

Report of: Director of Legal Services

Subject: Cheshire East Council-Review of the Constitution

1. Report Summary

- 1.1. This report provides an update to Council upon the review of the Constitution.

2. Recommendation

- 2.1. To note the progress made in respect of the review of the Constitution, and the timescale for the completion of the review.

3. Background

- 3.1. On 4th August 2017, the Constitution Committee received a report regarding a proposed, comprehensive, review of the Council's Constitution; which is needed to ensure compliance with all relevant statutory requirements, to improve organisational efficiency, and to further improve the governance arrangements for the Council.
- 3.2. The Committee resolved as follows:

“RESOLVED

That the Committee

(i) agrees on the need for a review of the Constitution and the production of a proposed new Constitution for consideration by Council in accordance with proposals contained in the advice note appended to the report;

(ii) agrees a proposed vision for the production of a new Constitution as follows:

“to have a clear, succinct Constitution which is accessible, user-focused, provides helpful instruction and ensures good governance and transparency across all elements of service delivery”

(iii) agrees the seven principles set out in the advice note as a starting point for the review of the Constitution and production of a proposed new Constitution, the principles being as follows:

The Constitution should:

- (i) recognise the Council’s democratic leadership role;*
- (ii) support, not hinder, the efficient exercise of democratic decision-making, good governance and the delivery of services;*
- (iii) be modern in its language, format and presentation;*
- (iv) be concise, covering only those essential issues which need to be in the formal Constitution and sign-posting to other documents and sources;*
- (v) recognise the new ways in which the Council operates (for example, through ASDVs and shared services);*
- (vi) delegate decision-making to the most appropriate level with the right checks, balances and scrutiny; and*
- (vii) be future proof, not requiring constant revisiting and updating.*

(iv) agrees the key areas for action and proposed approach as set out in the advice note;

(v). appoints a Sub-Committee of eight members of the Constitution Committee (5 Conservative; 2 Labour; 1 Independent) to meet fortnightly with terms of reference as follows:

a. agree a work programme based on the priorities set out in the advice note so as to divide the task of reviewing the Constitution into appropriate work packages and allocating the work packages to relevant member and officer task groups to progress;

b. approve the evolving re-drafted sections of the new Constitution that are proposed by the allocated Member and Officer task groups; and

c. approve a final draft of the full Constitution to be put to the Constitution Committee for approval, prior to the Constitution Committee then recommending the adoption of the same by full Council.

(vi). the names of the Sub-Committee members be notified to the Head of Governance and Democratic Services in accordance with the usual rules of appointing members to committee places. Substitute Members should, where possible, be appointed from within the membership of the Constitution Committee; otherwise, the Council's normal rules on substitutions would apply to the Sub-Committee; and

7. the Sub-Committee be asked to consider and make recommendations on appropriate means of making the Constitution available digitally”.

- 3.3. The Constitution Sub-Committee has now met on three occasions in order to drive-forward the review. In order to do so, it established four Working Groups, each led by a Sub-Committee member, on a cross-party basis, as follows:

Work Package 1 – The overall style and presentation of the Constitution (Sub-Committee)

Work Package 2 – Decision-making – Terms of Reference of Member Bodies (Cllr G Baxendale)

Work Package 3 – Decision-making – Officer Scheme of Delegation (Cllr N Mannion)

Work Package 4 – Procedure Rules (Cllr A Martin)

Work Package 5 – Codes/Protocols and Members' Allowances (Cllr B Burkhill)

- 3.4. Bevan Brittan solicitors, specialists in local government and constitutional law, were appointed to advise the Council upon the review and to assist in drafting the product which would comprise the Council's new Constitution.
- 3.5. Work Package 1 was dealt with by the Sub-Committee. Each of the Working Groups leading the other Work Packages have held meetings in order to consider the area of work allocated to them by the Committee. The approach adopted by the Working Groups has been to develop, based upon the principles originally agreed by the Constitution Committee on 4th August 2017, the material within their Work Packages.
- 3.6. The product of the work of the Working Groups has directed the work of Bevan Brittain, facilitating the production of newly drafted sections of the Constitution but, importantly, highlighting those matters where the Working

Groups may have had queries, or where there may be concerns about the proposed provisions of the new Constitution.

- 3.7. At its meeting on 4th August 2017 the Constitution Committee gave a commitment that there would be full engagement with Council Members as part of the review process. In order to reassure Members, the Sub Committee resolved that whilst officers would be permitted to use their discretion in bringing to the attention of the Sub Committee only matters of substance when constitutional changes are proposed, this discretion would be required to be exercised with caution. This has been done, and will continue to be done through the production of summary documents and discussions at the Working Groups, the Sub-Committee and Committee meetings.
- 3.8. The approach adopted for the review is as follows:
- 3.8.1.1.** Working Groups consider those sections of the Constitution which they have been appointed to deal with.
 - 3.8.1.2.** Working Groups agree any proposed new content and highlight queries or concerns (as per paragraph 3.6).
 - 3.8.1.3.** Advice sought from Director of Legal Services and Bevan Brittan.
 - 3.8.1.4.** Constitution Sub-Committee considers content and queries, or concerns, highlighted by the Working Groups, and makes recommendations to the Constitution Committee.
 - 3.8.1.5.** Constitution Committee makes recommendations to Council.
 - 3.8.1.6.** Council considers the Constitution Committee's recommendations and whether to adopt the Council's new Constitution.
- 3.9. As indicated, the Constitution Committee has given a commitment to fully engage Members as part of the process. Indeed, significant interest has already been shown by Members who wish to feed into the process, and to get involved. The following opportunities have taken place, or are due to take place in order to ensure that all Members are able to feed into the process.
- There have been two meetings of the Constitution Committee, three meetings of the Constitution Sub-Committee, and numerous meetings of the Working Groups. Invitations were given to all Members to attend meetings of the sub-Committee and the Committee.
 - A workshop was held at Sandbach Town Hall on 31st August, which was well-attended by Members of all Groups,

- The constitutional drafting and explanatory notes produced so far have been sent to all Members electronically. An offer to supply hard-copies of the documents to Members has been made, where requested.
 - Two drop-in sessions for Members to attend and be briefed, make comments or raise queries, will take place on 12th and 13th October. Further drop-in sessions can be arranged if needed, and the Director of Legal Services and Head of Governance and Democratic Services will be on hand to answer any questions which are raised.
 - A Briefing was arranged for Group Leaders.
 - Offer of presentations has been made to each political Group.
 - Further meetings of the Constitution Sub-Committee will take place, which may be attended by any Member, who may choose to address the Sub-Committee on issues of interest to them.
 - The recommendations of the Sub-Committee will be considered by the Constitution Committee which, as above, is open to receive the views of any Member.
 - The recommendations of the Constitution Committee will finally be considered by Full Council, which will debate the proposals before it.
 - Every lead member in each area of Member decision-making in the Constitution has been invited to contribute to the review of “their” area of the document.
- 3.10. Whilst Full Council will consider the product of the review, it is important to recognise that it has appointed the Constitution Committee, as the expert body, to consider legal and other advice, and to make informed recommendations upon constitutional matters. The engagement process illustrated above makes very clear that the views and concerns of Members are aired, and are then subject to appropriate advice before consideration by the Constitution Committee. Whilst Full Council decides whether or not to adopt a new constitution, Members must be clear that Full Council is not an appropriate forum to seek to undertake a detailed re-drafting of the document itself. That can only be done through the Sub-Committee, Committee and the member engagement process described above.
- 3.11. Whilst no formal decision had been taken by the Constitution Committee in respect of the date upon which Full Council would consider and seek to adopt the reviewed Constitution, the aim had been for this to take place at the meeting of Full Council on 19th October 2017. However, the considerable input by Members in the review to date, and the consequent engagement arrangements resulted in a decision by the Committee that the December 2017 meeting of Council should consider the matter instead.

4. Wards Affected and Local Ward Members

- 4.1. All wards and local ward members are affected.

5. Implications of Recommendation

5.1. Legal and Policy Implications

5.2. Full Council is responsible for adopting its Constitution, based upon the recommendations of the Constitution Committee.

5.3. Financial Implications

5.3.1. The review of the Constitution is intended to deliver efficiencies in respect of the way in which the Council works and makes decisions. This, ultimately, is expected to generate efficiency savings.

5.4. Human Resources Implications

5.4.1. There are no identified human resources implications.

5.5. Equality, Rural and Public Health Implications

5.5.1. These issues will be considered as part of the work of the review and will be central to subsequent recommendations.

