

Council Agenda

Date: Wednesday 18th October 2023
Time: 11.00 am
Venue: The Assembly Room - Town Hall, Macclesfield SK10 1EA

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

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

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

1. **Apologies for Absence**
2. **Declarations of Interest**

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

3. **Minutes of Previous Meeting** (Pages 5 - 20)

To approve as a correct record the minutes of the meeting of Council held on 19 July 2023.

4. **Mayor's Announcements**

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

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

In accordance the Council Procedural Rules, a total period of 30 minutes is allocated for members of the public to speak at Council meetings. Individual members of the public may speak for up to 2 minutes, but the Chair will have discretion to vary this requirement where they consider it appropriate.

Members of the public wishing to speak are required to provide notice of this at least three clear working days' in advance of the meeting and should include the question with that notice. Questions should be submitted to: katie.small@cheshireeast.gov.uk or brian.reed@cheshireeast.gov.uk.

6. **Leader's and Deputy Leader's Announcements**

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

7. **Recommendations from Corporate Policy Committee: Cheshire and Merseyside Health and Care Partnership** (Pages 21 - 36)

To consider the recommendations of the Corporate Policy Committee.

8. **Recommendation to Council from Corporate Policy Committee: First Financial Review 2023/24** (Pages 37 - 44)

To approve a fully funded supplementary revenue estimate and supplementary capital estimate.

9. **Annual Report of Audit and Governance Committee 2022/23** (Pages 45 - 60)

To receive the annual report of the Audit and Governance Committee.

10. **Recommendation from Audit and Governance Committee: Recruitment of Co-opted Independent Member** (Pages 61 - 66)

To consider the recommendation of the Audit and Governance Committee Recruitment Panel.

11. **Recommendation form Children and Families Committee: Annual Youth Justice Plan** (Pages 67 - 106)

To consider the recommendation from the Children and Families Committee.

12. **Recommendation from Appointments Committee: Amendment to Pay Policy Statement** (Pages 107 - 126)

To consider the recommendation from the Appointments Committee.

13. **Appointment of an Interim Chief Executive** (Pages 127 - 132)

To appoint an Interim Chief Executive.

14. **Notices of Motion** (Pages 133 - 134)

To consider any Notices of Motion that have been received in accordance with the Council Procedure Rules.

15. **Questions**

In accordance the Council Procedure Rules, opportunity is provided for Members of the Council to 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.

At Council meeting, there will be a maximum question time period of 30 minutes. A period of two minutes will be allowed for each Councillor wishing to ask a question. The Mayor will have the discretion to vary this requirement where they consider it appropriate.

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CHESHIRE EAST COUNCIL**Minutes of a meeting of the Council**

held on Wednesday, 19th July, 2023 in the The Assembly Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor R Fletcher (Chair)

Councillor M Houston (Vice-Chair)

Councillors S Adams, L Anderson, R Bailey, J Bird, L Braithwaite, J Bratherton, M Brooks, D Brown, C Browne, L Buchanan, C Bulman, A Burton, R Chadwick, C Chapman, D Clark, J Clowes, P Coan, A Coiley, S Corcoran, L Crane, A Critchley, T Dean, B Drake, S Edgar, D Edwardes, M Edwards, H Faddes, A Farrall, A Gage, S Gardiner, M Goldsmith, M Gorman, E Hall, A Harrison, G Hayes, A Heler, C Hilliard, T Jackson, D Jefferay, R Kain, A Kolker, N Mannion, G Marshall, A Moran, R Moreton, H Moss, M Muldoon, C Naismith, C O'Leary, K Parkinson, J Pearson, J Place, B Posnett, J Pratt, B Puddicombe, P Redstone, J Saunders, H Seddon, M Sewart, M Simon, L Smetham, G Smith, J Smith, J Smith, J Snowball, R Vernon, L Wardlaw, M Warren, H Whitaker, F Wilson and J Wray

Apologies

Councillors M Beanland, S Bennett-Wake, N Cook, K Edwards, E Gilman, S Holland, J Priest, J Rhodes and L Smith

18 APOLOGIES FOR ABSENCE

Apologies were received from Councillors M Beanland, S Bennett-Wake, N Cook, K Edwards, E Gilman, J Priest, J Rhodes and L Smith.

19 DECLARATIONS OF INTEREST

The Mayor announced that the Monitoring Officer had confirmed, in relation to the report on the Targeted Review of Members' Allowances, that Members did not need to declare an interest in this item as a consequence of receipt of an allowance as part of the Members' Allowances Scheme.

In relation to the item on recommendations from Corporate Policy Committee: Annual Review of the Committee System - Councillor S Gardiner declared that he was a member of the Royal Town Planning Institute.

In relation to the Notice of Motion on the commission of an Independent Hydrogeology Report for the South Macclesfield Development Area, Councillor C O'Leary declared that he was an active campaigner for the 'Save Danes Moss' campaign.

20 MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 24 May 2023 be approved as a correct record.

21 MAYOR'S ANNOUNCEMENTS

The Mayor, in summary:

1. Stated that he would be using his term in office to support the Cheshire End of Life Partnership and Nightstop charities.
2. Gave an overview of three engagements that he had attended recently which included the unveiling of a sculpture of King Canute at the Knutsford Heritage Centre, the opening of the new Congleton Leisure Centre and attendance at the Mercian Regiment Pilgrimage to the Regimental War Memorial at Crich in Derbyshire.
3. Thanked Dr Lorraine O'Donnell for her three-year service with Cheshire East Council and asked members to join him in wishing Lorraine the very best in her new role as Chief Executive at Bradford Metropolitan District Council.
4. Advised that, as the Council agenda had been published before the Chief Executive's news was announced, it was agreed that an urgent item of business should be added to the agenda in respect of the commencement of the recruitment process for a new Chief Executive. This was to ensure that there was no delay in the new appointment, which would occur if commencement of recruitment had to wait until the next meeting of Council.

Dr Lorraine O'Donnell thanked all members and officers for the warm welcome she had received and stated that it had been a privilege to serve the residents of Cheshire East.

22 PUBLIC SPEAKING TIME/OPEN SESSION

Ms Bev Hulme spoke in respect of Poynton Pool, specifically the section 10 inspection on the Spillway Proposal. Ms Hulme asked why Cheshire East Council believed that the mandatory work differed to that stated in the inspecting engineer's report and why any engineering work to upgrade the Spillway must be implemented by December 2023.

Ms Jen Hartshorne spoke in respect of Poynton Pool and stated that the data used to form the catchment area was incorrect and therefore the conclusions were flawed. Ms Hartshorne asked that automatic monitoring be implemented over a period of six months to provide a more accurate

measure of the catchment area. Ms Hartshorne felt that this would be more likely to be accepted locally.

Mr Mike Ellison spoke in respect of Poynton Pool and stated that the justification for spillway improvements was flawed. Mr Ellison felt that the proposal was contrary to Cheshire East Local Plan Strategy - Policy SE 5 - Trees, Hedgerows and Woodland in terms of avoidable loss of trees where there were alternatives, and in terms of providing a net environmental gain. Mr Ellison asked the Council to consider the proposal put forward by 'Friends of Poynton Pool' to achieve the same objective as the Jacobs scheme while saving the Council in excess of £1.3 million.

Mr David Massingham spoke in respect of Poynton Pool. Mr Massingham felt that the calculation of significant risk to life had been greatly exaggerated and asked why that was and how it had been justified.

In response to the questions raised in respect of Poynton Pool, Councillor M Goldsmith, Chair of Economy and Growth Committee stated that, under the Reservoirs Act 1975, Poynton Pool was classified as the largest type of reservoir and it was deemed a high risk because of its close proximity to the houses and businesses in Poynton. Therefore, regardless of its age, the pool must meet current safety standards which it currently did not. The Reservoir Act meant that the nature of any risk or its likelihood of happening were irrelevant. If the Council did not act then enforcement action could be taken. Following feedback from residents, the number of trees removed was reduced from 80 to 35. Poynton Town Council had recently commissioned their own independent expert review which confirmed that the option proposed appeared proportionate and had less environmental impact in terms of tree loss than potential alternatives. The next stage for the proposal was to apply for planning approval, where full public scrutiny could be given to the proposed works. The Council was due to meet with the Friends of Poynton Pool the following week, along with an expert engineer to answer any technical questions.

Ms Debbie Jamison spoke in respect of the item on the recommendations from Corporate Policy Committee: Annual Review of the Committee System. Ms Jamison asked what other options the Council had considered in arriving at the recommendation to reduce the number of planning committees from three to two and what other measures were in place to increase the timely assessment of planning applications since the number of applications would not reduce. Ms Jamison felt that there was a danger that large strategic applications would not be given the required focus and scrutiny. Ms Jamison also referred to paragraph 25 of the report that went to Corporate Policy Committee and asked how assessments of Council conflicts of interest would be dealt with via the revised committee scheme. Ms Jamison referred to appendix 2 paragraph 2.1.3 of the report in relation to the new terms of reference which suggest that reserved matters plans would not be brought back to committee. Ms Jamieson asked if that had been drafted correctly and whether that was how the workload efficiencies were going

to be achieved.

In response, Councillor M Warren, Chair of Environment and Communities Committee, stated that the proposal to reduce from three planning committees to two was being progressed by Democratic Services as a budget saving under the heading of 'reducing the costs of democracy' within the Council's Medium Term Financial Plan. The reduction to two committees was supported by the Planning Service as it would bring opportunities to better manage workflow and reduce deadline congestion for report writing. When considering the proposal, colleagues had considered the alternative of retaining a strategic committee with one other larger area/sub-committee, however this was not chosen as the preferred option to be taken forward. It was not proposed to include additional meetings, rather the two remaining committees would each sit once per month, ideally resulting in one meeting every two weeks.

Councillor Warren also stated that it was for individual Members to determine whether they had any conflicts of interest in respect of any decision which was proposed to be made by a committee upon which they sat. Members had access to advice from the Monitoring Officer at any time and would take that into account when determining whether they should take part in a debate or vote upon a matter which was before their committee.

The matter was to be discussed further as part of agenda item 7.

23 LEADER'S AND DEPUTY LEADER'S ANNOUNCEMENTS

The Leader, in summary:

- 1 Reported that he had attended the re-opening of Crewe Lyceum Square which was one of the projects forming the regeneration programme for Crewe. Other elements of the programme included the new multi storey car park which would allow Oak Street car park to be used as a site for Crewe Youth Zone.
- 2 Reported that he had attended the reopening of the refurbished Congleton Leisure Centre.
- 3 Announced the new Member Champions which included:

Mental Health – Councillor Dawn Clark
Menopause – Councillor Judy Snowball
Diversity (EDI) – Councillor Stewart Gardiner
Heritage – Councillor Fiona Wilson / Councillor Brian Puddicombe
Food Poverty/Food Security – Councillor Anna Burton
Armed Forces - Councillor Ashley Farrall
Walking & Cycling – Councillor Chris Hilliard
Environment & Climate Change – Councillor Mary Brooks
Special Educational Needs and Disabilities (SEND) – Councillor Laura Crane

Public Transport – Councillor Lata Anderson

The Deputy Leader, in summary:

1. Reported that the Council had been working closely with neighbouring Councils to discuss issues of common interest. Following an invitation from the Minister for Levelling Up to explore these ideas further, a number of briefings were being arranged to help Members understand the options that were open to the Council and explain more around the decisions that Members may have to make.
2. Reported that the Council was working with the Department for Levelling Up and the Department for Transport on one of only two 'deep dives' nationally to explore in more detail the opportunities that exist from leveraging transport investment to level up communities in Cheshire East.
3. Reported that he had attended the opening of the newly redeveloped Congleton Leisure Centre and thanked all those involved in the project which had resulted in an accessible community leisure facility for future generations.
4. Reported that good progress had been made on constructing an improved cycle and pedestrian link between Macclesfield and the Middlewood Way. Once the scheme was completed, a promotional campaign would be launched to make residents and visitors aware of the improved links.
5. Reported that Cheshire East Council had successfully secured approximately £1.3m from Active Travel England for the northern section of the Wilmslow to Handforth cycleway.
6. Reported that, following the announcement from Transport Focus that they were consulting on proposals by a number of train companies to remove ticket office staff from railway stations across the borough, a response would be submitted on behalf of Cheshire East Council opposing the proposals.
7. Reported that the Cheshire East Registration Service had been voted the best ceremony provider in the North West for the sixth year in a row.

24 URGENT ITEM OF BUSINESS - CHIEF EXECUTIVE RECRUITMENT

Following the earlier announcement, the Mayor changed the order of the agenda to deal with this matter as item 7.

Consideration was given to a report which outlined the arrangements to recruit a permanent Chief Executive for Cheshire East Council. This followed the resignation of the current Chief Executive, Dr Lorraine O'Donnell.

The role of the Appointments Committee and their responsibility to recommend a suitable candidate alongside an appropriate remuneration package and associated changes to the pay policy statement was highlighted in the report.

Members thanked the Chief Executive for her dedicated service to Cheshire East.

RESOLVED:

That Council

1. Note the resignation of the Chief Executive.
2. Note that the Appointments Committee will:
 - 2.1. Convene to undertake the recruitment and selection process for a replacement Chief Executive in accordance with the Employment Procedure Rules.
 - 2.2. Recommend appropriate changes to the Council's Pay Policy Statement that supports the appointment process.
 - 2.3. Recommend the proposed appointment to Council, alongside the recommended annual spot salary, before an offer of appointment is made to that person.
3. Note that the Appointments Committee may make recommendations to Council for interim arrangements for the role of Chief Executive if required.

**25 RECOMMENDATIONS FROM CORPORATE POLICY COMMITTEE:
ANNUAL REVIEW OF THE COMMITTEE SYSTEM**

Consideration was given to a report on the annual review of the committee system. The report made recommendations for changes to the Constitution and recommendations for Council to consider as improvements to the future functionality of the committee system.

The recommendations as set out in the report were proposed and seconded. During the debate, an amendment was proposed and seconded which sought to defer consideration of recommendation 3 in the report to allow further consultation to take place, including with the Planning Committee Chairs, to fully understand the risks and be brought forward in a further report which would address all relevant issues to the

December meeting of Council. This amendment was carried and therefore became part of the substantive proposition.

RESOLVED:

That Council

1. Approve the amendments to the Constitution as attached at Appendix 1 to the report to the Corporate Policy Committee
2. Agree that the Public Rights of Way Sub-Committee functions be incorporated into the functions of the Highways and Transport Committee as shown in Appendix 2
3. Agree to defer consideration of the realignment of the Planning Committees from 3 to 2 to the December meeting of Council to allow further consultation to take place, including with the Planning Committee Chairs, to fully understand the risks
4. Delegate to the Monitoring Officer, the power to make such consequential changes to the Council's Constitution as he deems necessary to give effect to the wishes of Council
5. Note the savings in relation to venues for meetings and printing and postage of agendas

26 RECOMMENDATIONS FROM CORPORATE POLICY COMMITTEE: TARGETED REVIEW OF MEMBERS' ALLOWANCES

In the interest of openness, Councillor S Gardiner declared that he was known to one of the members of the Independent Remuneration Panel.

The Corporate Policy Committee, at its meeting on 15 June 2023, had considered a report on the recommendations of the Independent Remuneration Panel in respect of a targeted review of Members' Allowances undertaken in 2022 and for Council to invite the Panel to undertake a full review of allowances in 2023/2024.

The recommendations of the Committee were proposed and seconded and, following debate, a recorded vote was requested with the following results:

FOR

Councillors L Anderson, L Brathwaite, J Bratherton, M Brooks, C Browne, C Bulman, A Burton, C Chapman, D Clark, A Coiley, S Corcoran, L Crane, B Drake, D Edwardes, M Edwards, H Faddes, A Farrall, M Goldsmith, M Gorman, C Hilliard, D Jefferay, R Kain, N Mannion, G Marshall, A Moran, R Moreton, C Naismith, J Place, B Puddicombe, H Seddon, G Smith, John Smith, Julie Smith, J Snowball, R Vernon, M Warren, F Wilson.

AGAINST

Councillors S Adams, R Bailey, D Brown, L Buchanan, R Chadwick, J Clowes, P Coan, A Critchley, T Dean, S Edgar, A Gage, S Gardiner, E Hall, A Harrison, G Hayes, A Heler, T Jackson, H Moss, M Muldoon, C O'Leary, J Pearson, B Posnett, J Pratt, P Redstone, J Saunders, M Sewart, M Simon, L Smetham, L Wardlaw, H Whitaker.

NOT VOTING

Councillors J Bird, R Fletcher, M Houston, A Kolker, K Parkinson, J Wray.

The motion was declared carried with 37 votes for, 30 against and 6 not voting.

RESOLVED:

That Council approve that:

1. Civic payments should remain at their current levels (Mayor £14,000 and Deputy Mayor £5,600)
2. From 2023, civic payments should be subjected to the same uprating which may be applied to members' allowances
3. Special responsibility allowance (SRA) for the Chair of scrutiny committee should remain at £7,650
4. In respect of the draft Parental Leave Policy for Councillors, basic allowance should continue to be paid to an elected Member during any period of parental leave
5. In respect of the draft Parental Leave Policy for Councillors, special responsibility allowance payable to the elected Member during any period of parental leave should be discontinued and transferred to the Councillor who is undertaking the special responsibility in question
6. Basic allowance should be increased by a flat rate of £500 and applied retrospectively for 2022-2023
7. Special responsibility allowances (to include Mayor, Deputy Mayor and Scrutiny Chair) should be increased by 4.04% and applied retrospectively for 2022-2023
8. A full review of the Members' Scheme of Allowances should be undertaken by the new Independent Remuneration Panel, following its appointed by Council on 16 October 2023

(The meeting was adjourned at 1.20 pm and reconvened at 1.50 pm)

**27 RECOMMENDATIONS FROM CORPORATE POLICY COMMITTEE:
PARENTAL LEAVE POLICY FOR COUNCILLORS**

Consideration was given to the recommendations from the Corporate Policy Committee in respect of a proposed parental leave policy for Councillors.

The recommendations as set out in the report were proposed and seconded, subject to the following amendment being incorporated in to the policy:

That special responsibility allowance would not be paid to members whilst they were on parental leave.

RESOLVED:

That the proposed parental leave policy be adopted as set out in Appendix 1 to the report subject to the following amendment:

That special responsibility allowance would not be paid to members whilst they were on parental leave.

**28 RECOMMENDATIONS FROM CORPORATE POLICY COMMITTEE:
CHESHIRE AND MERSEYSIDE HEALTH AND CARE PARTNERSHIP**

RESOLVED:

That the matter be deferred.

**29 RECOMMENDATIONS FROM CORPORATE POLICY COMMITTEE:
CHESHIRE EAST HEALTH AND WELLBEING BOARD TERMS OF
REFERENCE UPDATE**

Consideration was given to the recommendations of the Corporate Policy Committee in respect of the proposed updates to the terms of reference of the Cheshire East Health and Wellbeing Board.

RESOLVED:

That the revised terms of reference of the Cheshire East Health and Wellbeing Board, as appended to the report, be adopted.

30 PROVISIONAL FINANCIAL OUTTURN 2022/23

Consideration was given to the recommendations of the Corporate Policy Committee following its consideration of a report on the Provisional Financial Outturn for 2022/23.

RESOLVED:

That Council approves:

1. The fully funded Supplementary Revenue Estimates over £1,000,000 as detailed in Appendix 2 of the report.
2. The fully funded Supplementary Capital Estimates over £1,000,000 as detailed in Appendix 3 of the report.

31 **NOTICES OF MOTION**

Consideration was given to the following Notices of Motion, which had been submitted in accordance with the Council's Procedural Rules.

1 Access to the National Parking Platform

Proposed by Councillor J Clowes and Seconded by Councillor M Sewart

- 1 That this Council joins the National Parking Platform (NPP) Pilot Expansion programme for Q2/Q3 2023, with immediate effect.
- 2 That this Council, on joining the NPP Pilot, incorporates current NPP evidential learning and practices into any future Car Park Charging Strategy for Cheshire East.

RESOLVED:

That the Motion be referred to the Highways and Transport Committee.

2 Commission an Independent Hydrogeology Report for the South Macclesfield Development Area

Proposed by Councillor C O'Leary and Seconded by Councillor JClowes

That this Council notes:

- that Cheshire East Council is the lead organisation and majority landowner for the *South Macclesfield Development Area* (SMDA), as identified in the 2017 Local development Plan;
- that as lead organisation and majority landowner, Cheshire East Council may prepare or commission additional information to provide assurance that proposals to develop the SMDA are sound;
- that Cheshire East Council, in its role as proposed developer of the South Macclesfield Development Area (SMDA) must submit appropriate, detailed ecological, environmental and groundworks data to support development of this extensive site and should

include a full, hydrogeological assessment that investigates the impacts of any proposed development on below-surface water flows through the peat deposits of the SMDA, together with the effect this might have on synergistic water flows into or out of the adjacent Site of Special Scientific Interest (SSSI).

- That such detailed evidence should be submitted at the appropriate time for consideration by the Local Planning Authority (LPA) to enable the LPA to make fully informed planning decisions.

Cheshire East Council therefore resolves to:

- That this Council, as landowner and developer, commissions an independent Hydrogeology Report to provide a hydrogeological assessment that investigates the impacts of any proposed development on below-surface water flows through the peat deposits of the SMDA, together with the effect this might have on synergistic water flows into or out of the adjacent Danes Moss Site of Special Scientific Interest (SSSI) and;
- That this report is published in the public interest and used to review and inform past and future development decisions on this site.

RESOLVED:

That the Motion be referred to the Economy and Growth Committee.

32 QUESTIONS

Cllr B Puddicombe asked the Vice-Chair of the Economy and Growth Committee if he had any additional thoughts on the Notice of Motion proposed by Cllr O'Leary in relation to the South Macclesfield Development Area.

Cllr N Mannion, Vice-Chair of the Economy and Growth Committee, thanked Cllr O'Leary for his interest in this proposed development and reminded Members that this development was still a live matter to be considered by a future planning committee and he therefore did not want to discuss the details of the Notice of Motion. Cllr Mannion assured Cllr O'Leary that the Council, as landowner, takes seriously its responsibilities as a developer and will adhere to the Local Planning Authority and the environmental assessments.

Cllr Sewart asked the Chair of the Highways and Transport Committee if he would agree that proposals to make reductions in street lighting, due to be discussed by the committee, could increase the likelihood of criminal activity in residential areas.

Cllr L Crane, Vice-Chair of the Highways and Transport Committee, responded that the report went into detail on any issues arising from the

presence or not of street lighting and that the time to debate the matter would be in the committee meeting.

Cllr A Coiley asked if the Vice-Chair of the Highways and Transport Committee could confirm that the Council had responded to the consultation in relation to ticket office closures at railway stations in Cheshire East and objected to the proposals.

In response, Cllr L Crane advised that the Council would be responding to the consultation and providing a more strategic response as part of the Transport for the North response to the consultation. Cllr Crane encouraged others to respond to the consultation to ensure that the voices of Cheshire East were heard.

Cllr H Whitaker referred to Poynton Pool and stated that such a large expenditure of taxpayers' money needed to be based on the latest data available. Cllr Whitaker and residents wanted to work with the Council to ensure it was not overspending.

In response, Cllr Goldsmith stated that the volume of the pool was estimated to be around 130,000 cubic metres and that residents estimated it to be around 85,000 cubic metres. However, anything over 25,000 cubic metres was considered to be large and the Council had a legal obligation to make the area safe. The Council was willing to meet with the Friends of Poynton Pool group to discuss the matter further.

Cllr J Saunders referred to correspondence sent in error to the parents of children in 10 primary schools in the Macclesfield area advising that their children were classed as overweight. Cllr Saunders asked how this error occurred and what steps were being taken to ensure that it would not happen again.

In response, Cllr C Bulman, Chair of the Children and Families Committee, advised that this task had been outsourced to an external company and that steps were being taken to address the matter.

Cllr A Harrison referred to the discounted membership for Everybody Health and Leisure facilities for the armed forces and veterans which he had been informed had been discontinued. Cllr Harrison asked for reassurance that this would be reviewed.

In response, Cllr M Warren, Chair of the Environment and Communities Committee, advised that Everybody Health and Leisure, through the strategic leisure review, now offered discounts to serving armed forces personnel through their options scheme at 25%. The only veterans in receipt of this discount were those who were awarded a disabled pension with or without motability supplement and armed forces independent payment or severe disability allowance. Cllr Warren was aware of the concern that had been caused within the armed forces community and stated that he would discuss this with the Armed Forces Champion and

officers to look at a review of the decisions that had been made. Feedback would be provided to all members.

