

Mayor Making and Annual Meeting of Council Agenda

Date: Wednesday 15th May 2024
Time: 11.00 am
Venue: The Tenants' Hall, Tatton Park, Knutsford WA16 6QN

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

Mayor Making Ceremony

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. **Election of Mayor 2024/25**

To elect a Mayor for 2024/25, who will also act as Chair of the Council.

4. **Appointment of Deputy Mayor 2024/25**

To appoint a Deputy Mayor for 2024/25, who will also act as Vice-Chair of the Council.

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

6. **Mayor's Announcements**

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

Adjournment for Special Meeting of the Council and Lunch.

Reconvening of Meeting at 1.45 pm

Annual General Meeting

7. **Apologies for Absence**

8. **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.

9. **Minutes of Previous Meeting (Pages 5 - 28)**

To approve as a correct record the minutes of the meeting of Council held on 27 February 2024.

10. **Election of a Leader of the Council and Deputy Leader of the Council 2024/25 (Pages 29 - 34)**

To elect a Leader of the Council and a Deputy Leader of the Council for the municipal year 2024/25.

11. **Political Representation on the Council's Committees (Pages 35 - 40)**

To determine the political representation on the Council's Committees.
Appendix to follow.

12. **Appointment of Chair and Vice Chairs of Committees of the Council (Pages 41 - 44)**

To appoint the Chairs and Vice Chairs of the Council's committees.
Appendix to follow.

13. **Recommendations from the Corporate Policy Committee: Review of Committee Structure (Pages 45 - 58)**

To consider the recommendations from the Corporate Policy Committee.

14. **Recommendations from Corporate Policy Committee: Proposed Changes to the Constitution (Pages 59 - 70)**

To consider the recommendations from the Corporate Policy Committee.

15. **Recommendation from Highways and Transport Committee: A500 Crewe Corridor - Approval of Supplementary Estimate (Pages 71 - 88)**

To consider the recommendation from the Highways and Transport Committee.

16. **Recommendation from Children and Families Committee: Household Support Fund Grant - Approval of Supplementary Estimate (Pages 89 - 104)**

To consider the recommendation from the Children and Families Committee.

17. **Appointments to Cheshire Fire Authority and Cheshire Police and Crime Panel (Pages 105 - 108)**

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

18. **Appointments to the Adoption Panel, the Fostering Panel and the Cheshire and Merseyside Integrated Care System Joint Scrutiny Committee (Pages 109 - 114)**

To approve the appointments to the Adoption Panel, the Fostering Panel and the Cheshire and Merseyside Integrated Care System Joint Scrutiny Committee.

19. **Reporting of Urgent Decision Taken by Chief Executive (Pages 115 - 116)**

To note the urgent decision taken by the Chief Executive on behalf of Council.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Tuesday, 27th February, 2024 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, M Beanland, S Bennett-Wake, 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, A Coiley, N Cook, S Corcoran, L Crane, T Dean, B Drake, S Edgar, D Edwardes, K Edwards, M Edwards, H Faddes, A Farrall, A Gage, S Gardiner, E Gilman, M Goldsmith, M Gorman, E Hall, A Harrison, G Hayes, A Heler, C Hilliard, S Holland, T Jackson, D Jefferay, R Kain, A Kolker, N Mannion, G Marshall, A Moran, R Moreton, R Morris, H Moss, M Muldoon, C Naismith, C O'Leary, J Pearson, J Place, B Posnett, J Pratt, J Priest, B Puddicombe, P Redstone, J Rhodes, J Saunders, H Seddon, M Sewart, M Simon, L Smetham, G Smith, J Smith, J Smith, L Smith, J Snowball, R Vernon, L Wardlaw, M Warren, F Wilson and J Wray

65 APOLOGIES FOR ABSENCE

Apologies were received from Councillors P Coan, K Hague and H Whitaker.

66 DECLARATIONS OF INTEREST

The Mayor advised Members that they did not have to declare an interest as a Council Tax payer, or as a member of a town or parish council, on the item of business relating to the Council Tax, as there was a dispensation in place which removed this requirement. The Mayor further advised that there was a dispensation in place for members in respect of any disclosable pecuniary interest which would arise as a result of a receipt of an allowance or other remuneration in respect of Council duties or directorship of Council owned ASDVs. Such Members were therefore permitted to participate and vote on the Medium-Term Financial Strategy 2024/25 – 2027/28 item.

67 MINUTES OF PREVIOUS MEETING**RESOLVED:**

That the minutes of the meeting held on 13 December 2023 be approved as a correct record.

68 MAYOR'S ANNOUNCEMENTS

The Mayor, in summary: -

- 1 reported the death of Honorary Alderman Tony Ranfield and stated that it had been his privilege to represent the Council at his funeral on 31 January. He invited all present to stand in a minute's silence in remembrance.
- 2 welcomed Councillor Roger Morris to his first meeting of Council following his success at the recent byelection for the Crewe Central Ward.
- 3 reported that this was Rob Polkinghorne, new Chief Executive's, first Council meeting, and invited him to address Council.

Rob Polkinghorne responded by stating that it had been an absolute honour and pleasure to be the Council's new Chief Executive. He thanked Members and officers for making him feel welcome. He had enjoyed meeting with Council employees, public and private sector partners and seeing the fantastic work which was being undertaken across the Borough to deliver great services. He felt the Cheshire East was an amazing place to both live and work.

- 4 reported that he, along with the Mayoress and the Chief Executive, had the pleasure of meeting HRH The Princess Royal, when she visited Jodrell Bank to mark the opening of the First Light Pavilion. Whilst at Jodrell Bank, Her Royal Highness planted a sapling apple tree, grown from a pip which originated from the 'Flower of Kent'; the apple tree within Sir Isaac Newton's Lincolnshire Garden, said to have inspired his Theory of Gravity. The pip, one of eight, had been taken on board the International Space Station as part of Astronaut Tim Peake's mission in 2016. On their return to earth, the eight pips were taken to Kew Gardens where they were germinated. Jodrell Bank were successful in bidding for one of these amazing 'Space Saplings'.
- 5 thanked Mr Ernie Hunter, from the Northern Holocaust Education Trust, who was the guest speaker at Cheshire East's Holocaust Memorial Day Service, held at the end of January. Mr Hunter told the very moving story about his mother's escape from Nazi Germany and the fate of many of his family in the death camps.
- 6 reported that on 7 February he had been privileged to attend, in Crewe, the 100th birthday celebrations for Bernard Morgan. Mr Morgan was the youngest RAF sergeant to land on Gold Beach on D-Day, 6 June 1944. His birthday celebrations were attended by the RAF, The Royal British Legion, Bentley Motors, Granada TV, and his beloved Crewe Alexandra Football Club, who presented him with a football shirt, with "Morgan 100" on the back. Mr Morgan

planned to visit Normandy in June this year to take part in the 80th anniversary of the D-Day landings.

- 7 reported that he had attended a 107th birthday party for an amazing lady called Marie who lived at Twyford House Care Home in Alsager.
- 8 reported that on hearing the news of His Majesty the King's illness, the Mayor had written to him to give his own, and the Council's, best wishes for a speedy recovery.
- 9 in relation to Item 8 on the agenda - Medium Term Financial Strategy 2024/25 - 2027/28, asked Members in order to ensure clarity during the meeting to refer to the small page numbers within the MTFS documents, rather than the Modern.gov pagination.
- 10 reported that he had agreed for reasons of urgency an additional report to be considered at the meeting, arising from the recent announcement of the Section 151 Officer that they would be leaving the Council. The report would be dealt with at the end of the substantive items on the agenda.

69 PUBLIC SPEAKING TIME/OPEN SESSION

Annabelle and Bella, Year 5 Pupils from Mossley Primary School, Congleton, spoke in relation to safer walking to school and requested that consideration be given to either installing a pedestrian or zebra crossing or appointing a Lollipop Lady, on Leek Road, Congleton. They stated that those who crossed the road to get to school and home felt that the road was very busy, very dangerous and took a long time to cross. They requested that measures were put in place to ensure children and adults crossing the road felt safe.

In response, Councillor C Browne, Chair of Highways and Transport Committee, congratulated both Annabelle and Bella for addressing Members and the efforts undertaken to gather evidence to support the request for a better crossing. Councillor Browne confirmed that he would ask officers responsible for Safe Travel to Schools to investigate the issue further and that officers contact the school to ensure both Annabelle and Bella be involved in discussions to identify a solution to help children to carry on walking to school safely. Councillor Browne reminded all Members that the Council's updated Pedestrian Crossings Strategy was out for consultation until 10 March and encouraged Members and residents to respond via the Council's consultation webpage.

Mr Richard Slater spoke in relation to the Broken Cross Junction, Macclesfield, and expressed his concerns in relation to the incomplete works. Mr Slater highlighted that it had been 75 weeks since improvements started and 52 weeks since contractors had left the junction with the works unfinished, leaving the junction dangerous for residents. Mr

Slater asked questions relating to the lack of reference to the Tesco Express in outline planning permission, the outstanding 20 safety issues, the width of lanes on Chelford Road, positioning of arrows and lack of pedestrian crossing signals.

In response, Councillor M Warren, Chair of Environment and Communities Committee, stated that the highways work at Broken Cross were substantially completed, and the Council had now received a request from Bellway Homes for works to go ahead between 1 – 12 April, to address the outstanding matters concerning the highways safety audit. Councillor Warren undertook to provide a written response to Mr Slaters additional questions.

Ms Laura Turner addressed the Council in relation to the Council's budgetary position. Ms Turner queried if Cheshire East would have the same level of budget pressures if sound financial decisions and rigid financial management had taken place over the last three years. Ms Turner felt that the Council's reporting of setting a balanced 4-year budget was misleading for residents as it failed to reference underfunding, inflation, SEND costs and loan interest rates, leading to a false sense of security for members of the public and service users. She highlighted that member allowances increases caused further concern amongst local residents and it was asked why new innovative ways of working had not been put forward sooner.

In response, Councillor S Corcoran stated that he recognised the problems at Middlewich Town Council since Labour lost control 2 years ago. The precept had been increased by 39.5% making it only second to Nantwich with the highest council tax in Cheshire East. Councillor Corcoran gave examples of positive news within Middlewich such as the funding provided for the Middlewich Eastern Bypass and Leadsmithy Street schemes.

Ms Laura Turner spoke also on behalf of Ms Maggie Robinson in relation to the Middlewich Eastern Bypass and asked if this would be completed by Summer 2025 and highlighted the positive benefits this would have on the Middlewich and for local residents. Ms Turner, on behalf of Ms Robinson, also queried S106 and Section 278 monies and how much Middlewich was owed. She stated that this information should be made available on the Council website. She asked about the future leisure facilities in Middlewich and the transfer of assets to the Town Council.

In response, Councillor C Browne, Chair of Highways and Transport Committee, confirmed that Cheshire East had submitted the full business case for the Middlewich Eastern Bypass to the Department of Transport (DfT) following approval at the September 2023 meeting of the Highways and Transport Committee. Councillor Browne stated that the Council was awaiting final funding approval, and this needed to be in place prior to the grant being released and construction contacts commenced. The DfT had been made fully aware of the impact that any delay of funding would have.

Councillor Browne stated that it was the Council's intention to open to road in 2026, however this was dependent on any further delays to the DfT's decision.

Councillor M Warren, Chair of Environment and Communities Committee, confirmed that S106 updates had been provided to local ward Councillors and Town Councillors in Middlewich, and that over £7m had been committed to the Middlewich Eastern Bypass. He also confirmed that the business case for leisure facilities to be built at Sutton Lane, Middlewich, was no longer viable due to high interest rates and the difficult financial position facing the local authority. There were therefore no plans to move forward with its construction.

Councillor Lawrence Clarke spoke on behalf of Poynton Town Council in relation to the proposed temporary closure of the Poynton Household Waste and Recycling Centre (HWRC). Councillor Clarke highlighted that any closure would deprive local residents of a well-used community asset, affecting approx. 25,000 individuals. He stated that the HWRC MTFS budget proposal had received negative feedback and asked why the Council was still progressing with this proposal. He felt that the temporary closure would lead to less recycling, more fly tipping, congestion on road, air pollution and costs and urged Members to reconsider this proposal.

In response, Councillor M Warren, Chair of Environment and Communities Committee, confirmed that mitigation options were being explored which included the introduction of a mobile HWRC provision. He stated that this would be undertaken on a trial basis, the results of which would inform future, more permanent provision. The recommendations following the trial would be presented to the Environment and Communities Committee later in 2024 and that the details of how the mobile service would operate remained in development.

Councillor Andy Lindsay, Chair of Brereton Parish Council, spoke in relation to the Electoral Review Warding Proposals. Councillor Lindsay urged Members to reconsider the proposals put forward to split the Brereton Ward with Dane Valley and highlighted the detrimental impact this would have on community identity. Councillor Lindsay stated that the proposals also did not align with the objectives of the boundary review.

70 LEADER'S AND DEPUTY LEADER'S ANNOUNCEMENTS

The Leader, in summary:

- 1 reported that he had taken on a new role as the Local Government Association representative at the Centre for Governance and Scrutiny. He commended their work to Members, particularly the 10 Questions Guides which covered a range of topics such as cybersecurity, climate change and looked after children.

- 2 reported that the Ofsted Inspection had commenced on Monday 26 February and that the inspectors would be with the Council until Friday 8 March.
- 3 referred to climate change and the Council's commitment to being carbon neutral by 2025 and highlighted the progress made towards the target, with the solar farm under construction, over 50,000 trees planted on council land, use of heat source pumps in Macclesfield Town Hall and the use of low energy light bulbs in street lighting. These were all saving money as well as reducing carbon emission. He stated that it was a measure of the severity of the financial challenges faced by the Council that he has agreed that the target date be put back to 2027.
- 4 referred to the garden waste permit scheme and that the take up was exceeding expectations with nearly 70,000 households signed up.
- 5 referred to cybersecurity and an article in the LGA First magazine on the lessons learnt from the Gloucester City Council attached. The initial breach of security had been a single spear phishing email that had been inserted into an existing email chain with a supplier. Since reading the article he had been wary of using his private email address to any Council email address and asked people to be wary of any email purporting to be from him which was not from his official email address. He asked if anybody clicked on a link that did not respond as expected to report this, as there were 2.7m attempted cyber-attacks on councils in 2022 and 90% of successful attacks were due to human error and that phishing was the most common form of attack.

The Deputy Leader, in summary:

- 1 reported that on the 4 March, the Council would be hosting both the Mayor of Manchester, Andy Burnham and the Mayor of Liverpool, Steve Rotherham, alongside local and regional businesses, and political leaders at an event at Crewe Market Hall to demonstrate the importance of Crewe for the future of rail and the economic ambitions of the North West. He stated that with HS2 cancelled, it was more important than ever that the right level of investment at Crewe station and connectivity to/from and through Crewe was at the heart of current and future discussions about investment in the rail network north of Birmingham. A selection of representatives of the local business community had been invited to the event where they would have the opportunity to raise questions and highlight how the cancellation of HS2 was impacting business confidence and investment decisions in Crewe and the asks that are needed of Government to remedy this.

- 2 reported that work had continued throughout the winter on the North West Crewe highway package which would greatly improve the highway network around Leighton Hospital and enable the delivery of key local plan housing sites. Progress had been affected by exceptional rainfall levels and some unexpected ground conditions. However, the roads were still expected to be open to traffic this summer. He thanked the local residents and travelling public for coping with the unavoidable disruption whilst the work was carried out.
- 3 reported that the Council had received notification that following an application to Government's Local Electric Vehicle Infrastructure (LEVI) Fund, the Department for Transport had awarded £2.17million funding to support delivery of public EV charge-points across Cheshire East. The funding would enable the Council to partner with commercial charge point operators to provide EV points in many of the car parks, community facilities and at other hub sites. The aim is to ensure that the growing number of EV drivers have choices about where they can re-charge - reducing "charge point anxiety" for motorists. Currently, Cheshire East had a low number of charge points compared to other areas, especially cities such as Manchester. LEVI was a key part of the Council's action plan for transition to net zero.
- 4 reported that he had chaired the quarterly meeting of Cheshire East's Enhanced Partnership Board, which engaged with Bus Operators to deliver our Bus Service Improvement Plans. The Board's membership had recently been expanded to include all operators of public bus services in the Borough and it was good to see companies take up the opportunity to participate. As part of the plan to invest in local bus services the aim was to ensure that funding on shelters, stops and passenger information complemented operator investment in new vehicles and driver training. The key topics at the meeting were a commitment to refresh the Improvement Plan to demonstrate local priorities to Government; delivery of initiatives using current funding including enhancing Route 38 which links Crewe – Sandbach – Congleton and Macclesfield; plans to consult on a review of Council supported bus services this Summer and the future roll-out of smart ticketing on buses through Project Coral, a national initiative sponsored by DfT.
- 5 as this was his last announcements as Deputy Leader, he thanked elected members and officers for the support provided to him in this role.

71 ELECTION OF DEPUTY LEADER OF THE COUNCIL

Nominations were sought for the position of Deputy Leader.

It was proposed and seconded that Cllr Michael Gorman be appointed as Deputy Leader.

The motion was put to the vote and declared carried.

RESOLVED:

That Councillor Michael Gorman be appointed as Deputy Leader of the Council, with effect from 1 March 2024.

The Mayor invited the Deputy Leader Elect to speak.

Cllr M Gorman thanked Members for electing him as the Deputy Leader elect and paid tribute to his predecessor Cllr C Browne. Cllr Gorman pledged as the Deputy Leader to work with all members of the Council building trust, respecting differences, and promoting co-operation.

The Mayor invited Deputy Leader to announce the Independent Group chair and vice chair changes.

Cllr C Browne reported the following changes to the Independent Group chairs and vice chairs:

Chair of Economy and Growth Committee –Councillor Michael Gorman
Chair of Highways and Transport Committee – Councillor Mark Goldsmith
Vice Chair of Finance Sub Committee – Councillor Lata Anderson
Vice Chair of Children and Families Committee – Councillor Emma Gilman
Vice Chair of Corporate Policy Committee – Councillor Michael Gorman.

**72 RECOMMENDATIONS FROM CORPORATE POLICY COMMITTEE:
MEDIUM TERM FINANCIAL STRATEGY 2024/25-2027/28**

The Corporate Policy Committee, at its meeting on 13 February 2024, had considered a report on the Medium-Term Financial Strategy for Cheshire East Council for 2024/25 – 2027/28.

The Corporate Policy Committee had recommended to Council the recommendations set out in Appendix A to the report.

Following debate, the recommendations were put to the vote, and in accordance with legislation, a recorded vote was carried out with the following results:

FOR

Councillors L Anderson, S Bennett-Wake, J Bird, L Braithwaite, J Bratherton, M Brooks, C Browne, L Buchanan, C Bulman, A Burton, C Chapman, D Clark, Coiley, N Cook, S Corcoran, L Crane, B Drake, D Edwardes, K Edwards, M Edwards, H Faddes, A Farrall, E Gilman, M Goldsmith, M Gorman, C Hilliard, D Jefferay, N Mannion, G Marshall, A

Moran, R Moreton, C Naismith, J Place, B Puddicombe, J Rhodes, H Seddon, G Smith, John Smith, Julie Smith, J Snowball, R Vernon, M Warren and F Wilson.