6. Risk Management

6.1. Risk considerations have been taken into account throughout the review process and appropriate legal and professional advice has been taken. This will minimise risk. The final product of the review will result in a more understandable and effective Constitution which will lead to greater clarity in terms of the way in which the Council works, and in more transparent and efficient decision-making. This, in itself, will minimise risk.

7. Background Papers

7.1. The Council's existing Constitution is a published document, and has formed the basis of this review. Bevan Brittan solicitors have produced summary and explanatory notes which have fed into the process, and which have also been published.

8. Contact Information

Contact details for this report are as follows:-

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

This page is intentionally left blank

CHESHIRE EAST COUNCIL

Council

Date of Meeting:	19 October 2017
Report of:	Head of Governance and Democratic Services
Subject/Title:	Overview and Scrutiny Annual Report 2016/17

1.0 Purpose of Report

1.1 The annual Overview Scrutiny report 2016/17 is attached.

2.0 Recommendation

(1) That the annual report be received;

(2) That the report be posted on the Council's website

3.0 Wards Affected

3.1 All wards

4.0 Local Ward Members

4.1 Not applicable

5.0 Policy Implications

5.1 Not applicable

6.0 Financial Implications

6.1 No financial implications would appear to arise from the recommendations of this report.

7.0 Legal Implications

7.1 Not applicable

8.0 Risk Assessment

8.1 There are no identifiable risks.

9.0 Background and Options

9.1 The 2016/2017 Overview and Scrutiny Annual report attached summarises the activities of the Council's four Overview and Scrutiny Committees during the period of the 2016/17 Municipal Year.

10.0 Access to Information

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

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

Overview and Scrutiny

Annual Report

June 2017



1.0. Introduction

- 1.1. Welcome to the Council's 2016/17 Annual Overview and Scrutiny Report. Overview and scrutiny plays an important role in the governance of Cheshire East by examining the Council's performance and undertaking policy reviews. Overview and scrutiny committee members ensure that the Council's decision makers and partner organisations are held to account for their decisions. We strive to ensure that the residents of Cheshire East receive the best value possible from those who provide services to the residents of the borough.
- 1.2. This is the third annual report since the Council re-introduced a formal overview and scrutiny committee structure in May 2014. Overview and Scrutiny must be flexible to react to the changing demands on the Council and to reflect its corporate priorities. The Leader requested Corporate Scrutiny to undertake a review of the Overview and Scrutiny Committee set up in the summer of 2016. This resulted in a more streamlined structure involving four committees instead of six. In addition, the number of formal meetings has been reduced and committees now largely meet on a bi monthly basis. The four new committees have been aligned to the current Cabinet structure so that each portfolio holder reports to one committee only. This has provided clear lines of accountability for the Council and its partners.
- 1.3. In recognition of its significant workload, the new Health Adult Social Care and Communities Overview and Scrutiny Committee has been given a larger membership than the remaining three committees and has continued to meet monthly. Clinical Commissioning Groups (CCGs) are not immune from the impacts of austerity and are facing a similar challenging financial climate to Local Authorities. This is expected to lead to significant changes to health provision locally. CCGs and Health providers are required by law to consult with the Scrutiny committee on changes to service provision. These are known as Substantial Development or Variations (SDVs). The Committee has already been notified of three SDVs and many more are expected.
- 1.4. Each of the four committees has managed full and varied work programmes during the civic year. This includes five task and finish groups which began during the year.
- 1.5. Elsewhere, Health Adult Social Care and Communities Overview and Scrutiny Committee undertook an intensive spotlight review of delayed transfer of care and its implications for bed provision in hospitals and the care system. A Cabinet decision relating to walking routes to schools was called-in by the Children and Families Committee which generated a lot of public interest.
- 1.6. On the 7 March 2017, Overview and Scrutiny Chairs met with cabinet and CLT colleagues in the first of what will become bi-annual meetings between the Executive and Overview and Scrutiny to promote better working between the two arms of the decision making process.

1.7. As always, our thanks are extended to all those who have taken part in the work of Overview and Scrutiny over the past year. Our work would not be possible without the co-operation and support of Cabinet Members, co-opted members, officers, public and partners.

1.8. I hope you find this report to be informative and look forward to the year ahead.



Margaret Simon
Chairman Corporate Overview and Scrutiny Committee

1.9. The work of Overview and Scrutiny Committees

1.10. Corporate

Chairman: Councillor Margaret Simon

Vice Chairman: Mo Grant

1.11. The Committee is responsible for reviewing the Council's internal operation, including budget setting, risk management, governance, human resources and procurement. The committee comprises the Chairs and Vice Chairs of all of the overview and scrutiny committees and has a secondary role to co-ordinate the work of the other three committees to ensure there is consistency in relation to new legislation and best practice. The committee also oversees the training requirements of Overview and Scrutiny.

1.12. Committee work

1.13. Quarterly performance report

1.14. The committee has reviewed quarterly budget and performance reports throughout the year. Despite the Council having to operate in difficult circumstances, the committee was encouraged to note throughout the year that the Council's performance and financial management arrangements are sound. The Council's decision to accept a 3 year revenue support grant settlement from the government has put the Council in a stable position to prepare for the immediate future.

1.15. Business planning/Budget consultation

- 1.16. The Committee received a number of briefings during the year on the budget setting process for 2016/17 and supported the Council's acceptance of a 3 year grant settlement from the government. This will enable the Council to plan ahead more effectively and provide Overview and Scrutiny with an opportunity to engage with the budget setting process in a different way than in the past.
- 1.17. ASDV governance structure – September 2016
- 1.18. In September 2016, the committee received a presentation on the governance structure of the Council's wholly owned companies or Alternative Service Delivery Vehicles (ASDVs), principally, to gain a better understand of the role of the holding company Cheshire East Residents First (CERF). This was to help Overview and Scrutiny Members to assist them in their responsibilities to monitor the performance of the companies on behalf of the residents of Cheshire East.
- 1.19. An all Member briefing session is being planned to help Members better understand the relationship between the ASDVs and holding company and ASDV governance arrangements. This briefing session will be one a series of Member briefing sessions that have been introduced into the corporate calendar by Overview and Scrutiny to broaden Members' knowledge on key issues affecting the borough.
- 1.20. Enforcement Agents November 2016
- 1.21. In November 2016, the Committee received a presentation from the Council's newly appointed enforcement agents Bristow and Suter on new ways in which enforcement agents now operate since a significant change in legislation occurred in 2014. Enforcement agents now make the best use of new technology to recover debt and operate under a strictly controlled fee system. The changes in legislation have brought about a success rate of 40-50% in the compliance period, which is conducted through correspondence, meaning that fewer people than ever have any face to face contact with enforcement agents.

1.22. Highways Procurement Process April 2017



1.23. In April 2017, the Committee received a presentation on five options that were under consideration to procure a new Highways contract, as the existing contract which had been awarded to Ringway Jacobs in 2011 was due to end.

1.24. On 6 April 2017, the committee supported the Procurement Strategy for the next Highway Service Contract which included the adoption of an integrated services contract model for a period of fifteen years with a pre-defined mid-term break clause at year eight.

1.25. Parking outside schools task and finish group

1.26. A Task and Finish Group has been looking at universal problems associated with parking around schools. This cross cutting issue was taken up by the Committee with the aim of finding solutions to lessen the impact on local communities of inconsiderate parking around schools. Apart from the inconvenience caused to those local communities, the actions of some parents potentially puts children at risk. The group understood that parking outside schools was an emotive issue for all concerned. All 82 members were consulted and it soon became apparent that one solution would not suit all schools and that for any scheme to be successful; all stakeholders would have to share responsibility and work together. The group has now concluded its findings and drafted a final report which recommends several different solutions to manage the root cause, the impact of the problems, and to support increased resources to tackle enforcement. The final report was



considered by Cabinet on 11 July 2017.

1.27. Members' facilities task and finish group

1.28. The Committee also investigated options to improve Member facilities at Westfields as the existing ground floor Members' room, which is mainly used by non-executive Members, is considered to be too small. As the Cabinet office, Chief Executive's office and strategic directors are located on the second floor, the task and finish group investigated whether the current separation of members' facilities from Executive office by two floors had any impact on informal lines of communication in particular. The task and finish group concluded that the separation did have a significant impact on member to member interaction. This is having an impact on relationship building between political groups.

1.29. The task and finish group therefore looked at ways of providing a shared space on the second floor at Westfields adjacent to the existing Executive suite.

