

Monitoring Officer Report 2022/23

Audit and Governance Committee
28 September 2023

1. Role of the Monitoring Officer

- 1.1 Under the Local Government and Housing Act 1989 ('the 1989 Act') it is the duty of every relevant local authority to designate one of its officers as Monitoring Officer.
- 1.2 The Monitoring Officer has the specific duty of ensuring that the Council, its officers, and its elected members maintain the highest standards of conduct in all that they do.
- 1.3 The legal basis for the Monitoring Officer's role is found in Section 5 of the 1989 Act.
- 1.4 There are three main aspects to the role:
 - To report on matters that he/she believes are or are likely to be illegal or amount to maladministration.
 - To be responsible for matters relating to the conduct of Councillors and officers; and
 - To be responsible for the operation of the Constitution
- 1.5 The Monitoring Officer is required to prepare a report to the Authority if it appears that any proposal, decision or omission by the Authority has given rise to or is likely to or would give rise to:-
 - a) A contravention of any enactment or rule of law
 - b) Maladministration or failure as described in Part 3 of the Local Government Act 1974 ('the 1974 Act')
- 1.6 Maladministration or failure under the 1974 Act is a reference to a finding of such made by the Local Government Ombudsman following an investigation undertaken by him/her.
- 1.7 The Localism Act 2011 makes the Monitoring Officer responsible for maintaining a Register of Member Interests. The Monitoring Officer at Cheshire East maintains such a register for both Cheshire East Council and Town and Parish Council's in its area. The Monitoring Officer also operates the procedures for dealing with Code of Conduct complaints against both Cheshire East Borough Council Members, and Members of Town and Parish Councils.
- 1.8 Under the requirements set out above, the Monitoring Officer ultimately assumes responsibility for the lawfulness of decision-making processes and several other governance controls, some of which are the subject of bespoke delegations in the constitution. These key additional functions are covered in this report. By a combination of these measures and responsibilities, the Monitoring Officer has a key role to play in ensuring

sound corporate governance and in informing the production of each Annual Governance Statement.

- 1.9 The Monitoring Officer must be designated by Full Council and cannot be the Chief Executive (Head of Paid Service) or the Director of Finance /Section 151 officer. The duties of the Monitoring Officer must be performed by him/her personally unless he or she is unable to act by reason of illness or absence, in which case a deputy/deputies, appointed by the Monitoring Officer, may act on his or her behalf.
- 1.10 Irrespective of illness or absence, where the Monitoring Officer is of the view that he or she ought not to perform functions relating to a Code of Conduct matter personally, s/he may delegate those functions to a person nominated by her/him as Deputy Monitoring Officer for that purpose.

2. Member's Code of Conduct

- 2.1 Cheshire East Council's current Code of Conduct came into force on 16 October 2022 (hereinafter referred to as 'the new code'), the previous Code came into force on 1 January 2018 (hereinafter referred to as 'the old code'). It is the responsibility of the Audit and Governance Committee to monitor the operation of this Code as part of the Committee's responsibility for promoting high standards of ethical behaviour.
- 2.2 Town and Parish Council's operate under the old code or have their own version, based upon the Seven Principles of Public Life. also known as the 'Nolan Principles.' All Town and Parishes have received a briefing/training session upon the new code and have been encouraged to adopt it from this year, 2023.
- 2.3 Upon receipt of a completed complaint form, the Monitoring Officer undertakes a preliminary assessment of each complaint received, consulting one of the Independent Persons where appropriate, before making and notifying the Complainant of his/her decision on whether and how the complaint should proceed. This 'triage' process enables complaints which do not engage the Code or are trivial, vexatious or 'Tit for Tat' to be rejected, without the need to convene an assessment meeting.
- 2.4 Details of the 39 complaints received in 2022/23 is shown in the table below. It should be noted that this covers the period when both the old and new codes were in place for Cheshire East Council. In addition, the complaints received against Town and Parish Councils are under the old code. The obligations and/or standards have been summarised/collated for ease of reference. The details also take into account the fact some

complaints related to more than one councillor and that most included more than one alleged breach.

Table 1 - Code Breaches

Obligations/Standard & No. Received		
	CEC	Town or Parish
Selflessness	0	24
Integrity	3	37
Objectivity	0	26
Accountability	0	14
Openness	0	25
Honesty	0	0
Leadership	0	0
Disrepute	0	1
Respect/ Treat others with courtesy	2	37
Make choices on merit	0	23
Promote high standards of conduct	7	33
Uphold law and public trust	0	17
Exercise independent judgement/ remain objective/impartiality	2	58
Bullying/Breach of equality laws	2	22
Declaring/registering interests	1	22
Use of resources	0	6
Impartiality of officers	0	0
Use of position	0	3
Disclose confidential information/access to information	12	3
Comply with the Code	0	1
Gifts and Hospitality	0	0

2.5 The decision of the Monitoring Officer in respect of the 39 complaints received was as follows:

Table 2 – Code Breaches Outcomes

Outcome	2022/23		2021/22		2020/21	
	CEC	Town or Parish Council	CEC	Town or Parish Council	CEC	Town or Parish Council
Rejected at preliminary assessment stage; failed to meet the assessment criteria	5	27	16	31	6	37
Concluded at Initial Assessment Meeting (IAM) (breach or no breach)	0	5	3	8	3	22
Referred for formal external investigation	0	2	2	9 Includes 3 internal investigations	0	11
Referred to Standards Hearing Sub Committee	0	0	0	6	0	11
Complaint ongoing	0	0	0	1	0	11

- 2.6 The overall number of complaints has reduced during 2022/23, there being 69 in 2021/22. They remain highest in relation to Town and Parish councillors but most complaints are dealt with at initial assessment and are determined as not in the public interest to pursue or otherwise trivial. During 2022/23 a more timely and robust approach has been taken during the initial assessment stage. However, there still remains a number of repeat complainants, but it should be noted that there are no ongoing matters.
- 2.7 Of those complaints that were referred to and concluded at IAM, 1 was found to be a likely breach, the other 4 were found not likely to be in breach. Advice regarding the conduct together with a request to undertake training was provided.
- 2.8 In relation to the 2 matters referred for external investigation, 1 was determined to be in breach and other not to be. Advice regarding the conduct together with a request to undertake training was provided.
- 2.9 The costs of the external investigations was £19,684.20.