AGAINST

Councillors S Adams, R Bailey, M Beanland, D Brown, R Chadwick, J Clowes, T Dean, S Edgar, A Gage, S Gardiner, E Hall, A Harrison, G Hayes, A Heler, S Holland, T Jackson, R Kain, A Kolker, R Morris, 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 and J Wray.

NOT VOTING

Councillors R Fletcher, M Houston and L Smith.

The motion was declared carried with 43 votes for, 32 against and 3 not voting.

RESOLVED:

That Council notes

- 1 the Report of the Council's Chief Finance Officer (Section 151 Officer), contained within the MTFS Report, regarding the robustness of estimates and level of reserves held by the Council based on these budget proposals (Appendix C, Report from the Section 151 Officer).

That Council, having given due regard to the report of the Chief Finance Officer, approves:

- 2 the Revenue estimates for the 2024/25 budget and the medium-term Capital Programme estimates 2024-2028, as detailed in the Medium-Term Financial Strategy Report (MTFS) 2024-2028 (Appendix C to the report).
- 3 Band D Council Tax of £1,792.59 representing an increase of 4.99%. This is below the referendum limit (including 2% ringfenced for Adult Social Care) and arises from the provisional finance settlement (Appendix C to the report, Section 2).
- 4 the 2023/24 planned use of Flexible Capital Receipts is increased to £3.414m, an increase of £2.414m from the £1m approved in the 2023-27 Medium-Term Financial Strategy Report to fund transformational projects within the Council (Appendix C to the report, Section 2).
- 5 the 2024/25 planned use of Flexible Capital Receipts is £1.0m (Appendix C to the report, Section 10)

- 6 the allocation of Revenue Grant Funding for 2024/25 of £359.868m (Appendix C to the report, Annex 7), and delegates authority to the Chief Finance Officer, to approve supplementary estimates if the value of any named grant changes from the figures contained within Appendix C, Annex 7 (noting that all such variations will subsequently be reported to the appropriate Committee, and that any new, previously unnamed, grants are subject to approval in-line with the Constitution)
- 7 the allocation of Capital Grant Funding for 2024/25 of £95.831m (Appendix C to the report, Annex 8), and delegates authority to the Chief Finance Officer, to approve supplementary estimates if the value of any named grant changes from the figures contained within Appendix C, Annex 8 (noting that all such variations will subsequently be reported to the appropriate Committee, and that any new, previously unnamed, grants are subject to approval in-line with the Constitution)
- 8 the Fees and Charges schedule for 2024/25 (Appendix C to the report, Annex 9).
- 9 the Capital Strategy, this shows total proposed capital expenditure of £592.3m including £9.3m for Managing & Maintaining Highways (Appendix C to the report, Annex 10).
- 10 the Prudential Indicators for Capital Financing (Appendix C to the report, Annex 10).
- 11 the Treasury Management Strategy (Appendix C to the report, Annex 11).
- 12 the Investment Strategy; including the financial limits for various classifications of investment, and the investment decision making process set out in the Strategy (Appendix C to the report, Annex 12)
- 13 the Reserves Strategy (Appendix C to the report, Annex 13), which includes proposed movements to and from reserves.
- 14 the amendment to Key Decisions as defined in the Constitution and the financial limits to be included within the Council's Finance Procedure Rules (Appendix C to the report, Annex 14).
- 15 Household Waste Recycling Centres (HWRC) – to implement emergency closures of sites at Bollington, Middlewich and Poynton from 1 April 2024 until the outcomes of the review of the long-term provision of HWRCs for Cheshire East has been presented to and approved by the Environment and Communities Committee.

- 16 Garden Waste Subscription Scheme - to approve the increase in the annual subscription charge to £59, payable from October 2024 onwards for collections commencing in January 2025.
- 17 that the Council's Carbon Neutral ambition target is amended to 2027 and the capital projects that have been designed to achieve that target have also been deferred and should be delivered by 2027. The capital programme is currently under a review as shown in the Capital Strategy (Appendix C to the report, Annex 10).
- 18 a Supplementary Capital Estimate (SCE) for Northwest Crewe Package for £9.015m. The request is fully funded by external contributions, however there will be a need to forward fund the income whilst the Council awaits payment. This could cost the Council an additional £243,000 in interest costs per annum which would need to be funded by the Strategic Highways Service.

That Council recognises that Corporate Policy Committee noted:

- 19 the year-end outturn forecast position for 2023/24 (Appendix C to the report, Section 2).
- 20 the Budget Engagement exercise undertaken by the Council, as set out in the attached (Appendix C to the report, Annex 2a).
- 21 the results of the Budget Consultation (Appendix C to the report, Annex 2b).
- 22 The Adult Social Care Charging consultation results (Appendix C to the report, Section 1 – Adults and Health Committee: Narrative and proposal number 1).

The meeting was adjourned for a lunch break.

73 COUNCIL TAX STATUTORY RESOLUTION

Consideration was given to a report relating to the setting of the Council Tax for 2024/25.

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

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

- Cheshire East Borough Council
- Town & Parish Council precepts
- Police and Crime Commissioner for Cheshire precept
- Cheshire Fire Authority precept.

The Mayor reported that revised versions of Appendices C and D had been issued and that these versions should be referred to during considering of this item.

The motion in respect of the setting of the Council Tax was proposed and seconded. Following debate, in accordance with legislation a recorded vote was carried out in respect to this item, with the following results: -

FOR

Councillors L Anderson, S Bennett-Wake, J Bird, L Braithwaite, J Bratherton, M Brooks, C Browne, L Buchanan, C Bulman, A Burton, C Chapman, D Clark, A Coiley, N Cook, S Corcoran, L Crane, B Drake, D Edwardes, K Edwards, M Edwards, H Faddes, A Farrall, E Gilman, M Goldsmith, M Gorman, C Hilliard, M Houston, D Jefferay, N Mannion, G Marshall, A Moran, R Moreton, C Naismith, J Place, J Priest, P Puddicombe, J Rhodes, H Seddon, G Smith, John Smith, Julie Smith, J Snowball, R Vernon, M Warren and F Wilson.

AGAINST

Councillors S Adams, R Bailey, M Beanland, D Brown, R Chadwick, J Clowes, T Dean, S Edgar, A Gage, S Gardiner, E Hall, A Harrison, G Hayes, A Heler, S Holland, T Jackson, R Kain, A Kolker, R Morris, H Moss, M Muldoon, C O'Leary, B Posnett, J Pratt, P Redstone, J Saunders, M Sewart, M Simon, L Smetham, L Wardlaw and J Wray.

NOT VOTING

Councillors R Fletcher and L Smith.

The motion was declared carried with 45 votes for, 31 against and 2 not voting.

RESOLVED: That Council:

1. approves a Council Tax for Cheshire East Council for the financial year 2024/25, at £287,086,013 in accordance with the formal resolutions as shown in paragraphs 20-24 of the report, as follows:

Formal Resolution

- 1 That it be noted that on 13 December 2023 the Council calculated the Council Tax base 2024/25.
 - (a) for the whole Council area as 160,151.52 (item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")).

- (b) for individual parishes, as in **Appendix A**.
- 2 Calculated that the Council Tax requirement for the Council's own purposes for 2024/25 (excluding Parish precepts) is £287,086,013.
- 3 That the following amounts be calculated for the year 2024/25 in accordance with Sections 31 to 36 of the Act:
- a. £819,159,543 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
 - b. £520,611,429 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
 - c. £298,548,114 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year (Item R in the formula in Section 31B of the Act).
 - d. £1,864.16 being the amount at 3(c) above divided by the amount at 1(a) above, calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
 - e. £11,462,101 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act.
 - f. £1,792.59 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by the amount at 1(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.
 - g. **Appendix A** being the amounts calculated by the Council, in accordance with regulations 3 and 6 of the Local Authorities (Calculation of

Council Tax Base) Regulations 1992, as its total council tax base for the year and council tax base for dwellings in those parts of its area to which one or more special items relate.

- h. **Appendix B** being the amounts given by adding to the amount at (f) above, the amounts of special items relating to dwellings in those parts of the Council's area mentioned above divided by in each case the appropriate tax base from Appendix A, calculated by the Council in accordance with Section 34(3) of the 1992 Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of the area to which one or more special items relate. (Band D charges for each Parish area).
- i. **Appendix C** being the amounts given by multiplying the amount at (h) above by the number which, in the proportion set out in Section 5(1) of the 1992 Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the 1992 Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands (Local charges for all Bands).
- j. **Appendix D** being the aggregate of the local charges in (i) above and the amounts levied by major precepting authorities, calculated in accordance with Section 30(2) of the 1992 Act (The total Council Tax charge for each band in each Parish area).

- 4 note that the Police & Crime Commissioner and the Fire Authority have issued precepts to Cheshire East Council in accordance with section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area as shown in paragraphs 17 and 18 of the report.

- 5 accepts that Cheshire East Council's basic amount of Council tax for 2024/25 is not excessive in accordance with principles approved under Section 52ZB and 52ZC of the Local Government Finance Act 1992.
- 2 notes that the council tax precept of Cheshire Fire Authority, Police Crime and Commissioner for Cheshire, and each Town and Parish Council have been approved and notified to the Council in accordance with the Local Government Finance Act 1992, as amended by sections 72 to 79 of the Localism Act 2011.
- 3 notes the average Council Tax for the Cheshire East Borough is £2,217.19 in accordance with the Local Government Finance Act 1992, as amended by sections 72 to 79 of the Localism Act 2011.

**74 RECOMMENDATIONS FROM CORPORATE POLICY COMMITTEE:
PAY POLICY STATEMENT 2024/25**

Consideration was given to the recommendations of the Corporate Policy Committee in respect of the Pay Policy Statement for 2024/25.

The Corporate Policy Committee, at its meeting on 18 January 2024, had considered the draft Pay Policy Statement and resolved that Council be recommended to approve and publish the Pay Policy Statement 2024/25 and that any in-year changes be approved by the Monitoring Officer and published accordingly.

RESOLVED: That

- 1 the Pay Policy Statement for 2024/25 be approved; and
- 2 any in-year changes be approved by the Monitoring Officer and published accordingly.

**75 RECOMMENDATIONS FROM CORPORATE POLICY COMMITTEE:
TRANSFER OF LOCAL ENTERPRISE PARTNERSHIP FUNCTIONS TO
LOCAL AUTHORITY CONTROL**

Consideration was given to the recommendations of the Corporate Policy Committee in respect of the transfer of the Local Enterprise Partnership functions to Local Authority Control

The Corporate Policy Committee, at its meeting on 13 February 2024, had considered the report and made recommendations to Council, as set out on page 677 and 678 of the agenda pack.

The recommendations were proposed and seconded. During the debate an amendment was proposed and seconded.

Amendment

“That this paper is deferred until elected members have been appropriately appraised of the wider sub-regional implications of these proposals.”

The amendment was put to the vote and declared lost.

RESOLVED: That Council

1. agree the retention of the partnership approach between Warrington Borough Council, Cheshire West and Chester Council and Cheshire East Council in respect of sub-regional functions.
2. agree that Cheshire and Warrington Local Enterprise Partnership (including Marketing Cheshire) functions should continue to be delivered by a Company jointly owned by all three Councils, based on the business case set out in Appendix A to the report.
3. agree to set up a Joint Committee by 1 April 2024 with Terms of Reference as set out in Appendix B to the report.
4. agree that a Cheshire and Warrington Business Advisory Board be created to ensure a continued influential business voice in sub-regional economic strategy and priorities following the end of the Cheshire and Warrington Local Enterprise Partnership Board. Terms of Reference be agreed by the Joint Committee.
5. that delegated authority be granted to the Director of Growth, in conjunction with the Council’s Section 151 Officer and Monitoring Officer, to effect non-material changes to the proposed changes to the Articles of Association of Cheshire and Warrington Local Enterprise Partnership as referenced in Appendix C to the report.
6. recommend to the Joint Committee that they then make changes to the Articles of Association and that the name of Cheshire and Warrington Local Enterprise Partnership be changed to Enterprise Cheshire and Warrington.
7. agree the findings of the due diligence report undertaken and set out in Appendix D, including finances, risks and liabilities that the Council will incur in respect of LEPCo.
8. recommend to the Joint Committee that when established, one officer from Cheshire East Council, with appropriate corporate skills and experience is appointed as a Director of LEPCo. That the officer is identified through consultation with the Council’s Monitoring Officer, Place Director and Section 151 Officer.
9. agree to enter into a Service Agreement with Cheshire West and Chester Council, Warrington Council and LEPCo on the terms set out in Appendix E to the report, and to delegate final approval of the terms of the Service Agreement to the Director of Governance and

Compliance in consultation with the Place Director and S151 Officer.

10. recommend the Business Plan of the LEPCo to the Joint Committee as set out at Appendix F to the report.
11. agree that Cheshire East Council should continue to be the Accountable Body for the purposes of funding, and that the Director of Governance and Compliance be authorised to make any necessary changes to the Collaboration Agreement.
12. agree that the Council's Monitoring Officer be given the authority to make any consequential changes to the Council Constitution to give effect to these recommendations.

**76 RECOMMENDATIONS FROM CORPORATE POLICY COMMITTEE:
CHESHIRE EAST ELECTORAL REVIEW - WARDING PROPOSALS**

Consideration was given to the recommendations of the Corporate Policy Committee in respect of warding proposals for Cheshire East as part an electoral review of Cheshire East Council's electoral arrangements by the Local Government Boundary Commission for England.

The Corporate Policy Committee, at its meeting on 13 February 2024, had considered the report and recommendations of the Electoral Review Sub Committee and had made recommendations to Council, as set out on page 767 of the agenda pack.

The recommendations were proposed and seconded. During the debate two amendments was proposed and seconded.

Amendment 1

"To amend the draft proposals for the Macclesfield Warding as set out in Appendix 1 to Agenda item 12 to replace the proposals for Macclesfield by those detailed in the Macclesfield Warding Option 1 paper as supported by the majority of Macclesfield members."

The amendment was put go the vote and declared lost.

Amendment 2

"That Council agrees to delete from its Warding Submission, existing references to the proposed transfer of the Bluebell Green estate and changes these proposals so that the Bluebell Green area of Brereton parish will be included in Brereton ward, instead of Dane Valley ward."

The amendment was put to the vote and declared won. This then became part of the substantive motion.

RESOLVED: That Council

- 1 approve the proposals for the future warding of Cheshire East, as set out in Appendix 1 to the report, as the Council's submission to the Boundary Commission, with the following amendments: -
 - that the "Wilmslow East" ward name be changed to "Wilmslow East and Dean Row" to retain the identity of Dean Row
 - that existing references to the proposed transfer of the Bluebell Green estate are deleted and that the proposals be changed so that the Bluebell Green area of Brereton parish will be included in Brereton ward, instead of Dane Valley ward.
- 2 that the Electoral Review Sub Committee be granted delegated authority:
 - (a) to make any further changes to the proposals arising from the Council meeting on 27 February, or which become necessary after that meeting; and
 - (b) to respond on the Council's behalf to any further informal or formal consultation by the Boundary Commission which relates to the second period of consultation.

Post Meeting Note: Final submitted proposals to the Local Government Boundary Commission - [Warding Proposals](#)

77 RECOMMENDATIONS FROM CORPORATE POLICY COMMITTEE: CALENDAR OF MEETINGS 2024-2025

Consideration was given to the recommendations of the Corporate Policy Committee in respect of the Calendar of Meetings for 2024/25.

The Corporate Policy Committee, at its meeting on 13 February 2024, had considered the draft Calendar of Meetings for 2024/25 and had recommended to Council that the calendar be approved and that each Service Committee, including the Finance Sub Committee, arrange one twilight meeting over the course of its scheduled cycle of meetings during 2024/25.

RESOLVED: That

- 1 the draft calendar of meetings for Cheshire East Council 2024/25 be approved, subject to delegated powers being granted to the Director of Governance and Compliance, in consultation with committee chairs and vice chairs, to make any changes to the calendar of meetings which might arise from the review of the committee structure.

- 2 each Service Committee, including the Finance Sub Committee, arrange one twilight meeting over the course of its scheduled cycle of meetings during 2024/25.

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

The Corporate Policy Committee, at its meeting on 13 February 2024, had considered the the recommendations of the Independent Remuneration Panel in respect of a targeted review of Members' Allowances in the context of the budget consultation on the Council's financial position.

RESOLVED: That Council agree that

- 1
 - a) the Constitution Working Group reviews the job descriptions for the Leader and Deputy Leader of the Council, Service Committee Chairs and Vice Chairs and Opposition Spokespersons.
 - b) the Working Group's recommendations in respect of these job descriptions to be submitted to the Independent Remuneration Panel.
 - c) the Independent Remuneration Panel consider and review these job descriptions and report back to Constitution Working Group; the Working Group to consider if the job descriptions should be referred onwards.
 - d) a full review of all member allowances by the new Independent Remuneration Panel be carried out after the actions set out in a) to c) have been completed.
- 2 agree that, where the annual NJC officer pay award is for a flat rate, and percentage increase to salaries and other allowances respectively, the percentage increase applicable to other allowances will be regarded as that year's uplift in respect of Cheshire East's Scheme of Members' Allowances.
- 3 that no uplift to the Scheme of Members' Allowances be implemented in 2023/2024.

**79 RECOMMENDATION FROM AUDIT AND GOVERNANCE COMMITTEE:
PROPOSED TERMS OF REFERENCE**

Consideration was given to the recommendations of the Audit and Governance Committee in relation to the Committee's Terms of Reference.

The Audit and Governance Committee, at its meeting on 7 December 2023, had considered the revised Terms of Reference, prepared by the Audit and Governance Terms of Reference Working Group, and had recommended to Council the adoption of the revised Audit and Governance Committee Terms of Reference.

RESOLVED:

That the revised Audit and Governance Terms of Reference be adopted.

80 POLITICAL REPRESENTATION ON THE COUNCIL'S COMMITTEES

Consideration was given to a report relating to the political representation on the Council's Committees which addressed the changes in political group memberships following the by-election in the Crewe Central Ward on 8 February 2024.

RESOLVED: That

- 1 the political group and other representation, as set out in the Appendix to this report, and the methods, calculations and conventions used in determining this, as outlined in the report, be adopted.
- 2 and the allocation of places to Committees be approved with one Labour Group seat on the Audit and Governance Committee and one Labour Group seat on the Economy and Growth Committee, be transferred to the Conservative Group.

81 NOMINATION OF MAYOR AND DEPUTY MAYOR FOR THE 2024-25 CIVIC YEAR

Consideration was given to the nominations for the office of Mayor and Deputy Mayor for 2024/25.

Mayor for 2024/25

It was proposed and seconded that Councillor Marilyn Houston should become Mayor Elect for 2024/25.