1.30. This led the group to consider issues concerning the culture at Westfields and to the development of a civic identity. The group concluded that improvements could be made to reception area to create space for displaying civic regalia, artefacts and other matters such as artwork and displays from major employers in the borough which are significant to Cheshire East and its former authorities. This would provide visitors to Westfields with a visual representation of Cheshire East the place.

1.31. Finally, in recognition of the fast changing world of digital technology, the group investigated ways of modernising Council meetings through the better utilisation of standardised technology for all Members which would contribute to the Council's long term aim of holding largely paperless meetings.



Members Room at Westfields

1.32. **Looking Ahead to 2017/18**

1.33. When Council introduced the new streamlined committee structure in January 2017, the Committee undertook to carry out a review of the new arrangements and this will begin after the summer recess.

1.34. Overview and Scrutiny Chairs in conjunction with finance colleagues have revised their thinking about how non executive members can contribute meaningfully to the budget process over the next three years since the Council accepted a three year grant settlement in 2016.

1.35. To reflect a realignment in portfolio responsibilities announced in May 2017, the Committee is now the committee responsible for scrutinising community safety. The committee will therefore be engaging with Safer Cheshire East Partnership to review the partnerships strategy.

1.36. **Children and Families**

Chairman: Councillor Rhoda Bailey

Vice Chairman: S Pochin,

1.37. **Committee Work**

1.38. As in the previous year the Committee has continued to monitor the Council's improvement plan which was produced in response to the Ofsted inspection carried out at the beginning of the 2015/16 municipal year. The Committee has also been scrutinising the performance scorecard quarterly, which provides essential data along with qualitative information to measure the effectiveness of services within children's services.

1.39. A pilot project to support the development of emotionally healthy schools has been set up across 6 schools in Cheshire East to support children's emotional health and wellbeing. The objectives are to ensure that:

- All Cheshire East Schools are better equipped to support the Emotional Health of their pupils
- Every young person in Cheshire East has access to a graduated response to emotional health issues
- Frontline staff feel confident and supported in dealing with emotional health issues
- Referrals into specialist CAMHS are based on an assessment of need and are made at the right time
- The pathways between Schools and CAMHS are clear
- Cheshire East has a joined up CAMHS system that operates across the THRIVE Model

1.40. The pilot ran until December 2016. Due to its success and recognising the importance of children's mental health, Members supported the roll out of the scheme across Cheshire East and will continue to monitor its impact on our children.

1.41. Available Walking Routes to Schools -Call In

1.42. In July 2016, the Committee reviewed a decision taken by Cabinet in June 2016 relating to available walking routes to schools under the Council's 'call in' procedure.

1.43. In 2012 the Cabinet had approved a policy for the assessment of walking routes to school throughout the Borough. Various routes had been re-assessed in accordance with the policy approved by the Council in 2012 leading to several routes having free transport being withdrawn from April 2017.



1.44. The meeting was held at Sandbach Town hall and was attended by a large number of the public and school children who observed the Committee interviewing key witnesses.

Residents Address the Children and Families Overview and Scrutiny Committee

1.45. CSE Task and Finish Review

1.46. The Committee set up a task and finish group in 2014 to look at the Council's arrangements to protect children and young people from Child Sexual Exploitation.

1.47. The task and finish group produced an interim report in February 2015 which concluded that the policies and procedures in place at that time were good and that the Council was therefore well placed to take appropriate action in the event that CSE cases were brought its attention.

1.48. The group did express some concerns about licensing arrangements for drivers of private hire vehicles and taxis. This was beyond the scope of the review but, because of existence of cases elsewhere in the country where taxi/private hire drivers had played a significant role in CSE, the task and finish group felt that this aspect of the review, although outside its original remit, was worthy of a specific recommendation.

- 1.49. Sadly, the Chairman of the group, Councillor Phil Hoyland died suddenly shortly after the publication of the interim report, and the review was halted as a mark of respect.
- 1.50. In November 2015, the review recommenced but this time took a slightly different approach and looked at how the various practices and policies of the Council were applied in real situations.
- 1.51. Again, the task and finish group was satisfied with the evidence it gathered. The task and finish group expressed further reservations about taxi and private hire licensing arrangements and the final report contained three recommendations to attempt to make changes and improvements nationally.
- 1.52. Although the review did not uncover any matters of concern, Members of the task and finish group, poignantly expressed the view that ‘we only know what we know’ and it is therefore important to remain vigilant always.
- 1.53. **Looking Ahead to 2017/18**
- 1.54. The Committee recognises the importance of children’s mental health and wellbeing and will continue to scrutinise the arrangements of the Council and its partners. A spotlight review will be held to scrutinise tier 3 and 4 of the Child and Adolescent Mental Health Services (CAHMS), where partners will be invited to a formal select style committee meeting to answer a series of questions.
- 1.55. The Committee will also be setting up a task and finish group to scrutinise how the Council has dealt with the Special Education Needs and Disability (SEND) Reform. Recent changes made to the Children and Families Act 2014, allowed the Government to reform the way support is given to children and young people with special educational needs in England, specifically:
- The (EHC) plan will replace the statement of special educational needs, and will cover young people from birth to age 25.
 - Parents and young people can have control of a personal budget to buy additional support detailed in the plan.
 - Local authorities must produce a ‘local offer’ of education, health and social care services it expects to be available in the area for children and young people up to 25 years.
- 1.56. Following the Councils decision in February 2016 to de-designate 4 Children’s Centres, the Committee will continue to monitor the impact on residents and success of the mobile centre.
- 1.57. **Environment and Regeneration**
Chairman: Councillor J Wray
Vice Chairman: H Wells-Bradshaw,
- 1.58. **Committee Work**

1.59. Household Waste and Recycling Centre (HWRC) Review

1.60. In accordance with the Waste Strategy the Council has undertaken an efficiency review of the HWRC network. Following public consultation and scrutiny by the Committee, the Council will be working with Ansa and their contractor to assist with implementing several changes to the network. The Committee will continue to monitor the impact of those changes and effect on fly tipping.

1.61. Bus Service Review

1.62. Following consideration of the Pre-Budget Consultation 2017/20 relating to Environment and Regeneration, specifically outcome 2 (Cheshire East has a strong and Resilient Economy) and outcome 4 (Cheshire East is a Green and Sustainable Place) of the Council's Corporate Plan, the Committee has



concentrated its efforts on the review of the subsidised bus service which would include creating a new network based on demand.

1.63. The Council provide financial support to secure the operation of socially necessary bus services throughout the Borough; the service enables residents to benefit from local bus services at those times when commercial survives do not operate.

1.64. The review will cover the 42 bus services that are funded by Cheshire East Council and in accordance with the budget proposals a £1.6m saving is required. During the review the Committee has considered the methodology and preferred option for consultation and will scrutinise the final recommendations prior to consideration by Cabinet.

1.65. Flood Risk Management

1.66. In accordance with the Localism Act 2011, this Committee is responsible for the scrutiny of flood risk management within Cheshire East. Members received an annual report outlining the progress made in the past year and fed into the Flood Risk Management Strategy. The Committee commended the team on its work especially when dealing with the floods in Poynton.

1.67. Food Waste Collection, Organic Waste Treatment Solution

1.68. The Council is seeking to provide a food waste recycling collection as part of its garden waste recycling service. This is an aspiration of the waste strategy to reduce the disposal of food waste which currently accounts for 40% of residual black bin waste. The Committee is closely scrutinising the process which has been undertaken to seek a solution to recycle mixed household food and garden waste that would be collected in the existing garden waste bins from April 2019.

1.69. Fly Tipping Task and Finish Group

1.70. A Task and Finish Group had been established to tackle the problems associated with fly tipping in Cheshire East. Since the Task and Finish group was established, it had been acknowledged by the Council that the current situation was unsustainable. Therefore a 12 month pilot scheme had been approved to employ additional wardens and a private enforcement company to concentrate on education and enforcement.

1.71. As the majority of the task group's concerns had been addressed by the portfolio holder throughout the review, the Committee amended its terms of



reference to monitor the impact of the appointment of the additional environment wardens and the procurement of the external enforcement company. The group monitored the success of the pilot scheme and fed into the recommendations to Cabinet accordingly.

Flytipping in an alleyway in Crewe

1.72. Community Assets Transfer Assets Task and Finish Group

1.73. The community asset transfer task and finish group was originally set up by the former Jobs, Regeneration and Assets Overview and Scrutiny Committee. There had been some anecdotal evidence from Cheshire East Councillors that suggested the transfer of Council buildings and assets to community groups and town and parish councils took too long. Community groups were becoming disillusioned with the process and there were reports of very long waiting times in respect of the transfer of community buildings.

