

Mayor Making Ceremony and Annual Council Meeting Agenda

Date: Wednesday, 23rd May, 2018

Time: 11.00 am

Venue: The Tenants' Hall, Tatton Park, Knutsford WA16 6QN

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 of the Mayor Making Ceremony

4. **Election of Mayor 2018/19**

To elect a Mayor for 2018/19, who will also act as Chairman of the Council.

5. **Appointment of Deputy Mayor for 2018/19**

To appoint a Deputy Mayor for 2018/19, who will also act as Vice-Chairman of the Council.

6. **Appointment of Mayor's Chaplain**

7. **Vote of Thanks to Retiring Mayor**

8. **Mayor's Announcements**

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

Adjournment of the meeting to allow a Special Meeting of Council to take place, to confer Freedom of the Borough on Menna Fitzpatrick. The meeting will re-convene at 2.00 pm (approximate timing)

9. **Apologies for absence**

To receive any further apologies for absence.

10. **Declarations of Interest**

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

11. **Minutes of Previous meeting** (Pages 5 - 24)

To approve as a correct record the minutes of the meeting held on 22 February 2018.

12. **Leader's Announcements**

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

13. **Recommendation from the Constitution Committee - Changes to the Council's Constitution** (Pages 25 - 30)

To consider the recommendations of the Constitution Committee regarding certain changes to the constitution.

14. **Recommendation from Constitution Committee - Changes to the Contract Procedure Rule** (Pages 31 - 42)

To consider the recommendations of the Constitution Committee regarding changes to the Contract Procedure Rules.

15. **Political Representation on the Council's Committees** (Pages 43 - 48)

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

16. **Allocations to the Office of Chairman and Vice Chairman** (Pages 49 - 52)

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

17. **Appointments to Adoption Panel and Fostering Panel** (Pages 53 - 56)

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

18. **Appointments to the Cheshire Police and Crime Panel and the Cheshire Fire Authority** (Pages 57 - 60)

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

19. **Approval of absence from Council meetings** (Pages 61 - 64)

To seek the approval of Council in respect of a Councillor's absence from Council meetings for a period over six months, due to reasons of ill-health.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Thursday, 22nd February, 2018 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 C Andrew, A Arnold, D Bailey, Rachel Bailey, Rhoda Bailey, G Baggott, G Barton, P Bates, G Baxendale, M Beanland, D Bebbington, J Bratherton, S Brookfield, E Brooks, D Brown, C Browne, B Burkhill, P Butterill, S Carter, C Chapman, J Clowes, S Corcoran, H Davenport, S Davies, M Deakin, T Dean, B Dooley, L Durham, S Edgar, I Faseyi, JP Findlow, R Fletcher, T Fox, D Flude, H Gaddum, S Gardiner, M Grant, A Harewood, G Hayes, S Hogben, D Hough, O Hunter, L Jeuda, A Kolker, J Macrae, D Mahon, N Mannion, S McGrory, R Menlove, G Merry, B Moran, H Murray, J Nicholas, M Parsons, S Pochin, B Roberts, J Saunders, M Sewart, M Simon, D Stockton, A Stott, B Walmsley, G Walton, L Wardlaw, J Weatherill, G Williams and J Wray

59 PRAYERS

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

60 APOLOGIES FOR ABSENCE

Apologies were received from Councillors S Gardner, L Gilbert, P Groves, J Hammond, M Hardy, J Jackson, D Marren, A Martin, J Rhodes, G Wait, M Warren and H Wells-Bradshaw.

61 DECLARATIONS OF INTEREST

With regards to Item 14 – Notices of Motion and the motion on Schools Funding, the Acting Director of Legal Services/Acting Monitoring Officer advised that all school governors and trustees would be recorded as having declared an interest.

In relation to Item 14 Notice of Motion and the motion on Schools Funding, Councillor C Browne declared that his wife was an employee at a Cheshire East School and therefore would not take no part in the debate or vote. Councillor P Bates declared that his partner was a teacher and would take no part in the debate or vote.

62 MINUTES OF PREVIOUS MEETINGS

Consideration was given to the minutes of the meetings of the Council held on 14 December 2017.

RESOLVED:

That, subject to the inclusion of Councillor D Bailey in the list of attendees for the special meeting of Council, the minutes of the meeting of Council and special meeting of Council held on 14 December 2017 be confirmed as a correct record.

63 MAYOR'S ANNOUNCEMENTS

The Mayor:-

- 1 announced the death earlier this month of Honorary Alderman Mrs Diana Millett. Mrs Millett was Mayor of Macclesfield Borough in 2002/3. Members stood for a period of silence as a mark of respect.
- 2 reported that on 24 January he had welcomed Prince Charles to Cheshire East; who visited Quarry Bank, Styal and then Congleton. The Duchess of Cornwall had visited Styal Prison and then went on to join Prince Charles in Congleton. The Mayor paid tribute to Congleton Town Council who co-ordinated, at short notice, the Congleton element of the visit.
- 3 reported he had represent Cheshire East at Cheshire's Best Kept Railway Station Awards evening. Alsager Chelford, Goostrey, Wilmslow, Handforth, Nantwich and Poynton stations had received awards.
- 4 reported that Cheshire East had held its annual Holocaust Memorial Day service at Sandbach Town Hall on 26 Janaury. Those present had heard a moving testament from two Holocaust survivors, both in their nineties. Students from Sandbach School and Knutsford Academy had performed at the event. He encouraged those Members who were not able to be there to attend next year at what is an important event.
- 5 thanked those who had supported his recent charity dance, and announced that on Sunday 29 April he would be holding a charity Sunday lunch at the Swettenham Arms. Details of which would be circulated shortly.
- 6 presented the National Association of Local Councils Gold Award to Paul Woods, Deputy Chairman of Gawsorth Parish Council.

- 7 made reference to the report of the LGA Review of Culture and reminded Members about their behaviour at the meeting by stating that he expected to see respectful behaviours which demonstrated to officers, fellow Councillors and members of the public that all were committed to change.

64 **PUBLIC SPEAKING TIME/OPEN SESSION**

Mr J Crowther spoke in relation to the proposed closure of Mountview Day Care Centre and asked what the Council had in mind for the building's alternative use. The Portfolio Holder for Adult Social Care and Integration responded that the proposal would be decided at this meeting but Mountview would not close until appropriate alternative provision was made available.

Suzy Firkin spoke on behalf of Mountview Day Care Centre user and carers and asked what was being proposed, and why had it not been discussed with them. The Portfolio Holder for Adult Social Care and Integration responded that the consultation undertaken had been about establishing people's views. The cost of maintaining Mountview could not be justified in the current financial situation - it was not about a cut in service but provision in other locations. Consultation would take place after any decision today and services users would be involved.

Linda Buchanan asked, as the details of why the Chief Constable of Cheshire had been suspended, when details would be given why the Cheshire East Monitoring Officer, Chief Executive and Chief Operating Officer had been suspended. The Portfolio Holder for Corporate Policy and Legal Services responded that in accordance with the Council's constitution the Investigation and Disciplinary Committee continued to consider the allegations which resulted in the suspension of the three senior officers, one of whom resigned in December 2017. The suspensions were a neutral act taken in the interests of both the Council and the relevant senior officers. If a decision was made to dismiss, then Council would be asked to consider this, and at this point the matter may be heard in public, depending on any exemptions to exclude public access to meetings. The procedures relating to the Chief Constable were laid in the Police Regulations and required that misconduct hearings be heard in public. There were no similar requirement for Councils.

Mrs Charlotte Peters Rock, representing Knutsford and District War Memorial Forum, spoke in relation to the proposed demolition of the Cottage Hospital War Memorial which was built on land that had been gifted and covenanted for that purpose only, and presented a petition to the Council.

Councillor David Kidd, on behalf of Disley Parish Council, thanked the Council for revising the proposal to close Disley Library, which had caused much concern in Disley. The Parish Council had recently moved their officers into the building and would work with library staff to create a

community hub. It was hoped that the reduced hours would not reduce the numbers using the library.

Mr David Bilsborough commented on the problem of Bentley Motor employees using local streets and roads to park surrounding the factory in Crewe. The situation was causing distress to residents. He asked that the Portfolio Holder revisit this matter and consider putting full restrictions on the roads.

Caroline O'Brien, Chief Executive of CVS Cheshire East referred to a six month gap between the ending of some early help and prevention service contracts at the end of March and the commencement of the proposed new framework for the commissioning of such services. She asked if the New Homes Bonus funding for 2018/19 could be used to support the delivery of services until the new framework was established so that there was no gap in service delivery. The Portfolio Holder for Health replied that no service users would be left without care or service and the Council would continue to work closely with the voluntary sector organisations.