Councillor Houston declared an interest in respect of this item and left the Chamber during its consideration.

RESOLVED:

That Councillor Marilyn Houston be designated as the Mayor Elect with a view to their formal election and appointment as Mayor for Cheshire East for 2024/25, at the Mayor Making ceremony to be held on 15 May 2024.

Councillor Houston returned to the meeting.

Deputy Mayor for 2024/25

It was proposed and seconded that Councillor David Edwardes be designated as Deputy Mayor Elect.

Councillor D Edwardes declared an interest in respect of this item and left the Chamber during its consideration.

RESOLVED:

That Councillor David Edwardes be designated as the Deputy Mayor Elect, with a view to their formal election and appointment as Deputy Mayor for Cheshire East for 2024/25, at the Mayor Making ceremony to be held on 15 May 2024.

Councillors D Edwardes returned to the meeting.

82 URGENT ITEM OF BUSINESS: APPOINTMENT OF AN INTERIM, AND PERMANENT, CHIEF FINANCIAL OFFICER

In accordance with Section 100B(4)(b) of the Local Government Act 1972, the Mayor had agreed that this item could be considered as an item of urgent business as it could not wait until the next scheduled meeting of Council. The Mayor explained that, if the Council had waited until the next scheduled meeting of Council to make the appointments, there would be an undesirable gap in Section 151 Officer cover at a time of financial challenge.

Consideration was given to a report which outlined the arrangements to recruit an interim and permanent Chief Financial Officer, following the existing Chief Financial Officer- Section 151 Officer's announcement that they would be leaving the Council.

RESOLVED: That Council

- 1 authorise the Chief Executive to recruit and appoint an Interim Chief Financial Officer in consultation with the Appointments Committee Chair and Vice Chair.
- 2 authorise the Appointments Committee to commence the process for appointing a permanent Chief Financial Officer, and to make recommendations to Council upon that appointment.

83 QUESTIONS

Councillor J Clowes stated that a number of residents in Wybunbury had submitted claims to Cheshire East Council relating to damage to their vehicles from the road surface. She was aware that claims were being passed to a third-party claims company which was extending time for a

resolution for residents and asked how much did it cost the Council to commission and retain the services of a claims handling company? She asked how many claims for damage to vehicles had the Council and/or the claims handling company received from 1 April 2023 to date and how many of those claims had been successful or rejected? She further asked since 1 April 2023 what had been the cost to Cheshire East Council for successful claims for damage to vehicles caused by potholes and carriageway defects?

Councillor C Browne, Chair of Highways and Transport Committee, undertook to provide a written response.

Councillor C O'Leary had submitted a written question in advance of the meeting which asked when the residents of Crooked Yard, Macclesfield Forest, would expect to see patch works or resurfacing works to their road.

In response Councillor C Browne, Chair of Highways and Transport Committee, stated that the Council faced an incredibly challenging position of not being able to afford the significant and sustained investment that was needed to rehabilitate its highway infrastructure. Consequently, it was inevitable that potholes on the roads would occur, particularly after the excessively wet weather punctuated by cold snaps that had been seen recently. The Council was aware of the condition of the section of the road identified. Following an inspection in November 2023 repairs were undertaken to 20 defects in January 2024 in line with the Safety Inspections Code of Practice and added signage to warn of the uneven road surface. A further 24 defects were repaired during February 2024. It was proposed that some low-cost patching works would be carried out in April following confirmation of the 2024/25 budgets. These works would ensure that the road remained safe and available for use in line with the Council's policy and statutory duties.

Councillor L Smetham stated that following the loss of life at Wood Treatments in Bosley in 2015 Cheshire East Highways had erected and installed fencing which to date had cost the Council £147,159.55 and was increasing every year. The fencing did not provide safety, was broken or bent and did not fulfil its purpose. She stated that there was a screeching planer upsetting people in Bosley and North Staffordshire. She referred to a retrospective planning application in place for an office and welfare facilities with future proposals for housing and also to a shed containing wood dust, which often had its doors left open and contained flammable material. Councillor Smetham asked that the Council and any other bodies help resolve these issues.

In response Councillor C Browne stated that he and Cllr Smetham had attended a meeting of Bosley Parish Council and the Council, as a Highways Authority, was required to act under the guidance of the Health and Safety Executive.

In response to the planning matter, Councillor M Warren, Chair of Environment and Communities Committee, agreed to provide a written response.

Councillor M Simon stated that following a request for two garden waste permits for her local bowling club, ANSA had responded to say that the bowling club would need an exception if they were to continue to have their garden waste collected. As there had been no further response despite the request being followed up, Cllr Simon asked how the issue could be resolved.

Councillor M Warren, Chair of Environment and Communities Committee, shared Councillor Simon's concerns on the matter and resolved to look into it and provide a written response.

Councillor A Gage stated that, despite repeated efforts over the past five years, there had been no progress made in relation to Section 106 infrastructure in Willaston. Councillor Gage asked the Administration to commit to ensuring that the developer money was spent on the things that were agreed and that the relevant officers from Planning and Highways meet with him and a representative from the community to discuss the outstanding issues.

In response, Cllr M Warren, Chair of Environment and Communities Committee, asked for the details to be sent to him and the Chair of Highways and Transport Committee for a meeting to be arranged.

Councillor A Burton stated that there were issues with buses in Nantwich including the removal of the 78 service and parking at Leighton Hospital. Councillor Burton stated she had been campaigning for an improved bus service in the area, including a direct bus service to Leighton Hospital and that an affordable, regular, and reliable service was required to help residents, and would be well used.

In response Cllr C Browne, Chair of the Highways and Transport Committee, stated that following a recent Enhanced Partnership Board there had been discussions in respect of how additional funding could be prioritised. Contract renewal prices were likely to increase at the end of the financial year when they were due to be renewed, but it was hoped that there would be some funding to be able to look at slight deviations to routes. Councillor Browne encouraged Councillor Burton to continue to feed any concerns to the Chair and Vice Chair of the Enhanced Partnership Board. Councillor Browne stated that, although welcome, much of the £180 million announced by Government to Cheshire East Council would be assigned to the existing backlog of works.

Councillor S Gardiner asked how many children living within Cheshire East received their education from the independent private sector, and whether the Council had made any contingency plans if there were changes to the finances and tax arrangements for those schools providing that education within the next twelve months. He asked if that was the case, how many

children were there, did the Council have the capacity to take those children back in to state education, and whether there was money in the budget to cover the additional school places.

In response Councillor Mannion, Chair of Finance Sub Committee, stated that if Cheshire East Council had to accommodate more children within the school estate than currently budgeted for, this would have to be found and would result in having less money to spend elsewhere.

Councillor C Bulman as Chair of Children and Families Committee, responded to an earlier question from Councillor Saunders in respect of the budget and whether Crewe Youth Zone and Children's Placement Sufficiency were under threat. Cllr Bulman stated that the Crewe Youth Zone and Children's Placement Sufficiency were not under threat but were required to be reviewed as part of the due process of finance.

The meeting commenced at 11.00 am and concluded at 5.56 pm

Councillor R Fletcher (Chair)

OPEN

Council

15 May 2024

**Election of a Leader of the Council and Deputy Leader
of the Council 2024/25**

**Report of: Director of Governance and Compliance (Monitoring
Officer)**

Report Reference No: C/01/24-25

Ward(s) Affected: All Wards

Purpose of Report

- 1 To secure as resolution of Council to elect a Leader of the Council and a Deputy Leader of the Council for the municipal year 2023/24.

Executive Summary

- 2 The Constitution states that the functions of full Council include the election of the Leader of the Council and the Deputy Leader of the Council.
- 3 The role of the Leader of the Council is not a formal legal role, but he or she is, in practice, the political head of the Council.

RECOMMENDATIONS

That Council

- 1 elects a Leader of the Council for the municipal year 2024/25.
- 2 elects a Deputy Leader of the Council for the municipal year 2024/25.

Background

- 4 The Annual General Meeting of the Council is required to elect a Councillor to be the Leader of the Council and a Councillor to be the Deputy Leader of the Council for that municipal year.
- 5 The Councillors appointed will hold these offices until:
 - (a) The next Annual Meeting of the Council
 - (b) The Leader or Deputy Leader resigns from the office; or
 - (c) The Leader or Deputy Leader is no longer a Councillor; or
 - (d) The Leader or Deputy Leader is removed from the office by resolution of the Council.
- 6 The role of the Leader of the Council is not a formal legal role, but they are in practice the political head of the Council, and the Member with greatest responsibility for driving forward the board policies of the Council.
- 7 The Council expects that the Leader will:
 - be the political (rather than ceremonial) leader of the Council, for the benefit of all the Borough's communities - its citizens, taxpayers, businesses, public bodies and other public authorities;
 - lead and work with the Council, particularly the Chairs of its Committees and Sub-Committees:
 - in the development of the Council's vision for the future, policy framework, budgets and strategies;
 - in overseeing service delivery and the implementation of policies approved by the Council;
 - represent and pursue the interests of the Council in the community and at international, national and regional levels;
 - Serve as Chair of the Corporate Policy Committee;
 - fulfil the role of Leader at full Council;
 - lead in providing policy direction and guidance to the Chief Executive and Chief Officers;
 - meet regularly to progress the Council's objectives with Committee Chairs, the Chief Executive and Chief Officers, Leaders of other political groups on the Council, partner organisations, stakeholders, community representatives, government representatives, local Members of Parliament etc.

- 8 The Leader shall be recognised in the following ways:
- Chair Corporate Policy Committee: the Leader shall be appointed at the Council's Annual Meeting as Chair of the Council's Corporate Policy Committee.
 - Attend and speak at any meeting of a Committee or Sub-Committee of the Council, provided that they will only be entitled to vote if appointed as a voting member of that Committee or Sub-Committee.
 - Be available to respond to questions at Full Council meetings.
 - Establish policy direction, and the Council's priorities, and to facilitate discussion thereon.
 - Be principal ambassador for the Borough and the Council (recognising the role of the Mayor).
 - Represent the Council on external bodies, as considered appropriate, and to make decisions and vote on behalf of the Council at meetings of such bodies.
 - Be involved in arrangements around major emergencies. The Leader and Deputy Leader must be informed if an emergency is likely to take place or has been declared under the Council's emergency planning or business continuity procedures.
 - Promote and uphold high standards of ethical conduct by Members and the Council's equalities policies.
- 9 The Deputy Leader may be appointed as the Vice Chair of the Corporate Policy Committee.
- 10 The Deputy Leader is empowered to act in place of the Leader.
- 11 The Deputy Leader is empowered to represent the Council on any external body, as agreed with the Leader, and to make decisions and vote on behalf of the Council at meetings of such bodies.
- 12 Involvement in Major Emergencies: the Leader and Deputy Leader must be informed if an emergency is likely or has been declared under the Council's emergency planning or business continuity procedures.

Reasons for Recommendations

- 13 To ensure that the Council elects a Leader and Deputy Leader.

Other Options Considered

- 14 Whilst the Council could choose not to elect a Leader or Deputy Leader, to do so would be contrary to the assumptions made in the Council's Constitution that it will do so.

Implications and Comments

Monitoring Officer/Legal

- 15 Under the Council's Constitution, appointment of the Leader and Deputy, can only be done via a decision of full Council as set out in the Constitution.
- 16 As the Council operates a Committee system, the Leader has no formal legal powers and duties vested in them under the Local Government Act 1972 or the Local Government Act 2000.
- 17 However, in practice, all local authorities need to appoint a Leader and each Leader will hold the most significant elected Member role within the Council. The Council's Leader will be the political/elected head, the focus for policy direction and community development and the chief advocate and ambassador for the Borough.
- 18 Under the Committee system of governance, the Deputy Leader has no formal legal powers and duties vested in them under the Local Government Act 1972 or the Local Government Act 2000.

Section 151 Officer/Finance

- 19 The positions of Leader and Deputy Leader of the Council receive a special responsibility allowance.

Policy

- 20 There are no direct policy implications.

An open and enabling organisation

Ensure that there is transparency in all aspects of council decision making.

Equality, Diversity and Inclusion

- 21 There are no direct implications for equality.

Human Resources

- 22 There are no direct HR implications.

Risk Management

- 23 There is no evident risk associated with the election of a Leader and Deputy Leader of the Council.

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 implications relating to climate change.

Access to Information	
Contact Officer:	Brian Reed Head of Democratic Services and Governance brian.reed@cheshireeast.gov.uk
Appendices:	None
Background Papers:	Role-of-Leader-and-Deputy-Leader-Council-15-December-2021.pdf (cheshireeast.gov.uk)

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OPEN

Council

Wednesday 15 May 2024

Political Representation on the Council's Committees

Report of: David Brown, Director of Governance and Compliance

Report Reference No: C/5/2024-25

Ward(s) Affected: All

Purpose of Report

- 1 To report to Council changes in political group membership and to secure a resolution from Council in respect of the political proportionalities of the Council, and committee memberships.

Executive Summary

- 2 The law requires that each relevant Council decision-making body must be politically balanced as far as reasonably practicable, and that there is an appropriate total balance of Committee seats across the political structure of the Council of the whole.
- 3 This report addresses the changes in political group memberships since the last report to Council in February 2024.
- 3 At the time of writing this report, discussions had not been concluded with the Council's political groups. The Council's revised political proportionalities and the allocation of committee places had not therefore been finalised. The Appendix to this report, which will reflect the product of those discussions, will be circulated to all Members, and distributed around the Council Chamber at the Council meeting.
- 4 The report recommendations seek a resolution of Council, as required by legislation.

RECOMMENDATIONS

- 1 That the Committees, set out in the Appendix to this report, be appointed with the same functions, roles and responsibilities as are currently set out in the Constitution.
- 2 That the political group and other representation, as set out in the Appendix to this report, and the methods, calculations and conventions used in determining this, as outlined in the report, be adopted and the allocation of places to Committees be approved.

Background

- 5 The Appendix sets out the political representation on committees, this being based on the political structure of the Council as a whole.
- 6 The proportionalities in the Appendix are based, as far as is reasonably practicable, upon the following methods and conventions:
 - applying the relevant percentage to each body
 - rounding up from 0.5 and above, and rounding down below 0.5
 - where rounding up would result in more than one political Group receiving an additional seat, and the total allocation of seats exceeding what is required, the Group having the lowest residual entitlement will not receive an additional seat
 - where the required number of members for a decision-making body cannot be achieved using the above methods and calculations, the political group having the largest residual entitlement for that body will be entitled to be awarded the additional place (e.g. if one group is entitled to 4.25 places, and another group is entitled to 1.48 places, the first group will be awarded 4 places on the body in question, and the second group will be awarded 2 places)
 - where two or more political Groups have an identical residual percentage, the agreement of one Group to sacrifice a seat will be observed. Alternatively, the matter will be resolved by the toss of a coin.

Consultation and Engagement

- 7 In preparation of the Appendix to this report, officers liaised with the Council's political groups.

Reasons for Recommendations

- 8 To comply with primary legislation, the Local Government and Housing Act 1989 and supporting secondary legislation, Local Government (Committees and Political Groups) Regulations 1990.

Other Options Considered

- 9 Legislation requires that the Council's political representation on committees, and its political structure, be reviewed upon a change in political group membership. Whilst one option might be for the Council to take no action this is not an option which Council is advised to take.

Implications and Comments

Monitoring Officer/Legal

- 10 The main rules on political proportionality are set out in S. 15(5) Local Government Housing Act 1989, and they are to be applied sequentially. The Local Government (Committees and Political Groups) Regulations 1990, made pursuant to the Local Government and Housing Act 1989, make additional provisions in respect of the political group and non-grouped representation on a local authority's committees, in relation to the overall political composition of the Council. The legislation applies to overview and scrutiny committees and the decision-making committees and sub committees of the Council.
- 11 The legislation requires that, where proportionality applies, and seats are allocated to different political groups, the authority must abide by the following principles, so far as is reasonably practicable:
- Not all of the seats can be allocated to the same political group (ie there are no single-group committees).
 - The majority of the seats on the body are to be allocated to a political group with a majority membership of the authority.
 - The total number of seats on all ordinary committees and sub committees allocated to each political group bears the same proportion to the proportion on the full Council.
 - The proposals contained in this report meet the requirements of the legislation.
 - The 1990 Regulations require political group leaders to notify the Proper Officer of the groups' nominations to the bodies in question.

Section 151 Officer/Finance

- 12 There are no direct financial implications.

Policy

13 There are no direct implications for policy.

An open and enabling organisation.

Ensure that there is transparency in all aspects of council decision making

Equality, Diversity and Inclusion

14 There are no direct implications for equality.

Human Resources

15 There are no direct human resource implications.

Risk Management

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

Rural Communities

17 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)

18 There are no direct implications for children and young people/Cared for Children.

Public Health

19 There are no direct implications for public health.

Climate Change

20 There are no direct climate change implications.

Access to Information

Contact Officer:

Brian Reed,
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Appendices:

Appendix A - Political Proportionalities

Background Papers:

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

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OPEN

Council

Wednesday 15 May 2024

**Appointment of Chairs and Vice Chairs
of Committees of the Council**

**Report of: Director of Governance and Compliance (Monitoring
Officer)**

Report Reference No: C/02/24-25

Ward(s) Affected: All Wards

Purpose of Report

- 1 To allocated Chairs and Vice-Chairs of the Council's committee.

Executive Summary

- 2 The Constitution states that one of the functions of full Council is to appoint the Chairs and Vice Chairs to committees.
- 3 This report sets out the nominations to the positions of Chairs and Vice Chairs to the Council's committees.

RECOMMENDATIONS

That the offices of Chairs and Vice-Chairs be allocated, as detailed in the Appendix to the report.

Background

- 4 For the forthcoming Municipal Year there is an expectation that the Chairs and Vice-Chairs of each of the Council's decision-making bodies be allocated by Council.

- 5 The Appendix to the report details the councillors allocated to the positions of Chair and Vice-Chair.

Reasons for Recommendations

- 6 To allocate the Chairs and Vice-Chairs of the Council's committees.

Other Options Considered

- 7 Whilst the Council could choose not to allocate the offices of Chairs and Vice-Chairs to the Council's committees this would create an administrative burden for those committees, given that a person would have to be appointed at each meeting to preside.

Implications and Comments

Monitoring Officer/Legal

- 8 The Annual Meeting of the Council appoints the Council's decision-making and other bodies. It also determines the allocations of Chairs and Vice-Chairs of these bodies.
- 9 The appointment of Chairs and Vice Chairs of Committee can only be made by full Council in accordance with the Council's Constitution.

Section 151 Officer/Finance

- 10 Some of the listed Chairs and Vice-Chairs attract a Special Responsibility Allowance, in accordance with the Council's Members' Allowances Scheme.

Policy

- 11 There are no direct implications for policy.

An open and enabling organisation

Ensure that there is transparency in all aspects of the Council's decision making.

Equality, Diversity and Inclusion

- 12 There are no direct implications for equality.

Human Resources

- 13 There are no direct implications for Human Resources.