1.74. The task group have continued to meet with the support of a senior surveyor and partnership manager, and received a thorough explanation of the process which has undergone substantial changes in recent years. An investigation

into asset transfer arrangements within other neighbouring local authorities and similar sized authorities across the country is underway and the group will be considering the detail of these findings shortly. Following this, a review of the current work and report planning will take place, it is envisioned the group will conclude its findings by the end of 2017.

1.75. Looking Ahead 2017/18

1.76. As well as the Committee setting up a task and finish group to investigate how the Highways Service communicates with Councillors and members of the public, a Task and Finish Group has been established to develop several Highways Policies including Street Lighting, Clear Way Forward and Al Fresco, Verge Maintenance and Drainage. The primary purpose of this group is to prepare a list of Highway policies in readiness for inclusion in the tender documents that are being assembled for the new Highway Service Contract which will commence in October 2018.

1.77. Health & Adult Social Care Scrutiny (May 2016- April 2017)

Chairman: Councillor Jos Saunders

Vice Chairman: Councillor Beverly Dooley

1.78. Committee Work

1.79. In May 2017 the committee received the Quality Accounts for all three NHS Trusts which operate in the Borough: Eastern Cheshire (Macclesfield Hospital) Mid Cheshire (Leighton Hospital) and Cheshire and Wirral Partnership (mental health services). The Quality Accounts provide the committee with an opportunity to review the performance of each trust.

1.80. The Chair and Vice-Chair have regular meetings the Chief Executives and health colleagues of both CCGs on a quarterly basis. The purpose of the meetings is to keep an open channel of communication between the CCG and Health Scrutiny to maintain a transparent and strong work relationship.

1.81. Delayed Transfer of Care Spotlight Review



1.82. In January 2017 the Committee undertook a spotlight review of Delayed Transfers of Care (DToc) in to better understand the effect of delayed discharges from hospital in Cheshire East.

1.83. The Committee invited key health partners from across Cheshire East to take part in a public meeting. A Parliamentary style select committee approach was used to enable the Committee to gather evidence about how

the system currently worked, how effective current measures were, where the

future challenges to services were and what initiatives might contribute towards making improvements to performance. The aim was to provide better outcomes for patients in Cheshire East.

- 1.84. Following the review, the Committee met to discuss the presentations and talk through key recommendations. The Committee produced a report, which is in the process of being published, and will be distributed to all those whom the Committee made recommendations to for a response.
- 1.85. **Cheshire and Wirral Partnership - Draft Redesign Consultation Proposal**
- 1.86. In March 2017 Cheshire and Wirral Partnership (CWP) presented to the committee proposals to re-design mental health services in the north of the Borough involving three options that would have an impact on the Millbrook Centre in Macclesfield.
- 1.87. This was deemed to be a Substantial Development or Variation (SDV) which meant that the proposal had to go through a formal consultation process with the committee prior to a decision being taken by the trust. In the first instance, The Committee concluded that the proposal needed a more robust business case than had been presented to it.
- 1.88. A smaller working group of Members was formed to facilitate more agile informal discussions with representatives from CWP, Eastern Cheshire CCG, South Cheshire and Vale Royal CCG and Adult and Social Care.
- 1.89. Following discussions, all parties agreed that there should be a pause in the proposed consultation in order to produce more robust and compelling evidence. The CCG has received the pre-consultation business case from CWP and the CCGs have now committed to work with CWP to further develop and inform the content of this document ahead of any future attendance to Scrutiny. Both CCG Governing Bodies will need to receive and approve any business case and consultation documentation in advance of presenting to scrutiny in September 2017.
- 1.90. **Social Landlords- Low Level Anti Social Behaviour (ASB) - Task and Finish Group**
Membership
Councillors Beverly Dooley (Chair) Suzanne Brookfield, Steven Edgar, Gillian Merry, Mick Warren.
- 1.91. In April 2017, the Committee received a Community Safety briefing from the Partnerships department which highlighted a specific problem relating to the removal of the Neighbourhood and ASB team at Peaks and Plains Housing Trust. The removal of the department had led to an increase of low level ASB incidents for both Cheshire Police and the Council. In order to investigate this matter further, a Task Group was set up to better understand the situation at Peaks and Plains with a view to identifying potential key issues to help the Council to plan ahead in the event that other Housing trusts took similar action.

1.92. **Looking ahead to 2016/17**

1.93. In April 2017, East Cheshire NHS Trust presented the Committee with a proposal for a potential relocation of outpatient clinics from Handforth. After hearing the presentation, the Committee advised that the matter was a Level 3 Substantial Development/Variation (SDV) and as such would need to return with appropriate health partners for further consideration.

1.94. The Committee are continuing to work with Cheshire East Health & Adult Social Care, Eastern Cheshire NHS Trust and Eastern Cheshire CCG to scrutinise the business case and consultation documentation to ensure proposals are fully developed and ensure the best outcomes for Cheshire residents.

1.95. Towards the end of 2016, there was a new appointment of the Strategic Director of Adult Social Care and Health, and some significant changes to the Adult Social Care and Health department. Scrutiny continue to work closely with colleagues and are kept up to date on any new or emerging themes within health that could lead to further scrutiny on the work programme.

1.96. **Community Asset Transfer- Task and Finish Group
December 2016- current**

Membership

Councillors Hayley Wells-Bradshaw (Chair) Suzanne Brookfield, Craig Browne, Beverly Dooley, Brian Roberts, Don Stockton.

1.97. The Task Group was formed to review the effectiveness of the Council's policies and guidance in relation to the transfer of community assets to review the current process under the Community Assets Transfer Framework specifically at the effectiveness, application and process. This will lead y to an Investigation into how the Framework is applied in practice, with a view to removing blockages from the system and improvements to communication, specifically with Town and Parish Councils



The Gables, a community building in Nantwich, a successful example of a community asset transfer to Nantwich Town Council.

1.98. **Conclusion**

1.99. The four committees within the new structure provide 51 Overview and Scrutiny places. This represents a substantial proportion of the Council's non executive membership and provides significant opportunities to challenge Cabinet and partner organisations on policy development and implementation.

1.100. Overview and Scrutiny in Cheshire East is truly a Member led function with strong commitment to the four principles of good scrutiny: providing a critical friend challenge to Cabinet; reflecting the voice and concerns of the public; being led and owned by Members of the council; and making an impact on service delivery.

1.101. Overview and Scrutiny has demonstrated its willingness to make improvements to its structural alignment with cabinet and the way in which it operates. This will ensure that it remains an integral part of the Council's decision making process.

1.102. Overview and Scrutiny Members are committed to service improvement. Notwithstanding the responsibility of Overview and Scrutiny to challenge Cabinet on important issues, there continues to be a strong belief that Overview and Scrutiny is part of the bigger team that is Cheshire East and in that spirit will strive to continue to work collaboratively with Cabinet colleagues to continue on the journey of making service improvements for the residents of Cheshire.

This page is intentionally left blank

Council Meeting – 19 October 2017Extract from the Minutes of the Audit and Governance Committee Held on 28 September 2017**22 AUDIT AND GOVERNANCE COMMITTEE ANNUAL REPORT 2016/2017**

Consideration was given to the draft report of the Chairman of the Committee on its performance and effectiveness in 2016/17 with regard to its terms of reference and purpose.

The report provided details of work undertaken by the Committee and the assurances received during the year.

RESOLVED

That the draft Annual Report for 2016/17 be approved, for consideration by the Council at its meeting on 19 October 2017, subject to the following corrections:

- Page 101: Previous member of the Audit and Governance Committee - Councillor James Nicholas from February 2017 May 2017 to be added.
- Page 89 – Head of Internal Audit (post currently vacant) and one member of staff short - short term measures are currently in place.
- Page 90 – Paragraph on the External Auditor's opinion on the Financial Statements to be re-written
- Spelling corrections.

Note – The changes made by the Audit and Governance Committee have been incorporated into the attached version of the Annual Report. The page numbers referred to in the minute extract relate to the Audit and Governance Committee agenda pages.