3. Register of Member's Interests

- 3.1 Cheshire East Borough Council Members, and Members of Town and Parish Councils in its area, are required to declare and register certain classes of interests with the Monitoring Officer. They must then conduct themselves accordingly in relation to any interest that arises when transacting business on behalf of their Authority.
- 3.2 Registerable interests are explained in their respective Code of Conduct and include for all Members, Disclosable Pecuniary Interests. Additionally, there is a requirement to declare other interests as set out in the individual Council's Code of Conduct.
- 3.3 A failure to declare an interest, and act accordingly in relation to the same, is capable of amounting to a breach of the Code of Conduct. In relation to Disclosable Pecuniary Interests, it can also amount to a criminal offence.
- 3.4 The relevant registers for Cheshire East Council and Town and Parish Council's in its area, are available on, or through, Cheshire East Council's website. There is a requirement to register upon taking office, and it is each Member's responsibility to ensure their register remains up to date as and when interests change.
- 3.5 Other than the Code of Conduct complaints (referred to above) which have involved an allegation of a failure to properly register an interest, there have been no issues arising through the year in respect of the registration of interests.
- 3.6 Training in respect of Member interests is covered below.

4. Register of Gifts and Hospitality

- 4.1 Cheshire East Borough Council Members are required to register with the Monitoring Officer details of any gifts or hospitality received where the value is considered to be in excess of £100. Town and Parish councillors are asked to do the same.
- 4.2 The register of gifts and hospitality is maintained by the Monitoring Officer and is available for inspection by appointment at the Council's Office in Westfields.
- 4.3 The gifts and hospitality received by Members that were declared to the

Monitoring Officer in 2022/2023;

Table 3 – Declared Gifts and Hospitality

2022/2023	Number Declared
CEC	4
Town and Parish	0

4.4 Training in respect of gifts and hospitality is covered in the train sessions on the Code of Conduct, which is referenced below.

5. Member Training and Development

5.1 The Member’s Code of Conduct is recognised in Cheshire East Council’s Member Training and Development Programme as being mandatory along with others such as planning.

5.2 The programme for the start of the municipal year 2023 to 2024, is attached at Appendix 1 for information. Following Council elections Code of Conduct training is delivered as part of the Induction programme for newly elected Members. The programme will be repeated in October and for any member who is elected as a result of a by election a one-to-one briefing session will be provided.

5.3 Briefing and training for individual committees on the subject matter relevant to the Committee is also provided as required.

5.4 In respect of Town and Parish Councils, a training session on the new code was delivered in July 2023 and was devised in association with the Cheshire Association of Local Councils (CHaLC). All local council’s have been encouraged to adopt the new code. Further sessions will be undertaken as required as well as the provision on one-to-one advice as requested.

6. Dispensations

6.1 The Monitoring Officer is empowered to grant dispensations enabling Cheshire East Council Members to take part in council business in which they would otherwise have an interest which would prevent their dispensation.

6.2 There are a number of “standing” or general dispensations which apply to all Cheshire East Council Members, until 28 September 2024. These are;

- a) Any allowance, payment or indemnity given to Members;
- b) Any Ceremonial Honours given to Members;
- c) Statutory sick pay under Part X1 of the Social Security Contributions and Benefits Act 1992 where they were in

- receipt of or entitled to receive such pay;
 - d) Setting the Council Tax or a precept under the Local Government and Finance Act 1992 (or any subsequent legislation);
 - e) Setting a Local Council Tax Reduction Scheme or Local scheme for the payment of business rates (Including eligibility for rebates and reductions) for the purposes of the Local Government Finance Act 2012 (or any subsequent legislation);
 - f) School Meals or School Transport or Travelling expenses where the Member is a parent/guardian of a child in full time education or a parent governor (unless the matter relates specifically to the school the child attends).
 - g) To the extent that it may amount to a prejudicial or disclosable pecuniary interest, any allowance or other remuneration received from the Council in respect of Council duties or directorships of Council owned ASDVs.
 - h) To allow Members to take part and vote on Community Governance Review matters in which they have a disclosable pecuniary and prejudicial interests.
- 6.3 There is a separate report on the committee agenda with update proposals regarding dispensations.

7. Information Requests

Data Protection

- 7.1 Data protection requests consist of individuals exercising their rights under the General Data Protection Regulation (GDPR), including subject access requests (SAR), or one of the individual rights such as right of erasure or rectification, or requests for personal data from third-party agencies referred to as Disclosure Requests.
- 7.2 Individual rights requests into the Council typically originate from individuals, including care leavers requesting access to their social care records and sometimes from parents or representatives acting on behalf of the data subject. Disclosure requests come from a range of third-party agencies including the Police, DWP, Home Office, solicitors, other local authorities, and regulatory bodies as well as commercial organisations such as insurance companies requesting CCTV footage.
- 7.3 Disclosures are made using one or more of the GDPR discretionary exemptions detailed in the Data Protection Act 2018. The Council aims to respond to such requests in line with the statutory timescale of one month to assist with managing timely responses.