Sue Helliwell spoke in relation to the revised bus services, and that from April Alsager residents would be unable to travel to Nantwich on a week day and to Congleton on a Saturday. An effective bus service was required to enable residents to get to work, go shopping and attend events in these towns. The Portfolio Holder for Finance and Communications responded that he was happy to engage with Mrs Helliwell and other residents to discuss some form of user-friendly transport, which would meet the criteria for user numbers.

Councillor Jonathan Parry referred to the report of the LGA Culture review. He felt that the problems highlighted were being pushed under the carpet whilst important issues were not being answered. He referred to a report from the Staffing Committee to Cabinet which stated that bullying was not a problem, and asked if it was time for the Chairman of the Staffing Committee to stand down. The Leader of the Council responded that she would cover some of these points in her announcements. The review had been commissioned to cover the last 6 months and therefore the findings were current. The LGA review was clear that an opportunity had been missed to set the culture and tone for the Council when it was formed.

Kate Perkins asked about the Council's approach to maintaining roads; in particular the issue of potholes. She asked how the Council prioritise potholes and why some get fixed whilst other remain unrepaired. The Portfolio Holder for Environment responded that decisions were taken for engineering reasons, moving from reactive to proactive maintenance and repairing the heavy used areas of road. Whilst every effort was made to find potholes, he requested that the public report potholes.

65 **LEADER'S ANNOUNCEMENTS**

The Leader of the Council, Councillor Rachel Bailey, spoke on the following:

Cultural Review – referred to the Executive Summary of the report which recognised the difficult journey which the Council had been on over the last 8 years to embed culture in the new unitary authority. She thanked Sarah Messenger of the LGA for her work, and also staff for the manner in which they responded. The report gave the Council a platform to move forward with and refresh the values of the organisation.

Member Led Council – referred to the need to understand what being a member led Council meant, with Members providing a democratic mandate to the Council and setting the policy framework and officers putting the policies into effect.

Constitution – made reference that in the Cultural Review report staff felt that the adoption of the new Constitution was a positive step forward.

Growth – reported that there had been significant progress with a programme of economic growth. Housing was a key economic driver but the current housing mix did not meet the requirements. There was a requirement to ensure there was affordable housing for young professional so as to attract a skill set which in turn would drive economic growth.

Budget – made reference to the very significant financial challenge faced by the Council with a reduction in grants of £12.8m from central Government and an increasing demand for services, along with rising costs as a result of the increases in the national minimum wage and national pay offer for local government. The recent announcement of the additional £900,000 grant for adult social care was welcome but still a long way short of the funding required to meeting the needs of an increasing aging population. In the MTFs there were proposals for £2 million for community priorities over the next 2 years funded from the New Homes Bonus Community Fund, with scrutiny presently working on how the funding would be delivered.

Work of Scrutiny – referred to the recent consideration of the removal of the second fire engine in Crewe and how this showcased how scrutiny could draw together information, which enabled cross party Fire Authority representatives to safeguard services in the borough.

66 **RECOMMENDATION FROM CABINET - MEDIUM TERM FINANCIAL STRATEGY 2018-21**

Consideration was given to the recommendation from Cabinet on the Medium Term Financial Strategy 2018-21.

Cabinet, at its meeting on 6 February 2018, had recommended that Council approve the items at Appendix A of the Cabinet report.

In moving the Cabinet recommendations, the Portfolio Holder for Finance and Communications, Cllr P Bates, proposed the following additional matters:

- Financial amendments, related to the Final Local Government Settlement 2018/19 that should be reflected in the MTFS, specifically the receipt of Adult Social Care Support Grant of £907,000 to be treated as Specific Government Grant income that is allocated to the Earmarked Reserve for Enabling Transformation pending receipt of detailed grant conditions and subsequent decisions for its use.
- A financial amendment, related to treatment of the expenditure of the Homelessness Specific Grant of £37,000 that should be reflected in the MTFS as growth within the Housing Services Budget, mitigated by an equivalent increase in the use of Earmarked Reserves.
- A financial amendment to remove the savings proposal at budget item 89, relating to the withdrawal of car parking refunds for leisure centre users using Snow Hill, Nantwich and the former Library car park in Crewe, from the Leisure Centre Client Commissioning budget, mitigated by a reduction in the contribution of the financing reserve of £45,000.

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

AMENDMENT 1

“A financial amendment, relating to the removal of savings proposal 31 – Highways Contract of £150,000, mitigated by an equivalent increase in the Use of Earmarked Reserves.”

That a further £2,000,000 be provided for Highways improvements funded through the Strategic Capital Project budget.”

The amendment was proposed and seconded.

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

For

Councillors A Andrew, A Arnold, G Baggott, D Bailey, Rachel Bailey, Rhoda Bailey, G Barton, P Bates, G Baxendale, M Beanland, D Bebbington, J Bratherton, S Brookfield, E Brooks, D Brown, C Browne, B Burkill, P Butterill, S Carter, C Chapman, J Clowes, S Corcoran, H

Davenport, S Davies, M Deakin, T Dean, B Dooley, L Durham, S Edgar, I Faseyi, JP Findlow, R Fletcher, D Flude, T Fox, H Gaddum, S Gardiner, M Grant, A Harewood, G Hayes, S Hogben, D Hough, O Hunter, A Kolker, J Macrae, D Mahon, N Mannion, S McGrory, R Menlove, G Merry, B Moran, H Murray, J Nicholas, M Parsons, S Pochin, B Roberts, J Saunders, M Sewart, M Simon, L Smetham, D Stockton, A Stott, B Walmsley, G Walton, L Wardlaw, J Weatherill, G Williams and J Wray.

Not Voting

Councillor A Moran

The motion was declared carried with 67 votes for and 1 not voting.

AMENDMENT 2

“To allocate £345,000 to transition funding to cover voluntary sector provision in the period April-September 2018. This will be funded from budget item 97 – New Homes Bonus Community Fund.”

The amendment was proposed and seconded.

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

For

Councillors D Bailey, J Bratherton, S Brookfield, S Carter, C Chapman, S Corcoran, I Faseyi, D Flude, M Grant, A Harewood, S Hogben, D Hough, N Mannion, and B Roberts.

Against

Councillors A Arnold, G Baggott, Rachel Bailey, Rhoda Bailey, G Barton, P Bates, G Baxendale, D Bebbington, E Brooks, P Butterill, J Clowes, H Davenport, S Davies, T Dean, L Durham, S Edgar, JP Findlow, T Fox, S Gardiner, G Hayes, O Hunter, A Kolker, D Mahon, S McGrory, R Menlove, B Moran, H Murray, J Nicholas, M Parsons, S Pochin, J Saunders, M Sewart, M Simon, D Stockton, B Walmsley, G Walton, L Wardlaw, J Weatherill, G Williams and J Wray.

Not Voting

Councillor C Andrew, M Beanland, D Brown, C Browne, B Burkill, M Deakin, B Dooley, R Fletcher, H Gaddum, J Macrae, G Merry, A Moran, L Smetham and A Stott.

The motion was declared lost with 14 votes for, 40 against and 14 not voting.

AMENDMENT 3

“To reverse budget item 89 – withdrawal of Car Park Refunds for users of the leisure centres in Crewe and Nantwich – cost £45,000, to be funded from the contingency.”

This amendment was withdrawn.

SUBSTANTIVE MOTION

The vote on the substantive budget proposals, which included the recommendations of Cabinet, additional matters proposed by the Portfolio Holder for Finance and Communications, and Amendment 1 was taken.

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

For

Councillor C Andrew, A Arnold, G Baggott, Rachel Bailey, Rhoda Bailey, G Barton, P Bates, G Baxendale, M Beanland, D Bebbington, E Brooks, D Brown, C Browne, P Butterill, J Clowes, H Davenport, S Davies, M Deakin, T Dean, B Dooley, Liz Durham, S Edgar, JP Findlow, H Gaddum, S Gardiner, G Hayes, O Hunter, A Kolker, J Macrae, S McGrory, R Menlove, G Merry, B Moran, H Murray, M Parsons, S Pochin, J Saunders, M Sewart, M Simon, L Smetham, D Stockton, B Walmsley, G Walton, L Wardlaw, J Weatherill, G Williams and J Wray.

Against

Councillor D Bailey, J Bratherton, S Brookfield, S Carter, C Chapman, S Corcoran, I Faseyi, R Fletcher, D Flude, T Fox, M Grant, A Harewood, S Hogben, D Hough, D Mahon, N Mannion, J Nicholas, B Roberts and A Stott.