Risk Management

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

Rural Communities

- 15 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)

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

Public Health

- 17 There are no direct implications for public health.

Climate Change

- 18 There are no implications relating to climate change.

Access to Information	
Contact Officer:	Brian Reed Head of Democratic Services and Governance brian.reed@cheshireeast.gov.uk
Appendices:	Appendix – Chairs and Vice Chairs
Background Papers:	None

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COUNCIL MEETING – 15 MAY 2024**RECOMMENDATION FROM CORPORATE POLICY COMMITTEE: REVIEW OF COMMITTEE STRUCTURE****RECOMMENDATION**

That Council be recommended that:

- 1. the Scrutiny Committee be retained.**
- 2. the functions of the School Governor Nomination Panel be delegated to the Executive Director of Children and Families in consultation with the Chair and Vice-Chair of the Children and Families Committee.**
- 3. the Cared for Children and Care Leavers Committee remain in place.**
- 4. the General Appeals Sub-Committee remain in place.**
- 5. the General Licensing Sub-Committee and Licensing Act Sub-Committee be amalgamated to form one sub-committee.**
- 6. normally, only Directors, Regulatory or Statutory Officers (as required by good practice) should attend committee meetings.**
- 7. working Groups and Boards be supported by the relevant service area and not Democratic Services.**
- 8. reports “for noting” should not normally be placed on agendas, unless there is a statutory requirement to do so, or where they relate to Performance Monitoring, Finance, Risk or LGO complaints. Instead, they be placed on the Members’ Bulletin, stored on the Councillors hub and made available to the public on the Council’s Open Data and Transparency Webpage; and**
- 9. the Director of Governance and Compliance be empowered to make any necessary changes to the Constitution to reflect the resolutions of full Council.**

Extract from the Minutes of the Corporate Policy Committee meeting on 21 March 2024

96 REVIEW OF COMMITTEE STRUCTURE

The Committee considered a report which provided an update on progress with delivering the MTFS saving to reduce the cost of democracy, and which proposed a

number of recommendations to Council to improve the future functionality of the committee system.

Members expressed support for the retention of the Scrutiny Committee.

It was felt that the chair of a committee should have discretion to allow a report for noting if they felt there was something about which the committee needed to be informed.

The Head of Democratic Services and Governance undertook to provide a written response to a question from members on how much of the planned budget savings of £135,000 in relation to the cost of Democracy had been achieved to date.

RESOLVED (unanimously)

That Council be recommended that

1. the Scrutiny Committee be retained;
2. the functions of the School Governor Nomination Panel be delegated to the Executive Director of Children and Families in consultation with the Chair and Vice-Chair of the Children and Families Committee;
3. the Cared for Children and Care Leavers Committee remain in place;
4. the General Appeals Sub-Committee remain in place;
5. the General Licensing Sub-Committee and Licensing Act Sub-Committee be amalgamated to form one sub-committee;
6. normally, only Directors, Regulatory or Statutory Officers (as required by good practice) should attend committee meetings;
7. working Groups and Boards be supported by the relevant service area and not Democratic Services;
8. reports “for noting” should not normally be placed on agendas, unless there is a statutory requirement to do so, or where they relate to Performance Monitoring, Finance, Risk or LGO complaints. Instead, they be placed on the Members’ Bulletin, stored on the Councillors hub and made available to the public on the Council’s Open Data and Transparency Webpage; and
9. the Director of Governance and Compliance be empowered to make any necessary changes to the Constitution to reflect the resolutions of full Council.

OPEN

Corporate Policy Committee

21 March 2024

Review of Committee Structure

Report of: David Brown – Director of Governance and Compliance

Report Reference No: CP/75/23-24

Ward(s) Affected: All Wards

Purpose of Report

- 1 This report updates the Committee on the progress with delivering the Medium-Term Financial Strategy (MTFS) saving to reduce the cost of democracy and proposes a number of recommendations for Council to consider as improvements to the future functionality of the Committee System, taking into account the MTFS saving agreed by full Council in February 2023.

Executive Summary

- 2 At its meeting on [13 December 2023](#), Council resolved that;

‘the functions of the Scrutiny Committee, Audit and Governance Committee and any other committee, sub-committee, panel or working group are reviewed to consider opportunities for streamlining and efficacy of delivery. The outcome of the review is presented to an all-member briefing in February 2024 and presented to Council. The following recommendations be adopted, subject to due process, to be overseen by the Corporate Policy Committee, committees will be either removed, modified or amalgamated and their functions re-distributed to alternative committees in a logical extension of the related functions of those alternative receiving committees.

A1) Cared for Children and Care Leavers Committee: to be amalgamated into the Children and Families Committee.
A2) Governor Nomination Panel: to be amalgamated into the Children and Families Committee.

A3) General Appeals Sub-Committee: The roles and responsibilities of this Sub-Committee (as identified below), will be disaggregated and allocated to be heard by the relevant service committees as and when required.

A4) General Licensing Sub-Committee and Licensing Act Sub-Committee be amalgamated:

A5) Where appropriate, only the Regulatory or Statutory Officers (as required by good practice) need attend committee meetings. Other officer attendance is to be rationalised and mitigated by their virtual attendance at meetings if needed’.

- 3 As agreed at full Council, an all-member briefing took place in February 2024 and the feedback and officer recommendations are now contained within this report.

RECOMMENDATIONS

That Corporate Policy Committee recommend to Council that:

1. The Scrutiny Committee either:
 - 1a. remain in place, or
 - 1b. Its remit be incorporated within the relevant Service Committees.
2. The functions of the School Governor Nomination Panel be delegated to the Executive Director of Children and Families in consultation with the Chair and Vice-Chair of the Children and Families Committee.
3. The Cared for Children and Care Leavers Committee remain in place.
4. The General Appeals Sub-Committee remain in place.
5. The General Licensing Sub-Committee and Licensing Act Sub-Committee be amalgamated to form one Sub-Committee.
6. Normally, only Directors, Regulatory or Statutory Officers (as required by good practice) should attend committee meetings.
7. Working Groups and Boards be supported by the relevant service area and not Democratic Services.
8. Reports “for noting” should not be placed on agendas, unless there is a statutory requirement to do so, or where they relate to Performance Monitoring, Finance, Risk or LGO complaints. Instead, they will be placed on the Members’ Bulletin, stored on the Councillors Hub and made available to the public on the Council’s Open Data and Transparency Webpage.
9. The Director of Governance and Compliance be empowered to make any necessary changes to the Constitution to reflect the resolution of full Council.

Background

Incorporating the functions of the Scrutiny Committee into those of the Audit and Governance Committee

- 4 Local authorities that operate under a committee system are not required to have a bespoke scrutiny committee, nor required to allocate all scrutiny functions to a single committee. There is no legal obstacle to the incorporation of scrutiny functions into those of another committee.
- 5 Therefore, each relevant service committee could become responsible for the statutory scrutiny functions of crime and disorder, flood risk management and health.
- 6 The scrutiny of the external functions, currently undertaken by the Council's bespoke Scrutiny Committee¹ could be allocated to the Audit and Governance Committee or the relevant service committees.

National Guidance

- 7 CIPFA guidance on Audit Committees² recommends that the audit committee should be "established so that it is independent of executive decision making and able to provide objective oversight" and "...in local authorities be independent of both the executive and the scrutiny functions". This guidance is supported by DHLUC and the Home Office.
- 8 The Centre for Governance and Scrutiny guidance 2021 "Audit committees and scrutiny committees: working together". This guidance recommends practical ways of the two committees working together to complement the roles of each committee but ensuring clear distinction in responsibilities and resources. The report recognised the concerns that a single committee risks conflicts of interests, spreading the resource of both councillors and officers too thinly and losing clarity over the distinct statutory functions of each function; "blurring the roles of these functions puts a council at significant risk of weak governance".³

¹ The discharge of the Council's responsibilities under section 19 of the Police and Justice Act 2006, section 244 of the National Health Service Act 2006, and section 9JA and 9JB of the Local Government Act 2000 in relation to flood risk management

² [Audit Committees: practical guidance for local authorities and police](#) (CIPFA, 2022)

³ [Audit committees and scrutiny committees: working together](#) (CfGS, 2021)

Considerations

- 9 The issues identified are:
- The skills and knowledge desirable for an effective Audit and Governance Committee are not aligned with those needed by Scrutiny Committee Members; significant further training would be required.
 - In accordance with national guidance, as highlighted above, the committee should be independent of the Scrutiny Committee.
 - Meetings would be lengthy, and the frequency of meetings may need to be increased, particularly if there are also standards/code of conduct matters to be considered.
 - The functions of the Scrutiny Committee would be more easily disaggregated to the relevant service committee agenda and there would be less impact on the workload of those committees.
 - The new committee responsible for both functions would need to consider whether a single function meeting would be required for scrutiny or audit. This may require the new committee schedule to retain or combining the meeting schedules of the previous committees.
 - The role of the two Co-opted Independent Members of the Audit and Governance Committee in a “combined” committee would need to be subject to policy and guidance development.

Savings

- 10 The financial savings associated with the transfer of the Scrutiny Committee to the Audit and Governance Committee, or Service Committees, would include:
- The special responsibility allowance (Scrutiny Committee Chair) - £7,959
 - Potentially associated meeting expenses: mileage claims, some administrative resource dependent upon how the new committee chooses to administer itself.
- 11 A Scrutiny Officer would still be required to support the delivery of the scrutiny function through preparation of reports etc; this expertise/capacity is not available in the services which support the Audit and Governance Committee.
- 12 The potential cost of additional training may reduce the saving in the initial years.

Member Feedback: Previous member feedback from the Audit and Governance Committee - The Audit and Governance Committee request that full Council note our concerns and defer the decision relating to the proposals recommended by the Corporate Policy Committee to merge the functions of the Audit and Governance and Scrutiny Committees, which is contrary to advice from CIPFA and the Centre for Governance and Scrutiny.

Officer Recommendation: Incorporating the functions of the Scrutiny Committee into those of the Audit and Governance Committee is not recommended by officers, for the reasons highlighted above. The officer preference would be to merge the functions of the Scrutiny Committee with those of the relevant service committees.

Recommendation A1) Cared for Children and Care Leavers Committee: To be amalgamated into the Children and Families Committee.

- 16 The Council has a statutory responsibility as a Corporate Parent. This function is currently undertaken by the Cared for Children and Care Leavers Committee. This function could be undertaken by the Children and Families Committee, however, an analysis of the impact on workload of that committee has been undertaken below:
- 17 During this municipal year, the Children and Families Committee will have considered 52 substantive items of business, and the Cared for Children and Care Leavers Committee will have considered 13 substantive items of business.
- 18 On average, Children and Families Committee meetings last approximately 3 hours. Merging the Children and Families Committee and the Cared for Children and Care Leavers Committee would increase the meeting of Children and Families Committee by approximately 1 hour.

Member Feedback - Concern was expressed about the potential for Children and Families meetings to become too lengthy if the committees were merged. Members also considered there was a risk of the corporate parenting role being diminished. Members supported keeping the committees separate but suggested that consideration be given to scheduling meetings on the same day as the Children and Families Committee to save time and expenses; this might also benefit working Members, who would only need to take a single day off work.

Officer Recommendation: That the Cared for Children and Care Leavers Committee remain in place, retaining the same function.

Recommendation A2) Governor Nomination Panel: To be amalgamated into the Children and Families Committee.

- 19 This function lies within the remit of the Children and Families Committee and could either be amalgamated within Children and Families Committee, or it could be a function delegated to Officers.

Member Feedback - The proposal that the function be delegated was supported by Members but in the interests of democracy, it was suggested that the Chair and Vice Chair of Children and Families Committee be consulted on nominations.

Officer Recommendation: That in order for the Children and Families Committee workload to be kept to a minimum, therefore allowing the Committee to concentrate on those matters of strategic importance and meeting the aims of the Corporate Plan, the functions of the School Governor Nomination Panel be delegated to Officers.

Recommendation A3) General Appeals Sub-Committee: The roles and responsibilities of this Sub-Committee will be disaggregated and allocated to be heard by the relevant Service Committees as and when required. When there is a Stage 2 appeal to be heard, the Sub-Committee (five Members drawn from a pool of ten) is legally required to convene a meeting within 40 working days and provide notification of the outcome within five working days.

- 20 Between 1 January 2023 and 31 December 2023, six meetings took place over which a total of 15 appeals were heard, which were all related to Transport Appeals - the average length of a meeting was 2.5 hours.
- 21 The Children and Families Committee would have to convene outside of the scheduled meetings to hear appeals within the 40-day timescale.
- 22 Each agenda for Children and Families Committee has an average of eight substantial items. The average length of these meetings is 3 hours. Incorporating General Appeals Sub-Committee into Children and Families Committee would extend the meeting on average by approximately 2.5 hours.

Member Feedback - Due to the operational nature of the General Appeals Sub-Committee, Members considered that it would be difficult to disaggregate its functions and supported the officer recommendation of retention.

Officer recommendation: That the General Appeals Sub-Committee remain in place.

Recommendation A4) General Licensing Sub-Committee and Licensing Act Sub-Committee: These will be amalgamated into a single Committee reflecting the intermittent nature of their requirements.

- 23 In addition, the new “General Licensing and Licensing Act Sub-Committee” will be scheduled either before or after the Licensing Committee wherever possible.
- 24 This will maximise best use of officer and member time and reduce the chronic difficulties currently experienced in terms of member availability from the recruitment ‘pool’.

Member Feedback - Members expressed no opinion upon whether to retain or merge the Sub-Committees but stated that, if they were to be retained as at present, the same suggestion proposed at A1 regarding the sequential scheduling of meetings should be considered.

Officer Recommendation: General Licensing Sub-Committee and Licensing Act Sub-Committee be amalgamated and arranged on an ad hoc basis due to objections to applications needing to be heard within 10 days.

Further Proposals

- 25 **Working Groups and Boards** - In total, the Democratic Services Team spend around one day per week in total servicing Working Groups and Boards.

Member Feedback - This approach (no support via Democratic Services) was supported by Members with the proviso that:

- i) Notes should be taken by service area officers at informal meetings but that alternative solutions be considered (e.g., transcripts);
- ii) The use of technology be employed (online meetings); and
- iii) Directorates be invited to review/justify the need for these Working Groups and Boards.

Officer Recommendation: It is proposed that the Democratic Services Team no longer support Working Groups or Boards, except for the

Shareholder Working Group, Constitution Working Group, Member Input Panel, Crewe Town Board and Enhancement Partnership Board.

- 26 **Reports “for noting”** – All committees regularly receive reports “for noting” where no decision is required. These take a great deal of Officer and Member time.

Member Feedback - There was some support amongst Members for the proposed approach, but it was suggested that reports “for noting” should be listed on a separate part of the agenda as, if they were only to be added to a central point such as a Hub, they may be overlooked, and it would also remove the opportunity to ask questions or raise concerns. If using a “Central Hub” was necessary, an alert system needed to be put into place to let Members know that a report was available for viewing.

Officer Recommendation: A report “for noting” only should not be placed on a committee agenda, unless there is a statutory requirement to do so, or where they relate to Performance Monitoring, Finance, Risk or LGO complaints. Instead, they will be placed on the Members’ Bulletin and stored in the Councillors Hub, and made available to the public on the Council’s Open Data and Transparency Webpage.

- 27 **Officer attendance at meetings should be limited** – Officers regularly attend the various committees of the Council, providing advice and support to Senior Officers and Members.

Member feedback - That the following general principle should apply:

- The essential Officers in attendance to be the Service Director and/or Executive Director, representative from legal, representative from finance, and Democratic Services officer.
- Presenting officers to be called into the meeting for their agenda item if the officer was working at the venue where the meeting was taking place.
- If working elsewhere, the officer to attend the meeting via Microsoft Teams for their item.

Officer Recommendation: Where appropriate, in addition to the Legal Adviser and Democratic Services Officer, only Executive Directors, Directors, Regulatory or Statutory Officers (as required by good practice) need attend committee meetings. Other officer attendance is to be rationalised and mitigated by their virtual attendance at meetings if

needed. This will be dependent on technology working on the day, which may create risks for timely decision-making.

Consultation and Engagement

- 28 The proposal to reduce the costs of democracy was consulted upon in January 2023 as part of the Council's MTFS budget engagement. The MTFS consultation received a total of 2,267 engagements with 665 survey responses made in relation to the proposal to reduce the costs of democracy. The proposal received strong net support (82%) during the consultation. Consultation responses highlighted that residents were supportive of this proposal as it was felt to have a lesser impact on local communities. If no change was made following a period of consultation, please explain why this is the case.
- 29 An All-Member briefing has been held following the resolution of full Council on 13 December 2023.

Reasons for Recommendations

- 30 To ensure that the Committee System remains fit for purpose, meeting the requirements of Cheshire East Council, partners, and residents.
- 31 To partially meet the saving identified in the MTFS.
- 32 It is best practice to regularly review the Council's Constitution.
- 33 To comply with the resolution of Full Council on 13 December 2023.

Other Options Considered

Option	Impact	Risk
Do nothing	The required MTFS saving will not be met. The Constitution is a living document, which needs to be kept under review to ensure that it is fit for purpose and that it meets the needs of the Council. Doing nothing is not appropriate, as this would not result in the Council learning from experience and improving.	Negative impact on the MTFS. That the Council will not implement changes to its decision-making structure in response to what it has learned from the experience of the last two years. Failure to meet Corporate Plan Priorities.

Implications and Comments

Monitoring Officer/Legal

- 34 The specific legal implications of the proposals are set out within the report. In addition, the reduction in the number of committees would have direct positive impact on the budget in relation to Member allowances, Member and Officer time and travel, etc. The removal of two substantive committees would enable a vacant post within the Democratic Services Team to be removed from the structure, which would save approximately £52,500. This position cannot be achieved from recommendations highlighted within this report alone.
- 35 The proposals give effect to the saving highlighted in the MTFS and the associated High Level Business Cases. If Members do not agree the proposals contained in this report, consideration would need to be given to additional changes to the MTFS to ensure that its proposals balance.
- 36 The proposed amendments to the Constitution are part of the continuing development and review of the Committee System, as well as required to meet the MTFS proposals as agreed by Council in February 2024. Although predominately to ensure consistency with a committee style of governance, changes require approval of Full Council such as those specifically relating to the amendments to terms of reference.
- 37 The Constitution contains details of how the Council works, how and by whom decisions are made as well as being the functioning rule book used by all Officers and Members in driving forward the business of the Council. Like any set of rules, it needs to remain current and consistent with the intent of Council and practicable in the delivery of the Council's objectives.
- 38 The core elements of the Constitution are set through various legislative regimes and the current Constitution appears to meet the substantive legal requirements. In the areas in which the Council has a discretion, the Constitution must also remain broadly reasonable and consistent with the objectives of the Council. Failure to keep the Constitution under review and adapt to the changing needs of the organisation will build in levels of risk into the decision-making process. Those risks may manifest themselves as delay, poor quality decisions or ultimately a challenge to the decision itself.

