

# Corporate Policy Committee

## Agenda

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**Date:** Thursday, 14th April, 2022  
**Time:** 1.00 pm  
**Venue:** The Ballroom, Sandbach Town Hall, High Street, Sandbach, CW11 1AX

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**PLEASE NOTE - This meeting is open to the public and anyone attending the meeting is advised to wear a face covering when not seated (unless exempt).**

**Lateral Flow Testing:** Anyone attending the meeting is asked to undertake a lateral flow test on the day of the meeting before embarking upon the journey to the venue. If your test shows a positive result, then you must not attend the meeting and must follow the latest advice on self-isolation.

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

It should be noted that Part 1 items of Cheshire East Council decision making meetings are audio recorded and the recordings will be uploaded to the Council's website.

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

1. **Apologies for Absence**

To note any apologies for absence from Members.

2. **Declarations of Interest**

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

3. **Public and Visiting Cheshire East Councillors - Speaking Time/Open Session**

Whilst the Council's rules on speaking at committee meetings impose a strict time limit for visiting speakers, the Chair will adopt a flexible approach and will seek to allow all those

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wishing to do so, the opportunity to speak on any matter relating to this agenda, subject to the following:

- If you attend the meeting with others who wish to speak on the same subject, please nominate one spokesperson to speak.
- A maximum period of 3 minutes will be permitted for each speaker to make their representations.
- There should be no repetition of points made earlier by other speakers.

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

4. **Minutes of Previous Meeting** (Pages 5 - 10)

To approve as a correct record the minutes of the meeting held on 3<sup>rd</sup> March 2022.

5. **Community Governance Review of Town and Parish Council Governance** (Pages 11 - 22)

To consider a report on the community governance review of town and parish council governance.

6. **Wilmslow Town Centre Business Improvement District** (Pages 23 - 38)

To consider a report on a proposal for a Business Improvement District (BID) in Wilmslow Town Centre.

7. **Open Data - Annual Report** (Pages 39 - 46)

To consider an update report on the Council's commitment to provide access to open data.

8. **First Annual Review of the Committee System** (Pages 47 - 158)

To consider a report which provides an update on how the first year of the committee system has functioned and makes recommendations to improve the future functionality of the committee system.

9. **Progress on Governance for the Integrated Care System** (Pages 159 - 174)

To consider a report on progress with the governance for the Integrated Care System.

10. **Work Programme**

To note: the 2022-23 Work Programme is being drafted.

11. **Minutes of Sub-Committees** (Pages 175 - 180)

To receive the minutes of the Finance Sub-Committee's meeting on 2<sup>nd</sup> March 2022.

12. **Reporting of Urgent Decisions**

To note any urgent decisions taken on behalf of the Committee.

## **THERE ARE NO PART 2 ITEMS**

**Membership:** Councillors C Browne, J Clowes, S Corcoran (Chair), J P Findlow, K Flavell, R Fletcher, A Stott (Vice-Chair), S Gardiner, N Mannion, A Martin, K Parkinson, J Rhodes and M Warren

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Corporate Policy Committee**  
held on Thursday, 3rd March, 2022 in the Committee Suite 1, 2 & 3,  
Westfields, Middlewich Road, Sandbach CW11 1HZ

**PRESENT**

Councillor S Corcoran (Chair)  
Councillor A Stott (Vice-Chair)

Councillors C Browne, C Bulman (for Cllr Rhodes), J Clowes, J P Findlow,  
K Flavell, R Fletcher, S Gardiner, N Mannion, A Martin, A Moran (for Cllr  
Warren) and M Sewart (for Cllr Parkinson)

**Officers**

Lorraine O'Donnell, Chief Executive  
Jane Burns, Executive Director of Corporate Services  
Alex Thompson, Director of Finance and Customer Services  
David Brown, Director of Governance and Compliance  
Sarah Bullock, Director of Policy and Change  
Sara Barker, Head of HR  
Gareth Pawlett, Head of Information Communication Technology  
Josie Griffiths, Head of Audit and Risk  
Dan Coyne, Community Development Manager  
Paul Mountford, Democratic Services

**Apologies**

Councillors K Parkinson, J Rhodes and M Warren

**79 DECLARATIONS OF INTEREST**

Councillor A Moran declared an interest as a non-executive Director of Ansa in relation to Item 9 (Health and Safety Update) insofar as it related to the company.

**80 PUBLIC SPEAKING/OPEN SESSION**

There were no public speakers.

At this point, the Leader made a brief statement that Cheshire East Council was prepared to support refugees from Ukraine and was well-placed, with its partners, to do so. The Government had announced the Ukraine Family Scheme and the Local Sponsorship Scheme for Ukraine, and the Council was in daily contact with the Home Office. Further information was available on the Council's website.

**81 MINUTES OF PREVIOUS MEETING**

**RESOLVED**

That the minutes of the meeting held on 10<sup>th</sup> February 2022 be approved as a correct record.

**82 ARAP/ACRS BRIDGING HOTEL AND RESETTLEMENT SCHEME REPORT**

The Committee considered an update report on the Afghan Relocations and Assistance Policy (ARAP) and the Afghan Citizens Resettlement Scheme (ACRS), including details of the wrap around support provided by Cheshire East Council and partner agencies for over 300 individuals, and information on five families that had now been resettled into permanent accommodation in Cheshire East.

It was suggested that the private housing sector should be asked to consider making 4-5 bedroom properties available to the Home Office to assist in providing accommodation for refugees.

**RESOLVED**

That the Committee

1. acknowledges the high-quality wrap around support provided to date for the ARAP/ACRS cohort within the bridging hotel and that this will be expected of the Council until at least 30<sup>th</sup> June 2022;
2. acknowledges the integration support for the five families from the ARAP scheme to date, that have already been permanently settled in Cheshire East; and
3. asks that the National Housebuilders Bodies be approached to ascertain their willingness to provide assistance with the resettlement of refugees under this scheme.

**83 REVIEW OF THE EMERGENCY ASSISTANCE SCHEME**

The Committee considered proposed changes to the Emergency Assistance Scheme for 2022/23 following a review.

It was suggested that the Committee review the operation of the scheme later in the year to assess whether the budget for the scheme was sufficient. The Director of Finance and Customer Services advised that a report would be brought back to the Committee if necessary.

The question was asked whether rent deposits under the scheme were recycled. The Director of Finance and Customer Services undertook to look into the matter and notify members.

**RESOLVED (unanimously)**

That the Committee approves the Emergency Assistance Scheme with the following changes from 1<sup>st</sup> April 2022:

- to allow for discretion in applying the current limit of only one Emergency Assistance award per 12 month period, enabling further support to be provided in exceptional cases;
- to provide supermarket vouchers in addition to the existing process of referrals to food banks for those in food crisis;
- to extend the Scheme to provide utility vouchers to those in fuel crisis; and
- to confirm that the scheme will remain non-cash based to reduce the risk of abuse.

**84 CHESHIRE EAST DIGITAL STRATEGY**

The Committee considered a report on the outcome of consultation on the draft Digital Strategy, with a majority of the responses received being supportive of the aims, principles and actions contained within the Strategy.

**RESOLVED (unanimously)**

That

1. the final Digital Strategy for Cheshire East Council be approved; and
2. further updates be provided to the Committee on progress against the aims of the Strategy on a 6 monthly basis

**85 CYBER SECURITY UPDATE**

The Committee considered an update report on cyber security within the Council. The report sought to assure members across a number of areas about the protections in place to mitigate any associated risk.

In response to a question, the Head of Information Communication Technology confirmed that from a Shared Services perspective, Cheshire East Council and Cheshire West and Chester Council had been subjected to three cyber attacks over the last three years. The effect of the attacks had been limited by the security arrangements in place.

**RESOLVED**

That the report be noted.

**86 EQUALITY, DIVERSITY AND INCLUSION STRATEGY - PROGRESS REVIEW**

The Committee considered a progress report on the delivery of the Equality, Diversity and Inclusion Strategy 2021-2025. Highlights in the progression of the Strategy after the first year were set out in the report.

**RESOLVED**

That the progress in delivering the Equality, Diversity and Inclusion Strategy be noted.

**87 UPDATE ON WORKFORCE EFFICIENCIES AND TERMS AND CONDITIONS REVIEW**

The Committee considered a report on progress to review workforce efficiencies and terms and conditions. The report also provided information on the current employee relations context and information from the benchmarking exercise recently undertaken.

In response to questions from members, the Head of HR advised as follows:

- The Pulse surveys had shown that staff were having frequent 1:1s with their line managers and were regularly engaged with team members. Performance Development Reviews were being conducted virtually.
- Training was being provided virtually, which was significantly cheaper than face-to-face training.
- Staff were being supported as regards their mental health and were able to work in an office environment if they wished.
- With a few exceptions, staff working from home were not designated as home workers and therefore did not receive an allowance.
- With regard to the cost of working from home, staff had been advised that they were able to claim income tax relief.
- Officers held meetings with trade union representatives on a weekly basis.
- The package of measures to be negotiated with the trade unions was largely concerned with travel arrangements and green travel initiatives.
- The £758,000 savings from reduced staff travel included a 30% reduction in mileage £428k and regular user savings circa £193k and the remainder from other travel-related savings/efficiencies.

**RESOLVED (unanimously)**

That the Committee

1. notes the progress made in achieving savings arising from staff travel for 2021/22;

2. notes that the Regular Car User allowance re-application process has been completed and that the results are being implemented in accordance with the Council's policy;
3. supports a revised approach to formal consultation/negotiation with the recognised trade unions with a view to developing a package of measures which will include changes to staff terms and conditions and improved benefits for staff aligned to the Council's new ways of working and the green agenda relating to staff travel; and
4. notes that authority has been delegated to the Executive Director of Corporate Services to implement any changes following consultation/negotiation.

## **88 HEALTH AND SAFETY UPDATE QUARTER 3**

The Committee considered an update report which provided a summary of accident and information data for the Council and maintained schools for Quarter 3, 2021/22, the year to date and comparative data for the same periods in the last two years.

In response to a question, the Head of Audit and Risk advised that accidents to staff as a result of working from home should be reported. No such incidents had been recorded to date. However, the message to staff would be renewed.

### **RESOLVED**

That the update report be noted.

## **89 WORK PROGRAMME**

The Committee considered its work programme for 2021/22.

The Executive Director of Corporate Services advised that the items on Community Governance Review and Constitution Codes and Protocols listed for the meeting on 14<sup>th</sup> April would go on to full Council. In view of the numbers of people likely to attend the Committee's meeting for the Community Governance Review, Democratic Services were seeking to secure an appropriate venue.

The meeting on 14<sup>th</sup> April was currently scheduled to start at 2.00 pm and members wondered if this would allow sufficient time to consider the Community Governance Review alongside other business on the agenda. Officers would consider the feasibility of bringing the time of the meeting forward.

The Director of Governance and Compliance advised that the constitution included a dispensation to allow Councillors to take part and vote on

Community Governance Review matters in which they had disclosable pecuniary and prejudicial interests. Officers would be informing all members that they would not be precluded from speaking on the subject at Council.

**RESOLVED**

That the work programme be noted.

**90 REPORTING OF URGENT DECISIONS**

There were no urgent decisions to report.

The meeting commenced at 10.30 am and concluded at 12.30 pm

Councillor S Corcoran (Chair)



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## Corporate Policy Committee

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|                             |   |
|-----------------------------|---|
| <b>Date of Meeting:</b>     | 14 April 2022   |
| <b>Report Title:</b>        | Community Governance Review of Town and Parish Council Governance |
| <b>Report of:</b>           | Monitoring Officer  |
| <b>Report Reference No:</b> | CP/63/21-22   |
| <b>Wards Affected:</b>      | All Wards   |

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### 1. Purpose of Report

- 1.1. To secure a resolution of Council which will finalise the governance arrangements of the town and parish councils within Cheshire East Borough.

### 2. Executive Summary

- 2.1. The attached report seeks resolutions of the Community Governance Review Sub Committee, Corporate Policy Committee, and finally Council, following a Community Governance Review (CGR) of Town and Parish Council Governance.
- 2.2. The report was considered by the Community Governance Review Sub-Committee at its meeting on 4<sup>th</sup> April 2022. The Sub-Committee resolved as follows:

*That*

1. *the Sub-Committee recommends to the Corporate Policy Committee that the recommendations made in the review of Community Governance, contained in Appendices 1, 2 and 3 to the report, will ensure that:*
  - A. *The proposed community governance arrangements reflect the identities and interests of the community in the Borough of Cheshire East; and*

- B. The proposed community governance arrangements are effective and convenient; and*
- 2. in order to minimise unnecessary printing of agenda papers, it will be assumed that all Members of the Corporate Policy Committee, and Council, will rely upon the electronic link to the appendices of the report, and that the appendices will therefore not be printed for each Member; further, that if any Member has a specific need for any part of parts of the appendices to be printed, they will make their own arrangements to print limited sections of the appendices, or request such printed sections to be provided by officers.*

Note: At the Sub-Committee's meeting, Councillor S Edgar, on behalf of the parish councils, asked that the style of the new Weston and Crewe Green council be changed to from 'Community' to 'Parish'. With the agreement of the Sub-Committee, the officers undertook to change the recommendation to Council accordingly.

A number of public speakers and visiting members attended the Sub-Committee's meeting to speak on behalf of parish councils in relation to the recommendations in the report. A summary of the issues raised is appended to this covering report.

In accordance with resolution 2 above, the appendices to the report have not been circulated with this agenda but are available on the agenda web page for this meeting and may be accessed via the links in the report.

### **3. Recommendations**

**It is recommended that the Corporate Policy Committee**

- 1. approve the recommendations of the Community Governance Review Sub-Committee; and**
- 2. approve paragraph 2 of the recommendations in the attached Council report.**

**Summary of the issues raised under public and member speaking at the meeting of the Community Governance Review Sub-Committee on 4<sup>th</sup> April 2022:**

The following is a brief summary of the submissions made.

Councillor Ken Edwards, Bollington Town Council, began by congratulating the officers on what he said was a clear and well organised report. He went on to express his council's disappointment that the report did not recommend the Town Council's proposal that the boundary between Bollington and Rainow be amended to include the settlement at Ingersley Vale within Bollington. He asked that the matter be reviewed as part of the next Cheshire East ward boundary review.

Mr Brian Jones, Tytherington Lane, Bollington, objected to properties in Bollington being transferred to Macclesfield.

Councillor Fiona Wilson, Deputy Mayor of Macclesfield, welcomed the revised recommendations for Macclesfield that the current seating allocation worked well and that a community governance review of the Town Council would be premature.

Councillor Chris Jackson, Chair of Holmes Chapel Parish Council, expressed the council's disappointment that the area comprising the Bluebell Green and Dunkirk Farm residential developments was not to be transferred from Brereton to Holmes Chapel.

Mr Peter Turner, Town Clerk of Crewe Town Council, expressed the council's disappointment that the proposals for Crewe did not address issues of underrepresentation within Crewe or the significant residential developments that had taken place on the outskirts of Crewe outside the town's boundary.

Councillor Roger Dawson, Vice-Chair of Alpraham Parish Council, expressed his council's disappointment that the proposed merger of Alpraham and Calveley did not include the parish of Wardle.

Councillor Andy Lindsay, Chair of Brereton Parish Council, congratulated the Council's officers on what had been a difficult task in dealing with so many consultation inputs. He indicated his council's support for the proposals for Brereton, including the retention of Bluebell Green and Dunkirk Farm within the parish of Brereton and the adjustment of the boundary with Somerford to align with Holmes Chapel Road.

Councillor L Smetham, expressed her support, and that of parishes and residents, for the recommendations relating to parishes within the Gawsorth ward and asked that the Sub-Committee support them. She also asked Democratic Services to consider bringing Daintry Hall back into availability as a polling station for North Rode.

Councillor L Gilbert, disagreed with the proposal not to transfer the area of Bluebell Green and Dunkirk Farm from Brereton to Holmes Chapel and asked the Sub-Committee to support the transfer for reasons of community identity.

Councillor D Murphy, speaking as the Mayor of Congleton, expressed the Town Council's view that all housing and business development on land contained within the new link road should be included within the area of Congleton Town, the link road forming a natural boundary.

Councillor J Clowes began by thanking the Sub-Committee and the officers for their work on the review. She then indicated that with regard to Doddington and District, Hatherton and Walgherton, and Hough and Chorlton parish councils she was satisfied with the recommendations in the report. With regard to the boundary between the parishes of Wybunbury and Shavington, she urged the Sub-Committee to revert to its original proposal that Newcastle Road form the boundary between the two parishes.

Councillor P Findlow supported the proposal to retain the two separate parishes of Over Alderley and Mottram St Andrew. He also asked that the proposal to include the whole of Dumbah Lane within the parish of Prestbury, which was not recommended in the report, be supported for reasons of community cohesion and that the electoral risk referred to in the report as the reason for not supporting the proposal be mitigated.

The Head of Democratic Services and Governance read out a written statement on behalf of Councillor D Marren who was unable to attend the meeting. Councillor Marren had been impressed with the way in which the Sub-Committee and officers had listened to the views of the residents of Shavington cum Gresty and as a result had altered the original proposals as set out in the pre-consultation survey. He felt that the revised proposals now before the Sub-Committee addressed most of his concerns and he felt confident that they would address the concerns of most residents of Shavington cum Gresty Parish. It was therefore his intention to support the recommendations without amendment.

At the conclusion of public and member speaking, officers advised that it was for the Sub-Committee to consider the comments made when considering the report. Officers also advised the Sub-Committee that there were risks in changing recommendations that had already been carefully developed after taking into consideration the guidance, the law and responses to the consultation.

In response to issues raised under public speaking, officers advised that the recommendation for the boundary between Bollington and Macclesfield was to make no changes. With regard to the merger of Alpraham and Calveley, the officers advised that Wardle Parish Council had objected to being included in that merger.



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## **Community Governance Review Sub-Committee Corporate Policy Committee Council**

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|                           |  |
|---------------------------|--|
| <b>Dates of Meetings:</b> | 4 April 2022<br>14 April 2022<br>27 April 2022                       |
| <b>Report Title:</b>      | Community Governance Review of Town and Parish<br>Council Governance |
| <b>Report of:</b>         | Monitoring Officer   |
| <b>Wards Affected:</b>    | All Wards  |

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### **1. Purpose of Report**

**1.1.** To secure a resolution of Council which will finalise the governance arrangements of the town and parish councils within Cheshire East Borough.

### **2. Executive Summary**

**2.1.** This report seeks resolutions of the Community Governance Review Sub Committee, Corporate Policy Committee, and finally Council, following a Community Governance Review (CGR) of Town and Parish Council Governance.

**2.2.** The CGR project has been in progress for over three years. Engagement with the public, town and parish councils and other stakeholders has been central to the project. There has been an informal pre-consultation survey, as well as a formal consultation process which secured over 5000 responses. This approach to engagement aligns with the Council's "Open and Enabling Organisation" Corporate Plan Priority in:

- ensuring that there is transparency in all aspects of Council decision making;
- listening, learning and responding to our residents; and in
- promoting and developing the services of the Council through regular communication and engagement with all residents.

- 2.3. This report marks the last stage of the CGR process which will culminate in Council formally determining the final governance arrangements of the Borough's town and parish councils, taking into account those matters which arose during the consultation, together with a range of other considerations.

### 3. Recommendations

#### **Proposed to the Community Governance Review Sub-Committee**

1. The Sub-Committee is recommended to propose to the Corporate Policy Committee that the recommendations made in the review of Community Governance, contained in Appendices 1,2 and 3 to the report will ensure that:
  - A. The proposed community governance arrangements reflect the identities and interests of the community in the Borough of Cheshire East; and
  - B. The proposed community governance arrangements are effective and convenient.

#### **Proposed to the Corporate Policy Committee**

2. The Committee is recommended to propose to Council that the recommendations made in the review of Community Governance, contained in Appendices 1,2 and 3 to the report will ensure that:
  - A. The proposed community governance arrangements reflect the identities and interests of the community in the Borough of Cheshire East; and
  - B. The proposed community governance arrangements are effective and convenient.

and

That Council should resolve to give effect to the recommendations.

#### **Proposed to Council**

3. Council is recommended to resolve that the recommendations made in the review of Community Governance, contained in Appendices 1, 2 and 3 to the report will ensure that:
  - A. The proposed community governance arrangements reflect the identities and interests of the community in the Borough of Cheshire East; and
  - B. The proposed community governance arrangements are effective and convenient.

and

Council resolves, by order, to give effect to the recommendations.

(NB: If the Community Governance Review Sub-Committee and/or the Corporate Policy Committee make recommendations to change the town and parish council governance proposals contained in the appendices to this report, the appendices will be updated and the proposed changes will be shown by way of "Track-Changes")

#### **4. Reasons for Recommendations**

- 4.1** Changes in population and local development have caused the Council, as principal Council within the meaning of the Local Government and Involvement in Public Health Act 2007 (the 2007 Act), to undertake a borough wide review of community governance to ensure that the town and parish council governance arrangements continue to reflect the identities and interests of the community and is effective and convenient:

<http://moderngov.cheshireeast.gov.uk/ecminutes/ieListDocuments.aspx?CId=487&Mid=7087&Ver=4>

- 4.2** The Council has in accordance with the 2007 Act, consulted with the local government electors and other interested persons, had regard to guidance issued under that Act and had regard to its Terms of Reference adopted by the Council's Constitution Committee on 22 November 2018.

#### **5. Other options considered**

- 5.1** To continue with the current Community Governance arrangements within the Borough and accept the risk that it no longer complies with the statutory requirement to reflect the identities and interests of the community and be effective and convenient.

#### **6. Background**

- 6.1** At its meeting on 20 September 2018, the Constitution Committee resolved:

That:

- 1 A Borough-wide review of the governance arrangements of all of the Borough's town and parish councils be undertaken, commencing as soon as reasonably practicable after the 2019 all-out elections, and concluding well in advance of the May 2023 elections;
- 2 a sub-committee of the Committee be appointed to conduct the review, working with an officer working group, and make appropriate recommendations to the Constitution Committee for decision; and
- 3 the sub-committee comprise representatives of all of the Council's political groups, on the basis of relevant proportionality drawn from the Constitution Committee, provided that the Liberal Democrat Group representative shall be nominated by its Group Leader.

- 6.2** Following that meeting, the Community Governance Review Sub Committee was established, with agreed terms of reference. These can be found, together with the report to the Constitution Committee, which met on 22 November 2018, here: <http://moderngov.cheshireeast.gov.uk/ecminutes/ieListDocuments.aspx?CId=487&MID=7088#AI43589>

- 6.3** The terms of reference for the Community Governance Review required the Council to publish a plan for consultation during the review, which would provide for the consideration of consultation responses as part of the process for preparation of draft proposals.
- 6.4** A pre-consultation survey commenced in October 2019, and invited any person or body interested in the review to provide a response. The survey was “live” for a period of 14 weeks. The survey closed on the 31 January 2020, by which time the Council received submissions from 276 individuals/town and parish councils etc.
- 6.5** A number of informal Member workshops were then arranged to develop draft proposals for the formal consultation stage, taking into consideration those matters raised in response to the pre-consultation survey, and a range of other factors.
- 6.6** Following consideration by the Community Governance Review Sub Committee, and the Constitution Committee, the draft proposals were agreed by Council on 22 June 2021. Item 22 of the following agenda refers: [Agenda for Council on Tuesday, 22nd June, 2021, 11.00 am | Cheshire East Council](#)
- 6.7** Council resolved, as follows:  
“That the recommendations of the Community Governance Review Sub Committee on 26 February 2021 be the format of consultation for the Community Governance Review”.
- 6.8** The following issues were taken into account by Members when they agreed the draft proposals for consultation:
- i.** Electorate numbers taken from the 2019 electoral register;
  - ii.** The number of councillor seats representing each ward;
  - iii.** Wards where the respective town/parish council have requested a review within the last 2 years or so;
  - iv.** Electorate growth forecasts up to 2025 (the period advised by the Local Government Boundary Commission for England);
  - v.** Pre-consultation survey submissions;
  - vi.** Known concerns expressed by parishes;
  - vii.** Wards with significant variances to the average population density and/or councillor ratios;
  - viii.** Local plan developments;
  - ix.** Known built-environment changes.
- 6.9** The effect of the Council resolution on 22 June 2021 was to formally approve the consultation proposals which were agreed by the CGR Sub-Committee, on 26 February 2021, and to agree that they be consulted-upon for a 12-week period to this report:  
<http://moderngov.cheshireeast.gov.uk/ecminutes/ieListDocuments.aspx?CIId=569&MID=7944#A154901>

**6.10** The formal consultation was concluded on 28 November 2021, with around 4800 consultation responses having been submitted.

## **7 Recommendations relating to town and parish council governance**

**7.1** The consultation responses were analysed between December 2021 and February 2022, taking into account all relevant considerations. Recommendations were then considered by informal workshops comprising members of the Community Governance Review Sub Committee.

**7.2** These informal recommendations are now presented to the Community Governance Review Sub-Committee in order for them to be formally considered and for a recommendation to be made to the Corporate Policy Committee, which will be asked to make recommendations to Full Council. The recommendations relating to each town and parish council are set out in the appendices to this report.

**7.3** In order for Members to be clear as to the recommendations which are before them for consideration, where the Community Governance Review Sub-Committee and/or the Corporate Policy Committee make recommendations to change the town and parish council governance proposals contained in the appendices to this report, the appendices will be updated and the proposed changes will be shown by way of “Track-Changes”.

## **8 Next stages of the review**

**8.1** Subject to Council resolution, a number of practical measures must be taken in order to give effect to the wishes of Council, including:

**8.1.1** A Community Governance Order must be made, published, and sent to the Secretary of State.

**8.1.2** Town and parish councils must be notified of the Council decision.

**8.1.3** Electoral register details must be changed, where town, parish or parish ward boundaries change.

**8.1.4** Council tax records must be changed where town or parish boundaries change, where this would result in residences being “taken into” a different town or parish with a different precept. Any consequent changes to Council Tax precepts must be taken into account as part of the Council Tax precepting and billing process, which commences in September 2022.

**8.1.5** Other consequential issues must be managed, for example, matters affecting town and parish council physical and financial assets, and staffing arrangements, which might be impacted by the outcomes of the review.

**8.2** It is clear that our ongoing engagement with town and parish councils will be of key importance as part of the process which will lead to the changes, arising from

the review, taking effect in 2023. Whilst, from a purely legal perspective, the responsibility for dealing with such matters rests with the town and parish councils themselves, some degree of support to our town and parish council partners should be provided by this Council.

- 8.3** Throughout the CGR process, there has been significant collaboration between the officers of this Council, and the Cheshire Association of Local Councils (CHALC). CHALC has already provided valuable inputs in respect of the process followed so far and has been a partner in facilitating important engagement with town and parish council members and officers.
- 8.4** Further work will take place, in partnership with CHALC, to ensure clear communication with our town and parish council partners. Initial discussions have taken place with CHALC which are expected to lead to CHALC providing comprehensive support to all affected town and parish councils (not just those which are members of CHALC). In this way, the expertise and practical experience of CHALC can be drawn-upon, for the benefit of all town and parish councils within the Borough.

## **9 Consultation and Engagement**

- 9.1** The consultation and engagement elements of the CGR are considered in the “Background” section to this report. Consultation and engagement have been critical factors in this review process. The consultation and engagement exercises are considered to have been very successful, having resulted in over 5,000 responses being submitted. There has been significant engagement with town and parish council colleagues, with regular information having been provided to them, and via the provision of face-to-face engagement opportunities.
- 9.2** In total, there were over 5,000 consultation responses, and decision-making Members may seek access to these by contacting Brian Reed: [Brian.reed@cheshireeast.gov.uk](mailto:Brian.reed@cheshireeast.gov.uk)

## **10. Implications**

### **10.1 Legal Implications**

- 10.1.1** The general powers of Cheshire East Borough Council as a principal council to conduct a Community Governance Review (CGR) of its area are contained in Section 82 of the Local Government and Public Involvement in Health Act 2007 (the 2007 Act). Section 86(2) of the 2007 Act states that the principal council may, by order, give effect to the recommendations made in the review.
- 10.1.2** Section 93 of the 2007 Act sets out the duties with which the principal council must comply when undertaking a CGR, including the duty to consult electors and others during the CGR process. The cornerstone principles of the CGR are contained in Section 93(4) and require the

principal council to have regard to the need to secure that community governance within the area under review reflects the identities and interests of the community in that area and is effective and convenient.

**10.1.3** Section 100 of the 2007 Act requires principal councils to have regard to guidance issued by the Secretary of State for Housing, Communities and Local Government (formerly the Department for Communities and Local Government) and the Local Government Boundary Commission for England.

**10.1.4** Section 81 of the 2007 Act requires the principal council to draw up and publish the terms of reference for the review which are attached at [Community Governance Review ToR - report final.pdf \(cheshireeast.gov.uk\)](http://cheshireeast.gov.uk/Community_Governance_Review_ToR_-_report_final.pdf)

**10.1.5** Sections 87 to 91 of the 2007 Act set out the recommendations arising from the CGR.

**10.1.6** The principal council is **required** to make recommendations as to:

- whether a new parish or parishes should be constituted;
- whether existing parishes should or should not be abolished or whether the area of existing parishes should be altered; or
- what the electoral arrangements for new or existing parishes, which are to have parish councils, should be.

**10.1.7** In addition, the principal council has a **discretion** to also make recommendations about:

- the grouping or degrouping of parishes;
- adding parishes to an existing group of parishes; or
- making related alterations to the boundaries of a principal councils' electoral areas.

**10.1.8** Section 96 of the 2007 Act requires a principal council, as soon as practicable after it has decided to what extent it will give effect to the recommendations made in a community governance review, to publish its decision and the council's reasons for making that decision and thereafter, to take sufficient steps to inform interested persons of its decision and reasons

## **10.2 Finance Implications**

**10.2.1** There would appear to be no significant direct financial implications for this Council, which can be identified at this stage. There will be financial implications for town and parish councils, which they will consider when making representations in response to the formal consultation.

**10.2.2** There will be a cost to this Council to the provision of support by CHALC to all affected town and parish councils within the Borough. This is expected to be no more than £5,000.

**10.3 Policy Implications**

**10.3.1** There are no direct policy implications.

**10.4 Equality Implications**

**10.4.1** There would appear to be no direct equality implications for this Council which can be identified.

**10.5 Human Resources Implications**

**10.5.1** There are no direct HR implications for Cheshire East Council, although some human resources issues might arise for town and parish councils.

**10.6 Risk Management Implications**

**10.6.1** The CGR project will result in changes to the governance arrangements of our town and parish councils. These governance arrangements have not been reviewed for very many years and the outcome of the review will bring improvements, which will minimise risk to this Council, and to the town and parish councils themselves.

**10.7 Rural Communities Implications**

**10.7.1** Rural community implications have been taken into account as part of the consultation and review process.

**10.8 Implications for Children & Young People/Cared for Children**

**10.8.1** There are no direct implications for children and young people.

**10.9 Public Health Implications**

**10.9.1** There are no direct implications for public health.

**10.10 Climate Change Implications**

**10.10.1** There are no direct implications for climate change.

|                              |  |
|------------------------------|--|
| <b>Access to Information</b> |  |
| Contact Officer:             | Brian Reed: Head of Democratic Services and Governance<br><a href="mailto:Brian.reed@cheshireeast.gov.uk">Brian.reed@cheshireeast.gov.uk</a> Tel: 07973754722  |
| Appendices:                  | 1. <a href="#">Appendix 1 - Final Recommendations Summary Report</a><br>2. <a href="#">Appendix 2 - Final Recommendations Maps Report</a><br>3. <a href="#">Appendix 3 - Final Recommendations Assessment Report</a> |
| Background Papers:           | As hyperlinked above   |



*Working for a brighter future together*

## **Corporate Policy Committee**

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| <b>Date of Meeting:</b>     | 14 April 2022                                      |
| <b>Report Title:</b>        | Wilmslow Town Centre Business Improvement District |
| <b>Report of:</b>           | Jayne Traverse, Executive Director of Place        |
| <b>Report Reference No:</b> | CP/68/21-22  |
| <b>Ward(s) Affected:</b>    | Wilmslow East/Wilmslow West and Chorley            |

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### **1. Purpose of Report**

- 1.1 A formal notification has been submitted to the Council, setting out the intention of Groundwork CLM, on behalf of the Wilmslow Town Centre Management Group, to put a proposal for a Wilmslow Town Centre Business Improvement District (BID) to a ballot.
- 1.2 The report provides information on BIDs, on the emerging draft Wilmslow Town Centre BID proposal, sets out the anticipated implications of the notification, and seeks decisions enabling officers to respond appropriately to the notification.