- 7.4 The Council Tax Team receives disclosure requests directly from agencies to check liability and verify address details. Although these requests are responded to directly by the service, the numbers are included in the figures below.
- 7.5 Table 4 below outlines the number of requests received under data protection legislation during the financial year 2022/23 compared with the three previous years. This shows a marked increase in the number of requests received year on year.
- 7.6 Table 5 shows the percentage of requests which were responded to within the statutory timescale (one calendar month). However, it should be noted that Disclosure Requests are not a statutory obligation and there is no legislative timescale for responding, so these have not been included in the compliance rate.

Table 4 - Data Protection Requests Received

Cases received	2022/23	2021/22	2020/21	2019/20
Disclosure request	436	405	323	503
Individual rights request	26	36	15	13
Objection to processing	0	0	1	3
Subject access request	293	246	202	250
Total	755	687	541	769
Requests responded to directly by Council Tax	514	412	553	693
Overall Total	1269	1099	1094	1462

Table 5 – Percentage of requests responded to within one month (excluding Disclosure Requests)

	2022/23	2021/22	2020/21	2019/20
Response late	65	106	62	98
Response sent on time	180	108	137	108
Ongoing Request	9	2	1	9
Total cases received	254	216	200	215
Total requests processed in full at time of report	245	214	199	206
% of cases processed in full responded on time	73%	50%	69%	52%

- 7.7 There has been a steady increase in numbers of requests over the last few years and the number of requests received in 2022/23 is no exception. Despite the increase in requests, the compliance rate has improved. This is due to a change in roles and responsibilities within the Information Rights Team following a restructure in 2022.
- 7.8 However, it should be noted that information gathered in response to subject access requests and disclosure requests is often complex and voluminous. Every page in every document must be carefully reviewed

and redacted before it is released to the requester, which requires concentration and dedicated resource.

Data Protection Complaints

7.9 Table 6 shows the number of complaints received regarding alleged infringements of data protection legislation, some of which result in complaints to the Information Commissioner’s Office (ICO). Some complaints come directly from the data subject, and some come from the ICO where the data subject has made a complaint to them without going through the Council’s complaints process. These figures are included in the total number of complaints received by the Council which is presented to Committee separately under the relevant service area but not explicitly about data protection.

Table 6 – Data Protection Complaints received.

Source	2022/23	2021/22	2020/21	2019/20
Data Subject	29	31	20	8
ICO	2	5	1	2
Total	31	36	21	10

7.10 The number of data protection complaints received is very low when compared to the total number of complaints received. This year, data protection complaints represent 1.17% of the total number of complaints received by the Council. Of these, 48.3% were not upheld.

Table 7 – Reasons for complaints from data subjects

Reason for complaint	2022/23	2021/22	2020/21
Alleged data breach	94%	90%	100%
Statutory deadline exceeded	3%	3%	0%
Incomplete disclosure	0%	3%	0%
Other	3%	3%	0%

Table 8 – Information Commissioner’s Office (ICO)

Reason for complaint	2022/23	2021/22	2020/21	2019/20
Alleged data breach	0%	20%	0%	100%
Handling of Subject Access Request	100%	80%	100%	0%

Freedom of Information/Environmental Information

7.11 The public has the right of access to information held by the Council under The Freedom of Information Act (FOIA) and the Environmental Information

Regulations (EIR).

- 7.12 Tables 9 and 10 below outline the number of requests received and compliance with statutory timescales.
- 7.13 There has been a marked increase in the number of FOIA and EIR requests received during 2022/23, compared with the previous two years.
- 7.14 The percentage of requests which were responded to within the statutory timescale (20 working days) has decreased to 89%, a reduction from 96% in the previous year. This drop in compliance was primarily due to resource constraints in the Information Rights Team. A restructure took place in 2022 and, it is anticipated that compliance will increase during 2023/24.

Table 9 – Volume of FOIA/EIR requests by year

Type of Request	2022/23	2021/22	2020/21	2019/20
FOIA and /EIR Requests	1,639	1,539	1,474	1,648
Property Search EIR Requests ¹	3,586	2,624	2,735	2,809
Total Requests	5,225	4,163	4,209	4,457

Table 10 – Requests responded to within 20 working days

It should be noted that the Council's Directorates were partially restructured at the end of 2019/20 and the People Directorate divided into Adults, Health and Integration and Childrens Services. However, to provide comparative data, the People Directorate has been included in table 10 for the following years and is represented by an average percentage.

Directorate	2022/23	2021/22	2020/21	2019/20
Corporate Directorate	92%	95%	97%	97%
Place Directorate	86%	96%	95%	96%
People Directorate	94%	98%	98%	97%
Adult's	90%	97%	98%	Not available
Children's	97%	99%	98%	Not available
Cheshire East overall	89%	96%	97%	96%

The source of FOI and EIR requests are shown in table 11. The largest identifiable group of requesters were individuals, making up 42% of requests received.

¹ It should be noted that 'Property Search' search requests are also recorded and responded to under the EIR. These are enquiries made to local authorities by Personal Search companies, to make prospective buyers of properties aware of relevant issues before they complete their purchase. These requests are processed separately to a 'typical' EIR request and responded to directly by the Land Charges Team. All requests are completed within the statutory timescale and are not included in the information in this report, unless explicitly stated.