Cllr G Smith asked why there was such a large financial override for Children's Services and how this would be managed.

In response, Cllr S Corcoran advised that the government required the Council to put spending on SEND into this negative reserve. The accounting override would last until 2026; if at that point the override was withdrawn and nothing else changed, Cheshire East would not have the general reserve to cover that amount. Cllr Corcoran stated that this was a serious problem and Cheshire East Council was not alone in this. The additional costs were largely driven by the reforms brought in in 2014 which enabled increased parental choice and set up an adversarial system which often resulted in high-cost private placements. Those costs were increasing significantly in Cheshire East and the County Councils Network had done research to show the costs were inversely proportional to deprivation.

Cllr A Gage referred to the Council's rebuild of the Royal Arcade in Crewe which included plans for a cinema as a 'main anchor' around which the rest of the rebuild would occur. Cllr Gage stated that Covid had changed habits and therefore fewer people were going to cinemas, resulting in many closing. Cllr Gage asked the Leader if, at any stage since Covid, the administration had held a review of the plan to anchor a town centre rebuild around a struggling industry, and what the current way forward was. The Leader would provide a written response to this question.

Cllr H Seddon asked if the Leader would like to comment on the use of Swift Bricks, given the recent debate in parliament and the amount of building going on in Cheshire East.

Cllr Corcoran responded that many of the houses being built in Cheshire East were granted planning permission years ago, prior to the Council having up to date planning policies and, therefore, it was too late to insert planning conditions into those. However, there were some things that could be done going forward. The local planning authority asked for Swift Bricks by condition where the Nature Conservation Officer considers that they were appropriate and would be of benefit. The Council now had up to date planning policies and a biodiversity net gain supplementary planning document which required developers to show that there was a net gain in biodiversity as a result of their plan.

Cllr C Hilliard referred to the news of facilities being provided for pupils with special educational needs at two new schools and asked how these facilities would be used and what opportunities there would be to integrate these pupils into mainstream education where possible.

Cllr Bulman responded that the policy was for integration where suitable and wanted. There was a capital programme for keeping children local,

whatever their needs. If children could not access the curriculum and had a particular need, they could access the inclusion unit. Cllr Bulman acknowledged that this would not suit everyone and therefore there was a building programme for two new schools. Further information on the capital build programme would be circulated in due course.

Cllr Anderson asked if there were any updates on the results of the recently closed public consultation on library closures.

Cllr Warren responded that a paper had been published as part of the Environment and Communities Committee agenda that provided the detail of the consultation. Over 3,200 responses were received and, after consideration, the Council was now proposing to significantly revise the plans. Unlike other authorities that had undertaken similar reviews of library services, Cheshire East had never proposed any full closures of library sites. Cllr Warren stated that, although the proposals were not ideal, they were now in a more positive position. Cllr Warren thanked the officers who had worked hard to go through all responses and had been able to amend the proposals.

Cllr O'Leary referred to the number 14 bus from Macclesfield to Langley and asked whether, prior to making any cuts to this rural bus service, any consideration had been given to extending the bus route to Macclesfield Forest which would increase passenger numbers and revenue, improve accessibility and reduce car journeys and parking issues in the forest.

Cllr Crane responded that changes to the number 14 bus service were a result of Arriva Buses withdrawing their whole operation in Cheshire East at the end of April. This presented an imminent threat to the local bus network service in Macclesfield and surrounding villages as almost all of these services were operated commercially by Arriva with very little financial support from the Council. As such, the Council had only limited influence on the service patterns. Following this, D&G commenced commercial bus services in Macclesfield and assessed that service 14 was viable, albeit with a reduced timetable. There was no indication from the bus company that they considered an extension to Macclesfield Forest to be a commercial proposition at this time.

Cllr D Clark referred to two Family Hubs that had recently opened in Crewe and Wilmslow and asked when the rest of Cheshire East families would benefit from the opening of these hubs.

Cllr Bulman responded that these hubs provided a broad range of services for families and the plan was to roll out a further five hubs over the next year. This was not postcode related and there would be a virtual hub providing the same range of services.

33 REPORTING OF URGENT DECISIONS TAKEN BY THE CHIEF EXECUTIVE

Council received a schedule of urgent decisions taken by the Chief Executive on behalf of the Council, which were reported for information in accordance with the Council procedure rules.

RESOLVED:

That the schedule of urgent decisions be noted

The meeting commenced at 11.00 am and concluded at 2.59 pm

Councillor R Fletcher (Chair)

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COUNCIL MEETING – 18TH OCTOBER 2023**CHESHIRE & MERSEYSIDE HEALTH & CARE PARTNERSHIP****RECOMMENDATION**

That, having considered the recommendations of the Corporate Policy Committee and the terms of reference set out as an appendix to this report, Council agree:

1. To become a member of the Cheshire & Merseyside Health & Care Partnership.
2. To adopt the terms of reference of the Cheshire & Merseyside Health & Care Partnership, attached as an appendix.
3. That the Leader of the Council be nominated to be the Council's representative on the Cheshire & Merseyside Health & Care Partnership.
4. To delegate authority to the Chief Executive to nominate an Executive Director/Director of Public Health to be a member of the Committee if they consider this appropriate.

Extract from the Minutes of the Corporate Policy Committee meeting on 11th July 2023

18. CHESHIRE & MERSEYSIDE HEALTH & CARE PARTNERSHIP

The Committee considered a report seeking authority for the Council to become a member of the new statutory Integrated Care Partnership for Cheshire and Merseyside, to be known as the Cheshire and Merseyside Health and Care Partnership.

The proposed terms of reference for the Partnership had been produced collaboratively by statutory partners and were set out at Appendix 2 to the report. The terms of reference had not yet been agreed, and a number of concerns had been conveyed to the Integrated Care Board. A response was awaited. Officers therefore proposed an amendment to recommendation 1 in the report to insert the words 'when agreed' and advised that the first potential date the terms of reference could be presented to Council was 18th October 2023.

RESOLVED (unanimously)

That the Committee recommends to full Council

1. that the terms of reference of the Cheshire & Merseyside Integrated Care Partnership (to be known as the Cheshire & Merseyside Health & Care Partnership), when agreed, be adopted;

2. that the Council become a member of the Cheshire & Merseyside Health & Care Partnership;
3. that the Leader of the Council be nominated to be the Council's representative on the Cheshire & Merseyside Health & Care Partnership; and
4. that the Chief Executive be granted delegated authority to nominate an Executive Director/Director of Public Health to be a member of the Partnership if she considers it appropriate.

Note: The terms of reference as attached have been agreed with the Integrated Care Board. The issues which were outstanding when the matter was reported to the Corporate Policy Committee on 11th July 2023 have been resolved as shown in italics below, and the attached terms of reference reflect the final agreed position.

- There are two co-vice chairs which will be confusing if the Chair is absent – *it will now be agreed in advance who will chair the meeting in the absence of the Chair.*
- It is not clear how the 'Executive' (we assume to be officers) and DPH's will be appointed as there are only a limited number of places. – *this will be agreed by the C&M Local Authority Chief Executives*
- There is a lack of clarity around the ICB votes - *no decisions can be taken unless at least 50% of the ICB members are present*
- Clarity needed over when the public/press can be excluded – *all meetings will be held in public*
- The quorum does not specify a need for a class of members to be present i.e., if there are no local authority members the meeting can still proceed – *no decisions can be taken unless at least 50% of local authority members are present*
- Clarity is needed over conflicts of interest – *local authority members will be bound by their own Code of Conduct*
- Whether meetings can be held remotely – *meetings will be a mixture of remote and attended as unlike local authority meetings, there is no legislation prescribing a physical presence.*

OPEN

Corporate Policy Committee

11 July 2023

**Cheshire and Merseyside Health and
Care Partnership**

**Report of: Helen Charlesworth May, Executive Director (Adults,
Health & Integration) and David Brown, Director of Governance &
Compliance**

Report Reference No: CP/6/23-24

Ward(s) Affected: All

Purpose of Report

- 1 This report requests authority for the Council to become a member of the new statutory Integrated Care Partnership for Cheshire & Merseyside, to be known as the Cheshire & Merseyside Health and Care Partnership (C&M HCP).

Executive Summary

- 2 The Cheshire & Merseyside Health & Care Partnership is a statutory joint committee and forms part of the overall structure of the new Integrated Care System set out in the Health & Care Act 2022.
- 3 The C&M Health and Care Partnership has statutory functions to deliver an Integrated Care Strategy across the C&M area, and to hold others to account for their delivery of the Strategy. In order to undertake this effectively it needs the support and input from all partners across the C&M region, to ensure that local needs and requirements are fully reflected in the Strategy.

RECOMMENDATIONS

That Corporate Policy Committee:

1. Recommend to full Council that the terms of reference of the C&M Integrated Care Partnership (to be known as the Cheshire & Merseyside Health & Care Partnership) be adopted.
2. That the Council become a member of the Cheshire & Merseyside Health & Care Partnership.
3. That the Leader of the Council be nominated to be the Council's representative on the Cheshire & Merseyside Health & Care Partnership.
4. That the Chief Executive have delegated approval to nominate an Executive Director/Director of Public Health to be a member of the Committee if she considers this appropriate.

Background

4. The government reforms of the NHS under the Health and Care Act 2022 created new Integrated Care Systems with responsibility across wider geographical footprints. The Integrated Care System (ICS) for our area covers the footprint of the nine local authority areas in Cheshire and Merseyside. Finances are directed to the Cheshire & Merseyside area and can then be devolved down to local areas (known as 'Place'). Our 'Place' operates through the Cheshire East Health & Care Partnership (CE HCP), which is comprised of partners from across the health services in Cheshire East. A diagram illustrating the governance arrangements for the C&M Integrated Care System is set out at Appendix 1.
5. As part of the statutory governance arrangements, the ICS is required to set up an Integrated Care Partnership for Cheshire & Merseyside, with local authority membership from each Place.

Role of the Integrated Care Partnership

6. The Integrated Care Partnership (ICP) will drive the strategic direction and plans across the C&M area, and this work needs to be aligned with other strategies and the work of the local Health and Wellbeing Boards. The ICP allows organisations to work together more closely

to collectively improve the health of residents across C&M. In particular, it has responsibility for agreeing an Integrated Care Strategy across C&M to address the broad health and social care needs of the population across the C&M region, including the wider determinants of health, such as employment, environment and housing. Integrated Care Boards and local authorities will be required to have regard to the ICP strategy when making decisions, commissioning and delivering services.

7. The ICP will comprise of health and care partners from across the C&M area, including one councillor representative from each local authority, as well as two Executive Directors and two Directors of Public Health from across C&M. Only the Chair, Vice Chair, local authority, ICB representatives & Healthwatch will have voting rights, but the partnership will have representation from across the broader sector, including the Ambulance Service, Fire & Rescue, Police, Housing, Voluntary Sector, Carers, Primary Care, Social Care Providers, LEP, University Sector and Providers. This will ensure a wide range of views are heard.
8. A copy of the terms of reference to be agreed is set out at Appendix Two.

NOTE: The terms of reference are not yet agreed, and a number of concerns have been sent back to the ICB for them to deal with. A response is still awaited. These relate to:-

- There are two co-vice chairs which will be confusing if the Chair is absent.
- It is not clear how the 'Executive' (we assume to be officers) and DPH's will be appointed as there are only a limited number of places.
- There is a lack of clarity around the ICB votes
- Clarity needed over when the public/press can be excluded
- The quorum does not specify a need for a class of members to be present i.e., if there are no local authority members the meeting can still proceed
- Clarity is needed over conflicts of interest
- Whether meetings can be held remotely

Consultation and Engagement

9. The Integrated Care Board has not formally consulted the public over the terms of reference for the ICP, but it has consulted with all nine local authorities.

Reasons for Recommendations

10. The Council must become a member of the Integrated Care Partnership as this is a statutory requirement under S116ZA Health & Social Care Act 2022.

Other Options Considered

11. No other options have been considered, as this is a statutory duty.

Implications and Comments

Monitoring Officer/Legal

12. Integrated Care Partnerships are a fundamental part of the Integrated Care System which was brought in by the Health & Social Care Act 2022. Under S.116ZA, each Integrated Care Board and local authority within the Integrated Care Board area **must** establish a joint committee for the board's area. The Integrated Care Board must consist of at least one member of the ICB, and one member from each local authority, and the ICP itself can determine any other membership. The ICP can also determine its own procedures, such as quorum etc.
13. The Integrated Care Partnership is responsible for the preparation of the Integrated Care Strategy, which sets out how the population needs of the area can be met by the ICB, NHS England or local authorities.
14. S116B Health & Social Care Act 2022 provides that local authorities and Integrated Care Boards must have regard to any Integrated Care Strategy and any joint Health & Wellbeing Strategy when exercising its function.

Section 151 Officer/Finance

15. There are no financial implications or changes required to the Medium-Term Financial Strategy, as this report is seeking to approve a statutory committee and the appointment of a member of the Council to it. In the event that officers are appointed to the Committee, then this will have a financial implication in terms of time only, which would be managed within existing budgets.
16. Any decisions to be made by the Joint Committee which would involve budgetary implications for the Council will need to be brought back to Committee/Council in line with our constitutional arrangements.

Policy

17. Membership of the Integrated Care Partnership will help to ensure that the Health & Wellbeing Board and the Council are able to provide the necessary leadership to achieve their role of leading on integration, reducing health inequalities and supporting the delivery of the Joint Local Health and Wellbeing Strategy.

An open and enabling organisation (Include which aim and priority)	A council which empowers and cares about people Reduce inequalities across the borough	A thriving and sustainable place A great place for people to live, work and visit.
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Equality, Diversity and Inclusion

18. There are no equalities implications.

Human Resources

19. There are no human resources implications, although there would be a time commitment from officers if they are nominated to a place on the Integrated Care Partnership Board.

Risk Management

20. There are no direct risk management implications in this report. However, decisions of the Integrated Care Partnership may carry risk, and these should be considered as appropriate by the board member.

Rural Communities

21. There are no direct implications for rural communities.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

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

Public Health

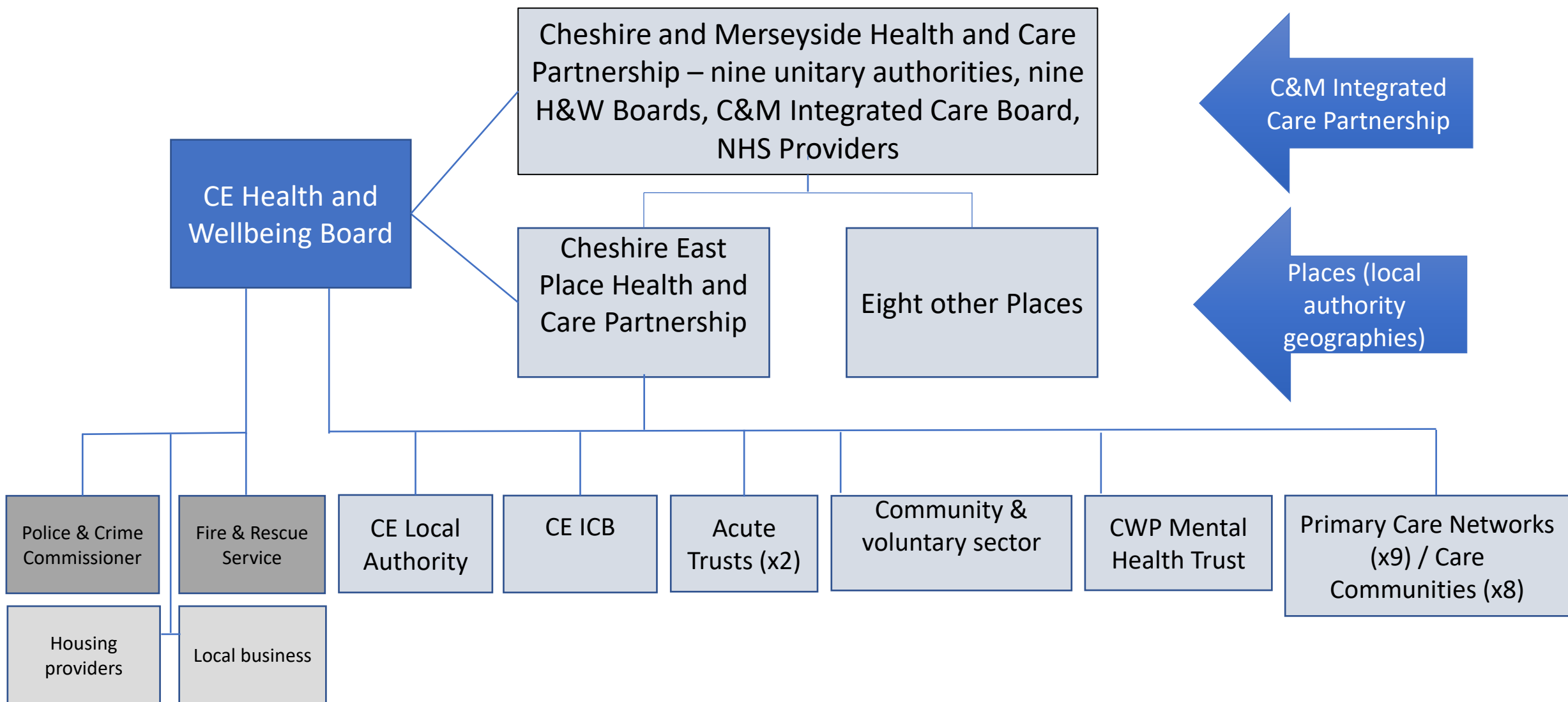
23. A key aim of the Integrated Care Strategy is to improve the public health amongst the residents of Cheshire & Merseyside, as set out above.

Climate Change

24. There are no climate change implications.

Access to Information	
Contact Officer:	Deborah Upton Deborah.upton@cheshireeast.gov.uk
Appendices:	1. Governance structure 2. Terms of Reference (Draft)
Background Papers:	None

The Cheshire & Merseyside Integrated Care System



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Cheshire and Merseyside Health and Care Partnership

Terms of Reference

Background

Integrated care systems (ICSs) are statutory partnerships that bring together NHS organisations, local authorities and others to take collective responsibility for planning services, improving health and reducing inequalities across geographical areas.

ICSs comprise two key components:

- **integrated care boards (ICBs):** statutory bodies that are responsible for planning and funding most NHS services in the area
- **integrated care partnerships (ICPs):** statutory committees that bring together a broad set of system partners (including local government, the voluntary, community, faith and social enterprise sector (VCFSE), NHS organisations and others) to develop a health and care strategy for the area.

This dual structure was designed to support ICSs to act both as bodies responsible for NHS money and performance at the same time as acting as a wider system partnership.

ICPs are established in legislation by the insertion of a new Section 116ZA to the Local Government and Public Involvement in Health Act 2007. Section 116ZA of the 2007 Act imposes an express obligation on an ICB and all relevant local authorities whose area coincides with or falls wholly or partly within the ICBs area to establish an ICP as a joint committee.

In the Cheshire and Merseyside Integrated Care System, the ICP is named as the Cheshire and Merseyside Health and Care Partnership (HCP).

These Terms of Reference set out the membership, remit, responsibilities, and reporting arrangements of the joint committee.

Role and Purpose

The Cheshire and Merseyside HCP is a broad alliance of organisations and representatives concerned with improving the care, health and wellbeing of the population, jointly convened by local authorities and the NHS as equal partners in order to facilitate joint action to improve health and care outcomes and experiences, influence the wider determinants of health, and plan and deliver improved integrated health and care.

Its primary purpose will be to act in the best interests of residents across Cheshire & Merseyside, rather than representing the interests of any individual organisation.

The role and purpose of the HCP does not duplicate that of the nine Cheshire and Merseyside Health and Wellbeing Boards. The HCP will work in conjunction where appropriate to help achieve common objectives and aims to benefit local populations.

The HCP provides the opportunity for a Cheshire & Merseyside forum to support and enhance work programmes to improve population health outcomes and reduce health inequalities by addressing complex, long term issues which need an integrated approach across Cheshire & Merseyside.

The HCP, as an Integrated Care Partnership, has a statutory responsibility to prepare, approve and publish an Integrated Care Strategy for the Cheshire and Merseyside ICS, setting out how the assessed needs in relation to Cheshire & Merseyside are to be met by the exercise of functions of:

- the Integrated Care Board
- NHS England
- the nine local authorities whose areas coincide with the ICB area.

In preparing this strategy the HCP must involve:

- the Local Healthwatch organisations whose areas coincide with or fall wholly or partly within its area
- the people who live and work in Cheshire & Merseyside.

The strategy will have due regard to and respond to the Health and Wellbeing Strategies and Joint Strategic Needs Assessments of each of the nine local authority areas.

Membership and Attendees

Members

Membership of the HCP (as an Integrated Care Partnership) is set out in legislation and must have as a minimum:

- one member appointed by the ICB
- one member appointed by each of the nine local authorities.

Legislation also allows for members to be appointed by the HCP itself.

In all cases, HCP membership will be renewable on an annual basis. Each participant organisation or body will be expected to have formally nominated or confirmed their nominated member by 1st August of each year. Changes in membership during the year are allowed and must be notified to the HCP promptly and before attendance at the next meeting.

Where members are not available to attend meetings, a substitute nominated by organisation may attend on their behalf.

The Chair of the HCP will discuss attendance with any member who fails to attend three consecutive HCP Meetings. The Chair of the HCP will refer any ongoing concerns regarding non-attendance of a member to their organisation with a

recommendation that consideration be given to whether it is appropriate for the individual to continue as a member of the HCP.

The full membership of the Cheshire and Merseyside HCP is:

Organisation / Area	Position
NHS Cheshire and Merseyside ICB	ICB Chair
	Chief Executive
	Assistant Chief Executive
	Executive Director of Finance
	Executive Medical Director
Cheshire East Council	x1 Councillor
Cheshire West and Chester Council	x1 Councillor
Halton Council	x1 Councillor
Knowsley Council	x1 Councillor
Liverpool City Council	x1 Councillor
Sefton Council	x1 Councillor
St Helens Borough Council	x1 Councillor
Warrington Borough Council	x1 Councillor
Wirral Council	x1 Councillor
Other Local Authority Representatives	x2 Directors of Adult Social Care – drawn from across the 9 responsible Local Authorities.
	x2 Directors of Public Health - drawn from across the 9 responsible Local Authorities
North West Ambulance Service	x1 Representative
Cheshire Police	x1 Representative
Merseyside Police	x1 Representative
Cheshire Fire and Rescue	x1 Representative
Merseyside Fire and Rescue	x1 Representative
Voluntary, Community, Faith and Social Enterprise Sector	x2 Representatives
Primary Care	x2 Representatives
CMAST Provider Collaborative	x1 Representative
MHL D Provider Collaborative	x1 Representative
Carer	x1 Representative
Housing	x1 Representative
Healthwatch	x2 Representatives
Higher Education / University	x2 Representatives

The Other Local Authority Representatives will be notified to the HCP by the nine local authorities.

Members are expected to adopt a partnership approach to working together, as well as listening to the voices of citizens, patients and the public of Cheshire and Merseyside.

Members will commit to working collaboratively, openly and supportive of the development and role of the HCP.

Attendees

Only members of the HCP, or their nominated substitute, can participate in HCP meetings, but the Chair may invite relevant organisations to send a representative to an HCP meeting as necessary in accordance with the business of the HCP.

Chair Arrangements

The Chair of the HCP will be drawn from one of the nominated HCP members from the nine local authorities.

The Chair will be appointed on an annual basis at the first meeting of the year (in September) by the local authority members of the HCP present at the meeting. Individuals wanting to be considered for the Chair role will need to be nominated and seconded by one other local authority member of the Board and agreed by way of a majority vote.

The HCP will also have two Joint Vice Chairs – one being the Cheshire and Merseyside ICB Chair and the other being an appointed representative of the VCFSE sector. In the absence of the Chair at a meeting of the HCP, it will be agreed in advance which of the two Vice Chairs will Chair the meeting on that occasion.

Quoracy

The meeting will be quorate if at least 50% of the members are present. If the quorum has not been reached, then the meeting may proceed if those attending agree, but no decisions requiring agreement by the ICB or local authorities may be taken unless at least 50% of the Committee members drawn from these two bodies are present.

If any member of the HCP has been disqualified from participating in the discussion and/or decision-making for an item on the agenda, by reason of a declaration of a conflict of interest, then that member shall no longer count towards the quorum.

Decision making and authority

As far as is possible the HCP will make its decisions by consensus of the members present at the meetings of the HCP.

The HCP has been established as a Joint Committee under S116ZA Health & Social Care Act 2022.