### **2. Executive Summary**

- 2.1 The Council has received formal notification that Groundwork CLM, intend to submit a proposal for a Business Improvement District (BID) in Wilmslow Town Centre on or after 12 May 2022 with a request for the Council to hold a postal ballot on the BID proposal.
- 2.2 If successful at ballot, this will be the first BID in Cheshire East.
- 2.3 The Corporate Plan identifies the Council's ambition to ensure the success of town centres in our key towns. Many Councils view BIDs as a valuable addition to their town centres, supporting the economy and enabling collaboration between town centre businesses focused on

common ambitions. This proposal is aligned to, and has the potential to significantly support, the Council's ambitions with regard to enabling vital and viable town centres.

- 2.4 There is a need to comply with the Business Improvement Districts (England) Regulations 2004, (BID Regulations) including providing information to the BID proposer, holding a postal ballot if formally requested to do so, and if the BID is successful at ballot, taking responsibility for collection of the BID levy on behalf of the BID. This has both staff resource and financial implications.
- 2.5 There are additional implications for the Council as the owner of several hereditaments within the proposed BID area. The Council will be entitled to vote in any BID ballot, and, if the BID is successful at ballot, will be liable to pay the levy for its hereditaments falling within the scope of the BID proposal.
- 2.6 This report to Corporate Policy Committee is intended to ensure members are aware of actions officers will need to take in response to the emerging BID proposal and to seek a decision on any charges to be made by the Council associated with the BID development, ballot and levy collection.
- 2.7 Given that the detail of the BID proposal will not be fixed until on or after 12 May 2022, the Council cannot until that time take a final stance on the BID proposal. A separate, later report will therefore be presented to a committee post receipt of the formal BID proposal. Given that the detail of the proposal will have implications for the Council in terms of its built assets within the BID area and its anticipated impact on town centre vitality and viability, it is currently intended to take this second report to Economy and Growth Committee.

### **3. Recommendations**

- 3.1 That Corporate Policy Committee agree the following:
  - 3.1.1 The Executive Director of Place shall notify the BID proposer of the Council's intention to seek to recoup the costs to the Council arising from BID development, BID ballot and levy collection.
  - 3.1.2 On receipt of the Wilmslow Town Centre Business Improvement District (BID) proposal:
    - (i) The Chief Executive as Returning Officer and "Ballot Holder" shall check the BID proposal against the requirements set out in the BID Regulations, and subject to the BID proposal meeting the necessary requirements, shall make all necessary arrangements

for the Wilmslow Town Centre (BID) proposal ballot to take place, and for the results of the ballot to be counted and declared on behalf of the BID proposer.

- (ii) The Executive Director for Place shall take a further report to the Economy and Growth Committee outlining the detail of the BID proposal and seeking any necessary further authority to respond.

3.1.3 That subject to a “yes” vote at ballot; the Executive Director for Place shall ensure a final review of the BID proposal is undertaken and shall determine whether there is any cause to veto the proposals having regard to all relevant matters as prescribed by the BID Regulations; and following that determination shall either confirm that the Council will not veto the BID proposals or serve a notice to exercise a veto.

3.1.4 That subject to a “yes” vote at ballot, and the Executive Director of Place confirming that the Council will not veto the BID proposals:

- i. The Council’s Monitoring Officer shall make necessary arrangements for the completion and updating of such legal agreements as he considers necessary to facilitate the BID, including agreements ensuring clarity around baseline service levels within the BID area, and clarity of arrangements for collection and management of the BID levy.
- ii. The Council as billing authority shall make necessary arrangements for billing, collection and enforcement of the BID levy, and its transfer to Wilmslow Town Centre BID.

#### **4. Reasons for Recommendations**

4.1 The BID proposal will generate additional work for a number of services within the Council and if the BID is successful at ballot there will be additional resource implications for the Council principally in the collection of levy charges. There is scope within the BID Regulations for the Council to charge for various services provided to enable BID development, the BID ballot and levy collection, but not a requirement to do so. It is therefore necessary for the Council to determine which costs it will seek to recover such that the BID proposer can take account of this in finalising the BID proposals.

4.2 Having regard to pressure on staff existing resources, the fact that a significant amount of the additional work will need to be outsourced at a cost to the Council, and the fact that whatever decision is taken in respect of recovering costs associated with this BID proposal could set a precedent for future similar proposals, it is recommended that the Council seek to

charge for the services provided by the Council, to be recouped from the BID proposer or the levy collected as appropriate.

- 4.3 The BID Regulations set out that if the billing authority receives a request to hold a ballot submitted in accordance with the BID Regulations, the Council as the billing authority must instruct the 'ballot holder' (the Council's Returning Officer) to make arrangements for a postal ballot to take place. Putting a BID proposal to ballot is a transparent and open mechanism for testing the appetite of businesses for paying an additional levy to be used for local priorities.
- 4.4 The Local Government Act 2003 (S51) sets out that the Council has a power of veto over BID proposals, but this can only be exercised in limited prescribed circumstances. Any decision to veto must be taken within 14 days of the BID ballot.
- 4.5 Whilst the local authority is required to manage the collection and enforcement of BID levy charges, in practice the BID body and the local authority establish a levy collection agreement often known as an Operating Agreement. Additionally, technical guidance advises that it is best practice for a baseline agreement to be approved at the start of a BID's term which sets out baseline services the local authority is going to provide reflecting existing baseline services, and services to be provided by the BID.

## **5 Other Options Considered**

- 5.1 Under the BID Regulations, there are a number of requirements placed on the Council. Doing nothing is therefore not a realistic option in this case as the Council would be in breach of its duties under the Regulations.
- 5.2 The Council could seek not to cover additional costs associated with BID development, the BID ballot and levy collection itself in recognition of potential anticipated benefits. This would however cause budget and/or staff resourcing pressures. Additionally, given that this is the first BID proposal in the borough, there is the issue of precedent to consider. Should the Council determine to cover costs internally for a Wilmslow Town Centre BID, this could create an expectation that the Council would do the same for any future BID proposals, the combined financial impact of which would be far more significant.

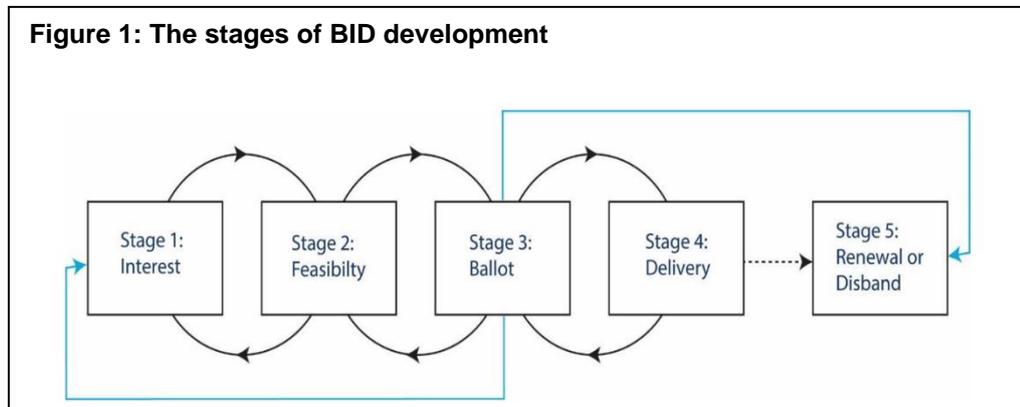
## **6 Background**

- 6.1 A Business Improvement District (BID) is a defined area where business rate payers have voted in a ballot to pay a levy, in addition to business rates, into a fund for a fixed period (normally 5 years), and that levy is then

managed to deliver specific agreed initiatives to benefit the BID area. The majority of BIDs are focused on town centres and BIDs have the potential to bring significant extra regeneration impact to a town or district centre. The priorities for BID levy spend will depend on the exact detail of the final BID proposal but town centre BIDs might typically support such things as improving the general appearance of the centre, enhanced marketing and promotional activity, events to stimulate footfall, crime reduction initiatives, access initiatives such as wayfinding, and support for business such as schemes to reduce costs through combined procurement and collective training opportunities

- 6.2 To be successful at ballot a BID proposal must have gained a simple majority vote in favour, both in terms of the number of voters and the aggregate value of business rates of those that have voted. The Regulations do not specify how a BID scheme should be managed once established. BIDs may constitute their managing board, make spending decisions, and seek additional income as they see fit. Most are non-profit bodies, but this is not required by legislation.
- 6.3 Legislation to enable BIDs was included in the Local Government Act 2003. Subsequently the Business Improvement Districts (England) Regulations 2004 outlined the procedures for their establishment and management. Since their introduction, BIDS have become an important mechanism for place management in many locations. There are currently around 324 BIDs across Great Britain, Northern Ireland and Ireland (*Source 2021 BID survey*), but none in Cheshire East at present. There are however a number in neighbouring authorities including: Manchester BID; Stockport Town Centre BID; Warrington Town Centre BID, Altrincham BID, and no fewer than five BIDs in Cheshire West and Chester.
- 6.4 BIDS have a maximum term of five years unless renewed by reaffirmation of support through a further ballot. Many BIDs progress beyond their initial five-year term, with some of the UK's longest-running BIDs, having now been in operation for over 15 years and through four ballots. Evidence indicates that BID ballot results increase in support the longer a BID has been in existence. (*Institute of Place Management 2019*). This suggests that BIDs can be seen by local businesses as adding value worthy of the levy charged. Regional locations with long-running BIDs include Liverpool City Centre and Winsford Industrial Estate in Cheshire West, both now in their fourth term.
- 6.5 A BID has the potential to bring significant extra regeneration impact to a town or district centre. They are financed principally through an annual compulsory levy based on the rateable value of businesses in the BID area. The levy rate is typically something in the order of 1.5% of rateable value, but the rate is a matter of choice for the BID proposer. This income is ring-fenced to provide improvements in the BID area that would otherwise not occur. The BID can also draw on other public and private funding streams.

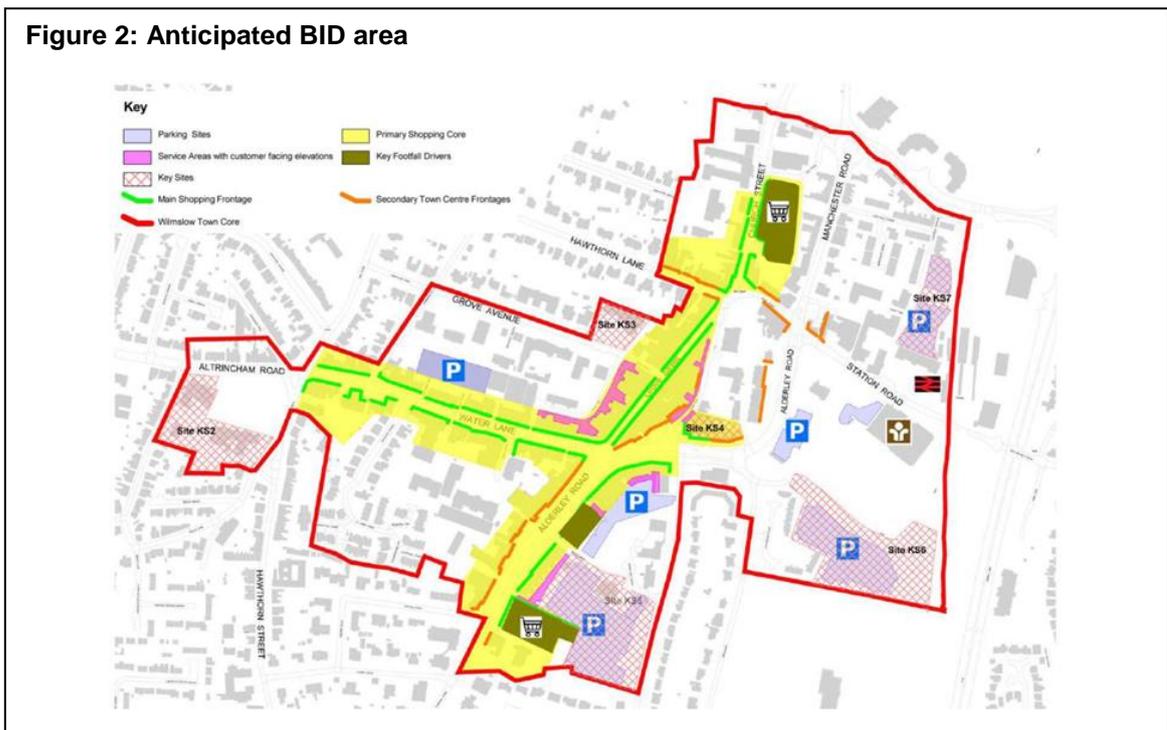
- 6.6 The development of a BID can be described in the five stages set out in Figure 1 (Source *Institute of Place Management (IPM)*)



- 6.7 In general terms, where there is potential interest in a BID, work is undertaken to test the feasibility. This will involve consideration of a potential BID geography, testing the appetite of businesses, considering the amount of levy which could be raised, and contemplating the priorities the BID might focus on. If the feasibility work suggests there is likely to be sufficient support for a “yes” vote, a BID proposal may then be developed further and the local authority as billing authority requested to put the BID proposal to a ballot. If the BID is successful at ballot, it will then progress to delivery stage.
- 6.8 In 2020 Wilmslow Town Council, appointed Groundwork to carry out a feasibility study on a potential BID in Wilmslow town centre.
- 6.9 In undertaking this work Groundwork Trust established a town centre management group and engaged with a sample of 200+ businesses and stakeholders to gauge opinion on a range of issues and challenges for Wilmslow town centre. This work identified a number of areas where a BID could potentially add value to the town centre management above and beyond the statutory responsibilities of Cheshire East Council and ultimately the study recommended that a BID proposal be developed.
- 6.10 In December 2021, Wilmslow Town Council considered the report flowing from the feasibility study and resolved that the Town Council would appoint Groundwork to continue its work to develop a BID to take to ballot.
- 6.11 Subsequently, on 18<sup>th</sup> February Groundwork Trust served notice on CEC confirming that the Wilmslow Town Centre Management Group intends to ask CEC to hold a BID ballot. This notice (the “84 day notice”) is submitted at least 84 days before the BID proposer submits the formal BID proposal and a formal notice requesting the holding of the ballot. It is therefore

anticipated that the final BID proposal and the notice requesting the BID ballot will be received by the authority on or shortly after 12 May 2022.

- 6.12 Whilst the Wilmslow Town Centre BID proposal is still in development, the Council has been provided with draft proposals. These are subject to change until the BID proposal is finalised.
- 6.13 The Draft BID proposal anticipates the area of the BID will likely coincide with the town core of Wilmslow as defined in the Neighbourhood Plan and illustrated in Figure 2.



- 6.14 The final BID proposal will detail the levy rate, the non-domestic ratepayers for which the BID levy is to apply, and any reliefs that will be given. The levy may not apply to all ratepayers within the BID area, for example properties with lower rateable values might be excluded. The analysis of rateable value undertaken by Groundwork has shown that a BID could potentially generate an investment of more than £1million over five years, even allowing for exclusion of hereditaments with a rateable value below £12,000. The BID proposal when received will also set out how funds levied would be spent. The levy would be used to add value and the Council is therefore required to set out clearly current service levels to ensure additionality.
- 6.15 Despite the business-led approach to BID development and management, there are a series of critical roles that a local authority is required to perform

to facilitate the establishment, smooth running and termination of a BID as required. Some of the key local authority roles are summarised below:

#### **Preparation of Rating List Data**

- 6.16 On receipt of a valid request from the BID proposer, the Local Authority is required to prepare a document giving the name of each business ratepayer within the boundary of the proposed BID, together with the address and rateable value of each relevant business property.

#### **Action required on formal submission of proposals**

- 6.17 On receipt of the formal submission of the BID proposal the Local Authority must check and be satisfied that the submission from the BID proposer includes the relevant information set out in the BID Regulations.

#### **Baseline Agreement**

- 6.18 The focus of a BID is to create a programme that provides additionality, complementing those services provided within the area by the local authority and other statutory services. The Regulations require the BID proposal to include the range of new or expanded services and works which would be provided using the levy collected. The local authority is in turn required to demonstrate its intention with regard to services through baseline agreements. Officers will therefore need to draw up a statement of existing services, to be set out in a formal agreement if the BID progresses beyond ballot stage.

#### **Operating Agreement and Collection of Levy**

- 6.19 If the BID progresses beyond ballot stage, the local authority is required to manage the collection and enforcement of BID levy charges. It is common practice for the BID body and the local authority to establish a levy collection agreement called an Operating Agreement. This agreement is to define the principles and processes for collecting the levy; enforcing the payment of the levy; reporting on collection and bad debt; monitoring provisions between the BID and the local authority; and providing regular detailed and summary information on the service to the BID as the client. Best practice suggests that a draft arrangement between the authority and BID should be available for scrutiny by businesses during the ballot period and hence officers need to work with the BID proposer to draft an Operating Agreement, to be finalised and signed if the BID progresses beyond the ballot.

#### **Ballot**

- 6.20 BIDs can only be established if they have been sanctioned through a formal postal ballot conducted among businesses that operate in the BID area. The ballot must return a majority in favour of the BID, both by number of votes and aggregate rateable value. Eligibility to vote is based on one vote

per eligible business premise (hereditament) situated in the defined BID area. Business ratepayers vote for or against the establishment of a BID for a period of up to 5 years. Beyond that time a further ballot would be required to renew the BID. According to the BID survey of 2021, there has been a total of 822 BID ballots since 2004, of which 710 have been successful.

- 6.21 The Returning Officer is required to ensure the ballot is operated, either in-house or outsourced, in line with the BID Regulations. Irrespective of whether the ballot is run in-house or outsourced, the local authority ballot holder still remains legally responsible for the ballot process as set out within the Regulations. It is currently anticipated that the BID ballot would be outsourced.

### **Veto of BID Proposals**

- 6.22 The Local Government Act 2003 sets out at S51 that where BID proposals are approved by a ballot, the billing authority has the power to veto the BID in limited circumstances only. This is where it considers that the BID would conflict to a material extent with formally adopted and published local authority policy, or where it considers the BID would place a significantly disproportionate and inequitable financial burden on any person or class of persons in the geographical area of the BID caused by the manipulation of that geographical area. This power must be exercised within 14 days of a successful ballot.

### **BID Governance**

- 6.23 A Business Improvement District is managed by a Business Improvement District body. The BID body should be managed through a Board (or similar) with clear arrangements on how they will operate. The BID must decide on the mix of representatives to ensure their Board is an effective, decision-making body with the right skills, which can represent the mix of businesses in the area. If the BID ballot is successful governance arrangements would be finalised and a final commencement date set. It is understood that a commencement date in August/September is the current ambition. If the BID is successful at ballot and proceeds to commencement, as the Council would be a levy rate payer for a number of properties within the anticipated BID boundary, there may be an opportunity for the authority to be represented on the BID Board (or equivalent). The Terms of Reference of any BID Board have not yet been set out. The Local Authority representation on any such BID Board will be considered further in the paper to be taken to Economy and Growth Committee having regard to the relevant decision making framework.

### **Consultation and Engagement**

- 7.1 The proposed BID would fall within the two Cheshire East Wards of Wilmslow East and Wilmslow West and Chorley, represented by Cllr Jefferay, and Cllrs Goldsmith and Macfarlane respectively. Cllr Goldsmith is

also a Wilmslow Town Councillor and Wilmslow Town Council has been instrumental in funding work to bring the BID proposal forward. All ward members will be briefed on the emerging BID proposal prior to committee.

- 7.2 As part of the BID development, Groundwork CLM are seeking to consult those who would be liable for the proposed BID levy regarding the draft BID proposal. Groundwork launched a consultation with businesses with hereditaments with rateable values over £15,000 on March 15<sup>th</sup> to test their draft BID proposal and that consultation is due to close on 4<sup>th</sup> April 2022.

## **8 Implications**

### **8.1 Legal**

- 8.1.1 The legal implications of this recommendation have largely been canvassed in the body of this report. In summary these are:
- 8.1.2 There is a need to comply with the Business Improvement Districts (England) Regulations 2004, (BID Regulations) including providing information to the BID proposer, holding a postal ballot if formally requested to do so, and if the BID is successful at ballot, taking responsibility for collection of the BID levy on behalf of the BID (2.4).
- 8.1.3 There are additional implications for the Council as the owner of a number of hereditaments within the proposed BID area. If the BID proposal is successful at ballot, the Council will be liable to pay the levy for its hereditaments falling within the scope of the BID proposal (2.5). These include Wilmslow Library and a number of car parks. Until the BID proposal is finalised it is not clear how much the levy for these assets will amount to but is currently estimated at £2-3,000/annum (8.2.4).
- 8.1.4 The BID proposer must consult those affected by the proposed levy before submitting a request for a ballot.
- 8.1.5 A request to hold a ballot submitted in accordance with the BID Regulations, requires the Council as the billing authority to instruct the Council's Returning Officer to make arrangements for a postal ballot to take place (4.1) The Returning Officer is required to ensure the ballot is operated, either in-house or outsourced, in line with the BID Regulations. Irrespective of whether the ballot is run in-house or outsourced, the local authority ballot holder still remains legally responsible for the ballot process as set out within the Regulations (6.21) The Returning Officers costs are recoverable from the Council.
- 8.1.6 The Council is required to manage the collection and enforcement of BID levy charges. This will need a levy collection agreement with the BID body known as an Operating Agreement covering such matters as the

processes for collecting the levy; enforcing the payment of the levy and reporting on collection and bad debt. Additionally, it is best practice for a baseline agreement to be approved at the start of a BID's term which sets out baseline services the local authority is going to provide reflecting existing baseline services, and services to be provided by the BID (4.3 & 6.18).

- 8.1.7 The Council is permitted to charge a reasonable fee for the collection of the BID levy. Costs incurred in developing the BID proposals, holding of the ballot or implementing the BID may be recovered through the BID levy if proposed by the BID body. (4.4 & 6.19).
- 8.1.8 The levy may not apply to all ratepayers within the BID area for example properties with lower rateable values might be excluded including Council ones (6.14).
- 8.1.9 Personal data will need to be disclosed. On receipt of a valid request from the BID Proposer, the Council is required to prepare a document (from its business rates records) with; the name of each business ratepayer within the boundary of the proposed BID, together with the address and rateable value of each relevant business property occupied or (if unoccupied) owned by the ratepayer and provide this to the BID proposer for canvassing purposes (6.17).
- 8.1.10 BIDs can only be established if they have been sanctioned through a formal postal ballot conducted among businesses that operate in the BID area. The ballot must return a majority in favour of the BID, both by number of votes and aggregate rateable value (6.20). The Council is to ensure the BID proposer has sufficient funds to cover the cost of the ballot in the event it received a "no" vote and the number of "yes" votes were less than 20% of those entitled to vote, (8.25).
- 8.1.11 The Council has the power to veto the BID in limited circumstances. This is where it considers that the BID would conflict to a material extent with formally adopted and published local authority policy, or where it considers the BID would place a significantly disproportionate and inequitable financial burden on any person or class of persons in the geographical area of the BID (6.22).
- 8.1.12 The BID body should be managed through a Board (or similar) with clear arrangements on how they will operate. The Council may have the opportunity to be represented on the BID board (6.23). Under the current constitutional arrangements of a committee system, members of the Council make decisions in respect of the Councils functions by a committee, a sub-committee or an officer of the authority, aligned to section 101 of the Local Government Act 1972.

## 8.2 Finance

- 8.2.1 Key costs to the Council associated with BID development, ballot and levy collection are anticipated to be the cost of gathering information required by the BID proposer, the cost of holding the ballot, the cost of gearing up to collect a levy and annual costs in collection/enforcement. These costs are not currently budgeted for within the MTFs and are in the process of being estimated by the relevant services.
- 8.2.2 Regulation 2 allows the billing authority to make a 'reasonable charge' for providing information requested by the BID proposer. In reality this will amount to the cost of officer time.
- 8.2.3 It is intended to outsource the ballot with associated costs currently estimated to be in the order of £5,000. In the event the ballot returns a "no" vote and the number of "yes" votes is less than 20% of those entitled to vote, the Council may seek to recover the costs from the BID proposer as a civil debt. In other circumstances where a "no" vote is returned the ballot costs would likely need to be borne by the Council. The Council could request that the BID proposer includes in the BID proposal for ballot costs to be recovered from the levy in the event of a successful ballot and this is recommended by officers.
- 8.2.4 If the BID is successful at ballot, the Council as billing authority, would be responsible for collecting the levy. In the first year the costs to the Council of levy collection would need to include those associated with updating software to enable separate billing to take place. Additional costs of the external software service provider have been initially estimated at £7,700. Thereafter levy collection costs would largely be associated with production and delivery of bills/correspondence and some officer time. These costs are difficult to estimate with any accuracy until the details of the BID proposal are finalised since they would be impacted by the selected mechanism for charging which has yet to be determined. BID Technical Guidance suggests a reasonable fee may be charged for the collection of the levy. Initial assessment of typical annual charges for levy collection (where charges are made) suggest the authority could charge around 3% of the levy for collection. Based on the feasibility study undertaken this would amount to in the region of £7,400/annum based on current rateable values and multiplier, although this would need to be tested further once full details of the BID proposal are available.
- 8.2.5 It is not a requirement to recoup costs and there may be considered to be valid reasons for not recharging costs where a successful ballot is likely to generate a significant multiplier effect. BIDs have the potential to bring a range of benefits to the BID area aligned to corporate aims and objectives, particularly in this case, those focused on supporting the

economic growth, regeneration or vitality of the town centre. It is perhaps for this reason that Councils do not always seek to recoup their costs associated with BID set up and levy collection. BID technical guidance (2015) suggests that there have been wide variations on BID charging policies across the country with 32% of BIDs not being charged for collection of the levy by their local authority and a median collection charge being £7,500. (BID National Survey 2021).

- 8.2.6 There is a need to formally decide upon a charging policy in advance of a formal BID proposal being received to enable the BID proposer to take this into account in finalising the BID proposal.
- 8.2.7 In addition to the financial implications associated with the BID ballot and levy collection, as Cheshire East Council is the rate payer for hereditaments in the proposed BID area, if the BID is successful it will have to pay the levy on those properties. The Business Rates team have identified the hereditaments in the draft BID area for which CEC is the rate payer. Although no accurate estimates can be made before the BID proposal is finalised, based on the information available at this point, it has been estimated that the total levy will amount to between £2,000 and £3,000 per annum for the lifetime of the BID, based on current rateable values and multiplier.
- 8.2.8 Usually for small increases to revenue expenditure, services would be expected to find compensating savings from somewhere within their service. If this becomes too large to manage within the existing budget envelope, then additional budget could be found via the MTFS route.
- 8.2.9 If the ballot is successful, the feasibility work provided to the Council projects that the BID could raise circa £195,000- £247,000 per annum in levy income for sole use by the Wilmslow Town Centre BID, although this will depend on the final BID proposal.

### 8.3 Policy

- 8.3.1 The Corporate Plan recognises that successful town centres are vital to ensuring thriving urban and rural economies with opportunities for all. A well-managed, successful BID should support Wilmslow town centre to thrive economically. It also has the potential to support a number of other policies such as helping to tackle crime and anti-social activity; improving open spaces for people to socialise; supporting the move to being carbon neutral; and facilitating the uptake of cycling and walking. The extent of alignment with Council policies can however only be confirmed once the final BID proposal has been received. This matter will therefore be considered further after the final BID proposal has been received and reported in a follow on report to Economy and Growth Committee.

#### **8.4 Equality**

8.4.1 The Council has not undertaken an Equality Impact Assessment (EIA) on this proposal since it is being brought forward by a third party and additionally at this point the BID proposal has not been finalised.

#### **8.5 Human Resources**

8.5.1 There are considered to be no direct significant implications for human resources stemming from this report.

#### **8.6 Risk Management**

8.6.1 There is potential for both positive and negative reactions from local businesses to this proposal. Whilst the Council is not the BID proposer there is a clear possibility that the BID proposal may be perceived as a Council initiative with consequent potential positive or negative public reaction, particularly as the Council would be responsible for collection of the levy. Risks around this can be mitigated by establishing a clear communication plan and liaison with the BID proposer.

8.6.2 The checks undertaken by the Council on receipt of the BID proposal include a review of finances designed to enable the Council to ensure the BID proposer can cover costs should the ballot be unsuccessful, reducing the risk of abortive costs falling to the Council.

8.6.3 There are additional reputational and financial risks which might flow from procedural error, for example should a challenge be lodged claiming an irregularity in the ballot process.

#### **8.7 Rural Communities**

8.7.1 There are considered to be no specific implications for rural communities arising from this report.

#### **8.8 Children and Young People/Cared for Children**

8.8.1 There are considered to be no specific implications for young people/cared for children stemming from this report.

#### **8.9 Public Health**

8.9.1 There are considered to be no direct implications for public health stemming from the BID proposal. If the BID is successful in boosting the local economy this could potentially have beneficial health impacts although economic benefit may not necessarily filter to those in poorest health, particularly in a five-year period.

## 8.10 Climate Change

8.10.1 The BID proposal has the potential to impact on climate change in multiple ways. For example, if the BID supports business to thrive this could encourage more people in Wilmslow to stay in their local area for leisure but conversely it could attract new visitors from outside the area, both scenarios impacting on carbon emissions in different ways. Given that the Council would not be in control of BID expenditure it would likely be able to exercise only limited influence over initiatives which could have implications for climate change, whether positive or negative. If the Council has a representative on any future BID Board, there will likely be more scope to ensure that the climate change agenda is considered when decisions are made by the Board.

| <b>Access to Information</b> |   |
|------------------------------|---|
| Contact Officer:             | Jo Wise, Development & Regeneration Delivery Manager<br>Jo.wise@cheshireeast.gov.uk<br>07870 391694 |
| Appendices:                  | N/A   |
| Background Papers:           | N/A   |

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## **Corporate Policy Committee**

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|                             |  |
|-----------------------------|--|
| <b>Date of Meeting:</b>     | 14 April 2022  |
| <b>Report Title:</b>        | Open Data – Annual Report                            |
| <b>Report of:</b>           | Jane Burns, Executive Director of Corporate Services |
| <b>Report Reference No:</b> | CP/39/21-22  |
| <b>Ward(s) Affected:</b>    | All  |

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### **1. Purpose of Report**

- 1.1. This report updates on our commitment to provide access to open data, in line with our vision of becoming an Open Cheshire East. It provides an opportunity to review progress made in delivery of the ambition to become a more Open and Transparent Council and to endorse a continued commitment to the publishing of open data.

### **2. Executive Summary**

- 2.1. By law councils must publish information under the [government's transparency code of recommended practice](#) and, to support this, Cheshire East Council publishes its open data via the [Insight Cheshire East \(arcgis.com\)](#) website.
- 2.2. To support our commitment to transparency, Cheshire East Council made a commitment in its Corporate Plan to Ensure that there is transparency in all aspects of council decision making. This enables the Council to work towards making all public data (that is not sensitive or personal) freely available in a variety of formats suitable for reuse.
- 2.3. By encouraging residents, staff and partners to use our data we will raise awareness of issues, enable residents to offer fresh perspectives and opinions on how to improve services in the borough and enable our stakeholders to hold us to account on the quality of services we provide and how we spend our money.

- 2.4. We are releasing more data to make our activities more open and decision making more transparent and by doing this, we will provide residents and stakeholders with a better understanding of what information we use to make decisions.

### 3. Recommendations

- 3.1. To note the progress made to date and to support the Council's continued commitment to ensuring that there is transparency in all aspects of council decision-making and to request an annual report on progress.
- 3.2. To support the use of the [Insight Cheshire East website](#) to hold and provide a mechanism to share Census 2021 data and to ensure that we provide transparency about how and where this data is used to inform decision making by the Council.
- 3.3. To support open data accreditation for all data which is currently available via the [Insight Cheshire East website](#).