Section 151 Officer/Finance

- 39 It would not be possible to lose the full-time vacancy in the Democratic Services Team, as these proposals equate to approximately 7.5 hours per week in officer time.

- 40 Since Council agreed to the £135,000 budget saving in relation to the cost of Democracy, only one sub-committee has been removed from the committee structure. The proposals within this report, and the merger of Public Rights of Way Sub-Committee within the remit of the Highways and Transport Committee, do not equate to the loss of one post.
- 41 The proposals do not achieve any savings in relation to Special Responsibilities Allowances.

Policy

An open and enabling organisation

Ensure that there is transparency in all aspects of council decision making.

Equality, Diversity and Inclusion

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

Human Resources

- 43 Further Officer and Member training may be required resulting from any changes to the Constitution and committee structure.

Risk Management

The review of the operational effectiveness of the Committee System and supporting Constitution is an essential component of ensuring an open and enabling organisation and ensuring that there is transparency in all aspects of council decision making.

Rural Communities

- 44 There are no direct implications in relation rural communities.

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

- 46 The removal of the Cared for Children and Care Leavers Committee from the structure may impact on the responsibility of members as corporate parents.

Public Health

- 47 There are no direct public health implications.

Climate Change

- 48 There are no direct implications for climate change, although the Council would continue to pursue its climate change response by promoting paperless options to its approach to decision-making. Fewer committees would contribute to this.

Access to Information	
Contact Officer:	Brian Reed brian.reed@cheshireeast.gov.uk
Appendices:	None
Background Papers:	Previous report to Corporate Policy Committee and Full Council and hyperlinked throughout this report.

COUNCIL MEETING – 15 MAY 2024**RECOMMENDATION FROM CORPORATE POLICY COMMITTEE: PROPOSED CHANGES TO THE CONSTITUTION****RECOMMENDATION**

That that Council approve:

- (a) the amendments to the provisions regarding notices of motion in Chapter 3 Part 1 Section 1 of the Council's Constitution as set out in paragraph 9 of the report.
- (b) the amendments to the provisions regarding rescission of earlier resolution in Chapter 3 Part 1 Section 1 of the Council's Constitution as set out in paragraph 9 of the report.
- (c) the amendments to committee terms of reference for matters that cover more than one committee in Chapter 2 Part 2 of the Council's Constitution as set out in paragraph 10 of the report.
- (d) the amendments to the Rules of Debate for Motions and Amendments in Chapter 3 Part 1 Section 1 of the Council's Constitution as set out in paragraph 11 of the report.
- (e) the amendments to the application of the 3 day rule for notices of motion of in Chapter 3 Part 1 Section 2 the Council's Constitution as set out in paragraph 12 of the report.

Extract from the Minutes of the Corporate Policy Committee meeting on 21 March 2024

97 **PROPOSED CHANGES TO THE CONSTITUTION**

The Committee considered a report which proposed changes to the Constitution, as recommended by the Constitution Working Group, for recommendation to Council, and reported certain other amendments made by the Monitoring Officer under delegated powers. The proposed changes related to notices of motion, committee terms of reference and delegations to the Executive Director Place.

RESOLVED (by majority):

That the Committee

1. recommends that Council approve:

- (a) the amendments to the provisions regarding notices of motion in Chapter 3 Part 1 Section 1 of the Council's Constitution as set out in paragraph 9 of the report.
 - (b) the amendments to the provisions regarding rescission of earlier resolution in Chapter 3 Part 1 Section 1 of the Council's Constitution as set out in paragraph 9 of the report.
 - (c) the amendments to committee terms of reference for matters that cover more than one committee in Chapter 2 Part 2 of the Council's Constitution as set out in paragraph 10 of the report.
 - (d) the amendments to the Rules of Debate for Motions and Amendments in Chapter 3 Part 1 Section 1 of the Council's Constitution as set out in paragraph 11 of the report.
 - (e) the amendments to the application of the 3 day rule for notices of motion of in Chapter 3 Part 1 Section 2 the Council's Constitution as set out in paragraph 12 of the report.
2. notes the proposed amendments to be made by the Monitoring Officer to the delegations to the Executive Director Place in Chapter 2 Part 5 of the Council's Constitution as set out in paragraph 13 of the report.

OPEN

Corporate Policy Committee

21 March 2024

PROPOSED CHANGES TO THE CONSTITUTION

Report of: David Brown, Director of Governance and Compliance

Report Reference No: CP/77/23-24

Ward(s) Affected: all wards

Purpose of Report

- 1 The purpose of the report is to recommend the proposed changes to the Constitution, as agreed and recommended by the Council's Constitution Working Group, and to note other amendments made by the Monitoring Officer.
- 2 The proposed changes relate to various matters relating to notices of motions, committee terms of reference and delegations to the Executive Director Place.

Executive Summary

- 3 The Constitution sets out the governance framework for decision-making within the Council. This provides for the consideration and recommendation for approval, of any proposed changes to Full Council.
- 4 The Council's CWG has received a series of reports detailing proposed changes to the Council's Constitution and the reasoning for such changes. These related to various matters that are in line with the Council's corporate priorities.
- 5 After careful consideration of each proposal, the CWG agreed with the proposals and that they should be recommended to the Corporate Policy Committee for consideration and in turn recommended to Full Council. These proposals relate to the following matters;
 - (a) Amendments to the provisions regarding notices of motion
 - (b) Amendments to the provisions regarding rescission of earlier resolution

- (c) Amendments to provisions regarding committee terms of reference for matters that cover more than one committee
 - (d) Amendments by way of clarification as to the application of the 3 day Rule for Motions
- 6 In addition, the report advises the committee of proposed amendments to the Constitution to be made by the Monitoring Officer in respect of the delegations to the Executive Director Place, following the governments decision regarding the HS2 rail link.

RECOMMENDATIONS

The Corporate Policy Committee is recommended to:

1. Approve the amendments to the provisions regarding notices of motion in Chapter 3 Part 1 Section 1 of the Council's Constitution as set out in paragraph 9 of the report.
2. Approve the amendments to the provisions regarding rescission of earlier resolution in Chapter 3 Part 1 Section 1 of the Council's Constitution as set out in paragraph 9 of the report.
3. Approve the amendments to committee terms of reference for matters that cover more than one committee in Chapter 2 Part 2 of the Council's Constitution as set out in paragraph 10 of the report.
4. Approve the amendments to the Rules of Debate for Motions and Amendments in Chapter 3 Part 1 Section 1 of the Council's Constitution as set out in paragraph 11 of the report.
5. Approve the amendments to the application of the 3 day rule for notices of motion of in Chapter 3 Part 1 Section 2 the Council's Constitution as set out in paragraph 12 of the report.
6. Note the proposed amendments to be made by the Monitoring Officer to the delegations to the Executive Director Place in Chapter 2 Part 5 of the Council's Constitution as set out in paragraph 13 of the report.

Background

- 6 The Constitution sets out the governance framework for decision-making within the council.
- 7 On 5 February 2024 the Council's Constitution Working Group (CWG) received a series of reports detailing proposed changes to the Council's Constitution.

8 After careful consideration of each proposal, CWG agreed with the proposals and that they should be recommended for approval by the Corporate Policy Committee.

9 Chapter 3 Part 1 Section 1

The proposed amendments are set out in red below:

Notices of Motion

1.34 A Motion which, in the opinion of the Monitoring Officer;

- is inappropriate, frivolous, derogatory, offensive, vexatious or otherwise improper;
- is related to a Council employment or staffing matter;
- is potentially defamatory; or
- **Subject to the provisions of Paragraph 1.58**, is substantially the same as any motion submitted to a meeting of Council during the preceding 6 months will be returned to the Councillor who submitted it along with an explanation in writing to the Councillor about why it will not be included on the agenda for the meeting.

Rescission of Earlier Resolution

1.57 Subject to paragraph ~~1.60~~**1.58**, no motion or amendment shall be moved at a meeting of the Council to rescind any resolution of the Council which was passed within the preceding 6 months, or which is to the same effect as one which has been rejected within that period.

1.58 Such a motion may be moved if:

1.58.1 it is recommended by a Committee, or

1.58.2 notice of such motion has been given under paragraph ~~1.33~~**1.31** and signed by at least 8 Councillors.

Reasons for Recommendations

- a. The Constitution makes provisions for how Notices of Motion should be dealt with by Full Council. The currently worded provisions of Chapter 3 Part 1 Section 1 paragraph 1.34, give the Monitoring Officer power to return and therefore refuse motions and includes a motion if it covers matters which have been decided within the last six months. Rule 1.58 states that a decision of Council can be considered.
- b. within six months if (a) a committee recommends this reconsideration or (b) a motion is submitted under rule 1.32 to Council that is signed by 8 councillors. This results in a conflict. The proposed amendments therefore provide further clarity as to the power of the Monitoring Officer, by making that power subject to the provisions of 1.58.

- c. In addition, due to a typographical error, changes are required to the numbering of Chapter 3 Part 1 Section 1 paragraphs 1.57 and 1.58, so as to provide for the correctly numbered paragraphs as referenced.

10 Chapter 2 Part 2

Introduction to Decision Making

The current wording of Chapter 2 Part 2 paragraph 3 states;

Where a matter covers numerous Committee Terms of Reference or there is any dispute or disagreement between Committees on:

- *Whether something falls within a Committee's Terms of Reference; or*
- *A proposed course of action;*

the matter shall be referred to the Corporate Policy Committee (or full Council if more convenient) to resolve and decide upon a way forward.

The proposed new wording is;

Where a matter covers more than one Committee's Terms of Reference or there is any lack of clarity, dispute or disagreement as to which is the appropriate committee on:

- *Whether something falls within a Committee's Terms of Reference; or*
- *A proposed course of action;*

The matter shall, in consultation with the relevant Committee Chair, vice chair and main opposition group member, be placed on the agenda of the Committee where the majority of the matter, report or recommendations/s fall within a particular Committee's terms of reference or where there is the greatest impact on the budget for which the Committee has responsibility ('the majority committee'). Prior to the matter being placed on the agenda, the report on the matter will be circulated to the non-majority committee members ('the minority committee') for comments, which will be provided by way of a verbal update to the majority committee, when the matter is presented. The Chair or any other member of the minority committee may attend that meeting to speak on the item and the Chair of the majority committee will exercise their discretion in favour of allowing them to do so, subject to time constraints and the effective conduct of the meeting. In the event of a failure to agree to the matter being placed upon the agenda of the majority committee, the matter will be placed upon the agenda of the Corporate Policy Committee (or full Council if more convenient) to resolve. This provision shall also apply to matters referred from external bodies and/or partners.

Reasons for Recommendations

- a. The Council's Constitution makes provision for matters that cover the terms of reference of various committees, or if there is a dispute or disagreement between

committees, to be referred to Corporate Policy Committee (CPC) or Full Council 'if more convenient'. This would appear to also cover where a matter is presented by external bodies and/or partners.

- b. This provision has proved problematic and caused confusion and in addition, places a burden on CPC, which is already a very busy committee and may lead to matters going to Full Council unnecessarily. The proposal is to amend the provisions within the Constitution to provide further clarity as to when and where such matters should be referred and provide that referral to CPC or Full Council should be as a last resort.

11 Chapter 3 Part 1 Section 1

The proposed amendments are set out in red below;

Rules of Debate

Motions and Amendments

No ~~motion or~~ amendment shall be discussed unless it has been proposed and seconded. Except where the Mayor determines that a proposed amendment is exceptional (for example, where the proposer of the amendment could not reasonably have foreseen that they would wish to propose the amendment until after the deadline set for submission), ~~motions or~~ amendments shall be put in writing and submitted to the Monitoring Officer not less than three clear working days before the Council meeting. The Monitoring Officer will be responsible for validating the amendment as lawful, in which case the amendment may be proposed and seconded as part of the debate upon the agenda item in question. The Monitoring Officer may only disallow an amendment on the grounds that it is unlawful. Where the Mayor determines that a proposed amendment is exceptional, it may be proposed at the Council meeting and, if seconded, will be debated and voted upon at the Council meeting. The Mayor may require the amendment to be submitted in writing to him or her during the meeting unless the Mayor has concluded that the wording of the amendment is understood by all members of the meeting.

Reasons for Recommendations

12 Chapter 3 Part 1 Section 2

The proposed amendments to rule 2.30 are set out in red below;

Rules of Debate at Committees and Sub-Committees

*Rules of debate shall be the same as for Council meetings **except that the requirement for amendments to be submitted to the Monitoring Officer not less than three clear days before the meeting shall not apply to meetings of committees and sub-committees.***

Reasons for Recommendations

- a. As part of the Annual Review of the Committee System, consideration was given to the wording and operation of parts of the Constitution. One part in was that relating to motions and amendments as set out in the Rules of Procedure in Chapter 3 Part 1 Section 1 and specifically rule 1.41, which deals with Motions and Amendments. Amendments were approved by Full Council on 19 July 2023, which in particular included a requirement for three clear days notice.
- b. However, it has now been noted that Rules of Procedure in Chapter 3 Part 1 Section 2 rule 2.30 states that the rules of debate shall be the same as for Council meetings. This means that the 3 days requirement applies to committees and sub-committees. As this was not was intended, the proposed amendments mean that the 3 days requirement only applies to amendments of matters to be dealt with by Full Council.
- c. In addition, rule 1.41 refers to 'Motions and Amendments' and the timescale now conflicts with that in 1.31, which provides for 7 clear days notice. It is therefore proposed, to avoid confusion, that that the reference in paragraph 1.41 to 'motions' and 'motion' is removed.

13 Chapter 2 Part 5

The Monitoring Officer has powers under Chapter 1 paragraph 40, to make minor adjustments to the Constitution. The proposed amendments he proposes to make to paragraph 53 are set out in red below;

Delegations to Executive Director Place

Infrastructure and Highways

- Strategic Transport Planning and Local Transport Pla Infrastructure and Highways
- Strategic Transport Planning and Local Transport Plan
- Public Transport including local bus and rail services
- Walking, Cycling and Active Trave Parking Services - Operations and Enforcement
- Traffic Management • Highways Management and Maintenance
- Highways Service Contract Management
- Highways and Transport Capital Programme
- Flood Risk Management
- ~~HS2~~ Crewe ~~Hub~~ Railway Station Redevelopment
- ~~HS2~~ ~~Line of Route~~
- ~~HS2 Schedule 4~~ approvals and consents
 - Northern Powerhouse Rail
 - Network North

Reasons for Recommendations

- a. At the meeting of Full Council on 13 December 2023, a report was considered regarding the cancellation of HS2 and the implications for Cheshire East.

The decision of Council was;

RESOLVED: *That Council*

1 note the implications of the HS2 cancellation and introduction of Network North for Cheshire East.

2 continue to support the principles of HS2 as a catalyst for growth across the North.

3 authorise the Executive Director of Place, in consultation with the HS2 Member Reference Group, to negotiate with central government for an appropriate compensation and alternative investment package for Cheshire East to deliver transport improvements and unlock regeneration across the Borough.

4 approve the amendments to the remit of the HS2 Member Reference Group proposed in the report.

The decision to add these to the list of delegations ensures that they become constitutional officer delegations enabling the officer to act quickly to make decision in the best interests of the Council.

Consultation and Engagement

- 14 All proposed changes have been considered and approved for recommendation to committee by the Constitution Working Group or noted in relation to those made by the Monitoring Officer.

Reasons for Recommendations

- 15 As set out above.

Other Options Considered

- 16 Another option would be to leave the constitution unchanged and not achieve the outcomes identified within the reasons for the recommendations.

Option	Impact	Risk
1. Do nothing	This is not considered to be a suitable alternative option as there needs to be clarity within the constitution to enable the effective and	Failure to achieve the outcomes identified and impacts stated.

<p>2. Adopt only some of the proposed amendments.</p>	<p>efficient operation of the organisation and its committees. The Constitution is a living document, which needs to be kept under review to ensure that it is fit for purpose and that it meets the needs of the Council. As for option 1.</p>	<p>As for options 1.</p>
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Implications and Comments

Monitoring Officer/Legal

17 The legal implications are as set out in the report.

Section 151 Officer/Finance

18 There are no financial implications arising directly from the report.

Policy

19 The recommended changes to the Constitution will, if agreed, result in constitutional change. They will facilitate an open and enabling organisation and ensure that there is transparency in all aspects of council decision making.

An open and enabling organisation

Ensure that there is transparency in all aspects of council decision making

The council to be seen as being a fair open and transparent organisation and able to demonstrate it

To increase local democracy

Equality, Diversity and Inclusion

Human Resources

20 There are no direct implications arising from this report.

Risk Management

21 There are no risks arising from the report.

Rural Communities

22 There are no implications arising from the report.

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

23 There are no implications arising from the report.

Public Health

24 There are no implications arising from the report.

Climate Change

25 There are no implications arising from the report.

Access to Information	
Contact Officer:	Janet Witkowski - Head of Legal Services and Deputy Monitoring Officer Janet.Witkowski@cheshireeast.gov.uk
Appendices:	N/a
Background Papers:	N/a

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COUNCIL MEETING – 15 MAY 2024**RECOMMENDATION FROM THE HIGHWAYS AND TRANSPORT COMMITTEE: A500 CREWE CORRIDOR APPROVAL OF SUPPLEMENTARY ESTIMATE****RECOMMENDATION:**

That Council approve a Supplementary Capital Estimate for £2.435m, to a new capital scheme in the MTFS titled ‘A500 Corridor OBC Update’ that is fully funded by the DfT to provide funding for the preparation of the Outline Business Case Update for a revised scheme. This forms a change to the MTFS approved at Council on 27 February 2024

Extract from the minutes of the Highways and Transport Committee meeting on 4 April 2024.

43 A500 CREWE CORRIDOR

The Committee considered the report which set out proposals to update the Outline Business Case for the A500 Dualling Scheme in response to the government’s cancellation of HS2. Cllr Janet Clowes addressed the committee as a visiting member and raised a number of questions in relation to S106 monies, active travel, rural communities, risk management and spending obligations. Officers committed to providing a written response.

The Committee noted that the scheme was still considered financially viable and was included in the approved MTFS. Members queried the % used to calculate future inflation. Officers committed to providing a written response but confirmed that this % had been calculated in line with national predictions.

It was noted that an updated Outline Business Case would be added onto the Work Programme in approx. 18 months time for the committee to consider.