Not Voting

Councillors B Burkhill and A Moran.

The motion was declared carried with 47 votes for, 19 against and 2 not voting.

RESOLVED: That Council approves:

1. the Revenue estimates for the 2018/19 budget and the medium term Capital Programme estimates 2018/21, as detailed in the Medium Term Financial Strategy Report (MTFS) 2018/21 (**Appendix C of the report**).

- 2 Band D Council Tax of £1,404.28 representing an increase of 5.99%. This is below the referendum limit and arises from the provisional finance settlement allowing a 3% additional charge to fund Adult Social Care pressures (**Appendix C, Section 2 of the report**).
- 3 the 2018/19 non-ring-fenced Specific Grants, and that any amendments to particular grants will be reported to Council if further information is received from Government Departments or other funding bodies (**Appendix C, Annex 8 of the report**).
- 4 the 2018/19 Capital Grants, and that any amendments to particular grants will be reported to Council if further information is received from Government Departments or other funding bodies (**Appendix C, Annex 9 of the report**).
- 5 that the relevant Portfolio Holder shall agree the use of additional Specific Grants received in conjunction with the Finance Portfolio Holder as further updates to the 2018/19 funding position are received.
- 6 the recommended Prudential Indicators for Capital Financing (**Appendix C, Annex 10 of the report**).
- 7 that the Children and Families Portfolio Holder shall agree any necessary amendment to the 2018/19 Dedicated Schools Grant (DSG) of £144m and the associated policy proposals, in the light of further information received from DfE, pupil number changes, further academy transfers and the actual balance brought forward from 2017/18 (**Appendix C, Annex 8 of the report**).
- 8 the recommended Reserves Strategy (**Appendix C, Annex 12 of the report**).
- 9 that £2m be allocated to a specific “New Homes Bonus Community Fund” to be used over the next two financial years.
- 10 financial amendments, related to the Final Local Government Settlement 2018/19 that should be reflected in the MTFS, specifically the receipt of Adult Social Care Support Grant of £907,000 to be treated as Specific Government Grant income that is allocated to the Earmarked Reserve for Enabling Transformation pending receipt of detailed grant conditions and subsequent decisions for its use.
- 11 a financial amendment, related to treatment of the expenditure of the Homelessness Specific Grant of £37,000, that should be reflected in the MTFS as growth within the Housing Services Budget, mitigated by an equivalent increase in the use of Earmarked Reserves.

- 12 a financial amendment to remove the savings proposal at budget item 89, relating to the withdrawal of car parking refunds for leisure centre users using Snow Hill, Nantwich and the former Library car park in Crewe, from the Leisure Centre Client Commissioning budget, mitigated by a reduction in the contribution of the financing reserve of £45,000.
- 13 a financial amendment, relating to the removal of savings proposal 31 – Highways Contract of £150,000, mitigated by an equivalent increase in the Use of Earmarked Reserves

Council recognises that Cabinet has noted:

- 14 the Budget Engagement exercise undertaken by the Council, as set out in the attached (**Appendix C, Annex 2 of the report**).
- 15 the results of the Budget Consultation (**Appendix B of the report**).
- 16 the comments of the Council's Interim Executive Director of Corporate Services (Section 151 Officer), contained within the MTFS Report, regarding the robustness of estimates and level of reserves held by the Council based on these budget proposals (**Appendix C of the report, Comment from the Interim Executive Director of Corporate Services**).
- 17 the risk assessment detailed in the MTFS Report (**Appendix C, Annex 5 of the report**).
- 18 the Capital Strategy as set out in the attached (**Appendix C, Annex 10 of the report**). This is linked to the Treasury Management and Investment Strategies and these will continue to be developed in accordance with the revised guidance for local authority investments during 2018/19. The strategy contains the programme of capital investment for 2018/19 to 2020/21. The programme may vary to take advantage of external funding opportunities, maximise private sector investment, prudential borrowing considerations, operational capacity and to ensure optimal delivery of the overall programme
- 19 the Council's Finance Procedure Rules will always apply should any changes in spending requirements be identified (**Appendix C, Annex 10 of the report**).

67 **RECOMMENDATION FROM CABINET - TREASURY MANAGEMENT STRATEGY AND MINIMUM REVENUE PROVISION STATEMENT 2018/19**

Consideration was given to the recommendation from Cabinet on the Treasury Management Strategy and Minimum Revenue Provision Statement (MRP) for 2018/19.

Cabinet, at its meeting on 6 February 2018, had recommended to Council the approval of the Treasury Management Strategy and the MRP Statement for 2018/19 to 2020/21, as set out at Appendix A to the Cabinet report.

RESOLVED:

That the Treasury Management Strategy Statement and the Minimum Revenue Provision Statement for 2018/19 to 2020/21, as set out at Appendix A to the Cabinet report, be approved.

68 COUNCIL TAX 2018/19 - STATUTORY RESOLUTION

Consideration was given to a report relating to the setting of the Council tax for 2018/19.

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

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

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

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

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

For

Councillor C Andrew, A Arnold, Rachel Bailey, Rhoda Bailey, G Barton, P Bates, G Baxendale, M Beanland, D Bebbington, E Brooks, D Brown, C Browne, P Butterill, J Clowes, H Davenport, S Davies, M Deakin, T Dean, B Dooley, L Durham, S Edgar, JP Findlow, R Fletcher, H Gaddum, S Gardiner, G Hayes, D Hough, O Hunter, A Kolker, J Macrae, D Mahon, S McGrory, R Menlove, G Merry, B Moran, H Murray, S Pochin, J Saunders, M Sewart, M Simon, L Smetham, D Stockton, B Walmsley, G Walton, L Wardlaw, J Weatherill, G Williams and J Wray.

Against

Councillor G Baggott, D Bailey, J Bratherton, S Brookfield, B Burkhill, S Carter, C Chapman, S Corcoran, I Faseyi, D Flude, T Fox, A Harewood, S Hogben, N Mannion, J Nicholas, B Roberts and A Stott.

Not Voting

Councillor A Moran

The motion was declared carried with 48 votes for, 17 against and 1 not voting.

RESOLVED:

That the Council Tax for Cheshire East Council for the financial year 2018/19, be set at £1,404.28, in accordance with the formal resolutions as shown in section 13 of the report, as follows:-

Formal Resolution

- 1 That it be noted that on 14th December 2017 the Council calculated the Council Tax base 2018/19.
 - (a) for the whole Council area as 147,003.80 (item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the “Act”)).
 - (b) for individual parishes, as in Appendix A.
- 2 Calculated that the Council Tax requirement for the Council’s own purposes for 2017/18 (excluding Parish precepts) is £206,434,496.
- 3 That the following amounts be calculated for the year 2018/19 in accordance with Sections 31 to 36 of the Act:
 - a. £654,829,981 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
 - b. £441,033,298 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
 - c. £213,796,683 being the amount by which the aggregate at 13.3(a) above exceeds the aggregate at 13.3(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year (Item R in the formula in Section 31B of the Act).

- d. £1,454.36 being the amount at 13.3(c) above divided by the amount at 13.1(a) above, calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
- e. £7,362,187 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act
- f. £1,404.28 being the amount at 13.3(d) above less the result given by dividing the amount at 13.3(e) above by the amount at 13.1(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.
- g. **Appendix A** being the amounts calculated by the Council, in accordance with regulations 3 and 6 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992, as its total council tax base for the year and council tax base for dwellings in those parts of its area to which one or more special items relate.
- h. **Appendix B** being the amounts given by adding to the amount at (f) above, the amounts of special items relating to dwellings in those parts of the Council's area mentioned above divided by in each case the appropriate tax base from Annex A, calculated by the Council in accordance with Section 34(3) of the 1992 Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of the area to which one or more special items relate. (Band D charges for each Parish area).
- i. **Appendix C** being the amounts given by multiplying the amount at (h) above by the number which, in the proportion set out in Section 5(1) of the 1992 Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the 1992 Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed

in different valuation bands (Local charges for all Bands).

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

4. That it be noted that the Police & Crime Commissioner and the Fire Authority have issued precepts to Cheshire East Council in accordance with section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area as shown in sections 10 and 11 of the report.
5. It was accepted that the Cheshire East Council's basic amount of Council tax for 2018/19 is not excessive in accordance with principles approved under Section 52ZB and 52ZC of the Local Government Finance Act 1992.