### 4. Reasons for Recommendations

- 4.1. To meet both legal commitment and the Council priorities of openness and transparency, Cheshire East Council has already made significant steps towards becoming a more open and transparent council, as detailed in the Council's Corporate Plan under the aim of ensuring that there is transparency in all aspects of council decision making. This activity includes:
- 4.2. Compliance with mandatory publication requirements
- 4.2.1. [ICO Publication Scheme](#)
- 4.2.2. [Local Government Transparency Code 2015](#)
- 4.2.3. [The Protection of Freedoms Act 2012](#)
- 4.2.4. [Reuse of Public Sector Information Regulations 2015](#)
- 4.2.5. Publishing the output from our consultations and decisions which have been made using this information via the [Consultation Results \(cheshireeast.gov.uk\)](#) webpages.
- 4.3. During the Local Transport Plan consultation, feedback from a number of stakeholders, including Local MP Dr Kieran Mullan, indicated that the use of the open data site for the local transport plan consultation was one of the most successful consultations that the Council has undertaken, and provided an open and transparent approach to the presentation of consultation material. This feedback shows that the [Insight Cheshire East \(arcgis.com\)](#) provides an innovative mechanism for engagement and for a transparent approach to consultation and aligns with the open data plan in 4.9 and with other benefits highlighted in 5.2.

- 4.4. In the last 12 months (March 2021 to February 2022) there was a total of 86,254 visits made to the homepage of [Insight Cheshire East \(arcgis.com\)](https://arcgis.com). However, many people will access content directly – either via a link to the item, for example from the Council’s website or via a saved bookmark to a dataset, therefore the actual number of views of the content is likely to be greater than this figure.
- 4.5. [Data on air quality measurements](#) remains the most popular dataset, during 2021 air quality measurements receive an average of 40 views per day and there has been a total of 14,598 views since the 2021 dataset went live.
- 4.6. The data collected via the Census 2021 is to be released for use in 2022. The census is a survey that takes place every 10 years and it gives the Council the most accurate estimate of all the people and households in Cheshire East. The information helps the Council to decide how services are planned and funded in your local area.
- 4.7. Open data accreditation at Bronze level via the [Open Data Institute](#) will be progressed during the 22/23 for all data available on the [Insight Cheshire East website](#). Initial accreditation has been sought for [spend over £500](#) and this data will be the starting point, with other data being added during the year. Efforts will be made during 22/23 to progress Bronze accreditation and where possible raise the standard of the data to the Silver accreditation level. Accreditation via the Open Data Institute will support the Council in its ambition to improve our open data practices.
- 4.8. We will continue to use the open data site to publish stories about our data to ensure that we are open and transparent about what data we use to make decisions - [Air Quality in Cheshire East \(arcgis.com\)](#).
- 4.9. Our Open Data plan for 22/23 is summarised below:

|   |  |   |  |
|---|--|---|--|
|  <p><b>A published statement of Cheshire East’s commitment to transparency</b></p> |  <p><b>Use of Story Maps for consultation including Budget Consultation and CGR</b></p> |  <p><b>Publish council performance and create Power BI dashboards using data from the site</b></p> |  <p><b>Nurture a residents community or group to help develop and design the site</b></p> |
|---|--|---|--|

- 4.10. The benefits of making open data available are:

- 4.10.1. Transparency and accountability - publishing the information we use allows stakeholders to see what has been used to support the decision-making process within the Council.
- 4.10.2. Public service improvement – providing access to open data can help residents and stakeholders challenge our decisions – this supports accountability and can lead to improvements in data quality.
- 4.10.3. Generating economic growth - allowing small and large businesses to use the data can enable them to combine data to influence and inform business decisions and can support the development of apps.
- 4.10.4. Helping democracy - giving information to residents and stakeholders can engage more people in the political process.

## 5. Background

- 5.1. The Council, in its Corporate Plan 2021-2025, made a commitment to ensuring that there is transparency in all aspects of council decision making. The publication of open data provides better transparency in decision making by linking evidence, consultation, results and performance to the Council vision and aims.
- 5.2. The benefits to the Council of promoting open data are many and have been summarised in the image below. These benefits demonstrate why the plan for the open data agenda, noted in 4.9, is important to the Council. The publication of open data contributes to an improvement in reputation and engagement, and through the use of interactive stories and development of a collaborative engagement model with residents, we can drive increased levels of democratic participation.



- 5.3. Our goal is to not only adhere to, but to exceed, the [Local Government Transparency Code requirements](#). To do this, the Council will seek opportunities to release open data through the Customer Experience workstream and the refresh of the Council's approach to consultation and engagement and through further development of the [Insight Cheshire East \(arcgis.com\)](#) website.
- 5.4. Developments to enable the publication of performance management information will be incorporated into the design and release of an improved approach to performance reporting (supporting the action plan described in 3.5) and will align with the ambition of the Customer Experience Strategy.
- 5.5. Publishing data freely means that the Council's performance, spending and opportunities for improvement are visible, and allows residents to hold the Council to account.
- 5.6. The release of open data enables stakeholders to understand how the Council works and helps them to contribute meaningfully to decision-making processes. It also strengthens our democratic institutions and encourages better decision-making, to meet the needs of our residents.
- 5.7. In recent survey with members of the Digital Influence Panel (DIP 2021), the top five open data sources which they showed an interest in, were identified as:
- Highways incidents and reports
  - Council performance indicators
  - Air quality statistics
  - Health Indicators
  - Individual restaurant inspection reports
- 5.7.1. Of the items listed by the members of the DIP, [household waste performance](#) data is available, [air quality is provided](#), health indicators are available within [the borough profile](#) and food hygiene ratings can be found via the [Food Standards Agency](#).
- 5.7.2. We will look to identify leaders within the open data community, members of the DIP and key officers within the Council who can support our approach to the release of open data.

## 6. Consultation and Engagement

- 6.1. Consultation and engagement is undertaken via the Open Data site. This provides an opportunity for residents and other stakeholders to make a request for additional data or information to be made available for reuse.

## 7. Implications

### 7.1. Legal

7.2. By law councils must publish information under the [government's transparency code of recommended practice](#) and, to support this, Cheshire East Council publishes its Open Data via the [Open data and transparency \(cheshireeast.gov.uk\)](#) website.

### 7.3. Finance

7.3.1. Funding for the current license and for any extension which might be taken is available and is allocated for the specific use of continued licensing of the Open Data site.

7.3.2. Our current license is for 36 months from 2 November 2020 – 1<sup>st</sup> November 2023 and incorporates the option to extend for a further 24 months.

7.3.3. The contract value is £15,120 over the first 3 years (£5,040 per annum) with an option to extend for a further 24 months at an additional £5,040 per annum - with a potential total for the full period - £25,200 – representing good value for money in this space.

7.3.4. The costs are met within the existing budget.

### 7.4. Policy

7.4.1. The open data and transparency agenda supports the ambition of Cheshire East Council to become a more Open and Transparent Council and to endorse a continued commitment to the publishing of open data in support of this priority

### 7.5. Equality

7.5.1. In stimulating creativity and innovation, the more people and organisations that use our data, the greater the social and economic benefits that will be generated. This is true for both commercial and non-commercial uses. Freely-available data can be used in innovative ways to create useful tools and products that help people navigate modern life more easily. Used in this way, open data is a catalyst for innovation in the private sector, supporting the creation of new markets, businesses and jobs.

### 7.5.2. Human Resources

7.5.3. There are no direct implications arising from the recommendations of this update report.

**7.6. Risk Management**

**7.6.1.** Only data which is considered ‘open’, that is data which should be freely available to everyone to use and republish as they wish, without restrictions from copyright, patents or other mechanisms of control, will be made available via the Open Data site.

**7.6.2.** Cheshire East Council will follow the principle that there are legitimate reasons why some data cannot be released, in particular pertaining to intellectual property, commercial sensitivity, personally-identifiable and sensitive information, and will therefore not release this data as Open Data.

**7.6.3.** Protecting personal data is of paramount importance to us. We are only publishing data which contains no personal data or where any personal data has been removed. Publishing data will not impact on our obligations in adhering to the Data Protection Act.

**7.7. Rural Communities**

**7.7.1.** There are no direct implications arising from the recommendations of this update report.

**7.8. Children and Young People/Cared for Children**

**7.8.1.** There are no direct implications arising from the recommendations of this update report.

**7.9. Public Health**

**7.9.1.** There are no direct implications arising from the recommendations of this update report.

**7.10. Climate Change**

**7.10.1.** There are no direct implications arising from the recommendations of this update report.

|                              |  |
|------------------------------|--|
| <b>Access to Information</b> |  |
| Contact Officer:             | Phil Christian<br>Acting Head of Business Change<br><a href="mailto:Phil.christian@cheshireeast.gov.uk">Phil.christian@cheshireeast.gov.uk</a>         |
| Appendices:                  | Nil  |
| Background Papers:           | <a href="#">Scrutiny Committee report - final draft 26.3.19. 2 2.pdf (cheshireeast.gov.uk)</a><br><a href="#">Corporate Plan (cheshireeast.gov.uk)</a> |

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## **Corporate Policy Committee Council**

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|                             |   |
|-----------------------------|---|
| <b>Date of Meeting:</b>     | 14 April 2022<br>27 April 2022                      |
| <b>Report Title:</b>        | First Annual Review of the Committee System         |
| <b>Report of:</b>           | David Brown – Director of Governance and Compliance |
| <b>Report Reference No:</b> | CP/66/21-22   |
| <b>Ward(s) Affected:</b>    | All   |

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### **1. Purpose of Report**

- 1.1** This report updates Council as to how the first year of the committee system has functioned and makes recommendations which Council may consider will improve the future functionality of the committee system.

### **2. Executive Summary**

- 2.1** This report provides Council with an overview of the functioning of its committee system of governance since the Annual General Meeting on the 4 May 2021 when this was adopted. The Council has implemented a fundamental change in the way that decisions are made. It has achieved this through a pandemic; changes to online and physical meetings; whilst, at the same time, allocating resources to a multitude of external issues ranging from EU withdrawal, legislative changes, market, and supply chain factors. This has required a concerted effort on the part of Members and officers to ensure that the Council continues to conduct its business successfully.
- 2.2** The Council's ability to make timely, urgent, and complex decisions required as a result of the fast-changing nature of the pandemic and associated changes to legislation and government guidance has continued without interruption. Many of these decisions have had profound implications for communities in Cheshire East and have required coherent, complex, and fast engagements with central government and partner organisations.

- 2.3 There has been no legal or other challenge to the validity or timeliness of the Council's decision-making.
- 2.4 The change in governance is legally centred upon a specific date: 4<sup>th</sup> May 2021. Continuing improvements and alignments of internal and external policies, procedures, internal and external protocols will be reflected in continuing governance and constitutional improvements. There are known changes anticipated such as the integrated care system and there are likely to be further changes yet unknown from centralised policies set out in the levelling up and health white papers. These are in addition to the programmed work such as the Member Code of Conduct review.
- 2.5 The policy parameters relating to the adoption of the committee system were set by Council on 19 November 2020. The approach to those parameters reflects the design principles agreed in appendix G of the 19 November 2020 report. A summary review of the agreed design principles, against delivery, is set out below. The ability of the Council to make timely, lawful decisions during the period of change of governance to a committee system has been achieved.
- **Openness:** Virtually all Members are engaged in the committee process either by membership of a service committee or in an oversight function. Proportional committees allow decisions to benefit from input from most political groups.
  - **Quick Decision Making:** The committee cycle is running on a two-monthly cycle.
  - **Affordability:** The cost of a committee system will be kept to a minimum by providing value for money and an efficient decision-making process.
  - **Legal Requirements:** The Council must comply with all legal requirements, and legal advice will be available to all meetings.
  - **A Modern Committee System:** The system provides for equivalent public engagement to that which previously applied.
- 2.6 This report is divided in to three parts. Part 1 sets out the review of the first year. Part 2 makes recommendations for acceptance of immediate changes, with the updated consolidated text of Chapters 4 to 7 of the Constitution attached (Appendix 3). Part 3 sets out the proposed future work to the Constitution.
- 2.7 Affordability design parameter is to ensure the cost of a committee system will be kept to a minimum by providing value for money and an efficient decision-making process, and the Part 1 data gives an indication of current resource implications. Reliable analysis is challenging due to the pandemic distortion and the limited time of operation of the committee system – still not a full year – and therefore a cautious interpretation is recommended (appendix 1).

- 2.8 Member oversight of the committee system is provided by the Constitution Working Group, reporting to the Corporate Policy Committee. The Audit and Governance Committee has responsibility for the Member Code of Conduct arrangements and the whistleblowing policy.
- 2.9 The committee system, at the time of drafting this report, has completed 11 months of the first municipal year, together with a full budget setting process.
- 2.10 Members will note that there is a separate report on today’s agenda on the Integrated Care System and any consequential constitutional changes will be incorporated into the Constitution.

**3. Recommendations**

- 3.1 That the Corporate Policy Committee recommend that Council:
  - 1. Note the comparative data and successful operation of the committee system to date in appendix 1.
  - 2. Agree the revisions to the Constitution in appendix 2 to 4.
  - 3. Agree the future work to be undertaken in Part 3 of the report.
  - 4. Require a further annual review report at its meeting scheduled to be held in July 2023.

**4. Reasons for Recommendations**

- 4.1 To ensure that the committee system is fit for purpose, meeting the requirements of Cheshire East Council, partners, and residents.
- 4.2 It is best practice to annually review the Council’s Constitution.

**5. Other Options Considered**

| Option     | Impact   | Risk  |
|------------|--|---|
| Do nothing | It is acknowledged that the Constitution is a working document, which constantly needs to be kept under review to ensure that it is fit for purpose and that it meets the needs of the Council. Doing nothing is not appropriate, as this would not result in the Council learning from the experience of the last 11 months, and then improving consequently. | Poor decision making, not meeting the needs of residents<br><br>Failure to meet Corporate Plan Priorities |

## 6. Background

- 6.1. On the [19 November 2020](#) Council resolved to adopt a committee style of governance. The policy basis for this was set in the eight appendices to the report to Council. Council resolved that a review should take place in November 2021. Members were asked to note that one consequence of moving to a committee system was that there would be certain decision-making powers delegated to officers. It was also noted that to enable the effective operation of Council, officers exercising decision-making powers may be empowered to do so outright, or subject to consultation with lead Members, such as chairs of committees.
- 6.2. On the [19 April 2021](#) Council approved the draft Constitution to give effect to the change to the committee system. This included approval of Chapters 1 to 7 of the Constitution, which deal with:
- Introduction, summary, and explanation
  - Responsibilities for function
  - Procedural rules
  - Codes and protocols
  - Councillors' allowances scheme
  - Glossary
  - List of associated documents
- 6.3. On the [4 May 2021](#), the Council held its Annual General Meeting, which triggered the implementation of the committee system.
- 6.4. On the [22 June 2021](#) Council approved further revisions to Introduction, summary and explanation (Chapter 1), Responsibilities for function (Chapter 2), and Procedural rules (Chapter 3) and the Member Allowances Scheme (Chapter 5) of the Constitution. Amendments to the management structure were also agreed, with delegated authority being given to the Monitoring Officer to make consequential amendments to the Constitution to give effect to the new management structure.
- 6.5. On the [15 December 2021](#) Council considered the interim review of the committee system and approved a revised consolidated text to the Constitution.
- 6.6. Chapters 4 to 7 of the Councils Constitution are attached at Appendix 3, which includes, a revised Councillor/Officer Protocol and amendments to the glossary and list of associated documents.

## **7. PART 1 Review of the first year**

**7.1** The Cabinet and four scrutiny committees were replaced with six service committees and a standing Finance Sub-Committee. Various free-standing committees of the former decision-making structure, such as the Staffing Committee, have been merged with the relevant service committees. The Council has now had nearly a full annual cycle of the committee system. Officers have undertaken a desk-top analysis, comparing the agendas and minutes of all relevant committee meetings (i.e., those of the new service committees, with those of all the committees – including Cabinet – that they replaced). A more detailed analysis of the committee system can be found at Appendix 1; it is subject to the caveats around the analysis as set out in the footnotes and postscript to the appendix

**7.2** The headline figures are as follows:

- The total number of meetings held increased at the advent of the committee system and is still currently 18% higher than the pre-pandemic level
- The number of reports for decision is now largely unchanged from the pre-pandemic period, but the number of reports for briefing/information only has increased from 77 to 138 reports a year.
- The average length of each meeting has reduced by 11%, but the total time in meetings is 5% greater than it was (i.e., there are more meetings than before, but they are generally shorter)
- Total time spent in meetings by Members initially increased by 37% when remote meetings were first introduced, but this has since reduced and is now 11% less than under the Cabinet system pre-Covid
- In contrast, the total time spent in meetings by officers is still 6% more than it was under the Cabinet model

**7.3** Overall the picture appears to be one of changes in the balance of demand. For example, shorter but more frequent meetings (5% overall increase) appear to be consistent with the 6% increase in officer time.

### **7.4 Budget Setting Process**

**7.5** Approving the budget is one of the most important decisions councillors must make each year. This is the first council budget developed under the council's committee system of decision making. The committee system meant that more councillors are directly involved in making decisions about council services and policy. The initial budget process was set out in the transitional paper of April 2022 and was supported by the budget and policy framework procedure rules which remained unchanged from April 2021.

**7.6** The budget was a Member recommendation from the Corporate Policy Committee and was approved by Full Council, at its meeting held on 24 February 2022. The budget setting process has been successful. No changes to the budget procedure rules are suggested.

## **8. PART 2 Recommended changes to the Constitution**

**8.1** Since the Review of the Committee System Report, considered by Full Council on 15 December 2021, the Constitution Working Group has met on 4 occasions. The Working Group has focussed upon:

- Amendments to Chapter 3 of the Council's Constitution (Appendix 2):
  - six-month rule for service committees, which has been amended to create flexibility for the Chair and Committees in allowing a report which is the same or substantially the same as that upon which a decision was made by the committee within the preceding 6 months. A new resolution may then be made.
  - public speaking at committees which has been revised to ensure the Council makes reasonable adjustments for those who cannot attend in person such as those with disabilities or Covid-19.
  - Referral of decisions to Full Council. Following learning over the past year, policy issues have been considered and the procedural rules have been amended to provide clarity and a mechanism for achieving an outcome to resolve the issue without the need for referral to Council.
- Revision to Chapter 4 of the Council's Constitution – Councillor/Officer Protocol, which is a completely revised document to reflect the committee system and to be made more succinct (Appendix 3).
- Amendments to Chapter 7, list of associated documents, of the Council's Constitution – process for referral of decisions and responsibilities of group administrators and guidance on public speaking at full Council. Following learning over the past year, these have developed to provide further detail and clarity, as supporting documents to the Constitution (Appendices 3 and 4).

**8.2** The associated documents do not form part of the constitution but assist in members and officers in understanding how parts of the constitution work and how the constitution is interpreted. These documents are important and predominately arise from learning encountered during the year and are likely to include further documents when new situations arise. It is important that members have the opportunity to see and debate these documents. The debate will help inform the approach taken and any future proposals or reconsideration of existing documents by the Constitution Working Group.

**8.3** Documents that members may consider important include the note on putting forward agenda items or mechanics of a referral to full council. It is important to

recognise the documents are designed to help, support, and interpret the constitution they do not replace it, nor can they be proscriptive. Member's kind attention is directed to Chapter 7.

**8.4** Members have raised the issue of questions at committee and full council. The Constitution Working Group have received 3 discussion papers on approach to be adopted and are considering the balance between efficiency and efficacy of meetings, ensuring the public are sign posted to the best route to get an answer to their issue and the ability and need for the public and Members to be able to raise matters in an open public forum. This remains on the work programme and no further changes to questions are being made to date save for the moving of appendix 1 found at Chapter 3, page 30 of the current Constitution to Chapter 7.

**8.5** The Working Group's recommendations were considered by the Corporate Policy Committee which made recommendations to Council and, subject to approval by Full Council, will be included in the Council's updated Constitution.

**8.6** The Audit and Governance Committee is responsible for the Member Code of Conduct. The Committee set up a working group to review the provisions of the Code in the context of work of the Committee for Standards in Public Life report in January 2019, and the consequential Local Government Association's recommended updated Model Code of Conduct.

**8.7** The Member Code of Conduct was shared with town and parish councils for the purposes of consultation. There is strong logic for all Councils adopting the model code. Following the consultation period, revised drafts of the Code of Conduct and procedure were prepared by the working group and will be considered by the Audit and Governance Committee in due course before recommending any changes to Council for adoption. The government's response to the Committee for Standards in Public Life report in January 2019 was published on 18 March 2022 and it is anticipated the revised code and process will be recommended by the Audit and Governance committee early in the new municipal year.

**9. PART 3 - Proposed future changes to the Constitution.**

**9.1** The Constitution Working Group will continue to meet to revise supporting documents and will recommend consequential material changes. Proposed future work of the Constitution Working Group includes:

- Rules of debate
- Financial scheme of delegation
- Clarification on the terms of reference and relationship for Finance Sub Committee and Corporate Policy Committee
- Notices of motion
- Questions at Full Council and Committees

- Conflicts of Interest
- Officer code of conduct
- Officer scheme of delegation
- Review of number of committees to ensure they remain appropriate and proportionate to future changes eg, Integrated Care

## **9.2 Training and Development**

**9.3** Informal commentary from members and officers throughout the year has consistently mentioned training. Training is currently being commissioned to support the decision-making process, by ensuring that members and officers are confident in how they manage effective debate at meetings.

**9.4** The proposed training will be further interactive sessions building on activities at a service committee meeting. The workshop will explore the skills required by members and officers to effectively handle debate, including challenge, and questioning techniques, and understand the impact of their behaviours and communication styles.

**9.5** This will be supported by informal officer training as matters arise and more formal training on substantive issues such as Code of Conduct when appropriate. Members will also appreciate that the programme of training on induction of new Members will be refreshed for 2023.

**9.6** In addition, there is an appetite for taking and sharing the best knowledge and approach developed by individual service committees across the wider Council. Officers are working on taking the best practice and using that to develop approaches to information sharing, committee briefings etc. Operational learning from the first year will be used to inform and improve how we work in the future.

## **10. Consultation and Engagement**

**10.1** Engagement with Members has primarily been through the Constitution Working Group, and, where relevant for the Code of Conduct, the Audit and Governance Committee.

**10.2** All Members received a request for their comments on the first year of operation of the committee system, Member feedback has been totalled. Also, throughout the year, feedback from Members has been considered by the Constitution Working Group, as it has arisen. Future Member and officer engagement will be formalised through the project arrangements. All directorates have contributed to the feedback.

## **11. Implications**

### **11.1 Legal**

**11.1.1** The proposed amendments to the Constitution are part of the continuing development of the committee system. Although predominately to ensure consistency with a committee style of governance, changes require approval of full Council such as the editorial amendments to terms of reference.

**11.1.2** The Constitution is the functioning rule book used by all officers and Members in driving forward the business of the Council. Like any set of rules, it needs to remain current and consistent with the intent of Council and practicable in the delivery of the Council's objectives.

**11.1.3** The core elements of the Constitution are set through various legislative regimes and the current Constitution appears to meet the substantive legal requirements. The areas in which the Council has a discretion the constitution must also remain broadly reasonable and consistent with the objectives of the council.

**11.1.4** Failure to keep the Constitution under review and adapt to the changing needs of the organisation will build in levels of risk into the decision-making process. Those risks may manifest themselves as delay, poor quality decisions or ultimately a challenge to the decision itself.

### **11.2 Finance**

**11.2.1** There are unavoidable costs which will relate to system change, training, and implementation.

**11.2.2** Appendix 1 indicates a potential trend which may increase the resources required to support each committee. A potential increase in the resource/cost of operating the committee system as opposed to the cabinet model was anticipated, with a consequent design parameter of minimisation of resource/cost.

**11.2.3** There are no direct cost implications of the Constitutional updates.

### **11.3 Policy**

**11.3.1** The recommended changes to the Constitution will, if agreed by Council, result in constitutional change.

### **11.4 Equality**

**11.4.1** An Equality Impact Assessment was completed for the original decision to change governance. The accessibility and intelligibility of the Constitution has remained at the forefront of the drafting process. Accessibility and transparency are core design principles and additional learning has been incorporated through the changes to and the review of remote meetings.

**11.5 Human Resources**

**11.5.1** There are direct implications for human resources. Staff (and Members) have requested additional training. Training requests include process training on how decisions are made, and practical issues such as additional training on report writing given the change in audience from cabinet to committee. Members have sought better understanding of how to obtain best results from officers who present reports, consistency in style of recommendations, to process and procedural issues.

**11.6 Risk Management**

**11.6.1** The risks of changing systems of governance were set out in paragraph 1.6 onwards of the November 2020 [report](#). The Council has continued to effectively manage the strategic risks related to the wider pandemic, changes in legislation on meetings, resource constraints and the fixed time frame set by the November decision. At present these risks appear to have been successfully mitigated.

**11.6.2** The review of the operational effectiveness of the committee system and supporting Constitution is an essential component of ensuring the efficacy of corporate decision making which is a key element of continuing risk mitigation.

**11.7 Rural Communities**

**11.7.1** There are no direct implications for rural communities as any proposed changes to decision making will alter the responsible committee for many services.

**11.8 Children and Young People/Cared for Children**

**11.8.1** There are no direct implications for children and young people.

**11.9 Public Health**

**11.9.1** The direct implications for public health are set out in the ICS paper previously decided on this agenda.

**11.10 Climate Change**

**11.10.1** There are no direct implications for climate change.

|                              |  |
|------------------------------|--|
| <b>Access to Information</b> |  |
| Contact Officer:             | Brian Reed<br>Head of Democratic Services and Governance |
| Appendices:                  | Analysis of the committee system (Appendix 1)            |

|                    |  |
|--------------------|--|
|                    | <p>Amendments to Chapter 3 of the Council’s Constitution – six-month rule for service committees, public speaking at committees and referral of decisions (Appendix 2)</p> <p>Consolidated text of Chapters 4 to 7 of the Council’s Constitution (Appendix 3)</p> <p>Amendments to Chapter 7 of the Councils Constitution – process for referral of decisions and responsibilities of group administrators and guidance on public speaking at full Council (Appendix 4).</p> |
| Background Papers: | Previous Full Council reports (as hyperlinked throughout this report)  |

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## ANALYSIS OF THE COMMITTEE SYSTEM

### BACKGROUND

This appendix provides an update on the original analysis in Appendix 1 of *the Interim Review of the Committee System* report presented to Council on 15<sup>th</sup> December 2021.

The figures are indicative and should not be considered exact, the value of the data will improve over time when it will be used to identify trends or anomalies. Officers have not identified any significant anomalies between what was foreseen, the general narrative in the Council report and the data.

We have now had nearly a full annual cycle of the Committee system<sup>1</sup>. In order to provide the most robust analysis possible, we have compared the papers and minutes of all relevant committee meetings (i.e. those of the new service committees, as well as those of all the committees – including Cabinet – that they replaced) across three separate time periods:

- (a) The period since the introduction of the new Committee system up to the time of reporting – approximately 10 months<sup>2</sup>
- (b) The period from the advent of the Covid-19 pandemic up to the introduction of the new system – approximately 14 months<sup>3</sup>
- (c) The period from early 2019 up to the advent of the Covid-19 pandemic – approximately 15 months<sup>4</sup>.

To enable a fair and proper comparison, we have then converted the results from the analysis of each of those time periods into an *annualised value* i.e. what those figures would be if each period had been precisely one year (365 days)<sup>5</sup>.

Our approach has involved a detailed analysis of the publicly available records of 283 separate Committee meetings<sup>6</sup>. A summary of the Committees analysed – and the detail of our analysis – is set out across a number of tables in Appendix 1A. As before, we have analysed:

- The total number of meetings
- The number of reports<sup>7</sup> at those meetings
- The total and average duration of those meetings

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<sup>1</sup> For the reasons given in the individual footnotes below, some of the assumptions that underpinned the previous analysis have been reviewed and updated to make a like-for-like comparison across three different time periods as statistically sound as possible. In some cases, figures originally reported in the interim review have been updated as a result.

<sup>2</sup> There is no single start and end date for each of the time periods due to the fact that each period has multiple committees in operation on differing meeting cycles. To make a statistically valid comparison of time periods possible, each committee has its own individual start and end dates; the start date is the day after the last meeting of the committee that it replaced, the end date the day of the last meeting of the committee itself held in the relevant period.

<sup>3</sup> We have split the Cabinet era into two individual time periods to highlight any potential impact from the Covid-19 pandemic.

<sup>4</sup> The start date for each individual committee in this time period is the day after the last meeting of that committee held in 2018.

<sup>5</sup> This approach provides the most statistically robust measure of each of the three different periods and allows a reasonably accurate comparison to be undertaken.

<sup>6</sup> In a very small number of instances one or more pieces of information on an historic meeting have not been recorded or are otherwise available. In these cases, we have assumed the same result as the average for the other meetings of that specific committee. The impact of these assumptions on the overall result of this analysis is negligible.

<sup>7</sup> For this update we have included separate analyses of decision reports as well as those purely for information/briefing.

- The size of the agenda packs
- The number and duration of attendances at meetings (both Member and officer)

## KEY RESULTS

### 1. Number of meetings [Tables 1 & 2]

The Council is currently averaging **58** meetings per year under the Committee system.

- The number of meetings held in CEC under the Cabinet model **reduced by 10%** post-Covid (when most meetings went virtual)
- It is **18% higher** now than it was in the pre-Covid period
- Five committees (Cabinet and four scrutiny committees) were replaced by six service committees and a standing Finance Sub-Committee. Various free-standing committees needed under the cabinet model were incorporated into the relevant service committees. This figure appears to broadly reflect the new structure.

### 2. Number of reports for decision / briefing [Tables 3 – 8]

The average number of reports<sup>8</sup> submitted for decision at CEC annually under the Committee system is **191** (approx. 21 decision reports per committee per year).

- The number of decision reports<sup>9</sup> initially **reduced by 37%** at the start of the pandemic
- The number of decision reports at CEC **increased by 59%** with the advent of the Committee system but is now only **1% higher** than at pre-pandemic levels
- The number of CEC reports for purely for information / briefing **increased by 24%** post-Covid-19 and then **a further 79%** post-Committee system
- CEC now has **more than double** the number of annual briefing reports that it had pre-pandemic
- Former portfolio holders who may through their previous role have detailed knowledge of the genesis of historic policy and decisions and it has been suggested the dissemination of information to the wider committee membership has been an important element of these briefings. If correct the council should see a decrease over time and in next years figures.

### 3. Meeting duration [Tables 9 & 10]

The average meeting duration is currently **2 hours and 8 minutes**.

- The total combined duration of meetings at CEC post-Covid **increased by 5%**
- Total combined meeting time at CEC has **remained largely static** since the advent of the Committee system (1% increase)
- The *average* meeting duration at CEC is now **11% lower** than it was pre-Covid

### 4. Meeting attendances and time spent in meetings (Members) [Tables 11 – 14]

The average number of Members attending a meeting is currently **12**.

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<sup>8</sup> We have treated the following regular standing agenda items as neither decision nor briefing items but essentially ignored them for the purposes of this analysis; (i) Welcome/introductions, (ii) Apologies for absence, (iii) Declarations of interest, (iv) Declarations of the party whip, (v) Minutes (including minutes of sub-committees), (vi) Public questions/open sessions, (vii) Work programmes, (viii) Forward Plan, (ix) Any other business, (x) Date of next meeting.

<sup>9</sup> We have included Portfolio Holder decisions in the Cabinet period.

- Post-pandemic, the average number of attendees **rose by 34%** at CEC under the Cabinet model
- The current average of 12 Members is a **reduction of 40%** from the post-Covid Cabinet period and a **reduction of 19%** overall from the pre-Covid Cabinet period
- Total time spent by Members at CEC in meetings **increased by 37%** post-pandemic (largely due to more Members attending virtual meetings) but this has subsequently **reduced by 35%** with the advent of the Committee system / return to physical meetings
- Total Member time in meetings is now **down by 11%** on pre-Covid levels
- More Members are engaged in voting on the decision-making process. Post pandemic fewer Members appear to be as widely engaged at meetings. It is not known if this is due to accessibility- the ease of attendance at virtual meetings, the counting methodology, or if a simple broadcast the meeting would be as effective.