RESOLVED (by majority): That the Highways and Transport Committee

1. Authorise the Director of Highways and Infrastructure to:
 - a. Take all steps necessary to prepare an Updated Outline Business Case for a redefined A500 Scheme to produce a fundable scheme to be brought to a future meeting of the committee for approval for submission to the Department for Transport. (Appendix 2 is a non-exhaustive list of the types of work that will be required)
 - b. Appoint a contractor through the SCAPE Framework to provide a scheme design and delivery feasibility report for any new elements of the updated scheme and to continue to develop those elements of the original scheme that remain.
2. Authorise the Head of Estates to:

a. Where land negotiations for the full A500 Dualling scheme are advanced, to continue to seek to acquire the land and rights required, by agreement, to support the delivery of the updated scheme objectives and so that the full scheme could be implemented at a future time, should funding be made available, and to instruct the Director of Governance and Compliance to negotiate and enter into any agreement necessary to complete such acquisitions.

b. Recommend that Full Council approve a Supplementary Capital Estimate for £2.435m, to a new capital scheme in the MTFS titled 'A500 Corridor OBC Update' that is fully funded by the DfT to provide funding for the preparation of the Outline Business Case Update for a revised scheme. This forms a change to the MTFS approved at Council on 27 February 2024.

c. Recommend to the Chair of the Finance Sub Committee and the S.151 Officer that expenditure be approved from the existing A500 scheme budget on the following:

i. Completion of the purchase of land, by agreement, that will also be necessary for any redefined scheme, or to support the future implementation of the full dualling, should funds become available.

ii. Costs of "mothballing" the existing A500 scheme in terms of meeting existing commitments, finishing pieces of work, paying outstanding fees, etc which is estimated at up to £2m (£1m in 2024/25 and £1m in 2025/26) and is included in the MTFS approved by Council on 27 February 2024 as a scheme requiring further approval before further expenditure.

3. Authorise the Director of Governance and Compliance to:

a. Withdraw:

i. the sealed and made Compulsory Purchase Order known as "The Cheshire East Council (A500 Dualling Meremoor Moss Roundabout to M6 Junction 16) Compulsory Purchase Order 2023" and,

ii. (b)the sealed and made Side Roads Order known as "The Cheshire East Council (A500 Dualling Meremoor Moss Roundabout to M6 Junction 16) (Classified Road) (Side Roads) Order 2023" both made on 4 July 2023.

b. Undertake all necessary and appropriate notification processes to inform all affected landowners (as named in the schedule to the CPO and as notified of the SRO), Statutory Undertakers and the National Casework Team at the Department for Transport of the formal withdrawal of the Orders.

OPEN

Highways and Transport Committee

4 April 2023

A500 Crewe Corridor

Report of: Tom Moody – Director of Highways & Infrastructure

Report Reference No: HTC/01/24-25

Ward(s) Affected: Haslington

Purpose of Report

1. To authorise the preparation of an Updated Outline Business Case for a redefined A500 Dualling Scheme in response to the government's cancellation of the northern sections of HS2.
2. To approve the withdrawal of the current Compulsory Purchase Order and Side Roads Order for the existing A500 scheme, pending the development of the Updated Outline Business Case.
3. This report contributes to developing a transport network that is safe and promotes active travel, which is listed as a key priority in the Council's Corporate Plan.

Executive Summary

4. This report recommends a change to the scope of the Council's existing A500 scheme which has become necessary as a result of the cancellation of HS2 to Crewe. The change would ultimately result in the removal of all scheme costs from the Council (which were previously £34m), those funds being replaced by additional Department for Transport funding.
5. This report is a result of recent discussions with the Department for Transport, the outcome of which represent a major achievement and will deliver a significant improvement to our current capital budget position.
6. The business case for the scheme in its current form relied heavily on the arrival of HS2 at Crewe following the HS2 Phase2a Hybrid Bill which gained Royal Assent in 2021.

7. The promoters of HS2 had also agreed to contribute financially to the A500 Dualling Scheme as it would help to mitigate the effects of HS2 construction traffic on the road network.
8. Cancellation of the northern section of HS2 to Crewe, along with recent exceptionally high construction inflation rates has therefore undermined the business case that supported the scheme's inclusion in the Department for Transport's (DfT) Major Road Network (MRN) programme. This means that it is highly unlikely that the existing scheme would be successful at Full Business Case stage, meaning it would not receive the DfT grant allocation of £55.1m and the significant costs incurred by the Council of developing the scheme to that point would be abortive.
9. This report recommends that the Council revises the scope of the A500 scheme via the preparation of an Updated Outline Business Case for a redefined A500 scheme to mitigate the impacts of the cancellation of HS2, whilst retaining the scheme's position in the Major Roads Network Programme and increasing the MRN grant funding towards the scheme.
10. The report recommendations include the withdrawal of the Compulsory Purchase Order ("CPO") and Side Roads Order ("SRO") for the full dualling scheme whilst, where possible, completing land acquisitions required for the construction of the full scheme at a future date, should further funding become available.
11. The report outlines why this approach will result in a significantly improved financial outcome for Cheshire East in terms of the funding for an updated scheme which would maximise the value of this Government investment in Cheshire East in the absence of HS2.

RECOMMENDATIONS

The Highways and Transport Committee is recommended to:

1. Authorise the Director of Highways and Infrastructure to:

- a. Take all steps necessary to prepare an Updated Outline Business Case for a redefined A500 Scheme to produce a fundable scheme to be brought to a future meeting of the committee for approval for submission to the Department for Transport. (Appendix 2 is a non-exhaustive list of the types of work that will be required)
- b. Appoint a contractor through the SCAPE Framework to provide a scheme design and delivery feasibility report for any new elements of the updated scheme and to continue to develop those elements of the original scheme that remain.

2. Authorise the Head of Estates to:

- a. Where land negotiations for the full A500 Dualling scheme are advanced, to continue to seek to acquire the land and rights required, by agreement, to support the delivery of the updated scheme objectives and so that the full scheme could be implemented at a future time, should funding be made available, and to instruct the Director of Governance and Compliance to negotiate and enter into any agreement necessary to complete such acquisitions.
- b. Recommend that Full Council approve a Supplementary Capital Estimate for £2.435m, to a new capital scheme in the MTFS titled 'A500 Corridor OBC Update' that is fully funded by the DfT to provide funding for the preparation of the Outline Business Case Update for a revised scheme. This forms a change to the MTFS approved at Council on 27 February 2024.
- c. Recommend to the Chair of the Finance Sub Committee and the S.151 Officer that expenditure be approved from the existing A500 scheme budget on the following:
 - i. Completion of the purchase of land, by agreement, that will also be necessary for any redefined scheme, or to support the future implementation of the full dualling, should funds become available.
 - ii. Costs of "mothballing" the existing A500 scheme in terms of meeting existing commitments, finishing pieces of work, paying outstanding fees, etc

which is estimated at up to £2m (£1m in 2024/25 and £1m in 2025/26) and is included in the MTFS approved by Council on 27 February 2024 as a scheme requiring further approval before further expenditure.

3. Authorise the Director of Governance and Compliance to:

- a. Withdraw :
 - i. the sealed and made Compulsory Purchase Order known as "The Cheshire East Council (A500 Dualling Meremoor Moss Roundabout to M6 Junction 16) Compulsory Purchase Order 2023" and,
 - ii. (b)the sealed and made Side Roads Order known as "The Cheshire East Council (A500 Dualling Meremoor Moss Roundabout to M6 Junction 16) (Classified Road) (Side Roads) Order 2023".

both made on 4 July 2023.

- b. Undertake all necessary and appropriate notification processes to inform all affected landowners (as named in the schedule to the CPO and as notified of the SRO), Statutory Undertakers and the National Casework Team at the Department for Transport of the formal withdrawal of the Orders.

Background

12. The A500 Dualling scheme involves the construction and widening of the existing A500 for 3.3km from Mere Moor Moss Roundabout to the east to the roundabout servicing the M6 at Junction 16.
13. The Council is the promoter of the existing A500 Dualling scheme and submitted a business case for the scheme to the Department for Transport (DfT) in 2018 as part of a competitive national process. The Council was successful in the process and the scheme was included in the DfT's Major Roads Network (MRN) programme, along with the award a provisional grant allocation of £55.1m. The total estimated scheme cost is £89.5m.
14. After scheme development and design, the scheme obtained planning permission in February 2023.
15. The Council made and published a Compulsory Purchase Order and Side Roads Orders (CPO / SRO) to acquire the land and rights to construct the A500 Dualling scheme in July 2023.
16. The CPO / SRO objection period took place between July 2023 and September 2023 and five objections were received. The Council is therefore required to follow the statutory process which would normally involve the matter being determined before an inspector at a public inquiry.
17. On 4 October 2023, the Prime Minister announced that the northern sections of the HS2 project were to be cancelled. This included the legs immediately south of Crewe (Phase 2a) and the length between Crewe and Manchester (Phase 2b).
18. The Outline Business Case (OBC) that had been submitted to DfT to gain the provisional grant award was in line with the Treasury's five case model and in line with government guidance on the modelling and appraisal of transport schemes.

19. The OBC for the A500 Dualling Scheme was strongly linked to Government's proposed investment in HS2, and the planned HS2 services at Crewe Station, with one of the Scheme's Objectives as follows:
 - (a) To support the delivery of key national infrastructure e.g. HS2 and the Crewe Hub Station.
20. Furthermore, HS2 was also providing funding for the scheme in recognition that the dualling scheme would provide necessary capacity for the construction traffic needed to build HS2 Phase 2b. The exact value of this support had yet to be confirmed; but was expected to be several million pounds.
21. The cancellation of HS2 therefore has undermined the Strategic Business Case for the current A500 Dualling scheme.
22. Recent changes to the DfT scheme assessment guidance (WEBTAG) and the exceptionally high levels of inflation in recent years prompted the Council to commission an assessment of the estimated Benefit Cost Ratio (BCR) for the present scheme, if it progressed to Full Business Case submission. This assessment concluded that the BCR would be likely to be in the "Low" category, with a risk of dropping into the "Poor" category.
23. As a result of the combined impacts on the Strategic Business Case and the scheme's Benefit Cost Ratio, it is now thought unlikely that the existing scheme could obtain a positive investment decision at Full Business Case stage (the final stage of funding decision making) in its current form.
24. The Council has therefore now paused progress with the statutory process so that consideration can be given to updating the current scheme to deliver a wider set of benefits that would mean that it would still be fundable.
25. As part of the Council's overall response to the cancellation of the northern sections of HS2, discussions have been held with DfT officials to assess if the A500 Dualling scheme could be modified to address the impacts of the cancellation of HS2 on the scheme's business case whilst retaining the investment (and therefore DfT grant) in the current programme.
26. The outcome of those discussions is that DfT have agreed that an Updated Outline Business Case for the A500 scheme is justified due to the unexpected and direct impacts caused by Government's decision to cancel HS2. DfT has suggested that an update to the OBC should be prepared, which they are prepared to fully fund. If approved, this would allow a modified A500 scheme to remain on the DfT Major Roads

Network programme and progress towards a Full Business Case for DfT funding with the additional work to revise the scheme scope and prepare the OBC update to be funded by the DfT. This report recommends commencing the preparation of an Updated OBC.

27. It should be noted that if the Updated Outline Business Case (OBC) is accepted by DfT, then the Council would normally need to forward fund the further development of the scheme towards Full Business Case submission at risk. As the precise details of the redefined scheme are obviously not available yet, the costs of taking the scheme from OBC to FBC can only be approximately estimated, but these could be in the order of £3m – which would all ultimately be funded by DfT following FBC approval as part of the total scheme costs.
28. Having had the Updated OBC approved, however, the risk of the scheme not progressing would be minimised and the likely costs of progressing the scheme to FBC would be more accurately known. A decision as to whether the Council would forward fund the development of the FBC would be taken at that time.

Consultation and Engagement

29. The preparation of the updated A500 Scheme and Outline Business Case will be subject to consultation with existing key stakeholders of the current scheme and any new stakeholders that may be identified in the development of the updated scheme in line with an engagement plan which will be prepared as part of the work towards the Outline Business Case.
30. Any further planning application that may/will be required to implement the updated scheme will be subject to the usual statutory public consultation process.

Reasons for Recommendations

Updated A500 Scheme

31. The DfT discussions referred to above have resulted in agreement that an updated scheme could be more focussed on improving access to Crewe Railway Station from the A500 corridor for all modes of transport, whilst retaining the key element of the scheme which address congestion on the A500, that being the improvement of Mere Moor Moss Roundabout and the approaches to it.
32. It is thought that such a refocussed scheme would deliver a large proportion of the transport benefits of the current scheme (by improving the roundabout) as well as wider transport and regeneration benefits that would come from improving road access to Crewe Station. Subject to further feasibility work, such a scheme could deliver greater transport

benefits than the existing scheme at an equivalent, or less cost and would therefore present better value for money, making it a more investable scheme for the DfT through the Major Roads Network Programme, as it would have a higher benefit cost ratio under the current scheme assessment guidance.

33. Another advantage of an updated scheme is that following the “Network North” announcement on funding uplift following the cancellation of the northern sections of HS2, the A500 scheme is now expected to receive up to 100% DfT grant towards the estimated total scheme costs at Updated Outline Business Case stage.
34. Previously, the DfT grant was for 85% of OBC costs. As the current scheme’s OBC was completed in May 2019, ie before the recent exceptional construction inflation rates, the estimated scheme costs were significantly lower than they are now. An updated Outline Business Case would “re-base” the costs of the scheme to current prices and thus, in principle, require much less or no local contribution as the DfT grant would be 100% of the re-based costs. This would be a significant advantage to the Council as the current funding arrangements require a local contribution of £34.4m to the existing scheme (including developer S106 contributions). This is also explained in the Financial Implications section.
35. Appendix 1 is a schematic plan to indicate the types of improvements that may be provided as part of an updated A500 scheme. It is not an exhaustive set of interventions. More options would be considered as part of the process towards an Updated OBC. Recent discussions with DfT have confirmed that this approach and possible interventions would be eligible for MRN funding.
36. In order for the Council to provide DfT with an acceptable Updated OBC, the Council must adhere to the following principles:
 - (a) the overarching scheme objectives must be largely consistent with those for the existing scheme aside from those that are directly related to HS2.
 - (b) the updated scheme must be for interventions that are permitted for funding from within the DfT’s Major Roads Network Programme.
37. The Updated OBC will be a significant piece of work. It will contain a full business case appraisal of the updated scheme. It may take approximately 18 months to complete. Prior to making a full commitment to produce a full Updated OBC, there will be an interim stage, after initial feasibility work but prior to the detailed work, where officers will need to consider the likelihood of the Updated OBC being approved by the DfT, taking into account, amongst other factors, the likely benefit cost ratio of

the updated scheme. This will inform a decision on whether to proceed to completion of the Updated OBC.

38. It is anticipated that a further report will be brought to this committee to consider the completed Updated OBC and to consider its submission to DfT for their approval.

Future implementation of the full A500 Dualling scheme

39. The long term aim of the Council is still be to promote the full dualling of the section the A500 between Meremoor Moss roundabout, it is unlikely that current scheme will receive a positive funding decision from DfT at Full Business Case stage for the reasons stated above.
40. A prime objective of the updated scheme therefore should be that should a funding opportunity arise in the future, then the full dualling scheme could be completed i.e. nothing in the updated scheme should prejudice the future completion of the dualling scheme.

Withdrawal of Compulsory and Side Road Orders

41. The Background section of this report describes why the A500 Dualling scheme in its current form is now unlikely to receive a positive funding decision from DfT at the Full Business Case stage.
42. In order to take a Compulsory Purchase Order forward, the Council needs to show how it can justify the proposal to compulsorily acquire the land needed for the scheme.
43. The Council as the acquiring authority needs to be sure that that the purposes for which the compulsory purchase order is made justify the interfering with human rights of those with an interest in the land affected.
44. The minister when confirming the order has to take a balanced view between the intentions of the authority and the concerns of those with an interest in the land. In order to do this the Council must be able to demonstrate that there are sufficiently compelling reasons for the powers to be sought and that the scheme is unlikely to be blocked by any physical, resource or legal impediments. Resources impediments include the sources of funding and the timing of the funding. Given the above, that there is a doubt over securing the necessary funding for the current scheme from the DfT, it will be necessary to withdraw both the CPO and the SRO.

Land and rights acquisition

45. The recommendations in this report to continue to acquire land and rights necessary for the full dualling scheme supports the continued aim of the council to promote the full dualling of the A500.

46. There are parcels of land which would be required for both the existing dualling scheme and the re-defined scheme. Where this is the case, it is recommended in this report that acquisition by agreement is progressed, the costs of which would form part of the redefined A500 scheme costs.

Other Options Considered

Option	Impact	Risk
Do nothing (i.e. continue to pursue completion of the current A500 Dualling Scheme.	<ul style="list-style-type: none"> The Council would attend the planned public inquiry into the CPO / SRO's and continue to work towards a Full Business Case for the full scheme. If the scheme received Full Business Case approval (which is unlikely), this would result in the Council contributing either £16m or £27m towards the scheme, subject to confirmation of DfT Uplift of £11m), compared with a nil contribution for the recommended option. The Council funding required to take the existing scheme through the Public Inquiry and to Full Business Case is estimated at £1.65m to add to the £11m scheme development costs to date. 	<ul style="list-style-type: none"> It would be difficult to be successful at the Inquiry in the current circumstances (see above) If the scheme passed the public inquiry stage, based on current evidence, it is unlikely the DfT would reach a positive investment decision. If the Full Business Case was not approved, this could not be recouped. The Council's total expenditure to that point (FBC approval) on the scheme (approx. £11.3m) would be charged to the revenue account, unless a capitalisation directive was received to allow it to be capitalised. However, this could not be guaranteed.
Cancel the A500 scheme altogether.	<ul style="list-style-type: none"> The Council would inform the DfT that they are withdrawing the scheme and all work would cease on scheme development. The scheme would lose its place on the national Major Roads Network programme and the anticipated DfT 	<ul style="list-style-type: none"> The Council would need to write off the work done to date on the scheme and the cost of this work (c£11m) would need to be funded from the revenue account unless a capitalisation directive was received to allow it to be capitalised. However, this could not be guaranteed.

	<p>grant of £55.1m would be lost.</p> <ul style="list-style-type: none"> • Uncertainty around the project would cease. • An improvement scheme would still be needed at Meremoor Moss roundabout to enable the delivery of key elements of the Council's Local Plan 	<ul style="list-style-type: none"> • There would be significant reputational risks to the Council with Government, especially as the OBC update option was recommended and would be funded by DfT. This is likely to impact the Council's ability to secure future DfT funding through future planned MRN rounds and Network North Local Integrated Transport Settlement funding.
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Implications and Comments

Monitoring Officer/Legal

47. The power to withdraw the Compulsory Purchase Order and the Side Roads Order for the existing A500 Dualling scheme were delegated to the Director of Governance and Compliance by the Committee on 13 January 2022.
48. The circumstances outlined in this report mean that there are impediments to implementation of the existing A500 Dualling scheme, so the Council will need to withdraw the orders. The Council cannot justify the use of compulsory purchase powers as it no longer has sufficient compelling reasons to do so.
49. When the updated scheme is fully developed, the S106 developer contributions to the scheme referred to in this report will need to be assessed to confirm that the contributions can still be applied to the updated scheme.

Section 151 Officer/Finance

50. The existing A500 Dualling scheme is included in the Medium Term Financial Strategy (MTFS) and is shown as fully funded by a combination of DfT grant funding, S106 developer contributions (to be forward funded by the Council) and by a Council direct contribution, as shown in **Table 1** below.
51. **Table 1** shows the Council's contribution to the current scheme to be £27.0m which will be required to be funded from prudential borrowing. Where the S106 contributions are not yet received by the date of construction, they will be also forwarded funded by the Council in line with

previous Cabinet / Committee approvals to give a maximum Council contribution of £34.4m.