69 **RECOMMENDATION FROM CABINET - A 'PATIENT PASSPORT' - DELIVERING ACCESS TO HEALTH AND CARE RECORDS**

Consideration was given to the recommendation from Cabinet in relation to the Patient Passport – Delivering Access to Health and Care Records.

Cabinet, at its meeting on 6 February 2018, had recommended to Council the approval of a Supplementary Revenue Estimate of £2.665m for 2018/19, fully funded from the Estates and Technology Transformation Fund monies.

RESOLVED:

That a Supplementary Revenue Estimate of £2.665m for 2018/19, fully funded from the Estates and Technology Transformation Fund monies be approved.

70 **RECOMMENDATION FROM STAFFING COMMITTEE - PAY POLICY STATEMENT 2018/19**

Consideration was given to a report in respect of the Council's Pay Policy Statement 2018/19.

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

The Pay Policy Statement for 2018/19, which reflected the expected position as at 1st April 2018, was attached at Appendix 1 of the report. Changes since last year's Statement were outlined in Section 12 of the report.

The Staffing Committee, at its meeting on 25 January 2018, had considered the Statement and recommended it to Council for approval and publishing.

RESOLVED:

1. That the changes since the 2017/18 Pay Policy Statement be noted, as outlined in Section 12.2 of the report.
2. That the Pay Policy Statement for 2018/19, as recommended by Staffing Committee, as set out at Appendix 1 of the report, be approved and published accordingly.

71 ELECTION OF MAYOR AND DEPUTY MAYOR FOR THE 2018/19 CIVIC YEAR

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

Consideration was given to a report relating the election of the Mayor and Deputy Mayor for the 2018/19 Civic Year. Council was requested to resolve that Councillor Lesley Smetham be designated as the Mayor Elect and that a second Member be designated as the Deputy Mayor Elect, with a view to their formal election and appointment as Mayor and Deputy Mayor for Cheshire East for 2018-19, at the Mayor Making ceremony to be held on 23 May 2018.

It was proposed and seconded that Councillor Liz Durham be designated as the Deputy Mayor Elect.

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

RESOLVED:

That Councillor Lesley Smetham be designated as the Mayor Elect and that Councillor Liz Durham be designated as the Deputy Mayor Elect, with a view to their formal election and appointment as Mayor and Deputy Mayor for Cheshire East for 2018-19, at the Mayor Making ceremony to be held on 23 May 2018.

72 NOTICES OF MOTION

The following Notices of Motion had been submitted in accordance with paragraph 1.34 of the Council Procedural Rules:

1. Alternative Forms of Governance

Proposed by Councillor J Nicholas and Seconded by Councillor B Walmsley

“To convene a cross-party Working Group, at the start of the next municipal year, to consider the implementation of alternative forms of governance, with the recommendations being presented to this Council.”

RESOLVED:

That the Motion stand referred to the Constitution Committee.

2. Cheshire East Road and Footpath Network

Proposed by Councillor I Faseyi and Seconded by Councillor N Mannion.

“This Council notes concerns in respect of a managed decline of our road network and supports the LGA's call for the government to deal with the disparity in funding between national roads (Motorways & Major trunk Roads) and local roads.

Whilst the building of new roads and by-passes funded via Central government capital grants is welcome, it merely highlights the increasingly dilapidated state of a large proportion of the rest of the Cheshire East's road and footpath network.

The hard winter, combined with a lack of any meaningful programme of preventative road maintenance on all but the main trunk roads in Cheshire East in recent years, has resulted in many local & estate roads now rapidly deteriorating to the verge of becoming a danger to road users and pedestrians in places.

The ongoing reliance on merely filling potholes with "blobs" of tarmac rather than a programme of proper structural repairs is both only a temporary, and also an inefficient use of the shrinking available resources- a case of "penny wise, pound foolish"?”

RESOLVED:

That the Motion stand referred to Cabinet.

3. Deprivation Levels

Proposed by Councillor S Brookfield and Seconded by Councillor L Jeuda

“This Council notes the view that it is widely acknowledged that Cheshire East is a diverse unitary authority with some areas having recognised 'Executive Wealth' status; and that it is therefore disturbing to note that deprivation levels in some parts of the Borough have declined further since 2010 with disparity widening. According to Public Health England (July 2017) 'life expectancy is 10.3 years lower for men and 8.3 years lower for women in the most deprived areas of Cheshire East.

As the elected representatives of most of these wards, the Labour Group requests a comprehensive report be prepared that details the plans that Cheshire East Council has in place to tackle the nationally recognised deprivation in wards within Crewe and Macclesfield, as well as detailing current initiatives to improve the health and well-being of residents living in those wards and how current funding will be used to support those initiatives.”

RESOLVED:

That the Motion stand referred to the Cheshire East Health and Wellbeing Board.

4. Licensing of Taxis and Private Hire Vehicles

Proposed by Councillor D Flude and Seconded by Councillor B Roberts

“This Council notes the concern that the Licensing of Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Bill was 'talked out' by Sir Christopher Chope (Christchurch) (Con) in Parliament.

Cheshire East Children and Family's Scrutiny report, at points 14.2 and 14.3 made relevant recommendations upon Child Sexual Exploitation recommended Taxi and Private Hire Licensing; it is disappointing and regrettable that this important legislation was talked out.

This Council requests that all of Cheshire East's Members of Parliament re-submit the Bill.”

RESOLVED:

That the Motion stand referred to Cabinet.

5. Education Funding

Proposed by Councillor S Corcoran and Seconded by Councillor D Flude.

“This Council notes concerns that whilst local schools were threatened with funding cuts of 7.5%, some schools will now receive funding increases of 1.1%. And, that as a 1.1% increase is lower than the 3% rate of inflation it is, therefore, a cut in funding in real terms. As a result, some schools will have to consider making loyal, hardworking staff redundant if the funding settlement is not improved.

This Council therefore calls on all local MPs to campaign for more funding for our schools.”

The Mayor agreed that the Motion should be debated at the meeting.

The following amended motion was proposed and seconded and on being put to the vote was declared carried:

“This Council resolves that, in consultation with our schools, and upon receipt of clarification of the final details of how the funding formula is to be applied, the Children and Families Portfolio Holder will decide whether a further campaign for more funding is required.”

RESOLVED:

That the amended Motion be adopted.

73 QUESTIONS

The following questions were asked by Members:

- 1 Councillor M Deakin asked if the Council could consider using the CCTV on refuse vehicles to monitor pot holes. Councillor D Stockton, Portfolio Holder for Environment responded.
- 2 Councillor S Corcoran referred to previous statements made in relation to sleep in payments and the National Minimum Wage. Councillor J Clowes, Portfolio Holder for Adult Social Care and Integration responded.
- 3 Councillor D Flude raised concerns about double charging when a family member died in a care home and asked if the policy of paying for two weeks could be adopted by the Council. Councillor J Clowes, Portfolio Holder for Adult Social Care and Integration undertook to provide a written response.

- 4 Councillor S Gardiner asked about using a smart phone app to report highways faults. Councillor D Stockton, Portfolio Holder for Environment responded.
- 5 Councillor M Simon sought clarification on service standards of work by utility companies on roads and verges. Councillor D Stockton, Portfolio Holder for Environment responded.
- 6 Councillor C Browne asked whether the Council had a Tree Management Plan and he also sought clarification over the inspection of trees on London Road, Alderley Edge. Councillor A Arnold, Portfolio Holder for Housing, Planning and Regeneration undertook to provide a written response.
- 7 Councillor N Mannion referred to the Communities and Local Government Select Committee's report on the role of Overview and Scrutiny in local authorities and asked for the report to be considered by the Council. Councillor R Bailey, Leader of the Council responded.
- 8 Councillor D Bailey referred to issues raised earlier in public speaking by Cllr J Parry and called on the Leader to ask the Chair of the Staffing Committee to resign. Councillor R Bailey, Leader of the Council responded.
- 9 Councillor C Chapman commented on the poor state of bus shelters and asked if the Council had a programme for repair and maintenance of them. Councillor D Stockton, Portfolio Holder for Environment responded.
- 10 Councillor J Bratherton asked about the marking of key historic anniversaries, such as the centenary of the signing of the Armistice in November 2018, centenary of the signing of the Treaty of Versailles in June 2019 and the 75th anniversary of the end of the Second World War. Councillor R Bailey, Leader of the Council undertook to provide a written response.
- 11 Councillor T Fox sought clarification on two outstanding planning applications in her ward. Councillor A Arnold, Portfolio Holder for Housing, Planning and Regeneration undertook to provide a written response.
- 12 Councillor B Roberts asked if the proceeds from the Fixed Penalty Notices for Littering could be invested back into the local community and voluntary sector. Councillor J Clowes, Portfolio Holder for Adult Social Care and Integration responded.
- 13 Councillor Rhoda Bailey asked what the Council was doing to reduce plastic waste. Councillor D Stockton, Portfolio Holder for Environment responded.