## 5. Meeting attendances and time spent in meetings (officers) [Tables 15 – 18]

The average number of officers attending each meeting is currently **7** (unchanged from Cabinet or pre-pandemic levels)<sup>10</sup>.

- The total number of officer attendances initially **dropped by 7%** post-Covid but subsequently **increased by 32%** under the Committee model (due to the increase in number of meetings) and is now **23% higher** than pre-Covid levels
- Total time spent by officers at CEC in meetings **increased by 4%** post-pandemic and a **further 2%** under the Committee system
- Total officer time in meetings has **risen by 6%** on pre-pandemic levels
- This figure broadly consistent against the idea of more meetings mitigated by the reduced length of meetings.

## 6. Size of agenda packs [Tables 19 & 20]

The average agenda pack at CEC is now **194** pages long.

- Agenda packs **increased by 6%** post-Covid at CEC
- The Committee system combined meeting packs are **60% bigger** than they were under the Cabinet model post-Covid
- It is unclear if a series of technical reports with very lengthy appendices have skewed the data. Example: Highway & Transport Committee has received reports on major road programmes and Council will be aware this is the third constitution report.

### *Postscript*

It is acknowledged that this current analysis has limitations. It only measures those things which can be easily measured i.e. what is recorded and reported in the public domain.

The length of an individual report is not a direct indicator of its quality.

The analysis also excludes any comparisons with other local authorities at this stage.

However, these measurable metrics may be indicative of wider patterns or trends that have a relationship (either directly or indirectly) with less quantifiable factors and may suggest areas for further investigation or analysis.

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<sup>10</sup> For a very small number of meetings there is no record of how many or which officers attended. We have excluded these meetings from the average calculation.

## DETAILED TABLES

| Table 1: Meetings held              | Pre-Covid | Post-Covid |           |
|-------------------------------------|-----------|------------|-----------|
|                                     | Cabinet   | Cabinet    | Committee |
|                                     | No.       | No.        | No.       |
| Cabinet                             | 14        | 12         | -         |
| Corporate OSC                       | 9         | 8          | -         |
| Children & Families OSC             | 7         | 7          | -         |
| Environment & Regeneration OSC      | 9         | 7          | -         |
| Health & Adults & Communities OSC   | 12        | 10         | -         |
| Staffing Committee                  | 10        | 4          | -         |
| Adults & Health Committee           | -         | -          | 4         |
| Children & Families Committee       | -         | -          | 5         |
| Corporate Policy Committee          | -         | -          | 8         |
| Economy & Growth Committee          | -         | -          | 4         |
| Environment & Communities Committee | -         | -          | 5         |
| Highways & Transport Committee      | -         | -          | 6         |
| Finance Sub-Committee               | -         | -          | 7         |
| Scrutiny Committee                  | -         | -          | 3         |
| Appointments Committee              | -         | -          | 1         |
| TOTAL                               | 61        | 48         | 43        |

| Table 2: Meetings held<br>(annualised figures) | Pre-Covid | Post-Covid |           |
|--|-----------|------------|-----------|
|  | Cabinet   | Cabinet    | Committee |
|  | No.       | No.        | No.       |
| Cabinet  | 11        | 10         | -         |
| Corporate OSC                                  | 8         | 7          | -         |
| Children & Families OSC                        | 6         | 7          | -         |
| Environment & Regeneration OSC                 | 7         | 7          | -         |
| Health & Adults & Communities OSC              | 10        | 9          | -         |
| Staffing Committee                             | 7         | 4          | -         |
| Adults & Health Committee                      | -         | -          | 6         |
| Children & Families Committee                  | -         | -          | 6         |
| Corporate Policy Committee                     | -         | -          | 10        |
| Economy & Growth Committee                     | -         | -          | 6         |
| Environment & Communities Committee            | -         | -          | 6         |
| Highways & Transport Committee                 | -         | -          | 7         |
| Finance Sub-Committee                          | -         | -          | 8         |
| Scrutiny Committee                             | -         | -          | 5         |
| Appointments Committee                         | -         | -          | 4         |
| TOTAL  | 49        | 44         | 58        |

|                                   |   |      |     |
|-----------------------------------|---|------|-----|
| Difference to previous period (%) | - | -10% | 32% |
|-----------------------------------|---|------|-----|

|                                    |  |  |     |
|------------------------------------|--|--|-----|
| Difference to pre-Covid period (%) |  |  | 18% |
|------------------------------------|--|--|-----|

| Table 3: Total agenda items         | Pre-Covid | Post-Covid |           |
|-------------------------------------|-----------|------------|-----------|
|                                     | Cabinet   | Cabinet    | Committee |
|                                     | No.       | No.        | No.       |
| Cabinet                             | 157       | 136        | -         |
| Corporate OSC                       | 88        | 82         | -         |
| Children & Families OSC             | 74        | 82         | -         |
| Environment & Regeneration OSC      | 97        | 67         | -         |
| Health & Adults & Communities OSC   | 128       | 103        | -         |
| Staffing Committee                  | 57        | 23         | -         |
| Adults & Health Committee           | -         | -          | 47        |
| Children & Families Committee       | -         | -          | 64        |
| Corporate Policy Committee          | -         | -          | 98        |
| Economy & Growth Committee          | -         | -          | 36        |
| Environment & Communities Committee | -         | -          | 58        |
| Highways & Transport Committee      | -         | -          | 60        |
| Finance Sub-Committee               | -         | -          | 63        |
| Scrutiny Committee                  | -         | -          | 23        |
| Appointments Committee              | -         | -          | 5         |
| TOTAL                               | 601       | 493        | 454       |

| Table 4: Total agenda items<br>(annualised figures) | Pre-Covid | Post-Covid |           |
|---|-----------|------------|-----------|
|   | Cabinet   | Cabinet    | Committee |
|   | No.       | No.        | No.       |
| Cabinet   | 124       | 118        | -         |
| Corporate OSC                                       | 77        | 70         | -         |
| Children & Families OSC                             | 61        | 77         | -         |
| Environment & Regeneration OSC                      | 72        | 67         | -         |
| Health & Adults & Communities OSC                   | 103       | 93         | -         |
| Staffing Committee                                  | 43        | 24         | -         |
| Adults & Health Committee                           | -         | -          | 66        |
| Children & Families Committee                       | -         | -          | 82        |
| Corporate Policy Committee                          | -         | -          | 118       |
| Economy & Growth Committee                          | -         | -          | 52        |
| Environment & Communities Committee                 | -         | -          | 69        |
| Highways & Transport Committee                      | -         | -          | 73        |
| Finance Sub-Committee                               | -         | -          | 76        |
| Scrutiny Committee                                  | -         | -          | 39        |
| Appointments Committee                              | -         | -          | 20        |
| TOTAL   | 480       | 449        | 595       |

|                                   |   |     |     |
|-----------------------------------|---|-----|-----|
| Difference to previous period (%) | - | -6% | 33% |
|-----------------------------------|---|-----|-----|

|                                    |     |
|------------------------------------|-----|
| Difference to pre-Covid period (%) | 24% |
|------------------------------------|-----|

| Table 5: Total reports for decision | Pre-Covid  | Post-Covid |            |
|-------------------------------------|------------|------------|------------|
|                                     | Cabinet    | Cabinet    | Committee  |
|                                     | No.        | No.        | No.        |
| Cabinet                             | 86         | 66         | -          |
| Corporate OSC                       | 17         | 12         | -          |
| Children & Families OSC             | 11         | 8          | -          |
| Environment & Regeneration OSC      | 15         | 12         | -          |
| Health & Adults & Communities OSC   | 27         | 17         | -          |
| Staffing Committee                  | 13         | 7          | -          |
| Portfolio Holder decisions          | 24         | 14         | -          |
| Adults & Health Committee           | -          | -          | 15         |
| Children & Families Committee       | -          | -          | 21         |
| Corporate Policy Committee          | -          | -          | 28         |
| Economy & Growth Committee          | -          | -          | 11         |
| Environment & Communities Committee | -          | -          | 31         |
| Highways & Transport Committee      | -          | -          | 18         |
| Finance Sub-Committee               | -          | -          | 16         |
| Scrutiny Committee                  | -          | -          | 1          |
| Appointments Committee              | -          | -          | 3          |
| <b>TOTAL</b>                        | <b>193</b> | <b>136</b> | <b>144</b> |

| Table 6: Total reports for decision<br>(annualised figures) | Pre-Covid  | Post-Covid |            |
|---|------------|------------|------------|
|   | Cabinet    | Cabinet    | Committee  |
|   | No.        | No.        | No.        |
| Cabinet   | 106        | 57         | -          |
| Corporate OSC   | 15         | 10         | -          |
| Children & Families OSC                                     | 7          | 7          | -          |
| Environment & Regeneration OSC                              | 11         | 12         | -          |
| Health & Adults & Communities OSC                           | 22         | 15         | -          |
| Staffing Committee  | 8          | 7          | -          |
| Portfolio Holder decisions                                  | 21         | 12         | -          |
| Adults & Health Committee                                   | -          | -          | 21         |
| Children & Families Committee                               | -          | -          | 27         |
| Corporate Policy Committee                                  | -          | -          | 34         |
| Economy & Growth Committee                                  | -          | -          | 16         |
| Environment & Communities Committee                         | -          | -          | 37         |
| Highways & Transport Committee                              | -          | -          | 22         |
| Finance Sub-Committee                                       | -          | -          | 19         |
| Scrutiny Committee  | -          | -          | 3          |
| Appointments Committee                                      | -          | -          | 12         |
| <b>TOTAL</b>  | <b>190</b> | <b>120</b> | <b>191</b> |

| Table 7: Total reports for briefing | Pre-Covid | Post-Covid |            |
|-------------------------------------|-----------|------------|------------|
|                                     | Cabinet   | Cabinet    | Committee  |
|                                     | No.       | No.        | No.        |
| Cabinet                             | 5         | 17         | -          |
| Corporate OSC                       | 12        | 17         | -          |
| Children & Families OSC             | 18        | 25         | -          |
| Environment & Regeneration OSC      | 19        | 7          | -          |
| Health & Adults & Communities OSC   | 17        | 18         | -          |
| Staffing Committee                  | 9         | 2          | -          |
| Adults & Health Committee           | -         | -          | 12         |
| Children & Families Committee       | -         | -          | 17         |
| Corporate Policy Committee          | -         | -          | 28         |
| Economy & Growth Committee          | -         | -          | 6          |
| Environment & Communities Committee | -         | -          | 6          |
| Highways & Transport Committee      | -         | -          | 14         |
| Finance Sub-Committee               | -         | -          | 13         |
| Scrutiny Committee                  | -         | -          | 8          |
| Appointments Committee              | -         | -          | 0          |
| <b>TOTAL</b>                        | <b>80</b> | <b>86</b>  | <b>104</b> |

| Table 8: Total reports for briefing<br>(annualised figures) | Pre-Covid | Post-Covid |            |
|---|-----------|------------|------------|
|   | Cabinet   | Cabinet    | Committee  |
|   | No.       | No.        | No.        |
| Cabinet   | 6         | 15         | -          |
| Corporate OSC   | 10        | 14         | -          |
| Children & Families OSC                                     | 12        | 23         | -          |
| Environment & Regeneration OSC                              | 14        | 7          | -          |
| Health & Adults & Communities OSC                           | 14        | 16         | -          |
| Staffing Committee  | 6         | 2          | -          |
| Adults & Health Committee                                   | -         | -          | 17         |
| Children & Families Committee                               | -         | -          | 22         |
| Corporate Policy Committee                                  | -         | -          | 34         |
| Economy & Growth Committee                                  | -         | -          | 9          |
| Environment & Communities Committee                         | -         | -          | 9          |
| Highways & Transport Committee                              | -         | -          | 17         |
| Finance Sub-Committee                                       | -         | -          | 16         |
| Scrutiny Committee  | -         | -          | 14         |
| Appointments Committee                                      | -         | -          | 0          |
| <b>TOTAL</b>  | <b>62</b> | <b>77</b>  | <b>138</b> |

|                                   |   |            |            |
|-----------------------------------|---|------------|------------|
| Difference to previous period (%) | - | <b>24%</b> | <b>79%</b> |
|-----------------------------------|---|------------|------------|

|                                    |  |             |  |
|------------------------------------|--|-------------|--|
| Difference to pre-Covid period (%) |  | <b>123%</b> |  |
|------------------------------------|--|-------------|--|

| Table 9: Meetings combined total duration | Pre-Covid | Post-Covid |           |
|---|-----------|------------|-----------|
|   | Cabinet   | Cabinet    | Committee |
|   | Minutes   | Minutes    | Minutes   |
| Cabinet                                   | 1,454     | 1,800      | -         |
| Corporate OSC                             | 1,313     | 1,518      | -         |
| Children & Families OSC                   | 1,162     | 1,088      | -         |
| Environment & Regeneration OSC            | 1,686     | 1,126      | -         |
| Health & Adults & Communities OSC         | 1,557     | 1,652      | -         |
| Staffing Committee                        | 1,720     | 837        | -         |
| Adults & Health Committee                 | -         | -          | 523       |
| Children & Families Committee             | -         | -          | 858       |
| Corporate Policy Committee                | -         | -          | 1,100     |
| Economy & Growth Committee                | -         | -          | 448       |
| Environment & Communities Committee       | -         | -          | 569       |
| Highways & Transport Committee            | -         | -          | 851       |
| Finance Sub-Committee                     | -         | -          | 772       |
| Scrutiny Committee                        | -         | -          | 471       |
| Appointments Committee                    | -         | -          | 45        |
| TOTAL                                     | 8,892     | 8,021      | 5,637     |

| Table 10: Meetings combined total duration<br>(annualised figures) | Pre-Covid | Post-Covid |           |
|--|-----------|------------|-----------|
|  | Cabinet   | Cabinet    | Committee |
|  | Minutes   | Minutes    | Minutes   |
| Cabinet  | 1,151     | 1,568      | -         |
| Corporate OSC  | 1,144     | 1,292      | -         |
| Children & Families OSC  | 964       | 1,016      | -         |
| Environment & Regeneration OSC                                     | 1,258     | 1,132      | -         |
| Health & Adults & Communities OSC                                  | 1,249     | 1,489      | -         |
| Staffing Committee   | 1,284     | 875        | -         |
| Adults & Health Committee  | -         | -          | 740       |
| Children & Families Committee                                      | -         | -          | 1,099     |
| Corporate Policy Committee   | -         | -          | 1,329     |
| Economy & Growth Committee   | -         | -          | 651       |
| Environment & Communities Committee                                | -         | -          | 679       |
| Highways & Transport Committee                                     | -         | -          | 1,032     |
| Finance Sub-Committee  | -         | -          | 936       |
| Scrutiny Committee   | -         | -          | 800       |
| Appointments Committee   | -         | -          | 179       |
| TOTAL  | 7,050     | 7,372      | 7,445     |

|                                   |   |    |    |
|-----------------------------------|---|----|----|
| Difference to previous period (%) | - | 5% | 1% |
|-----------------------------------|---|----|----|

|                                    |  |  |    |
|------------------------------------|--|--|----|
| Difference to pre-Covid period (%) |  |  | 6% |
|------------------------------------|--|--|----|

|                               |    |    |    |
|-------------------------------|----|----|----|
| Total meetings [from Table 2] | 49 | 44 | 58 |
|-------------------------------|----|----|----|

|                          |     |     |     |
|--------------------------|-----|-----|-----|
| Average time per meeting | 144 | 168 | 128 |
|--------------------------|-----|-----|-----|

|                                   |   |     |      |
|-----------------------------------|---|-----|------|
| Difference to previous period (%) | - | 16% | -23% |
|-----------------------------------|---|-----|------|

|                                    |  |  |      |
|------------------------------------|--|--|------|
| Difference to pre-Covid period (%) |  |  | -11% |
|------------------------------------|--|--|------|

| Table 11: Member meeting attendances | Pre-Covid | Post-Covid |           |
|--------------------------------------|-----------|------------|-----------|
|                                      | Cabinet   | Cabinet    | Committee |
|                                      | No.       | No.        | No.       |
| Cabinet                              | 307       | 415        | -         |
| Corporate OSC                        | 116       | 114        | -         |
| Children & Families OSC              | 78        | 90         | -         |
| Environment & Regeneration OSC       | 124       | 111        | -         |
| Health & Adults & Communities OSC    | 174       | 171        | -         |
| Staffing Committee                   | 82        | 35         | -         |
| Adults & Health Committee            | -         | -          | 49        |
| Children & Families Committee        | -         | -          | 60        |
| Corporate Policy Committee           | -         | -          | 110       |
| Economy & Growth Committee           | -         | -          | 50        |
| Environment & Communities Committee  | -         | -          | 66        |
| Highways & Transport Committee       | -         | -          | 76        |
| Finance Sub-Committee                | -         | -          | 56        |
| Scrutiny Committee                   | -         | -          | 30        |
| Appointments Committee               | -         | -          | 8         |
| TOTAL                                | 881       | 936        | 505       |

| Table 12: Member meeting attendances<br>(annualised figures) | Pre-Covid | Post-Covid |           |
|--|-----------|------------|-----------|
|  | Cabinet   | Cabinet    | Committee |
|  | No.       | No.        | No.       |
| Cabinet  | 243       | 362        | -         |
| Corporate OSC  | 101       | 97         | -         |
| Children & Families OSC                                      | 65        | 84         | -         |
| Environment & Regeneration OSC                               | 93        | 112        | -         |
| Health & Adults & Communities OSC                            | 140       | 154        | -         |
| Staffing Committee   | 61        | 37         | -         |
| Adults & Health Committee                                    | -         | -          | 69        |
| Children & Families Committee                                | -         | -          | 77        |
| Corporate Policy Committee                                   | -         | -          | 133       |
| Economy & Growth Committee                                   | -         | -          | 73        |
| Environment & Communities Committee                          | -         | -          | 79        |
| Highways & Transport Committee                               | -         | -          | 92        |
| Finance Sub-Committee  | -         | -          | 68        |
| Scrutiny Committee   | -         | -          | 51        |
| Appointments Committee                                       | -         | -          | 32        |
| TOTAL  | 703       | 846        | 674       |

|                                   |   |     |      |
|-----------------------------------|---|-----|------|
| Difference to previous period (%) | - | 20% | -20% |
|-----------------------------------|---|-----|------|

|                                    |  |  |     |
|------------------------------------|--|--|-----|
| Difference to pre-Covid period (%) |  |  | -4% |
|------------------------------------|--|--|-----|

|                               |    |    |    |
|-------------------------------|----|----|----|
| Total meetings [from Table 2] | 49 | 44 | 58 |
|-------------------------------|----|----|----|

|  |    |    |    |
|--|----|----|----|
| Average Member attendances per meeting | 14 | 19 | 12 |
|--|----|----|----|

|                                   |   |     |      |
|-----------------------------------|---|-----|------|
| Difference to previous period (%) | - | 34% | -40% |
|-----------------------------------|---|-----|------|

|                                    |  |  |      |
|------------------------------------|--|--|------|
| Difference to pre-Covid period (%) |  |  | -19% |
|------------------------------------|--|--|------|

| Table 13: Member attendance in meetings combined total duration | Pre-Covid | Post-Covid |           |
|---|-----------|------------|-----------|
|   | Cabinet   | Cabinet    | Committee |
|   | Minutes   | Minutes    | Minutes   |
| Cabinet   | 33,318    | 61,795     | -         |
| Corporate OSC   | 17,365    | 21,653     | -         |
| Children & Families OSC   | 13,445    | 14,189     | -         |
| Environment & Regeneration OSC                                  | 23,805    | 17,857     | -         |
| Health & Adults & Communities OSC                               | 23,111    | 28,400     | -         |
| Staffing Committee  | 14,016    | 6,873      | -         |
| Adults & Health Committee                                       | -         | -          | 6,391     |
| Children & Families Committee                                   | -         | -          | 10,278    |
| Corporate Policy Committee                                      | -         | -          | 15,200    |
| Economy & Growth Committee                                      | -         | -          | 5,557     |
| Environment & Communities Committee                             | -         | -          | 7,508     |
| Highways & Transport Committee                                  | -         | -          | 10,950    |
| Finance Sub-Committee   | -         | -          | 6,680     |
| Scrutiny Committee  | -         | -          | 4,761     |
| Appointments Committee  | -         | -          | 360       |
| TOTAL   | 125,060   | 150,767    | 67,685    |

| Table 14: Member attendance in meetings combined total duration (annualised figures) | Pre-Covid | Post-Covid |           |
|--|-----------|------------|-----------|
|  | Cabinet   | Cabinet    | Committee |
|  | Minutes   | Minutes    | Minutes   |
| Cabinet  | 26,380    | 53,831     | -         |
| Corporate OSC  | 15,127    | 18,432     | -         |
| Children & Families OSC  | 11,153    | 13,245     | -         |
| Environment & Regeneration OSC   | 17,769    | 17,955     | -         |
| Health & Adults & Communities OSC  | 18,540    | 25,595     | -         |
| Staffing Committee   | 10,462    | 7,188      | -         |
| Adults & Health Committee  | -         | -          | 9,042     |
| Children & Families Committee  | -         | -          | 13,163    |
| Corporate Policy Committee   | -         | -          | 18,371    |
| Economy & Growth Committee   | -         | -          | 8,081     |
| Environment & Communities Committee  | -         | -          | 8,956     |
| Highways & Transport Committee   | -         | -          | 13,278    |
| Finance Sub-Committee  | -         | -          | 8,100     |
| Scrutiny Committee   | -         | -          | 8,083     |
| Appointments Committee   | -         | -          | 1,428     |
| TOTAL  | 99,431    | 136,246    | 88,502    |

|                                   |   |     |      |
|-----------------------------------|---|-----|------|
| Difference to previous period (%) | - | 37% | -35% |
|-----------------------------------|---|-----|------|

|                                    |      |
|------------------------------------|------|
| Difference to pre-Covid period (%) | -11% |
|------------------------------------|------|

| Table 15: Officer meeting attendances | Pre-Covid  | Post-Covid |            |
|---------------------------------------|------------|------------|------------|
|                                       | Cabinet    | Cabinet    | Committee  |
|                                       | No.        | No.        | No.        |
| Cabinet                               | 96         | 102        | -          |
| Corporate OSC                         | 57         | 51         | -          |
| Children & Families OSC               | 51         | 45         | -          |
| Environment & Regeneration OSC        | 69         | 45         | -          |
| Health & Adults & Communities OSC     | 67         | 60         | -          |
| Staffing Committee                    | 65         | 27         | -          |
| Adults & Health Committee             | -          | -          | 33         |
| Children & Families Committee         | -          | -          | 41         |
| Corporate Policy Committee            | -          | -          | 64         |
| Economy & Growth Committee            | -          | -          | 28         |
| Environment & Communities Committee   | -          | -          | 37         |
| Highways & Transport Committee        | -          | -          | 41         |
| Finance Sub-Committee                 | -          | -          | 34         |
| Scrutiny Committee                    | -          | -          | 12         |
| Appointments Committee                | -          | -          | 6          |
| <b>TOTAL</b>                          | <b>405</b> | <b>330</b> | <b>296</b> |

| Table 16: Officer meeting attendances<br>(annualised figures) | Pre-Covid  | Post-Covid |            |
|---|------------|------------|------------|
|   | Cabinet    | Cabinet    | Committee  |
|   | No.        | No.        | No.        |
| Cabinet   | 76         | 89         | -          |
| Corporate OSC   | 50         | 43         | -          |
| Children & Families OSC                                       | 42         | 42         | -          |
| Environment & Regeneration OSC                                | 52         | 45         | -          |
| Health & Adults & Communities OSC                             | 54         | 54         | -          |
| Staffing Committee  | 49         | 28         | -          |
| Adults & Health Committee                                     | -          | -          | 47         |
| Children & Families Committee                                 | -          | -          | 53         |
| Corporate Policy Committee                                    | -          | -          | 77         |
| Economy & Growth Committee                                    | -          | -          | 41         |
| Environment & Communities Committee                           | -          | -          | 44         |
| Highways & Transport Committee                                | -          | -          | 50         |
| Finance Sub-Committee   | -          | -          | 41         |
| Scrutiny Committee  | -          | -          | 20         |
| Appointments Committee  | -          | -          | 24         |
| <b>TOTAL</b>  | <b>323</b> | <b>301</b> | <b>397</b> |

|                                   |   |     |     |
|-----------------------------------|---|-----|-----|
| Difference to previous period (%) | - | -7% | 32% |
|-----------------------------------|---|-----|-----|

|                                    |  |  |     |
|------------------------------------|--|--|-----|
| Difference to pre-Covid period (%) |  |  | 23% |
|------------------------------------|--|--|-----|

|                               |    |    |    |
|-------------------------------|----|----|----|
| Total meetings [from Table 2] | 49 | 44 | 58 |
|-------------------------------|----|----|----|

|  |   |   |   |
|--|---|---|---|
| Average officer attendance per meeting | 7 | 7 | 7 |
|--|---|---|---|

| Table 17: Officer attendance in meetings combined total duration | Pre-Covid | Post-Covid |           |
|--|-----------|------------|-----------|
|  | Cabinet   | Cabinet    | Committee |
|  | Minutes   | Minutes    | Minutes   |
| Cabinet  | 10,068    | 15,319     | -         |
| Corporate OSC  | 8,421     | 9,902      | -         |
| Children & Families OSC  | 10,139    | 7,294      | -         |
| Environment & Regeneration OSC                                   | 13,576    | 7,163      | -         |
| Health & Adults & Communities OSC                                | 8,774     | 10,068     | -         |
| Staffing Committee   | 11,106    | 5,870      | -         |
| Adults & Health Committee  | -         | -          | 4,356     |
| Children & Families Committee                                    | -         | -          | 7,107     |
| Corporate Policy Committee                                       | -         | -          | 8,975     |
| Economy & Growth Committee                                       | -         | -          | 2,990     |
| Environment & Communities Committee                              | -         | -          | 4,553     |
| Highways & Transport Committee                                   | -         | -          | 5,955     |
| Finance Sub-Committee  | -         | -          | 3,859     |
| Scrutiny Committee   | -         | -          | 1,836     |
| Appointments Committee   | -         | -          | 270       |
| TOTAL  | 62,084    | 55,616     | 39,901    |

| Table 18: Officer attendance in meetings combined total duration (annualised figures) | Pre-Covid | Post-Covid |           |
|---|-----------|------------|-----------|
|   | Cabinet   | Cabinet    | Committee |
|   | Minutes   | Minutes    | Minutes   |
| Cabinet   | 7,971     | 13,345     | -         |
| Corporate OSC   | 7,336     | 8,425      | -         |
| Children & Families OSC   | 8,411     | 6,809      | -         |
| Environment & Regeneration OSC  | 10,133    | 7,202      | -         |
| Health & Adults & Communities OSC   | 7,038     | 9,074      | -         |
| Staffing Committee  | 8,290     | 6,139      | -         |
| Adults & Health Committee   | -         | -          | 6,163     |
| Children & Families Committee   | -         | -          | 9,102     |
| Corporate Policy Committee  | -         | -          | 10,847    |
| Economy & Growth Committee  | -         | -          | 4,348     |
| Environment & Communities Committee   | -         | -          | 5,431     |
| Highways & Transport Committee  | -         | -          | 7,221     |
| Finance Sub-Committee   | -         | -          | 4,680     |
| Scrutiny Committee  | -         | -          | 3,117     |
| Appointments Committee  | -         | -          | 1,071     |
| TOTAL   | 49,179    | 50,994     | 51,980    |

|                                   |   |    |    |
|-----------------------------------|---|----|----|
| Difference to previous period (%) | - | 4% | 2% |
|-----------------------------------|---|----|----|

|                                    |  |  |    |
|------------------------------------|--|--|----|
| Difference to pre-Covid period (%) |  |  | 6% |
|------------------------------------|--|--|----|

| Table 19: Agenda packs combined total size | Pre-Covid | Post-Covid |           |
|--|-----------|------------|-----------|
|  | Cabinet   | Cabinet    | Committee |
|  | Pages     | Pages      | Pages     |
| Cabinet                                    | 3,180     | 3,906      | -         |
| Corporate OSC                              | 1,138     | 1,518      | -         |
| Children & Families OSC                    | 668       | 658        | -         |
| Environment & Regeneration OSC             | 1,754     | 782        | -         |
| Health & Adults & Communities OSC          | 1,304     | 942        | -         |
| Staffing Committee                         | 308       | 76         | -         |
| Adults & Health Committee                  | -         | -          | 964       |
| Children & Families Committee              | -         | -          | 928       |
| Corporate Policy Committee                 | -         | -          | 1,700     |
| Economy & Growth Committee                 | -         | -          | 510       |
| Environment & Communities Committee        | -         | -          | 2,020     |
| Highways & Transport Committee             | -         | -          | 2,004     |
| Finance Sub-Committee                      | -         | -          | 764       |
| Scrutiny Committee                         | -         | -          | 74        |
| Appointments Committee                     | -         | -          | 2         |
| TOTAL                                      | 8,352     | 7,882      | 8,966     |

| Table 20: Agenda packs combined total size<br>(annualised figures) | Pre-Covid | Post-Covid |           |
|--|-----------|------------|-----------|
|  | Cabinet   | Cabinet    | Committee |
|  | Pages     | Pages      | Pages     |
| Cabinet  | 2,518     | 3,403      | -         |
| Corporate OSC  | 991       | 1,292      | -         |
| Children & Families OSC  | 554       | 614        | -         |
| Environment & Regeneration OSC                                     | 1,309     | 786        | -         |
| Health & Adults & Communities OSC                                  | 1,046     | 849        | -         |
| Staffing Committee   | 230       | 79         | -         |
| Adults & Health Committee  | -         | -          | 1,364     |
| Children & Families Committee                                      | -         | -          | 1,188     |
| Corporate Policy Committee   | -         | -          | 2,055     |
| Economy & Growth Committee   | -         | -          | 742       |
| Environment & Communities Committee                                | -         | -          | 2,409     |
| Highways & Transport Committee                                     | -         | -          | 2,430     |
| Finance Sub-Committee  | -         | -          | 926       |
| Scrutiny Committee   | -         | -          | 126       |
| Appointments Committee   | -         | -          | 8         |
| TOTAL  | 6,648     | 7,023      | 11,248    |

|                                   |   |    |     |
|-----------------------------------|---|----|-----|
| Difference to previous period (%) | - | 6% | 60% |
|-----------------------------------|---|----|-----|

|                                    |  |  |     |
|------------------------------------|--|--|-----|
| Difference to pre-Covid period (%) |  |  | 69% |
|------------------------------------|--|--|-----|

|                               |    |    |    |
|-------------------------------|----|----|----|
| Total meetings [from Table 2] | 49 | 44 | 58 |
|-------------------------------|----|----|----|

|                          |     |     |     |
|--------------------------|-----|-----|-----|
| Average time per meeting | 136 | 160 | 194 |
|--------------------------|-----|-----|-----|

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## Amendments To Chapter 3 of the Council's Constitution

### Public Speaking and Questions at Committees

Insert new paragraph 2.28,

2.28 In exceptional circumstances, the ability to submit written questions and statements will be permitted.

### Six-month rule: application to service committees

Insert new paragraph 2.43.

2.43 A report on a matter that is the same or substantially the same as that upon which a decision was made by the committee within the preceding 6 months, may only be placed on the agenda with the permission of the Chair of the committee. At the meeting, immediately before the proposed agenda item report is considered, the committee may, by simple majority, decide to accept or reject the report for consideration. If the report is accepted for consideration, the committee may then make a new resolution.

### Decision Referral

Proposed amendment to paragraph 4.23.