52. **TABLE 1 – Existing funding arrangements for A500 Full Dualling scheme**

	£m		
DfT Grant (of which £1.8m received)	55.1		
Local Contribution	34.4	Made up as follows:	£m
		Secured S106 contributions (paid)	1.6
		Secured S106 contributions (not yet paid)	0.8
		Anticipated S106 contributions	5.0
		CEC capital contribution	27.0
		(Sub-total)	34.4
Total Funding	89.5		

53. **Table 2** below shows the potential funding position of an Updated A500 scheme if the funding principles that are being discussed with DfT are confirmed.
54. If it assumed that the updated A500 scheme would have broadly the same scheme costs as the current scheme (This may not actually be the case – but can be used for now to allow a direct comparison to be made) and the DfT agreement to “re-base” the scheme costs when the new OBC is approved (as described earlier in the report), then the funding position could change to as shown in the **Table 2** below.

55. **TABLE 2 – Funding arrangements for proposed Updated A500 scheme following DfT discussions:**

	£m		
DfT Scheme Grant (of which £1.8m already received)	82.1		
Further DfT Grant for development of Updated OBC)	2.4		
Local Contribution	7.4	Made up as follows:	£m
		Secured S106 contributions (paid)	1.6
		Secured S106 contributions (not yet paid)	0.8
		Anticipated S106 contributions	5.0
		CEC capital contribution	0.0
		(Sub-total)	7.4
Total Funding	91.9		

56. The table shows that if the Updated OBC is accepted by DfT along with the “re-basing” principle, then there would be no Council contribution to the scheme. This is compared to the up to £34.4 m which is included in the current MTFS.
57. The production of the Updated OBC will take approximately 18 months, so implementation of the updated A500 scheme would be delayed by approximately 2 years (allowing for DfT approvals) compared to the current programme for the existing scheme.
58. A 2 year delay to the implementation profile for the A500 Dualling Scheme was incorporated into the MTFS as approved by Council on 27 February 2024. A residual budget for 2024/25 and 2025/26 was retained to enable the Council to undertake the necessary work regarding land negotiations, land purchase, CPO procedures and/or mothballing the scheme, which are covered in the recommendations of this report.
59. If the recommendations in this report are accepted, the expenditure profile of the A500 scheme would not need to be adjusted from the profile in the MTFS approved by Council on 27 February as the £2m allocated between 2024/25 and 2025/26 would be sufficient to fund the costs relating to the report’s recommendations.
60. It should also be noted that until the OBC, and then ultimately the Final Business Case (FBC) are approved by DfT, the updated scheme cannot progress to construction as the full DfT scheme funding (which would be a

grant) would not be made available. DfT however are in the process of agreeing to fund all of the estimated £2.435m development costs for the Updated OBC, which would not be refundable if, for example, the Updated OBC was ultimately not approved by DfT. This removes a significant part of the development risk from the Council.

61. All the tables above contain the approximately £11m of costs to date which have been spent on developing the full dualling scheme and on acquiring land and rights necessary to construct it. Discussions are underway with DfT to determine precisely how these costs will be accounted for within the overall updated scheme costs. The Council's aim is that these costs are fully re-imbursed as part of the final funding arrangements.
62. The Council will continue to seek contributions from developments that will benefit from the mitigation provided by this scheme. This will be done in order to firstly minimise any funding required from the Council and then from the DfT grant.
63. The existing A500 scheme is currently identified as a scheme that is subject to a capital review and cannot proceed until that review is completed. The capital review is not complete. Any urgent requests to spend on the scheme prior to the completion of the review requires approval from the Chair of the Finance Sub Committee and the S.151 Officer. Recommendation 2c is for this committee to make that request.
64. The work to prepare the Updated OBC is externally funded and an Supplementary Capital Estimate is appropriate for this element of the proposal.
65. With adjustments to the MTFS to accommodate the funding arrangements shown in **Table 2**, the re-defined A500 scheme funding proposals recommended in this report (subject to Council and DfT approval of the OBC) should be included in the MTFS in line with the recommendations in this report.
66. In summary, the recommendations in this report, if approved, will represent a significant improvement to the Council's current financial situation. This is because the current requirement for up to £34.4m of Council contribution to the A500 scheme would not be required, removing the prudential borrowing requirement and making additional revenue budget available for other services (eg highways) or to contribute to savings targets.

Policy

67. The Council has a clear commitment to deliver the A500 scheme to deliver growth and relieve congestion and has invested significant sums in

developing the scheme. The recommendations of this report ensure that delivery of the full scheme remain possible, if funding becomes available, whilst making best use of the current funding available as a result of the inclusion in the DfT national Major Roads Network programme.

68. The Corporate Plan priorities that the proposal aligns with are presented in the table below.

An open and enabling organisation	A thriving and sustainable place
<ul style="list-style-type: none"> • Ensure that there is transparency in all aspects of council decision making. • Look at opportunities to bring more income into the borough. 	<ul style="list-style-type: none"> • A transport network that is safe and promotes active travel.

Equality, Diversity and Inclusion

40. There are no equality implications associated with this report. An Equality Impact Assessment will be produced as part of the scheme development.

Human Resources

41. It will be necessary to ensure that sufficient resource is allocated in Estates, Highways and Legal Services to support delivery of the scheme. If additional temporary resources are required these will be met from the project budget.

Risk Management

42. Key risks to the Council relate to the affordability of the updated scheme and this will be addressed through the continued development of the funding strategy via discussions with DfT. Whilst it is unlikely that a CPO will be required for the re-defined scheme, this cannot be certain at this stage, meaning that another CPO process may need to be entered into at some stage.
43. A risk register will be developed through the lifecycle of the scheme, but many of the risks and constraints relating to much of the scheme are already understood as a result of the A500 Dualling scheme development to date.

44. The Council will be required to accept all responsibility for cost increases beyond the cost envelope provided within Financial Implications section and continue to be responsible for forward funding the S106 developer contributions at risk as the assumed funding from section 106 agreements is not all secured.

Rural Communities

45. The withdrawal of the compulsory purchase and side road orders for the existing A500 Full Dualling scheme will have a clear impact on any landowners and tenants of any of the land (mainly agricultural) affected by the orders.
46. Other than those mentioned in the previous paragraph above, there are no other direct implications for rural communities that are different from those on any other community grouping.

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

47. There are no direct implications for children and young people that are different from that on any other community grouping.

Public Health

48. A refocussing of parts of the updated scheme on access to Crewe Station via active modes will contribute positively to public health and help address local inequalities.

Climate Change

49. A refocussing of parts of the updated scheme on access to Crewe Station via active modes will contribute positively to the climate change agenda and promote healthy lifestyles.

Access to Information	
Contact Officer:	Chris Hindle, Head of Infrastructure chris.hindle@cheshireeast.gov.uk
Appendices:	Appendix 1 – Sketch plan of potential interventions: Revised - A500 Crewe Station Access Corridor Infographic.pdf Appendix 2 – Example activities required for preparation of the Updated Outline Business Case.

	Appendix 2 - A500 - Updated OBC activities 3 1.pdf
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Background Papers:	Purpose
Cabinet 9th May 2017	Approve the Scheme objectives and the preferred route option to provide a Dual Carriageway of the A500 and approval of further scheme development.
Cabinet 12th June 2018	Approve the submission of the Outline Business Case for the scheme to the DfT and to authorise officers to take all necessary actions to progress the scheme to the point of a decision from DfT on the Full Business Case.
Cabinet 15th January 2019	Authorised putting in place a contract with Balfour Beatty to provide works and services necessary for the scheme and completion SRO and CPO.
Cabinet 9th July 2019	Authorise the use of the powers of compulsory purchase to undertake the acquisition of land and new rights required for the construction of the Scheme.
Cabinet 5th May 2020	Authorise the use of powers of Compulsory Purchase to undertake the acquisition of land and new rights required for the construction of the Scheme reflecting the revised land requirement necessary to deliver the Scheme.
Highways and Transport Committee 13 January 2022	Authorise the making of a Compulsory Purchase Order and Side Roads Order for delivery of the A500 Dualling scheme (including additional land)

COUNCIL MEETING – 15 MAY 2024**RECOMMENDATION FROM CHILDREN AND FAMILIES COMMITTEE:
HOUSEHOLD SUPPORT FUND GRANT 5 DELIVERY APPROVAL OF A
SUPPLEMENTARY ESTIMATE****RECOMMENDATION**

That Council approve the supplementary estimate of £2.2m.

Extract from the Minutes of the Children and Families Committee meeting on 29 April 2024

77 HOUSEHOLD SUPPORT FUND GRANT 5 DELIVERY

The Committee considered the report which provided an update on the Household Support Fund 5 grant awarded to Cheshire East and sought delegated approval to deliver the fund in line with the proposals set out in paper.

RESOLVED (by majority):

That the Children and Families Committee:

1. note Cheshire East's estimated HSF5 grant allocation of £2.2m in 2024/25.
2. recommend to full Council on the 15 May 2024 to approve the supplementary estimate of £2.2m.
3. endorse the proposed allocation of the grant, eligible cohorts and payment arrangements set out in this paper.
4. delegate authority to the Executive Director of Children's Services to incur expenditure in line with the HSF5 grant conditions.

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Working for a brighter future together

Children and Families Committee

Date of Meeting:	29 April 2024
Report Title:	Household Support Fund Grant 5 Delivery
Report of:	Deborah Woodcock, Executive Director of Children's Services
Report Reference No:	CF/49/23-24
Ward(s) Affected:	All

1. Purpose of Report

- 1.1. This report updates the Children and Families Committee on the Household Support Fund 5 (HSF5) grant awarded to Cheshire East and seeks delegated approval to deliver the fund in line with the proposals set out in this paper.

2. Executive Summary

- 2.1. Following the government's Spring statement, at the start of March 2024 the Department for Work and Pensions (DWP), announced the HSF would be receiving an extension of £500m worth of funding and would be called HSF5.
- 2.2. HSF5 funding allocations provide Cheshire East with £2.2m over a 6-month period. We believe the expectation will be that the funding will continue to be used to support households in Cheshire East with food, utilities, and other essentials from 01 April 2024 to 30 September 2024.
- 2.3. This paper seeks agreement from the Children and Families Committee, through delegated powers, to consider a refreshed approach to HSF delivery, seeking approval the delivery option provided within the paper for both the children and adult element of funding, pending grant determination.

- 2.4. Our new proposed model of approach is far more targeted towards financial deprivation than previous delivery, which focussed on a wide footprint, low impact approach, with the proposal to transform it into a highly targeted footprint, high impact approach.
- 2.5. For children and their families, this would mean providing bespoke payments which were approved by the funding panel set out below. The fund would also provide an enhanced offer to the community by providing funding to key partners within the VCFS sector. We need to consult further with adult services to design their HSF offer should this be within the grant conditions.
- 2.6. The paper also notes the risks of transitioning from the previous delivery protocol, whilst providing strong reasoning as to why the revised approach is necessary.

3. Recommendations

- 3.1. The children and families committee are recommended to:
- i. Note Cheshire East's estimated HSF5 grant allocation of £2.2m in 2024/25.
 - ii. Recommend to full council on the 15 May 2024 to approve the supplementary estimate of £2.2m.
 - iii. Endorse the proposed allocation of the grant, eligible cohorts and payment arrangements set out in this paper.
 - iv. Delegate authority to the Executive Director of Children's Services to incur expenditure in line with the HSF5 grant conditions.

4. Reasons for Recommendations

- 4.1. The final allocation and delegation to the Executive Director of Children's Services is required to spend the grant. This delegation enables the fund to be allocated effectively to those residents most in need in Cheshire East.
- 4.2. Full council is required to approve the supplementary estimate of £2.2m to accept the grant into the council's budget. We need to have it noted however that we have been given notice of the new wave of funding 2 weeks prior to it needing to be implemented as of 1 April. This doesn't then align with approvals going through committee and full council in a timely way before we need to make decisions and implement.
- 4.3. It is proposed that Cheshire East amends its delivery approach to enhance the targeted nature of the grant, increasing the impact of the grant on our most vulnerable residents.
- 4.4. The HSF grants will contribute to the delivery of the outcomes in the corporate plan under the priority to be a council that empowers and cares

about people. Both adults and children and young people who suffer the greatest inequality in terms of lack of household income will directly benefit from this grant.

- 4.5. With the discontinuation of emergency assistance, there will be a gap for essential financial support to the community, which the HSF5 programme can fill.
- 4.6. The proposed recommended delivery of the HSF5 fund in Cheshire East is based on learning from 4 years of delivery, consultation with VCFS organisations, adults and children and best practice from other local areas.

5. Other Options Considered

- 5.1. The second option available is to continue to deliver the grant as per previous delivery methods. This would mean delivery of the children and families' portion of the grant through bulk releases in Easter and Summer 2024 (with the Easter offer backdated), for the enquiry form to retain its existence in its current form. In addition, the pensions bulk release would also be retained. Although this option provides a wide scope of recipients, it dilutes the grant's ability to target the people in the highest need. This option also carries increased administrative pressures upon our delivery partners (schools, colleges, etc.) and internal Cheshire East teams.

Setting type	Number of settings
Early Years	176
Primary Education	123
Secondary Education (setting may have post 16 setting)	24
Special School Education	6
Voucher only settings (Special Education outside of CE)	18
Colleges (separate to Secondary who have post-16)	3

- 5.2. For HSF4, and previous iterations of this scheme, we prioritised groups for bulk release with the very best of intentions. One such group was the children who received free school meals (FSM). We are however aware that once a child is in receipt of FSM, they will continue to receive them, even if the financial situation for the family improves significantly just a month later. Whilst this is therefore means tested at point of award, it is not a means tested approach to distributing funding to those in current financial need.
- 5.3. We also prioritised groups including all children in receipt of 2-year funding, all known children who are young carers and all those young people who are care leavers. These again are not necessarily a financially means tested cohort.

- 5.4. In the past, there has been an average redemption rate across bulk voucher releases of 74% of the vouchers, meaning 26% have been unused*. This highlights the inefficiency of targeting a wide scope of grant recipients. Whilst we didn't waste this money, as ensured we had processes in place to draw back this funding, it has demonstrated that the vouchers either didn't go to the right people as they weren't required upon issue, or our methods of distribution weren't as robust as they needed to be.
- 5.5. We are aware that there have been considerations made in the MTFs savings targets for the Corporate Benefits team who currently distribute a lot of our vouchers. We would need to ensure that any future plans don't undermine any decisions that have already been made.

• Figure taken from summer 2023 bulk children and family release.

We do not recommend this option due to the reasons listed above.

6. Background

- 6.1. Over the last three years, several temporary grants and funding initiatives were introduced in recognition of the hardship placed upon families and individuals. This included the 'COVID Winter Grant Scheme' (December 2020 – April 2021), the 'COVID Support Grant' (April 2021 – September 2021), the Household support Fund (October 2021 – April 2022), the Household support Fund 2 (April 2022 – October 2022), Household support Fund 3 (October 2022 – March 2023) and Household Support Fund 4 (April 2024 – March 2024). Families and adults have been supported by these grants via e-vouchers through early years settings, schools, colleges, and wider support services to families who were vulnerable to financial hardship due to the impact of the pandemic. Direct payments to eligible pensioners have also been ongoing alongside an online enquiry form.
- 6.2. Over 10,000 children and families across Cheshire East have been supported by these grants alongside over 8,000 adults and pensioners, with a total of over 200,000 vouchers provided and over £13mn in funding. The council also ensured that families in need of replacement goods, such as fridges, cookers and washing machines, were helped, and benefited from a partnership involving schools, colleges, the NHS, council services and third sector organisations to identify families in need. A similar process was in place for adults who needed assistance.
- 6.3. A summary of the grant conditions from the HSF5 guidance is as follows: the Household Support Fund in England allocates £421 million to County Councils and Unitary Authorities for aiding vulnerable households with essential expenses from April 1, 2024, to September 30, 2024. Authorities have discretion in fund allocation but must adhere to set guidelines.

Collaboration between the Department for Work and Pensions (DWP), local councils, and delivery partners is crucial. The objective is to address immediate needs like energy, water, and food bills, with a focus on long-term impact. Authorities may provide support through cash, vouchers, or in-kind assistance. Eligible expenses include energy and water bills, food, essential household items, and advice services. Housing support should prioritise bills, considering existing schemes like Universal Credit and Housing Benefit. The fund cannot cover mortgage payments but may assist with historic rent arrears in emergencies. Awards vary based on household needs, with emphasis on sustainability, fraud prevention, and continuous support throughout the funding period. Unused funds must be spent or committed before September 30, 2024.

7. Cheshire East's grant allocation

- 7.1. On 6 March 2024 the Chancellor confirmed that the Household Support Fund is extended for further six months from 01 April 2024 to 30 September 2024. This extension is yet to be followed by a final DWP letter and guidance, setting out the grant conditions. This is a new scheme, and the council cannot carry forward any underspends from previous DWP grants. Cheshire East's expected allocation is £2.2m.
- 7.2. We expect most elements of the HSF to be in line with the previous grant, with no ring-fencing to continue, and for councils to continue to be provided with significant flexibility in their delivery plans, requesting individual local authorities design their own plans to maximise the grant's footprint.
- 7.3. The aim of the HSF5 will be to provide support to vulnerable households in most need. In Cheshire East we are proposing to use the £2.2m fund to support vulnerable households with food, utilities and other essentials between March 2024 and September 2024 as flexibly as we can to meet need.

8. The Family Support Funding Panel

- 8.1. The new delivery method proposes the setting up of a new Financial family support panel. The panel will be chaired by the Head of Service for Early Help and Prevention who strategically manages the HSF and Holiday Activity and Food scheme currently. In her absence an equivalent peer would authorise sign off. There would then be representatives from Children's Social Care, Early Help, Education, Health and SEND. The panel will also be attended by Finance and the project team to provide corporate support and grant assurance of grant compliance.
- 8.2. The panel will receive referrals from officers from Early Help and Children's Social Care where financial support is required. These referrals will be

completed by the worker and signed off by their managers prior to presentation at the panel. The panel will be provided significant flexibility in the support they can offer, who are briefed with providing long term impactful solutions with the funding.

- 8.3. The grant team are proposing the new panel delivery method to further enhance the targeted nature of the programme.
- 8.4. Most significantly, the redemption rates noted in section 5.4 were paired with high repeat application rates of the enquiry form. As recipients of the enquiry form have been maximising their support via the grant, this demonstrates we were not creating long term solutions to people's financial problems. With additional funding released from no longer providing bulk payments, we could be more flexible with the funding and ensure that it isn't just meeting a short-term need, for example a £20 voucher for food that will only be useful for a couple of days. We are also keen to look at how we consider how Section 17 funding is issued to families most in need and how we can align this process to that, or indeed, be transformational and combine the 2 should grant conditions allow.
- 8.7 As well as targeting the grant in an optimised fashion, it is worth also noting that the grant is not a replacement for Free School Meals (FSM) . As the vouchers have historically been aligned with school holiday periods, there is a risk that the vouchers are viewed as a replacement for holiday FSM vouchers. However, as highlighted in the DWP grant conditions, the HSF is not intended to provide FSM holiday vouchers. As a result, there is an expectation within the community that the vouchers will be released during school holidays and that some parents may be expecting or depending on them. As the grant is only temporary, this is creating a scenario where there is a dependency within the community for a potentially time limited resource.