- 14 Councillor A Harewood asked what plans the Council had to reduce homelessness. Councillor A Arnold, Portfolio Holder for Housing, Planning and Regeneration responded.

The meeting commenced at 11.00 am and concluded at 5.00 pm

Councillor A Moran (Chairman)
CHAIRMAN



Council

Date of Meeting: 23 May 2018

Report Title: Changes to the Council's Constitution: Recommendations of the Constitution Committee

Senior Officer: Acting Director of Legal Services

1. Report Summary

- 1.1. This report presents to Council the recommendations of the Constitution Committee, made on 22nd March 2018.
- 1.2. Council has the opportunity to consider these recommendations, and to agree changes to its Constitution where they are considered to be appropriate.

2. Recommendations

- 2.1. That Council agrees the Constitution Committee recommendations set out in paragraph 3.7 of this report, together with the additional proposal relating to the rounding up of quorums where appropriate.
- 2.2. That powers be delegated to the Acting Director of Legal Services to make such changes to the Council's Constitution as he considers are necessary to give effect to the resolution of Council.

3. Background

- 3.1 The Constitution Committee, which met on 22nd March 2018, considered a report on a number of proposed "living document" changes which had either arisen from issues raised by Members during the process leading up to the adoption of the new Constitution, or which had arisen following its adoption.
- 3.2 Assurances had been given to Members during the process which had led to the adoption of the Council's new Constitution that there would be further opportunities for matters to be considered following adoption of the document.
- 3.3 Recommendations were made to Council by the Committee, in respect of three separate issues:
 - 3.3.1 The quorum of committees and sub-committees.

3.3.2 The abolition of the Civic Sub-Committee and the Outside Organisations Sub-Committee.

3.3.3 Whether officers should be permitted to take “key decisions”.

3.4 Quorum of Ordinary Committees/Sub-Committees:

3.4.1 The Committee considered the quorum of the Licensing Committee which was x8 Members, out of the total membership of x15. However, other regulatory committee quorums were just 25% of their membership.

3.4.2 There had been a number of occasions upon which there had been problems in securing the required quorum for the Licensing Committee, right up until the commencement time of the meeting in question. Clearly, there had been a risk of the whole meeting becoming abortive on these occasions.

3.4.3 Given that a 25% quorum figure applied to other committees, and had worked well since the beginning of the life of the Council, the Committee considered whether the same figure should apply to the Licensing Committee.

3.4.4 Whilst it was accepted that the quorum for the Licensing Committee was too high, debate took place upon whether the 25% quorum figure, which applied to other committees and sub-committees, was appropriate.

3.4.5 The Committee concluded that, with the exception of the Licensing Committee the quorum for ordinary committees and sub-committees was too low, and made the recommendation to Council set out in paragraph 3.7 below.

3.5 Abolition of the Civic Sub-Committee and Outside Organisations Sub-Committee:

3.5.1 Bevan Brittan, the expert constitutional solicitors who advised the Council during the process leading to the adoption of its Constitution, recommended that these very little-used sub-committees be abolished with effect from the end of the Municipal Year, and that their responsibilities be taken on by the Constitution Committee.

3.5.2 The Committee heard that the Civic Sub Committee had not met for some years and, whilst the Outside Organisations Sub-Committee did intensive work at the beginning of the life of the Council, it has not been required to meet since March 2013.

3.5.3 Given the reassurance that the Constitution Committee would take on the responsibilities of these Sub-Committees, the Committee was content to recommend to Council that they be abolished, as set out in paragraph 3.7 below.

3.5.4 It should be noted that the Group Leaders and Whips have been consulted upon the abolition of these Sub-Committees, resulting in agreement that Council should accept the recommendations of the Constitution Committee in this regard. This is of key importance in that, based upon that agreement, the proportionality calculations which are set out in a report to Council as a later agenda item, are based upon the assumption that the two Sub-Committees will no longer exist after the end of the 2017/18 Municipal Year.

3.6 Whether officers should be permitted to take “key decisions”:

3.6.1 The Council’s old Constitution prevented officers from taking Key Decisions unless specifically delegated by Cabinet. This was stipulated in the officer scheme of delegation. Clarification was sought of the Constitution Committee as to whether this restriction should continue to apply, even when officer schemes of delegation might suggest that in certain circumstances such decisions could be taken by officers.

A “Key Decision” is defined as:

“an executive decision which:

is likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council’s budget for the service or function to which the decision relates, and/or

is likely to be significant in terms of its effects on communities living or working in an area comprising one or more wards or electoral divisions in the area of the Council.”

For the purposes of the above, savings and expenditure are “significant” if they are equal to or greater than £1,000,000.

For clarification, no treasury management decision of the Council shall constitute a Key Decision.”

3.6.2 The Committee made the recommendation to Council, as set out in paragraph 3.7 below.

3.7 The following are the minuted recommendations of the Constitution Committee in respect of each issue:

3.7.1 Quorum of Committees/Sub-Committees: “it be recommended to Council that the quorum for all committees and sub-committees of the Council should be one third of the total membership subject to a minimum of three where the body in question comprises eight or fewer members”. It should be noted that the proposed quorum of 1/3 of the membership will be “rounded-up” where this cannot readily be divided by 3.

3.7.2 Abolition of the Civic Sub-Committee and Outside Organisations Sub-Committee: “it be recommended to Council that as recommended by Bevan Brittan during the review of the constitution, the Civic Sub-Committee and the Outside Organisations Sub-Committee be abolished and their functions be undertaken by the Constitution Committee”

3.7.3 Whether officers should be permitted to take “key decisions”: “that it be recommended to Council that the officer scheme of delegation be amended to clarify that officers may not take key decisions unless:

- (i) specifically delegated by members; or
- (ii) specifically provided for within the constitution”

4.0 Implications of the Recommendations

4.1 Legal Implications

4.1.1 The proposed constitutional changes set out in this report require the agreement of Council if they are to be put in place.

4.2 Finance Implications

4.1.2 Other than the financial threshold which applies to the definition of “Key Decision”, there are no direct financial implications of the recommendations relating to the related proposal.

4.1.3 The proposed abolition of the Civic Sub Committee and the Outside Organisations Sub-Committee would, if agreed, undoubtedly result in administrative and other savings. The work previously done by these Sub-Committees would, in future, be undertaken by the Constitution Committee; removing the need for separate committee meetings to take place with agendas, minuting, servicing by officers and claims for mileage allowances etc.

4.3 Policy Implications

4.3.1 Any agreed changes to the Council’s Constitution will be taken into account in the published version of the document, which will then govern the way in which the Council conducts its business.

4.4 Equality Implications

- 4.4.1 There are no direct equalities implications.

4.5 Human Resources Implications

- 4.5.1 The proposal to abolish two Sub-Committees will, if agreed, be beneficial in ensuring that support costs are minimised, and that resources are directed elsewhere for the benefit of the Council.

4.6 Risk Management Implications

- 4.6.1 The recommendations of this report minimise risk. A higher quorum for Committees and Sub-committees ensures that more members are involved in decision-making where the number of those in attendance is low. The abolition of two Sub-Committees brings the decisions of those bodies within the responsibilities of a larger Committee, which meets more frequently. Finally, clarity around the role of officers in taking Key Decisions is important and minimises risk.

4.7 Rural Communities Implications

- 4.7.1 There are no direct implications for rural communities.

4.8 Implications for Children & Young People

- 4.8.1 There are no direct implications for children and young people.

4.9 Public Health Implications

- 4.9.1 There are no direct implications for public health.

5 Ward Members Affected

- 5.1 All of the Council's wards are affected by the proposals contained within this report, as are all ward members.

6 Access to Information

- 6.1 There are no supporting documents other than those which are already in the public domain.

7 Contact Information

- 7.1 Any questions relating to this report should be directed to the following officer:

Name: Brian Reed
Job Title: Head of Democratic Services and Governance
Email: brian.reed@cheshireeast.gov.uk

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ANNUAL COUNCIL MEETING – 23RD MAY 2018**CHANGES TO THE CONTRACT PROCEDURE RULES**

Extract from the Minutes of the Constitution Committee meeting on 22nd March 2018

That..... the proposed changes to the Contract Procedure Rules as appended to the report be recommended to Council for approval.

CHANGES TO THE CONTRACT PROCEDURE RULES

The Committee considered a report on proposed mainly operational changes to the Contract Procedure Rules.