The Monitoring Officer may discuss the request with the lead Member signatory, the Chair of the relevant service committee and the Mayor with a view to achieving an outcome to resolve the issue without the need for referral to Council. *If an informal decision referral meeting is held to consider alternative options which would resolve the matter without reference to Council, the meeting should include the Group Leader for the largest opposition Group, the Leader/Deputy Leader of the Council, the Leader of the Group whose Member has requested that the decision be reviewed, and the Member who has made the request.*

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# CHESHIRE EAST COUNCIL CONSTITUTION

## Remember to delete when complete

| Date     | Version | Author      | Summary of amendments made   |
|----------|---------|-------------|--|
| 15.03.21 | 1       | J Barnes BB | Update   |
| 22.03.21 | 2       | J Barnes BB | Update s151 to CFO; check Glossary words/expressions are in the Constitution and update  |
| 23.03.21 | 3       | D Brown CEC |  |
| 08.04.21 | 4       | J Barnes BB | Updated following receipt of councillor comments and Constitution Committee on 6 April   |
| 01.05.21 | 5       | J Barnes BB | Updated following Constitution Committee on 29 April and Officer comments  |
| 24.08.21 | 6       | V Barman BB | Updated Glossary at Chpt 6, inclusion of current Members' Allowances Scheme at Chpt 5  |
| 09.09.21 | 7       | V Barman BB | Updated to include revised Chpt 7 drafted by CEC Democratic Services Manager , inclusion of current Members' Allowances Scheme at Chpt 5 |
| 22.09.21 | 8       | V Barman BB | Updated following Constitution Committee meetings of 15 and 22 September   |
| 13.10.21 | 9       | V Barman BB | Updated following Constitution Committee meetings of 6 and 13 October  |
| 27.10.21 | 10      | V Barman BB | Updated following Constitution Committee meeting of 21 October   |
| 16.12.21 | 11      | V Barman BB | Approved Full Council 15 December 2021   |
| 01.03.22 | 12      | V Barman BB | Updated Councillor/Officer Protocol and Supporting Documents List following Constitution Committee meeting of 26 January 2022            |

EDITION: December 2021

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## Chapter 4

### Codes and Protocols

This part of the Constitution covers the following areas:

| Part | Title  | Contents   |
|------|--|--|
| 1    | <del>Councillor Code of Conduct</del><br><del>Councillor Code of Conduct</del> | This part sets out the ways in which Councillors must conduct themselves. It covers such things as: <ul style="list-style-type: none"> <li>• General obligations</li> <li>• Registering and declaring interests</li> <li>• Pre-determination and bias</li> </ul>   |
| 2    | Officer Code of Conduct  | This part sets the ways in which all employees of the Council must conduct themselves. It covers such things as: <ul style="list-style-type: none"> <li>• The Values of the Council</li> <li>• The Council's Core Principles</li> <li>• The Council's Core Standards</li> <li>• Additional standards relevant to particular groups of employees</li> <li>• Guidance on compliance with the Code</li> <li>• Associated forms and referral points</li> </ul> |
| 3    | Councillor / Officer Protocol  | This Protocol is to guide Councillors and Officers in their relations with one another in such a way as to ensure the smooth running of the Council.   |
| 4    | Planning Code of Conduct   | An additional Code of Conduct for Councillors on Planning matters  |
| 5    | Whistleblowing Policy  | Although not a formal part of the Council's Constitution, it is considered useful to provide a link to the Whistleblowing Policy in this document.   |

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## Chapter 4 – Part 1

### Councillor Code of Conduct

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- 1 Cheshire East Council has adopted this Code of Conduct to promote and maintain high standards of conduct and underpin public confidence in the authority and its Councillors and co-opted Members (referred to collectively in this Code as “Members”).
- 2 The Code has been adopted under the Localism Act 2011 and is based on the following core principles of public life:
  - 2.1 Selflessness
  - 2.2 Integrity
  - 2.3 Objectivity
  - 2.4 Accountability
  - 2.5 Openness
  - 2.6 Honesty
  - 2.7 Leadership
- 3 The Code sets out general obligations about the standards of conduct expected of Members and co-opted Members of the authority, together with provisions about registering and declaring interests.

#### **General obligations**

- 4 Whenever you are acting as a Member or co-opted Member of this authority you must act in accordance with the following obligations:

##### *Selflessness*

- 4.1 You must act solely in the public interest and must never use or attempt to use your position improperly to confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, friends or close associates.

##### *Integrity*

- 4.2 You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

*Objectivity*

- 4.3 When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
- 4.4 You should remain objective, listen to the interests of all parties appropriately and impartially and take all relevant information, including advice from the authority's officers, into consideration.
- 4.5 You should exercise independent judgement. Although you may take account of the views of others (including a political group), you should reach your own conclusions on the issues before you and act in accordance with those conclusions.

*Accountability*

- 4.6 You are accountable to the public for your decisions and you must co-operate fully with whatever scrutiny is appropriate to your office, including appropriate scrutiny by local residents.

*Openness*

- 4.7 You must be open and transparent where possible about your decisions and actions and the decisions and actions of your authority. You should be prepared to give reasons for those decisions and actions.

*Honesty*

- 4.8 You must declare any personal, pecuniary and non-pecuniary interests that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests as set out in Part 2 below.
- 4.9 You must only use or authorise the use of the authority's resources in accordance with the authority's requirements. You must, when using or authorising the use of such resources, ensure that they are used for proper purposes only. Resources must not be used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity in force from time to time.

*Leadership*

- 4.10 You must promote and support high standards of conduct when serving as a Member of the authority, by leadership and example, championing the interests of the community.
- 4.11 You should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in you.

*Respect for Others*

- 4.12 You must treat others with courtesy. You should engage with colleagues and staff in a manner that underpins mutual respect and courtesy, essential to good local government.
- 4.13 You must not:
- (i) do anything which may cause your authority to breach any equality laws
  - (ii) compromise or attempt to compromise the impartiality of anyone who works for, or on behalf of, the authority
  - (iii) bully<sup>1</sup> any person, including other Councillors, officers of the authority or members of the public
  - (iv) intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings in relation to an allegation that a Member (including yourself) has failed to comply with his or her authority's code of conduct.

### Information

- 4.14 You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except<sup>2</sup> where:
- (i) you have the written consent of a person authorised to give it
  - (ii) you are required by law to do so
  - (iii) the disclosure is made to a professional third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person, or
  - (iv) the disclosure is reasonable, in the public interest; and made in good faith and in compliance with the reasonable requirements of the authority.

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<sup>1</sup> "Bullying" may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour and includes "cyber bullying". It may happen once or be part of a pattern of behaviour. It can be contrasted with the legitimate challenges a member may make in challenging policy or scrutinising performance. You may challenge others as to why they hold their views but must take care to raise issues in the appropriate forum and in an appropriate way. Ideas and policies may be robustly criticised but individuals should not be subject to unreasonable or excessive personal attack.

<sup>2</sup> It is your responsibility to ensure that any judgement you make in relying on any exception will stand up to rigorous objective scrutiny. In the case of any doubt advice should be sought from the Monitoring Officer or an independent qualified legal advisor.

- 4.15 You must not prevent another person from gaining access to information to which that person is entitled by law.

#### Gifts and Hospitality

- 4.16 You must within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £100 which you have accepted as a Member from any person or body other than the Authority. The Monitoring Officer will place your notification on a public register of gifts and hospitality which will be made available on the Council's website.

### **Registering and Declaring Interests**

#### Registering and Declaring Interests – General Requirements

- 5 You must, within 28 days of:
- 5.1 the adoption of this Code
  - 5.2 taking office as a Member
  - 5.3 becoming aware of any new interest not already registered
  - 5.4 becoming aware of any change to any interest already registered
- notify the monitoring officer in writing of any disclosable pecuniary interest, or other type of interest as defined by this Code.
- 6 If you become aware of any such interest not already registered (or the subject of pending notification) during the course of any meeting of the authority at which you are in attendance then you must disclose the interest to the meeting, take the action required by the Code depending on the nature of the interest and notify the Monitoring Officer of the interest in accordance with the provisions of this Code.

#### Sensitive Interests

- 7 A 'sensitive interest' is described in the Localism Act 2011 as an interest the nature of which is such that the Member and the authority's Monitoring Officer consider that disclosure of the details of the interest could lead to the Member or a person connected with the Member being subject to violence or intimidation.
- 8 Where you consider that you have a sensitive interest, and the Monitoring Officer agrees, that part of the register recording that interest will not be published or made available for public inspection. A declaration of interests must still be made at a meeting where relevant, but the sensitive information need not be disclosed.

#### Disclosable Pecuniary Interests

- 9 A [disclosable pecuniary interest is defined by statute](#) and is subject to change from time to time.

- 10 Unless dispensation has been granted, if you are present at any meeting of the authority and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting, you must leave the meeting while any discussion or voting on that matter takes place. You may not participate in any discussion of the matter at the meeting and you may not participate in any vote taken on the matter at the meeting.
- 11 You must not discharge or participate in the discharge of any function related to any matter in which you have a disclosable pecuniary interest.
- 12 Failure to comply with these requirements of the Code may amount to a criminal offence.

#### Other Interests – Personal Interests

- 13 In addition to disclosable pecuniary interests referred to above, you must also declare personal interests.
- 14 You have a personal interest in any business of the authority where the business of the authority relates to or is likely to affect any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority.
- 15 You will also have a personal interest in any business of the authority where the business of the authority relates to or is likely to affect any body exercising functions of a public nature, which is directed to charitable purposes or whose principle purposes includes influencing public opinion or policy where you are a member of that body or in a position of general control or management.
- 16 The Audit and Governance Committee may, from time to time, prescribe certain bodies the membership of which amounts to a personal interest.
- 17 You will also have a personal interest in any business of the authority where a decision in relation to that business might reasonably be regarded as affecting your wellbeing or financial position or the wellbeing or financial position of a relevant person to a greater extent than the majority of other Council tax payers, ratepayers, or inhabitants of the electoral division or ward, as the case may be, affected by the decision.
- 18 For the purposes of this Code, a relevant person is:
  - 18.1 a member of your family or any person with whom you have a close association, or
  - 18.2 any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors, or
  - 18.3 any person or body in whom such persons have a beneficial interest and a class of securities exceeding the nominal value of £25,000 or one hundredth of the total issued share capital of that body.

- 19 Unless your personal interest also amounts to a prejudicial interest, a disclosable pecuniary interest or pre-determination, you may remain in the meeting and take part in the debate and vote.

#### Other Interests – Prejudicial Interests

- 20 You will have a prejudicial interest if you have a personal interest in any business of the authority and where that personal interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business:
- 1.1 affects your financial position or the financial position of a relevant person or body described in paragraph 14 or 15 above, or
  - 1.2 relates to the determination of any approval, consent, licence, permission or registration in relation to you or any relevant person or body described in paragraph 14 or 15 above.
- 21 Where you have a prejudicial interest, you may not participate in any discussion of the matter at the meeting or in any vote taken on the matter at the meeting. You are also required to leave the room where the meeting is taking place during the discussion and vote. However you may attend the meeting and make representations, answer questions or give evidence provided that the public are also allowed to attend the meeting for the same purpose and you leave the meeting immediately after having done so.

#### **Pre-Determination and Bias**

- 22 Separately from considerations as to personal, prejudicial or disclosable pecuniary interests, Councillors must be mindful of falling foul of the general obligations of this code by taking part in decisions where they are biased or have pre-determined the matter in question.
- 23 Simply put, a Councillor will be biased or will have pre-determined a matter if they have approached a matter with a closed mind. That is to say, if they have made up their mind on which way they will decide a matter before all of the relevant considerations are presented and debated in the appropriate decision-making forum.
- 24 Previous actions or statements of a Councillor will not be taken by themselves as proof of predetermination. A Councillor may be predisposed to a certain point of view, however notwithstanding any predisposition, Councillors need to be careful to ensure they approach and, insofar as is possible, are seen to approach decisions with an open mind.
- 25 Particular scenarios to be mindful of are where a Councillor, in some other role, is seen to be a promoter or advocate for a proposal which later comes before them for decision. A risk arises when there has been significant personal involvement in preparing or advocating the proposal such that a Councillor may become or may be perceived by the public as being no longer able to approach the decision with an open mind.

- 26 If you feel that you have pre-determined a matter you should say so. You should not speak or vote on the proposal. You may, however, make representations on the proposal if a member of the public also has the right to do so. You are not legally obliged to withdraw from the meeting for the remainder of the debate and vote but in most circumstances doing so will counter any suggestion that you influenced the remaining Councillors by your continued presence. If you do not withdraw, as a minimum you must withdraw to the public area of the meeting room for the whole of the consideration of the matter, whether or not you are also exercising your right to speak.
- 27 If in any doubt you should seek advice from the Monitoring Officer.

#### Further Information

- 28 The Monitoring Officer, in consultation with the Chair of the Audit and Governance Committee, will publicise from time to time arrangements for [dealing with complaints made against Councillors](#) that their conduct has breached the requirements of this code. The Monitoring Officer will publicise from time to time a Monitoring Officer Protocol reflecting current trends in Councillor Conduct matters in order to provide guidance on how emerging or common issues will be approached.

#### **Dispensations**

- 29 The Audit and Governance Committee may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a prejudicial or disclosable pecuniary interest.
- 30 The following dispensations have been granted to all Councillors up to 28 September 2024:
- (a) Any allowance, payment or indemnity given to Councillors;
  - (b) Any Ceremonial Honours given to Councillors;
  - (c) Statutory sick pay under Part X1 of the Social Security Contributions and Benefits Act 1992 where they were in receipt of or entitled to receive such pay;
  - (d) Setting the Council Tax or a precept under the Local Government Finance Act 1992 (or any subsequent legislation);
  - (e) Setting a Local Council Tax Reduction Scheme or Local scheme for the payment of business rates (Including eligibility for rebates and reductions) for the purposes of the Local Government Finance Act 2012 (or any subsequent legislation);
  - (f) School Meals or School Transport or Travelling expenses where the Councillor is a parent/guardian of a child in full time education or a parent governor (unless the matter relates specifically to the school the child attends);

- (g) To the extent that it may amount to a prejudicial or disclosable pecuniary interest, any allowance or other remuneration received from the Council in respect of Council duties or directorships of Council owned ASDVs; and
- (h) To allow Councillors to take part and vote on Community Governance Review matters in which they have disclosable pecuniary and prejudicial interests.

**Extract from the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012**

- The following categories are Disclosable Pecuniary Interests
- “M” denotes the relevant Elected Councillor
- The regulations apply if the disclosable pecuniary interest is yours, your spouse’s or civil partner’s or is the pecuniary interest of somebody with whom you are living as a husband or wife or as if you were civil partners

| <b><i>Subject</i></b>                             | <b><i>Prescribed description</i></b>   |
|---|--|
| Employment, office, trade, profession or vocation | Any employment, office, trade, profession or vocation carried on for profit or gain.   |
| Sponsorship                                       | Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a Member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(1). |

|                     |  |
|---------------------|--|
| Contracts           | <p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>  |
| Land                | <p>Any beneficial interest in land which is within the area of the relevant authority.</p>   |
| Licences            | <p>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</p>  |
| Corporate tenancies | <p>Any tenancy where (to M's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>  |
| Securities          | <p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p> |

## Chapter 4 – Part 2

### Officer Code of Conduct

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1. Core Principles~~Core Principles~~
2. Core Standards
3. 3. Code of Conduct Standards – Guidance~~Code of Conduct Standards—Guidance~~
4. Associated Forms and Referral Points~~Associated Forms and Referral Points~~
5. Code of Conduct – Matrix of Regulations and Standards Relevant to Specific Directorates~~Code of Conduct – Matrix of Regulations and Standards Relevant to Specific Directorates~~
6. Cheshire East Core Values “FIRST Framework”~~Cheshire East Core Values “FIRST Framework”~~

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**1. Core Principles**

- 1.1 The following core principles underpin the concept of public service and apply to all employees of the Council regardless of the nature of the job they do:

**SELFLESSNESS**

Employees should take decisions solely in the terms of the public interest. They should not do so nor use their position in order to gain financial or other material benefits for themselves, their family or their friends.

**INTEGRITY**

Employees should not place themselves under any financial or other obligations to outside individuals or organisations that might influence them in the performance of their official duties.

**OBJECTIVITY**

In carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits, employees should make decisions on merit.

**ACCOUNTABILITY**

Employees are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**OPENNESS**

Employees should be as open as possible about all decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it.

**HONESTY**

Employees have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**RESPECT FOR OTHERS**

Employees must treat other people with respect and not discriminate unlawfully or unfairly against any person. They must treat Councillors and other co-opted Members of the authority professionally.

## TRUST

Employees must, at all times, act in accordance with the trust that the public is entitled to place on them. Employees must use any public money or service users' money entrusted to or handled by them, in a responsible and lawful manner and not make personal use of the Council resources unless properly authorised to do so.

## LEADERSHIP

Employees should promote and support these principles by leadership and example.

- 1.2 The Code of Conduct principles operate within the overall framework of the Core Values. Our Values for Cheshire East are depicted by the acronym FIRST (explained further in Section 6 of this document).

### 2. Core Standards

- 2.1 Our residents and customers, the general public, are entitled to expect the highest Standards of Conduct from us. The aim of this Code is to tell you about the standards which are expected and to help you avoid any misunderstanding or criticism.

- **Gifts and Hospitality**
- **Sponsorship**
- **Use of Financial Resources**
- **Use of Council Facilities**
- **Intellectual Property**
- **Political Neutrality**
- **Other Employment and External Activities**
- **Financial and Non-Financial Interests**
- **Relationships**
- **Appointments and Other Employment Matters**
- **Tendering and Contracts**
- **Private Use of Firms Dealing With The Council**
- **Disclosure of Information**

|  |
|--|
| <ul style="list-style-type: none"> <li>• <b>Compliance with the Code and Confidential Reporting</b></li> </ul> |
|--|

2.2 You should also be aware of and abide by Service specific Standards or Regulations, especially when working with vulnerable adults and children or working in a school. The rules within the Standards of Conduct, for staff in Community Services, for example, if you are offered a gift, are much stricter than those included in this standard Code of Conduct.

2.3 Please liaise with your Manager who should refer you to the appropriate Standards. At the end of the Code of Conduct Guidance notes, you will also find a matrix to help sign post you to other relevant Standards.

### 3. Code of Conduct Standards – Guidance

#### Gifts and Hospitality

3.1 If we accept gifts from people who are or may be dealing with the Council, the Council and its employees could be open to criticism. If you are declining hospitality please do so courteously and explain that the Council's rules do not allow you to accept.

3.2 You must refuse offers of hospitality where suggestions of improper influence is possible. Employees must be sensitive to the timing of any decisions being made between the Council and third party.

3.3 You should only accept hospitality where it is on a scale appropriate to the circumstances, and where it is apparent that no cause could reasonably arise for adverse criticism about the acceptance of the hospitality. Hospitality is usually acceptable when the invitation is corporate not personal.

3.4 Whatever gift/hospitality is provided to you, other than hospitality of nominal value only such as drink or small items of stationery, you should report the circumstances and the type of hospitality to your Head of Service. Small insignificant gifts of a value of less than £50, such as pens, diaries, calendars, mouse mats or mugs, may be accepted. However, in the case of those working in social care, no gift, however little the value, should be accepted in any circumstances.

3.5 It is a serious criminal offence to corruptly receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

**! If you are presented with a gift or offer of hospitality you must seek authorisation in advance, where possible, from your Head of Service, who will record every request on the relevant form. (Consider the decision checklist in section 4 of the Guidance Notes)**

- 3.6 All employees are required to complete an annual declaration of interest return, even if this is to confirm that they have nothing to declare, and then to report issues as and when they occur.

### **Sponsorship – Giving and Receiving**

- 3.7 If an organisation wants to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic rules about accepting gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 3.8 If the Council sponsors an event or service, you or anyone connected with you may not benefit from the sponsorship. Similarly, if the Council, gives financial support in the community, please ensure that impartial advice is given and that you have no conflict of interest.

**! You must inform your Head of Service of any personal interest you may have and complete a declaration of interest form.**

### **Use of Financial Resources**

- 3.9 You must ensure that you use public funds entrusted to you in a responsible and lawful manner. Please try to ensure value for money to the local community and to avoid the risk of legal challenge to the Council.

**! Employees must follow Standing Orders, Financial Regulations and operating procedures and advise management where they consider changes can be made to increase value for money.**

### **Use of Council Facilities**

- 3.10 At work you have access to facilities which include office equipment, computers, stores, transport etc. These facilities are provided purely for work and you must not use them for your own purposes.
- 3.11 There are certain minor exceptions to these rules - the use of telephones, fax machines and photocopiers on an incidental basis in line with our policies.

### **Telephones**

- 3.12 Ideally, private telephone calls should not be made or received. In practice, you may need to make or receive essential calls but these should be kept to a minimum and costs reimbursed to the Council, unless it is an emergency.

### **Fax machines and photocopiers**

- 3.13 If necessary, personal fax messages may be despatched to locations within Great Britain. Photocopies of personal documents (up to a

maximum of 10 copies at any one time) may be taken and costs reimbursed to the Council.

**! Costs must be reimbursed to the relevant person using the Council's reimbursement process.**

### Intellectual Property

3.14 Intellectual property means creative products, for example inventions, designs, trademarks, patents, creative writings, programmes and drawings (referred to in short as 'inventions'). It will normally be the case that the ownership of all 'inventions' and the copyright of all written material created during work for the Council, belong to the Council.

**! This is a complex area, further guidance must always be sought from Legal Services in any particular case.**

### Political Neutrality

3.15 Employees work for the Council as a whole. You must therefore work for all the Councillors and not just those of any controlling group or particular political party.

3.16 You must follow every lawful policy of the authority and must not allow your own personal or political opinions to interfere with your work.

3.17 Certain employees hold politically restricted posts (PoRPs). If your job is politically restricted, you will be notified. You are disqualified from membership of any council, other than a parish or community Council, from being an MP or canvassing on behalf of candidates.

**! Employees who are politically restricted must observe the restrictions imposed. A register of PoRPs is maintained by HR.**

### Other Employment and External Activities

3.18 As a general rule you must not undertake any type of private work which conflicts with the Council's interests or prevents you from fulfilling the terms of your employment contract.

3.19 If you are above NJC Grade 7 or equivalent, you must obtain the consent of your Head of Service before you do private work.

3.20 Whether or not you need to obtain consent before doing private work, you must not:

3.20.1 do private work during working hours nor on the Council premises nor use Council equipment

- 3.20.2 undertake any private work which prevents you from carrying out your duties with the Council or including any requirements to do contractual overtime
- 3.20.3 undertake private work for any person, firm or company if it will involve the Council
- 3.20.4 prepare or assist with any applications, for example, planning or building, in any private capacity if you deal with these normally
- 3.20.5 access Council Services, for example, if you want to make a planning application personally, unless you declare your employment in writing, in a covering letter with your application and submit this via your line manager
- 3.20.6 undertake private work that needs approval or consent from the Council
- 3.20.7 undertake private work for any person, firm or company who have a contractual relationship with or who are commissioned by the Council for any type of work
- 3.20.8 undertake private work for another employee responsible for supervising you or whom you supervise, or for a Councillor.
- 3.21 Employees must ensure they understand and can comply with both Working Time and Health and Safety regulations before considering other employment.

**! Employees must seek consent from their line manager before undertaking other work. All employees must declare an interest where a conflict may arise.**

- 3.22 All employees are required to complete an annual declaration of interest return, even if this is to confirm that they have nothing to declare, and then to report issues as and when they occur.

### **Financial and Non-Financial Interests**

- 3.23 The Local Government Act 1972, section 117, requires you to disclose any direct or indirect financial interest in any contract involving the Council. Failure to declare the interest may be a criminal offence.
- 3.24 If you have any direct or indirect interest in an organisation or company that is doing business with the Council, which you think conflicts with your job role, then you should inform your Head of Service.
- 3.25 You may have a conflict of interest even if you have no financial interest. For instance, relationships might be seen to influence judgements and give the impression of a personal motive e.g. a Council employee who is an Honorary Officer of an Association and who is

involved in dealing with an application for a grant by the Association. In such a case, again you should inform your Head of Service.

- 3.26 Employees are able to act as a Member of another council (provided they do not have a PoRP), a school governor, or member of a community organisation but must declare their interest if any potential conflict arises.
- 3.27 If, in connection with his/her employment with the Council, an employee uses his/her relationship with an organisation for his/her own or someone else's personal or financial gain, he/she will be regarded as being in breach of this Code of Conduct.
- 3.28 Employees who are members of other associations or bodies that have dealings with the Council should declare their interest, if there is any potential conflict.
- 3.29 Employees who during the course of attending a meeting believe they that may have a conflict with an item on the agenda should advise the Chair and leave the meeting for all or part of the meeting as appropriate.

**! Declare an interest on the Declaration form if there is a potential conflict.**

- 3.30 All employees are required to complete an annual declaration of interest return, even if this is to confirm that they have nothing to declare, and then to report issues as and when they occur.

### Relationships

#### 3.31 Councillors

- 3.31.1 Mutual respect between employees and Councillors is essential. Close personal familiarity between employees and individual Councillors can damage this relationship. You must be professional at all times and not allow your work and private interests to conflict.

#### 3.32 The Local Community and Service Users

- 3.32.1 You should always remember your responsibilities to the Community and give efficient and impartial service to all groups and individuals within that community as defined by the policies of the Council.

#### 3.33 Contractors

- 3.33.1 If you have a business or private relationship with external contractors or potential contractors you should tell your manager. Orders and contracts must be awarded on merit, by fair competition against other tenders and no special favour should be shown to businesses run by, for example, friends,

partners or relatives in the tendering process. No part of the local community should be discriminated against.

- 3.33.2 If you engage or supervise contractors or work with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, you should declare that relationship to the appropriate manager.

**! Declare an interest on the Declaration form if there is a potential conflict and do not take part in any related tendering or contract award processes.**

### **Appointments and Other Employment Matters**

- 3.34 If you are involved in the recruitment and selection of employees, appointments should be made on the basis of merit and in accordance with our Recruitment and Selection Policy and Procedures obtainable from HR. To avoid any possible accusation of bias, you should not be involved in an appointment where you are related to an applicant, or have a close personal relationship outside work with him or her.
- 3.35 Similarly, you should not be involved in decisions about discipline, promotion or pay adjustments for any employee who is a relative, partner etc.

**! Declare an interest on the Declaration form if there is a potential conflict.**

### **Tendering and Contracts**

- 3.36 During the Tendering process, if you are involved in the 'in-house' bid (except Executive Directors and, apart from when their own service is tendered, legal, financial and professional advisers) you must not at the same time be involved in certain client tasks e.g. selecting tenderers. You should seek guidance from your Head of Service as to how the tendering process is to be conducted and how the 'in-house contractor' and client responsibilities are to be discharged.
- 3.37 Employees working for 'in-house' contractors or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 3.38 If you are privy to confidential information on tenders or costs for either internal or external contractors you should not disclose that information to any unauthorised party or organisation.
- 3.39 If you are responsible for selecting contractors to tender or supply quotations, you should ensure that you are not also responsible for the receipt and opening of the tender or quotation except where the sums involved are minor.

**! Refer to the appropriate Corporate Procurement rules and guidance.**

### **Private Use of Services of Firms Dealing with the Council**

- 3.40 You should be cautious when using the services of firms you know have dealings with the Council. You should ensure that the goods or services bought from such firms are at a price readily available to the general public. This is a difficult and sensitive area. Please try to avoid offending anyone and if necessary, explain the Council's policy.
- 3.41 If you think that any offer of preferential terms is designed to promote a firm's interest, you should not deal with the firm.
- 3.42 You should not use your position with the Council to obtain a discount. However, you may purchase goods at discount terms under a scheme or arrangement which applies to e.g. your trade union.

**! If you require further guidance please refer to the Corporate Procurement Team.**

### **Disclosure of Information**

- 3.43 You must not:
- 3.43.1 use information about work which is confidential, for personal gain or benefit or pass it on to others who might use it in this way.
  - 3.43.2 give information to the media unless you are authorised to do so.
  - 3.43.3 disclose confidential information to someone else, unless it is a request from an approved source, e.g. HMRC, Department of Social Security and, where authorised, from bank managers or building societies. It is normal practice to ask the person requiring the information to put their request in writing use advance knowledge of a Council decision, particularly about investment decisions or proposed developments to benefit yourself or someone else.

### **Data Protection Act (Disclosing Information)**

- 3.44 You must use personal data in accordance with the Data Protection Act and GDPR. For example, the data must be held only for specified and lawful purposes and must not be used or disclosed for any other purposes.

**! If you are unsure please seek guidance from the Data Protection Officer or Communications Team, depending on the nature of the request.**

### Compliance with the Code

- 3.45 It is important that local government employees are exemplary in their conduct at work. Non-compliance with this Code will be dealt with in accordance with our Disciplinary Code.
- 3.46 Employees who consider other employees to be guilty of misconduct must report this to their line manager or raise it through one of the other available procedures e.g. grievance.
- 3.47 Employees must not treat employees who report (or who intend to report or are suspected of reporting) potential misconduct any less favourably than other employees.
- 3.48 If, in some instances, the employee cannot make use of the existing procedures for any reason then they should raise complaints or genuine matters of concern with the relevant person through the **Whistle Blowing Policy**.

**! This code is reviewed annually. Employees should therefore ensure they regularly familiarise themselves with the Code and its Guidance Notes.**

### 4. Associated Forms and Referral Points

- 4.1 The forms can be found on the HR website under the Code of Conduct.

| Name                             | Action taken by              | Refer to    |
|----------------------------------|------------------------------|-------------|
| Declaration of interest form     | Employee to Head of Service  |             |
| Ext. Gifts/Hosp/Sponsorship form | Employee to Head of Service  |             |
| Reimbursement of Costs           | Employee to Business Support |             |
| Register of PoRP                 | N/A                          | HR          |
| Whistle Blowing Policy           | N/A                          | HR intranet |

### Checklist for Assessing Potential Conflict – Gifts and Hospitality

- 4.2 Employees should consider the following Checklist:
- 4.2.1 Have you obtained the prior approval of your Director?
- 4.2.2 Is the donor, or the event, significant in the community or in the Council's area?
- 4.2.3 Are you expected to attend because of your position in the Authority?
- 4.2.4 Will the event be attended by others in the Authority or in other Authorities?

- 4.2.5 Have you considered the motivation behind the invitation?
- 4.2.6 Would the acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future matter involving this Council?
- 4.2.7 Could you justify the decision to the Council, press and public?
- 4.2.8 Is the extent of the hospitality or the nature of the gift reasonable and appropriate?
- 4.2.9 How will you respond to the hospitality?

## 5. Code of Conduct – Matrix of Regulations and Standards Relevant to Specific Directorates

- 5.1 In determining acceptable standards, employees are asked to familiarise themselves not only with those included in the Code of Conduct but also those included in Service specific Codes, corporate policies or operational procedures used by their own Services.

**! You will find an up-to-date list of those documents on the Human Resources section of the Centranet.**

## 6. Cheshire East Core Values “FIRST Framework”

- 6.1 Values are the things in life that we consider to be important. In relation to work, values are what give purpose to our jobs; guiding our behaviours and the decisions we take. Values underpin the culture of our authority and the way we conduct ourselves at work.
- 6.2 Putting Residents First is about really listening and understanding what residents and businesses need and responding appropriately to provide the best possible Service.
- 6.3 This requires **Flexibility**, which means us all adapting quickly to changing circumstances and learning together from our experiences.
- 6.4 **Innovation** is about us being creative in our thinking and the way we approach our work and challenging convention where this no longer seems appropriate.
- 6.5 Taking personal **Responsibility** is at the heart of our values in delivering what we promise, and ensuring efficient use of resources, whether this is our people, funding, processes, information or technology.
- 6.6 **Service** ensures that we listen and respond appropriately enabling others to be empowered, independent and self-reliant.
- 6.7 Bringing this together is **Teamwork**, respecting and working well with others to collectively achieve the best outcomes for residents and communities.

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## Chapter 4 – Part 3

### Councillor / Officer Protocol

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#### Section 1 Introduction and Principles

- 1 The purpose of this Protocol is to guide **Councillors** and **Officers** of the Council in their relations with one another in such a way as to ensure the smooth running of the Council.
- 2 The relationship between elected Councillors and Officers is fundamental to the successful working of the Council. This relationship is based on honesty, respect and mutual trust, and this Protocol is intended to support that relationship by giving guidance on roles and relationships to build a common understanding and set of expectations. The Protocol also sets out what should happen on the rare occasions when things go wrong. All Councillors and Officers should abide by this Protocol. Political group leaders in respect of Councillors, and the **Chief Executive** and **Monitoring Officer** in respect of Officers, are responsible for ensuring the Protocol is upheld.
- 3 This Protocol seeks to reflect the Nolan principles underlying the respective Codes of Conduct which apply to Councillors and Officers. The shared objective of these Codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes, therefore, demand very high standards of personal conduct.
- 4 This Protocol should be read in conjunction with the Councillors' and Officers' Codes of Conduct, the Council's Constitution and any guidance issued by the Audit and Governance Committee, Monitoring Officer, Chief Executive or Head of HR. If any questions arise from this Protocol, advice should be sought from the Chief Executive or Monitoring Officer.
- 5 This Protocol operates within the overall framework of the **Council's Core Values**.
- 6 The Council operates a zero tolerance policy to bullying and harassment.