This page is intentionally left blank



Audit and Governance Committee

Annual Report 2016/2017

Contents

Introduction by the Chair of the Audit and Governance Committee1

1. Role of the Audit and Governance Committee2

2. Statement of Purpose of the Audit and Governance Committee2

3. Outline of the Work of the Committee2

4. Governance, Risk and Control within Cheshire East Council3

5. Effectiveness of the Committee5

6. Additional Assurance5

7. Members of the Committee7

8. Statutory Requirements, New Guidance and Recommended Practice7

9. Training and Development8

10. Agendas and Minutes8

11. Work programme for 2017/188

Appendix 110

Appendix 214

Introduction by the Chair of the Audit and Governance Committee

I am pleased to present the annual report of the Audit and Governance Committee which outlines the Committee's work and responsibilities for 2016/17.

I hope that this report helps to demonstrate to Cheshire East residents and to the Council's other stakeholders, the vital role that is carried out by the Audit and Governance Committee and the contribution it makes to the overall governance arrangements at Cheshire East Council. All Audit and Governance Committee meetings are open to the public.

Regular attendance at the Committee by Senior Officers, Cabinet Portfolio Holders and representatives from the External Auditors demonstrates the priority and importance given to receiving assurance on the effectiveness of the Council's internal controls and systems, particularly in the context of an ongoing financially challenging landscape.

The Audit and Governance Committee has played, and continues to play, a significant part in ensuring that appropriate governance arrangements have been introduced and are functioning properly.

We have continued to successfully develop the self-assessment arrangement for reviewing the effectiveness of the Committee. Areas for improvement have been progressed and action plans developed.



Training sessions for Members of the Committee have been delivered during the year, and an assessment against the core knowledge and skill's framework outlined in CIPFA's "Audit Committees - Practical Guidance for Local Authorities and Police" will be undertaken in 2017/18.

I would like express my thanks to those officers and members who have supported the work of this Committee by presenting and discussing reports.

The Committee has been well attended during the year with constructive questioning and suggestions by members of the Committee throughout. Issues that have been raised by members have been addressed and reported back to the Committee.

Councillor Gordon Baxendale
Chair of the Audit and Governance Committee

September 2017

1. Role of the Audit and Governance Committee

Audit Committees are an essential element of good governance. Good corporate governance requires independent, effective assurance about the adequacy of financial management and reporting. These functions are best delivered by an Audit Committee, independent from the executive and scrutiny functions.

Effective Audit Committees help raise the profile of internal control, risk management and financial reporting issues within an organisation, as well as providing a forum for the discussion of issues raised by internal and external auditors. They enhance public trust and confidence in the financial governance of an authority.

2. Statement of Purpose of the Audit and Governance Committee

- The Audit and Governance 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.
- It provides an independent assurance to the Council of the adequacy of the risk management framework and the internal control environment.
- It provides independent review of the Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes.
- It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.
- It promotes high standards of ethical behaviour by developing, maintaining and monitoring performance and Codes of Conduct for Members of the Council (including co-opted Members and other persons acting in a similar capacity).

3. Outline of the Work of the Committee

This annual report sets out how the work of the Committee during 2016/17 has met the Terms of Reference on pages 9-12.

4. Governance, Risk and Control within Cheshire East Council

The Audit and Governance Committee outcomes for monitoring the governance, risk and control framework and arrangements of the Council during the year, include the following:

Activity	Meeting Date
Undertaking a self-assessment of the Committee against CIPFA guidance	June 2016
Monitoring the Council's use of its powers under the Regulation of Investigatory Powers Act 2000	Sept 2016
Receiving a report on Customer Feedback 2015/16, including referrals to the Local Government Ombudsman	Sept 2016
Receiving and commenting upon the proposed Treasury Management Strategy and Minimum Revenue Position Statement 2017/18 and considering the Treasury Management Annual Report 2015/16	Sept & Dec 2016
Receiving and noting the Members Code of Conduct Standards Report	Sept 2016 & March 2017
Considering the update on the revision of the Council's Code of Corporate Governance	Dec 2016
Monitoring compliance with Data Protection Act 1998, Freedom of Information Act 2000 and Environmental Information Regulations 2004	March 2017
Receiving a presentation on Information Governance	March 2017
Receiving a presentation on ASDV Governance Arrangements	March 2017
Reviewing reports on the monitoring and review of risk management, to consider the effectiveness of arrangements	June 2016, Dec 2016 and March 2017
Overseeing Internal Audit's operations and receiving the Head of Internal Audit's Opinion	Various & June 2017 for the Opinion
Approving the Council's 2016/17 Statement of Accounts	Draft June 2017 / Final Sept 2017
Approving the Council's 2016/17 Annual Governance Statement	Draft June 2017 / Final Sept 2017
Receiving the External Auditor's Annual Audit Letter, Audit Plans and any other reports and significant matters deemed necessary by the External Auditor	Various
Reviewing the progress and adequacy of management's response to internal and external audit recommendations	Various update reports
Monitoring the quantity and reasons for the issue of Waiver and Record of Non-adherence (WARNs)	Each meeting

Significant assurances the Committee has received during the year include:

- **2016/17 Internal Audit opinion:**
“The Council’s framework of risk management, control and governance is assessed as Adequate for 2016/17.” (June 2017)
- **2016/17 Financial Statements Opinion (External Audit):**
At the 28th September 2017 Committee meeting, External Audit confirmed that they anticipated providing an unqualified audit opinion in respect of the financial statements, meeting the 30 September 2017 deadline. The External Auditor’s recognised that the Council has succeeded in drawing forward its closedown timetable, making it well placed to meet the earlier deadline for the preparation of draft accounts that will apply for 2017/18.
- **2016/17 Value for Money (VFM) Conclusion (External Audit):**
At the 28th September 2017 Committee meeting, the External Auditors confirmed that their review of the Council’s arrangements to secure economy, efficiency and effectiveness has highlighted issues which will give rise to a qualified “except for” Value for Money conclusion. This means that the External Auditors are satisfied with the adequacy of all other areas of the Council’s arrangements for economy, efficiency and effectiveness as defined by the Code of Audit Practice and auditor guidance, with the exception of the following:

During the year, the Council Internal Audit Service has investigated a number of historic weaknesses in the operation of its decision-making arrangements. The findings of these reviews are evidence of weaknesses in the Council’s arrangements for acting in the public interest. As such, we concluded that the Council’s arrangements for demonstrating and applying the principles and values of good governance to support informed decision-making were inadequate.
- **Audit Certificate for 2016/17 (External Audit)**
We cannot formally conclude the audit and issue an audit certificate for the Authority for the year ended 31 March 2017 in accordance with the requirements of the Act and the Code of Audit Practice until:
 - *we have completed the work necessary to issue our Whole of Government Accounts (WGA) Component Assurance statement for the Authority for the year ended 31 March 2017.*
 - *the Council has completed its internal disciplinary investigations into a number of its chief officers*
 - *we have completed our consideration of an objection brought to our attention by a local authority elector under Section 27 of the Act.*
 - *We are satisfied that these matters do not have a material effect on the financial statements or on our conclusion on the Authority’s arrangements for securing economy, efficiency and effectiveness in its use of its resources for the year ended 31 March 2017.*

5. Effectiveness of the Committee

The Committee regularly undertakes a formal review of its own effectiveness. The 2016/17 self-assessment was carried out with the Chair and Vice Chair against the CIPFA guidance, Audit Committees – Practical Guidance for Local Authorities and Police 2013 and the results reported to the Committee in June 2017.

The Committee assessed as compliant or partially compliant against all areas. Actions to ensure the Committee becomes fully compliant are in place, with some already implemented. In receiving the report in June 2017, the Committee noted the self-assessment and resolved that further reports on the appointment of formal substitutes, and on Member/Officer Working Groups, be submitted to a future meeting of the Committee.

In June 2016 the Committee considered the ToR and it was agreed that it would be amended to include the establishing of Working Groups and to amend the wording of point 22 (Internal Audit), the changes were approved by the Constitution Committee on 15th July 2016.

The Committee's 2016/17 Work Plan was developed in line with the Terms of Reference to ensure that the Committee continued to work effectively and fulfil its purpose.

In September 2015 the Committee approved the recruitment of an independent person to the Audit and Governance Committee under the Localism Act 2011. At the March 2017 meeting, the newly co-opted Independent Member, Mr Philip Gardener was introduced. The person specification and role was drawn up in accordance with best practice from other authorities and the Chartered Institute of Public Finance and Accountancy.