RESOLVED

That with the exception of those changes within the delegated authority of the Monitoring Officer, the proposed changes to the Contract Procedure Rules as appended to the report be recommended to Council for approval.....

NB: The proposal in the report to change the definition of a key decision to exclude operational expenditure will be subject to further consideration by the Constitution Committee, and is not for consideration by the Council meeting.

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Constitution Committee

Date of Meeting: 22 March 2018

Report Title: Changes to the Contract Procedure Rules

Portfolio Holder: Councillor Paul Bates, Finance and Communication

Senior Officer: Jan Willis – Interim Executive Director of Corporate Services

1. Report Summary

- 1.1. The Council has recently undertaken a comprehensive review of the Constitution, with the new Constitution coming into operation on the 1st January 2018. During the review, some amendments to the Contract Procedure Rules were overlooked due to the vast amount of amendments taking place. This report brings the changes which were overlooked during the review back to the Constitution Committee for approval.
- 1.2. The proposed changes are appended to this report. They are mainly operational which seek to further improve efficiency and governance.
- 1.3. There are two substantial changes proposed to the Rules. The first is the inclusion of an exemption to the Contract Procedure Rules within part 7 and the second is making operational expenditure, which is already within approved Council budgets, exempt from being a Key Decision.

2. Recommendation

- 2.1. That the Committee approve the revised changes to the Contract Procedure Rules as appended to this report.

3. Reasons for Recommendation/s

- 3.1. The Council has recently undertaken a review of the Constitution which was approved for implementation from the 1st of January 2018. During the review some amendments to the Contract Procedure Rules were overlooked. This report brings the changes overlooked back for review and approval by the Constitution Committee.
- 3.2. The proposed changes are mainly operational which seek to further improve efficiency and governance.

4. Other Options Considered

- 4.1. That the Committee do not agree to the proposed changes meaning the Council will continue to work within the current Contract Procedure Rules within the Constitution.

5. Background

- 5.1. The Council has recently undertaken a review of the Constitution which was approved for implementation from the 1st of January 2018. During the review some amendments to the Contract Procedure Rules were overlooked.
- 5.2. The proposed changes seek to further improve organisational efficiency and good governance.
- 5.3. There are two substantial changes proposed to the Rules. The first is the inclusion of an exemption to the Contract Procedure Rules within part 7, Waivers and the second is making operational expenditure, which is already within approved Council budgets, exempt from being a Key Decision.
- 5.4. The Contract Procedure Rules state that any expenditure above £10,000 and below the EU Threshold services should seek three quotations to ensure value for money. However there are examples where only one approved supplier is available due to copyright material, unique technology or as a result of conditions where the Council is receiving grant funding. The proposal is to give an exemption to the Contract Procedure Rules where no reasonable alternative or substitute exists and the absence of competition is not as a result of an artificial narrowing down of the procurement. In this instance there would be no need to complete the WARN process.
- 5.5. Notwithstanding the above exemption, the agreement of the Procurement Manager must be sought prior to any action being taken, except where there is a need to take urgent action to safeguard the Council's interests or delay would expose the Council to significant risk, in which case the action must be reported at the earliest opportunity, retrospectively, to the S.151 Officer and Director of Legal Services and the relevant Executive Director.
- 5.6. Under the current Constitution all expenditure above £1m is a Key Decision. This means that all expenditure above this threshold requires a Cabinet decision (or delegation to an officer) to enter into a contract. This includes day to day operational expenditure such as office cleaning materials, library books, stationery and Microsoft licences. This adds time

and additional work to the commissioning and procurement process to gain approval to proceed for business as usual expenditure.

- 5.7. Some authorities have included an exemption within the definition of a Key Decision which excludes operational expenditure, irrespective of contract value. This exemption means business as usual activity does not need to go through Cabinet. This report recommends that Cheshire East Council adopts the same approach, allowing the procurement, renewal or extension of contracts that relate to operational expenditure for which there is budget approval to proceed without needing further Cabinet approval. Approval as to whether it is day to day operational expenditure would sit with the newly formed Commissioning and Procurement Board. The authority to enter into the contract would still require sign off by the relevant Executive Director.

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1. Section 37 of the Local Government Act 2000 and guidance issued thereunder requires the Council to keep its Constitution up to date and regularly review it. Under the Act the Secretary of State could direct what information a local authority should include within its constitution. Under section 37, the secretary of state directed that local authorities financial rules or regulations or such equivalent provisions as the local authority may have in place and rules, regulations and procedures in respect of contracts and procurement whether specified in the local authority's standing orders or not, should be included in the constitution.

6.2. Finance Implications

- 6.2.1. The Constitution incorporates the Finance Procedure Rules which set out the rules relating to the financial management of the Council, including financial planning; risk management and control of resources; and financial systems and procedures. Clearly there are important relationships between the Finance and Contract Procedure Rules, as exemplified in this report.
- 6.2.2. Whilst the recommendations in the report are in respect of changes in operational practice, there are no direct financial, budgetary implications relating to the amendments.

6.3. Equality Implications

- 6.3.1. If this section indicates that an Equality Impact Assessment has been completed it is to be included as an Appendix to the report.

6.4. Human Resources Implications

6.4.1. None

6.5. Risk Management Implications

6.5.1. Legal and financial implications are recorded above.

6.5.2. The approval of day to day operational expenditure above £1m will sit with the Commissioning and Procurement Board which is chaired by Jan Willis Interim Executive Director or Corporate Service.

6.6. Rural Communities Implications

6.6.1. There are no direct implications for rural communities.

6.7. Implications for Children & Young People

6.7.1. There are no direct implications for children and young people.

6.8. Public Health Implications

6.8.1. There are no direct implications for public health.

7. Ward Members Affected

7.1. All ward members

8. Access to Information

8.1. As appended to this report. Additional information may be requested.

9. Contact Information

9.1. Any questions relating to this report should be directed to the following officer:

Name: Lianne Halliday

Job Title: Senior Manager - Procurement

Email: lianne.halliday@cheshireeast.gov.uk

Contract Procedure Rules

Reference	CPR Jan 2018	Amendments	Change / Add
2.7.4	Refer to the section 151 Officer	Refer to Finance Procedure Rules – 4.62	Change
2.19		Where the Councils wholly or partly owned companies acts as agent for the Council then these Rules shall apply.	Add
2.22	(Members exercise their powers through Officers)	No Member may instruct Officers to act in a way that is inconsistent with these Rules.	Change
2.25	Prior to any procurement activity, the Commissioning Officer shall ascertain whether any Corporate Contract exists in relation to their requirements. Where such a Corporate Contract exists, it shall be best practice to utilise the Corporate Contracts.	Prior to any procurement activity, the Commissioning Officer shall ascertain whether any Corporate Contract exists in relation to their requirements. Where such a Corporate Contract exists, it is a requirement to utilise Corporate Contracts unless better value for money can be clearly evidenced.	Change
2.28	All Council employees (and third parties engaged on the Council's behalf) must take appropriate measures to effectively prevent, identify and remedy conflicts of interests. Any conflict of interest must be declared with the Officer Code of Conduct.	All Council Officers, Members (and third parties engaged on the Council's behalf) must take appropriate measures to effectively prevent, identify and remedy conflicts of interests. Any conflict of interest must be declared in accordance with the Officer Code of Conduct and the Members Code of Conduct.	Change
2.38		Copies of the contracts will be provided to Legal Services for retention.	Add
2.39	Expenditure Approval Process	<p>All Officers requiring to commit expenditure in order to acquire goods, services or works on behalf of the Council must:</p> <ul style="list-style-type: none"> Obtain the prior approval of the relevant decision maker who has authority to give such approval under the constitution. This approval is subject to having sufficient budgetary provision and being included in the Councils capital programme or revenue budget Complete a business case and risk log for all 	Change