#### Section 2 Role of Councillors and Officers

- 2.1 The respective roles of **Councillors** and **Officers** can be summarised as follows:
  - 2.1.1 Both Councillors and Officers are servants of the public and are mutually dependent, but their responsibilities are distinct from one another. An individual cannot be both an Officer and a Councillor of the same authority;
  - 2.1.2 Councillors are democratically elected, operate politically, are accountable directly to the public and serve as long as their term of office lasts;

- 2.1.3 Councillors take decisions collectively through Committees and Sub-Committees of the Council;
- 2.1.4 Officers are politically impartial and are responsible to the whole authority as their employer. Their role is to give advice to Councillors and the authority and carry out the work of the authority under the direction and control of the **Full Council**, Committees and Sub-Committees; and
- 2.1.5 As employees, Officers work to the instructions of their Senior Officers and not under instruction of individual Councillors. Officers are accountable to the **Chief Executive** as Head of Paid Service.

### **Councillors**

- 2.2 Councillors have four main areas of responsibility:
  - 2.2.1 Determining the Council's policies and giving political leadership;
  - 2.2.2 Monitoring and reviewing the performance of the authority in implementing policy and delivering services;
  - 2.2.3 Representing the authority externally; and
  - 2.2.4 Acting as advocates on behalf of their constituents.
- 2.3 In line with the **Councillor Code of Conduct**, as set out in Chapter 4 Part 1 of this Constitution, a **Councillor** must treat others with respect and must not do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the Council.
- 2.4 It is important that **Councillors** of the Authority:
  - 2.4.1 respect the impartiality of Officers and do not undermine their role in carrying out their duties;
  - 2.4.2 do not ask Officers to undertake work, or act in a way, which seeks to support or benefit a particular political party or gives rise to an Officer being criticised for operating in a party political manner;
  - 2.4.3 do not ask Officers to exceed their authority where that authority is given to them in law, by the Council or by their managers; and
  - 2.4.4 do not criticise Officers in public.

- 2.5 Certain Officers have responsibilities in law over and above their obligations to the authority and members. These are known as statutory officers and include the **Chief Executive/Head of Paid Service, Monitoring Officer, Chief Finance Officer** (s151 Officer), the Director of Children's Services, the Director of Adult Social Services and the Director of Public Health. Councillors must respect these responsibilities and not obstruct or victimise Officers in the discharge of them.

### Officers

- 2.6 The role of Officers is to give advice and information to **Councillors** and to implement the lawfully agreed policies of the Council.
- 2.7 Officers are responsible for day-to-day managerial and operational decisions within the Council. **Councillors** should avoid inappropriate involvement in such matters.
- 2.8 In performing their role, Officers will act professionally, impartially and with political neutrality. Whilst Officers will respect a Councillor's view on an issue, the Officer should not be influenced or pressured to make comments, or recommendations which are contrary to their professional judgement or views.
- 2.9 It is important that **Officers** of the Authority:
- 2.9.1 implement decisions of the Council and its subordinate bodies which are lawful, which have been properly approved in accordance with the requirements of the law and the Council's Constitution and are duly recorded;
  - 2.9.2 assist and advise all parts of the Council. Officers must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions;
  - 2.9.3 at a senior level, be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Councillors, the media or other sections of the public;
  - 2.9.4 do not seek to use their relationship with Councillors to advance their personal interests or to influence decisions improperly; and
  - 2.9.5 comply, at all times with the **Officer Code of Conduct**, and such other policies or procedures approved by the Council.

### Communications

- 2.10 The Council's Communications team are able to support Chairs of Committees, the Mayor and Local Members when they act as spokespeople for the Council. There are specific statutory restrictions

on the use of public resources for the Council's communications, which are followed by Officers and must be respected by Councillors. Further information can be found in the [Media Relations Protocol](#).

### **Section 3 Expectations**

3.1 **Councillors and Officers** can expect the following from each other:

- 3.1.1 A working partnership;
- 3.1.2 An understanding of and support for respective roles, workloads and pressures;
- 3.1.3 Respect, dignity and courtesy; and
- 3.1.4 Honesty, integrity, support and appropriate confidentiality

3.2 **Councillors** can expect from **Officers**:

- 3.2.1 A commitment to the authority as a whole, and not to any political group;
- 3.2.2 Timely response to enquiries and complaints in accordance with agreed procedures;
- 3.2.3 Professional, accurate, honest and impartial advice, not influenced by political views or preference;
- 3.2.4 Regular, up-to-date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold;
- 3.2.5 Awareness of and sensitivity to the political environment;
- 3.2.6 Training and development from Officers in order to carry out their roles effectively;
- 3.2.7 Not to have personal issues raised with them by Officers outside of the Council's agreed policies and procedures;
- 3.2.8 That Officers will at all times comply with the relevant Code of Conduct and policies; and
- 3.2.9 Support for the role of Councillors as the local representatives of residents and the authority.

3.3 **Officers** can expect from **Councillors**:

- 3.3.1 Political leadership and direction through Full Council and Committees;
  - 3.3.2 That Councillors will act within the policies, practices, processes and conventions established by the Council;
  - 3.3.3 That Councillors will work in partnership with Officers, acknowledging their separate and distinct roles and responsibilities;
  - 3.3.4 That Councillors will not use their position or relationship with Officers to advance their personal interests or those of others or to influence decisions improperly;
  - 3.3.5 That Councillors will not make detrimental remarks that identify Officers during public meetings;
  - 3.3.6 Where Councillors are chairing or otherwise in a position of authority at meetings where Officers are present, they will do their best to ensure that Officers are not subjected to bullying or harassment;
  - 3.3.7 That Councillors will not draw Officers into political or group discussions; and
  - 3.3.8 That Councillors will at all times comply with the relevant Code of Conduct, the law, the Constitution and such other policies, procedures, Protocols and conventions agreed by the Council.
- 3.4 The distinct roles of Councillors and Officers necessarily impose limitations upon behaviour. Close personal relationships between Councillors and Officers can confuse these separate roles and get in the way of the proper discharge of the authority's functions, not least in creating the perception by others that a particular member or Officer may secure advantageous treatment. They should therefore be avoided.

#### **Section 4 Provision of Information**

- 4.1 **Councillors** should be provided with adequate information about services or functions upon which they may be called upon to make or scrutinise decisions, or which affect their constituents. In the normal course of events, this information will be made routinely available by **Officers** in the form of reports, departmental plans, updates etc.

#### **Officers, Chairs and Vice Chairs**

- 4.2 Chairs and Vice Chairs have additional responsibilities, entailing different relationships and more regular contact with Officers and a closer working relationship. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring

into question the Officer's ability to deal impartially with other Councillors and other Party Groups.

### **Reports to Committee**

- 4.3 Whilst the Chair of a Committee (or Sub-Committee) will routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting, usually together with the Group Administrators of a Committee, it must be recognised that in some situations an Officer will be under a duty to submit a report on a particular matter. Furthermore, an Officer will always be fully responsible for the contents of any report submitted in his/her name.
- 4.4 It is important to remember that the law allows for decisions (relating to the discharge of any of the Council's functions) to be taken only by the Council, a Committee, a Sub-Committee or an Officer in accordance with delegated authority.
- 4.5 The Council's scheme of delegation to Officers, and/or resolutions passed at Committee meetings may authorise a named Officer to take action in consultation with one or more Councillors such as the Chair and Vice-Chair of a Committee or Local Member. In these circumstances it is the Officer, not the Councillor, who takes the decision or action and it is the Officer who is accountable for it.

### **Local Ward Councillors**

- 4.6 **Officers** should keep **Councillors** apprised of developments that are relevant to their role as a local ward Councillor.
- 4.7 Ward Councillors should be kept up to date with all major policy developments, public consultations and proposed changes to service delivery affecting their ward.

### **Briefings to political groups**

- 4.8 Any requests for advice or attendance is to be directed through the Group Leaders or Chairs/Group Administrators for the relevant Committee or Group. The request shall be made to the **Chief Executive** or relevant Executive Director/Director. Such requests must be reasonable and should not seek confidential or personal information. In considering such a request, Officers should be mindful of the need to support members by providing factual information. However if an **Officer** deems the nature of the request to be unreasonable the request will be referred to the Chief Executive for determination, where necessary in consultation with the Leader(s) of the political group(s).
- 4.9 **Officer** reports and/or advice to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the authority in relation to Council

business. Reports and/or advice will not deal with any political implications of the matter or any option and Officers will not make any recommendation to a political group.

- 4.10 Any briefing offered to or requested by a party group will be offered to any other party groups.

#### **Officer attendance at political group meetings**

- 4.11 The **Leader of the Council** or any **Group Leader** may request the **Chief Executive** or relevant Executive Director/Director to attend a meeting of the group to advise on any matter relating to the authority. Junior Officers will not be required to attend.
- 4.12 Attendance at a meeting of a political group should be on the basis of equality of access, and **Councillors** and **Officers** should avoid Officers being exposed to political discussions when delivering a briefing. Officers may decline to attend or provide a representative where they are of the opinion that the particular issue is of such a political nature that it would be inappropriate to attend.
- 4.13 No Officer of the Council shall attend any political group meeting which includes non-Councillors.
- 4.14 **Officers** will respect the confidentiality of any matter which they are privy to in the course of attending a political group meeting in the sense that they should not relay the content of any such discussion to another party group, unless agreed otherwise.

#### **Councillors' Access to Reports and background papers**

- 4.15 Access to Committee or Sub-Committee papers and other documents or information is governed by:-
- 4.15.1 Local Government Acts 1972-2000 (particularly Schedule 12A);
- 4.15.2 Relevant case law;
- 4.15.3 Access to Information Procedure Rules (Chapter 3 of the Constitution);
- 4.15.4 Freedom of Information legislation; and
- 4.15.5 **Data Protection legislation**
- 4.16 The rights of **Councillors** can be summarised as follows:
- 4.16.1 Councillors generally enjoy the same access rights as members of the public in respect of public papers;

- 4.16.2 Members of the appropriate Committee or Sub-Committees will have a good reason for access to all exempt information on the Committee or Sub-Committee agenda under the common law “Need to Know” principles;
- 4.16.3 All other Councillors who require access to confidential/exempt Committee or Sub-Committee documentation will need to request disclosure under the Freedom of Information Act 2000 or demonstrate a “Need to Know”.
- 4.17 It is important to note that these rights only apply where **Councillors** are clearly carrying out their role as elected representatives. Where any Councillor has a disclosable pecuniary interest or a personal and prejudicial interest in a matter the Councillor will only be entitled to the same access as would be the case for a member of the public, i.e. to inspect the reports, minutes and background papers relating to the public part of the Committee or Sub-Committee Agenda. In these circumstances, the Councillor must make it clear that s/he is acting in his/her private capacity and not as a member of the Council.

#### **Confidential/Exempt Information**

- 4.18 Confidential information is information:
- 4.18.1 furnished to the Council by a Government Department on terms which forbid the disclosure of the information to the public, or
- 4.18.2 which may not be disclosed by or under any enactment or by a Court Order.
- 4.19 Exempt information is information to which the public and Councillors (subject to 4.16.3 above) may be excluded subject to certain qualifications. The categories of exempt information are set out in Schedule 12A to the Local Government Act 1972 and are reproduced in the Access to Information Procedure Rules at Chapter 3 of this Constitution. There may be some occasions when information may fall within one or more of the categories, but it is nevertheless in the public interest to disclose it under Freedom of Information legislation, without infringing personal rights or damaging the Council’s position. If there is doubt in relation to individual items then they should be kept confidential until the Committee or Sub-Committee has taken a view as to whether they should be treated as exempt or not.
- 4.20 More information can be found in the Access to Information Procedure Rules at Chapter 3 of this Constitution. Further advice can be obtained from the **Monitoring Officer**.

#### **Use of Council Information – Confidentiality**

- 4.21 Standing Orders and specific local procedures (e.g. on contracts) require **Councillors** and **Officers** to maintain confidentiality in certain circumstances. Officers are bound by their contracts of employment and any breach of confidentiality will almost certainly lead to disciplinary action. Officers must distinguish between assisting an elected representative in the course of the Councillor's Council business and dealing with the same person as a client or customer, e.g. a Housing Benefit Claimant. In the latter case, Officers will treat the Councillor with the same degree of helpfulness, courtesy and confidentiality as would be afforded to any other member of the public in the same situation, and interpret the relevant rules and procedures as they would for any other client or customer.
- 4.22 Equally, any Council information provided to a **Councillor** on the basis of a 'Need to Know' must only be used by the Councillor for the purpose for which it was provided, i.e. in connection with the proper performance of the Councillor's duties as an elected representative of the Council. Confidential or exempt information provided to Councillors may be discussed in the private session of Committee meetings or in private meetings of appropriate Councillors and Officers. However, it should not be discussed with, or released to, any other persons. Any information that is provided should be clearly marked as confidential before it is released to Councillors.
- 4.23 Councillors abusing this trust may find themselves the subject of a complaint to the Audit and Governance Committee that they have contravened the **Councillor Code of Conduct**.
- 4.24 Information disclosed privately or private discussions held during exempt Committee sessions, informal briefings or group meetings should not be disclosed by Councillors or Officers to any person not already privy to that information.

## Section 5 When Things Go Wrong

- 5.1 Rarely, the relationship between **Councillors** and **Officers** will fall short of expectations. In such instances, it would always be preferable to deal with matters at an early stage and informally through conciliation through a senior manager or political **Group Leaders** or **Group Administrators**. This may not always be possible, in which case the following procedures should be followed.

### Procedure for Officers

- 5.2 If conciliation via a senior manager is not possible, Officers can have recourse to the **Chief Executive**, as appropriate to the circumstances. **Officers** also have recourse to the Council's Whistleblowing Procedure or can refer the matter under the arrangements for complaints under the **Councillor Code of Conduct**.

**Procedure for Councillors**

- 5.3 In the event that a **Councillor** is dissatisfied with the conduct, behaviour or performance of an **Officer**, the matter should be raised with the appropriate Director.
- 5.4 Where the Officer concerned is a Director the matter should be raised with the relevant Executive Director.
- 5.5 Where the Officer concerned is the **Monitoring Officer** the matter should be raised in the first instance with the Executive Director of Corporate Services.
- 5.6 Where the Officer concerned is an Executive Director the matter should be raised with the **Chief Executive**.
- 5.7 Where the Officer concerned is the **Chief Executive** the matter should be raised with the **Monitoring Officer**.
- 5.8 If a Councillor is unsure how to proceed, or would wish to discuss the conduct of another Councillor toward Officers, they should discuss this with their Group Leader.

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## Chapter 4 – Part 4

### COUNCILLORS' PLANNING CODE OF CONDUCT

#### BASED ON THE LAWYERS IN LOCAL GOVERNMENT MODEL

#### Background

The Councillors' Planning Code of Good Practice was originally prepared in response to a series of successful court challenges against local planning authorities concerning Councillors' conduct or conflicts of interests.

This 2014 update takes into account the update to the Seven Principles of Public Life (the 'Nolan principles') and commentary from the Committee on standards in public life, the changes in the approach to codes of conduct and also to predetermination introduced by the Localism Act 2011 and the guide on 'Openness and transparency on personal interests' published by the Department for Communities and Local Government in 2013.

For further reading please refer to [Probity in planning: Advice for councillors and officers making planning decisions | Local Government Association](#) .

#### Introduction

**The aim of this Code:** to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

One of the key purposes of the planning system is to regulate the development and use of land in the public interest. **Your role as a Member of the Planning Authority is** to make planning decisions openly, impartially, with sound judgement and for justifiable reasons. You are also a democratically accountable decision-taker who had been elected to provide and pursue policies. You are entitled to be predisposed to make planning decisions in accordance with your political views and policies **provided** that you have considered all material considerations and have given fair consideration to relevant points raised.

**When the Code applies:** this code applies to Councillors at all times when involving themselves in the planning process. (This includes when taking part in the decision-making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

**If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of his or her staff, and preferably well before any meeting takes place.**

## 1. Relationship to the Councillors' Code of Conduct

- **Do** apply the rules in the Councillors' Code of Conduct first, which must always be complied with. This is both the rules on Disclosable Pecuniary Interests (DPIs) and any other interests, and the general rules giving effect to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- **Do** then apply the rules in this Councillors' Planning Code, which seek to explain and supplement the Councillors' Code of Conduct and the law on decision-making for the purposes of planning control. If you do not abide by this Councillors' Planning Code, you may put:
  - the Council at risk of proceedings on the legality of the related decision or maladministration; and
  - yourself at risk of being named in a report made to the Council or, if the failure is also likely to be a breach of the DPI provisions of Localism Act 2011, a complaint being made to the police to consider criminal proceedings.

## 2. Development Proposals and Personal Interests

- **Do** disclose the existence and nature of your interest as required by your Authority's Councillor Code of Conduct.
- **Do take into account when approaching a decision** that the Principle of Integrity is defined in terms that

*“Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. **They must declare and resolve any interests and relationships**”.*

It is therefore advisable that you:

- **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a DPI or other personal conflict of interest in a proposal, using your position to discuss that proposal with officers or Councillors when other members of the public would not have the same opportunity to do so.
- **Do** note that you are not prevented from seeking to explain and justify a proposal in which you may have a conflict of interest to an appropriate officer, in person or in writing, but that your role as a councillor may place additional limitations on you in representing the proposal in which you have a personal interest.

- **Do** notify the Monitoring Officer in writing where it is clear to you that you have a disclosable pecuniary interest or other personal conflict of interest and note that:
  - you should send the notification no later than submission of any planning application where you can;
  - the proposal will always be reported to the Committee as a main item and not dealt with by officers under delegated powers;
  - you must not get involved in the processing of the application; and
  - it is advisable that you employ an agent to act on your behalf in respect of the proposal when dealing with officers and in public speaking at Committee.

### 3. **Fettering Discretion in the Planning Process**

(natural justice, predisposition and predetermination)

- **Don't** fetter your discretion by approaching the decision with a closed mind. Fettering your discretion in this way and taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of bias, pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- **Do** be aware that in your role as an elected Councillor you are entitled, and are often expected, to have expressed views on planning issues and that these comments have an added measure of protection under the Localism Act 2011 that purely making a general comment, without more, is unlikely to be taken as having a closed mind.
- **Do** keep at the front of your mind that, when you come to make the decision, you
  - are entitled to have and to have expressed your own views on the matter,
  - provided that you are prepared to reconsider your position in the light of all the evidence and arguments;
  - must keep an open mind and hear all of the evidence before you, both the officers' presentation of the facts and their advice as well as the arguments from all sides;
  - are not required to cast aside views on planning policy you held when seeking election or otherwise acting as a Councillor, in giving fair consideration to points raised;
  - are only entitled to take account material considerations and must disregard considerations irrelevant to the question and legal context at hand; and
  - are to come to a decision after giving what you feel is the right weight to those material considerations.

- **Do** be aware that you can be biased where the Council is the landowner, developer or applicant if you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination Committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)
- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example, or both a district/borough and county councillor), provided:
  - the proposal does not substantially affect the well-being or financial standing of the consultee body;
  - you make it clear to the consultee body that:
- your views are expressed on the limited information before you only;
  - you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and
- you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee.
- **Do** explain where you do not intend to speak and vote as a member of the Committee because you may be perceived as having pre-judged the matter or alternatively you reserve the right to judge the matter elsewhere, so that this may be recorded in the minutes. (*Use the disclosure form provided for disclosing interests.*)
- **Do** take the opportunity to exercise your separate speaking rights as a Ward/Local Councillor (**where this is granted by the authority's standing orders or by the consent from the Chair and Committee**) where you have represented your views or those of local electors and fettered your discretion, but do not have a disclosable or other personal conflict of interest. Where you do:
  - advise the proper officer or Chair that you wish to speak in this capacity before commencement of the item;
  - remove yourself from the seating area for members of the Committee for the duration of that item; and
  - ensure that your actions are recorded.

#### 4. Contact with Applicants, Developers and Objectors

- **Do** refer those who approach you for planning, procedural or technical advice to officers.
- **Don't** agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should not seek to arrange that

meeting yourself – you should ask the Development Control Manager to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, they will ensure that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.

- **Do** otherwise:
  - follow the Authority's rules on lobbying;
  - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
  - report to the Development Control Manager any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

**In addition in respect of presentations by applicants/developers:**

- **Don't** attend a planning presentation without requesting an officer to be present.
- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee.
- **Do** be aware that a presentation is a form of lobbying and, whilst you may express any view on the merits or otherwise of the proposal presented, you should never state how you or other Councillors would intend to vote at a committee.

## 5. Lobbying of Councillors

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it may subsequently prejudice your impartiality, and therefore your ability to participate in the Committee's decision-making, to make any sort of promise to vote one way or another or such a firm point of view that it amounts to the same thing.
- **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum value, its acceptance is declared as soon as possible, including its addition to your register of interests where relevant.
- **Do** copy or pass on any lobbying correspondence you receive to the Development Control Manager at the earliest opportunity.

- **Do** promptly refer to the Development Control Manager any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow up the matter.
- **Do** note that, unless you have a DPI or overriding other personal conflict of interest, you will not have fettered your discretion or breached this Planning Code through:
  - listening or receiving viewpoints from residents or other interested parties;
  - making comments to residents, interested parties, other Councillors or appropriate officers (making clear that you must keep an open mind when it comes to making the decision);
  - seeking information through appropriate channels; or
  - being a vehicle for the expression of opinion of others in your role as a Ward Councillor.

## 6. Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals unless it is your intention to openly campaign on the matter and will therefore step away from the Committee when it comes to make any relevant decisions.
- **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals (such as the Victorian Society, CPRE, Ramblers Association or a local civic society), but you should normally seek to disclose that interest on the grounds of transparency where the organisation has made representations on a particular proposal.
- **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.
- **Don't** decide or discuss how to vote on any application at any political group meeting, or lobby any other Councillor to do so. Political Group Meetings should never dictate how Councillors should vote on a planning issue.

## 7. Site Visits/Inspections

- **Do** try to attend site visits organised by the Council where possible.
- **Don't** request a site visit unless you feel it is strictly necessary because:
  - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or

- there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- **Do** ensure that you report back to the Committee any information gained from the site visit that you feel would benefit all Members of the Committee
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party, with the exception of the Ward Councillor(s) who should focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
- **Don't** express opinions or views.
- **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
  - you feel it is essential for you to visit the site other than through attending the official site visit;
  - you have first spoken to the Development Control Manager about your intention to do so and why (which will be recorded on the file); and
  - you can ensure you will comply with these good practice rules on site visits.

## 8. Public Speaking at Meetings

- **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking or through the Chair, as this may give the appearance of bias.
- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

## 9. Officers

- **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Development Control Manager, which may be incorporated into any Committee report).
- **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service or those officers who are authorised by their Head of Service to deal with the proposal.
- **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's

Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

## 10. Decision-Making

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, that your planning reasons are recorded and repeated in the report to the Committee.
- **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- **Do** make decisions in accordance with the Council's Development Plan and associated documents and neighbourhood plans unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse.
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
- **Do** have recorded the reasons for Committee's decision to defer any proposal.
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the Development Plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

## 11. Training

- **Don't** participate in decision-making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.
- [**Do** participate in any annual review of a sample of planning decisions to ensure that Councillors' judgements have been based on proper planning considerations.]

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## Chapter 4 – Part 5

### **Whistleblowing Policy**

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The Council has a [Whistleblowing Policy](#) in place.

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## Chapter 5

## Scheme of Councillors' Allowances

## CHESHIRE EAST COUNCIL

## SCHEME OF MEMBERS' ALLOWANCES 2021/2022

The Council is required to make a scheme of allowances for its elected members. It must also have in place an Independent Remuneration Panel to make recommendations to Council about the scheme.

The following scheme has been adopted by Cheshire East Council in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003.

In making this scheme, the Council has considered the recommendations of the Independent Remuneration Panel and Corporate Policy Committee contained in the report submitted to Council on 22 June 2021.

**Indexation of Allowances**

The Local Authorities (Members' Allowances) (England) Regulations 2003 enables Councils to make provision for the annual adjustment of allowances by reference to an index, which may apply for a period of no longer than four years.

Having deferred an increase for 2021, with effect from 1 April 2022, any uplift applied to the allowances set out in the scheme<sup>3</sup> will be in line with the National Joint Council for Local Government Services ('the NJC') officer pay award. This means that the annual pay award (if applicable) agreed for officers, will also apply to the corresponding year's allowances scheme, up to 2026.

**Submission of Claims**

Claims are required to be submitted to Democratic Services for processing no later than **three months** after the performance of an approved duty (schedule

<sup>3</sup> Excluding car mileage rates which are linked to the NJC casual user officer rates.

3). Any person requiring reimbursement of expenses which has not been submitted within this time limit will have the right of appeal to the Head of Democratic Services and Governance.

### **Basic and Special Responsibility Allowances**

#### **Basic**

Each elected member of the Borough Council receives a sum of **£12,351** per annum (**£1029.25** monthly) which is paid in arrears. If, during this period, the term of office of a Member begins or ends, the entitlement to payment is calculated based on calendar days served per month.

The basic allowance includes an amount to cover the cost of telephone calls made during council business and the cost to the Member of using their own broadband connection for council business. The Council will provide help and advice and, where appropriate, small grants to purchase equipment for Members who need to instal broadband.

#### **Special Responsibility**

Special responsibility allowances (SRA's) are paid in accordance with schedule 1 of this scheme. Where an elected member holds two or more positions on Cheshire East Council which attract an SRA payment, the highest amount only is paid.

Payment of special responsibility allowances is monthly in arrears. If during this period a member takes up or relinquishes such responsibilities as entitles them to an SRA, the entitlement to payment is calculated based on calendar days served per month.

Elected members appointed as a company director to one of the wholly owned Cheshire East alternative service delivery vehicles (ASDVs) may receive payment for this role. Where the Director of Governance and Compliance, in consultation with the Council's political Group Leaders, determines that the member's roles are not comparable, the member may elect, in writing to the Chief Executive (or an officer appointed by them in writing) to receive both their SRA and director's remuneration in full.

To ensure that councillors do not benefit twice when performing comparable roles, the value of the company payment is offset against their SRA so that the

elected member only receives the residual payment from Cheshire East Council.

### **Approved Duties**

The allowances set out in the scheme can only be claimed where an elected member is undertaking an 'approved duty'. The list of approved duties against which a claim can be made is set out in schedule 3 of the scheme.

#### **Travel and Subsistence: Elected members**

Elected members may claim travel and subsistence on the submission of receipts for the performance of any duty specified in the Local Authorities (Members' Allowances) (England) Regulations 2003 as set out in schedule 3 of this scheme.

#### **Travel and Subsistence: Parent Governors/School Appeal Panelists**

Parent Governor co-opted members and School Appeal Panelists may claim reasonable travel expenses in accordance with the scheme for attendance at the Cheshire Association of Governing Bodies meetings and school appeals meetings respectively.

School Appeal Panelists may also be reimbursed for any loss of earnings incurred as a direct result of the performance of their duties when attending appeal meetings or associated training up to a maximum of **£50** per four hour session (or part thereof) on receipt of proof of the loss from their employer.

#### **Meeting allowance: A&G co-optees/Independent Persons/IRP**

The Independent co-opted members of the Audit and Governance Committee and the Independent Persons, appointed to the same Committee to discharge its standards function, are entitled to claim a meeting allowance of **£75** for meetings of less than 4 hours and **£150** for meetings of between 4 – 8 hours, unless there is a good reason not to make such a payment.

Members of the Independent Remuneration Panel (IRP) are also entitled to claim a meeting allowance of **£75** for meetings of less than 4 hours and **£150**

for meetings of between 4 – 8 hours, unless there is a good reason not to make such a payment.

### **Dependants' Carers' Allowance**

A Dependants' carers' allowance will be paid to elected members for the cost of providing care for a dependant (i.e. a child, spouse/partner or parent) incurred whilst undertaking the duties specified in the Local Authorities (Members' Allowances) (England) Regulations 2003 as set out in schedule 3 of this scheme.

The allowance (together with reasonable expenses) can be claimed only if the elected member is the carer and has to pay for the care of their dependant whilst undertaking an approved duty. Claims will not be considered when the care is provided by an immediate family member.

The maximum total amount which may be claimed is **£6410** per calendar year on the production of receipts and satisfactory evidence of the care provided, where required.

## Associated allowances/other elements of the scheme

### Civic Allowances

**£14,000** per annum is paid to the Worshipful the Mayor of the Borough of Cheshire East for the purpose of meeting the expenses of the officer holder; the Deputy Mayor of the Borough of Cheshire East receives **£5,600** per annum.

Although included in the scheme for completeness, civic payments are not considered to be special responsibility allowances in accordance with Section 3(5) and 5(4) of the Local Government Act 1972.

### Elected Member Surgeries

Elected members may claim up to **£34** per month for room hire when conducting monthly surgeries, subject to the submission of receipts and a maximum of twelve claims per annum.

Where occasional surgeries are held, the actual cost of the room hire may be claimed on the submission of a receipt, provided that the accrued claims per annum do not exceed **£408** (equal to 12 payments of £34).

### Variation of Allowances

Elected members may request in writing to the Chief Executive (or an officer appointed by them in writing) that payment of their basic allowance and/or special responsibility allowance be paid at such intervals, in arrears, as they may specify but in any event within one month of the end of the financial year.

A member may, by notice in writing to the Chief Executive (or an officer appointed by them in writing), forgo all or part of their entitlement. The request must be made in writing and clearly state the period for which the reduction is to be applied. If no end date is provided, the adjustment will be applied from the date the request is received, up to the end of the financial year within which the request was submitted.

**Local Government Pension Scheme**

On 1 April 2014, the Local Government Pension Scheme (LGPS) was closed to elected members. Councillors who were members of the scheme on 11 May 2015, retain any accrued pension rights up to this date.

**Revocation of Previous Scheme**

The previous Scheme of Members' Allowances is revoked with effect from 22 June 2021.

## Schedule 1

|   |
|---|
| <b>Schedule of Allowances 2021/2022</b> |
|---|

| Post   | Amount payable<br>per annum |
|--|-----------------------------|
| Leader of the Council                            | 28,371                      |
| Deputy Leader of the Council                     | 17,128                      |
|  |                             |
| Corporate Policy Committee Chair                 | 12,000                      |
| Corporate Policy Committee Vice Chair            | 6,000                       |
|  |                             |
| Economy and Growth Committee Chair               | 12,000                      |
| Economy and Growth Committee Vice Chair          | 6,000                       |
|  |                             |
| Environment and Communities Committee Chair      | 12,000                      |
| Environment and Communities Committee Vice Chair | 6,000                       |
|  |                             |
| Highways and Transport Committee Chair           | 12,000                      |
| Highways and Transport Committee Vice Chair      | 6,000                       |
|  |                             |
| Children and Families Committee Chair            | 12,000                      |
| Children and Families Committee Vice Chair       | 6,000                       |
|  |                             |
| Adults and Health Committee Chair                | 12,000                      |
| Adults and Health Committee Vice Chair           | 6,000                       |
|  |                             |
| Finance Sub-Committee Chair                      | 12000                       |
| Finance Sub-Committee Vice Chair                 | 6,000                       |
|  |                             |
| Scrutiny Committee Chair                         | 7,650                       |
| Audit and Governance Committee Chair             | 7,650                       |
| Strategic Planning Board Chair                   | 7,650                       |
| Southern Planning Committee Chair                | 7,650                       |
| Northern Planning Committee Chair                | 7,650                       |
| Licencing Committee Chair                        | 7,650                       |
| Appointments Committee Chair                     | 4,200                       |
| Public Rights of Way Sub-Committee Chair         | 4,200                       |

*Scheme of Councillors' Allowances*

|  |        |
|--|--------|
| Main Opposition Group Leader                     | 10,000 |
| Main Opposition Group Deputy Leader              | 5,000  |
| Joint Administration Deputy Group Leaders        | 5,000  |
| Leader of any other group with 4+ members        | 5,000  |
|  |        |
| Group Administrator (group membership of 10+)    | 3,825  |
| Group Administrator (group membership of 4 to 9) | 1,766  |
|  |        |
| The Worshipful the Mayor                         | 14,000 |
| Deputy Mayor                                     | 5,600  |

Basic allowance (82 members) 12,351

**Schedule 2****TRAVEL AND SUBSISTANCE****Mileage Rates**

These may be amended from time to time to reflect the officer rates for travel and subsistence.