Table 11 – Source of FOI/EIR Requests

Source	2022/23	2021/22	2020/21	2019/20
Individual	42%	39%	40%	45%
Commercial	23%	32%	32%	27%
whatdotheyknow.com ²	11%	11%	9%	8%
Press or media	9%	9%	9%	11%
Charity	3%	<1%	Not recorded	Not recorded
Researchers	3%	2%	2%	2%
Pressure Groups	2%	3%	4%	4%
Town or Parish Councillor	2%	Not recorded	Not recorded	Not recorded
Councillor	1%	<1%	1%	1%
Other	1%	1%	<1%	<1%
Public Sector	1%	1%	1%	1%
MP	<1%	<1%	1%	<1%
Solicitor	<1%	Not recorded	Not recorded	Not recorded
Student	<1%	Not recorded	Not recorded	Not recorded

7.15 Table 12 shows the outcome of FOI and EIR requests. The requested information was released in full in 62% of cases, and partially released in a further 11%. Only 14% of requests were refused in full.

7.16 In 5% of cases at least some of the requested information was already publicly accessible without the need to make a request via the FOIA or EIR. In these cases, requesters are directed to the location of the published information. The majority of FOIA and EIR Responses are also routinely published in the Council's FOI Disclosure Log, in an effort to reduce the burden of repeat requests and responses.

Table 12 – FOI/EIR Outcomes – 2021/22

Outcomes	2022/23	2021/22	2020/21	2019/20
All information sent	1027	829	856	888
No information sent - all held but exempt	197	226	219	200
Information not held	115	136	107	192
Some information sent, but not all held	79	138	105	137
Some information sent, but part exempt	79	76	86	106
Ongoing Request at year end	52	47	26	29
Request lapsed (clarification not provided by requester)	35	27	36	46
Exceeds time limit (18 hours) ³	25	26	9	20
Some information sent/part exceeds time limit	16	26	23	23

² 'whatdotheyknow.com' is a website used to make FOI and EIR requests.

³ The 'appropriate limit' is 18 hours. If answering the request would exceed this limit, the request can be refused. Advice and assistance is provided to the requester as to how they could submit a revised, reduced request.

Neither confirm nor deny information held	7	3	6	2
Vexatious request	4	2	0	1
Repeated request	1	0	0	1
Part exempt, and part exceeds time limit	1	3	1	1
Some information sent, some exempt and some exceeds time limit	1	0	0	2
Total	1639	1539	1,474	1,648

7.17 A breakdown of the FOI exemptions and EIR exceptions cited in refusal notices are shown in Table 13. Please note that the totals for exemptions in this table may sum to more than the number of requests refused (table 12), as multiple exemptions may be applied to an individual request.

Table 13 – FOI and EIR Exemptions

FOIA Exemption	2022/23	2021/22	2020/21	2019/20
Section 12: Exceeds time limit	43	55	9	20
Section 21: Info accessible by other means	75	90	79	82
Section 22: Intended for future publication	7	7	6	31
Section 23: Security bodies	0	0	0	0
Section 24: Safeguarding national security	3	1	0	0
Section 30: Investigations and proceedings	0	1	15	1
Section 31: Law enforcement	26	40	68	15
Section 32: Court or inquiry records	0	0	0	0
Section 33: Public audit functions	0	0	0	0
Section 36: Conduct of public affairs	2	0	1	0
Section 38: Health and safety	0	0	0	0
Section 40: Personal information	25	44	43	33
Section 41: Info. provided in confidence	37	19	10	5
Section 42: Legal professional privilege	0	2	1	1
Section 43: Commercial interest	13	12	7	20
Section 44: Prohibitions on disclosure	2	0	0	0
EIR exception	2022/23	2021/22	2020/21	2019/20
Regulation 12(3) Personal Information	18	8	2	34
Regulation 12(4)(a) Information Not Held	3	11	4	6
Regulation 12(4)(b) Manifestly unreasonable requests	21	21	1	15
Regulation 12(4)(c) Too general	1	1	0	1
Regulation 12(4)(d) Draft Information	5	4	0	2

Regulation 12(4)(e) Internal Communications	2	1	0	2
Regulation 12(5)(b) Course of Justice	13	5	0	9
Regulation 12(5)(c) Intellectual Property Rights	0	0	0	0
Regulation 12(5)(d) Confidentiality of Proceedings	6	1	0	2
Regulation 12(5)(e) Commercial Interests	3	2	0	1
Regulation 12(5)(f) Information in Confidence	0	2	0	3
Regulation 12(5)(g) Protection of Environment	1	2	0	1
Regulation 6(1)(b) Publicly Accessible	52	57	52	71
Total exemptions/exceptions	358	331	298	355

7.18 Requesters can ask for an Internal Review if they are not satisfied with the Council's initial response. Internal Reviews are conducted by someone independent of the initial response, and usually by a senior officer within the Information Rights Team.

7.19 An Internal Review was requested in 5.7% of cases in 2022/23, which is consistent with previous years. The Council's initial decision was overturned (either in full or part) in 36% of cases.

Table 14 - Internal Reviews and Outcomes (excluding Property Search Requests)

Outcome	2022/23	2021/22	2020/21	2019/20
Initial decision upheld	58	56	40	46
Unknown (ongoing at end of year)	0	0	0	3
Initial decision overturned in full	18	17	13	11
Initial decision overturned in part	15	14	19	10
Withdrawn	3	6	1	0
Total received	94	93	73	70
Total as a % of requests received	5.7%	6%	5%	4.24%

7.20 Requesters who remain dissatisfied with the outcome of an Internal Review can apply to the Information Commissioner's Office (ICO) for a decision. There were 9 complaints to the ICO in 2022/23, representing 0.5% of requests. Of these, only 2 complaints were upheld. These levels remain consistent with previous years.