It has not been established under S65Z6 or S75 arrangements between the NHS and Local Authority member organisations of the HCP, and as such does not have the authority as a Committee to exercise joint functions or hold or make decisions on a pooled budget arrangements.

The HCP is authorised to create any relevant sub-groups in order to take forward specific programmes of work considered necessary by the membership.

Meeting arrangements

The HCP will meet up to six times each year. Additional meetings may take place as required.

The HCP Chair, in consultation with and with the agreement of both Vice Chairs, may convene further meetings to discuss particular issues of relevance to the HCP and which cannot wait until the next meeting.

The HCP may meet virtually or in hybrid format when necessary and members attending using electronic means will be counted towards the quorum.

Meetings of the HCP will be held in public. Where meetings are held virtually, arrangements will be made to ensure members of the public can attend and be able to observe the meeting.

The HCP may convene development sessions, which will be held in private and which will not be formal meetings of the HCP.

A copy of the agenda and related reports for each HCP meeting will be sent to each HCP Member at least five clear days before the date of that meeting. Agendas and papers for meetings held in public will be published on the website of NHS Cheshire and Merseyside Integrated Care Board

The HCP shall be supported with a secretariat function. In addition to publication of agendas and supporting papers the secretariat will prepare and circulate minutes of meetings within 10 working days and maintain an action and decision log, as well as a register of interests of HCP members.

As a Joint Committee of the ICB and the nine Councils, local authority members will be bound by their Council's Code of Conduct for the meeting and should declare any interests under that Code.

The Agenda for meetings of the HCP will be agreed by the Chair and Vice Chairs. Members of the Committee can request items to be considered at meetings of the HCP by contacting the Chair two weeks prior to the publication date of papers for the relevant meeting.

Reporting and Accountability

The HCP will receive reports from the nine Cheshire and Merseyside Health and Wellbeing Boards, which will inform its own priorities and strategy. and the HCP will also provide reports to the Health and Wellbeing Boards on matters concerning delivery of the Integrated Care System priorities and outcomes framework.

The HCP will also provide reports to the ICB, providing a summary of any specific programmes of work undertaken, including the issues considered and recommended actions, and any key outputs (in particular the Integrated Care Partnership Strategy) from its meetings.

Behaviours and Conduct

The HCP shall conduct its business in accordance with any national guidance. The seven Nolan Principles of Public Life shall underpin the committee and its members.

HCP members should:

- Inform the Chair of any interests they hold which relate to the business of the HCP.
- Inform the Chair of any previously agreed treatment of the potential conflict / conflict of interest.
- Abide by the Chair's ruling on the treatment of conflicts / potential conflicts of interest in relation to ongoing involvement in the work of the HCP.
- Inform the Chair of any conflicts / potential conflicts of interest in any item of business to be discussed at a meeting. This should be done in advance of the meeting wherever possible.
- Declare conflicts / potential conflicts of interest in any item of business to be discussed at a meeting under the standing "declaration of interest" item.
- Abide by the Chair's decision on appropriate treatment of a conflicts / potential conflict of interest in any business to be discussed at a meeting.
- Abide by their own respective organisation's Code of Conduct.

As well as complying with requirements around declaring and managing potential conflicts of interest, HCP members should:

- Attend meetings, having read all papers beforehand
- Arrange for their substitute to attend on their behalf, if necessary
- Act as 'champions', disseminating information and good practice as appropriate
- Comply with the HCP administrative arrangements including identifying agenda items for discussion, the submission of reports etc.
- Consider the equality, diversity and inclusion implications of the discussions they undertake at HCP meetings.

Review

The HCP will review its effectiveness, including these terms of reference, on an annual basis and earlier if required.

Council**Wednesday 18 October 2023****Supplementary Revenue Estimate and Supplementary
Capital Estimate (First Financial Review 2023/24)****Report of: Alex Thompson – Director of Finance and Customer
Services – Section 151 Officer****Report Reference No: C/10/23-24****Ward(s) Affected: All Wards****Purpose of Report**

- 1 This report seeks approval from Council for a supplementary revenue estimate and a supplementary capital estimate as part of the forecast outturn reporting for the financial year 2023/24. These items were noted by the Corporate Policy Committee on 5th October 2023.
- 2 The report supports the Council's vision to be an open Council as set out in the Corporate Plan 2021 to 2025. In particular, the priorities for being an open and enabling organisation, and ensuring that there is transparency in all aspects of Council decision making.

Executive Summary

- 3 Council is being asked to approve increased expenditure related to one fully funded supplementary revenue estimate and one fully funded supplementary capital estimate. The transactions form a part of the First Financial Review 2023/24 report presented to Corporate Policy Committee on 5th October 2023.
- 4 Both the supplementary revenue estimate and the supplementary capital estimate relate to expenditure budget for grants that are in addition to those grants approved in the MTFS report in February 2023.
- 5 The supplementary revenue estimate is for the Bus Service Improvement Plan+ (BSIP+), which is a new grant from the Department

for Transport, and the supplementary capital estimate relates to a grant award from Active Travel England, following a bidding process.

RECOMMENDATIONS

The Council is recommended to:

1. Approve the fully funded Supplementary Revenue Estimate over £1,000,000 as detailed in **Appendix 1**.
2. Approve the fully funded Supplementary Capital Estimate over £1,000,000 as detailed in **Appendix 1**.

Background

- 6 The budget and policy framework sets out rules for managing the Council's financial affairs and contains the financial limits that apply in various parts of the Constitution. As part of sound financial management and to comply with the Constitution any changes to the budgets agreed by Council in the MTFs require approval in line with the financial limits within the Finance Procedure Rules.

Consultation and Engagement

- 7 As part of the budget setting process the Pre-Budget Consultation provided an opportunity for interested parties to review and comment on the Council's Budget proposals. The budget proposals described in the consultation document were Council-wide proposals and that consultation was invited on the broad budget proposals. Where the implications of individual proposals were much wider for individuals affected by each proposal, further full and proper consultation was undertaken with people who would potentially be affected by individual budget proposals.

Reasons for Recommendations

- 8 The Council monitors in-year performance through a reporting cycle, which includes outturn reporting at year-end. Reports during the year reflect financial and operational performance and provide the opportunity for Members to consider, approve or recommend changes in line with the Council's Financial Procedure Rules.
- 9 The overall process for managing the Council's resources focuses on value for money and good governance and stewardship. Financial changes that become necessary during the year are properly authorised

and this report sets out those areas where any further approvals are now required.

- 10 This report provides strong links between the Council's statutory reporting requirements and the in-year monitoring processes for financial and non-financial management of resources.

Other Options Considered

- 11 Not applicable.

Implications and Comments

Monitoring Officer/Legal

- 12 The requirement for Council to approve the supplementary revenue estimate and supplementary capital estimate referred to above is in accordance with the Finance Procedure Rules in the Constitution.

Section 151 Officer/Finance

- 13 The Council's financial resources are agreed by Council and aligned to the achievement of stated outcomes for local residents and communities. Monitoring and managing performance helps to ensure that resources are used effectively, and that business planning and financial decision making are made in the right context.
- 14 The requirement for Council to approve the supplementary revenue estimate and supplementary capital estimate referred to above is in accordance with the Finance Procedure Rules.

Policy

- 15 The approval of supplementary estimates and virements are governed by the Finance Procedure Rules section of the Constitution.

Equality, Diversity and Inclusion

- 16 Any equality implications that arise from activities funded by the budgets that this report deals with will be covered within the individual reports to Members or Officer Decision Records to which they relate.

Human Resources

- 17 Any HR implications that arise from activities funded by the budgets that this report deals with will be covered within the individual reports to Members or Officer Decision Records to which they relate.

Risk Management

- 18 Financial risks are assessed and reported on a regular basis, and remedial action taken if required. Risks associated with the achievement of the 2023/24 budget and the level of general reserves were factored into the financial scenario, budget, and reserves strategy.

Rural Communities

- 19 The report provides details of service provision across the borough.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

- 20 The report includes expenditure relating to grant funding in respect to services to children and young people.

Public Health

- 21 Public health implications that arise from activities that this report deals with will be covered within separate reports to Members or Officer Decision Records as required.

Climate Change

- 22 Climate change implications that arise from activities that this report deals with will be covered within separate reports to Members or Officer Decision Records as required.

Access to Information	
Contact Officer:	<p>Alex Thompson</p> <p>Director of Finance and Customer Services (Section 151 Officer)</p> <p>alex.thompson@cheshireeast.gov.uk</p> <p>01270 685876</p>
Appendices:	Appendix 1 – Supplementary Revenue Estimate & Supplementary Capital Estimate
Background Papers:	<p>The following are links to key background documents:</p> <p>First Financial Review 2023/24, Corporate Policy Committee 5th October 2023</p> <p>Medium Term Financial Strategy 2023-2027</p>

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Appendix 1

Supplementary Revenue Estimate

Committee	Year	Type of Grant	£000	Details
Highways and Transport	2023/24	Bus Service Improvement Plan+ (BSIP+) (Specific Purpose)	1,188	This a new grant from the Department for Transport DfT). This is a continuation of the Bus Service Improvement funding and allows Local Authorities to support existing bus services and/or create new services with the overall aim of ensuring long term sustainability of this provision.
Total Specific Purpose Allocation for Council Approval			1,188	

Supplementary Capital Estimate

Committee	Amount Requested	Reason and Funding Source
	£	
Supplementary Capital Estimates over £1,000,000		
Highways & Transport Active Travel Fund	1,297,882	Following a bidding process, the Council have been awarded £1,297,882 from Active Travel England to deliver a scheme at Manchester Road in Wilmslow (Tranche 4)
Total Supplementary Capital Estimates Requested	1,297,882	
Total Supplementary Capital Estimates and Virements		1,297,882

Council**18 October 2023****Annual Report of the Audit and
Governance Committee 2022/23****Report of: David Brown, Director of Governance and Compliance****Report Reference No: C/08/23-24****Ward(s) Affected: All****Purpose of Report**

- 1 To present to Council the Annual Report of the Audit and Governance Committee 2022/23 (Appendix 1), as approved by the Audit and Governance Committee on 28 September 2023.

Executive Summary

- 2 Producing an annual report on the work of the Committee ensures compliance with the Council's Constitution and good practices. requirements. The annual report provides assurances to wider stakeholders on the continuing improvements of the Council's governance arrangements.

RECOMMENDATIONS

Council is recommended to:

1. Receive the Annual Report of the Audit and Governance Committee 2022/23

Background

- 3 The requirement for the Audit and Governance Committee to report annually to full Council on its work is included in the Council's

Constitution. It is also established good practice, as set out in the relevant guidance The Chartered Institute of Public Finance & Accountancy (CIPFA).

- 4 The Chartered Institute of Public Finance & Accountancy (CIPFA) Position Statement: Audit Committees in Local Authorities and Police 2022 states the Committee should report annually on how it has complied with the position statement, discharged its responsibilities, and include an assessment of its performance.
- 5 The Audit and Governance Committee received a draft version of the report to review and recommend at its meeting on 28 September 2023; the recommended report is attached at Appendix 1.

Consultation and Engagement

- 6 The Annual Report of the Audit and Governance Committee 2022/23 has been drafted in conjunction with the Chair of the Audit and Governance Committee and considered by the Corporate Leadership Team.

Reasons for Recommendations

- 7 To report in line with the requirements of the Council's Constitution and the Audit and Governance Committee's Terms of Reference, which require a report to full Council on a regular basis.

Other Options Considered

- 8 No other options considered as failure to produce an annual report of the Audit and Governance Committee would mean the Council not being compliant with its Constitution and would not be taking opportunities to be transparent and accountable about the work of the Committee.

Implications and Comments

Monitoring Officer/Legal

- 9 The Council's Constitution gives responsibility to the Audit and Governance Committee for overseeing the Council's roles and responsibilities in respect of corporate governance and audit and specifically for submitting an annual report to Council. Production of the report ensures compliance with this requirement.

Section 151 Officer/Finance

- 10 The annual report of the Audit and Governance Committee outlines the assurances received by the Committee on the adequacy of the Council's governance arrangements, including the integrity of financial reporting processes.

- 11 There is no direct impact on the Medium-Term Financial Strategy.

Policy

- 12 The production of the annual report and its presentation to Council ensures compliance with CIPFA best practice guidance.
- 13 Reporting on the effective working of the Audit and Governance Committee supports the Council's "Open" aim in the Corporate Plan 2021-2025; ensuring there is transparency in all aspects of council decision making.

Equality, Diversity and Inclusion

- 14 There are no direct equality, diversity, and inclusion implications.

Human Resources

- 15 There are no direct human resource implications.

Risk Management

- 16 The annual report of the Audit and Governance Committee outlines the assurances received by the Committee on various aspects of the Council's governance arrangements, including the adequacy of the risk management framework.

Rural Communities

- 17 There are no direct rural communities' implications.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

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

Public Health

- 19 There are no direct public health implications.

Climate Change

- 20 There are no direct climate change implications.

Access to Information	
Contact Officer:	Josie Griffiths, Head of Audit and Risk josie.griffiths@cheshireeast.gov.uk
Appendices:	Appendix 1: Audit and Governance Committee Annual Report 2022/23
Background Papers:	N/A

Audit and Governance Committee Annual Report 2022/23

Working for a **brighter future**  together



Introduction

As the current Chair of the Audit and Governance Committee, I am pleased to present this detailed report on the work of the Committee during 2022/23.

The report informs full Council of the broad range of work which has been considered over the year to support the Committee in fulfilling its Terms of Reference and provides assurance on the effectiveness of the Committee in meeting its purpose.

I hope that this report helps to demonstrate the key role which is undertaken by the Audit and Governance Committee and the positive contribution it makes to the Council's overall governance.

The Committee's current Terms of Reference were developed in accordance with the CIPFA guidance, and the detailed Committee Work Programme, designed to ensure that they are fulfilled, is subject to review at each meeting of the Committee.

During the year, the Committee engaged CIPFA to complete a review of the Committee, and the arising report and action plan are being taken forward to ensure the work of the Committee is effective and supports the wider organisation.

I would like to thank all those who have contributed to the Committee meetings over the last year, supporting the Committee's work with varied reports and presentations, which are the culmination of much more preparation and work undertaken 'behind the scenes'.

I look forward to future meetings of the Committee, and to working with the Committee members and the officers who support the Committee to ensure that we continue to provide independent assurance on the Council's control environment and the governance framework.

Councillor Michael Beanland
Chair of the Audit and Governance Committee

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Role of the Audit and Governance Committee

The Audit and Governance Committee is a key component of the Council's corporate governance arrangements. The Committee provides independent assurance to the Council through:

- An independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards
- Independent review of the Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes
- Promotion of high standards of ethical behaviour by developing, maintaining and monitoring Codes of Conduct for Councillors and co-opted Members (including other persons acting in a similar capacity), and
- Oversight of internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place

The role and responsibilities of the Council's Audit and Governance Committee are set out in written terms of reference which are regularly reviewed by the Committee to ensure compliance with relevant legislation and recommended good practice. The terms of reference are set out in the Council's Constitution which is published on the website along with all the agendas, minutes and supporting papers.

Constitution:

<https://www.cheshireeast.gov.uk/pdf/council-and-democracy/constitution/cheshire-east-council-constitution-chapter-2-december-2022.pdf>

Audit and Governance Committee Meetings:

<http://moderngov.cheshireeast.gov.uk/ecminutes/ieListMeetings.aspx?CId=486&Year=0>

The Committee's responsibilities include, but are not limited to, the following matters with a view to bringing any relevant issues to the attention of the Council:

- Oversight of governance, risk management and internal control frameworks
- Oversight of the integrity of the Council's financial statements
- Oversight of the external auditor's performance, objectivity and independence
- Oversight of the performance of the internal audit function

In order to help the Committee meet its responsibilities, each year, management provide training sessions for the Committee on subject areas within their remit. During 2022/23, this included induction training for substitute/new members in July and September 2022 and risk management training in September 2022.

Meetings and Membership

During the 2022/23 municipal year, the Audit and Governance Committee met on 5 occasions and was comprised of 10 members:

- Councillor Margaret Simon (Chair)
- Councillor James Nicholas (Vice-Chair)
- Councillor Rachel Bailey
- Councillor Carol Bulman
- Councillor Mark Goldsmith
- Councillor Alift Harewood
- Councillor Marilyn Houston
- Councillor Patrick Redstone
- Councillor Mike Sewart
- Mr Ron Jones (Independent Co-opted Member)

The Audit and Governance Committee meetings were well attended with substitutes occasionally used when a member could not be present. All substitutes were provided with training prior to attending meetings, and during 2022/23, substitute members were used on 5 occasions.

Committee Attendance statistics:

<http://moderngov.cheshireeast.gov.uk/ecminutes/mgAttendanceSummary.aspx?RPID=486>

The Committee was also routinely attended by the following officers and external parties:

- Executive Director, Corporate Services
- Director of Governance and Compliance and Monitoring Officer
- Director of Finance and Customer Services and S151 Officer
- Head of Audit and Risk
- Acting Internal Audit Manager
- Senior Procurement Manager
- Democratic Services Officers, and the
- External Auditors

How the Committee discharged its responsibilities during 2022/23

Key Committee Activities	May 2022	July 2022	Sept 2022	Nov 2022	Mar 2023
Governance, Risk and Control					
Received updates on the production and review of the Annual Governance Statement		•		•	
Received an update on Information Governance		•			
Received and approved the draft Annual Governance Statement 2021/22			•		
Received and approved the final Annual Governance Statement 2021/22					•
Received the 2021/22 Monitoring Officer Report			•		
Reviewed and agreed the Audit and Governance Committee Annual Report 2021/22			•		
Considered the Annual Risk Management Report 2021/22	•				
Received a Risk Management Update				•	•
Received an update on the agreed recommendations in relation to the Public Interest Report					•
Received a report detailing the findings of the CIPFA Review of the Audit and Governance Committee					•
Internal Audit					
Reviewed internal audit plan progress reports and Internal Audit Charter	•			•	•
Received the Internal Audit Annual Report 2021/22		•			
Received and approved the Internal Audit Plan 2023/24					•

Key Committee Activities	May 2022	July 2022	Sept 2022	Nov 2022	Mar 2023
External Audit					
Reviewed external audit progress reports	•	•	•	•	
Received the external audit Findings and Action Plan 2021/22					•
Considered the Certification of Housing Benefit Subsidy Claim and Teachers Pensions Return 2021/22					•
Annual Statement of Accounts					
Received the 2021/22 Draft Statement of Accounts ¹		•			
Related Functions					
Considered a report on upheld complaints to the Local Government Ombudsman	•	•	•		
Consideration of Contract Procedure Rule Non-Adherences and Waivers	•	•	•	•	•
Considered the outcome of the Investigatory Powers Commissioner's Office Inspection					•
Received the Six-Monthly Complaints Report					•
Standards Arrangements					
Reviewed the proposed revised Code of Conduct for Members and recommended to Council for adoption	•	•			
Other Matters					
Received the Ward Member Budget Report				•	

¹ At the March 2023 meeting, the Committee delegated authority to the S151 Officer to sign off the Statement of Accounts once the audit has concluded.

Governance, Risk and Control

The Audit and Governance Committee oversaw the production of the Council's Annual Governance Statement (AGS) and received updates regarding progress on the AGS significant issues. As part of the production of the 2021/22 AGS, the Committee reviewed and approved the proposed changes to the significant issues detailed in the Statement at the September 2022 meeting. The Committee reviewed the final AGS in March 2023 where it requested the following additional references be included:

- The role of the Scrutiny Committee and how it links with Service Committees and the Audit and Governance Committee
- That the Audit and Governance Committee had sought assurance around the governance of an urgent decision taken to the Children and Families Committee in relation to the All-Age Carers Hub in September 2022

At the March 2023 meeting, the Committee also delegated authority to the Chief Executive and Leader of the Council to sign off the 2021/22 AGS once the external audit had concluded.

The Committee considered the effectiveness of the Council's risk management arrangements, the control environment, and associated anti-fraud and anti-corruption arrangements through the regular review of risk management update reports along with receiving the Annual Risk Management Report.

The Committee was regularly briefed on counter fraud arrangements and investigations via the internal audit updates and the annual internal audit report.

In February 2023, Council considered a Report in the Public Interest published by Grant Thornton on 17 January 2023. Subsequently, the Audit and Governance Committee received an update on the three Public Interest Report recommendations and agreed the terms of reference for the internal audit assurance review to conclude the recommendation delegated to Audit and Governance Committee. The Committee also requested that progress updates on the internal audit review would be provided ahead of the final report being provided at a future meeting.

In July 2022, the Committee endorsed a review to be undertaken by the Chartered Institute of Public Finance and Accountancy (CIPFA) against the updated guidance 'Audit Committees: Practical Guidance for Local Authorities and Police'.

In March 2023, the Committee received an update on the progress of the review and the proposed next steps. At the meeting it was agreed that all members of the Committee be invited to attend a workshop in April 2023. At this workshop, members received the CIPFA report findings and formulated proposed actions to be taken forward by the Committee.

Internal Audit

The Audit and Governance Committee reviewed and approved the annual internal audit plan at its March 2023 meeting. The plan closely aligns with the Council's

strategic risk register and corporate plan and identified priority work to be completed in the first half of the year along with additional areas for consideration in quarters 3 and 4.

The Committee received regular update reports from the Head of Audit & Risk. Such reports enable the Committee to monitor the progress of the internal audit plan, discuss key findings and the plans to address them.

The Committee also considered the Head of Audit & Risk's opinion on the adequacy and effectiveness of the control environment and reviewed the effectiveness of internal audit.

External Audit

The Audit and Governance Committee received regular progress reports from the external auditor throughout the year. The Committee was also informed that Mazars had been appointed as the Council's external auditor for a further 5 years, following the completion of the procurement undertaken by Public Sector Audit Appointments Ltd (PSAA).

The Committee received the external audit findings and action plan for 2021/22 in March 2023 and was informed that the Value for Money work was still ongoing.

Annual Statement of Accounts

The Audit and Governance Committee received and reviewed the draft Statement of Accounts 2021/22 along with a presentation on the accounts by the S151 Officer. The Committee sought clarity on items in the accounts and the dates for the approval process of the Statement of Accounts. At the March 2023 meeting, the Committee delegated authority to the S151 Officer to sign off the 2021/22 Statement of Accounts once the audit has concluded, and to notify committee members once the final signed accounts have been published on the council's website.

Related Functions

The Audit and Governance Committee received updates on complaints and decision notices issued by the Local Government and Social Care Ombudsman. In addition to receiving the reports, the Committee gained assurance from senior officers that steps had been taken to improve processes and help mitigate any further complaints to the Ombudsman.

During 2022/23, the Committee agreed that the frequency of such updates be amended from quarterly to 6 monthly to allow more time for analysis and the provision of context for the complaints.

The Committee has a key role in overseeing the operation of the Contract Procedure Rules by receiving regular reports setting out the number, type and reasons for waivers and non-adherences. The Committee is presented with unredacted copies of

all non-adherences for the period as a Part 2 item, the intention being to ensure good procurement and commissioning practices and clear public accountability.

In March 2023, the Committee also considered the outcome and agreed the action plan to address the suggested improvements arising from the inspection by the Investigatory Powers Commissioner's Office.

Standards Arrangements

The Committee received assurance on key aspects of the Monitoring Officer's responsibilities in the annual Monitoring Officer report which was received in September 2022. The 2021/22 annual report covered areas including but not limited to the Members' Code of Conduct, register of gifts and hospitality and training and development.

During 2022/23, the Committee formed a working group to review the Local Government Association (LGA) model Code of Conduct to assess its suitability for adoption by the Council. The draft Member Code of Conduct was subsequently put to, reviewed, and debated by the Committee in both May and July 2022. At the July Committee it was agreed that the draft Code, incorporating all amendments by the Group Leaders be recommended for adoption by full Council. The Committee also approved the Member Code of Conduct Complaints Procedure. Council adopted the Member Code of Conduct and Member Code of Conduct Complaints Procedure in October 2022.

Hearing Sub-Committee

No meetings of the Hearing Sub Committee were held during 2022/23.

Audit and Governance Committee Priorities for 2023/24

There are several key areas that the Committee will need to consider and progress during 2023/24 in addition to its core business.

Following receipt of a Report in the Public Interest in January 2023, Full Council delegated authority to Audit and Governance Committee to oversee completion of one of the recommended actions. This was in relation to an internal audit review of land transactions and the Committee agreed the terms of reference for the review at its meeting in February 2023.

The Internal Audit Report on Land Transactions was received by the Committee in June 2023 following the completion of the review and agreement of management actions, thus completing the outstanding action from the Report in the Public Interest.