Cars:

Mileage rate for all vehicles (including electric): HR Revenues and Customs approved tax free mileage rate of 45p per mile.

Additional rate for each passenger (not exceeding four to whom a travel allowance would otherwise be payable) is 1 pence per mile.

Each member is required to agree with Democratic Services, standard mileages from their home to the Council's main offices and, where applicable, other regularly travelled routes.

Bicycles/Motorcycles:

Elected members who travel by bicycle when attending approved duties may claim a mileage rate of 20 pence per mile, equivalent to that payable to Cheshire East employees. For motorcycles, the rate is 24 pence per mile.

**Other Travel Expenses**Rail Fares:

The cost of train travel is reimbursed up to the open standard rail fare for the journey undertaken. Any expenses incurred must be at the minimum cost to achieve the purpose of the journey.

First class rail travel is permitted only in the most exceptional circumstances to fulfil a business need, following the submission of a business case to the Head of Democratic Services and Governance supported by the member's group leader.

Financial savings can be achieved by use of an applicable rail card which reduces the cost of all train journeys by one third. Eligible members who regularly travel by train on council business and who wish to purchase a card may claim back the cost on the production of a receipt.

Occasional expenses:

The actual amount incurred can be claimed in respect of:

- Air travel
- Car parking fees
- Ferry
- Overnight parking/garaging
- Taxi fares
- Tolls

**Subsistence**

The cost limitations on reimbursement are:

|       |  |              |
|-------|--|--------------|
| (i)   | Absence from home for more than 4 hours but less than 8 hours  | 1 main meal  |
| (ii)  | Absence from home for more than 8 hours but less than 12 hours | 2 main meals |
| (iii) | Absence from home of 12 hours or more                          | 3 main meals |

Claim Rate LimitsNo more than

|  |      |
|--|------|
| Breakfast allowance for a duty of more than 4 hours concluding before 12 noon                | £8   |
| Lunch allowance for a duty of more than 4 hours concluding after 12 noon                     | £11  |
| Dinner allowance for a duty of more than 4 hours concluding after 6 p.m.                     | £17  |
| Dinner allowance (London and abroad) for a duty of more than 4 hours concluding after 6 p.m. | £37  |
| Overnight accommodation outside London (to include breakfast)                                | £124 |
| Overnight accommodation in London (to include breakfast)                                     | £149 |

[Note: The rate applicable to subsistence claims for dinner made in respect of attendance at the Local Government Association (LGA) Annual Conference will be the dinner allowance (London and abroad) irrespective of where in the United Kingdom the event is held.]

## Schedule 3

|                                |
|--------------------------------|
| <b>LIST OF APPROVED DUTIES</b> |
|--------------------------------|

|   |  |
|---|--|
| A | <p>Attendance at meetings to which the member is appointed or is attending as a substitute (by invitation of the responsible officer) of:</p> <ul style="list-style-type: none"> <li>▪ Council</li> <li>▪ Committees and Sub-Committees</li> <li>▪ Overview and Scrutiny Committee</li> <li>▪ Panels and boards</li> <li>▪ Working groups and task and finish groups</li> </ul> <p>Or where the member is contributing to a meeting listed above in the following capacity i.e.</p> <ul style="list-style-type: none"> <li>▪ Local ward member in attendance for an agenda item</li> <li>▪ Having registered to speak/ask a question at a meeting</li> <li>▪ Being required to give evidence at a meeting</li> </ul> |
| B | Attendance at site visits/building inspections arranged by the bodies listed above   |
| C | Attendance at briefings authorised and called by officers of the Council on matters of council business (e.g. service Committee briefings)   |
| D | Duties undertaken by the Council Leader, Deputy Council Leader, group leaders and deputy leaders, group administrators, chairs, vice chairs and member champions in line with their roles  |
| E | Attendance at meetings of outside bodies on which Cheshire East Council is invited to be represented   |
| F | Attendance at meetings of outside bodies, where the member is representing Cheshire East Council and Council/Corporate Policy Committee has made the appointment (excluding school governing bodies)   |
| G | Attendance at parish council meetings, as a representative of Cheshire East Council, within own electoral ward   |
| H | Official visits undertaken by the chair/vice chair of service Committees (and, where agreed with Democratic Services, other nominated members) and Sub-Committees/task and finish groups appointed by the parent Committee   |
| I | Members who are required, or nominated to represent Cheshire East Council in an official capacity to attend at official openings,  |

|   |  |
|---|--|
|   | open days, events, award ceremonies, presentations, meetings with VIP's, receptions etc. which take place outside of the ward (excluding attendance as the ward member)  |
| J | Where all members are invited to a formal council service as their constituents' representative  |
| K | Attendance at conferences/seminars, where the booking has been made by Cheshire East Council and the place funded by the council   |
| L | Attendance at: <ul style="list-style-type: none"> <li>▪ authorised member training and development events held outside of the borough</li> <li>▪ mandatory, statutory, and developmental training sessions (including seminars/briefings) provided as part of Cheshire East's member training and development programme</li> <li>▪ authorised training sessions identified specifically for a member in line with their Committee appointment or their personal development</li> </ul> |
| M | Duties undertaken on behalf of the council in pursuance of any procedure rule under Section 135 of the Local Government Act 1972 requiring an elected member to be present whilst tender documents are opened  |

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## Chapter 6

### Glossary

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**Appropriation** – The transfer of land and property between purposes or functions of the Council.

**ASDV** – Alternative Service Delivery Vehicle.

**Award Criteria** – The criteria set in order to examine the merits of each Bid, Quote or Tender received. Refer to Evaluation Matrix also.

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

**BAFO** – Best and Final Offer. This is a procedure to facilitate a final opportunity for Bidders to improve their Bids, which can include price, improvement in quality and/or a value added element.

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

**Best Value** – Is the duty to secure continuous improvement in the way services are provided having regard to economy, efficiency and effectiveness.

**Bid** – A quotation or tender submitted in response to a Request for Quotation or Invitation to Tender issued by the Council.

**Bidder** – A contractor, supplier, provider or similar who submits a Bid.

**Block Provisions** – Annual capital allocations within which the value of approved schemes must be contained. Any uncommitted sum at the year-end may be carried forward, subject to agreement of the Chief Finance Officer. Any uncommitted sum which is not justified will be returned to Council balances. Equally, any overspending will be carried forward as the first call on the following year's provision.

The **Budget** – this is the financial expression of the Council's Corporate Plans in the Policy Framework and sets out the allocation of resources to Committees, services and projects, the level of contingency funding, the Council Tax base and Council Tax rate, borrowing limits and capital financing requirements.

**Budget and Policy Framework** – The full Council is responsible for setting the Budget and Policy Framework. The Budget and Policy Framework sets out the Council's key policies and agreed budget for each year. All decisions must be taken in accordance with these agreed documents. Only full Council can change the Budget and Policy Framework.

**Business Case Template** – This is a proforma to be completed for all Capital schemes and all significant Revenue proposals. It will provide details on the expected outcomes falling from the proposed investment and identify how the proposal will meet corporate objectives. The template, in a form agreed by the Director of Finance & Customer Services, must include an assessment of the asset or Service consequences, risk and impact on users, and include any differential impact on particular groups or localities. The amount of detail will be proportionate to the value and level of risk.

**Capital Approval** – The total cost of each provision or scheme rather than the anticipated expenditure in each year. Capital programme provision may be amended by any supplementary estimates or virements.

**Capital Expenditure** – Expenditure on the purchase, construction or replacement of capital (fixed) assets, such as land, buildings, and major items of plant, equipment or vehicles, or expenditure which adds to the life or value of an existing fixed asset. Finance leases may be capital expenditure.

**Capital Programme** – The Council's plan of capital projects and spending over future years. Included in this category are the purchase of land and buildings, the erection of new buildings and works, Highway Improvement schemes and design fees (unless the scheme is aborted in which case fees will be charged to revenue), and the acquisition of vehicles and major items of equipment.

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

**Capital Receipts** – Income received from the sale of capital assets and available (subject to rules in legislation or laid down by the Government or CIPFA) to finance new capital expenditure or to repay debt.

**Carry-forward** – An increase or reduction in a Service's new financial year budget, stemming from either an under or overspend in the previous year. All significant carry-forwards (except for Schools) need the approval of the Chief Finance Officer in consultation with the Chair of the Finance Sub-Committee upon the presentation of a Business Case.

**Central Purchasing Body** – An organisation (usually a contracting authority as defined in the Public Procurement Legislation) that provides centralised purchasing activities such as awarding contracts for works or the acquisition of supplies and/or services intended for use by other contracting authorities such as local authorities.

**Chief Executive** –The Chief Executive is the most senior officer in the Council. It is his/her role to support Councillors and to provide leadership for the Council. The Chief Executive is empowered to operate all the services of the Council and except where powers, duties and functions are delegated to a councillor decision-making body, to exercise all powers, duties and functions of the Council, including those delegated to other officers. Every Council has to appoint one of its officers as the Head of Paid Service. The Chief Executive is also the Council's Head of Paid Service.

**Chief Finance Officer** – also known as the **Section 151 Officer**, this officer has the responsibility under section 151 Local Government Act 1972 for the proper management of the Council's financial affairs and occupies the post of Director of Finance and Customer Services.

**CIPFA** – the Chartered Institute of Public Finance and Accountancy;

**Clear Working Days** –a period of one or more working days means a period comprising one or several consecutive periods of 24 hours (excluding weekends and bank holidays) beginning and ending at midnight. A clear day excludes the date of dispatch and date of the meeting.

**Commissioning Officer** – An officer who is requesting and / or is in need of works, goods or services that will be commissioned/procured under the Contract Procedure Rules.

**Commissioning and Procurement Board** – a board of Councillors and officers established to ensure a strategic commissioning approach in the Council and that procurement of goods, services and supplies achieves value for money in delivering the Council's corporate strategy and strategic priorities. The Board has detailed Terms of Reference and its activity is overseen by the Audit and Governance Committee.

**Concession** – Any agreement between the Council and one or more parties (which may be procured under the Concession Contracts Regulations 2016) and which may include:

- The carrying out of works for the Council, in return for the right to exploit the works that are the subject of the contract with or without payment
- The delivery of services to the Council, in return for the right to exploit the services that are the subject of the contract with or without payment.

**Confidential information** – information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order, or by virtue of any enactment as defined in the Access to Information Rules in **Chapter 3 Section 2** of the Constitution.

**Contingencies** – Sums set aside to meet either:

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

**Contract** – A legally enforceable agreement to supply goods, services or works for a price. A contract is normally in writing however a contractual arrangement may be entered into orally.

**Contract Manager** – An Officer of the Council (or in the case of a Contract where the service/goods/works are procured on behalf of another organisation an officer of that organisation) who has day to day responsibility for overseeing the delivery of the Contract requirements by the provider and recording the performance of the provider against the performance criteria set out in the Contract.

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

**Corporate Leadership Team** – The officer management arrangements for the Council are overseen by a Corporate Leadership Team comprising the Chief Executive, Executive Directors for Place, Adult Services, Children's Services and Corporate Services, the Monitoring Officer and Chief Finance Officer. The Executive Directors are accountable to the Chief Executive for leading the Services within their area of responsibility and ensuring that the Services are managed in accordance with the objectives, plans, policies, programmes, budgets and processes of the Council.

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

**Councillors** – Also known as Members, Councillors are elected to represent the 52 Wards in the Council's area. They are elected every four years. They are directly accountable to citizens for the running of the Council. They have a duty to represent all constituents in their Ward and they must make decisions in the best interests of the Borough as a whole.

**Council's Core Values** – The Values that underpin the culture of the Council to put residents FIRST. Flexibility: adapting quickly and learning together. Innovation: being creative and challenging convention. Responsibility: delivering our promises, efficiently. Service: listening, caring and responding appropriately Teamwork: respecting and working well with others.

**CPU** – Corporate Procurement Unit is the unit responsible for procurement activity within the Council.

**Data Protection Legislation** – means all privacy laws applicable to personal data including the Data Protection Act 2018 and regulations made under it and the General Data Protection Regulation (Regulation (EU) 2016/679); together with all codes of practice and other statutory guidance issued by the Information Commissioner’s Office

**Deputy Leader** or Deputy Leader of the Council – The position of Deputy Leader of the Council is the Council’s choice rather than a legal requirement. The Deputy Leader is empowered to act in place of the **Leader**. The Deputy Leader is empowered to represent the Council on any external body, as agreed with the Leader, and to make decisions and vote on behalf of the Council at meetings of such bodies. The Deputy Leader is elected by the **full Council**.

**Dynamic Purchasing System** is similar to a Framework Agreement; however, the ability for providers to become party to the system and to be eligible to bid for Contracts awarded under it, remains open throughout its life.

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

**Electronic Tendering Portal (E-tendering Portal)** – A system for the issue and receipt of electronic tenders and quotations as designated by the Executive Director (Corporate Services).

**Evaluation Matrix** – A document setting out the Award Criteria and weightings for a procurement process which reflect what is material to the award of a particular Contract and its importance. This document will be updated to capture scores during the evaluation of Bids.

**Evaluation Panel** – A group of Officers set up to undertake the evaluation of Bids. The number of Officers and relevant disciplines required will vary for each procurement.

**Executive Director (or delegated representative)** – The Chief Executive or any Director of the Council to whom there has been specific delegation by the Council a Committee or in writing by the Chief Executive.

**Exempt information** – information that is not available for disclosure to the public as defined by Schedule 12A of the 1972 Act and the Access to Information Rules in **Chapter 3 Section 2** of the Constitution;

**Fiduciary Duty** – a duty placed upon officers and Councillors to utilise the Council’s resources wisely and balance the interests of the persons providing the Councils money and resources (such as council tax or business rate payers) against the interests of those who would benefit from expenditure or use of resources, taking into consideration appropriate risks.

**Finance Leases** – Most of the risks and rewards associated with ownership are transferred to the lessee (responsibility for maintenance, insurance etc. will fall to the Council).

**Financial Year** – The Council's accounting period covers the 12 months from April 1 to March 31.

**Framework Agreement** – Any agreement between one or more contracting authorities and one or more providers, that establishes defined terms governing contracts to be awarded during a given period for:

- the carrying out of works
- the purchase, leasing or hiring of goods or materials
- the delivery of services

**Forward Plan** – The Forward Plan is a public document which is prepared and published by the Leader of the Council, listing all **significant decisions**, as set out in **Chapter 3 Part 2**.

**Full Council** – Means all 82 elected Members of the Council.

**Group Administrator** – a Councillor approved as a Group Administrator by a political group.

**Group Lead Member** - A Group Lead Member is a position that is held by members of each of the political groups on the Council in relation to each Committee.

**Head of Paid Service** – See *Chief Executive*. The Officer who may report to Full Council on staffing requirements pursuant to Section 4 Local Government and Housing Act 1989.

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

**Invitation to Tender (ITT)** – Refers to an invitation to providers to submit tenders for Contracts to provide goods, services or works valued at or above the Public Procurement Threshold.

**Leader** or Leader of the Council – The position of Leader of the Council is the Council's choice rather than a legal requirement. The Leader will be the political head of the Council, the focus for policy direction and community development, and the chief advocate and ambassador for the Borough. The Leader is elected by the **full Council**.

**Leases** – Agreements covering the hire/rental of equipment or buildings, generally for a specified period of time and at a specified rate. There are two types of leases; Finance leases and Operating Leases (see this Glossary).

**Monitoring Officer** –The Monitoring Officer is appointed in accordance with Section 5 of the Local Government and Housing Act 1989 and is responsible

for supporting and advising the Council in relation to the lawfulness and fairness of the decision-making of the Council, the Council's compliance with its legal responsibilities and requirements, matters relating to the conduct of elected Councillors and Local Government and Social Care Ombudsman complaints.

**Officers** – Officers is the term used to refer to the people employed, retained or appointed by the Council to advise and support **Councillors** and implement their decisions. The term “officers” in this Constitution includes all the people who operate in this capacity including contractors, consultants, agency staff and volunteers.

**Operating Leases** – Where the risks and rewards of ownership remain with the lessor.

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

**Political balance** – rules which require the Council to allocate seats on Committees in accordance with the proportion of Councillors from different political groups represented on the Council as a whole – unless no Councillor votes against, under the Local Government and Housing Act 1989 and Local Government (Committees and Political Groups) Regulations 1990/1553.

**Political Group** – two or more Councillors who notify the Head of Paid Service that they have formed a group

**Politically Restricted Post (PoRP)** – officers holding these posts cannot have any active political role and are prohibited from: standing for office as local councillors, MPs; canvassing on behalf of a political party or a person who is, or seeks to be, a candidate; and speaking to the public at large or publishing any written or artistic work that could give the impression that they are advocating support for a political party.

**Procurement Manager** – The manager of the CPU and his/her delegated representatives unless otherwise instructed.

**Procurement Officer or Procuring Officer** – An Officer of the CPU who shall undertake the appropriate procurement activities to provide the Commissioning Officer with their requirements.

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

**Project Gateway Process** – A series of control measures put in place to ensure that all projects are instigated, approved, managed and delivered effectively. The Project Gateway process is overseen by the S151 Officer and described in detail in the Project Management Handbook.

**Proper Officer** – An officer designated in the Proper Officer Register in **Chapter 2 Part 5** to undertake certain functions required by law.

**Provision** – An amount set aside by the Authority for any liabilities of uncertain amount or timing that have been incurred. The main category is estimates of liabilities or losses already incurred but whose exact amount will be determined in the future (e.g. bad debts, obsolete stock).

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

**Public Procurement Legislation** – Legislation which regulates the purchasing by public sector bodies and certain utility sector bodies of contracts for goods, works or services. The law is designed to open up the public procurement market to competition and to promote the free movement of goods, services and works.

**Public Procurement Threshold** – The financial thresholds above which the Public Contracts Regulations apply to a proposed Contract. The Thresholds are updated every two years, with the next update being in January 2022. The Thresholds are summarised below:

|  | <b>Supply, Services<sup>1</sup><br/>and Design<br/>Contracts</b> | <b>Works<br/>Contracts<sup>2</sup></b> | <b>Social and Other<br/>Specific<br/>Services<sup>3</sup></b> |
|--|--|--|---|
| Other public sector<br>Contracting authorities | £189,330<br>(€214,000)   | £4,733,252<br>(€5,350,000)             | £663,540<br>(€750,000)  |

<sup>1</sup> With the exception of the following services which have different thresholds or are exempt:

- Social and other specific services (subject to the light touch regime) Article 74
- Subsidised services contracts specified under Article 13
- Research and development services under Article 14 (specified CPV codes are exempt).

<sup>2</sup> With the exception of subsidised works contracts specified under Article 13.

<sup>3</sup> As per Article 74. Services are listed in Annex XIV.

**Revenue Account** – An Account which sets out the Council's income and expenditure for the year for non-capital spending.

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

**Request for Quotation** – An invitation to providers to submit quotations for Contracts to provide goods, services or works valued between £25,000 and the relevant Public Procurement Threshold

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

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

**Schemes of Financial Delegation** – Financial Schemes of Delegation are the documents that set out, for each Service, all specific financial authorisations and approval limits as delegated by the Heads of Service to Authorised Officers within their Service. Heads of Service are responsible for maintaining up to date and accurate Financial Schemes of Delegation.

**Scrutiny** – Scrutiny provides an opportunity for members of the Council to examine the way in which the Council provides its services, by questioning how and why decisions are made, and by making recommendations on existing and future Council policies, primarily focussed on Health and Wellbeing, Flood Risk Management and Crime and Disorder.

**Section 151 Officer (Chief Finance Officer)** – The financial adviser to the Council, Committees, Sub-Committees and Officers and the Authority's 'responsible financial officer' under relevant legislation who is responsible for the proper administration of the Council's financial affairs and occupies the post of Director of Finance and Customer Services.

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

**Significant decision** – a decision which is likely to result in the Council incurring non-routine expenditure which is, or the making of non-routine 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 these purposes, savings and expenditure are “significant” if they are equal to or greater than £1 million, unless the context requires otherwise. For clarification, no decision previously approved by the Finance Sub-Committee, and no **treasury management** decision, shall constitute a Significant Decision.

**Social Value** – The duty under the Public Services (Social Value) Act 2012 to have regard before a procurement as to how what may be commissioned or procured will improve the economic, social and environmental wellbeing of **the area**.

**Sub-Committee** – a body of Councillors who may be drawn from the parent Committee and wider Council membership and may also include non-councillors as co-optees that will report on its work to the parent Committee and may make recommendations for action. Advisory Sub-Committees may allow co-optees to vote, but rules under the Local Government and Housing Act 1989 generally prevent co-optees from voting. Advice on the status and voting rights of Sub-Committee members can be provided by the Monitoring Officer or the Head of Democratic Services and Governance.

**Supplementary Estimate** – An approved increase to a Service revenue or capital budget during the financial year, funded centrally from reserves, contingencies or external funding sources such as grants or partner contributions, developer contributions, receipts or government grant.

**Statutory Officers** – Means the Head of Paid Service, the Monitoring Officer the Chief Finance Officer, the Director of Adult Services, Director of Children’s Services and the Director of Public Health.

**Treasury Management** – Treasury management functions are those functions carried out in accordance with the approved Treasury Management Strategy. The Chief Finance Officer is responsible for the **Treasury Management Strategy**.

**Third Party Fund(s)** – Funds provided by outside bodies or individuals in support of Council activities, establishments or clients, controlled wholly or partly by a member of the Council’s staff in connection with the clients, establishments or activities of the Council such as School Funds, Amenity Funds or Criminal Injuries Compensation Payments for children in care. Can sometimes be known as trust funds.

**Virement** – A transfer of amounts from one budget heading to another within, or between, Heads of Service or changes to Capital budgets funded from within the existing Capital programme.

**Verifying Officer** – an Officer who will confirm that the Form of Tender is signed and that terms and conditions are agreed by all providers. They may be an Officer of the CPU or Legal Services.

**Note that:**

- Copies of Acts, Orders and Regulations are available at: [legislation.gov.uk](https://www.legislation.gov.uk)

- Note that any reference in this Constitution to legislation that is repealed and re-enacted is to the subsequent legislation that replaced it (in accordance with section 17 Interpretation Act 1978).

## Chapter 7

### List of Associated Documents

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This Constitution contains references to a number of documents that are not reproduced in full within it, but which can be accessed electronically from it via hyperlinks to the necessary content.

These hyperlinked documents are listed below, together with their status and ownership:

| Document   | Owned by                                   | Page   |
|--|--|--|
| <a href="#">Local Ward Member Protocol</a>   | Corporate Policy Committee                 | Chapter 3<br>Page 38                                 |
| <a href="#">Role of Chairs</a>   | Corporate Policy Committee                 | Chapter 1<br>Page 8                                  |
| <a href="#">Whistleblowing Policy</a>  | Audit and Governance Committee             | Chapter 4<br>Page 49                                 |
| Public Speaking and Questions  | Corporate Policy Committee                 | Chapter 3<br>Page 30                                 |
| <a href="#">Protocol on Public Speaking Rights at Strategic Planning Board and Planning Committees</a> | Strategic Planning Board                   | Chapter 3<br>Page 21                                 |
| <a href="#">Mayorality Code of Practice</a>  | Corporate Policy Committee                 | Chapter 1<br>Page 9                                  |
| <a href="#">Joint Scrutiny Protocol</a>  | Corporate Policy Committee                 | Chapter 3<br>Page 23                                 |
| <a href="#">Role of Leader and Deputy Leader</a>   | Corporate Policy Committee                 |  |
| <a href="#">Petition Scheme</a>  | Corporate Policy Committee                 | Chapter 3<br>Page 29                                 |
| <a href="#">Referral of Decisions to Full Council Procedure</a>  | <a href="#">Corporate Policy Committee</a> | <a href="#">Chapter 3</a><br><a href="#">Page 27</a> |

|  |  |   |
|--|--|---|
| <a href="#">Group Administrator Responsibilities</a> | <a href="#">Corporate Policy Committee</a> | <a href="#">Chapter 2 Part 4</a><br><a href="#">Chapter 3 Part 1</a><br><a href="#">Chapter 4</a> |
| <a href="#">Public Questions at Full Council</a>     | <a href="#">Corporate Policy Committee</a> | <a href="#">Chapter 3</a><br><a href="#">Page 7</a>   |

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## **Amendments to Chapter 7 of the Councils Constitution**

### **Documents to be added to the supporting material**

#### 1. referral to Council process

- When a decision-referral request is made, in respect of a decision made by a service committee, the first and second named Members requesting the referral will be regarded as the lead Member, and seconder.
- As required by the Procedure Rules, the support of an additional seven Members will be needed, within the five working day period following publication of the relevant minute, to formally trigger the decision-referral process.
- Upon receipt of the decision-referral request, the Monitoring Officer will consider the request and determine whether it meets the criteria set out in the Constitution. Having done so, the Monitoring Officer will communicate his determination to those Members who have requested/supported the decision-referral.
- If the Monitoring Officer determines that an informal decision-referral meeting should be held in order to establish whether alternative options might be available which would remove the need for a referral of the matter to Council, such a meeting will normally take place within five working days.
- Where it is determined that the decision-referral process is no longer to be pursued, this will be confirmed to the Monitoring Officer by the lead decision-referral Member, and the seconder.
- Where a decision is to stand referred to Council, a full report upon the matter will be submitted to Council, together with the report to the originating Committee, and the minuted decision of the Committee. The lead Member and seconder must stipulate what decision they seek from Council, as an alternative to that which the Committee made.
- At full council the relevant committee chair will speak to the decision and explain the committee's decision. The lead decision referral member will speak as to the reasons for referral and thereafter the normal rules of debate will apply.
- At the conclusion of the debate there will be a single majority vote on whether full council wishes to adopt the proposal made by the lead decision review member. If the proposal is agreed at council, the original committee decision stands.

## 2. Group Administrator Responsibilities

1. Group Administrator – A Member approved as a Group Administrator by a political group.

2. Chapter 2 – Part 4- Functions of Committees

### Paragraph 6

All Panels, Working Groups and ad-hoc meetings of Sub-Committees may be convened by the Head of Governance and Democratic Services under the normal processes for making appointments to committees (via Group Leader/ Group Administrator notification to the Head of Democratic Services and Governance).

3. Chapter 2 – Part 4- Functions of Committees

### Investigation and Disciplinary Committee (IDC) Functions

### Paragraph 1

Councillors shall be appointed to the Committee, as and when a Committee is required to be convened, under the normal processes for making appointments to committees (via Group Leader/ Group Administrator notification to the Head of Democratic Services and Governance). In accordance with the Model Disciplinary Procedure contained in the JNC Handbook for *Directors*, IDC meetings shall be convened by the Monitoring Officer (in consultation with the Chair of Corporate Policy Committee). Should the Monitoring Officer (MO) be unable to act, the Head of Paid Service or Deputy Monitoring Officer (DMO) can also convene the Committee. Subsequent meetings

4. Chapter 3 – Part 1: Section 1

### Paragraph 1.70

The Chairs and Vice-Chairs of the Council's committees and sub-committees shall be appointed allocated to the political groups each year at the Annual Meeting of Council. Nominations to Chairs and Vice-Chairs shall be notified by the Council's Group Leaders or Group Administrators in writing or by email to the Head of Democratic Services and Governance and shall thereafter be published on the Council's website. Such nominations shall be in accordance with the relevant numerical allocations made by Council in relation to the body in question.

### Paragraph 1.72

Where a vacancy occurs in the office of Chair or Vice-Chair, the relevant Group Leader or Group Administrator shall nominate a replacement.

## 5. Chapter 3 Part 1: Section 2 Paragraph 3.12.

### The Group Administrator Party Whip

It is generally accepted that the Group Administrator Party Whip should be suspended in respect of Scrutiny matters. However, when considering any matter in respect of which a Member of the Scrutiny Committee is subject to a formal Group Administrator party whip, the Councillor must declare the existence of the Whip this, and the nature of it before the commencement of the Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the Minutes of the meeting.

## 6. Chapter 4 - Paragraph 17

Where an Officer feels that s/he has not been properly treated with respect and courtesy by a Councillor, s/he should raise the matter with his/her Head of Service, Director, Executive Director or the Chief Executive as appropriate, especially if they do not feel able to discuss it directly with the Councillor concerned. In these circumstances the Head of Service, Director, Executive Director or Chief Executive will take appropriate action either by approaching the individual Councillor and/or Group Administrator/ group leader or by referring the matter to the Monitoring Officer.

## 3. Public Questions at Council meeting

### **Introduction**

Cheshire East Council is strongly committed to the principles of democracy. The Council encourages the participation of its residents, businesses, and other stakeholders in the democratic process. Its Constitution, and its Procedure Rules, make provision for members of the public to address Full Council meetings, by asking questions, which will either be answered at the meeting, or in writing thereafter, where relevant information is not available on the day.

The Constitution contains certain principles which relate to the right of members of the public to ask questions. The purpose of this Guidance Note is to assist members of the public in understanding these principles in order for them to make best use of the public speaking facility.

The Council's Procedure Rules are summarised below and are fully reproduced in the Appendix to this Guidance Note.

**Procedure Rules: a summary**

Council Procedure Rules 1.19-1.29 are set out in full below. They deal with the subject of Councillor questions at Council meetings, and also questions from members of the public. This Guidance Note focusses only upon questions from members of the public.

Key elements of the rules which apply to public speakers are:

1. 1.21: 2 minutes is allowed for each member of the public to ask their question.
2. 1.24: questions must be brief, clear, and focussed.
3. 1.25: Questions must relate to Council functions. The Monitoring Officer may disallow questions if they are: inappropriate, frivolous, derogatory, offensive, vexatious, otherwise improper, or potentially defamatory.
4. 1.29: Questions must be submitted 3 clear working days before the meeting of Council.

Essentially, questions which offend public decency, or the equality framework, are disallowed. Questions or speeches are not excluded by the Council, simply because they might put forward “fringe” or unusual points of view, or because they challenge a policy or view held by the Council.

But the Council is also committed to the need for respectful and appropriate behaviour, not only by its own Members and officers, but also by members of the public.

The opportunity to speak at Full Council, not only enables a member of the public to address the Council’s 82 Members, but proceedings are also “live-streamed” to the public. The Council therefore sees it as most important for the proceedings of its meetings to reflect the principles referred to above.

**How a member of the public can get the best out of the Council’s public question facility**

Whilst the Rules stipulate that questions must be submitted 3 clear working days before the Council meeting, members of the public are asked to give the Council as much notice as possible of questions they propose to ask. The Council’s aim is to be able to answer questions in as much detail as possible at the Council meeting. By providing as much notice of questions as possible, there is more likelihood of a full answer being given at the meeting, rather than this being followed-up in writing.

Questions should be submitted to:

[Katie.small@cheshireeast.gov.uk](mailto:Katie.small@cheshireeast.gov.uk)

[Brian.reed@cheshireeast.gov.uk](mailto:Brian.reed@cheshireeast.gov.uk)

A brief, well-crafted question will always be more effective in securing a clear response, than one which is lengthy and which lacks focus. This is why the Rules state that questions must be “brief, clear and focussed”.

In order to be fair to all members of the public who wish to ask a question, there is a 2-minute time limit for each member of the public to do so. A brief, clear and focussed question will ensure that the time allowed is used most-effectively, with a view to securing an informed response.

Questions must relate to those things, in respect of which the Council has powers, duties or responsibilities. Whilst it is acknowledged that members of the public sometimes have concerns about national issues, or even issues of international importance, these are most often not issues which the Council can influence. Council meetings are not the right forum for such questions to be asked.