Table 15 – Outcomes of complaints to the Information Commissioner's Office (ICO)

Complaints to the ICO	2022/23	2021/22	2020/21	2019/20
Complaint Upheld	2	3	0	1
Complaint Not Upheld	5	2	1	7

Informal resolution	0	1	0	0
Complaint withdrawn	2	3	0	0
Decision not known at monitoring date	0	0	6	1
Total complaints received	9	9	7	9
Total as % of requests received	0.5%	0.6%	0.5%	0.5%

8. Regulation of Investigatory Powers Act 2000 (RIPA)

- 8.1 The Council occasionally needs to use directed surveillance and obtain communications data to carry out its enforcement functions effectively, e.g. trading standards, planning enforcement, licensing enforcement, environmental protection and community enforcement. RIPA provides a regulatory framework to enable public authorities to obtain information using certain covert investigatory techniques.
- 8.2 It is imperative that, when investigating alleged wrongdoing, certain conditions are met in each case in order that successful prosecutions can be made. It is essential that covert surveillance is only used when it is necessary and proportionate to do so. Therefore, this must be properly authorised and recorded, the tests of necessity and proportionality must be satisfied, and the potential for collateral intrusion must be considered and minimised.
- 8.3 The Council's updated policy and associated documents and information was presented to the last Audit and Governance Committee on 27 July 2023. Members are referred to that agenda and minutes for further information, including details of authorised officers.
- 8.4 Once any application is authorised, the approval of a Justice of the Peace/Magistrate, is required by the Protection of Freedoms Act 2012. The Act also restricts the use of RIPA authorised surveillance to the investigation of offences which attract a custodial sentence of six months or more. The Director of Governance and Compliance Services assumes responsibility for the integrity of the process to ensure that the Council complies with the legislation.

Use of Covert Human Intelligence Source (CHIS)

- 8.5 Covert human intelligence sources may only be authorised if there are certain additional arrangements in place, including an employee of the Council being responsible for the source's security and welfare and a Senior Officer with general oversight of the use made of the source. Use of a CHIS must be authorised by the Chief Executive before it is approved by a Justice of the Peace/Magistrate.

Applications Authorised

- 8.6 Surveillance activity, including test purchases, has reduced significantly in the last three years due to COVID restrictions; however, activity is expected to commence again later this year. The table below shows that one application was authorised during 2022/2023. The last application prior to this was in 2019.

Table 16 - RIPA Applications Authorised

	2022/23	2021/22	2020/21	2019/20
Directed Surveillance	1	0	0	2
Communications Data	0	0	0	0
CHIS	0	0	0	0

- 8.7 The Council is regularly inspected by the Investigatory Powers Commissioner's Office. The Committee received a report on the outcome of the last inspection in March 2023 and as stated above, an update on the actions following the inspection in July 2023.

9. Local Government and Social Care Ombudsman (LGSCO) referrals

- 9.1 All customers are offered the opportunity to appeal to the LGSCO if they are unhappy with the way in which the Council has handled their complaint.
- 9.2 Appendix 2 shows the number of Decision Notices issued to the Council during 2022/23 (91). For comparison, during 2021/22 and 2020/21 the Council received 64 Decision Notices each year. In 2019/20 it was 73, in 2018/19 it was 78 and in 2017/18 it was 91.
- 9.3 Of the 91 Decision Notices issued by the LGSCO in 2022/23, 72 cases were closed after the LGSCO conducted their initial enquiry with no further action for the Council. They carried out detailed investigations on 20 cases. In 4 of these cases they found No Fault, while in 5 cases they found there had been Fault with No Injustice and in 11 cases there was Fault with Injustice to the complainant. The services where the most Fault was found were Adult Social Care and the Special Educational Needs and Disabilities (SEND) Service – 4 each.

Table 17 – LGSCO Referrals

Service	No of LGO Decision Notices	Fault with No Injustice	Fault with Injustice
Adult Social Care	18	1	4
Highways & Transport	19	0	0
School Admissions	2	1	0
SEND	9	0	4
Children's Social Care	7	0	1
Corporate	6	0	0
Planning	19	2	2
Housing	3	1	0
Other Place	8	0	0
Totals	91	5	11

- 9.4 Of the 91 Decision Notices there were 11 cases which the Ombudsman received which were rejected on receipt and referred back for local resolution. There may be others as the Council is not always notified of these cases and these figures are published in the LGSCO's annual report, which is usually issued by the end of July following the end of the financial year.
- 9.5 An update report on LGSCO referrals will be submitted to a future Audit & Governance Committee meeting, following the publication of the Ombudsman's Annual Report.
- 9.6 Information regarding general complaints under the Council's Corporate Compliments, Suggestions and Complaints Policy, as well as the Council's Adults and Children's Social Care Complaints Policies, is contained in the Annual Complaints Report 2022/23, presented to the Audit and Governance Committee on 27 July 2023.

10. Whistleblowing

- 10.1 Cheshire East has an established whistleblowing policy and detailed supporting guidance available on both the Centranet and the Council's website. The current policy was introduced in March 2018 following a review of the Council's arrangements by Public Concern at Work (now known as Protect), the leading advocate for whistleblowing in the UK.
- 10.2 The policy is based on the model policy recommended by Protect but has been adapted to meet Cheshire East's specific requirements such as members of Audit and Governance Committee being designated contacts under the policy. The policy is kept under review and any changes required

to ensure that it remains in line with best practice will be brought back to the Committee for approval and adoption.