		<p>expenditure over £250k which is approved by the Commissioning and Procurement Board</p> <ul style="list-style-type: none"> • Ensure that supplies of a similar type are procured together where it is practicable and cost effective to do so. • Consider the Social Value implications • Make sure that the appropriate authority is in place to start the process and spend the money in accordance with the appropriate local scheme of delegation; • Make sure that there is enough money in the budget to cover the total whole life financial commitment being made (including any consultants or other external charges or fees); • Make sure that the Forward Plan and publicity requirements have been followed where the purchase is a Key Decision. • Give regard to Best Value and the Public Sector Equality Duty and ensure consultations with the public have been carried out as required. 	
2.40		The Council endeavours to consider how it can help achieve sustainable development through its work by ensuring that there are good working conditions for our suppliers' employees, the products and services procured are sustainable and that social-economic issues, such as equality and poverty, are addressed.	Change
2.41		Remove "endeavour to"	Remove
3.5	When issuing Requests for Quotations for below EU Threshold Contracts, Officers should consider	When issuing Requests for Quotations for below EU Threshold Contracts, Officers should consider whether the Contract may be of	Change

	whether the Contract may be of interest to organisations / individuals in other EU Member States and explain any concerns to the Procurement Manager	interest to organisations / individuals in other EU Member States and takes advice from the CPU	
4.1	Should be	Must be	Change
5.12		<p>The Director of Legal Services and the Section 151 Officer should be involved in any procurement exceeding £1m in value.</p> <p>Members should not be involved in any Evaluation Panel.</p>	Add
7	Whole waiver process	<p>It is strongly expected that these Rules will be followed in all cases with very limited exceptions, however, in the event a Commissioning Officer believes a waiver to these Rules is essential to the efficient running of the Service they must seek a waiver by producing a report that must be approved by;</p> <p>£10,000 - £25,000 - the Procurement Manager Above £25,000 - the S.151 Officer and the Director of Legal Services</p> <p>The report must be in accordance with the prescribed format available from the CPU. The format of the report shall be determined by the Procurement Manager, and must be used in line with any associated guidance published:</p> <p>(a) Advice and guidance must be sought from the Procurement Manager prior to submission of the waiver form to the S.151 Officer and Director of Legal Services. If approval is granted, it is still required that an appropriate contract be entered into prior to any requirements being provided by the provider.</p> <p>(b) The waiver of these</p>	Change

		<p>Rules and the reason(s) for waiver shall be clearly recorded and reported to the Commissioning and Procurement Board.</p> <p>Exemptions from the above requirements may be agreed for instances of</p> <ul style="list-style-type: none"> • <u>extreme urgency</u>, where there is an <u>immediate</u> risk to <u>life, property</u> or an <u>individual's safety and wellbeing</u>, and any inaction by the Council (related to risks to safety and wellbeing) would be a breach of our statutory duty and obligations. • Significant reputational risk or where such an exemption is required to ensure continuity or to safeguard the Councils interests. • Where there is genuinely only one approved supplier, such as for works of art, copy right material, or unique technology, where no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing down of the procurement. • The selection of a supplier whose usage is a condition of a Grant funding approval. • The selection of a supplier on the instruction of a third party, providing the whole of the funding is met by the third party. <p>The agreement of the Procurement Manager must be sought prior to any action being taken except where the nature of the urgency and risk renders this impractical. Such instances must be reported at the earliest opportunity, retrospectively, to the S.151 Officer and Director of</p>	
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		Legal Services and the relevant Executive Director following the incident.	
7.4	No Officer or Member, may seek to actively avoid the application of these Rules.	without following the necessary waiver process outlined within these Rules - Remove	Remove
7.7	immediately to the Section 151 Officer	and the Director of Legal Services.	Add – after S151 Officer
7.9	Remove – appropriate	Replace - next	Change

Key Decisions

All procurements with a contract value above £1m are a Key Decision and require Cabinet approval before a formal contract can be entered into. This is for all expenditure including operational expenditure.

Cheshire West and Chester have an exemption within their constitution for a Key Decision;

Definition of Key Decision

4.1 A Key Decision is any Cabinet Decision (regardless of who takes it) which is likely to: -

(a) result in expenditure (except internal operational expenditure on things like advertising, locum staff, office cleaning services, library books, vehicles, consumables, utilities etc...) or savings of £1million or more; or,

(b) have a significant effect on communities living or working in an area comprising two or more wards.

This means that any operational expenditure that is already within approved budgets does not require a Cabinet decision.

An example of this is the Microsoft Desktop Licencing Agreement. This is £3.7m for 3 years. Under CEC constitution this requires Cabinet approval, however under CWaC this is classed as operational expenditure that has already been approved at Council and is within agreed budgets.

Other examples which fall into this are stationary, translation and interpretation and Energy.

It is proposed that Cheshire East have a similar exemption which allows the council to procure and enter contracts for operational expenditure which is already within council budgets. The authorisation as to whether the expenditure is operational or not should sit with the Commissioning and Procurement Board.

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Council

Date of Meeting: 23 May 2018

Report Title: Political Representation on the Council's Committees

Senior Officer: Acting Director of Legal Services

1. Report Summary

- 1.1. 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. Recommendations

- 2.1 That the political group representation, as set out in the Appendix to the 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, the allocation of places to Committees be approved and the listed Committees be appointed.
- 2.2 That the Committee Chairmen 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. Reasons for Recommendations

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

4. Other Options Considered

- 4.1. Not applicable.

5. Background

- 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 rounding up would result in more than one political Group receiving an additional seat, and the total allocation of seats exceeding what is required, the Group having the lowest residual entitlement will not receive an additional seat
 - where the required number of members for a decision making body cannot be achieved using the above methods and calculations, the political group having the largest residual percentage for that body will be entitled to be awarded the additional place (e.g. if one group is entitled to 4.25 places, and another group is entitled to 1.48 places, the first group will be awarded 4 places on the body in question, and the second group will be awarded 2 places)
 - 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. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1. 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.
- 6.1.2. 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:
- 6.1.2.1. Not all of the seats can be allocated to the same political group (i.e. there are no single group committees).
- 6.1.2.2. The majority of the seats on the body are to be allocated to a political Group with a majority membership of the authority.

6.1.2.3. 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.

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

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

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

6.2. Finance Implications

6.2.1. There are no direct finance implications.

6.3. Policy Implications

6.3.1. There are no direct implications for policy.

6.4. Equality Implications

6.4.1. There are no direct implications for equality.

6.5. Human Resources Implications

6.5.1. There are no direct human resource implications.

6.6. Risk Management Implications

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

6.7. Rural Communities Implications

6.7.1. There are no direct implications for rural communities.

6.8. Implications for Children & Young People

6.8.1. There are no direct implications for children and young people.

6.9. Public Health Implications

6.9.1. There are no direct implications for public health.

7. Ward Members Affected

7.1. All ward members

8. Access to Information

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

9. Contact Information

- 9.1. Any questions relating to this report should be directed to the following officer:

Name: Brian Reed

Job Title: Head Democratic Services and of Governance

Email: brian.reed@cheshireeast.gov.uk

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

Based upon the following:

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

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 Allocated
Public Rights of Way	5	1 (VC)	1	0	7
Licensing Committee	10	3	2	0	15
Staffing	5 (C) (VC)	2	1	0	8
Local Authority School Governor Appointments Panel	3 (C) (VC)	1	1	0	5
Community Governance Review Sub Committee	4	1	1	0	6
Investigation and Disciplinary Committee	4	1	1	1	7
Disciplinary Appeals Cttee	4	1	1	1	7

Committee	Con	Lab	Ind	Lib Dem	Total
Total Places allocated	104	33	25	4	166
Proportional Entitlement	104	33	25	4	166
Percentage Entitlement	62.96%	19.75%	14.81%	2.47%	



Council

Date of Meeting: 23 May 2018

Report Title: Allocations to the Office of Chairman and Vice Chairman

Senior Officer: Acting Director of Legal Services

1. Report Summary

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

2. Recommendation

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

3. Reasons for Recommendations

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

4. Other Options Considered

- 4.1. Not applicable.

5. Allocation of Chairmanships and Vice-Chairmanships under the Council's Political Structure for the Municipal Year 2018/19

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

6. Implications of the Recommendations

6.1. Legal Implications

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

6.2. Finance Implications

6.2.1. Certain of the listed Chairmanships and Vice-chairmanships attract a Special Responsibility Allowance, in accordance with the Council's Members' Allowances Scheme.

6.3. Policy Implications

6.3.1. There are no direct implications for policy.

6.4. Equality Implications

6.4.1. There are no direct implications for equality.

6.5. Human Resources Implications

6.5.1. There are no direct implications for Human Resources.

6.6. Risk Management Implications

6.6.1. Failure to comply with the requirements of the Constitution would leave the Council open to legal challenge.

6.7. Rural Communities Implications

6.7.1. There are no direct implications for rural communities.

6.8. Implications for Children & Young People

6.8.1. There are no direct implications for children and young people.

6.9. Public Health Implications

6.9.1. There are no direct implications for public health.

7. Ward Members Affected

7.1. All Ward Members.

8. Access to Information

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

9. Contact Information

- 9.1. Any questions relating to this report should be directed to the following officer:

Name: Brian Reed

Job Title: Head of Democratic Services and Governance

Email: brian.reed@cheshireeast.gov.uk



Council

Date of Meeting: 23 May 2018

Report Title: Appointments to the Adoption Panel and Fostering Panel

Senior Officer: Acting Director of Legal Services

1. Report Summary

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

2. Recommendation/s

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

3. Reasons for Recommendation/s

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

4. Other Options Considered

- 4.1. Not applicable.