In order to be fair to all members of the public wishing to ask a question, where a member of the public wishes to ask more than one question, it will be helpful for them to indicate which question is most important to them. In this way, if the Mayor needs to prioritise questions due to the number of people wishing to participate, he/she will be able to select the question of most importance to the questioner.

The Rules (Rule 1.25) indicate the types of question which are not appropriate for Council meetings. Council has given the Monitoring Officer, the power to disallow such questions. Early submission of questions will provide opportunity for officers to discuss any concerns which the Monitoring Officer may have and will enable officers to agree with members of the public how such questions might be amended, so as to ensure that they fall within the Rules.

Public question time at Council meetings is a facility for questions to be posed, and for answers to be provided. It is not a facility for debate, although the Mayor may allow a concise and focussed supplementary question to be asked. Members of the public are therefore asked to respect this provision of the Rules.

## Appendix

### What the Procedural Rules say in full

1.19 A Councillor may ask the Mayor or the Chair of a Committee any question about a matter which the Council, or the Committee has powers, duties or responsibilities.

1.20 A Councillor may ask the nominated/designated representative of the Cheshire Fire Authority or the Cheshire Police and Crime Panel any question about the responsibilities of his/her respective Authority.

1.21 There will be a maximum Councillor question time period of 30 minutes. A maximum period of 2 minutes will be allowed for each Councillor wishing to ask a question during Councillors' question time. The Mayor or person presiding will have discretion to vary this requirement where he/she considers it appropriate.

1.22 Those Councillors submitting more than one question in writing may indicate the priority of importance of each question.

1.23 Questions in writing will not be read out at Council meetings.

1.24 All Questions will be brief, clear and focussed.

1.25 Questions must relate to the functions of the Council and the area of Cheshire East. No questions will be allowed which, in the opinion of the Monitoring Officer are:

- inappropriate, frivolous, derogatory, offensive, vexatious, or otherwise improper;
- related to a Council employment or staffing matter;
- potentially defamatory; or
- substantially the same as any question submitted to a meeting of Council during the preceding 6 months.

1.26 Questions will be asked and answered without discussion. In replying, the Councillor responding will use all reasonable endeavours to address the matters raised in the question. The Councillor responding may: decline to answer any question; or may reply direct; reply by reference to a publication; or reply by written answer within 10 working days with a copy to all Councillors (except where the response contains exempt or confidential information) or refer the question to an appropriate Committee.

1.27 Following the answer to each question, the Mayor may permit the questioner to ask a concise and focussed supplementary question which relates to the subject matter of the initial question and answer.

1.28 Where a question relates to a matter that appears on the agenda for that meeting, the question shall be put and answered at the start of the consideration of that matter unless the Mayor considers otherwise.

1.29 There will be a maximum public question time period of 30 minutes. A maximum period of 2 minutes will be allowed for each person wishing to ask a question in public question time. The Mayor or person presiding will have discretion to vary this requirement where he/she considers it appropriate. Questions must be sent in writing to the Monitoring Officer at least 3 clear working days before the meeting. Rules 1.22 – 1.28 above will also apply to public question time



*Working for a brighter future together*

## **Corporate Policy Committee**

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|                             |   |
|-----------------------------|---|
| <b>Date of Meeting:</b>     | 14 April 2022   |
| <b>Report Title:</b>        | Progress on Governance for the Integrated Care System                     |
| <b>Report of:</b>           | Helen Charlesworth-May<br>Executive Director Adults, Health & Integration |
| <b>Report Reference No:</b> | CP/67/21-22   |
| <b>Ward(s) Affected:</b>    | All   |

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### **1. Purpose of Report**

- 1.1 The purpose of this report is for members to note the progress on the proposed changes to the governance arrangements for local Health and Care services in scope of future Place arrangements, and to agree the governance for the S75 Agreement. Section 75 Agreements have already been used in Cheshire East for the Better Care Fund and the report approved by the Adults & Health Committee on 28 March entitled 'Better Care Fund S75 Agreement' should be noted.
- 1.2 The new arrangements are scheduled to be in place for July 2022, subject to the Health and Care Bill passing into legislation. However, we would like to have a 'shadow' arrangement in place as soon as possible, to help all partners transition to the new way of working.

### **2. Executive Summary**

- 2.1 The latest government reforms of the NHS involve introducing Integrated Care Systems (ICS) across the country. The geographical footprint of the local ICS covers 9 local authorities in Cheshire & Merseyside. Each of these 9 'places' will have a 'Place Partnership Board'.
- 2.2 Discussions across the Cheshire & Merseyside area are ongoing and have been very positive. There is a shared approach to tackle the wider

determinants of health and to allocate resources at a 'place' level wherever possible. Within Cheshire East it is proposed to use the mechanism of a Section 75 Agreement to share resources and decision making between the local authority and the NHS.

- 2.3 Adults & Health Committee will be asked to agree to the formation of the Cheshire East Place Partnership Board (*working title only*) at its meeting in May, together with an associated memorandum of understanding and terms of reference.
- 2.4 A Section 75 Committee comprising the Executive Director of Adults, Health & Integration and a representative from the NHS Cheshire CCG is proposed, to formally oversee the S75 Agreement, with guidance provided in due course from the Cheshire East Place Partnership Board. All decision making will comply the Council's Scheme of Delegation, and any decisions outside of this will go through usual governance procedures.

### **3. Recommendations**

The Committee is asked to:

- i. Note the progress to date.
- ii. Recommend that the Council establish, with NHS Cheshire Clinical Commissioning Group, a Committee under Section 75 of the Health and Care Act 2006 from 1st April 2022, as set out at Section 13, to oversee and manage the Section 75 Better Care Fund Agreement and plan.
- iii. Recommend that the Council delegate authority to the Executive Director (Adults, Health & Integration) in consultation with the Director of Governance to agree and finalise the Terms of Reference of the Section 75 Committee.
- iv. Request the Council to appoint the Executive Director - Adults, Health & Integration (or her nominated representative) to the S75 Committee.
- v. Recommend that the Council delegate authority to making any consequential amendments to the constitution to the Director of Governance.

### **4. Reasons for Recommendations**

- 4.1 On 11 February 2021, the Department of Health and Social Care published the White Paper 'Integration and innovation: working together to improve health and social care for all', which sets out legislative proposals for a health

and care Bill'. Unlike previous reforms, the legislation aims to avoid a one-size-fits-all approach and leaves many decisions to local systems and leaders.

- 4.2 This will be enabled through the abolition of NHS Clinical Commissioning Groups and the creation of Integrated Care Systems (ICS), with finances coming centrally to the Integrated Care Board (ICB) for each area. It is then for the ICB to agree how much funding it will delegate to the local level i.e., the 'Place'.
- 4.3 The Cheshire and Merseyside ICS is made up of nine "places" – with partnerships formed between local authorities, health providers, the Integrated Care Board (ICB), voluntary, community, faith, and social enterprise (VCFSE) sector and Healthwatch, to deliver integration of health and social care at a local level. Over time, this will enable the commissioning and delivery of localised services through common plans, shared, aligned, pooled or joint budgets, and a "one team" culture and ethos. The Cheshire East 'Place' is based on the footprint of the local authority.

## **5. Other Options Considered**

- 5.1 Other options have not been considered, as the Partnership Board will be necessary once the legislation is enacted. It will be the mechanism for integrating health across Cheshire East, for all partners.
- 5.2 Similarly, a S75 Committee is the only legal mechanism currently available to allow for joint decision-making on the S75 Better Care Fund Agreement.

## **6. Background**

- 6.1 Integrating health and care services for the benefit of our residents is a clear priority within the Cheshire East Place Partnership Plan 2019-24. All partners signed up to the Plan, which sets out our aspirations to respond to the pressures facing health and care services and the opportunities provided by the establishment of integrated care systems.
- 6.2 Our plan sets out that we will work together to improve the health and wellbeing of local communities, enabling people to live longer and healthier lives. We will do this by creating and delivering safe, integrated, and sustainable services that meet people's needs through the best use of all the assets and resources we have available to us. The proposed legislative changes provide an opportunity to move this forward and support improved outcomes for the Cheshire East population.
- 6.3 This integration is further supported by the white paper (February 2022): 'Health and social care integration: joining up care for people, places and

populations' which provides the following examples of integration supporting improved outcomes which align with our ambitions:

*'Closer working between primary and secondary care will improve access to specialist support and advice and enable care to be delivered closer to home, managing risk more effectively and keeping people healthy and independent. And closer working between mental health and social care services can reduce crisis admissions and improve the quality of life for those living with mental illness.'*

## **7. New Governance arrangements for Health and Care Services at Place in Cheshire East**

- 7.1 Cheshire East has established a Place Executive Group, led by the Council's Chief Executive, with senior membership from the CCG, local NHS and VCFSE sector. Membership of the Place Executive Group is set out at Appendix One. This Group is looking to establish the arrangements, including a proposed governance arrangement for the new Integrated Care System at 'Place'. The Place Executive Group's recommendation is that a Place Partnership Board (*working title*) should oversee the Place arrangements. This will need to be endorsed by all partners, and the C&M Integrated Care Board. The Partnership Board will support the delivery of the priorities within the Cheshire East Place Plan and local and system strategies. The Partnership Board will also be instrumental in delivering on the vision of the Cheshire East Place Plan: *'to enable people to live well for longer; to live independently and to enjoy the place where they live'*
- 7.2 The emerging scope and functions of the Partnership Board are still to be determined, as further clarifications have been requested from the C&M Integrated Care Board. It is likely that the scope and functions will change over time, as the Partnership Board becomes more established.
- 7.4 All existing governance which supports decision-making and partnership working on health and social care will continue until new arrangements are agreed to take over their functions. Further work is ongoing to map out these functions to ensure that duplication is avoided, and that lines of accountability are clear in the future structure.
- 7.5 Appendix Two shows how it is envisaged that the Partnership Board will sit within the broader Cheshire East Place governance. This includes the relationship with the Health & Wellbeing Board (HWBB) and the Scrutiny Committee. The HWBB will sit above the Partnership Board in terms of responsibility for strategy setting (through the Place Plan) and broader focus, including the Joint Health and Wellbeing Strategy. The Partnership Board and C&M ICB will also be accountable to the Scrutiny Committee in respect of any substantial variations or developments for health services.
- 7.6 All nine local authorities across C&M already have a joint Scrutiny protocol which allows them to work together to collaboratively scrutinise significant

health decisions on an ad-hoc basis, when necessary. There is a current proposal that this is formalised into a two monthly meeting cycle, with dedicated support at a cost of £10k per local authority for the initial 18 months. A joint scrutiny committee must be politically balanced across the wider C&M area i.e. across the nine local authorities, which means each authority would have two seats on the Joint Scrutiny Committee. The Council's Scrutiny Committee has indicated informally that it would wish to be a part of a formalised Joint Scrutiny Committee across the C&M ICB footprint. This proposal will be further developed for agreement in a future report.

## **8. Partnership Principles**

8.1 As part of the initial design principles for the governance structure, the Place Executive group has agreed the following: -

- Equity of voice, even if there is not equality of accountability
- No bureaucracy or jargon in our structures for the sake of it
- We will recognise our conflicts of interest but will work together for the good of the Partnership
- Insight & intelligence from our communities and through our VCFSE sector will form part of our decision making at all levels
- Structures will be designed to support our key priorities

8.2 The design of the structure is intended to follow these principles, with all partners having the ability to take part in the discussion and debate, even if legally they are not the ultimate decision maker (for example, on the S75 Agreement).

## **9. Progress to Date**

9.1 Further work is needed to finalise the terms of the Memorandum of Understanding (MoU) between the partners comprising the Partnership Board, and to agree Terms of Reference (ToR). The following areas are under development and need to be agreed by the Place Executive Group prior to being recommended to all partners at their meetings in May 2022: -

- A set of principles and behaviours which all partners agree, as part of their role at the Partnership Board.
- A mechanism for dispute resolution.
- An agreement on the position on how decisions are undertaken.

9.2 Once the above areas are agreed, then all partners will request authority and/or support from their respective organisations to enter into a Memorandum of Understanding for the Partnership Board, and to sign off the Terms of Reference. It is intended that the Adults & Health Committee will be asked to agree this at its meeting in May 2022.

9.3 Details of the membership and composition of the Partnership Board will be provided once this has been developed by the Governance workstream and agreed by the Place Executive Group. This is also intended to be within the May 2022 report.

9.4 A new 'Place Director' has been appointed by the C&M Integrated Care Board, with representation from the Council on the interview panel. The Place Director does not formally take up his role until 1<sup>st</sup> July, but we anticipate that he will want to input into the governance arrangements prior to them being finalised.

## 10. **Streamlining Governance**

10.1 There are a number of current external bodies which already exist and which have overlapping or similar scopes/remit in relation to health and care services, transformation and operational delivery. As part of the work to develop the Partnership Board, the scope/remit and membership of these bodies are being looked at to see where streamlining can occur and/or where these bodies may need to feature in any future governance arrangements at Place, where scope/areas are not covered by the responsibility of the Partnership Board.

## 11. **Summary of the Proposal to establish the Partnership Board**

11.1 The Place Partnership Board, CCG/ICB Committee and Section 75 Committee will operate as a committee or meeting 'in common', underpinned by terms of reference and a memorandum of understanding between all partners. This means that all partners will meet at the same time and undertake business as one meeting.

11.2 The proposal is that the current CCG Place Committee (which may become the ICB Place Committee) will also form part of the Place Partnership Board, as this will allow for greater input into decision making for the Place, in line with the spirit of the legislation. This is however a decision for the C&M ICB, as they could also choose to give delegated authority to the new Place Director rather than a committee, and the Place Executive Group will be seeking clarity on this from the C&M ICB over the next few weeks.

## 12. **Transitional Phase**

12.1 It is proposed that, prior to the establishment of the Cheshire & Merseyside Integrated Care Board (C&M ICB) on 1 July 2022 (subject to legislation) the Partnership Board will operate from the 1 June 2022 and will be constituted of a collaborative forum of partners, the CCG Place Committee, and a S75 Joint Committee, as shown in figure 1 below. As well as sign off from the partners, this proposal will also have to be agreed by the C&M ICB. Appendix Two shows the relationship between the partners and other bodies, with the Partnership Board as shown in figure 1 below.

- 12.2 Figure 1 shows the proposed arrangement for the Partnership Board, which has received initial support from the Cheshire and Merseyside Integrated Care Board. All three parts in the figure will sit together as a 'committee in common' and will collectively make up the Partnership Board.



Figure 1 – Proposed governance arrangement.

- 12.3 The Partnership Board, as a collaborative forum, will have its own terms of reference and the scope will be developed and driven by the partners. The work programme will relate to strategic policy planning and delivery matters in relation to Adult Social Care, Public Health and NHS Services. Decision-making will be enacted by individual delegations which each organisation has given to its representatives on the Partnership Board, and decisions made on behalf of the Council will comply with the Council's Scheme of Delegation or will have specific authority.
- 12.4 The Section 75 Committee will also have terms of reference and an underpinning s75 Partnership Agreement. This Committee will have oversight of the Better Care Fund and its future development and will receive quarterly reports from the BCF Governance Group. (Please refer to the Report to the Adults & Health Committee 28th March 2022, entitled *Better Care Fund S75 Agreement* for further detail on the BCF).
- 12.5 From the 1 July 2022, or the date on which the legislation is enacted, it is proposed that the Partnership Board will continue to be composed of a Collaborative Forum and a S75 Joint Committee, and an ICB Place Committee (as a replacement for the CCG Place Committee).
- 13. Terms of Reference for S75 Committee**
- 13.1 To enable joint decision making on the s75 Agreement, we are proposing a formal committee with terms of reference.

- 13.2 Once the Partnership Board is in place, then its members can input into the decision-making discussions on matters to be considered by the Section 75 Committee and their views will be considered in accordance with the principles of equality of voice and aiming for a consensus, although legally the decisions can only be taken by the CCG/Council, as they are the contractual parties. Once the ICB is in place, the S75 agreement will automatically transfer (novate) to the ICB and they will step into the place of the CCG.
- 13.3 The Section 75 Committee will provide a visible joint focal point to oversee:
- The delivery of the Better Care Fund Plan, and any in year amendments to the plan resulting from national or regional policy
  - Receive quarterly reports on performance and financial plans in relation to the Better Care Fund Plan
  - Developing proposals for establishing a formal pooled budget arrangement by 2023. This will include extending the planning timeframe for the BCF Plan, developing proposals for hosting, risk share, and developing appropriate schemes of delegation for approval by the Council and C&M ICB. These decisions will go through appropriate Council approval mechanisms.

#### **14. Legal Implications**

- 14.1 Many areas already have long established arrangements that enable decisions on key priorities to be made together in an agreed local collaborative forum. Decisions undertaken at these collaborative forums are possible due to the authority delegated to the relevant representative at that forum by their respective organisation and not by the forum itself. For the proposed transitional phase, until legislation permits otherwise, this continues, in general, to be the case. There are limited circumstances in which joint decision-making arrangements can be used, although this will change once the Health & Care Bill is enacted.
- 14.2 Under the current legislation, there are limited circumstances in which health partners can form joint committees and this is recognised as a weakness of the current system. For the purposes of the proposed arrangements, the relevant joint committee powers are under Section 75 of the National Health Service Act 2006 and NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000. There is only power for a local authority to form a joint committee with the NHS where there is an agreement under Section 75 of the National Health Service Act 2006.
- 14.3 As there are currently legislative constraints on the ability of partners to make decisions jointly (other than under S75 arrangements), there will need to be careful consideration of decision making to ensure that the correct delegations

are in place, the work programme for the Partnership Board is appropriate, and that the correct body/decision maker is taking the decision.

## **15. Financial Implications**

15.1 There may be financial implications as a result of decisions to be made in the future by the Place Partnership Board, or under the S75 Agreement, and these will be brought back to members through our existing governance arrangements. Any decisions made on behalf of the Council will have to be in accordance with the Council's existing budget and policy framework.

15.2 There are no direct financial implications as a result of the new governance arrangements, although they will require administration and support. This is assumed to be provided by one of the Partner organisations, although the host and funding model is to be confirmed. Attendance and participation is within existing resources.

## **16. Policy Implications**

This report and its recommendations are within the Council's existing policy framework, and it supports the priorities set out in the Cheshire East Place Partnership Plan 2019-2024.

## **17. Equality**

There are no direct equality implications as a result of this report.

## **18. Human Resources**

There are no direct human resources implications as a result of this report. However, the change from the CCG to the ICB will have HR implications, albeit they will be indirect for the Council.

## **19. Risk Management**

19.1 There is a risk that not all partners agree to the proposed governance arrangements as set out in this report. However, this is considered very low risk as senior officers from all partners have been working together as the Place Executive Group, to collaboratively develop the integrated partnership arrangements. All appropriate governance structures within each partner organisation will be consulted in the same timeframe to ensure all organisations agree the current proposals.

19.2 It is to be hoped that partners can reach a consensus over decision making. However, in the event that a dispute arises between the partners, then this will need to be dealt with through a dispute resolution mechanism built into the Memorandum of Understanding. We are currently looking to agree this with all partners for approval by the Place Executive Group, and this will form part of the report for agreement by Adults & Health Committee.

**20. Rural Communities**

There are no direct implications for rural communities as a result of this report, as the Place Partnership Board’s responsibility is to deliver to the agreed objectives in the Cheshire East Place Plan.

**21. Children and Young People/Cared for Children**

There are no direct implications for Children and Young People/Cared for Children as a result of this report, as the Place Partnership Board’s responsibility is to deliver the agreed objectives and priorities in the Cheshire East Place Plan, including those agreed for children and young people.

**22. Public Health**

A key purpose of the Integrated Care System is to ensure that all areas consider the wider determinants of health and health inequalities and tackling these is key part of the Health & Care Bill, which the Partnership Board will need to consider.

**23. Climate Change**

There are no direct implications for climate change as a result of this report.

|                              |   |
|------------------------------|---|
| <b>Access to Information</b> |   |
| Contact Officer:             | Deborah Upton, Legal Services<br>Deborah.upton@cheshireeast.gov.uk  |
| Appendices:                  | App.1 - Membership of the Place Executive Group<br>App.2 - Proposed Governance  |
| Background Papers:           | Health & Care Bill 2020<br>Report to Adults & Health Committee on 28 March 2022<br>entitled ‘ <i>Better Care Fund S75 Agreement</i> ’ |



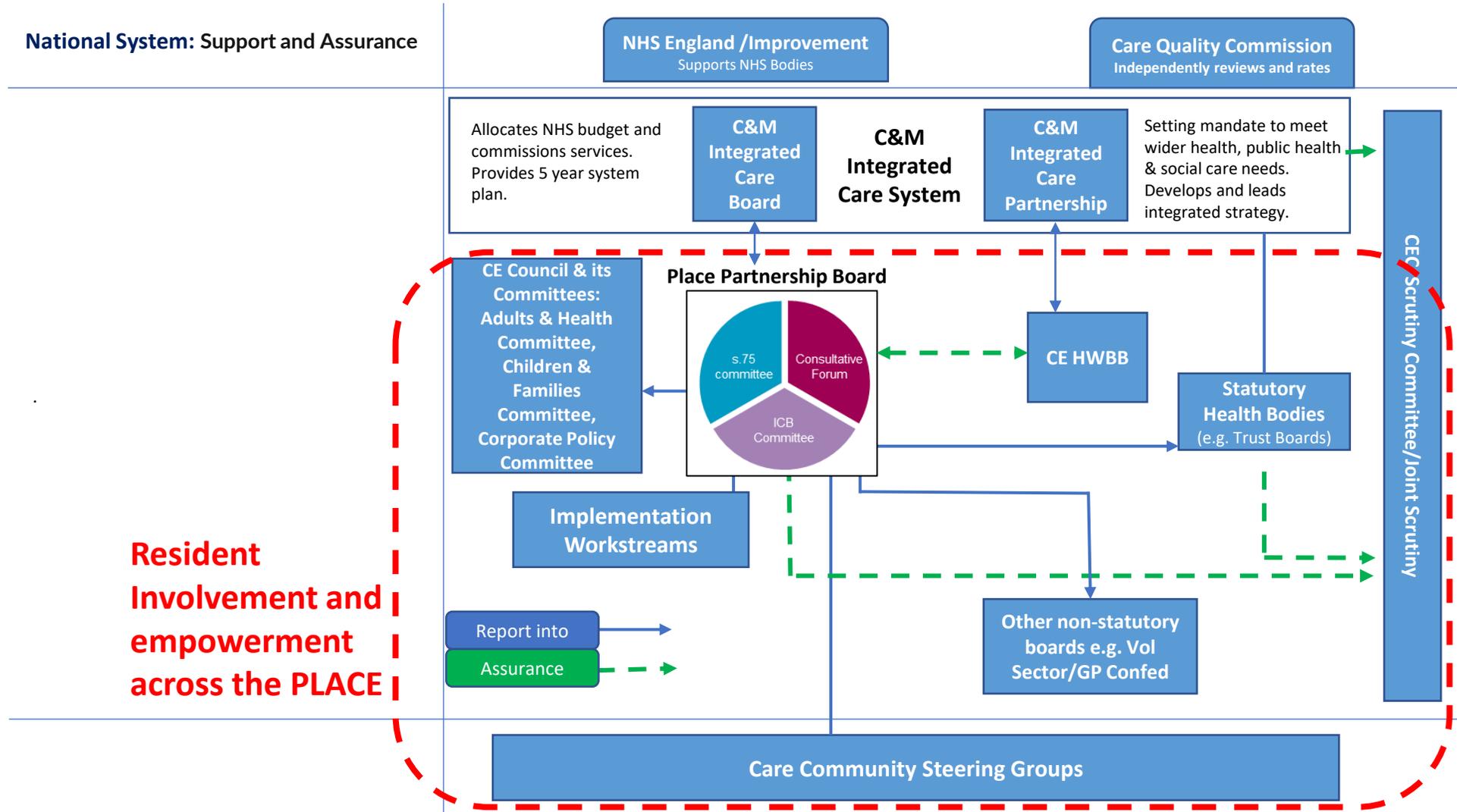
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**Appendix 1 – Membership of the Place Executive Group**

| <b>Name</b>            | <b>Role / Designation</b>                           | <b>Organisation</b>                                  |
|------------------------|---|--|
| Dr David Holden        | Clinical Lead                                       | Cheshire East Integrated Care Partnership            |
| Dr Patrick Kearns      | Clinical Lead                                       | Cheshire East Integrated Care Partnership            |
| Dr Lorraine O'Donnell  | Chief Executive                                     | Cheshire East Council                                |
| Dr Anushta Sivananthan | Medical Director                                    | Cheshire and Wirral Partnership NHS Foundation Trust |
| Sheena Cumiskey        | Chief Executive                                     | Cheshire and Wirral Partnership NHS Foundation Trust |
| James Sumner           | Chief Executive                                     | Mid Cheshire Hospitals NHS Foundation Trust          |
| Clare Watson           | Accountable Officer                                 | NHS Cheshire Clinical Commissioning Group            |
| Ged Murphy             | Acting Chief Executive                              | East Cheshire Hospital NHS Trust                     |
| Dr Andrew Wilson       | Clinical Chair                                      | NHS Cheshire Clinical Commissioning Group            |
| Helen Charlesworth-May | Executive Director – Adults, Health and Integration | Cheshire East Council                                |
| Chris Hart             | Director  | Social Action Partnership                            |
| Louise Barry           | Chief Officer                                       | Healthwatch  |
| Denise Frodsham        | Managing Director                                   | Cheshire East Integrated Care Partnership            |

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# Appendix Two - Proposed Integrated Care System governance



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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Finance Sub-Committee**  
held on Wednesday, 2nd March, 2022 in the Committee Suite 1, 2 & 3,  
Westfields, Middlewich Road, Sandbach CW11 1HZ

**PRESENT**

Councillor A Stott (Chair)  
Councillor S Carter (Vice-Chair)

Councillors D Brown, J Clowes, D Edwardes (for Cllr Abel), S Hogben (for Cllr Puddicombe), N Mannion and K Parkinson (for Cllr Gardiner)

**OFFICERS**

Alex Thompson, Director of Finance and Customer Services  
David Brown, Director of Governance and Compliance  
Joanne Sutton, Acting Head of Integrated Commissioning  
Lianne Halliday, Senior Manager - Procurement  
Julie Gregory, Legal Team Manager  
Helen Sefton, Business Rates Manager  
Paul Mountford, Democratic Services

**APOLOGIES**

Councillors Q Abel, S Gardiner and B Puddicombe

**50 DECLARATIONS OF INTEREST**

Councillor S Hogben declared an interest as a non-executive Director of Ansa in relation to any relevant matters to be discussed in Part 2 of the meeting. He signalled his intention to leave the meeting at the end of the Part 1 business.

**51 PUBLIC SPEAKING/OPEN SESSION**

There were no public speakers.

**52 MINUTES OF PREVIOUS MEETING****RESOLVED**

That the minutes of the meeting held on 5<sup>th</sup> January 2022 be approved as a correct record.

**53 ALIGNING THE MEDIUM-TERM FINANCIAL STRATEGY (MTFS) TO THE COMMITTEE STRUCTURE**

The Sub-Committee considered a report on the allocation of the approved budgets to each of the service committees. The report also informed the financial reporting cycle for 2022/23.

The financial alignment of budgets to each Committee was set out in Table 1 of the report, with further details in Appendix A.

Since the report had been published, Council had approved amendments to the profiling of the capital programme and a Section 106 item which would be reflected in the allocations to committees.

It was noted that any implications for the Cheshire Pension Fund arising from recent international events would be considered by the Sub-Committee, if necessary by way of an urgent meeting.

With regard to the capital programme expenditure forecast for the Crewe Youth Zone, the Director of Finance and Customer Services clarified that the Council's contribution to the scheme was £2.2m.

### **RESOLVED (unanimously)**

That the Sub-Committee

1. approves allocation of the capital and revenue budgets, policy proposals and earmarked reserves to the following Committees in accordance with the approved MTFS, as set out in Appendix A:
  - Adults & Health
  - Highways & Transport
  - Children & Families
  - Economy & Growth
  - Environment & Communities
  - Corporate Policy
  - Finance Sub-Committee
2. approves the supplementary estimates set out in Appendix B, Tables A and B;
3. recommends to Council to approve supplementary estimates over £1,000,000, set out in Appendix B, Table C; and
4. notes the financial reporting timetable for 2022/23 set out in Appendix C.

### **54 BUSINESS RATES BRIEFING**

The Sub-Committee considered a briefing report which provided an overview of the Business Rates system and its impact on the MTFS. The report also provided an update on the Government's proposed review of Business Rates.

It was suggested that an item be added to the Sub-Committee's work programme to review discretionary reliefs.

The Director of Finance and Customer Services advised that officers were not yet in a position to report on the Council's proposed CARF scheme and that it may be necessary to approve the scheme under urgency provisions.

In response to a question about the timescale for the implementation of the Government's revisions to Business Rates, the Director advised that the Council was awaiting further details but that any changes would not come into effect before 2023/24.

## **RESOLVED**

That the report be noted.

## **55 WORK PROGRAMME**

The Sub-Committee considered its work programme for 2021/22, and items for the work programme for 2022/23.

The Chair advised that an item would be included on the work programme for a future meeting on Movements within the MTFs Reserve. She also undertook to speak to the Chair of the Environment and Communities Committee to request that a member of that Committee make a presentation to the Finance Sub-Committee on Section 106 Monies once the Committee's work on the matter was complete.

The following additional items were proposed for the next work programme:

- Business Rates Relief (as proposed earlier in the meeting).
- A general overview of the Reserves, including the size of the Reserves, flows in and out, and how the Reserves are used.
- An in-depth examination of a number of items within the Procurement Pipeline, provided that this was in accordance with the Sub-Committee's terms of reference. It was suggested that this work could be undertaken by a working group of the Sub-Committee; Councillors Carter and Clowes put their names forward for this.

## **RESOLVED**

That

1. the work programme for 2021/22 be noted and the remaining items on the programme be carried forward to the new municipal year; and
2. the items identified by the Sub-Committee for inclusion in the work programme for 2022/23 be agreed.

**56 PROCUREMENT PIPELINE**

The Sub-Committee considered a report which provided an update of the pipeline of procurement activity.

A revised Appendix 1 setting out a procurement pipeline of activity was circulated at the meeting.

Details of all waivers, without any information redacted, would be presented to the Sub-Committee in Part 2 of the meeting as they contained commercially sensitive information and/or Officer Details.

In response to a question, the Director of Finance and Customer Services advised that over time the number of waivers should fall to pre-pandemic levels. He stressed, however, that waivers were a normal and necessary part of the Council's procedure rules in recognition of what the market could provide.

The Director also advised that the Council would have to consider the implications of the Integrated Care System for its procedure rules. Members would be advised further on this in due course.

**RESOLVED (unanimously)**

That the Sub-Committee

1. notes the procurement pipeline of activity in Appendix 1;
2. approves the 2 new pipeline projects in Appendix 1 as business as usual, column G;
3. notes the contracts awarded by the Council since April 2021, Appendix 2;
4. notes that all purchase card expenditure is now published on the Council's transparency pages, the latest information being for October – December 2021; and
5. notes the reason for 7 waivers approved between 1<sup>st</sup> December 2021 and 31<sup>st</sup> January 2022 (34 in total in 2021/22).

**57 EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED**

That the press and public be excluded from the meeting during consideration of the following item 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, 3 and 5 of

Part 1 of Schedule 12A to the Local Government Act 1972 and the public interest would not be served in publishing the information.

Note: Councillor S Hogben, having made a declaration of interest at the start of the meeting, left at this point.

**58 PROCUREMENT PIPELINE**

The Sub-Committee considered details of the waivers referred to in the Procurement Pipeline report.

**RESOLVED**

That the details of individual waivers be noted.

**59 EXTRA CARE HOUSING PFI SCHEMES**

The Acting Head of Integrated Commissioning gave an oral update on renegotiations of the Cheshire Extra Care PFI contract. A briefing paper was shared with members at the meeting.

**RESOLVED**

That the update be noted.

**60 PROPOSED SHAREHOLDER RESOLUTION**

The Director of Governance and Compliance gave an oral update on this matter.

**RESOLVED**

That the update be noted.

The meeting commenced at 2.00 pm and concluded at 4.15 pm

Councillor A Stott (Chair)

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