- 10.3 It can be difficult to determine whether an organisation's whistleblowing arrangements are effective as it is important to take into consideration more than simply the volume of reports received. This is because a single, well-founded concern received over a number of years more than justifies maintaining the whistleblowing arrangements.
- 10.4 It is therefore important to ensure that employees, members and external parties working for the Council are aware of the arrangements and provided with assurance that any concerns raised will be taken seriously and that anyone raising concerns will be protected from suffering any detriment as a result of "blowing the whistle".
- 10.5 To achieve this, the following work has been undertaken since the policy was adopted:
- Publicity and signposting of the policy and supporting information in Team Voice and on Centranet.
 - Development and launch of detailed guidance for officers and members in the event that they are approached with a concern.
 - Training delivered to Audit and Governance Committee
 - Training delivered to Wider Leadership Team, Finance and HR staff.
 - Promotion of the Whistleblowing arrangements under the Brighter Futures Culture Workstream communications and events.
- 10.6 The Council's Whistleblowing Policy is subject to periodic review to ensure it maintains current good practice and relevance to the Council's circumstances. The next such review is likely to occur during 2023/24, following which appropriate training and support will be put in place. Training is likely to reflect the growing prevalence of online resources, for example, e-learning modules.

Referrals Received

- 10.7 The table below shows the number of referrals received during 2022/23 along with a breakdown of the outcome and comparative figures for 2019/20. The figures include all referrals via the online reporting tool and to the dedicated whistleblowing email account.

Table 18 – Whistleblowing Referrals Received

	2022/23	2021/22	2020/21	2019/20
No of Referrals Received	10	6	8	7
Met criteria and action taken:				
Unfounded after testing concerns	0	1	0	0
Referred for investigation after testing concerns	1	0	1	1
Did not meet criteria and action taken:				
Referred to other Council service for resolution	9	3	7	2
Referred for disciplinary investigation	0	0	0	1
Rejected after testing concerns	0	2	0	3

- 10.8 It is pleasing to note that all of the concerns raised were as a result of what appears to be genuine unease on the part of our staff, and that sufficient information was provided to allow for the concerns raised to be tested in each case.
- 10.9 Although only a small number of concerns were raised through the whistleblowing policy in both 2021/22 and 2022/23, there is no evidence that staff failed to report concerns because of fear that it would be detrimental to them.

11. Constitution/Decision Making Process in Operation

- 11.1 The Constitution is monitored and reviewed at officer level by the Monitoring Officer and at member level by the Constitution Working Group and the Corporate Policy Committee. Significant changes are submitted to Council for approval. Minor changes can be made by the Monitoring Officer.
- 11.2 During 2020/21, a completely rewritten Constitution was produced to support the Council's transition to a committee system form of governance. The new Constitution was the product of extensive work undertaken by the Monitoring Officer and members of the Constitution Committee. The new Constitution was in place in time for the commencement of the new arrangements. Reviews have been carried out to identify any further updates or enhancements that have been considered necessary now that the new Constitution has been in operation for a period of time.
- 11.3 In terms of formal meetings during 2022/2023, of the total number of meetings held, there were approximately 46 closed Committee sessions

held under Schedule 12A of the Local Government Act 1972. These included Full Council, Corporate Policy Committee, Children and Families Committee, Adults and Health Committee, Economy and Growth Committee Finance Sub Committee, Audit & Governance Committee, General Appeals Sub-Committee, Staffing Appeals Sub-Committees, General Licensing Sub- Committee, and LA School Governor Panel.

**Cheshire East Council
Elections 2023**

**Member Induction
Programme
May 2023**

Information for Councillors:

Location and parking: Westfields is on Middlewich Road, Sandbach, Cheshire, the sat nav postcode is CW11 1HZ. There are three car parks; disabled parking is available on the left-hand side as you enter the site, general parking can be found by following the road around to the right. The barrier car park is for staff and Councillors, new Members will be able to park here once their ID security badge has been issued to them.

On arrival: New Councillors should report to reception where you will be met by Democratic Services staff. Until you receive your ID badge, it will be necessary for you to be escorted around the building.

Refreshments: Tea/coffee will be provided at events, but the Council does not provide lunch, so you may wish to bring your own.

IMPORTANT: Attendance arrangements for Tuesday 9 May and Wednesday 17 May 2023:

Members elected to the following wards should attend the **morning sessions on 9 and 17 May**

Alsager, Audlem, Brereton Rural, Bunbury, Congleton East, Congleton West, Crewe Central, Crewe East, Crewe North, Crewe St Barnabas, Crewe West, Dane Valley, Haslington, Leighton, Middlewich, Nantwich North and West, Nantwich North and Stapeley, Odd Rode, Sandbach Elworth, Sandbach Ettiley Heath and Wheelock, Sandbach Town, Shavington, Willaston and Rope, Wistaston, Wrenbury, Wybunbury.

Members elected to the following wards should attend the **afternoon sessions on 9 and 17 May**

Alderley Edge, Bollington, Broken Cross and Upton, Chelford, Disley, Gawsworth, Handforth, High Leigh, Knutsford, Macclesfield Central, Macclesfield East, Macclesfield Hurdsfield, Macclesfield South, Macclesfield Tytherington, Macclesfield West and Ivy, Mobberley, Poynton East and Pott Shrigley, Poynton West and Adlington, Prestbury, Sutton, Wilmslow Dean Row, Wilmslow East, Wilmslow Lacey Green, Wilmslow West and Chorley.