As previously referenced, CIPFA undertook a review of the Committee during 2022/23 and the report was received, and a workshop was held to formulate an action plan in response to the findings report.

Moving into 2023/24, the focus for the Committee will be on ensuring that identified areas of improvement are progressed and implemented during the year. This is being supported by the formation of a subgroup to oversee this work, which is meeting regularly and aims to bring revised Terms of Reference to the December Audit and Governance Committee.

Another recommendation from the CIPFA review was the recruitment of a second co-opted independent member role onto the Committee. This has also progressed, with the preferred candidate being recommended for adoption by Council at the October 18 Council meeting.

It was anticipated that there would be changes to the membership of the Committee following the local elections in May 2023 and this will require training to be delivered to any new members in line with the requirements of the Constitution. During the year work will continue to ensure that the skills and knowledge of all Committee members is supplemented by appropriate training and development.

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Council

18 October 2023

Recommendation from Audit and Governance Committee: Appointment of Independent Co-opted Member

Report of: David Brown, Director of Governance and Compliance

Report Reference No: C/09/23-24

Ward(s) Affected: All wards

Purpose of Report

- 1 At its meeting on 28 September 2023, the Audit and Governance Committee delegated authority to the appointed recruitment panel to recommend the successful candidate for the position of independent co-opted member of the Committee, directly to Council, subject to the receipt of suitable references. The minute from this meeting is included at Appendix 1.
- 2 These have now been received, and on behalf of the Audit and Governance Committee, the recruitment panel recommend the appointment of the successful candidate.

Executive Summary

- 3 The Audit and Governance Committee received a report to their July meeting requesting the formation of a working group to act as a recruitment panel, to undertake the recruitment and selection to the second co-opted independent member role. The panel members were Cllrs Beanland, Edwards and Redstone.
- 4 These roles were advertised across the Council's website and social media channels and resulted in 3 applications being received; however, due to some small delays in the interview process, the Audit and Governance Committee, on 28 September 2023, delegated authority to the recruitment panel to recommend the successful candidate directly to Council, subject to the receipt of suitable references.

RECOMMENDATIONS

Council is recommended to:

1. Appoint Mrs Jennifer Clark as an independent member to the Audit and Governance Committee for a period of 4 years from the date of this Council meeting.

Background

- 5 One of the recommendations arising from the CIPFA review of the Audit and Governance Committee was to complete the recruitment to the second co-opted independent role. A report to Audit and Governance Committee in July 2023 asked the Committee to consider and agree the suggested approach set out in the report, and to nominate members of the Committee to carry out the shortlisting and interviewing of candidates.
- 6 The inclusion of co-opted independent members as part of local authority audit committees has long been recommended, recognising the valuable knowledge and experience which can be provided through inclusion of these roles, benefitting the Committee's overall effectiveness.
- 7 CIPFA's Position Statement re Audit Committees in Local Authorities and Police 2022 sets out CIPFA's view on the audit committee practice and principles that local government bodies in the UK should adopt. The Position Statement states:

"The audit committees of local authorities should include co-opted independent members in accordance with the appropriate legislation.

Where there is no legislative direction to include co-opted independent members, CIPFA recommends that each authority audit committee should include at least two co-opted independent members to provide appropriate technical expertise."
- 8 There is currently no legislative requirement directing local authorities to have co-opted independent members of the audit committee, however, the Position Statement is supported by the Department for Levelling Up, Housing and Communities and the Home Office.
- 9 The Position Statement, and associated guidance, were used in the assessment of the Audit and Governance Committee carried out by CIPFA and reported back to the Committee in June 2023. Although the Committee composition already included two co-opted independent

roles, only one candidate was appointed, hence the recommendation to complete recruitment to the second role.

- 10 Co-opted members to Council committees are not members of the Council itself, therefore other than in limited circumstances (for example, an advisory committee established under s102(4) Local Government Act 1972) they have no voting rights. Co-opted members would instead be consulted during committee meetings and their views taken into account by voting members of the committee.
- 11 Cllrs Beanland, Edwards and Redstone were nominated to the recruitment panel.
- 12 Three applications were received, and interviews have been undertaken. It had originally been intended to bring details of the recommended candidate back to the Audit and Governance Committee in September. Due to slight delays, the Committee were asked to delegate authority to the panel to complete the selection and recommend the preferred candidate, directly to the full Council meeting in October.

Consultation and Engagement

- 13 Information about the roles was hosted on the Council's website, supported by communications in the local press and across the Council's social media channels and was shared by the Council's Communications Team with a variety of networks. Roles were advertised for 6 weeks, with the deadline for applications being received at the end of that period (8 September).

Reasons for Recommendations

- 14 One of the recommendations arising from the CIPFA review of the Audit and Governance Committee was to complete the recruitment to the second co-opted independent role. Appointment of the successful candidate completes that action and adds additional experience and knowledge to the Committee.

Other Options Considered

- 15 No other options considered.

Implications and Comments

Monitoring Officer/Legal

- 16 The co-option of independent members to the Audit and Governance Committee is needed to ensure compliance with the membership changes approved by Council and included in the Constitution.

- 17 Any appointments must comply with s102(3) Local Government Act 1972 (power to co-opt from outside Council membership) and s13 Local Government & Housing Act 1989 (which pertains to voting rights).

Section 151 Officer/Finance

- 18 Expense arrangements in place are consistent with those for other non-elected, co-opted committee members. There are no financial implications outside of the Council's Medium-Term Financial Strategy in adopting the recommendations proposed.

Policy

- 19 The arrangements in this report seek to implement the recommendations which have been agreed to, having demonstrated that the Committee has considered best practice, and the findings of the CIPFA review of the Audit and Governance Committee. This is in keeping with the following objective in the Corporate Plan.

An open and enabling organisation

Equality, Diversity and Inclusion

- 20 Applications were welcomed from across the Cheshire East Borough and were assessed in line with the criteria set out to ensure the successful candidate can offer the required expertise and knowledge to the Committee.

Human Resources

- 21 There are no direct Human Resources Implications. Whilst the co-opted independent members are not employees of the Council, the successful applicants will receive specific training to enable them to undertake their new role effectively.
- 22 Whilst operating as a member of the Audit and Governance Committee, co-opted independent members are expected to follow the Nolan Principles of Standards in Public Life, which form the basis of the elected Member's Code of Conduct.

Risk Management

- 23 There are clear criteria set out in the application pack to ensure that candidates for this role can offer the expertise and knowledge to the Committee, balanced with political neutrality.

Rural Communities

- 24 There are no direct implications for rural communities.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

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

Public Health

26 There are no direct implications for public health

Climate Change

27 There are no direct implications for Climate Change

Access to Information	
Contact Officer:	Josie Griffiths, Head of Audit and Risk josie.griffiths@cheshireeast.gov.uk
Appendices:	Appendix 1: Extract from the minutes of the Audit and Governance Committee meeting on 28 September 2023
Background Papers:	Report to Audit and Governance Committee, 27 July 2023: <i>Recruitment of a Co-Opted Independent Member</i> Report to Audit and Governance Committee 28 September 2023: <i>Recruitment of a Co-Opted Independent Member - Update</i>

**Extract from the minutes of the Audit and Governance Committee
meeting on 28 September 2023**

42 RECRUITMENT OF CO - OPTED INDEPENDENT MEMBER

The committee received an urgent update report from the Director of Governance and Compliance that provided details of progress on the recruitment of a co-opted independent member. The report requested that delegation be given to the working group to appoint in order to meet the original timeline of a decision at October 2023 Council

The committee were advised that interviews had taken place and a preferred candidate had been selected.

RESOLVED:

That the Audit and Governance Committee;

- (1) Noted the updated-on progress.
- (2) Agreed to delegate authority to the Appointment Panel to progress with the appointment of the preferred candidate.
- (3) Agreed that the Appointment Panel recommend directly to Council the preferred candidate, subject to appropriate references being received.

COUNCIL MEETING – 18 OCTOBER 2023**RECOMMENDATION FOR CHILDREN AND FAMILIES COMMITTEE: ANNUAL YOUTH JUSTICE PLAN****RECOMMENDATION**

That Council adopts the Annual Youth Justice Plan.

Extract from the Minutes of the Children and Families Committee meeting on
18 September 2023

30 ANNUAL YOUTH JUSTICE PLAN

The Committee received the report which provided detail on the content of the 2023-24 Youth Justice Plan.

RESOLVED (unanimously):

That the Children and Families Committee:

1. Be sighted on the Annual Plan of the Young Justice Service.
2. Note paragraph 17 of this report and the requirement for the report to be considered and adopted at full council.
3. Delegate authority to Executive Director of children's services to approve the report at the pan Cheshire youth justice board.

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Children & Families Committee**18 September 2023****Annual Youth Justice Plan**

Report of: Tom Dooks (Head of Cheshire Youth Justice Services)**Report Reference No: CF/22/23-24****Ward(s) Affected: All****Purpose of Report**

- 1 Local authorities have a statutory duty to submit an annual youth justice plan relating to their provision of youth justice services (YJS). Section 40 of the Crime and Disorder Act 1998 sets out the youth justice partnership's responsibilities in producing a plan. It states that it is the duty of each local authority, after consultation with the partner agencies, to formulate and implement an annual youth justice plan, setting out how youth justice services in their area are to be provided and funded, how they will operate, and what functions will be carried out. The guidance also states that youth justice plans, in England only, must be signed off by the full council in accordance with Regulation 4 of the 'Local Authorities (Functions and Responsibilities) (England) Regulations 2000'. This regulation does not apply to Wales.
- 2 Cheshire East have a shared service arrangement for Youth Justice Services with the other three local authorities in the sub-region and as such the governance arrangements for Youth Justice are overseen by a pan Cheshire Partnership Management Board. The 2023-24 YJ Plan has been drafted in partnership with Cheshire Police and other statutory partners and was approved by Cheshire Youth Justice Management Board on the 15 June 2023.
- 3 This report will brief committee on the content of the 2023-24 Youth Justice Plan for Cheshire and seek delegation for sign off for the 2023-24 and subsequent Youth Justice Plans to the Chair of the Pan Cheshire YJ Management Board.

Executive Summary

- 4 The Cheshire sub-region is a large complex area and the Youth Justice partnership between and across the four local authorities provides a strong base to meet the various complexities and challenges faced by the county's children, families and victims.
- 5 Despite the scale, Cheshire YJS is a comparatively small organisation comprising 76 WTE staff, including seconded workers and 45 volunteers. The human resource arrangements for the entire workforce involve 11 different employing organisations (of which Cheshire East is the third largest after CWaC and Warrington Council) but also includes police, probation, three different NHS Trusts and two independent providers (speech and language and substance misuse specialists).
- 6 The national body responsible for inspecting Youth Justice Services are His Majesty's Inspectorate of Probation (HMiP) with national oversight provided by the Youth Justice Board (YJB). Both HMiP and the YJB recognise Cheshire YJS as of a high standard. The former rated Cheshire YJS as 'Good' in a 2021 full joint inspection (Governance and leadership were rated as 'Outstanding') and the latter granted 2-year pathfinder status for Cheshire's successful youth diversion programme.

RECOMMENDATIONS

The Children and Families Committee is recommended to:

1. Be sighted on the Annual Plan of the Young Justice Service
2. Note paragraph 17 of this report and the requirement for the report to be considered and adopted at full council.
3. Delegate authority to Executive Director of children's services to approve the report at the pan Cheshire youth justice board.

Background

- 7 Annual youth justice plans are an opportunity to review performance and developments over a single year period and plan for the next year. This allows services to be able to respond to any changes that have taken place in the previous year, including new legislation, demographic changes, delivery of key performance indicators, and developments in service delivery. The production of a youth justice plan is beneficial to

partnership working and service delivery to ensure the best outcomes for children.

- 8 The plan has been produced in accordance with the Youth Justice Board guidance to include, Introduction, vision and strategy, the Child First principle, provision for the voice of the child, governance, leadership and partnership arrangements, Board development matters, progress on the previous plan, resources and services, performance including national key performance indicators, priorities, information on children from groups which are over-represented, prevention, diversion, Education, Restorative approaches and victims, Serious violence and exploitation, Detention in police custody, Remands, Use of custody, Constructive resettlement, Standards for children in the justice system, Workforce Development, Evidence-based practice and innovation, Evaluation, Service development plan and Service Challenges, risks and issues.
- 9 Performance figures submitted to the YJB and those cited in the HMIP report show that Cheshire YJS continue to achieve high performance against the three main performance indicators: First Time Entrants to the criminal justice system (FTEs), Custody rates and re-offending rates (detailed within the YJ Plan)
- 10 In 2022-23 there were just 34 Cheshire East first time entrants to the justice system, only four children sentenced to custody among a caseload of eighty-four children on out of court disposals and forty-eight children on sentences imposed by the courts.
- 11 Data shows Cheshire East is like the other three local authority areas in terms of the type of offences committed by children and young people. Violence against the person is the most frequent offence type representing 42% of all offences committed by children. Mostly this is common assault or assault occasioning actual bodily harm with victims typically family members, carers or other children and young people. Cheshire east has comparatively low rates of serious youth violence. The next most frequent offence types are criminal damage (10%) Public Order (7%) Drugs (7%) with small numbers of sexual (4%) robbery (4%) and Burglary offences (3%).
- 12 The priorities for Youth Justice in Cheshire are described fully in the YJ Plan but include; 1) ensure the findings of the health needs analysis are considered by relevant strategic partners 2) continue to develop anti-exploitation strategies in partnership with the Police, local authorities and other partners and 3) embed the Ministry of Justice funded 'Turnaround' project within an expanded Youth Justice Diversion Service to work with a broader cohort of children on the cusp of the youth justice system.

Consultation and Engagement

- 13 The Youth Justice Service have consulted with children, young people, parents, carers, and stakeholders in the development of the Youth Justice Plan 2023-24

Reasons for Recommendations

- 14 There is provision within the national YJB guidance for the Chair of the local Youth Justice Management Board to sign off the Youth Justice Plan and for retrospective approval to be sought from Full Council. Given the timescales available this is the approach that has been taken this year. It is also recommended that Cheshire East council (along with the other three councils in the partnership) delegate sign-off of the annual Youth Justice Plan to the Chair of the pan Cheshire Management Board so it can be submitted by the end of June each year and then be presented to cabinet.

Other Options Considered

- 15 The only other option is for the annual Youth Justice Plan to be presented to full council in four local authority areas prior to the deadline for submission at the end of June. Given the timelines and different processes across four separate councils this would be logistically challenging hence the recommendation for councils to delegate authority for sign-off to the Chair of the pan Cheshire Board which is permissible within the guidance.

Implications and Comments

Monitoring Officer/Legal

- 16 Production of an annual Youth Justice Plan follows section 40 of the Crime and Disorder Act 1998 and with the refreshed guidance published by the Youth Justice Board in March 2023.
- 17 In order to comply with Regulation 4(1) and Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 the Plan must be referred to Full Council for consideration and adoption.
- 18 The Youth Justice plan is subject to an annual review to ensure the plan is up to date and relevant, and partner agencies have had the opportunity to comment on the review of the strategy.

Section 151 Officer/Finance

19 Cheshire Youth Justice Service is a shared service partnership arrangement and is funded by the four Local Authorities, with contributions from statutory partner agencies (Police, Health, National Probation Service) with the largest amount of funding coming from the Youth Justice Board as a ring-fenced national grant.

20 There are no financial implications as a result of this report.

Policy

21 No policy implications

Equality, Diversity and Inclusion

22 The Youth Justice Plan has been produced with due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equalities Act 2010 and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Human Resources

23 None

Risk Management

24 No risks identified.

Rural Communities

25 No specific implications identified.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

26 The Youth Justice plan takes full consideration of and makes and explicit reference to Cared for Children and those with SEND – both of whom are over-represented in the Criminal Justice System.

Public Health

27 No specific public health implications of this report other than to state the strategy for Youth Justice partnership is to minimise the volume of children with previously unmet health needs that are criminalised for offences/behaviour that is symptomatic of previously unidentified health needs.

Climate Change

28 No specific or relevant implications

Access to Information	
Contact Officer:	Tom Dooks Head of Cheshire Youth Justice Service tom.dooks@youthjusticeservices.org.uk
Appendices:	Annual Youth Justice Plan 2023-24 (Cheshire YJS)
Background Papers:	None



Cheshire Youth Justice Services (inc Cheshire East, Cheshire West, Halton and Warrington)

Youth Justice Plan

2023-2024

Foreword

Welcome to the Cheshire Youth Justice Services annual plan for 2023-24. We are proud of the achievements we have made as a partnership over the last ten years but also recognise there is still much to do to further improve the quality of life for our children, families, communities and those who visit or work across our large and geo-politically complex region.

We have a strong track record of collaborative working in Cheshire with four local authorities working together with other agencies such as Police, Probation and Health colleagues on a wide range of issues including crime, safeguarding and public protection.

As we go forward, we intend to improve the governance structures by way of a review of the partnership agreement and hosting arrangements as well as continue our Child First journey.

We are confident that we will deliver tangible outcomes for our communities and look forward to the challenges ahead.

Helen Brackenbury

Chair of YJS Management Board

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Introduction, vision and strategy

The 1998 Crime and Disorder Act states that each local authority area must have a multi-agency youth offending team or service and annually they should produce a youth justice plan. This document outlines the intentions regarding Cheshire Youth Justice Service (YJS) for 2023-2024, as well as reviewing the outcomes from the previous year's plan.

The plan links to, complements and supports the plans of the Office of the Police and Crime Commissioner (OPCC), the four Community Safety Partnerships and local safeguarding arrangements in the four local authority areas of Cheshire East, Cheshire West, Halton and Warrington. In addition to the children's strategies and plans in each individual local authority, it also links to the developing Combating Drugs Partnerships in those areas. Cheshire YJS is also a partner in the Serious Violence Strategy being co-ordinated locally by the OPCC.

The primary purpose of the youth justice system is to prevent offending in children and young people. In the Cheshire sub-region, the wider youth justice partnership will continue to work collaboratively and in an evidential and intelligence-led manner in order to protect the wider public and safeguard children and vulnerable adults, including those at risk and this includes governance oversight of the shared youth justice service.

The service underwent a full HMIP joint inspection in 2021 and inspectors found YJS to be a Child-First, trauma-informed organisation. We will continue to build on this foundation, by striving to become even more participatory, whilst embedding a relationship-based practice approach. YJS will continue to work collaboratively with partners and systemically with our children, families and communities in order to reduce youth crime. We will simultaneously continue to improve the experiences of victims and those affected by youth crime in Cheshire – the majority of whom are also children.

The YJS Management Board oversaw the Inspection action plan with all six recommendations having been addressed and approved by the Board.

Local context

The Cheshire sub-region is a large and complex area and the partnership across the four local authorities provides a strong base to meet the various complexities and challenges faced by the county's children, families and victims.

The area is one of approximately 1,000 miles sq with a population of 1.1M, 250,000 of whom are below the age of 18. Across the four local authorities there are around 1000 children in care. Cheshire can be viewed as a largely affluent and rural county with pockets of urban deprivation. Although highly diverse in terms of age, the county is not as diverse compared to other areas of England, with around 96% of residents identifying as 'White British'. The traveller community also has a presence in some areas.

The region has a complex geo-political landscape, neighbouring 15 other local authority areas, with excellent road and rail links to the three closest cities of Manchester, Liverpool and Birmingham. Although these provide improved economic and lifestyle experiences, they also enable organised criminal activity such as County Lines and other forms of child exploitation. The number of county lines fluctuate throughout the year, however in 2022/2023, Cheshire Police identified an average of 44 (range: 32-63).

Despite the scale, YJS is a comparatively small organisation comprising 76 WTE staff, including seconded workers and 45 volunteers. The human resource arrangements for the entire workforce involve 11 different employing organisations, including local authority, police, probation, three different NHS Trusts and two private providers.

Child First

Both HMIP and the YJB recognised YJS as a child first organisation. The former within the 2021 joint inspection and the latter by granting 2-year pathfinder status for its successful Diversion programme. Throughout 2020-2022, YJS managers delivered training events and individually bespoke consultation to support other youth offending services in improving their Diversion programmes. Cheshire's point of arrest Divert scheme is well embedded within Cheshire Police and other partners and is funded through the OPCC and health funding streams. This ensures the assessment for unmet health needs informs decision making on out of court disposals. From January-December 2022, the Ministry of Justice (MoJ) FTE figures for 10-17-year-olds in Cheshire were 124, which is lower than the regional and national average for England & Wales of 166 and 148 per 100,000 respectively.

It is important to note that the Divert Project seeks to assess and utilise appropriate universal and specialist services to ensure children are able to access the appropriate professional support for their needs.

YJS has developed a collaborative commissioning network across the sub-region that brings together several health commissioners and providers to ensure services appropriately meet the needs of children in or on the cusp of the justice system. The Health Sub-group of the YJS Management Board commissioned an update of the Health Needs Analysis (HNA) undertaken in 2015. A more in-depth review was carried out in 2022 by the Public Health Institute at Liverpool John Moores University (LJMU), led by Professor Zara Quigg. A link to the full report will be available on LJMU's website in the coming weeks.

HMIP noted in their report that the Child First ethos was present not only in YJS but also across the wider partnership, with Cheshire Police being particularly cited. The development agreement and implementation of the Child in Care protocol to prevent unnecessary over-criminalisation is a good example of the Child First philosophy being adopted across Cheshire strategic partnerships. This has resulted in reductions in the numbers of children in care appearing in court for trivial offences. The YJS operates upon a policy of 'Is this good enough for my child or one close to me?' and this was evidenced in the report.

The new Child First on-line learning material developed by Unitas in partnership with the YJB has been included in this year's YJS Workforce Development Plan and places have been purchased for front line practitioners and managers.

Voice of the child

The child and their lived experience is a primary requirement for all dealings with children in the youth justice system in Cheshire and is integral to the model. Capturing the voice of the child, their parent/carer but crucially also the voice of the harmed person (often another child) occurs as part of the initial Divert assessment and is also sought at the end of the programme via Survey Monkey. HMIP found clear evidence of this in practice but we need to develop further innovative methods to promote more active participation of children.

In 2022, a spoken word artist worked with a group of children and young people from YJS, on the power of language and creative expression and YJS has also formed a partnership with Theatre in Prisons Project (TiPP) to put on participatory music making groups. These creative initiatives are examples of '*socially prescribed*' relationship-based, psychosocial therapeutic activities for children in the justice system and exemplify the relational child-first approach YJS will be embedding over the next few years (see section on performance priorities).

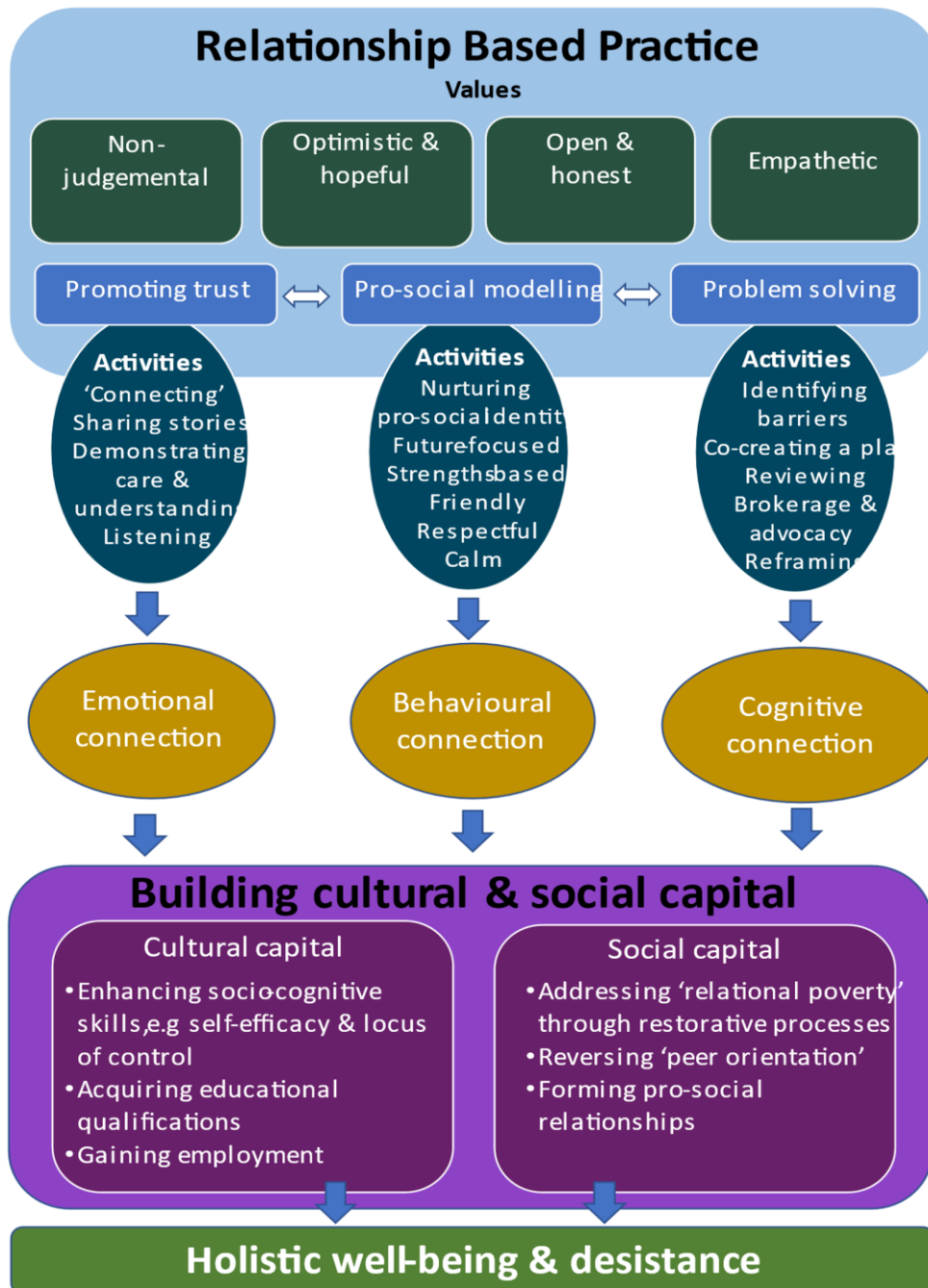
Relationship-Based Practice

YJS have adopted the Relationship-Based Practice Model as shown in Figure 1.