We are also aware of the duplication between issuing food vouchers via HSF and then encouraging the same children to attend the holiday activity and food programme which also provides a nutritious meal every day plus snacks whilst also engaging in quality social activities.

- 8.8 Dependent on grant conditions and eligible cohorts, we would also like to explore issuing a % of the grant funding to our food banks who we know support the most financially vulnerable in society. Whilst we appreciate this is only 6 months funding, we feel they would greatly benefit from some stock piling of commodities for the period the scheme is running and thereafter, when the funding has ceased. This would help to mitigate some risk to the funding potentially ending in September 2024.

9. Grant cohorts

- 9.1. The grant will predominantly support individuals who are known to Early Help and Children's Social Care. These could include those who are eligible for free school meals (FSM), early years pupil premium (EYPP), two-year-old funded (2Y/OF), care leavers aged between 18 – 25, young people aged 16 – 18 who are not in education, employment or training (NEET) and young carers. These families will receive support as approved by the Funding Family Support Panel. This approach also means those families will be in receipt of wrap around support in addition to financial support to ensure longer term outcomes and financial stability are being addressed. We would expect that families who are in need financially and are seeking support for this need to at least be engaged in extra help support plans if not targeted or social care to ensure that root cause and longer-term sustainability planning can be achieved.
- 9.2. We predict our recommended delivery option to support over 2,500 people over a 6-month period.
- 9.3. A cross-service steering group, chaired by the Head of Service for Prevention and Early Help, oversees eligibility and development of the HSF currently and it is proposed that this continues.
- 9.4. This delivery method would sit within a wider context of poverty support being provided to individuals via Section 17 payments and other children's social care.

10. Payments

- 10.1. As we expect the budget to remain the same, over the space of the next 6 months, the budget will allow for significant payments to be made to children and adults. With this new approach, we are recommending we lift the limit on payments to families.
- 10.2. Previously, £160 per year was paid to a wide range of children and families. With HSF5 new panel delivery approach, we will be able to lift the ceiling of payments and support the most vulnerable with more appropriate payments, resulting in long term improvements in their life chances.
- 10.3. This approach is a diversion from the previous delivery approach, which focussed on a wide footprint low impact approach, transforming it into a highly targeted footprint high impact approach.
- 10.4. The new approach will provide flexible support for any need required as deemed appropriate by the panel.

- 10.5. Payments to children and families aligned with key school holiday periods (Easter, summer, Christmas) will no longer happen with the new optimised method of delivery.
- 10.6. In terms of payments to adults, we await the specifics within the grant conditions. We expect we will need to provide a portion of the funds to adults during 2024/25 as we did in HSF4 through a post office payment.
- 10.7. The project team are entering into consultation with the VCFS sector to explore how to compliment the panel process. We expect we will support the VCFS sector with a portion of the funds going forward such as food banks but would like to engage in meaningful conversation about this should the grant conditions and DLT, CLT, Committee sign off endorse this approach.

11. Legal Implications

- 11.1. Additional funding has been made available by the DWP to Local authorities and covers the period from 1 April 2024 to 30 September 2024. Local authorities have full discretion on how the funding is to be used as long as it is in accordance with the guidance set out in the household support fund grant determination (yet to be confirmed by DWP).
- 11.2. Local authorities are expected to administer the HSF and provide assistance to households most in need to help with significantly rising living costs. Despite the fact that this is an extension to the previous household support fund schemes, it is a new grant subject to its own grant conditions as is set out in the grant determination letter (yet to be confirmed by DWP).
- 11.3. Underspends from previous schemes cannot be carried forward and funds should be spent or committed before 30 September 2024 as they cannot be held over for future usage (yet to be confirmed by DWP).
- 11.4. When administering the fund, authorities are encouraged to adopt the following principles (all yet to be confirmed by DWP and subject to change):
 - use discretion on how to identify and support those most in need, taking into account a wide range of information;
 - use the funding from 01 April 2024 to 30 September 2024 to meet immediate needs and help those who are struggling to afford energy and water bills, food, and other related essentials. Authorities can also use the funding to support households who are struggling to afford wider essentials;
 - in exceptional cases of genuine emergency, the funding can additionally be used to support housing costs where existing housing support schemes do not meet this exceptional need.

- this includes payments made, or committed to, by the authority or any person acting on behalf of the authority, from 01 April 2024 to 30 September 2024.
 - work together with district councils and third parties, including where necessary and appropriate other local services. This may include social workers, housing and family support services, and may incorporate intelligence and data from wider children's social care systems to help identify and support individuals, families and households within the scope of the fund.
- 11.5. Local authorities must ensure that they have a clear rationale or documented policy/framework defining eligibility and how households access the fund. Local authorities are expected to review their existing approach including how they define eligibility.
- 11.6. Rather than focus on one specific vulnerable group, local authorities should use the wide range of data and sources of information at their disposal to identify and provide support to a broad cross section of vulnerable households to prevent escalation of problems. Authorities should ensure that they consider the needs of various households including families with children of all ages, pensioners, unpaid carers, care leavers, and people with disabilities.
- 11.7. Authorities should particularly consider how they can support those vulnerable households who are ineligible for other government support with the cost of living, including the (yet to be confirmed by DWP):
- Energy bills support scheme and the equivalence package confirmed on 29 July;
 - Council tax rebate and the associated £144m discretionary fund;
 - Cost of living payments for those on means tested benefits;
 - £150 disability cost of living payment;
 - One-off £300 pensioner cost of living payment (through the winter fuel payment).
- 11.8. In addition (yet to be confirmed by DWP):
- a) The authority is to ensure that the grant is primarily allocated to support with the costs of energy (for heating, lighting and cooking), food, water (for household purposes, including sewerage) and other essential living needs in accordance with the Scheme guidance;
 - b) in exceptional circumstances of genuine emergency, the authority may allocate grant funds to support with housing costs as set out in the Scheme guidance;

c) the authority is to use best endeavours to facilitate applications for assistance under the scheme from individuals who are eligible for assistance in their area.

11.9. Supplementary Estimates

Where services wish to undertake an activity not originally identified in the budget or incur additional revenue expenditure on an existing activity approval must be sought for a supplementary estimate in accordance with the tables below.

Approval of a supplementary revenue estimate requires adherence to the provisions of the Financial Procedure Rules as set out in the Constitution and specifically the provisions of Chapter 3 Part 3 at para 19 set out below shall apply. The level of grant funding (£2.2m) requires Council approval, or a decision under urgency powers on behalf of Council.

Supplementary Estimate Amount	Approval Level
Up to and including £250,000	Relevant member of CLT
In excess of £250,000 up to and including £500,000	Relevant Member of CLT in consultation with the Chair of the relevant Committee, Chair of Finance Sub-Committee and Chief Finance Officer
In excess of £500,000 up to and including £1,000,000	Committee
Over £1,000,000	Council

12. Finance Implications

- 12.1. Expenditure on the Household Support Fund will be fully funded by a government grant expected to be £2.2m. The duration of the scheme is from 01 April 2024 to 30 September 2024.
- 12.2. The expectation is that the council will spend the grant in accordance with the conditions and not exceed the amount advised by the DWP. There will not be any unfunded ongoing commitments as a result of this expenditure. It is not yet known if any funding will be provided after 30 September 2024 to continue this scheme or something similar.
- 12.3. The council will be required to provide management information (MI) returns outlining their grant spend and the volume of awards. We are yet to receive specific dates for these returns
- 12.4. Grant payments will be made in arrears on receipt of a fully completed and verified MI return.

- 12.5. If the council has not spent the grant in accordance with the conditions, then there is scope for clawback. The service will manage that risk.

13. Policy

- 13.1. The HSF grants are part of the government's package of support, targeted at those vulnerable families and adults who are most in need, to help them to cope with the impact of rising prices.

14. Equality

- 14.1. In accordance with the public sector equality duty, DWP has had due regard for the potential equalities impacts of this grant.
- 14.2. An equality impact assessment has been completed to ensure that people are not disadvantaged or treated unfairly by this scheme. For example, that our processes are easy to access and to navigate. This will need to be updated once a decision is made regarding HSF5 distribution in line with the factors outlined in this paper.
- 14.3. We expect that the implementation of the grant will have a positive impact in relation to the protective characteristic of age, particularly for children and young people. It will also support the need to ensure that we have fairer and more resilient communities.

15. Human Resources

- 15.1. The current capacity in place to administer this grant will continue. We have already taken steps to extend temporary contracts that were due to end in March 2024. There may be risk if the MTFS proposal within the Benefits team significantly reduces their ability to deliver any element of the scheme. We have attempted to mitigate some of this risk by introducing a funding panel so the burden of the enquiry form will no longer be held by them. If there is an adults' contribution in the grant conditions. We will need to look at this further. Reasonable administration costs are funded as part of the grant and we will ensure that the full costs of any additional staffing are offset against the grant.

16. Risk Management

- 16.1. As the vouchers have historically been aligned with school holiday periods, there is a risk that families are becoming dependent on the vouchers as a

payment during school holidays. Removal of the vouchers may result in an increase in complaints from upset and angry parents/carers. This would need to be mitigated with clear comms regarding our approach and how they can access funds or food should they be in need.

- 16.2. It would be easier to continue to deliver the scheme in the same way we have to date. This wouldn't necessarily be the right thing to do however for those most in need which is why we have revised our proposals for this 6 month scheme.
- 16.3. As with any welfare payment to vulnerable recipients there is a risk of fraud, as recipients might appear to be in financial need when they are not. We have tried to mitigate this risk by accepting funding requests via the panel by trusted practitioners and professionals who work directly with those in need.
- 16.4. Risks are routinely assessed and reported on at the monthly household support fund steering group, and remedial action is taken, as required. It is likely we will increase the frequency of these meetings to fortnightly for the first couple of months and at point of scheme exit.

17. Rural Communities

- 17.1. Children, families and adults in rural areas of the council will directly benefit from receipt of the new grant in line with financial need. There are no restrictions on funding decisions dependent on where service users live.

18. Children and Young People/Cared for Children

- 18.1. Children and young people who suffer the greatest inequality in terms of lack of household income will directly benefit from this grant.

19. Public Health

- 19.1. Poverty poses a threat to the public health of our residents as they are less likely to be able to access the conditions that promote a healthy physical and mental lifestyle. An adequate income can help people to avoid stress and feel in control, to access experiences and material resources, to adopt and maintain healthy behaviours, and to feel supported by a financial safety net.

20. Climate Change

- 20.1. There are not expected to be any climate change implications from the Household Support Grant.

Access to Information	
Contact Officer:	Douglas Hubbert, Business Development Manager Douglas.hubbert@cheshireeast.gov.uk
Appendices:	None
Background Papers:	None

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Council

15 May 2024

**Appointments to Cheshire Police and Crime
Panel and to Cheshire Fire Authority**

**Report of: Director of Governance and Compliance (Monitoring
Officer)**

Report Reference No: C/3/2024-25

Ward(s) Affected: All Wards

Purpose of Report

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

Executive Summary

- 2 The Cheshire Police and Crime Panel and the Cheshire Fire Authority are bodies which carry out statutory functions and therefore the Council is required to make appointments to ensure that the Council meets its obligations.

RECOMMENDATIONS

Council is asked to appoint: -

- 1 three Councillors and a nominated substitute to the Cheshire Police and Crime Panel
- 2 nine councillors to the Cheshire Fire Authority

Background

Cheshire Police and Crime Panel

- 3 In accordance with Section 28 of the Police Reform and Social Responsibility Act 2011, each Police Area must establish a Police and Crime Panel.
- 4 The Cheshire Police and Crime Panel comprises 10 Councillors appointed by the constituent Councils and the allocation of seats to Cheshire East Council is three.
- 5 The Council is asked to appoint three members, on a political proportional basis of 1 Conservative, 1 Labour and 1 Independent. Council is also requested to nominate a substitute Member.
- 6 The members for the 2023/24 municipal year were Councillors S Edgar, J Snowball, and M Warren, together with Councillor S Gardiner as the nominated substitute.

Cheshire Fire Authority

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

Halton- 3 members
Warrington – 4 members
Cheshire West and Chester – 7 members
Cheshire East – 9 members
- 8 The Council is asked to appoint nine members on a political proportional basis of 4 Conservatives, 3 Labour and 2 Independent.
- 9 The members for the 2023/24 municipal year were Councillors R Bailey, J Bird, D Brown, P Coan, M Houston, N Mannion, R Moreton, M Simon, and L Smith.

Reasons for Recommendations

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

Other Options Considered

- 11 Whilst the Council could choose not to make appointments, this would be contrary to legislation governing the Cheshire Police and Crime Panel and the Cheshire Fire Authority.

Implications and Comments

Monitoring Officer/Legal

- 12 There are no direct legal implications.

Section 151 Officer/Finance

- 13 An annual allowance is paid to permanent members of the Cheshire Police and Crime Panel, which comes from payments made by Central Government to the Panel's host authority.
- 14 Members of the Cheshire Fire Authority are paid a basis allowance in accordance with the Cheshire Fire Authority's Members' Allowance Scheme.

Policy

- 15 There are no direct implications for policy.

An open and enabling organisation.

Ensure that there is transparency in all aspects of council decision making

Equality, Diversity, and Inclusion

- 16 There are no direct implications for equality.

Human Resources

- 17 There are no direct implications for Human Resources.

Risk Management

- 18 There are no direct risk management implications.

Rural Communities

- 19 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)

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

Public Health

21 There are no direct implications for public health.

Climate Change

22 There are no implications relating to climate change.

Access to Information	
Contact Officer:	Brian Reed Head of Democratic Services and Governance brian.reed@cheshireeast.gov.uk
Appendices:	None
Background Papers:	None

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Council

Wednesday 15 May 2024

Appointments to the Adoption Panel, the Fostering Panel and the Cheshire and Merseyside Integrated Care System Joint Scrutiny Committee

Report of: Director of Governance and Compliance (Monitoring Officer)

Report Reference No: C/4/24-25

Ward(s) Affected: All Wards

Purpose of Report

- 1 The report invites Council to approve a number of appointments to statutory panels which do not fall within the definition of “Committee” for the purposes of legislation.

Executive Summary

- 2 The Adoption Panel and the Fostering Panel are bodies which carry out statutory functions and therefore the Council is required to make appointments to ensure that the Council meets its obligations.

RECOMMENDATIONS

Council is asked to:

- 1 appoint one Councillor to the Adoption Panel.
- 2 appoint one Councillor to the Fostering Panel; and
- 3 resolve that these appointments shall apply until such time as the Council’s representation is reviewed following the election of the new Council in 2027.

- | | |
|---|---|
| 4 | appoint two Councillors to the Cheshire and Merseyside Integrated Care System Joint Scrutiny Committee. |
|---|---|

Background

- 3 The Council needs to make appointments to the following bodies. These bodies are statutory panels which do not fall within the definition of “Committee.”

Adoption Panel

- 4 The Panel considers the suitability of anyone who applies to become an adopter, and whether or not to recommend that they are suitable to adopt, and also considers the placement of any child with a particular adopter. The nominated member will be a full member of the Panel and is defined as an ‘independent panel member’ by the Independent Review of Determinations (amendments) 2011. Under the performance objectives of the Panel, each member is asked to attend 75% of the meetings, which are currently held every 6 weeks. In addition, each member is asked to attend any training events and induction events that are held at least annually, and also to undergo an annual appraisal.
- 5 The role of the Adoption Panel and the appointment of Elected Members are governed by the Adoption Agency Regulations 2005 and the Adoption Agencies, Independent Review of Determinations (amendments) 2011, and Adoption and Children Act 2022.
- 6 Councillor B Puddicombe served on the Adoption Panel during the 2023/24 municipal year.

Fostering Panel

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

- 9 It considers the continuing approval of foster carers following their annual carer's review or other significant changes in their circumstances and advise on any other matters relating to the fostering service.
- 10 Councillor Carol Bulman served on the Fostering Panel during the 2023/24 municipal year.

Cheshire and Merseyside Integrated Care System Joint Scrutiny Committee

- 11 The Joint Scrutiny Committee is made up of 18 elected members appointed on a politically proportionate basis from 9 local authorities and in accordance with the provisions of the Joint Health Scrutiny Protocol, Cheshire East Council has a total of two seats on the Committee.
- 12 Knowsley Council, as the Host Authority of the Joint Scrutiny Committee, will review the political balance on the Committee following the 2024 local elections.
- 13 The appointments to the Joint Scrutiny Committee are usually made by the Scrutiny Committee. However, the next meeting of the Joint Scrutiny Committee will be held on before the next meeting of the Scrutiny Committee on 27 June 2024.
- 14 Therefore, Council is being asked to appoint two councillors to the Joint Scrutiny Committee on the agreed political proportionate basis.
- 15 Councillors Liz Wardlaw and Rob Vernon served on the Joint Scrutiny Committee during the 2023/24 municipal year.

Reasons for Recommendations

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

Other Options Considered

- 17 The Council could choose not to nominate to these Panel.

Implications and Comments

Monitoring Officer/Legal

- 18 The report and recommendations demonstrate adherence to Council's Constitution, alongside statutory requirements.

Section 151 Officer/Finance

- 19 There are no direct implications for finance.

Policy

- 20 There are no direct implications for policy.

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Equality, Diversity, and Inclusion

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

Human Resources

- 22 There are no direct implications for Human Resources.

Risk Management

- 23 There are no direct risk management implications.

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/Cared for Children.

Public Health

- 26 There are no direct implications for public health.

Climate Change

- 27 There are no implications relating to climate change.

Access to Information	
Contact Officer:	Brian Reed Head of Democratic Services and Governance brian.reed@cheshireeast.gov.uk
Appendices:	None
Background Papers:	None

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**Schedule of Urgent Decisions Made by the Chief Executive
following consultation with Members**

Date	Summary of decision	Decision on behalf of
26/3/2024	<p>Public Sector Decarbonisation Scheme Grant</p> <p>Decision</p> <p>That:</p> <ol style="list-style-type: none"> 1 a Public Sector Decarbonisation Scheme Grant of £1,449,274 be accepted from the from the Department for Business, Energy and Industrial Strategy (BEIS) for further decarbonisation of Council buildings. 2 a supplementary capital estimate be made for the 2024-26 Financial years, this to be funded from the Public Sector Decarbonisation Scheme Grant. 3 the Director of Growth and Enterprise be authorised to sign the grant offer agreement with Salix Finance on behalf of the Council and direct that he does the same. <p><u>Decision - Public Sector Decarbonisation Scheme Grant</u></p>	Council

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