6. Additional Assurance

It was agreed at the December 2015 meeting that future annual reports of the Committee be expanded to include greater details on any areas of additional work requested by the Committee to provide it with additional assurances, and that it also include analyses of its effectiveness. Additional assurance work requested by the Committee has been provided around emerging issues including:

Whistleblowing Arrangements

In June 2016 the committee was given an update on the effectiveness of the Council's Whistleblowing Policy for which it was responsible for overseeing the arrangements and reviewing its effectiveness. The report included a breakdown of the 16 reports received during 2015/16. Two did not fall under the scope of the Policy, three were unsubstantiated following investigation, and 11 had been included

within an ongoing audit. Many of the referrals related to an ongoing high profile procurement issue. If these were excluded from then the number of referrals was consistent with the figures for the two previous years.

The Committee recommended that the Whistleblowing Policy be amended to update the list contained of those people to whom a referral can be made to include members of the Audit & Governance Committee and the Constitution be amended accordingly. The Constitution Committee resolved that the Policy be amended to include members of the Audit & Governance Committee at the meeting on 15th July 2016.

Ombudsman complaints and lessons learnt

In September 2016 the committee received a report on the complaints, compliments and referrals to the Local Government Ombudsman for 2015/16.

The report included details of the complaints and enquiries received by the LGO in the period 1 April 2015 to 31 January 2016. Members were informed that during 2015/16 the LGO closed 129 cases relating to Cheshire East. Of the 129 cases, 50 were not directly referred back to the Council, 34 cases were closed after the initial enquiry, 25 were not upheld and 20 were upheld.

Report on Procurement

A number of high profile whistleblowing referrals were received during 2015/16 that raised concerns around procurement processes. In response, the scope of an ongoing audit of procurement arrangements was expanded to incorporate the testing of these concerns.

This work commenced in the third quarter of 2015/16 and was ongoing in late December 2015 when, following the launch of an investigation by Cheshire Police regarding alleged misconduct in public office, the internal audit work was suspended. This piece of work remained on hold pending the outcome of the police investigations which are ongoing at this time.

It was agreed at the December 2016 meeting of the Audit and Governance Committee that a new piece of work should be completed to provide assurance to both the Chief Operating Officer and Members that the arrangements currently in place to manage procurement activity are appropriate and effective.

Having received confirmation from the Senior Investigating Officer with TITAN, who is leading the investigation that the proposed audit would not impact upon the ongoing police work the audit commenced during March 2017 and has continued into the new financial year. The outcomes of this audit will be reported to a later meeting of Audit and Governance Committee.

Reporting of all WARNS's (Waiver and Record of Non-adherence):

Following the report of Procurement Manager in March 2016, it was confirmed that this would be a regular report to the Committee and it was proposed that statistics be collated from the start of the 2016 Municipal Year with the intention of being able to compare the overall position on an annual basis.

From June 2016 onwards summary information has been provided to the Committee as a part one agenda item, with the details being considered as part two, following exclusion of press and public from the meeting pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 2 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

Review by Member/Officer group of Cardiff checks:

Since March 2016, Councillor Simon and Councillor Marren have selected a sample of invoices for review, the results of the compliance review are discussed at the Counter Fraud Member/Officer group and a summary of the findings was reported to the Committee in December 2016.

7. Members of the Committee

Members of the Committee during 2016/17 are set out on pages 13-15.

The Audit and Governance Committee has been supported by Officers providing reports in accordance with the Committee's work programme and at the request of the Committee. The Committee has routinely been attended by the Chief Operating Officer, the Director of Legal Services and Monitoring Officer, and the Head of Finance and Performance. In the absence of the Corporate Manager Governance and Audit, and the Audit Manager, the Principal Auditors are in acting up arrangements to provide support and guidance to the Committee as would be provided by the Head of Internal Audit role.

8. Statutory Requirements, New Guidance and Recommended Practice

During the year, the Committee has carried out a number of statutory requirements such as approving the Financial Statements and approving the Annual Governance Statement. It has also ensured that it is up to date in adopting new guidance and/or recommended practice, including:

- The annual review of the Terms of Reference, based on CIPFA guidance.
- Approving updates to the Internal Audit Charter, to ensure compliance with the Public Sector Internal Audit Standards.

- Undertaking a self-assessment of the Committee, based on CIPFA guidance.

9. Training and Development

The following training was carried out during the year:

- Induction for new and deputising Members of the Committee
- Audit and Governance Committee Members and their role in relation to the Whistleblowing Policy
- Annual Governance Statement & Role of the Audit Committee
- Risk Management
- Approving the Financial Statements

The Member/Officer Groups continued to meet through 2016/17. The groups enable individual Members to become more involved in specific areas of audit and governance work as a means of developing in-depth knowledge and expertise, and cover the following areas:

- Audit
- Financial Statements
- Fraud Management
- Corporate Governance
- Risk Management

Members have continued to have access to copies of the CIPFA Better Governance Forum *Audit Committee Update* featuring a round-up of legislation, reports and developments of interest to Audit & Governance Committee Members.

The role and membership of the Member/Officer working groups will be reviewed during 2017/18 following assessment of the Committee's training and development needs.

10. Agendas and Minutes

The committee meetings reviewing the key outputs for the 2016/17 municipal year were held on:

- 30th June 2016
- 29th September 2016
- 8th December 2016
- 16th March 2017
- 1st June 2017 (draft AGS and Accounts for 2016/17)
- 28th September 2017 (*approving AGS and Accounts for 2016/17*)

11. Work programme for 2017/18

The Committee has an agreed work programme for 2017/18, which includes the many annual statutory requirements (e.g. approval of the Statement of Accounts, approval of the AGS etc.) of the Committee and also those regular reports and assurances it receives on External Audit, Internal Audit, Risk Management, Treasury Management, Whistleblowing and other areas. Additionally we will;

- Continue to develop the proactive nature of the Committee to facilitate actions by officers to ensure that risks are identified risks and assurances are identified as early as possible and remedial actions are taken in a timely fashion.
- Oversee the restructuring required of the Audit and Governance Committee to comply with the requirements of the Local Audit and Accountability Act 2014 (including the appointment of Independent Members)
- Continue to review governance arrangements to ensure the Council adopts the latest best practice and moves towards becoming an open and transparent public organisation
- Continue to support the work of internal and external audit and ensure that responses are given to their recommendations
- Oversee the implementation of the updated Public Sector Internal Audit Standards
- Continue to help the Council to manage the risk of fraud and corruption
- Continue to develop the Audit and Governance Committee to review risk and partnership issues and safeguarding of public sector assets
- Equip existing and new Members to fulfil our responsibilities by providing more detailed and focused training on all key areas of responsibility, including financial arrangements and risk management, governance and audit planning.

Appendix 1

**How the Audit and Governance Committee's Terms of Reference were met during
2016/17:**

Terms of Reference of Committee	Relevant activity in 2016/17
Annual Report	
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.	<p>The September 2016 Committee meeting reviewed the 2015/16 annual report, this was subsequently received and noted by Council in October 2016.</p> <p>The 2016/17 annual report was subject to review and comment at the September 2017 Committee meeting for submission at a future Council meeting.</p>
Governance, Risk and Control	
To review the Council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.	The Committee received and approved an update to the Code of Corporate Governance December 2016.
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.	<p>An update on progress against previous AGS Action Plans was received in December 2016 and endorses the process for the production of the Annual Governance Statement.</p> <p>The Committee received the draft 2016/17 Annual Governance Statement in June 2017 and the final version in September 2017.</p>
To monitor the effective development and operation of risk management in the council.	The Committee received update reports on Risk Management in June 2016, December 2016 and March 2017.
To monitor progress in addressing risk related issues reported to the committee and to review the assessment of fraud risks and potential harm to the Council from fraud and corruption. To monitor the counter fraud strategy, actions and resources.	<p>The Committee monitors Anti-Fraud and Corruption arrangements on an ongoing basis.</p> <p>The Audit and Governance Committee Member/Officer sub group for anti-fraud and corruption discusses and reviews arrangements and current issues as part of their work plan.</p>
To review and monitor the Council's treasury management arrangements in accordance with the CIPFA Treasury Management Code of Practice.	The Treasury Management 2015/16 Annual Report was received in September 2016. The 2017/18 Treasury Management Strategy and Minimum Revenue Position (MRP)