We partnered with lived-experience expert and author Andi Brierley and leading academic on participation (and Board member) Dr Sean Creaney to launch the model at a YJS whole service development day in November 2022. In addition, researchers from the University of Limerick have been invited by the YJS Research Group to give a virtual talk in June 2023 on their findings from a meta-analysis on relationship-based practice.

The Cheshire YJS Workforce Development Plan for 2023-24 will continue to focus heavily on relationship-based practice.

Figure 1. The relationship based model



Conversational audits

The management team now undertake 'Conversational audits' as routine, having piloted the approach in 2022. This methodology provides a richer three-dimensional perspective on YJS practice and service delivery. Some of the direct feedback from children has resulted in changes to service delivery, for example improvements around issuing SMS text reminders and seeing children and young people in different (less corporate) venues. This conversational approach to quality assurance has been well received by the Board and YJS Senior Manager and is being considered by local Children's Safeguarding Partnerships as a new methodology for undertaking multi-agency audits.

The HNA carried out by LJMU, mentioned in the previous section, included direct input from children and families, with current or previous lived experience of the youth justice system (see section 'Progress on previous plan for some headline findings').

We are seeking to extend the user-voice concept and conversational auditing to capture more direct feedback from people harmed by youth crime. We are currently investigating a complaint by the mother of a harmed person, though early indications are the service acted in accordance with the Victims' Code of Practice.

The YJS enjoys a close relationship with the OPCC, particularly regarding the early interventions and diversion process. The OPCC also has a youth advisory panel, which over the last 5 years has had representation from YJS service users, in an effort to ensure users of the wider youth justice system can feed back directly to those responsible for commissioning and service delivery.

Governance, leadership and partnership arrangements

A major strength of YJS is the strong strategic and professional links with colleagues in the public, private and voluntary sectors (Figure 2). Whilst this plan specifically refers to the YJS, the wider ambition to improve outcomes for children, adults, residents and visitors to Cheshire, requires the collective input from the wider partnership. Timelines for approval at full council are complicated given the sub-regional arrangement. However, there is commitment from the four Directors of Children's Services to take this Youth Justice plan through their respective council governance channels.

Figure 2: Youth Justice System Strategic Partnership



DCS Director of Children's Services. CSP Children's Safeguarding Partnership, PDU Probation Delivery Unit, ICB Integrated Care Board, SRO AACC Senior Responsibility Officer, All Age Continuing Care

Safeguarding arrangements

Safeguarding partnerships are well established and YJS is an integral element of all four arrangements, participating in multi-agency audits of safeguarding practice and independently chaired learning reviews when necessary. YJS senior managers are also active participants in several Pan-Cheshire safeguarding collaborations including a Contextual Safeguarding Strategic group. The interface between the sub-regional strategy and variable local contextual safeguarding approaches was recently reviewed with the help of an independent consultant and a new Pan-Cheshire 'all-age' contextual safeguarding strategy. HMIP noted strong assessment and identification of potential criminal exploitation in the region but a less well-developed disruption and prevention strategy. Disruption of organised criminal activity and safeguarding children and vulnerable adults from criminal exploitation is a collective ambition and is a huge challenge and future focus for all partners. Contextual safeguarding will remain a key strategic priority for YJS and the following was quoted from the 2022 Joint Areas Thematic Inspection in Cheshire East as an element of good practice from staff around positive partnership approaches to disruption and support for children ensnared in criminal exploitation.

"Recognition of the links between exploited children's poor mental health, sexual health and substance misuse has resulted in effective commissioning and collaboration across the health networks between child and adolescent mental health services (CAMHS), youth justice services, young person's recovery service and children in care teams."

YJS is a core member of the Multi-Agency Public Protection Arrangements (MAPPA) as well as having significant operational and strategic links to the Cheshire Integrated Offender Management model. These links have been enhanced by the adoption of a more youth justice focussed role for the police officers as recommended by HMIP with three officers now fully embedded within the service.

YJS has links at both strategic and operational levels with all four Early Help offers as well as the Police-led Complex Youths programme. The latter seeks to identify and intervene earlier with children at risk of becoming the recipients of more formal, court-ordered criminal justice services in the future. Police partners provide Board members with data on number of and reasons why young people are detained overnight, are stopped and searched and released under investigation (see Appendix E) and from these a collective approach can be reached to address any increases or trends. We intend to increase this oversight to include reviews of court process times i.e. delays, as well as excessive bail periods in order to limit the negative impacts on children in the Youth Justice system.

The HMIP report in 2021 noted the complexity of the arrangements within the Cheshire sub-region and judged Governance and Leadership to be 'Outstanding'. The Board were found to be engaged, knowledgeable and of the appropriate level within their own organisations to drive forward the Child First youth justice model.

Board membership and leadership

The Management Board Chair rotates bi-annually between the four local authorities with Cheshire West and Chester Council's Director of Children's Services taking over from Halton for the period April 2022 to March 2024. Board membership is fully constituted with membership at a sufficiently senior level from all statutory partners, supplemented by other key members including a leading academic advisor, an independent safeguarding advisor and a magistrate. Job descriptions and induction processes are in place for new Board members but the over-arching partnership agreement is under review with a group led by the new Chair of the Board (Director of Children's Services for Cheshire West and Chester Council).

The health sub-group, the only sub-group of the Board, oversaw and addressed the recommendations from the 2015 HNA, which impressed the Inspectorate, as this was a rare achievement. Health provision in the YJS was similarly commended and this was more impressive considering the plethora of health commissioners and providers in the region. The changes to health and social care commissioning with the abolition of CCGs and creation of a single Integrated Care System across Cheshire and Merseyside will create fresh challenges. The sub-group continues to be led by a senior health colleague so is well placed to navigate the roads ahead.

Leadership was also commended in the report with staff understanding the vision of the Board and supported into translating this into practice. HMIP recognised this was not something that simply occurred but was a result of many years of hard work and commitment by the Management team. The challenge is, obviously, to maintain current levels of performance and quality whilst seeking to improve further within an ever-precarious funding and resourcing environment.

YJS Senior Management Team

The Senior Management Team was reduced to two posts in March 2022, which for an area as complex and large as Cheshire, dealing with four local authority partners continues to be challenging.

Notably, the current Head of Service will be retiring in summer 2023 after 18 years at the helm. This will require a transitional strategy to maintain the current high-performance levels and develop the service to be as 'future proof' as possible.

Board Development

Board development continued in 2022-2023 through attendance at the all-staff development day in November 2022. Here direct feedback and dialogue occurred between front line staff and three of the four Directors of Children's Services including the Chair and also Chair of health subgroup. Following a review and update of the partnership agreement, it was noted by the Board that the multiple governance structures for staff with three separate employers for non-seconded staff created inequity, duplication and complexity in management processes. This was an identified legacy from the previous amalgamations of the youth justice arrangements in Cheshire from 2012 onwards and the Board recognised this was an opportune time to correct these anomalies and will explore the potential for a single hosted service in 2023-24. This will also require alignments of IT, HR, Finance and legal and as such represents a major programme of organisational change. A review of the existing partnership agreement was conducted in 2022-23 and adopted by the Board in December 2022. However, a change to a hosted arrangement will necessitate a further review of the partnership agreement along with increased transparency of the funding responsibilities of the four local authority partners. This review will be led by the Chair of the Management Board with dedicated project management support and will seek to resolve the various issues by March 2025.

Resources and services

Over the last 13 years, the partnership has suffered considerable reductions in funding from the YJB. The amalgamation in 2016, of two Youth Offending Services in the Cheshire sub-region, to form the current YJS, was partly in response to approximately £1M per annum reductions.

Local authority and other partners in Cheshire are continuing to face considerable reductions in funding. This poses a significant risk to the partnership's ability to continue to provide high quality, creative, appropriate interventions and services, which reflect existing and emerging local needs. The increased identification of pernicious criminal exploitation along County Lines, as well as other forms of criminal abuse within the localities, is recognised across the region as well as nationally. Whilst YJS is only one of the partners, the ability to identify potential victims of such abuse is hindered by the lack of secure and sustainable investments in the 'Divert' intervention, which is the primary YJS pre-court early intervention.

The uncertainty of funding for Divert was one of the six recommendation areas in the HMIP report and despite the nationally recognised success of Divert as a YJB pathfinder model, it is a non-statutory work-stream. The largest single financial contributor to Divert is the OPCC but that contribution has remained static since 2017. Divert receives no additional funding from the YJB, local authorities or any other partners (other than indirectly from our collaborative health commissioning, which funds pre-court health assessments). With the possible implementation of a deferred prosecution scheme and use of Outcome 22

disposals with youths, it is anticipated that referrals from Cheshire Police will increase in volume. Therefore, a good example of a good use of resources is the extension of the Divert offer previously limited to OPCC funding, as mentioned above. The welcome additional investment in early intervention, offered by the MoJ's Turnaround programme has led to an ability to extend YJS' Divert team to become a full 'Prevention and Diversion' Service. The service has been able to shift some of its human resource upstream from post-court to pre-court to meet the continued demand for out of court assessments.

The Zero-based review from 2018/2019 concluded the current service model is appropriate and effective in the region and that this should continue with improvements of an evolutionary nature, whilst acknowledging the high-quality baseline. No suggested significant reductions emerged from the review but a desire to implement a fair and more transparent funding formula locally was identified. This was undertaken in 2020-21 by the Director of Public Sector Transformation on behalf of the partnership and with the participation of partners, YJS Managers, staff, volunteers, victims and children and parents/carers involved in the service.

Resulting discussions regarding an equitable and sustainable funding regime for the four significant partners, the local authorities, have occurred. A further review in February 2021 led to a review of Governance arrangements in the forthcoming years and as mentioned under the previous section, the proposal to improve efficiencies by moving to a single host organisation. The intent is for one local authority to assume responsibility for YJS and a new partnership agreement be in place by March 2024. This is an ambitious but achievable timeline with the full co-operation of all partners.

The YJS Management Board will continue to oversee the pooled budget from all multiple financial stakeholders to ensure effective use of resources.

Progress on previous plan

Last year's plan focussed primarily on the outcomes of the HMIP inspection and all recommendations were overseen and approved by the Board.

Trauma-informed practice

The journey towards being a trauma-informed service continued, and in some ways accelerated during the pandemic due to a greater awareness of issues of trauma across the nation, as well as in the youth justice partnership. The positive health input to the organisation, particularly from CAMHS professionals, has assisted in this journey and following a comprehensive 3-year workforce development strategy, professionals now routinely view risk and behaviour through a trauma-informed lens. In the 2021 inspection, HMIP and the other inspectorates described YJS as a trauma-informed service and while senior managers are not complacent, they are sufficiently confident to re-focus energy towards delivering a cultural shift towards relational, participatory and systemic practice.

Disproportionality

Whilst the data does not indicate an issue in respect of racial disproportionality in the Cheshire YJS cohort, it is recognised that further work needs to be done both locally and beyond to ensure that an 'explain or reform' model continues to be uppermost in strategic thinking and operational delivery. The Criminal Justice Board review into the Lammy report on over representation of BAME groups in the Criminal Justice system was presented in March 2023 and recommended all criminal justice agencies in Cheshire to agree a methodology for annual deliberations. The YJS Head of Service led the review group on

behalf of the Cheshire Criminal Justice Board and following his retirement, the Probation Service will take over the lead for the 2023-2024 group, with representation from YJS.

Reflecting on the HMIP thematic inspection on the experiences of black children in the justice system, it was acknowledged that coming from a predominantly white area where 95% of service users are white, staff can lack the confidence to speak with (and relate to) young people who may experience racism. Therefore in 2023/2024, Cheshire YJS have commissioned some bespoke equality and diversity training for the YJS workforce.

Health Needs Analysis

The HNA undertaken by LJMU and completed in December 2022 was a significant piece of work. The dataset represented over 70% of all children YJS had worked with in 2022, making it the most contemporary and statistically valid research into the health needs of justice involved children, anywhere in the UK. A workshop of influential stakeholders was convened in December 2022 to share the findings and help inform the recommendations. The YJS senior manager and Chair of the Health sub-group will be promoting the HNA via regional Health and Wellbeing and other relevant boards throughout 2023. Some of the headline findings were:-

- 72.9% of the statutory cohort and 59.5% of the Divert cohort had experienced violent victimisation, prior to their own involvement in offending
- Children with speech and language needs had a higher mean number of offences (2.7 offences) than those without (1.7 offences; $p < 0.05$)
- 50.4% of the statutory cohort had experienced some form of school exclusion. A higher proportion of those with speech and language difficulties had been excluded (58.9%), compared to those without (37.0%; $p < 0.05$)
- Neurodiverse diagnosed: statutory cohort = 46.2%; Divert = 36.3%.
Awaiting diagnosis or referral: statutory = 13.4%; Divert = 18.8%
- 55% of statutory cohort and 22.9% of Divert cohort had experienced four or more adverse childhood experiences (compared with 9% in the general population)
- 56.5% of young people who currently used drugs used multiple substances and the mean age at which young people started to use drugs was 13.3 years.

These stark findings will greatly assist intelligent commissioning and service design for the growing cohort of children that YJS quite rightly divert away from the criminal justice system but have a complex set of needs and exhibit risky behaviour.

Partly off the back of the HNA and the work YJS has led around Diversion and SEND, the service achieved Quality Lead status with a 'Child-first' commendation in November 2022 (accredited via MicroLink plc).

Performance and priorities

Performance figures submitted to the YJB and those cited in the HMIP report suggest that YJS continues to achieve high performance against the three main performance indicators set:-

- First Time Entrants (FTEs)
- Custody rates
- Rates of re-offending (binary rates)

Audit

Safeguarding and risk of harm audits conducted over the last 12 months also indicate consistently good practice. The only area identified as requiring improvement in the HMIP inspection (contingency planning to mitigate risk of reasonably predictable future harm) was the focus of an audit in December 2022 where 80% of the 16 cases audited were deemed to be good or outstanding. This report was presented to the YJS Management Board and to local CSP learning and improvement boards.

Key Performance Indicators (KPIs)

The requirement by the YJB for local YJS' to report on an additional 10 Key Performance indicators represents a particular challenge for Cheshire YJS such is the complexity of the partnership arrangements across four 'Places'. Cheshire YJS have only had one Performance and Information Manager to coordinate data and performance returns so we have had to create a new Performance and Information Officer post to assist.

Cheshire YJS covers four different 'Places' each with different early help and children's social care databases and varying arrangements for SEND, ETE, Substance Misuse and Mental Health, therefore collating data for the new KPI return is resource intensive. YJS also provide performance returns to the Management Board, OPCC (who joint fund the Diversion scheme), MoJ (for Turnaround) and NHSE, as well as providing Youth Justice specific data to a wide range of SEND, Early Help, Community Safety, Contextual Safeguarding and Serious Organised Crime Boards.

FTEs continue to be significantly lower than regional and national averages and out of court disposals are also reviewed by a multi-agency group led by the local Magistracy on an annual basis. This post-decision scrutiny panel reports approval ratings for out of court decisions in over 90% of youth cases. This is largely attributable to the quality of Divert assessments undertaken by YJS staff and effective Diversionary process with Cheshire Constabulary.

Pan-Cheshire Children's Partnerships are constantly evolving with, for instance, complex needs hub developments in Warrington and Family Hubs in Cheshire East. YJS will lean in and align as far as possible while retaining the integrity of specialist multi-disciplinary teams focusing on the risk and needs of children in the justice system.

Appendix C details the most up to date performance data according to YJS figures. Appendix D gives numbers of FTEs, reoffending rates, number of young people sentences to custody, pre-court and post court case loads and offence types within the four local authority areas.

NB In both Appendix C and D, YJB figures may vary slightly due to additional data not currently being available to YJS.

Education

The education and inclusion specialist, appointed to the Management Board in 2020, continues to be supportive in removing barriers to inclusion and participation in ETE. A small Education team within YJS comprising officers, linked to each of the four local authorities has experienced some gaps in the service recently due to two maternity leaves and only having a half time post in Cheshire East. Despite this, the team works well to achieve good outcomes having an average performance of 65% children and young people in ETE placements at the end of their court orders.

Over-represented children

As previously noted, Cheshire YJS Head of Service led a task and finish group on behalf of the Criminal Justice Board and the YJS Board on local CJS responses to the Lammy report. The review findings and those of the HMIP inspection suggest there is little or no racial disproportionality in relation to community or custodial sentences. The majority of disposals reflected the actual demographic of children in Cheshire.

The findings were reported to the Cheshire Criminal Justice Board, which proposed each criminal justice agency, including YJS should produce an annual review to reflect on any areas of disproportionality, maintaining the reform or explain agenda. This was agreed in March 2023.

In 2022-2023, the protocol preventing unnecessary criminalisation of cared for children was further refined to include more overtly the needs of care leavers entering the adult systems. The review was compiled by a successful multi-agency collaboration across the sub-region and has been signed by the Chief Constable, Chief Crown Prosecutor, OPCC, DCS from all four local authorities, YJS and Probation Service. The protocol was also endorsed by Cheshire Criminal Justice and YJS Management Boards in December 2022.

The YJS Management Board are also requiring an annual review of outcomes for children in care in relation to the protocol. Early indications in 2022 show there has been a reduction in children in care appearing in court of in excess of 30%. The report will reflect the 'so what' test in terms of policy and procedures delivering in real life outcomes.

Prevention and Diversion

Cheshire's award-winning Diversion project has been referenced elsewhere in this plan. It continues to maintain low rates of FTE across all four local authorities. The number of FTE entering the youth justice system for the YJS area has decreased considerably by 32% over the past five years (Dec 2018 = 184 v Dec 2022 = 126 FTE). YJS operates a more purist Diversionary scheme and does not have its own funded Prevention team. Instead, it aligns to the four local authority Early Help offers by diverting children away from the criminal justice system and supporting them to access universal or targeted support services in their local community. The MOJ 'Turnaround' funding has been very welcome and enabled Cheshire YJS to broaden the referral criteria and refine the pathway for preventative support to work with children for longer (where necessary) and with children who were previously ineligible for Divert. We expect improved identification of children vulnerable to exploitation at an earlier stage of the youth justice system. YJS was swift to respond to utilising the Turnaround funding by adapting the Divert model. Year 1 funding was largely used to mobilise and recruit additional staff but has also been used as match funding to pump prime projects with local voluntary, community or social enterprise (e.g. the Rage Fitness project in the west of the county).

Serious violence and exploitation

The Serious Youth Violence analysis from the OPCC shows Cheshire has a relatively low incidence. Several multi-agency applications to the Youth Endowment Fund to support work around serious youth violence have been unsuccessful and have been awarded to areas with higher levels. Single incidents of violence cause considerable impact on communities and families, so this area of work continues to be monitored by the Management Board.

Exploitation has been referenced elsewhere in the plan and remains a key strategic priority for the service and the wider partnership.

Constructive resettlement and use of custody

Use of custody is extremely low across Cheshire (typically fewer than 10 children across the whole of the county are on remand or sentenced at any one time). Close scrutiny of Cheshire children in custody, in particular their safety and wellbeing and resettlement plans is ensured through a mix of in-house Multi-Agency High Risk Meetings, circulation of a custody tracker directly to all four Directors of Children's Services, which includes resettlement and release plans and flags any gaps.

A monthly report on those children in custody is shared with DCS to ensure any CSC issues regarding release plans are addressed prior to release.

Restorative Justice and Victims

HMIP commented favourably on the Cheshire restorative justice (RJ) offer, which adheres strictly with the Victim's Code of Practice. All victims are contacted by YJS and offered a service irrespective of whether the child who harmed them is dealt with by Diversion or charged. RJ performance is reported quarterly on a scorecard to the OPCC. In 2022-2023, the fully training RJ Team, contacted 226 harmed persons and completed 16 direct RJ Conferences.

National standards

The YJS Management Team undertake comprehensive internal Risk of Harm and Safeguarding quality assurance audits every year. These are now conducted routinely as 'conversational audits' whereby direct feedback from parents, young people and in some cases, victims, is included to inform the quality of youth justice delivery. As a Pan-Cheshire service, YJS also participate in regular multi-agency practice audits coordinated by the four children's safeguarding partnerships according to their priority themes (typically neglect, exploitation and domestic abuse).

Youth justice self-assessment shows good adherence to national standards with any over-rides appropriately authorised and recorded in case files by managers. In 2019-2020, the Management Board undertook a strategic self-assessment with individual Board members working with a named youth justice manager to self-assess against each of the five National Standards. In 2023/2024, a refresh of National standards will again be led by Board members.

The schedule of reporting on Quality Assurance audits to Board and thematic areas of focus will be discussed at the June Board. One thematic on Exploitation and Contextual Safeguarding currently underway is likely to be suggested for September and Diversion at a later date.

Challenges, risks and issues

Cheshire YJS always faces a set of challenges based on the large and complex socio-political and geographical footprint we serve. Change is the only constant and this is exacerbated by the inherent difficulties in a service, which has four local authority partners, four separate Children's IT database and recording models, 11 different employers of staff working in co-located or seconded to YJS. The re-emergence of a single Probation Service, which has resulted in three distinct delivery units within Cheshire, brings both challenges and opportunities. This is particularly seen around transition cases, public protection and early intervention processes in terms of transitional safeguarding and criminal exploitation.

The long-term funding and resource allocation for the early intervention work, including Divert, remain an issue with financial austerity still in place. Continued investment in a high quality and well performing youth justice service will continue to compete against other worthy resourcing needs. At the other end of the continuum, safe, suitable accommodation for the small number of children on the cusp of custody, who have very complex needs and display risky, sometimes, violent behaviour, remains a challenge.

However, the single biggest challenge for the organisation is how to maintain and improve high quality services in the post-pandemic world. Our strong links to academia, amongst the best ever seen by the Inspectorates, will assist us in ensuring that interventions are based on sound academic evidence to achieve the desired outcomes of an ever evolving local and national youth justice agenda.

The health offer to children in the justice system across Cheshire has been a particular strength in recent years and the refresh of HNA is timely. However, the changes in the commissioning landscape with the abolition of CCGs, creation of a Cheshire and Merseyside Integrated Care System means there is some uncertainty over what will be commissioned at *system* level versus *place* level. The Health sub-group to the YJS Management Board has been pivotal in driving forward investment and overseeing improvement in the health offer to children in or on the cusp of the criminal justice system.

The current Chair of the sub-group is a passionate advocate of addressing the health needs of children in YJS and has agreed to continue to lead the group in 2023-24. The findings of the HNA will guide the subgroup, health commissioners and providers around drawing up an action plan.

Service improvement plan

The HMIP report in 2021 has essentially indicated a very positive outlook for YJS and indicated the highest scores of any youth offending service, subject to a full joint Inspection. This is the most intensive level of scrutiny any youth justice service can be subjected to by five differing Inspectorates and was assessed as Good overall.