IT Workshops/Code of Conduct sessions: Please attend one workshop and one code of conduct session, from the dates listed in the programme. If you did not nominate your preferred workshop/session at the count, please contact Diane Moulson diane.moulson@cheshireeast.gov.uk or telephone 01270 686 476 to book your place.

Programme Schedule May 2023

DAY/DATE: TUESDAY 9 MAY 2023				
Time	Venue	Main Presenter(s)/Facilitator	Event Details	Audience
9.15am to 10.15am	Executive Suite	Dr Lorraine O'Donnell Chief Executive Cheshire East Council	Signing of Declaration of Acceptance of Office Drop-in session, no appointment needed	All Councillors
10.30am to 12.30pm	Committee Suite, Westfields	Dr Lorraine O'Donnell, Chief Executive Cheshire East Council	Welcome event: Introduction to the Council, highlighting the opportunities and challenges facing Cheshire East in next four year	Members elected at Lifestyle Centre, Crewe (See page 2)
12.45pm to 1.45pm	S10 Westfields	Corporate Leadership Team	Meet and Greet: To introduce Members to the Council's Leadership Team	All Councillors are welcome to attend
2.00pm to 4.00pm	Committee Suite, Westfields	Dr Lorraine O'Donnell, Chief Executive Cheshire East Council	Welcome event: Introduction to the Council, highlighting the opportunities and challenges facing Cheshire East in next four year	Members elected at Macclesfield Leisure Centre (See page 2)
10.00am to 4.00pm	ES1, Second Floor, Westfields	Pantling Photographers	Photographs: Official photograph to be taken. Please remember to dress appropriately i.e., smart business attire which is apolitical (no party emblems) Drop in session – no need to book	All Councillors
4.15pm to 5.15pm	Executive Suite	Dr Lorraine O'Donnell Chief Executive Cheshire East Council	Signing Declaration of Acceptance of Office Drop-in session, no appointment needed	All Councillors

DAY/DATE: WEDNESDAY 10 MAY 2023				
Time	Venue	Main Presenter(s)/Facilitator	Event Details	Audience
Workshop 1 10.00am to 12.00pm	Members' Room Westfields	ICT Shared Services	Getting Started with IT Workshop: Handout of ICT kit; including a basic overview of the device	New Councillors (6 places available)
Workshop 2 2.00pm to 4.00pm	Members' Room Westfields	ICT Shared Services	Getting Started with IT Workshop: Handout of ICT kit; including a basic overview of the device	New Councillors (6 places available)
Session 1 2.00pm to 4.00pm	Committee Suite, Westfields	David Brown, Director of Governance and Compliance	Councillors' Code of Conduct: The general principles of conduct expected of all Councillors and the specific obligations in relation to standards of conduct by Cheshire East Councillors.	New Councillors_
4.15pm to 5.30pm	Executive Suite Westfields	Dr Lorraine O'Donnell Chief Executive Cheshire East Council	Signing Declaration of Acceptance of Office. Drop-in session, no appointment needed	All Councillors

DAY/DATE: THURSDAY 11 MAY 2023

Time	Venue	Main Presenter(s)/Facilitator	Event Details	Audience
Session 2 10.00am to 12.00pm	Committee Suite Westfields	David Brown, Director of Governance and Compliance	Councillors' Code of Conduct: The general principles of conduct expected of all Councillors and the specific obligations in relation to standards of conduct by Cheshire East Councillors.	New Councillors
Workshop 3 10.00am to 12.00pm	R1/R2 Westfields	ICT Shared Services	Getting Started with IT Workshop: Handout of ICT kit; including a basic overview of the device	New Councillors (6 places available)
Workshop 4 2.00pm to 4.00pm	R1/R2 Westfields	ICT Shared Services	Getting Started with IT Workshop: Handout of ICT kit; including a basic overview of the device	New Councillors (6 places available)
Session 3 2.00pm to 4.00pm	Committee Suite Westfields	David Brown, Director of Governance and Compliance	Councillors' Code of Conduct: The general principles of conduct expected of all Councillors and the specific obligations in relation to standards of conduct by Cheshire East Councillors.	All Councillors

DAY/DATE: FRIDAY 12 MAY 2023

Time	Venue	Main Presenter(s)/Facilitator	Event Details	Audience
Workshop 5 10.00am to 12.00pm	Committee Suite, Westfields	ICT Shared Services	Getting Started with IT Workshop: Handout of ICT kit; including a basic overview of the device	New Councillors (8 places available)
Workshop 6 2.00pm to 4.00pm	Committee Suite Westfields	ICT Shared Services	Getting Started with IT Workshop: Handout of ICT kit; including a basic overview of the device	All Councillors (8 places available)

DAY/DATE: MONDAY 15 MAY 2023				
Time	Venue	Main Presenter(s)/Facilitator	Event Details	Audience
Workshop 7 10.00am to 12.00pm	R1/R2 Westfields	ICT Shared Services	Getting Started Workshop: Handout of ICT kit; including a basic overview of the device	All Councillors (6 places available)
Workshop 8 2.00pm to 4.00pm	R1/R2 Westfields	ICT Shared Services	Getting Started Workshop: Handout of ICT kit; including a basic overview of the device	All Councillors (6 places available)
1.30pm to 3.30pm	Committee Suite Westfields	David Brown, Director of Governance and Compliance	Committee Procedures: This session will take new Members through both the ceremonial and business elements of the Annual General Meeting of Council on 24 May 2023, committee procedural rules and provide practical information on how the decision-making process works at Cheshire East.	New Councillors