OFFICIAL

Terms of Reference of Committee	Relevant activity in 2016/17
	Statement 2017/18 was reviewed at the December 2016 meeting.
Internal Audit	
To approve the internal audit charter.	An updated internal audit charter was approved at the December 2016 committee meeting.
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.	The Committee approved the Summary Internal Audit Plan 2016/17 in March 2016. The Committee monitored progress against the plan (December 2016 & March 2017)
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. To consider summaries of specific internal audit reports as requested.	Internal Audit interim reports against the 2016/17 plan were received in December 2016 and March 2017, with the 2017/18 Internal Audit Plan received in March 2017. Internal Audit interim reports include a summary of internal audit work completed and the significant issues arising from individual assignments.
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.	The committee are updated in the Head of Internal Audit annual opinion report on the progress made on assessment criteria required to comply with the Public Sector Internal Audit Standards. The Member/Officer sub group for audit covers the requirements in detail and the actions required, and feedback will now be presented to committee.
To consider the Head of Internal Audit's annual report.	The 2016/17 Internal Audit Annual Report, including the annual audit opinion was presented to the Committee in June 2017. The 2015/16 Internal Audit Annual Report was presented to the Committee in June 2016.
To support the development of effective communication with the Head of Internal Audit.	The Principal Auditors (in the absence of a Head of Internal Audit in post), meet on a regular basis with the Chair and Vice Chair of the committee. There are also regular meetings of Member/Officer groups which meet on a

Terms of Reference of Committee	Relevant activity in 2016/17
	regular basis to discuss a variety of assurance issues in more detail. These meetings include the Head of Internal Audit opinion.
External Audit	
To consider the external auditor’s annual letter, relevant reports, and the report to those charged with governance.	<p>The 2016/17 Audit Findings Report and Action Plan were presented to Committee in September 2017 by the External Auditor.</p> <p>The 2015/16 Annual Audit Letter was issued in October 2016 and was reported to the December 2016 Committee meeting. (The 2016/17 Annual Audit Letter will be reported to the next available meeting after issue).</p>
To consider specific reports as agreed with the external auditor.	The Committee received and considered the work of the External Auditor (all meetings during the year.)
To comment on the scope and depth of external audit work and to ensure it gives value for money	Audit and Governance Member/ Officer sub group for audit review external audit work throughout the year and assess the value that the Council receives from the work completed and reported.
To commission work from internal and external audit and to advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.	<p>The Audit and Governance committee and the Member/Officer sub groups will consider the work plan at all meetings and commission additional work where committee members determine that additional assurance is required.</p> <p>The relationship between internal and external audit is reviewed at least annually together with any requirements to liaise with any other relevant agencies.</p>
Financial Reporting	
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.	<p>The Statement of Accounts 2016/17 was approved at Committee in September 2017.</p> <p>The Statement of Accounts 2015/16 was approved at Committee in September 2016.</p>
To consider the external auditor’s report to those charged with governance on issues arising from the audit of the accounts.	The 2016/17 Audit Findings and Action Plan was presented to Committee in September 2017 by the External Auditor.

Terms of Reference of Committee	Relevant activity in 2016/17
	The 2015/16 Annual Audit Letter was issued in October 2016 and was reported to the December 2016 Committee meeting. (The 2016/17 Annual Audit Letter will be reported to the next available meeting after issue.)
Related Functions	
To approve and monitor Council policies relating to “whistleblowing” and anti-fraud and corruption.	<p>Revised and updated whistleblowing policy arrangements were brought to the committee in June 2016. Fraud and corruption work monitored throughout the year.</p> <p>An update on the effectiveness of the Policy and a breakdown of the number of reports for 2016/17 was reported at the September 2017 meeting.</p>
To seek assurance that customer complaint arrangements are robust	<p>Annual Report of Corporate Complaints and Local Government Ombudsman’s Annual Review 2015/16 presented to Committee in September 2016.</p> <p>The Annual Report of Corporate Complaints and Local Government Ombudsman’s Annual Review 2016/17 will be presented to Committee in September 2017.</p>
Standards	
Promoting 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).	<p>Members Code of Conduct Standards Reports recording decisions relating to complaints were submitted to the Committee in March 2017 and September 2017.</p> <p>The reports were changed in September 2015 at the request of members to provide more information as to which paragraphs of the Code had been allegedly breached in order to improve monitoring of the Code.</p>
Ensuring that Members receive advice and training as appropriate on the Members Code of Conduct.	Members of the Audit & Governance Committee have been advised on the Code of Conduct during the year.
Granting dispensations under the provisions of the Localism Act 2011 to enable a member or co-opted Member to participate	The Committee meeting in September 2016 approved the Localism Act 2011 – General Dispensations for a four year period (to 28

Terms of Reference of Committee	Relevant activity in 2016/17
in a meeting of the Authority.	Sept 2020).

Membership of the Audit and Governance Committee during 2016/17:

Current Members of the Audit and Governance Committee	
	<p>Councillor Gordon Baxendale</p> <p>Councillor Baxendale has been with Cheshire East Council from its inception in April 2009, and has been a member of the Audit and Governance Committee since June 2015. He chaired his first meeting in December 2016.</p>
	<p>Councillor Mike Sewart (Vice Chair)</p> <p>Councillor Sewart became an elected member of Cheshire East Council in May 2015. He is a new member of the Committee joining in March 2017.</p>
	<p>Councillor Sam Corcoran</p> <p>Councillor Corcoran became an elected member of Cheshire East Council in May 2011 and has served on the Audit and Governance Committee since then.</p>
	<p>Councillor Tony Dean</p> <p>Councillor Dean became an elected member of Cheshire East Council in May 2015. He is a new member of the Committee joining in June 2017.</p>
	<p>Councillor Rod Fletcher</p> <p>Councillor Fletcher has been an elected member of Cheshire East Council since its beginning in April 2009 and has served on the Audit and Governance Committee since May 2011.</p>

	<p>Councillor Les Gilbert Councillor Gilbert has been an elected member of Cheshire East Council since its beginning in April 2009. He joined the Audit and Governance Committee in May 2016.</p>
	<p>Councillor Andrew Kolker Councillor Kolker has been an elected member of Cheshire East Council since its beginning in April 2009. He served as Vice-Chair of the Governance and Constitution Committee for a time and has been on the Audit and Governance Committee from June 2010 to date.</p>
	<p>Councillor Nick Mannion Councillor Mannion became an elected member of Cheshire East Council in May 2015. He joined the Audit & Governance Committee in March 2017.</p>
	<p>Councillor Gill Merry Councillor Merry has been an elected member of Cheshire East Council since its beginning in April 2009. She is a newly appointed member to the Audit & Governance Committee in June 2017.</p>
	<p>Councillor Amanda Stott Councillor Stott became an elected member of Cheshire East Council in May 2015, and has been a member of the Audit and Governance Committee since June 2015.</p>
<p>No image available.</p>	<p>Philip Gardener Independent Member of the Committee, Mr Gardener was co-opted to the Committee in March 2017.</p>

Previous members of the Audit and Governance Committee during 2016/17:	
	<p>Councillor Lesley Smetham (Chair) Councillor Smetham has been an elected member of Cheshire East Council since its beginning in April 2009 and was Chair of the Audit and Governance Committee between June 2015 and June 2016.</p>
	<p>Councillor David Marren (Vice Chair) Councillor Marren became an elected member of Cheshire East Council in May 2011 and served on the Audit and Governance Committee since then, being Vice-Chair from January 2012 until the end of the 2011/12 municipal year. Councillor Marren was re-appointed as Vice Chair of the Audit and Governance Committee in June 2015 until May 2017.</p>
	<p>Councillor Martin Hardy Councillor Hardy has been an elected member of Cheshire East Council since its beginning in April 2009. He has served on the Audit and Governance Committee since its inception in June 2010 until December 2016 and was Vice-Chair from May 2011 to January 2012.</p>
	<p>Councillor Margaret Simon Councillor Simon has been an elected member of Cheshire East Council since its beginning in April 2009. She has served on the Audit and Governance Committee since its inception in June 2010 until May 2017 and was Chair for the 2010/11 year.</p>
	<p>Councillor James Nicholas Councillor Nicholas has been an elected member of Cheshire East Council since February 2017. He attended the Audit and Governance Committee for March 2017.</p>

It should also be noted that the following Councillors deputised for members of the Audit & Governance at the meeting held on 1st June 2017. Both Councillors received the necessary induction training prior to the meeting:

- Councillor Dorothy Flude
- Councillor Steven Edgar

CHESHIRE EAST COUNCIL

Council

Date of Meeting: 19 October 2017

Report of: Head of Governance and Democratic Services

Title: Political Representation on the Council's Committees

1.0 Purpose of Report

- 1.1 Notice has been given to the Proper Officer that Councillor Michael Jones has become a non-grouped independent member of the Council.
- 1.2 No change in the Council's political proportionalities took place following the Crewe East Borough Ward election on 5th October 2017.
- 1.3 Therefore this report is required to address only the issue referred to in paragraph 1.1 above. This will ensure that political proportionality is achieved.
- 1.4 The law requires that each relevant Council decision making body must be politically balanced, as far as is reasonably practicable, and that the total of Committee seats allocated to the Council's political groups balances perfectly.