The Chief Inspector of Probation noted

This joint inspection, assessing the quality of work by the Youth Justice Service, highlights a clear ambition for children, sustained and effective partnerships, and generally sound operational delivery. Cheshire has achieved the highest score of any of the joint inspections undertaken with colleague inspectors from the police, health, social care and education that we have completed to date.

The Inspection action plan was fully implemented in 2022-23 and places YJS in an even stronger position to further improve our delivery in terms of outcomes for children, communities and victims in Cheshire.

Workforce development

For many years, Cheshire YJS have been part of a well-established and coordinated pan-Merseyside Collaborative Training Group (CTG) which commissions bespoke and specialist youth justice training for staff in YJS and neighbouring youth justice services. The focus on the previous two years has been the embedding of trauma-informed practice. CTG also offer annual updates of AIMS 3 assessment and intervention training as well as Restorative Justice training.

The focus on 2023/24 will be equality and diversity training for all staff to increase confidence of working with young people who may be subject to racial and other discrimination.

We will continue to promote training and events which explore the cultural approach to relationship-based practice.

YJS have a grow your own philosophy and are able to support unqualified practitioners through the youth justice degree programme.

There is also an expectation for all front-line staff to carry out the Unitas Child-First module. This is a new national Child-First qualification and the content features several resources contributed by YJS.

Evidence-based practice and innovation

Social prescribing

One innovation begun in 2022 that will be further developed in 2023-24 and beyond is '*Social Prescribing*'. This initiative has been cited by LGA as an example of innovative practice with vulnerable children. Essentially YJS prescribe psychosocial therapy for children in the form of an activity that a young person is interested in that aims to have a positive impact on their physical or mental health and in turn reduce their likelihood of offending. Cheshire YJS will be undertaking asset mapping of potential projects and partnerships with VCSE across Cheshire with a view to developing a variety of socially prescribed projects for children and young people. Examples in the pipeline include Rage Fitness and Edsential in Cheshire West, Lets Go Fishing in central Cheshire, Livewire in Warrington and R.O.A.R in Cheshire East.

Social prescribing is also an integral part of the relationship-based practice model. For example, one child was linked to a mature volunteer who initially assisted him to learn how to play chess. Out of this developed a well-valued inter-generational relationship, which has assisted the child move forward with various issues in his life. This approach, as well as person centric is also relatively resource neutral – using existing resources differently to assist children to develop the resilience required to face issues beyond their time-limited interactions with the formal youth justice system.

YJS Research group

The Inspection noted the strong ethos of research-led by practice and an organisational commitment to develop research at both academic and local strategic level. The staff-led research group which received input during the year from such well-respected academics as Professor Neal Hazel, Dr Tim Bateman, Dr Ali Wigzell and others, is an example of this commitment. The research group will seek to extend its remit and attendance to beyond Cheshire with the culture of 'remote' attendance enhancing this prospect, an unexpected benefit of the pandemic.

Links to academia

Links to Edge Hill University and Chester University are well established. These have led to shared research projects such as a study of Covid resilience in staff and children by Chester University and student placements, which are now resuming following the pandemic restrictions. The Head of Service also acts as a visiting lecturer at both universities to further the experience of students at both undergraduate and post graduate level. He also sits on the Master's Degree Criminology Advisory Board at Edge Hill University.

In addition, a book from the knowledge transfer conference in 2022, co-hosted by YJS and Chester and Edgehill Universities, has been accepted for publication in late 2024.

Conversational audits

A conversational audit was carried around safeguarding in 2022 and this was extremely successful at gaining the voice of the child and parents/carers and reflect their real-life experiences. Seventeen cases were audited and 70% were rated as good. Five out of 17 cases required improvement due to case planning and case formulation as opposed to concerns for children's safety or wellbeing not being identified, shared and addressed. The audit sample revealed a very high prevalence of self-harm and substance misuse, with history of drug overdose noted in several children – frequently as a feature of children choosing to self-medicate rather than take prescribed medication (e.g. for ADHD).

The approach and findings were shared with the safeguarding partnerships and this has inspired at least two of the local authority areas to seek to develop the same methodology within their own quality assurance and participation approaches. YJS will continue to carry out safeguarding audits with a conversational element within the methodology.

Prevention and Diversion

Prevention and diversion continues to maintain the low FTE trajectory in Cheshire and was a YJB pathfinder project sharing good practice to the sector and cited on the YJB good practice research hub. In addition, as part of the pathfinder project, we offered bespoke review, development assistance to several Youth Offending Services and partnerships, which were well received.

Trauma informed and relationship-based practice

Trauma-informed and relationship-based interventions form the heart of 'business as usual' for YJS staff but are also elements of a creative, Child First culture that was noted as strong not only in YJS but across the wider partnership.

IT innovation


YJS is a Centre for Excellence as designated by CACI, the software supplier of the YJS database Childview. In conjunction with a data analytics company, we are exploring the potential of the development of a predictive analytics tool to assist in the case management of active cases and early identification of potential entrants to the youth justice system in order that targeted preventive work can be utilised in a more efficient and focussed manner. This development will be ongoing during 2023-24 and we will actively seek engagement and partnership from other youth offending services and relevant partners.

Looking forward

YJS continues its journey of improvement but the following priority areas have been identified for 2023-24

- Ensure transitional arrangements are in place following change of Head of Service in summer 2023
- Ensure the findings of the health needs analysis are considered by relevant strategic partners to improve access to services for children in the youth justice system or at risk of becoming so
- Explore with an aspiration to move to a single host arrangement to reduce inefficiency, inequity of employment and clarify partnership responsibilities, whilst also improving local Place based delivery and reporting models
- Child-first, trauma-informed and relationship-based practice will continue to be embedded as routine
- Embed turnaround project with an expanding Prevention and Diversion Service to work with a broader cohort of children on the cusp of the youth justice system
- Continue to develop anti-exploitation strategies in partnership with the Police, local authorities and other partners such as health and education
- Disproportionality review to be completed in line with the Cheshire Criminal Justice Board subgroup methodology
- Explore potential of an early safeguarding diagnostic tool with CACI

Sign off, submission and approval

Chair of YJS Board - name	Helen Brackenbury Director of Children's Social Care Cheshire West and Chester Council
Signature	
Date	

Appendix C

Review of Performance for 2022-23

Introduction

The Youth Justice Service Performance report continues to be presented to the YJS Management Board on a quarterly basis and includes the national performance measures as outlined below.

The report is accompanied by Scorecards as a breakdown for each of the Performance Measures by Local Authority so that performance can be monitored on a local basis and YJ Management Board reps are encouraged to share this performance information within their own local forums and agencies.

YJS submits quarterly information to the Board in the following areas:

1. **Reduction in First Time Entrants:** young people entering the criminal justice system for the first time, either before the court or receiving a caution
2. **Reduction in Youth Re-Offending:** monitoring a select cohort of young people already in the youth justice system to determine if they re-offend, and if so, with what frequency and seriousness
3. **Reduction in the Use of Custody:** reducing the numbers of young people who receive a custodial sentence in a Young Offenders Institution, Secure Training Centre or Secure Children's Home

Although there is no specific target attached to each of the above, Youth Offending partnerships need to show that they are working towards achieving a continued reduction against each measure and this is closely monitored by the YJB/Ministry of Justice (MoJ). It is a condition of the YJB Grant that is issued to achieve positive reductions in the three performance areas. The data is publicly available and published on a quarterly basis by the MoJ.

First Time Entrants¹ and Prevention and Diversion

The official data for this indicator comes from the Police National Computer (PNC) and is published by the MoJ and is shown in rolling full years for the 12 months to March, July, September, and December of each year but always 6 months behind real time. The YJS Performance Report includes this data to show how we compare both regionally and nationally.

Locally for scorecards, we will continue to use local, real-time data in relation to the number of young people entering the Criminal Justice System, including anyone who receives a Youth Caution or above.

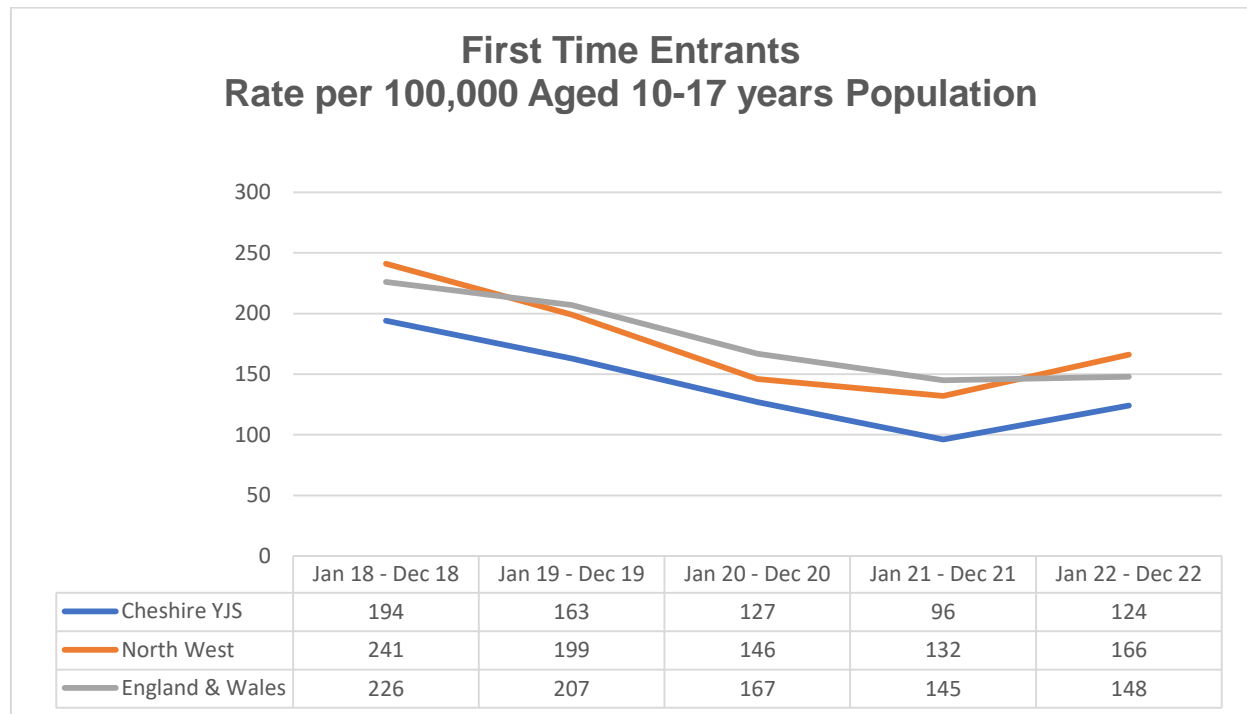
The Prevention and Diversion (pre-court) cohort will also continue to be tracked over a 12-month period and reported on quarterly, with both quantitative and qualitative analysis including case studies and service user feedback.

The number of FTE entering the youth justice system for the YJS area has decreased considerably by 32% over the past five years (Dec 2018 = 184 v Dec 2022 = 126 FTE).

¹ Ministry of Justice, Criminal Justice Statistics (December 2022)

Across the board, during the same period there has also been a decrease in the “Rate of FTE per 100,000 aged 10-17 population” as shown in the table below. YJS has seen a greater overall percentage reduction (36.1%) compared to both regional (31.1%) and national (34.5%) figures.

As the current number and rate is extremely low, the opportunities to further reduce this rate are minimal.



Re-offendingⁱⁱ

The official data for this indicator, like FTEs, comes from the PNC and is 2 years behind real-time information. The YJS Performance Report uses this data to show how we compare both regionally and nationally for both the Binary Rate (% of young people reoffending from the overall cohort) and the Frequency Rate (a measure of the total number of offences committed by those reoffending divided by the number of young people in the cohort who reoffended).

The MoJ changed the methodology for measuring reoffending in October 2017 to align the measure with that used for adult reoffending. Under the new methodology, a 3-month rather than a 12-month cohort is used. The cohort is still tracked over 12 months.

Changing from 12-month to 3-month cohorts tends to mean a greater proportion of prolific offenders within the cohort and hence higher reoffending rates, though both measures show similar trends over time.

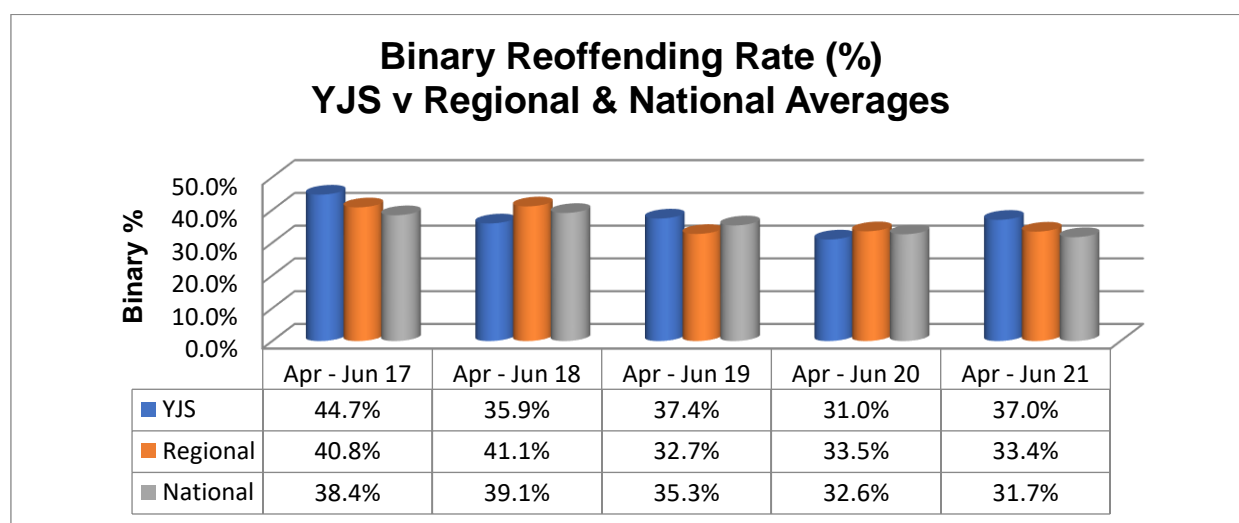
Locally it was agreed that the YJS would build its own cohort, consisting of all young people who received a pre-court or court disposal or were released from custody between 1 January 2022 and 31 March 2022. Reoffending activity will be monitored over a 12-month tracking period and this is the data shown in the local scorecards. It is proposed that in Cheshire we also continue to track offending by cared for children and report on their reoffending as a distinct cohort given we have collective corporate parenting responsibility for this group of children.

The latest MoJ published data shows the April–June 2021 cohort monitored for 12 months. The result of having a smaller cohort of young people is that it only takes a small increase in offending to significantly impact on the percentage change.

The reduction in the overall cohort numbers shows the positive impact and success of the YJS Prevention and Diversion Project, which enables young people to be offered a number of opportunities to receive alternative options to formal justice disposals. This has significantly reduced the number of FTEs into the criminal justice system.

The cohort of young people that do re-offend, remain the most challenging, complex and hard to engage young people within the YJS area and we continue to increase our efforts to target and address this.

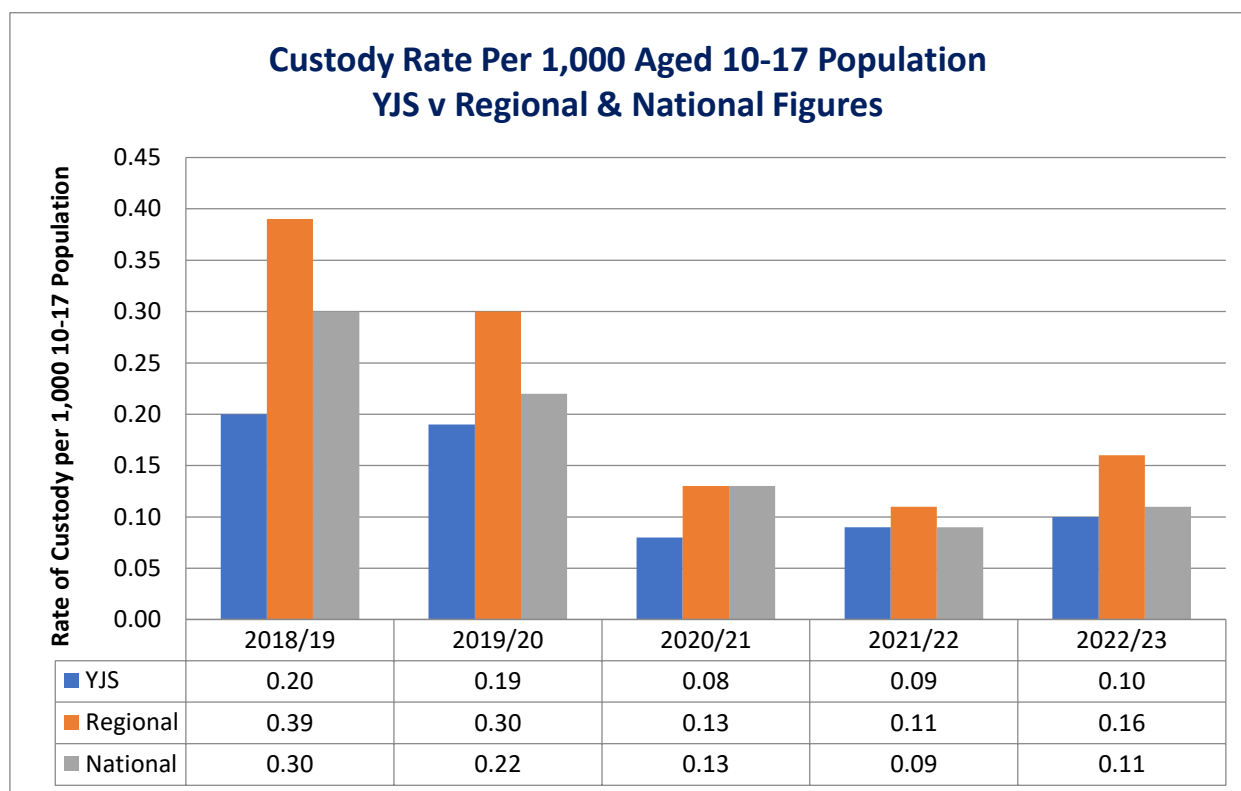
The YJS, Regional and National binary rates for the last five yearly cohorts are presented below.



Rate of Custodyⁱⁱ

The latest data issued from the YJB for the Use of Custody shows that nine YJS young people received custodial sentences in the year ending March 2022, which remains static from the year prior.

The following graph outlines the “custody rate per 1,000 of the 10-17 population” showing YJS performance exceeds both regional and national rates.



Remand Bed Nights

The Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 introduced a new remand framework for 10- to 17-year-olds in December 2012. The key changes made by the legislation were as follows:

- 10-17-year-olds are treated according to the same remand framework (including remands to local authority accommodation or youth detention accommodation) regardless of their age and gender;
- 12-17-year-olds can only be remanded to youth detention accommodation if their offending is serious enough to warrant a custodial sentence including murder, attempted murder, rape, firearms offences, drugs and aggravated robbery or there is a history of failing to attend court;
- Every child or young person remanded to youth detention accommodation are now treated as “looked after” by their designated local authority;
- Placement of children and young people remanded to youth detention accommodation is a function of the Secretary of State for Justice but this power is exercised concurrently and in practice by the Youth Justice Board for England and Wales (YJB).

A remand to youth detention accommodation is currently to either a secure children's home (SCH), a secure training centre (STC) or a young offender institution (YOI).

Young people remanded to custody are more likely to display entrenched patterns of offending behaviour and/or are more likely to have committed serious offences. Many of these young people have suffered trauma, lived in households affected by domestic abuse, mental health, substance misuse, suffered loss, been excluded from school, experienced drug or alcohol-related dependencies and have mental health or special educational needs. Some of the young people will be influenced by others or have got mixed up with criminal group activities.

Establishment Type	No. Bed Nights 2021/22	No. Bed Nights 2022/23	Difference 2021/22 v 2022/23
SCH	12	45	-33
STC	0	0	0
YOI	507	361	146
Total	519	406	113

Education, Training and Employment (ETE)²

These figures represent the most up to date MoJ view of those young people in full time education or employment.

In the 2022/23 reporting period, 146 young people completed their Intervention with YJS, of which 81 (55%) were in full time ETE provision. This is a more than a 30% improvement on the comparative data for Regional and National, which both stands at 38%.

² Youth Justice Management Information System, Final YOT Data Summary (114) April 2022 – March 2023

Appendix D**Performance data by local authority April 2022-March 2023****Cheshire East**

No. of First Time Entrants	34
Reoffending Binary Rate	38.5%
No. Sentenced to Custody	4
Caseload Pre-court	84
Caseload Statutory	48

Offence Type	Number of Offences
Arson	0
Breach Conditional Discharge	1
Breach of Statutory Order	2
Criminal Damage	14
Domestic Burglary	2
Drugs	9
Fraud & Forgery	2
Motoring	8
Non-Domestic Burglary	2
Other	6
Public Order	10
Racially Aggravated	0
Robbery	5
Sexual Offences	6
Theft & Handling	7
Vehicle Theft/Unauthorised Taking	5
Violence Against a Person	57
Total	136

Cheshire West and Chester

No. of First Time Entrants	55
Reoffending Binary Rate	15.4%
No. Sentenced to Custody	2
Caseload Pre-court	129
Caseload Statutory	44

Offence Type	No of Offences
Arson	2
Breach Conditional Discharge	0
Breach of Statutory Order	1
Criminal Damage	12
Domestic Burglary	0
Drugs	11
Fraud & Forgery	0
Motoring	13
Non-Domestic Burglary	3
Other	1
Public Order	9
Racially Aggravated	0
Robbery	1
Sexual Offences	21
Theft & Handling	8
Vehicle Theft/Unauthorised Taking	3
Violence Against a Person	58
Total	143

Halton

No. of First Time Entrants	39
Reoffending Binary Rate	40%
No. Sentenced to Custody	0
Caseload Pre-court	45
Caseload Statutory	48

Offence Type	Number of Offences
Arson	0
Breach Conditional Discharge	1
Breach of Statutory Order	1
Criminal Damage	30
Domestic Burglary	0
Drugs	16
Fraud & Forgery	1
Motoring	7
Non-Domestic Burglary	5
Other	3
Public Order	14
Racially Aggravated	0
Robbery	4
Sexual Offences	2
Theft & Handling	15
Vehicle Theft/Unauthorised Taking	1
Violence Against a Person	60
Total	160

Warrington

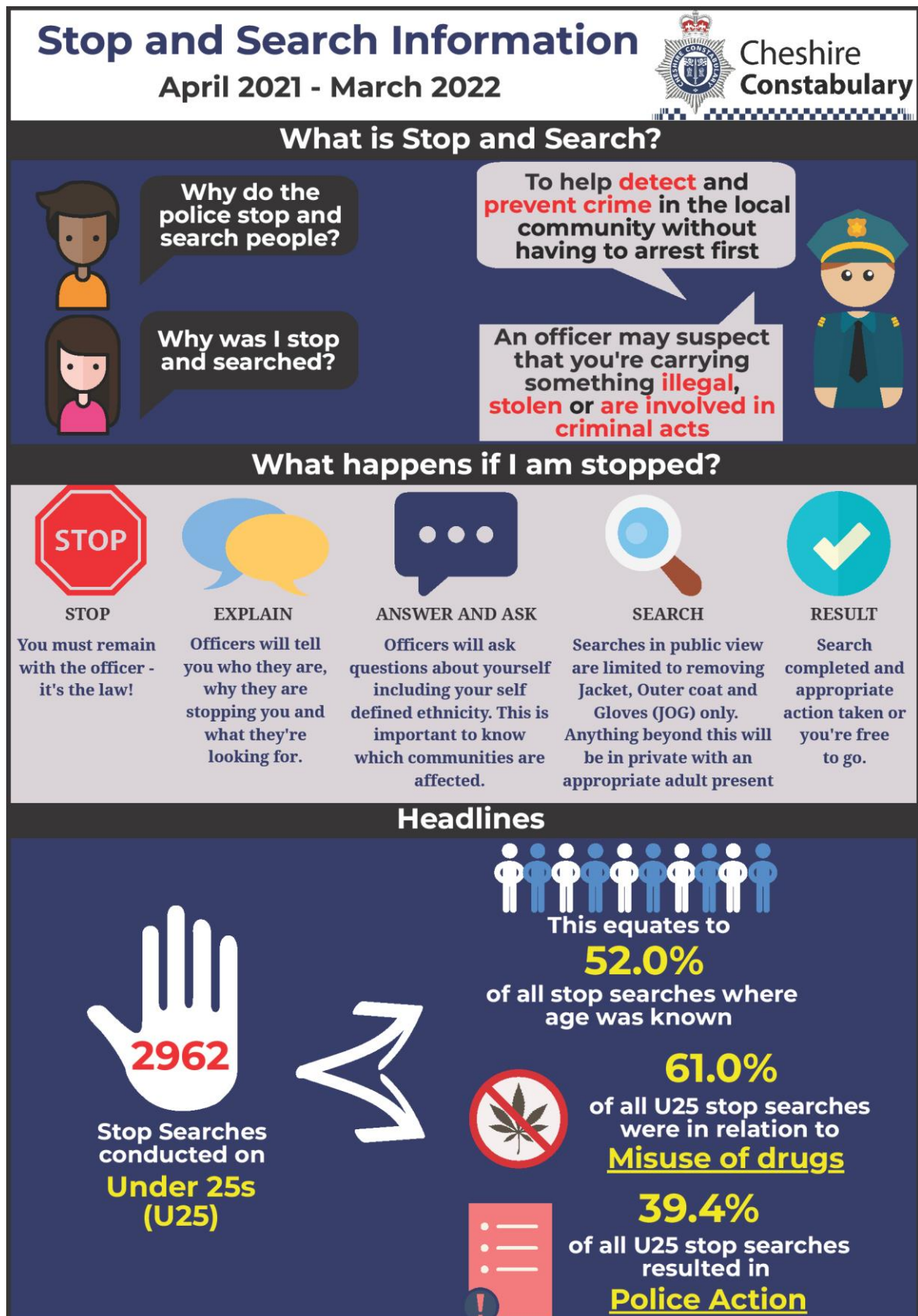
No. of First Time Entrants	31
Reoffending Binary Rate	62.5%
No. Sentenced to Custody	3
Caseload Pre-court	49
Caseload Statutory	30