5. Background

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

- Adoption Panel
- Fostering Panel

Adoption Panel

- 5.2. The Panel considers the suitability of anyone who applies to become an adopter, and whether or not to recommend that they are suitable to adopt;

and also considers the placement of any child with a particular adopter. The Elected Member is a full member of the Panel and is defined as an 'independent panel member' by the Independent Review of Determinations (amendments) 2011. Under the performance objectives of the Panel, each member is asked to attend 75% of the meetings, which are currently held 6 weekly. In addition, each member is asked to attend any training events and induction events that are held at least annually and also to undergo an annual appraisal.

- 5.3. The role of the Adoption Panel and the appointment of Elected Members are governed by the Adoption Agency Regulations 2005 and the Adoption Agencies and Independent Review of Determinations (amendments) 2011, Adoption and Children Act 2002.
- 5.4. The Adoption Panel is made up of a central list and comprises of the following:
- Chair
 - Medical Advisor
 - Agency Members
 - Social Workers (2)
 - Elected Members (1)
 - Independent Members (3)
 - Additional Members (2)

Councillor L Jeuda served on the Adoption Panel during the 2017/18 municipal year.

Fostering Panel

- 5.5. The establishment of fostering panels is laid down by the Fostering Service (England) Regulations 2011. Regulation 23(1) requires the fostering service to provide a central list of persons considered to be suitable members of the Panel, similar to the Adoption Panel.
- 5.5 The Fostering Panel makes timely and appropriate recommendations in line with the overriding objective to promote the welfare of children in foster care. The Panel considers and advises on the suitability of persons who apply to be foster carers for children who are "cared for" by the local authority. It states what its recommendations are in respect of a particular child or children and clarifies whether the prospective carers matching considerations are to be for certain ages or categories of children.

- 5.6 It considers the continuing approval of foster carers following their annual carer's review or other significant changes in their circumstances and advices on any other matters relating to the fostering service.
- 5.7 The Panel holds fortnightly meetings which are held in private. One nomination is required.
- 5.8 Councillor G Merry served on the Fostering Panel during the 2017/18 municipal year.
- 5.9 As with the Adoption Panel, the Fostering Panel is administered by Cheshire East Children's Services, and as such, is not an outside organisation.

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1. There are no direct legal implications.

6.2. Finance Implications

- 6.2.1. There are no direct implications for finance.

6.3. Policy Implications

- 6.3.1. There are no direct implications for policy.

6.4. Equality Implications

- 6.4.1. There are no direct implications for equality.

6.5. Human Resources Implications

- 6.5.1. There are no direct implications for Human Resources.

6.6. Risk Management Implications

- 6.6.1. There are no direct risk management implications.

6.7. Rural Communities Implications

- 6.7.1. There are no direct implications for rural communities.

6.8. Implications for Children & Young People

6.8.1. There are no direct implications for children and young people.

6.9. Public Health Implications

6.9.1. There are no direct implications for public health.

7. Ward Members Affected

7.1. All Ward Members.

8. Access to Information

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

9. Contact Information

9.1. Any questions relating to this report should be directed to the following officer:

Name: Brian Reed

Job Title: Head of Democratic Services and Governance.

Email: brian.reed@cheshireeast.gov.uk



Council

Date of Meeting: 23 May 2018

Report Title: Appointments to the Cheshire Police and Crime Panel and the Cheshire Fire Authority

Senior Officer: Acting Director of Legal Services

1. Report Summary

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

2. Recommendation/s

- 2.1. Council is asked to appoint:-
 - (a) three Councillors and a nominated substitute to the Cheshire Police and Crime Panel;
 - (b) eight Councillors to Cheshire Fire Authority

3. Reasons for Recommendation/s

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

4. Other Options Considered

- 4.1. Not applicable.

5. Background

Cheshire Police and Crime Panel

- 5.1. In accordance with Section 28 of the Police Reform and Social Responsibility Act 2011, each Police area must establish a Police and Crime Panel.
- 5.2. The Cheshire Police and Crime Panel comprises 10 Councillors appointed by the constituent Councils and the allocation of seats to Cheshire East Council is three. The Council is also requested to nominate a substitute Member.

- 5.3. The members for the 2017/18 municipal year were Councillors S Edgar, JP Findlow and H Murray, with Councillor M Warren as nominated substitute.

Cheshire Fire Authority

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

Halton – 3 members

Warrington – 5 members

Cheshire West and Chester – 7 members

Cheshire East – 8 members

- 5.5 The members for the 2017/18 municipal year were Councillors D Marren, G Merry, J Saunders, M Simon, J Weatherill, D Bailey, D Flude and D Mahon.

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1. There are no direct legal implications.

6.2. Finance Implications

- 6.2.1. There are no direct implications for finance.

6.3. Policy Implications

- 6.3.1. There are no direct implications for policy.

6.4. Equality Implications

- 6.4.1. There are no direct implications for equality.

6.5. Human Resources Implications

- 6.5.1. There are no direct implications for Human Resources.

6.6. Risk Management Implications

- 6.6.1. There are no direct risk management implications.

6.7. Rural Communities Implications

- 6.7.1. There are no direct implications for rural communities.

6.8. Implications for Children & Young People

6.8.1. There are no direct implications for children and young people.

6.9. Public Health Implications

6.9.1. There are no direct implications for public health.

7. Ward Members Affected

7.1. All Ward Members.

8. Access to Information

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

9. Contact Information

9.1. Any questions relating to this report should be directed to the following officer:

Name: Brian Reed

Job Title: Head of Democratic Services and Governance

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Council

Date of Meeting: 23 May 2018

Report Title: Approval of Absence from Council Meetings

Senior Officer: Acting Director of Legal Services

1. Report Summary

- 1.1. This report seeks the approval of Council in respect of Councillor John Hammond's absence from Council meetings for a period over six months, due to reasons of ill-health.

2. Recommendation/s

- 2.1. Council is asked to approve Councillor John Hammond's absence from Council meetings for a period of over six months, due to reasons of ill-health; such approval to apply for a period of a further six months.

3. Reasons for Recommendation/s

- 3.1 The authority of the Council is required to ensure that an individual's membership of the authority doesn't inadvertently cease, in circumstances where they find themselves unable to attend a meeting for the period in question due to a reason beyond the individual's control.

4. Other Options Considered

- 4.1. Not applicable.

5. Background

- 5.1. By the date of the Annual Council meeting Councillor John Hammond will have been absent from Council meetings for over five months, due to reasons of ill health.
- 5.2. Legislation states that, if a Council Member fails to attend Council meetings throughout a period of six consecutive months, he or she shall cease to be a member of the authority in question, unless such failure was due to some reason approved by the authority before the expiry of the six month period.
- 5.3. This report asks Council to formally approve Councillor Hammond's absence from all Council meetings due to reasons of ill health, and to agree that such approval will continue to have effect for a further period of six

months. This will ensure that Councillor Hammond's membership of the Council will continue for an appropriate period of time, if he continues to find himself unable to attend Council meetings.

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1. Section 85 of the Local Government Act 1972 states that, if a member of a local authority fails, throughout a period of six consecutive months from the date of his last attendance, to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority. If necessary, the authority may grant further approvals if the reason for non-attendance continues beyond the initially approved period.

6.2. Finance Implications

6.2.1. There are no direct implications for finance.

6.3. Policy Implications

6.3.1. There are no direct implications for policy.

6.4. Equality Implications

6.4.1. There are no direct implications for equality.

6.5. Human Resources Implications

6.5.1. There are no direct implications for Human Resources.

6.6. Risk Management Implications

6.6.1. There are no direct risk management implications.

6.7. Rural Communities Implications

6.7.1. There are no direct implications for rural communities.

6.8. Implications for Children & Young People

6.8.1. There are no direct implications for children and young people.

6.9. Public Health Implications

6.9.1. There are no direct implications for public health.

7. Ward Members Affected

7.1. Haslington Ward, Councillor John Hammond.

8. Access to Information

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

9. Contact Information

9.1. Any questions relating to this report should be directed to the following officer:

Name: Brian Reed

Job Title: Head of Democratic Services and Governance.

Email: brian.reed@cheshireeast.gov.uk

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