2.0 Decision Required

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

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

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

3.0 Legal Implications

- 3.1 The Local Government (Committees and Political Groups) Regulations 1990, made pursuant to the Local Government and Housing Act 1989, make provisions in respect of the political group representation on a local authority's committees in relation to the overall political composition of the Council. The legislation applies to overview and scrutiny committees and the decision-making committees and sub committees of the Council.

- 3.2 The legislation requires that, where proportionality applies, and seats are allocated to different political groups, the authority must abide by the following principles, so far as is reasonably practicable:
- 3.2.1 Not all of the seats can be allocated to the same political group. (i.e. there are no single-group committees.)
 - 3.2.2 The majority of seats on a body are to be allocated to a political Group with a majority membership of the authority.
 - 3.2.3 The total number of seats on all ordinary committees and sub committees allocated to each Political Group bears the same proportion to the proportion on the full Council.
 - 3.2.4 The number of seats on each ordinary committee allocated to each Political Group bears the same proportion to the proportion on full Council.
- 3.3 The proposals contained in this report meet the requirements of the legislation.
- 3.4 The 1990 Regulations require Political Group Leaders to notify the Proper Officer of the Groups' nominations to the bodies in question.

4.0 Risk Assessment

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

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

- 5.1 The Appendix to this report sets out the political representation on ordinary committees and sub committees, this being based on the political structure of the Council as a whole.
- 5.2 The proportionalities in the Appendix have been arrived at by the following methods and conventions:
- applying the relevant percentage to each body
 - rounding up from 0.5 and above and rounding down below 0.5
 - where the required numbers of members for a decision-making body cannot be achieved using the above methods and calculations, the political group having the largest residual percentage for that body will be entitled to be awarded the additional place (eg, if one group is entitled to 4.25 places, and another group is entitled to 1.48 places, the first group will awarded 4 places on the body in question, and the second group will be awarded 2 places).
 - Where two or more political Groups have an identical residual percentage, the agreement of one Group to sacrifice a seat will be observed. Alternatively, the matter will be resolved by the toss of a coin.

- 5.3 An amended Appendix will be circulated, if necessary, prior to the meeting, or around the Council Chamber, in order to reflect any discussions between the Groups in respect of any required adjustments to committee places. The proportionality rules only apply to those bodies listed in the Appendix.

6. Reasons for Recommendations

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

7.0 Access to Information

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

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

This page is intentionally left blank

MATHEMATICAL CALCULATION: AGREED POSITION FOR COUNCIL

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

Based upon the following:

Con:50; Lab:16; Ind:12; Lib Dem:2; Non Grouped ind:2

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

Committee	Con	Lab	Ind	Lib Dem	Total
Public Rights of Way	5 (C)	1 (VC)	1	0	7
Licensing Committee	10 (C) (VC)	3	2	0	15
Staffing	5 (C) (VC)	2	1	0	8
Lay Members Appointments	3	1	1	0	5
Local Authority School Governor Appointments Panel	3 (C) (VC)	1	1	0	5
Civic Sub Committee	5	2	1	0	8
Community Governance Review Sub Committee	4	1	1	0	6
Outside Organisations Sub Committee	4	1	1	0	6
Investigation Committee	4	1	1	1	7
Disciplinary Appeals Cttee	4	1	1	1	7
Committee	Con	Lab	Ind	Lib Dem	Total
Total Places allocated	116	37	28	4	185
Proportional Entitlement	116 (115.625) (62.5%)	37 (37) (20%)	28 (27.75) (15%)	5* (4.625) (2.5%)	185 (100%)

***In order to rectify an exact mathematical balance in the entitlement of two Groups to an additional committee place, the Liberal Democrat Group have sacrificed one place.**

COUNCIL – 19 OCTOBER 2017

NOTICES OF MOTION

Submitted to Council in Accordance with Procedure Rule 12

1. Deputy Leader

Proposed by Councillor S Corcoran

This Council notes that Cllr David Brown has stepped down from his Cabinet responsibilities.

This Council also notes that Cllr David Brown currently remains as Deputy Leader of the Council and will therefore be leading the Council and representing the Council at times when the Leader is unavailable.

This Council calls on Cllr David Brown, in order to protect the reputation of the Council, to step away completely from all of his current posts, as Deputy Leader of Cheshire East Council and on outside bodies, while the awarding of £70,000 to the Berkeley Academy for a new car park is investigated by Cheshire Constabulary.

2. A Cabinet of Unity to rescue the reputation of Cheshire East Council

Proposed by Nick Mannion

There are currently no less than FOUR police investigations into conduct and activities by officers and/or elected members at Cheshire East Council.

There are also several senior officers either suspended or away from their jobs on extended leave of absence.

Finally, there are persistent concerns over the culture at Cheshire East Council, and that the Council has been aware that it was in breach of the regulations governing the payment of the National Minimum Wage to staff for several years.

As a consequence, the reputation of the Council is under almost daily attack, and is a cause of great concern to many residents and businesses in the Borough.

Therefore, it is proposed that:

1. For a period not exceeding one year, a new cabinet, whose membership is drawn from across the political complexion of the Council be appointed. Membership being closed to anyone touched by any of the current police or internal investigations.
2. Appointment to the new Cabinet should be on the basis of relevant skills and a willingness to work across the political divide in the spirit of

rebuilding the image, repute and performance of Cheshire East Council.

3. As soon as possible, and within three months, an interim report on the investigation of the culture at Cheshire East Council be published, with a final report along with any recommendations for changes to the Council's organisation, governance and culture be published for consideration at Annual Council in May 2018.

3. The Sun Newspaper

Proposed by Councillor J Bratherton

On 15th April 1989, a disaster at Hillsborough Stadium in Sheffield led, ultimately, to the death of 96 innocent fans who had left home that morning to watch a football match.

Due to crowd control mis-management those fans, whose ages ranged from 10 to 67 years of age, had the life crushed out of them. Contrary to the facts, The Sun published a front page story with the banner headline "The Truth" which contained less than the truth.

It is sobering to compare the behaviour of those who were in positions of responsibility and public trust, who have continued to falsify records and statements, with the dignity and courage displayed by the families of the 96, who have continued since 1989 to fight for justice whilst coping with the loss of their loved ones.

Motion

"This Council recognises and does not forget the hurt and distress caused to the people of Merseyside by what was printed in The Sun, and, in particular, the distress caused to the families of the 96. Neither will the Council forget The Sun's refusal to apologise properly for the hurt it caused".

For these reasons, I will be separately seeking reassurance that this newspaper will not be held or displayed by Cheshire East Council.

4. Independent Cultural Review

Proposed by Councillor D Bailey and Seconded by Councillor D Flude

Cheshire East Council has been beset by numerous allegations of bullying and harassment from its staff.

This Council claims to be an organisation that puts 'Residents First'. In order to carry out such an objective in an effective and efficient manner, we rely on our staff to deliver the services our residents rely on. Therefore, the welfare of the people we employ must be front and centre of everything we do as an

organisation. Currently, there are concerns that we may be failing them and it is incumbent on us as elected representatives to tackle the issue head on.

We reference the recent independent cultural review that took place in Essex Fire & Rescue Service as a good model for this Council to adopt. Through a robust process of investigative work into the practices of the Service, Irene Lucas CBE of DCLG was able to explore the historical causes that fostered such a toxic culture of harassment and intimidation that besieged the organisation for many years. Such a root and branch review of our organisation would be an agent of positive and transformative change for this Council, if we are brave enough to embark on such a path.

It is recommended that:

- Cheshire East acknowledges we have deep-rooted cultural issues in respect to the treatment of our employees in certain quarters.
- Cheshire East Council writes to the Department of Communities & Local Government acknowledging our problem with the bullying and harassment of our staff requesting that they appoint an individual or group of local Government experts, as in the example cited above, to conduct an independent cultural review.
- Cheshire East Council actively cooperate with the actors asked to undertake such a task providing resources where appropriate, working on a cross-party basis to support the review in a collaborative, meaningful and positive manner.
- Cheshire East Council begins to extensively work with its recognised trade unions, taking advice and recommendations from them where appropriate to enhance the welfare of our employees in and out of the work place.
- Cheshire East Council reaffirms and strengthens its commitment to those staff who decide to 'whistle-blow' on malpractices within the organisation.

This page is intentionally left blank