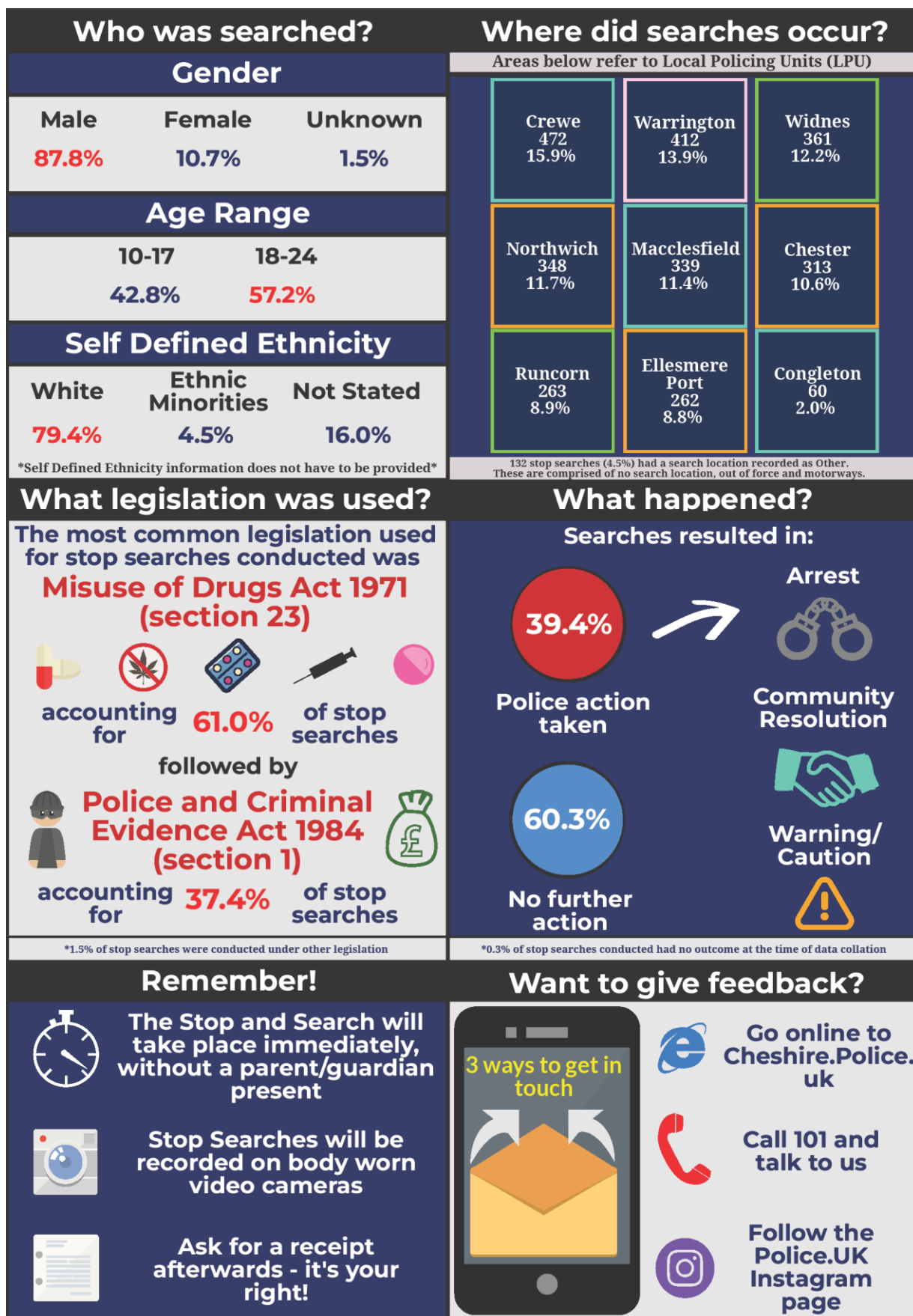
Offence Type	Number of Offences
Arson	1
Breach Conditional Discharge	0
Breach of Statutory Order	2
Criminal Damage	11
Domestic Burglary	0
Drugs	6
Fraud & Forgery	0
Motoring	13
Non-Domestic Burglary	1
Other	2
Public Order	9
Racially Aggravated	1
Robbery	5
Sexual Offences	8
Theft & Handling	3
Vehicle Theft/Unauthorised Taking	3
Violence Against a Person	57
Total	122

Appendix E

Overnight detentions, stop and search and released under investigation

Date source: Cheshire Police





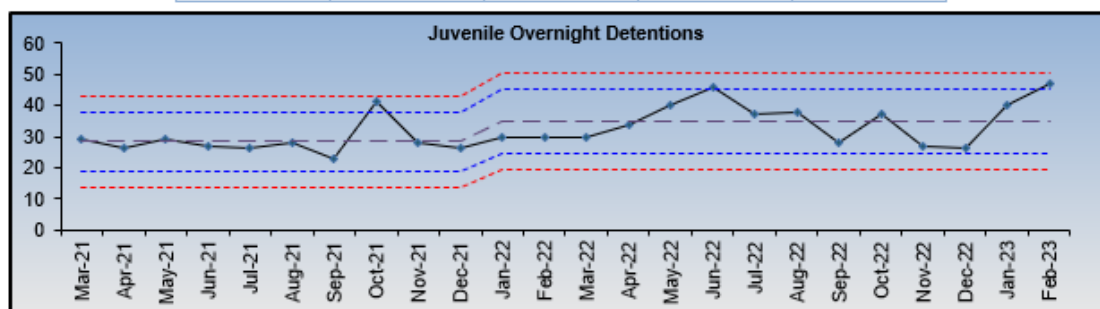
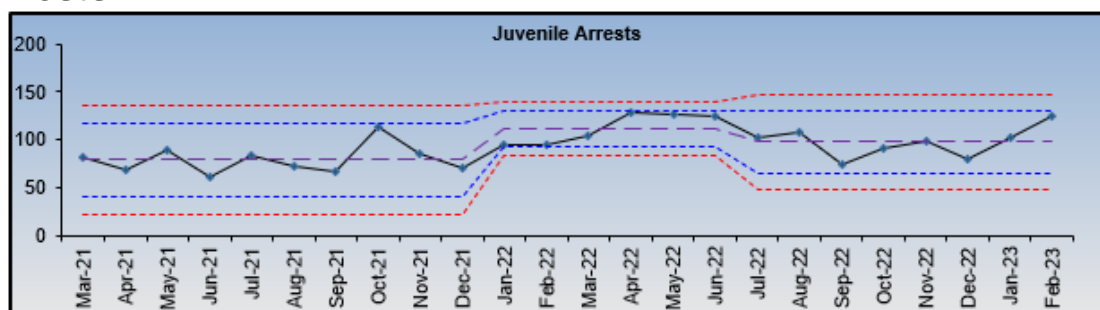
Number of young people released under investigation in May 2023

Investigation Team or Unit	Count of Custody number
AIT East	18
AIT North	15
AIT West	15
Crime operations	6
Custody / criminal justice	4
Local Policing Unit (LPU) Chester	21
LPU Congleton	5
LPU Crewe	15
LPU Ellesmere port	9
LPU Macclesfield	9
LPU Northwich	6
LPU Runcorn	12
LPU Warrington	11
LPU Widnes	8
Online Child Abuse Investigation Team	3
Other	22
RCU	3
Unknown	3
Grand Total	185

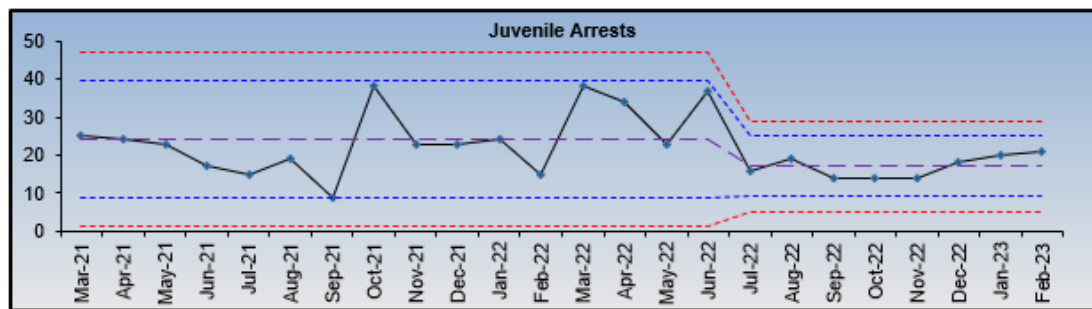
Arrests and Overnight detentions (March 2021-February 2023)

*Overnight detention = detained for any 4 hours between 00:00 and 08:00

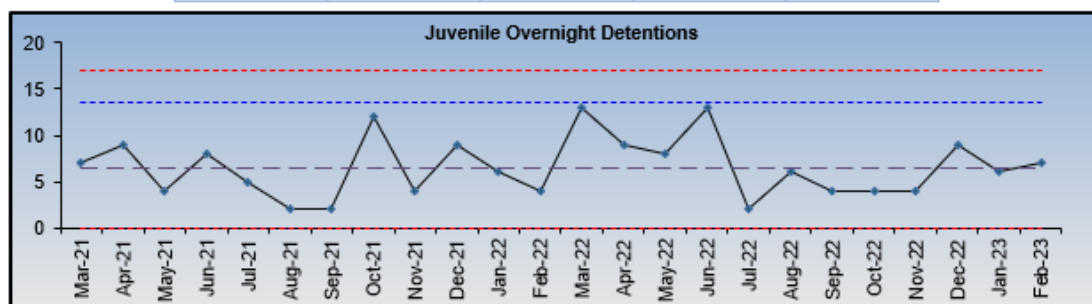
All Arrests



- Juvenile arrest volumes show an increase for Halton and Warrington at the end of February resulting in an increase at Force level.

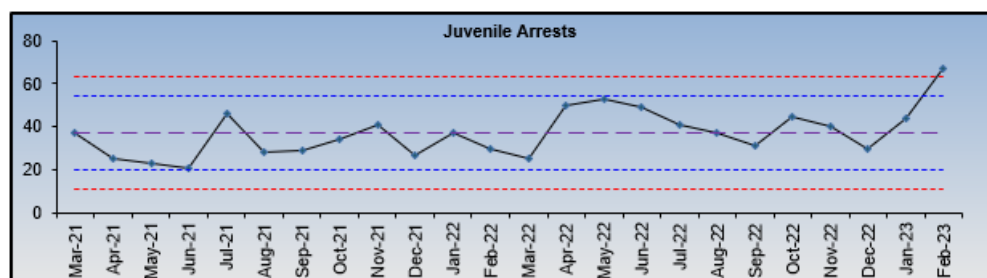


Total FYTD	Data complete to end of	Total last month	Date of last calibration	Direction at last calibration
230	Feb-23	21	Jul-22	Decreasing

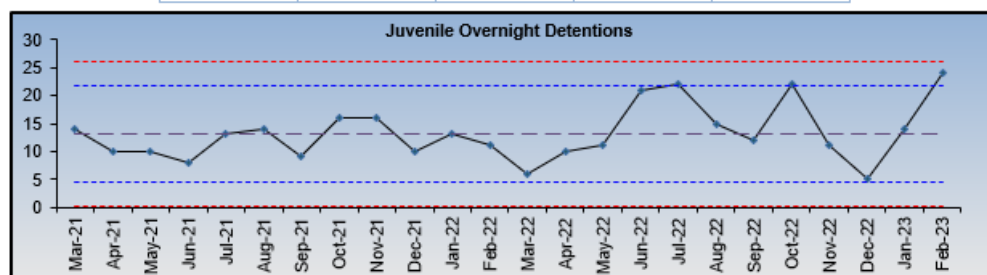


Total FYTD	Data complete to end of	Total last month	Date of last calibration	Direction at last calibration
72	Feb-23	7	N/A	N/A

NORTHERN Custody Suite

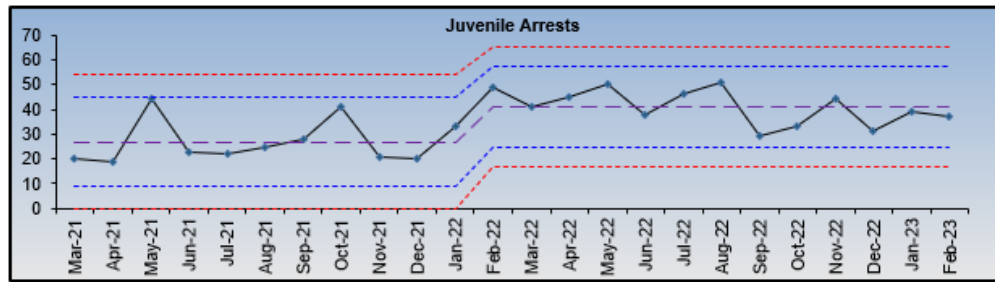


Total FYTD	Data complete to end of	Total last month	Date of last calibration	Direction at last calibration
487	Feb-23	67	N/A	N/A

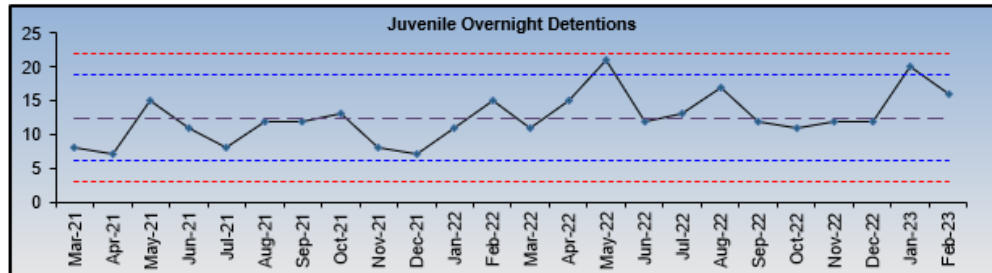


Total FYTD	Data complete to end of	Total last month	Date of last calibration	Direction at last calibration
167	Feb-23	24	N/A	N/A

EASTERN Custody Suite

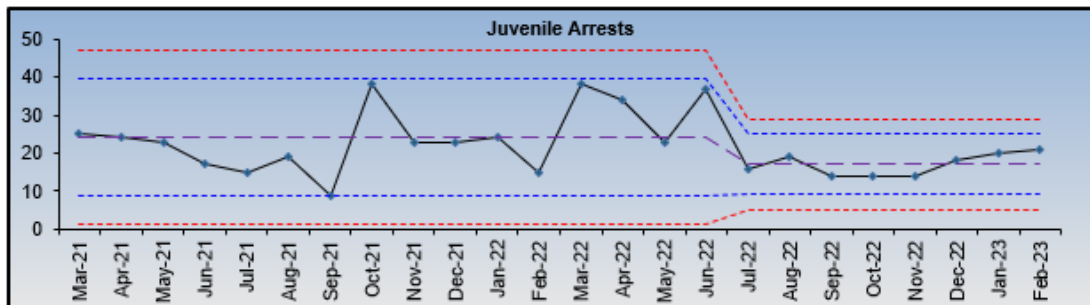


Total FYTD	Data complete to end of	Total last month	Date of last calibration	Direction at last calibration
443	Feb-23	37	Feb-22	Increasing

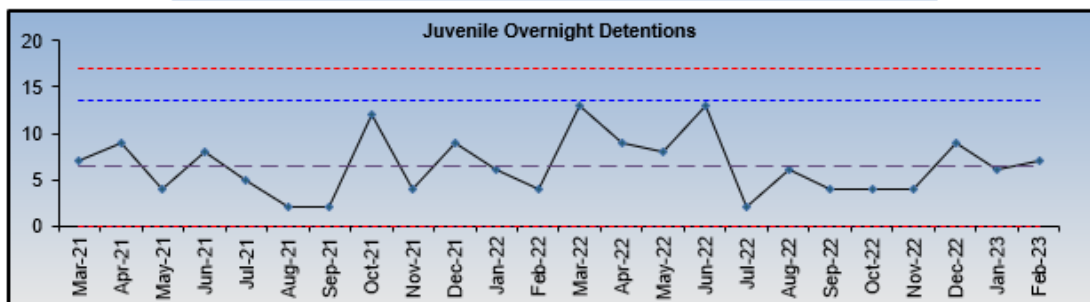


Total FYTD	Data complete to end of	Total last month	Date of last calibration	Direction at last calibration
161	Feb-23	16	N/A	N/A

WESTERN Custody Suite



Total FYTD	Data complete to end of	Total last month	Date of last calibration	Direction at last calibration
230	Feb-23	21	Jul-22	Decreasing



Total FYTD	Data complete to end of	Total last month	Date of last calibration	Direction at last calibration
72	Feb-23	7	N/A	N/A

COUNCIL MEETING – 18 OCTOBER 2023**RECOMMENDATION FROM APPOINTMENTS COMMITTEE: AMENDMENT TO PAY POLICY STATEMENT 2023/24****RECOMMENDATION**

That the Pay Policy Statement 2023/24 be amended to include a pay band for the role of Chief Executive of Cheshire East Council of £170,000 to £190,000.

Extract from the Minutes of the Appointments Committee meeting on 5 September 2023

9 CHIEF EXECUTIVE RECRUITMENT AND SELECTION - SALARY RANGE AND INTERIM ARRANGEMENTS

The Committee considered the report which set out a proposal to amend the Pay Policy Statement to include a salary range for the Chief Executive which would be used in the appointments process, and the process for the appointment of an interim Chief Executive.

During the debate on the salary range for the Chief Executive, an amendment was proposed and seconded to increase the base line of the salary range from £160k to £170k. The amendment was put to the vote and declared carried.

A further amendment was proposed to increase the top of the salary range from £190k to £220k. The amendment was put to the vote and declared lost.

RESOLVED: That the Committee

- 1 approve and recommend to full Council the proposed revision to the Pay Policy Statement 2023/24 which introduces a pay band for the role of Chief Executive of Cheshire East Council of £170,000 to £190,000.
- 2 approve the convening of the Appointments Committee to support the recruitment of an interim Chief Executive and that it will recommend to the Council an interim appointment for the post, until such times as a permanent Chief Executive can take office.
- 3 delegate responsibility to the Head of HR to finalise the detailed timeline and preparatory work for interim arrangements in consultation with the Chair and Vice Chair of the Appointments Committee and an Executive Search agency as required.

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Appointments Committee

5 September 2023

Chief Executive Recruitment and Selection – Salary Range and Interim Arrangements

**Report of: Alex Thompson, Director of Finance and Customer
Services**

Report Reference No: AC/02/23-24

Ward(s) Affected: None

Purpose of Report

- 1 To request approval of the draft changes to the Pay Policy Statement (PPS) that introduces a salary range for the recruitment of the Head of Paid Service (Chief Executive) and recommend the changes to full Council.
- 2 To request approval of the proposed process for appointment of an interim Head of Paid Service (Chief Executive).
- 3 The report contributes to the council's strategic aims and objectives as it is to support the recruitment and selection of the Head of Paid Service (Chief Executive).

Executive Summary

- 4 The Chief Executive of Cheshire East Council, Dr Lorraine O'Donnell, has resigned from her post with effect from 15 October 2023 to take up a new role as Chief Executive of Bradford City Council.
- 5 The Chief Executive is also the Head of Paid Service, which is a statutory function of the Council, and the Returning Officer (for which the post-holder receives separate remuneration).
- 6 The Council must have arrangements in place to discharge the functions of the Head of Paid Service on the departure of the outgoing Chief Executive.

- 7 Following review of comparative advertisements, and in consultation with the newly appointed executive search agents, a new salary band is recommended to support the appointment process. This presents a proposed change to the Pay Policy Statement (PPS). Draft changes to the PPS are included in this report. The changes will ensure that the recruitment process is competitive and attracts the best calibre candidates to the role in the current recruitment market. This approach reflects the relative size, complexity and ambition of the Council.
- 8 The report also considers the interim arrangements required due to the seniority of the role and the need for clear, visible leadership of the organisation as it continues to deliver its Corporate Plan priorities between the current Chief Executive leaving and the new appointee taking up their post.

RECOMMENDATIONS

The Appointments Committee is recommended to:

1. Approve and recommend to full Council the proposed revision to the Pay Policy Statement 2023/24 which introduces a pay band for the role of Chief Executive of Cheshire East Council of £160,000 to £190,000.
2. Approve the convening of the Appointments Committee to support the recruitment of an interim Chief Executive and that it will recommend to the Council an interim appointment for the post, until such times as a permanent Chief Executive can take office.
3. Delegate responsibility to the Head of HR to finalise the detailed timeline and preparatory work for interim arrangements in consultation with the Chair and Vice Chair of the Appointments Committee and an Executive Search agency as required.

Background

Pay Banding and Pay Policy Statement

- 9 Full Council made the following recommendation at their meeting on 19 July 2023 (Agenda item 24):
 - 2.2. Recommend appropriate changes to the Council's Pay Policy Statement that supports the appointment process.
- 10 Prior to the commencement of the recruitment and selection process, the Appointments Committee therefore need to determine a recommended

salary range for the Chief Executive, and any subsequent proposed change to the Pay Policy Statement.

- 11 A requirement for additional pay can only be justified by reference to clear and transparent evidence of relevant market comparators, using data sources available from within the local government sector and outside, as appropriate.
- 12 There have been informed discussions with the Council's executive search partner, in respect of Chief Executive salaries and this included a benchmarking exercise, considering comparators from within the local government sector.
- 13 It is therefore proposed that the Pay Policy Statement 2023/24 introduces a salary band for the Chief Executive post as £160,000 to £190,000. This compares to a current spot salary for the role of £159,405. Discussions with the Council's executive search partner support this higher pay band based on their latest market research.
- 14 The final recommended salary of the successful candidate will relate to relevant skills and experience and ongoing labour market forces. Changes to the PPS 2023/24 will be recommended to Council by the Appointments Committee as part of the recruitment process.
- 15 Cheshire East Council publishes a range of information to meet the Transparency Code requirements and has used the recommended formulae in the code guidance and Local Government Association (LGA) guidance to calculate the relationship between the rate of pay for the highest and lowest paid, this is known as a pay multiple.
- 16 In respect of the proposed salary band, the pay multiple for the lowest paid with a salary at £160,000 would be 1:7.3 and at £190,000 it would be 1:9.3.
- 17 The draft Pay Policy Statement reflects the changes that will be required at Section 4.1 when the final recommended salary of the successful candidate has been approved (Appendix One).

Interim Chief Executive

- 18 Full Council agreed the following recommendation at their meeting on 19 July 2023 (Agenda item 24):
 3. Note that the Appointments Committee may make recommendations to Council for interim arrangements for the role of Chief Executive if required.