DAY/DATE: TUESDAY 16 MAY 2023

Time	Venue	Main Presenter(s)/Facilitator	Event Details	Audience
Workshop 9 10.00am to 12.00pm	Committee Suite Westfields	ICT Shared Services	Getting Started with IT Workshop: Handout/replacement of ICT kit; including a basic overview of the device	All Councillors (8 places available)
Workshop 10 2.00pm to 4.00pm	Committee Suite Westfields	ICT Shared Services	Getting Started with IT Workshop: Handout/replacement of ICT kit; including a basic overview of the device	All Councillors (8 places available)

DAY/DATE: WEDNESDAY 17 MAY 2023

Time	Venue	Main Presenter(s)/Facilitator	Event Details	Audience
9.15am to 10.15am	Executive Suite Westfields	Dr Lorraine O'Donnell Chief Executive Cheshire East Council	Signing of Declaration of Acceptance of Office Drop-in session, no appointment needed	All Councillors
10.30am to 12.30pm	Committee Suite Westfields	David Brown Director of Governance and Compliance	Working effectively as a CE Councillor: This session will cover how Members and Officers are expected to interact with each other at Cheshire East, in respect of the wider policy framework, making decisions at Committee, the Councillors' code of conduct and the values and behaviours which apply to both Members and officers.	Members elected at Lifestyle Centre, Crewe (See page 2)
12.45pm to 1.45pm	S10 Westfields	Corporate Leadership Team	Meet and Greet: To introduce Members to the Council's Leadership Team	All Councillors are welcome to attend
2.00pm to 4.00pm	Committee Suite Westfields	David Brown Director of Governance and Compliance	Working effectively as a CE Councillor: This session will cover how Members and Officers are expected to interact with each other at Cheshire East, in respect of the wider policy framework, making decisions at Committee, the Councillors' code of conduct and the values and behaviours which apply to both Members and officers.	Members elected at Macclesfield Leisure Centre (See page 2)
4.15pm to 5.15pm	Executive Suite Westfields	Dr Lorraine O'Donnell Chief Executive Cheshire East Council	Signing Declaration of Acceptance of Office Drop-in session, no appointment needed	All Councillors

DAY/DATE: THURSDAY 18 MAY 2023

Time	Venue	Main Presenter(s)/Facilitator	Event Details	Audience
10.30am to 12.30pm	Committee Suite, Westfields	David Malcolm Head of Planning	Planning Training Part 1: Members will be introduced to the planning process i.e., what it is, what we do, what we don't/can't do e.g., development management, enforcement, local plan etc. It will also cover the basics of legislation/ policy guidance and its importance in decision making, finishing with enforcement; the general approach and guidance	Open to all Councillors. Note: Members who are expected to sit on a planning Committee should make every effort to attend both sessions
1.30pm to 3.30pm	Committee Suite, Westfields	David Malcolm Head of Planning	Planning Training Part 2: The afternoon session will take Members through how decisions are made i.e., roles and responsibilities of officers, consultees, the committees (as individuals and as a committee) and developers. A review of planning matters (material considerations) that can be taken into account in decision making and the role of conditions and legal agreements. It will look at probity and the code of conduct for planning committee member and the life of a planning application. Members will also be introduced to key officers (who we are and how to contact us).	Open to all Councillors. Note: Members who are expected to sit on a planning Committee should make every effort to attend both sessions
Workshop 11 1.00pm to 3.00pm	S10, Second Floor, Westfields	ICT Shared Services	Getting Started with IT Workshop: Handout/replacement of ICT kit; including a basic overview of the device	All Councillors (8 places available)
Workshop 12 4.00pm to 6.00pm	S10, Second Floor, Westfields	ICT Shared Services	Getting Started with IT Workshop: Handout/replacement of ICT kit; including a basic overview of the device	All Councillors (8 places available)

DAY/DATE: FRIDAY 19 MAY 2023				
Time	Venue	Main Presenter(s)/Facilitator	Event Details	Audience
Workshop 13 10.00am to 12.00pm	Committee Suite Westfields	ICT Shared Services	Getting Started with IT Workshop: Handout/replacement of ICT kit; including a basic overview of the device	All Councillors (8 places available)
Workshop 14 2.00pm to 4.00pm	Committee Suite Westfields	ICT Shared Services	Getting Started with IT Workshop: Handout/replacement of ICT kit; including a basic overview of the device	All Councillors (8 places available)

DAY/DATE: WEDNESDAY 24 MAY 2023

Mayor Making and Annual Council will take place at Tatton Park, Knutsford

DAY/DATE: FRIDAY 26 MAY 2023

Time	Venue	Main Presenter(s)/Facilitator	Event Details	Audience
10.00am to 12.30pm	Capesthorne Room, Macclesfield Town Hall	David Malcolm Head of Planning	Planning Training part 3: This session will help members to prepare for a planning meeting, within a practical committee setting. It will reinforce some of the earlier sessions learning. It will touch on the role of officers and members in committee, committee site visits, preparing for committee, how to review applications on-line and contact case officers, public speaking at committee, making a decision.	Members appointed to Planning Committees

DAY/DATE: WEDNESDAY 31 MAY 2023

Time	Venue	Main Presenter(s)/Facilitator	Event Details	Audience
Session 4 4.30pm – 6.30pm	Committee Suite Westfields	David Brown, Director of Governance and Compliance	Councillors' Code of Conduct: The general principles of conduct expected of all Councillors and the specific obligations in relation to standards of conduct by Cheshire East Councillors.	All Councillors

LGSCO Decision Notices 2022/23