- 19 The Council must have a Chief Executive, the Chief Executive is usually the Head of Paid Service. These roles have statutory obligations which must continue uninterrupted.
- 20 An interim post will be required due to the seniority of the role and the need for clear, visible leadership of the organisation as it continues to deliver its Corporate Plan priorities between the current Chief Executive leaving and the new appointment taking up their post.
- 21 Cheshire East Council does not have provision within the Constitution for a designated Deputy Chief Executive to undertake this role. Therefore, it will be necessary to procure the services of an executive search agency to support the Appointments Committee with the interim appointment.
- 22 It is proposed that the Appointments Committee should undertake the selection of a suitable interim Chief Executive (and Head of Paid Service), with support from a procured executive search agency as required. That person should be recommended to full Council at its October meeting, to ensure that we are able to meet our statutory responsibilities.
- 23 It is recommended that responsibility is delegated to the Head of HR to finalise the arrangements to appoint an interim in consultation with the Chair and Vice Chair of the Appointments Committee and an Executive Search agency as required. This approach will help achieve the timescales required and provide continuity in the Chief Executive role.

Reasons for Recommendations

- 24 The Council must have a Head of Paid Service, as it is a statutory role. An interim post is proposed due to the seniority of the role and the need for clear, visible leadership of the organisation as it continues to deliver its Corporate Plan priorities.
- 25 The interim arrangements will be afforded within the available salary budgets relating to the senior management structure for 2023/24. A full financial appraisal of this process will be considered by the Committee in due course.

Other Options Considered

- 26 The Council must recruit to a Head of Paid Service role, and no other option was considered in respect of this.

Implications and Comments

Monitoring Officer/Legal

- 27 The amendment to the pay policy, appointment of the Head of Paid Service and any interim, is a matter for full Council, on the

recommendation of the Appointments Committee. Under section 4 of the Local Government and Housing Act 1989 every local authority must designate one of its officers to be the Head of Paid Service.

- 28 The Constitution and Council's Pay Policy must be updated if the recommendations in this report are accepted, to ensure that we meet our statutory requirements to have a published senior management structure, up to date pay policy and scheme of delegation.

Section 151 Officer/Finance

- 29 The increase in the pay band for the Chief Executive can be managed within existing budgets, as can the required recruitment exercise.
- 30 The appointment of an interim Chief Executive can be contained within the vacant post of Executive Director (Corporate Services) depending on the rate of pay.

Policy

- 31 The recruitment to the post of Chief Executive is key to the Council fulfilling all of its Corporate Plan commitments, and the leadership provided by this post will be central to ensuring that staff are able to deliver on members' priorities and meet the Council's financial commitments set out in the Medium Term Financial Plan.

Equality, Diversity and Inclusion

- 32 There are no direct equality implications.
- 33 All equality considerations will be taken into account as part of the recruitment process for the Chief Executive recruitment process.

Human Resources

- 34 Actions will be undertaken in accordance with the Constitution and appropriate HR policies and procedures.

Risk Management

- 35 There is a risk that the Council will not be able to appoint a suitable candidate for the permanent post. This risk will be reduced if an interim placement can be sourced as the Council will have continuity and leadership in place in its most senior role.
- 36 Ensuring that the pay is appropriate for the role will help us to secure the best possible field of candidates.

Rural Communities

- 37 There are no direct implications for rural communities.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

- 38 There are no direct implications for Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (Send)

Public Health

- 39 There are no direct implications for public health.

Climate Change

- 40 There are no direct implications for climate change.

Access to Information	
Contact Officer:	Sara Barker, Head of Human Resources Sara.barker@cheshireeast.gov.uk
Appendices:	Appendix One – Draft Amended Pay Policy Statement 2023/2024
Background Papers:	None

Appendix 1



Draft Amended
Pay Policy Statement
2023/24

1. Introduction and Purpose

Under Section 112 of the Local Government Act 1972, the Council has the “power to appoint officers on such reasonable terms and conditions as the authority thinks fit”. This Pay Policy Statement (the ‘statement’) sets out the Council’s approach to pay policy in accordance with the requirements of Section 38-43 of the Localism Act 2011 and due regard to the associated Statutory Guidance including the Supplementary Statutory Guidance issued in February 2013, and guidance issued under the Local Government Transparency Code 2015.

The purpose of the statement is to provide transparency with regard to the Council’s approach to setting the pay of its senior employees (excluding teaching staff, employees working in local authority schools and academies, and alternative service delivery vehicles) by identifying:

- The methods by which salaries of all employees are determined.
- The detail and level of remuneration of its most senior employees, i.e. ‘Chief Officers’, as defined by the relevant legislation.

“Remuneration” for the purposes of this statement includes three elements; basic salary, pension and all other allowances arising from employment.

Once approved by full Council, this policy statement will come into effect on the 1st April 2023 superseding the 2022/23 statement and will be subject to review on a minimum of an annual basis, the policy statement for the next year being approved by 31st March each year.

2. Background

In determining the pay and remuneration of all of its employees, the Council takes account of the need to ensure value for money in respect of the use of public expenditure. This is balanced against the need to recruit and retain employees in an increasingly competitive market who are able to deliver the Council’s commitments and meet the requirements of providing high quality services, which are delivered effectively and efficiently and at times at which those services are required.

The Council complies with all relevant employment legislation and codes of practice. This includes legislation such as the Employment Rights Act 1996, Equality Act 2010, The Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 and where relevant, the Transfer of Undertakings (Protection of Employment) Regulations 2006 and the National Minimum Wage Regulations 2015. The Council seeks to ensure there is no pay discrimination within its pay structures and that all pay differentials can be objectively justified through the use of job evaluation mechanisms and the application of key criteria, which directly establish the relative levels of posts in grades according to the requirements, demands and responsibilities of the role.

3. Senior Management (‘Chief Officers’) Remuneration

3.1 Principles

There are a number of overriding principles which govern the Council's approach to senior management reward:

- The policy will be affordable; with reward being commensurate with individual and corporate performance.
- Reward policy for senior post-holders will be transparent, clearly defined and readily understood.
- The policy will offer the flexibility to reward for job size, capability and market rates (where these may be relevant, with evidence).
- Reward for senior roles will be fair and proportionate by comparison to reward for the wider workforce.

3.2 Reward components

Reward will comprise basic salary and a range of benefits as follows:

- Basic salary: This is guaranteed fixed cash remuneration, paid monthly. The level of basic salary is contractual. For some jobs, this remuneration may increase by annual increments until the maximum of the grade is reached, i.e. Grade 13 and 14. These two grades contain three increments in each with annual incremental progression on the anniversary of the appointment.
- Benefits: The Council provides a range of benefits. The principal benefits are holidays and access to the Local Government Pension Scheme (LGPS). Further details can be found on the [Council's website](#).

3.3 Job Evaluation and Banding

The Council uses the Hay Group job evaluation scheme to position roles into the Cheshire East Senior Management pay bands. The bands are linked to Hay Job Evaluation points ranges which have been determined as part of the Council's operating model.

4. Pay and Grading Structure

4.1 Senior Managers (JNC)

This defined pay structure determines the salaries of senior managers on JNC (Joint National Council for Chief Officers) conditions of service. A score is produced from the HAY job evaluation process which equates to a pay band on the Council's senior manager pay structure.

The current pay structure for senior managers who are on JNC conditions of service can be seen by accessing the [pay and grading structure](#).

In addition, there is a very small number of public health employees who transferred under TUPE to the Council on NHS Pay and Terms and Conditions on 1st April 2013 and these employees remain on the terms and conditions of their previous NHS employer.

When applying the senior manager pay structure, for the purposes of this statement, the definition of Chief Officers is as set out in Section 43 of the Localism Act. The details of the salary packages are as follows:

Tier 1 (Chief Executive)

- The current salary package is £XXXX (to be confirmed when preferred candidate is identified)

(Note for Appointments Committee - This is in the salary range of £160,000 to 190,000)

Tier 2 (direct reports to the Chief Executive)

- The salary package falls within a range of £128,008 to £145,193

Tier 3 (direct reports to Tier 2 managers)

- The salary package falls within a range of £83,788 to £113,001

4.2 NJC Employees

The NJC (National Joint Council for Local Government Services) agreed that from 1 April 2023, Spinal Column Point (SCP) 1 will be permanently deleted from the NJC pay spine. The NJC pay framework from April 2023 therefore comprises 44 salary points, between SCP 2 (£20,441 per annum) and SCP 45 (£57,129 per annum) for a full-time employee (based on a 37-hour week).

The current pay and grading structure for employees who are on NJC conditions of service can be seen by accessing the [pay and grading structure](#).

5. Recruitment of Chief Officers

The Council's policy and procedures with regard to recruitment of Chief Officers is set out in the Council's Constitution and is undertaken by the Appointments Committee in accordance with arrangements set out in the Constitution (see Chapter 2). Full Council approval will be sought in relation to decisions affecting the remuneration of any new post whose remuneration is or is proposed to be or would become £100,000 per annum or more.

Key statutory posts (Head of Paid Service, Section 151 Officer and Monitoring Officer) are Council appointments.

When recruiting to all posts, the Council will take full and proper account of all provisions of relevant employment law and its own Recruitment Policy and Procedure, Disability Confident commitment, Hidden Disabilities Sunflower Scheme Employer, Redeployment Procedure and Equality in Employment Policy.

The determination of the remuneration to be offered to any newly appointed Chief Officer will be in accordance with the pay structure and relevant policies in place at the time of recruitment and in line with this Pay Policy Statement. New appointments will normally be made in accordance with the JNC pay structure, any variation to this

approach will be by exception and based on objectively justified criteria supported by appropriate evidence. An appointee's existing pay and their relevant experience and qualifications may be included in any consideration but would need to take account of any equal pay implications that could arise within the Council.

From time to time, it may be necessary to take account of the external pay levels in the labour market and to pay market related supplements in order to attract and retain employees with particular experience, skills and capacity. Where necessary, the Council will ensure the requirement for such additional payments is objectively justified by reference to clear and transparent evidence of relevant market comparators, using data sources available from within the local government sector and outside, as appropriate. Any such payments will be reviewed at least annually to ensure their ongoing suitability and appropriateness.

Where the Council is unable to recruit Chief Officers, or there is a need for interim support to provide cover for a substantive Chief Officer post, the Council will, where necessary, put in place the most effective arrangements to engage individuals. These arrangements will comply with HMRC IR35 requirements, relevant procurement processes and ensure the Council is able to demonstrate maximum value for money.

6. Additions to Chief Officers' Salaries

The following payments can be applied to Chief Officers' salaries:

- Returning and Deputy Returning Officers' Fees
- Travel Allowances and Expenses
- Salary Sacrifice Lease Car Scheme (only applicable for salary sacrifice vehicles ordered before 7th September 2020 as this scheme ended on 15th September 2020)
- Relocation Expenses
- Professional Fees and Subscriptions

Further details of [Additions to Chief Officers' salaries](#) are published in the Council's Transparency Data and in the Statement of Accounts.

7. Pension Contributions

Eligible employees are automatically enrolled into the Local Government Pension Scheme (LGPS). The Council is required to make a contribution to the scheme based on a percentage of the pensionable remuneration due under the contract of employment of that employee. The employer contribution rate is set by the Actuary advising the Cheshire Pension Fund (the name of the LGPS in Cheshire) in order to ensure the scheme is appropriately funded. Employee contribution rates are set in bands and are defined by statute.

Details of the [Local Government Pension Scheme](#) discretions exercised, contribution bands, actuarial rates and discretions policy application are available.

8. Redundancy Payments and Payments on Termination

The Council's policy on compulsory redundancies, including redundancy payments, is set out in the Organisational Change Policy and Procedure. If employees have two or more years' service, they may be entitled to a redundancy payment. The payment is based on the statutory formula (on actual weekly pay). Any overtaken leave/flexi will be deducted from their final salary. Where there is an outstanding leave entitlement, this must be taken during their notice period and before their employment ends.

In order to minimise the need for compulsory redundancies and in conjunction with other measures, e.g. restricting recruitment, the Council may consider requests from employees to be made redundant (voluntary redundancy). Employees who leave on grounds of voluntary redundancy will normally be entitled to receive a redundancy payment in accordance with the statutory formula (on actual weekly pay) plus an additional severance payment of 0.8 times the statutory payment, bringing the total payment to 1.80 times the statutory formula and up to a maximum of 50 week's pay.

The Council's current approach to statutory and discretionary payments on termination of employment of Chief Officers, prior to reaching normal retirement age and for those eligible for retirement, is set out in the Leaving the Council Policy & Procedure and in accordance with the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006 and Local Government Pension scheme Regulations 2007.

All payments under this section are subject to the approval process set out in the Organisational Change Policy & Procedure, the Leaving the Council Policy & Procedure and [CEC Constitution](#).

The Council reserves the right to change all discretionary elements. The Council will also take into consideration the Government's [statutory guidance on the making and disclosure of Special Severance Payments by local authorities in England - GOV.UK](#) and will implement any government changes to exit payments when they become law.

9. Early Retirement and Severance on the Grounds of Business Efficiency

In line with the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, the Council also operates a voluntary scheme to facilitate early retirement or severance on grounds of business efficiency to enable the Council to continue to achieve effective use of resources and provide value for money. The terms of this are set out in the Leaving the Council Policy

and Procedure and due consideration will again be given to the statutory guidance on exit payments.

10. Mutually Agreed Resignation Scheme (MARS)

The Council has operated a Mutually Agreed Resignation Scheme (MARS) which enables individual employees, including Chief Officers, in agreement with the Council, to choose to leave their employment voluntarily in return for a discretionary 'severance' payment. This scheme creates resourcing flexibility to avoid compulsory redundancies in future, enable the redeployment of resources to higher priority areas of work and reduce costs in lower priority areas. MARS is non contractual and has no pension liabilities. A decision is taken each year whether to run the scheme by the Chief Executive and due regard will again be given to the statutory guidance on exit payments.

11. Settlement Agreements

The Council uses settlement agreements for all voluntary redundancies/severance and MARS severance payments, for all employees, including Chief Officers. The use of settlement agreements on this basis minimises any risk of future claims against the Council and can ensure that any threatened or pending legal proceedings and their associated legal costs can be avoided. The Council follows the current guidance for public sector settlement agreements in these circumstances.

12. Pay Multiples

The Council publishes a range of information to meet the Transparency Code requirements and has used the recommended formulae in the code guidance and Local Government Association (LGA) guidance to calculate the relationship between the rate of pay for the lowest paid, median and Chief Officers, known as [pay multiples](#).

13. Re-employment or re-engagement

Any decision to re-employ an individual (including Chief Officers) already in receipt of a Local Government Pension (with same or another local authority) will be made on merit, taking into account the use of public money and the exigencies of the Council.

In particular, the Voluntary Redundancy Scheme provides that former Cheshire East/Legacy Authority employees who left their employment on grounds of voluntary retirement, redundancy or severance will not be re-employed in any capacity, except in exceptional circumstances and subject to the agreement of the Head of HR in consultation with the Chair of the Corporate Policy Committee. Re-engagement includes all types of contractual relationships whether they are a contract of employment, contract for service etc. and whether the individual is appointed as an employee or engaged as an interim, direct consultancy or via an agency or other supplier.

14. Publication and access to information

Upon approval by full Council, this Statement will be published on the Council's website (www.cheshireeast.gov.uk). Additionally, in line with Code of Practice and Accounts and Audit Regulations, salary, allowances and bonus compensation and employers pension contributions will be published for:

- a) Senior employees whose salary is £150,000 or more (who will also be identified by name).
- b) Senior employees whose salary is £50,000 or more.

The Council will also publish, on an annual basis, Gender Pay Gap data in line with the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017.

Prepared by:	HR Policy and Reward
Date:	March 2023
Updated:	June 2023
Review date:	March 2024

Annex 1 – Links

All the relevant policies and procedures as referred to in the Pay Policy Statement can be found using the links in section 1 below. Please email hrcommunications@cheshireeast.gov.uk should you have any difficulties accessing this information.

Section 1: Additional information

Link 1 – [Pay and grading structure for senior managers and employees](#)

Link 2 – [Additions to Chief Officers' salaries](#)

Link 3 – [Local Government Pension Scheme](#)

Link 4 – [Pay multiples](#)

[Statement of Accounts](#)

Section 2: Internal intranet links to the further relevant policies, procedures and other relevant information

- [Payment of a Market Supplement](#)
- [Pay and Allowances Policy](#)
- [Pensions Discretions Policy](#)
- [Organisational Change Policy and Procedure](#)
- [Leaving the Council Policy and Procedure](#)
- [Recruitment Policy and Procedure](#)
- [Redeployment Procedure](#)
- [Equality in Employment Policy](#)
- [Relocation and Excess Travel Policy and Procedure](#)

For those seeking to access copies of policies and procedures externally, please email hrcommunications@cheshireeast.gov.uk to request copies of the relevant documents.

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Extract from the Pay Policy Statement 2023/24

4. Pay and Grading Structure

4.1 Senior Managers (JNC)

This defined pay structure determines the salaries of senior managers on JNC (Joint National Council for Chief Officers) conditions of service. A score is produced from the HAY job evaluation process which equates to a pay band on the Council's senior manager pay structure.

The current pay structure for senior managers who are on JNC conditions of service can be seen by accessing the pay and grading structure.

In addition, there is a very small number of public health employees who transferred under TUPE to the Council on NHS Pay and Terms and Conditions on 1st April 2013 and these employees remain on the terms and conditions of their previous NHS employer.

When applying the senior manager pay structure, for the purposes of this statement, the definition of Chief Officers is as set out in Section 43 of the Localism Act. The details of the salary packages are as follows:

Tier 1 (Chief Executive)

- The ~~current~~ salary package ~~is £159,405~~ falls within a range of £170,000 to £190,000

Tier 2 (direct reports to the Chief Executive)

- The salary package falls within a range of £123,679 to £140,283

Tier 3 (direct reports to Tier 2 managers)

- The salary package falls within a range of £80,955 to £109,180

4.2 NJC Employees

The NJC (National Joint Council for Local Government Services) agreed that from 1 April 2023, Spinal Column Point (SCP) 1 will be permanently deleted from the NJC pay spine. The NJC pay framework from April 2023 therefore comprises 44 salary points, between SCP 2 (£20,441 per annum) and SCP 45 (£57,129 per annum) for a full-time employee (based on a 37-hour week).

The current pay and grading structure for employees who are on NJC conditions of service can be seen by accessing the pay and grading structure.

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Council**18 October 2023****Appointment of an Interim Chief Executive**

Report of: Alex Thompson, Director of Finance and Customer Services

Report Reference No: C/11/23-24

Ward(s) Affected: All

Purpose of Report

- 1 To inform Council that, the Appointments Committee successfully completed the interview process for the post of Interim Chief Executive at its meeting on 2 October 2023.
- 2 The Appointments Committee therefore wishes to recommend an appointment to Council for approval.

RECOMMENDATIONS

Full Council is recommended to:

1. Approve the recommendation of the Appointments Committee that David Parr be appointed as Cheshire East Council's Interim Chief Executive (Head of Paid Service) with effect from 18 October 2023.
2. Appoint David Brown, Director of Governance and Compliance (and Monitoring Officer) as the Council's Interim Electoral Registration Officer and Returning Officer pursuant to the Representation of the People Act 1983

Background

Appointment of Interim Chief Executive

- 3 The recruitment process for the post of Interim Chief Executive has been conducted by the Appointments Committee in accordance with the Council's Employment Procedure Rules.
- 4 Applications were sought using Commensura which is the Council's compliant procurement framework for agency and interim workers, and eleven applications were received.
- 5 Two candidates were shortlisted and subsequently interviewed by a sub-group of the Appointments Committee. In addition, the candidates met members of the Corporate Leadership Team and the current Chief Executive during week commencing 25 September 2023. Feedback from these meetings was provided to the sub-group of the Appointment Committee.
- 6 One candidate, David Parr, was invited for formal interview which took place with the Appointments Committee on 2 October 2023.
- 7 The Appointments Committee members unanimously agreed to recommend to Council that the preferred candidate, David Parr, be recommended to Council for appointment as the Interim Chief Executive.
- 8 David Parr has extensive experience in local government, having been Chief Executive in three authorities, including former Macclesfield Borough Council (before it was reorganised as part of Cheshire East Council in 2009). David's partnership approach has delivered many significant achievements and opportunities for the communities he has served, most notably the delivery of the £1.5 billion Mersey Gateway Bridge project and brings valuable experience of all areas of local government.
- 9 In 2019, he was awarded an OBE for services to local government in Halton and Cheshire and prior to this he was awarded an Honorary Doctorate in Business Administration by the University of Chester for services to Cheshire and local government.
- 10 He will be contracted at a daily rate of £1200 plus VAT and 15% mark up (equates to £1380 plus VAT) and working the equivalent of 3 days per week. This is affordable within the current Corporate Services – Directorate budget for the 2023/24 financial.

Electoral Matters

- 11 It is a statutory requirement that each local authority has an Electoral Registration Officer, pursuant to Section 8 of the Representation of the People Act 1983; and a Returning Officer, pursuant to Section 35 of the 1983 Act. It is common to appoint the same person to carry out both responsibilities, but this is not a requirement of the legislation.
- 12 Lorraine O'Donnell is currently the Electoral Registration Officer and Returning Officer.
- 13 Council is recommended to formally designate David Brown, Director of Governance and Compliance (Monitoring Officer) as the Council's Interim Electoral Registration Officer and Returning Officer until the new permanent Chief Executive takes up post. Under this designation, the Returning Officer will be responsible for the proper conduct of all Borough and Parish elections for the wards and parishes of the Borough of Cheshire East. The holder of this office also acts as the Acting Returning Officer for Parliamentary Elections and the Local Counting Officer for other elections or referenda held within the Borough. This approach enables the Interim Chief Executive to concentrate on other priority issues for the organisation during their tenure.
- 14 The duties of both office holders for electoral matter are personal responsibilities and separate to their normal responsibilities in their employment by the Council. Once appointed, the office holder is responsible to the Court for the proper carrying out of their duties.
- 15 The person designated as Electoral Registration Officer has a duty to maintain a register of parliamentary and local government electors and to take certain steps for the purpose of complying with that duty.

Consultation and Engagement

- 16 No consultation or engagement is required as the recruitment to the post of Chief Executive is a member appointment as set out in the Constitution.
- 17 In accordance with the Constitution, Council must approve the appointment of the Council's Chief Executive as a Statutory Officer.

Reasons for Recommendations

- 18 In accordance with the Constitution, Council has the responsibility for approving the appointment of the Council's Chief Executive as the post is a Statutory Officer.

Other Options Considered

- 19 Not considered.

Implications and Comments

Monitoring Officer/Legal

- 20 The designation of the Interim Head of Paid Service (Chief Executive) must be approved by Council in accordance with section 4 of the Local Government and Housing Act 1989.

The Representation of the People Act 1983 requires the Council to appoint a Returning Officer and an

Electoral Registration Officer from amongst its officers.

Section 151 Officer/Finance

- 21 The post of Chief Executive sits within the Council's senior management structure and funded within the Council's Corporate Services – Directorate staffing budget.
- 22 The interim arrangements are for three days per week based on a daily rate of £1200 and a 15% mark-up plus VAT. The cost would be in the region of £91,000 if the appointment ran from mid-October 2023 to 31 March 2024. This means that the cost can be met from the existing budget for the post of Chief Executive.
- 23 With regard to Returning Officer fees, for each general or regional election the scale of fees is set by Government and the Returning Officer is directly accountable in law to the Government in regards to their electoral duties. For Borough and Parish Council elections, the Returning Officer fee is calculated in accordance with a local Scale of Fees.

Policy

- 24 There are no policy implications.

Equality, Diversity and Inclusion

- 25 There are no equality implications.

Human Resources

- 26 Actions have been undertaken in accordance with the Constitution and appropriate policies and procedures.

Risk Management

- 27 Actions have been taken in accordance with appropriate policies and procedures.

Rural Communities

- 28 There are no implications to rural communities.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

- 29 There are no implications to children and young people, and cared for children.

Public Health

There are no public health implications

Climate Change

- 30 There is no implications on climate change.

Access to Information	
Contact Officer:	Sara Barker, Head of Human Resources Sara.barker@cheshireeast.gov.uk
Appendices:	None
Background Papers:	None

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COUNCIL – 18 OCTOBER 2023

NOTICES OF MOTION

Submitted to Council in Accordance with the Council Procedural Rules

1 Two Pound Bus Fares

Proposed by Councillor A Gage and Seconded by Councillor H Moss

This Council asks the Director of Highways and Infrastructure to develop and launch a publicity strategy to locally promote the extension and usage of the £2 bus fare cap.

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